

TUCSON, ARIZONA
Supp. No. 110 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through March 31, 2016. In order to keep your copy of the Code up to date, you must remove the following indicated obsolete pages from your Code and replace them with the indicated revised pages. The current revision number appearing on the lower left corner of each page revised in this package is “Supp. No. 110” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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* **Editor's note**—Tucson was first incorporated as a city on Feb. 7, 1877, and became a charter city on March 7, 1883. Part I hereof contains the present Charter of the city, which was ratified March 26, 1929, and became effective upon approval of the governor May 23, 1929. Catchlines in boldface type preceding each section have been added by the editor, but section numbers remain unchanged. Amendments have been inserted in their proper places, and amended and repealed provisions have been deleted. Amendments are noted in parentheses following sections amended by citing the ordinance setting out the amendment followed by the date such amendment was signed by the governor and became effective. The absence of any such citation indicates that the provision has not been amended since the Charter was adopted. In some instances, the editor has added words or phrases in brackets to clarify meaning. Obvious typographical errors have been corrected without comment. The editor has also made certain stylistic changes for the sake of conformity, but no substantive changes have been made.

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- Sec. 1. Municipality continued; name specified.
- Sec. 2. Rights and liabilities continued.

Chapter II. Boundaries

- Sec. 1. Omitted.

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- Sec. 1. Government vested in mayor and council.

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- Sec. 1. Elective officers specified.
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- Sec. 2.1. Appointive officers and department directors not in the classified service.
- Sec. 3. Appointment, term, removal of city manager.
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- Sec. 4.1. Appointment, term, removal of city magistrates.
- Sec. 5. Repealed by Ord. No. 2080, Nov. 10, 1960.
- Sec. 6. Appointment, term, removal of engineer, superintendent of streets, superintendent of water, officers provided by ordinance.
- Sec. 7. Appointment, term, removal of police chief and fire chief.
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- Sec. 2. To preside at council meetings.
- Sec. 3. Reports and recommendations to council.
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- Sec. 2. Procedures for filling vacancies in office of mayor or councilmember.
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- Sec. 5. Mayor and councilmen not to hold other public office.

Chapter IX. Legislation

- Sec. 1. Mayor and council to exercise legislative power.
- Sec. 2. Organization and meetings of mayor and council.
- Sec. 3. Meeting of mayor and council to be public; journal required.

Sec. 2. Appointive officers.

The appointive officers of the city shall be:

- (1) City manager;
- (2) City finance director;
- (3) City attorney;
- (4) City magistrate;
- (5) City engineer;
- (6) Superintendent of the water department;
- (7) Superintendent of streets;
- (8) City clerk;
- (9) Chief of police;
- (10) Fire chief;
- (11) Director of parks and recreation;
- (12) Members of the library board;
- (13) Members of the civil service commission; and

(14) Such other officers as from time to time may be provided for by ordinance.
(Ord. No. 2080, eff. 11-10-60; Ord. No. 5036, eff. 11-10-80)

Editor's note—Section 1 of Ord. No. 2080, calling an election on various Charter amendments, contained propositions (B)(2) and (C)(1), both purporting to amend ch. V, § 2. Both propositions were ratified by the electors and approved by the governor, but they were inconsistent in that item (12) of said section as proposed by proposition (B)(2) referred to the members of the park board, whereas item (12) of said section as proposed by proposition (C)(1) referred to the director of parks and recreation. The editors have set out ch. V, § 2 above as amended by proposition (C)(1), referring to the director rather than the board, in view of the fact that other amendments proposed by Ord. No. 2080 amended ch. XXIV, § 1, to delete a requirement that a park board be established and amended this Charter to add ch. XXXI creating a department of parks and recreation under the supervision of a director.

Ord. No. 5036, § 1, called an election on Nov. 6, 1979, and was approved by the governor Nov. 10, 1980.

Sec. 2.1. Appointive officers and department directors not in the classified service.

Notwithstanding any other provision of this Charter, the appointive officers of the city and the directors or heads of city departments, including those whose office is provided for by ordinance under Section 2(14) of this Chapter, shall not be in the classified service, and none of the civil service provisions of the Charter, ordinances or regulations shall apply to such officers, directors or deputies unless otherwise expressly provided in this Charter.
(Prop. 404, eff. 2-2-2016)

Sec. 3. Appointment, term, removal of city manager.

The city manager, hereinafter in this Charter designated "manager," shall be appointed by the mayor and council and shall hold office until removed by four (4) members of the mayor and council voting affirmatively therefor.
(Prop. 403, eff. 2-2-2016)

Sec. 4. Appointment, term, removal of city attorney and city clerk.

The city attorney and city clerk, hereinafter in this Charter designated "attorney" and "clerk," respectively, shall be appointed by the mayor and council. They shall hold office for a term of two (2) years from the date of their appointment, unless sooner removed by four (4) members of the mayor and council voting affirmatively therefor.
(Ord. No. 4816, eff. 10-16-78; Ord. No. 5036, eff. 11-10-80; Prop. 403, eff. 2-2-2016)

Editor's note—The office of treasurer has been abolished by repeal of ch. X, § 3 and his duties transferred to the director of finance under ch. XXIX hereof. The office of auditor and ex officio assessor has been abolished by repeal of ch. X, § 2, and his functions are now performed by the director of finance and the post auditor under chs. XXIX and XXX hereof. Subsequently, Ord. No. 5036, approved at an election held Nov. 6, 1979, approved by the governor Nov. 10, 1980, deleted the office of post auditor.

Cross references—General duties of city clerk, ch. X, § 10; similar provisions for two-year term of magistrate. ch. XII, § 3.

Sec. 4.1. Appointment, term, removal of city magistrates.

City magistrates shall be appointed by the mayor and council and shall hold office for the terms hereinafter provided, unless sooner removed by four (4)

members of the mayor and council voting affirmatively therefor. The initial five (5) appointments after the effective date of this section shall be for a two-year term, two (2) three-year terms, and two (2) four-year terms. Subsequent appointments shall be for four-year terms.

(Ord. No. 2080, eff. 11-10-60; Ord. No. 4816, eff. 10-16-78; Prop. 403, eff. 2-2-2016)

Editor's note—Section 4.1 above is derived from Ord. No. 2080, § 1(B)(3). Section (1)(B)(2) of said ordinance amended ch. V, § 2 to add the position of city post auditor. The provisions codified as § 4.1 above were not expressly amendatory to any given section of this Charter but have been codified in this manner by the editor despite the fact that they are partly repetitious of § 4 above.

Apparently § 4.1 was intended to supersede § 4. This would have added to § 4 [post auditor] and ["post auditor"] and deleted from § 4 [city treasurer] ["auditor"] ["treasurer"] and ["the treasurer shall not hold office more than two (2) consecutive terms."] However, since § 4 was not amended or repealed when § 4.1 was added, both sections remain in the Charter.

Cross references—Qualifications and duties of city attorney, ch. X, § 4; general duties of city clerk, ch. X, § 10; similar provisions of two-year term of magistrate, ch. XII, § 3.

Sec. 5. Repealed by Ord. No. 2080, Nov. 10, 1960.

Editor's note—Prior to its repeal by Ord. No. 2080, ch. V, § 5, provided for appointment, term of office and powers of the health officers and members of the board of health. Such provisions were rendered obsolete by repeal of ch. XI as set out herein.

Sec. 6. Appointment, term, removal of engineer, superintendent of streets, superintendent of water, officers provided by ordinance.

The city engineer, the city superintendent of streets, and the city superintendent of water, hereinafter in this Charter designated "engineer", "superintendent of streets" and "superintendent of water department", respectively and such other officers as from time to time may have heretofore or may hereafter be provided for by subsection 14 of section 2 of this chapter, shall be appointed by the manager, subject to the consent and approval of the mayor and council, and shall hold office until removed by the manager; and none of the civil service provisions of the Charter, ordinances or regulations shall apply to these officers.

(Mo. of 4-1-41, eff. 5-16-41; Prop. 404, eff. 2-2-2016)

Cross references—Qualifications and duties of city engineer, ch. X, § 5; qualifications and duties of superintendent of streets, ch. X, § 6; powers and duties of superintendent of water department generally, ch. X, § 8.

Sec. 7. Appointment, term, removal of police chief and fire chief.

The city chief of police and city fire chief, hereinafter in this Charter designated as "chief of police" and "fire chief," respectively, shall be appointed by the manager, by and with the consent and approval of the mayor and council, and each of said officers shall hold office until removed or reduced in rank by the manager. None of the civil service provisions of the Charter, ordinances or regulations shall apply to these officers, except that the removal or reduction in rank of these officers is subject to the advisory appeal provisions of Section 3(c) of Chapter XXII of this Charter.

(Prop. 404, eff. 2-2-2016)

Cross references—Police department and chief of police generally, ch. X, § 7; fire department and fire chief generally, ch. X, § 9.

Sec. 8. Salary of mayor.

The salary of the mayor shall be three thousand five hundred dollars (\$3,500.00) per month, payable in biweekly installments.

(Ord. No. 1142, eff. 6-23-48; Ord. No. 1642, eff. 5-16-56; Ord. No. 3466, eff. 2-5-71; Ord. No. 5860, § 1, eff. 11-23-83; Ord. No. 8573, § 1, 9-5-95; Ord. No. 9270, § 1, eff. 12-2-99)

Editor's note—Proposition No. 100, approved at a Charter Amendment Special Election held on November 2, 1999 became effective December 2, 1999. Salary adjustments went into effect December 6, 1999.

Sec. 9. Salaries of councilmembers.

Each of the members of the council shall receive a salary of two thousand dollars (\$2,000.00) per month, payable in biweekly installments.

(Ord. No. 1142, eff. 6-23-48; Ord. No. 3466, eff. 2-5-71; Ord. No. 5860, § 1, eff. 11-23-83; Ord. No. 8573, § 1, 9-5-95; Ord. No. 9270, § 1, eff. 12-2-99)

Editor's note—Proposition No. 100, approved at a Charter Amendment Special Election held on November 2, 1999 became effective December 2, 1999. Salary adjustments went into effect December 6, 1999.

Sec. 9.1. Compensation of elected city officers; commission on salaries for elected officers.

(a) Notwithstanding any other provision of this Charter, the salaries for elected city officials shall be set in conformity with this Charter provision. Such

salaries as are presently established may be altered from time to time by the procedures established in this provision.

(b) There is hereby established a commission to be known as the Citizens' Commission on Public Service and Compensation (hereinafter referred to as the "Commission"), the first such Commission to be appointed prior to January 15, 1995.

(c) The Commission shall be composed of seven (7) persons who are qualified electors of the city. Members will be nominated from the community at large after the city publicly advertises for nominations from interested organizations or individuals. Appointments from these nominations shall be made by the city manager, and shall serve for two-month terms. The first Commission is to take office January 15, 1995, and new appointments are to be made every two (2) years thereafter, said members to take office on January 15 of the respective year.

(d) All members shall be selected in such a way as to provide for the maximum representation from among the city's diverse economic, environmental, racial, ethnic and cultural groups.

Members of the Commission shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

No person shall serve as a member of the Commission who is an officer or employee of the City of Tucson, or a parent, sibling, spouse, child or dependent relative of an officer or employee of the City of Tucson.

A vacancy in the membership of the Commission shall be immediately filled by the manager with an individual possessing the same qualifications as the person originally appointed, and that individual shall serve for the balance of the term of the vacancy so filled.

The members of the Commission shall serve without compensation. The city shall provide the Commission with such staff as is necessary to perform its functions and shall provide recordkeeping or other facilities as needed.

(e) The Commission shall, during its two-month term, conduct a review of the salaries of elected city officials. Such review shall be made for the purpose of determining and recommending the appropriate salaries commensurate with the duties and responsibilities of the positions covered by such review.

At no time may the Commission recommend a salary for councilmembers which exceeds the salary set for members of the Pima County Board of Supervisors pursuant to A.R.S. section 11-419(A).

At no time may the Commission recommend a salary for the mayor which exceeds one and one-half (1 1/2) times the salary set for members of the Pima County Board of Supervisors pursuant to A.R.S. section 11-419(A).

(f) The commission shall file, no later than March 15, 1995, and no later than March 15th of every second year thereafter, a report of the results of each review conducted by the Commission together with its recommendations. The city clerk shall post the Commission's report in a prominent position at the office of the city clerk for a period of thirty (30) days subsequent to the filing of the report.

(g) The Commission's salary recommendations shall be placed on the ballot for voter approval or rejection at the next general election, and shall be effective only if approved by a majority of the voters voting thereon. If the recommendations are rejected by a majority of the voters at the next general election, the salaries for elected city officials shall continue at their pre-existing levels.
(Ord. No. 8118, eff. 9-7-93)

Editor's note—Proposition No. 100, approved at a special election held on November 2, 1993.

Sec. 10. Salary of other officers.

The salaries of all city officers, except those specified in section 11 of this chapter, shall be fixed, and may be changed, increased or modified by ordinance of the mayor and council. (Mo. of 4-1-41, eff. 5-16-41)

Sec. 11. Salaries of engineer, superintendent of streets, superintendent of water, and officers provided by ordinance.

The salaries of the engineer, the superintendent of streets, the superintendent of the water department, and

such other officers as from time to time may have heretofore or may hereafter be created pursuant to subsection 14 of section 2 of this chapter shall be fixed by the manager, and may be changed, increased or modified by the manager; provided, however, that such salaries and all changes therein shall be in accordance with the compensation plan adopted by the mayor and council.

(Mo. of 4-1-41, eff. 5-16-41; Prop. 404, eff. 2-2-2016)

Sec. 12. Citizenship of clerks and deputies.

All clerks and deputies of the city must be citizens of the United States, or have declared their intention to become citizens of the United States.

Sec. 13. Appointment, removal of deputies, clerks and employees generally.

(a) The manager shall appoint and remove all deputies, clerks and employees in his or her own office and those of all boards whose members serve without compensation from the city. The officer, director or head of any department or office who is appointed by the manager shall, with the manager's approval, appoint and remove all deputies, clerks and employees in his or her respective department or office, and the officer, director or head of any department or office, appointed by the mayor and council, shall appoint all deputies, clerks and employees in their respective departments or offices; provided, however, that all such appointments and removals of deputies, clerks or employees shall be made solely on the basis of merits as determined by the civil service rules and regulations as provided for elsewhere in this chapter.

(b) Notwithstanding the civil service provisions of this Charter, the mayor and each member of the council shall appoint and remove all employees in their respective offices, and none of the civil service provisions of the Charter, city ordinances or civil service rules and regulations shall apply to such employees.

(Mo. of 4-1-41, eff. 5-16-41; Ord. No. 4394, eff. 19-76; Ord. No. 7274, § 1, eff. 12-11-79; Prop. 404, eff. 2-2-2016)

Editor's note—Proposition 104 of an election called by Ord. No. 7274 for Nov. 7, 1989, approved by the governor Dec. 11, 1989, designated the existing text of § 13 as subsection (a) and added new subsection (b).

CHAPTER VI. THE MAYOR*

Sec. 1. Executive duties generally.

The mayor shall be the chief executive officer of the city, and ex officio chairman of the council, and shall see that the ordinances thereof are enforced.

Sec. 2. To preside at council meetings.

The mayor, when present, shall preside at all meetings of the council.

Cross reference—Authority of vice-chairman of the council during absence or disability of mayor, ch. VIII, § 1.

Sec. 3. Reports and recommendations to council.

The mayor shall annually, and from time to time, give the council information relative to the affairs of the city, and recommend for its consideration such matters as he may deem expedient.

Sec. 4. Recognition by courts and state officials as official city head.

The mayor shall be recognized as the official head of the city by the courts for the purpose of service of civil process upon the city and instituting any action or proceeding at law or equity for and in behalf of the city, and appearing in any manner before the courts on behalf of the city; he shall be recognized by the governor and other state officials as the chief and official head of the city.

Sec. 5. Emergency powers.

The mayor shall take command of the police and govern the city by proclamation during times of great danger.

* **Cross reference**—Mayor and council declared governing body, ch. III, § 1.

CHAPTER VII. POWERS OF MAYOR AND COUNCIL†

Sec. 1. Enumerated.

In addition to the powers provided by chapter IV of this Charter, the mayor and council shall have power:

- (1) *Meetings; attendance of witnesses and production of papers; punishment for contempt.* To fix the time and place of their meetings; to provide for the manner of giving notice, of special meetings; to compel the attendance before them to witnesses and the production of papers in any matter under investigation; to judge of the qualification and election of their own members; and to punish any member or other city officer by a fine of not exceeding fifty dollars (\$50.00), for disorderly or contemptuous behavior in their presence.
- (2) *Passage of ordinances.* To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States. or to the Constitution and laws of the State of Arizona, or to the provisions of this Charter, necessary for municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, for carrying into effect the provisions of this Charter.
- (3) *Levy and collection of taxes; claims and demands against the city.* To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for such purposes, subject, however, to subsection (15) of section 1 of chapter IV of this Charter; to pass upon all claims and demands against, and control any and all expenditures of the city, subject to the provisions of this Charter.

- (4) *Street lighting.* To provide for the lighting of the streets and public buildings and places of the city, and to regulate such lighting.
- (5) *Regulation and removal of poles and wires.* To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within and [any] designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.
- (6) *Regulation, etc., of construction of billboards and signs.* To regulate, license or prohibit the construction and use of billboards and signs within the city.
- (7) *Licensing and regulation of animals.* To license and regulate the keeping of animals and fowl and to prevent the same from running at large, and to authorize the destruction thereof.
- (8) *Establishment of animal pounds sale and destruction of certain animals.* To establish pounds and pound districts which shall be under the supervision of a poundmaster, and restrain the running at large of poultry, horses, mules, cattle, swine, sheep, and other animals, and to authorize the destruction or sale of the same.
- (9) *Markets and market houses.* To establish, license and regulate markets and market houses.
- (10) *Inspection of meats and other foods, destruction, etc., of unsound foodstuffs.* To provide for and regulate the inspection by the health officer* of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or

†**Cross references**—Powers of city, ch. IV; powers and duties of mayor, ch. VI; organization and meetings of mayor and council, ch. IX, § 2 et seq.; exercise of powers under Charter with no procedure prescribed by law, ch. IX, § 15; election of mayor and council, ch. XVI; provisions relating to officers and employees, ch. XVIII; plenary powers of mayor and council, ch. XXV, § 7.

* **Editor’s note**—Chapter XI, § 1, providing for the appointment of a health officer has been repealed. The county health officer is given his duties by § 2-15 of the Code of Ordinances.

having or keeping within the city, such as spoiled, adulterated or unwholesome products.

- (11) *Weights and measures.* To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.
- (12) *Construction of buildings; plumbing; wiring; application of subsection to public school buildings.* † To regulate the construction of and the materials used in all buildings, chimneys, stacks, and other structures; and to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the material used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used in piping buildings or other structures, for the purpose of supplying same with water and gas; to prohibit the construction of buildings and structures which to not conform to such regulations.

This subdivision shall not and nothing in this Charter shall be taken or construed as exempting or withdrawing any public school buildings from regulations made by the mayor and council pursuant to this and other similar grants of power, but such buildings and the electrical wiring and plumbing installations therein shall be subject to any such regulations equally and to the same extent as other buildings.*

† **Annotation**—The city has the power, under ch. VII, § 1(12), to regulate electrical wiring and electricians. **City of Tucson v. Stewart, 45 Ariz. 36, 40 P. 2d 72.**

***Annotation**—This paragraph now void. **Board of Regents of Universities, etc. v. City of Tempe, 88 Ariz. 299, 356 P. 2d 399.**

- (13) *Requirements for fire escapes, etc., on buildings.* To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against fires.
- (14) *Protection against fires generally.* To prevent the construction and cause the removal of dangerous chimneys, fireplaces, hearths, stoves, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the accumulation of shavings, rubbish, or any combustible materials in unsafe places, and to make provisions to guard against fire.
- (15) *Fire limits and construction within boundaries.* To prescribe fire limits, and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within said fire limits.
- (16) *Entrance, exit and ventilation of public buildings.* To regulate the entrance to and the exit from all theaters, lecture room, public halls, schools, churches, and public buildings of every kind; to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein; and to provide for proper ventilation of all such buildings.
- (17) *Regulation, etc., of blasting; regulation of other dangerous apparatus.* To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses and other structures, and apparatus and operations hazardous to life and property, and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos and other apparatus generating steam, gas or electricity.
- (18) *Definition, prevention and abatement of nuisances.* To define nuisances, and to prevent, remove and abate the same, and provide that said nuisances may be removed or abated at the expense of the party or

- parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.
- (19) *Regulation of lodging and tenement houses.* To regulate lodging, tenement and apartment houses and to prevent the overcrowding the same and to require the same to be put and kept in proper sanitary condition.
- (20) *Naming streets; numbering houses, etc.* To provide for the naming of streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards, or signs across the streets, sidewalks or public places of the city.
- (21) *Loading storage, etc., of gunpowder and other explosive and combustible material.* To regulate or prohibit the loading or storing of gunpowder and other combustibles and explosive materials in the city, and the transportation of the same through the streets of the city.
- (22) *Regulation of railroads and trains; regulation of traffic generally.* To regulate the speed of railroad trains engines, and cars passing through the city and the speed of cars of street railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates or other safety devices or viaducts at all such street crossings as it may deem proper; to regulate and prohibit the crossing of streets by railroad[s] at grade; to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings, or street intersections of the city; to regulate all traffic of persons and vehicles upon any of the streets or highways of the city.
- (23) *Stands for public vehicles for hire.* To establish stands for public vehicles for hire and require schedules for service charges to be posted in or upon such public vehicles.
- (24) *Injury of trees and shrubs in public places.* To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.
- (25) *Franchises.** To grant the right to erect or lay telegraph or telephone wires; to construct and operate street railroads; to lay gas or water pipes; to erect poles and wires or lay conduits for carrying wires for transmitting electric energy for lighting, heating or power purposes along or upon the public streets and highways of the city; provided, however, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this Charter contained relating to the granting of franchises, and subject to any laws of the state as to the granting of franchises.
- (26) *Care of municipal prisoners.* To make arrangements for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the magistrate's court, and to provide that all such persons may work upon the streets, or do other public work, and provide that compensation for such work be paid to those dependent on such persons.
- (27) *Obnoxious, offensive, immoral, lewd, indecent and disorderly conduct.* To regulate and punish all obnoxious, offensive, immoral, lewd, indecent and disorderly conduct and practice within the city.
- (28) *Disease prevention.* To make all regulations which may be necessary or expedient for the preservation of the health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious, or other diseases into the city; to make quarantine laws and regulations and to enforce the same within the city; to regulate, control and prevent the entry within the city of persons, baggage, merchandise or other property infected with contagious disease.

* **Cross reference**—Franchises and public utilities generally, ch. XVII.

- (29) *Sale of city property.* To provide for the sale of property belonging to the city, which is not needed by, or which is not suited for the use of, the city, or which is held in trust for the city or the inhabitants thereof.
- (30) *Protection of animals.* To prohibit and punish perpetrators of acts of cruelty to animals, and to require the places where such animals are kept to be maintained in a healthful condition.
- (31) *Dedication of boulevards.* To set apart and dedicate as a boulevard any street or streets, or portions of a street or streets in the city.
- (32) *Measures for protection of health, safety, etc.; not expressly enumerated.* To adopt and enforce by ordinance all such measures and to establish all such regulations in case no express provisions is in this Charter made, as the mayor and council may from time to time deem expedient or necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.
- (33) *Additional powers.* To pass ordinances and resolutions and to adopt orders upon any subject of municipal control, or to carry into force and effect any powers of the municipality, subject to the provisions of this Charter.
- (34) *Assessment, levy and collection to taxes.* To adopt by ordinances at any time any provisions made by the General Laws of the State of Arizona, for the assessment, levy and collection, or either of them, of city taxes by and through the officers of the county in which the city is situated.
- (35) *Duties of officers not defined in Charter; fixing office hours for city officials, etc.* To prescribe by ordinance the duties of all officers whose duties are not defined by this Charter; and may by ordinance prescribe for any officer's duties in addition to those herein

prescribed, when the same are not inconsistent with the provisions of this chapter, and may fix the hours during which the public office of any city official shall remain open, if not otherwise provided for; and, in general, the mayor and council shall exercise all of the powers of the city, and shall pass any and all ordinances or resolutions necessary to carry out the provisions of this Charter.

(Ord. No. 8953, § 1, 9-2-97)

Editor's note—Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

Cross reference—Power to levy and collect taxes to pay interest and maintain the sinking fund of bonded indebtedness of the city, power to establish and support free public libraries, power to advertise the advantages of the city, ch. XIII, § 8.

Sec. 2. Advisory arbitration of wage disputes.

The mayor shall, within ten (10) days of the submission of the position-compensation plan by the human resources director to the mayor and council by authority of chapter XXX, section 2(2) of this Charter, as amended, hold a public hearing affording all interested parties reasonable time to discuss the proposed plan. If a dispute is raised by the employees or their representatives concerning the proposed plan, the mayor and council shall meet with such employees or their representatives in good faith to resolve the dispute. Should such dispute fail to be resolved within fifteen (15) days after consideration by the parties, the mayor shall forthwith appoint an advisory arbitration committee to study the merits of such dispute. Such committee shall consist of a member of the city council, and a representative of the employee group that raised the dispute. Within three (3) days thereafter a member not connected with the city shall be chosen to constitute the full committee. If the representatives fall to agree upon such third member, they shall jointly request the federal mediation and conciliation service to furnish a list of five (5) persons qualified to act as such arbitrator. Upon receipt of said list, the representatives will attempt to select one (1) of the five (5) persons satisfactory to both. Failing to agree, they shall alternately strike one (1) name from the list (the right to strike the first name having been determined by lot) until only one (1) name remains and that person shall thereupon be accepted as the arbitrator. The cost of arbitration shall be borne half by the city and half by the employees of the employee group.

The advisory arbitration committee shall render to the mayor and council its recommendations concerning the merits of the dispute, in writing, no later than the first of April next preceding the fiscal year. The mayor and council may consider such recommendations concerning the merits of the position-compensation plan submitted by the advisory arbitration committee. The mayor and council may adopt such recommendations, in whole or in part, and shall enact such recommendations into law, modify in whole or in part the position-compensation plan originally submitted by the human resources director, and shall enact such into law, next preceding the fiscal year. (Ord. No. 3706, eff. 11-26-71)

Editor's note—Ord. No. 3706, § 1, adopted by the mayor and council Aug. 25, 1971, approved by a referendum election Nov. 2, 1971, certified by the mayor Nov. 17, 1971, and approved by the governor Nov. 26, 1971, amended ch. VII by adding § 2 to read as hereinabove set out.

Proposition 105 of an election called by Ord. No. 7274 on Nov. 7, 1989, approved by the governor Dec. 11, 1989, instructed the replacement of references regarding the civil service commission with references to the human resources director created by new ch. of the Charter. The actual text of this § 2 was not included in Proposition 105; the editor has made the proposed change in this section.

CHAPTER VIII. VACANCIES*

Sec. 1. Authority of vice-chairman of council in absence or disability of mayor.

During the absence or disability of the mayor, the vice-chairman of the council shall act as mayor pro tempore. In case of a vacancy in the office of mayor, the vice-chairman of the council shall act as mayor until such vacancy is filled as provided in this Charter. During such absence, disability or vacancy, the powers and duties of the office of mayor shall devolve upon said vice-chairman.

While acting as mayor pro tempore during the absence or disability of the mayor, or as acting mayor during a vacancy, the vice-chairman shall be entitled to vote as mayor only, and not both as councilman and mayor.

Annotation—Under similar provision of 1883 Charter, it was held that when vice-chairman was acting in absence of mayor he could sign ordinances and such ordinances would be valid. *City of Tucson v. Arizona Mortuary*, 34 Ariz. 495, 272 Pac. 923.

* **Cross references**—Officers and employees, ch. XVIII; filling vacancies on civil service commission, ch. XXII, § 2.

Sec. 2. Procedures for filling vacancies in office of mayor or councilmember.

(a) As used in this section, the term "governing body" shall mean, in the case of a vacancy in the office of councilmember, the mayor and council, and in the case of a vacancy in the office of mayor, the council.

(b) In filling any vacancy in the office of mayor or councilmember, the procedure shall be as follows:

1. The governing body shall meet within a reasonable time to select an elector of the City, and, in the case of a councilmember, of the ward from which the councilmember whose office has been vacated was elected or appointed, to fill such vacancy.
2. Such selection may occur at any regular or special session of the governing body called for that purpose, and the selection of such mayor or councilmember shall be duly noted in the minutes.
3. Upon qualification, such selected mayor or councilmember shall continue in office as mayor or councilmember until the expiration of the term for which the mayor or councilmember whose office has been vacated had been elected or appointed.
4. The governing body may provide by ordinance for additional procedures to be used in selecting a mayor or councilmember pursuant to this subsection (b).

(c) Should the governing body select a council member to fill a vacancy in the office of mayor, the office of the councilmember so selected shall thereupon become vacant, and shall be filled by the governing body in the manner set forth in subsection (b).

(Ord. No. 8951, § 1, 9-2-97)

Editor's note—Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

Sec. 3. When vacancies exist.

A vacancy shall exist in any elective or appointive office, except under the recall provisions of this Charter, when an officer fails to qualify within thirty (30) days after commencement of his term, dies, resigns, removes from the city, absents himself

continuously for thirty (30) days from the duties of his office without the consent of the council, for two (2) consecutive months, is incapacitated so that he is unable to attend to the duties of his office, is convicted of violating any of the provisions of this Charter, or of a felony, or is judicially declared a lunatic as defined by statute, or, in the office of councilman, when a member of the council is selected to fill a vacancy in the office of mayor, as hereinbefore provided.
(Ord. No. 8951, § 1, 9-2-97)

Editor's note—Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

Sec. 4. Time for filling vacancies; term of appointees.

In the event of a vacancy in office; the appointing power or authority shall immediately, or within such time as is expressly provided in this Charter, fill the vacancy, which, in the event the office is for a term, shall be for the remainder of term.

(Ord. No. 8951, § 1, 9-2-97)

Editor's note—Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

Sec. 5. Mayor and councilmen not to hold other public office.

No person holding any civil office of the City of Tucson, the County of Pima, the State of Arizona (except that of notary public), or of the United States of America shall be eligible to the office of mayor or councilman; and the acceptance by the mayor or any member of the council of any other civil office of the City of Tucson, the County of Pima, the State of Arizona (except that of notary public), or the United States of America shall operate to vacate the office as mayor or councilman.

(Ord. No. 8951, § 1, 9-2-97)

Editor's note—Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

CHAPTER IX. LEGISLATION*

Sec. 1. Mayor and council to exercise legislative power.

The legislative power of the city shall be vested in the mayor and council.

Cross reference—Government vested in mayor and council, ch. III, § 1.

Sec. 2. Organization and meetings of mayor and council.

At 10:00 a.m. on the first Monday in May, following a general municipal election at which a mayor is elected, the mayor and council shall meet at the usual place for holding meetings of the mayor and council, at which time the newly elected mayor and the newly elected councilmembers shall assume the duties of their office, and the mayor and council shall organize and, among other things, shall elect a vice mayor from their number, to serve for one (1) year from that date. A like meeting shall be held on the first Monday in May in the years when only councilmembers are elected, and a vice mayor selected likewise. The mayor and council, by ordinance, shall schedule a regular meeting to be held during the first full week of each month, and may schedule such additional regular meetings during any month as they deem necessary or desirable. Special meetings may be called at any time by the mayor or, in the mayor's absence or failure to act, by any four (4) members of the council.

(Ord. No. 9271, § 1, eff. 12-2-99)

Editor's note—Proposition No. 101, approved at a Charter Amendment Special Election held on November 2, 1999 became effective December 2, 1999.

Sec. 3. Meeting of mayor and council to be public; journal required.

All meetings of the mayor and council shall be public, and a journal of their proceedings shall be kept by the clerk under their direction, and the ayes and noes shall be taken and entered in such journal upon the

* **Cross references**—Adoption of ordinance setting tax rate, ch. XIII, § 7; initiative, ch. XIX; referendum, ch. XX; existing ordinances, resolutions, resolutions and regulations continued in effect, ch. XXV, § 4; violations of Charter and ordinances, ch. XXV, § 5.

passage of all ordinances and resolutions, and on the final action of the mayor and council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies or other public improvements; in all other cases, upon the call of any member.

Sec. 4. Mayor and council to adopt rules of proceedings; substantive action to be by ordinance or resolution.

The mayor and council shall establish rules for their proceedings, and shall act only by resolution or ordinance.

Sec. 5. Quorum for mayor and council; vote required except for procedural motions; signature, attestation of ordinances and resolutions.

Four (4) members of the mayor and council, or, in the absence or disability of the mayor, four (4) members of the council, shall constitute a quorum to do business, and four affirmative votes of the mayor and council, or, in the absence or disability of the mayor, four (4) affirmative votes of the members of the council, shall be necessary to adopt any ordinance, resolution or motion, or pass any measure, unless a greater number is specifically required by this Charter. Every ordinance or resolution adopted by the mayor and council must be signed by the mayor and attested by the clerk.

(Prop. 403, eff. 2-2-2016)

Annotation—Under provision of 1883 Charter authorizing the vice-chairman of the council to act as mayor in the absence of mayor, similar to ch. VIII, § 1, hereof, held that the vice-chairman may sign ordinances when acting as mayor. **City of Tucson v. Arizona Mortuary**, 34 Ariz. 495, 272 Pac. 923.

Sec. 6. Form of ordinances and resolutions; enacting clause.

Each proposed ordinance or resolution shall be introduced in written or printed form. The enacting clause of all ordinances adopted by the mayor and council shall be

"BE IT ORDAINED by the Mayor and Council of the City of Tucson."

Sec. 7. Vote on motion to reconsider ordinance.

When an ordinance put upon final passage fails to pass, and a motion is made to reconsider, the vote on such motion shall not be taken within twenty-four (24) hours thereafter.

Sec. 8. Signing, attestation, effective date of ordinances, resolutions, franchises; emergency measures; publication and posting required.

All ordinances, resolutions or franchises shall be signed by the mayor and attested by the clerk, and transcribed in the proper books therefor, but no ordinance, resolution or franchise shall take effect and become operative until thirty (30) days after its passage, except measures necessary for the immediate preservation of the peace, health or safety of the city; but no such emergency measure shall become immediately operative unless it shall state, in a separate section, the reasons why it is necessary that it should become immediately operative, and be approved by the affirmative vote of five (5) members of the mayor and council, taken by ayes and noes; provided, further, that all ordinances and resolutions having the effect of ordinances or required to be published, except emergency ordinances and resolutions, shall be published at least three (3) consecutive times in the official newspaper of the city, and a copy thereof posted on a bulletin board in front of the City Hall, before they become effective and operative.

(Prop. 403, eff. 2-2-2016)

Cross reference—Printing and publication of propositions required to be submitted to voters, ch. XIX, § 5.

Annotations—Adoption of an electrical code by resolution which was in turn adopted by an ordinance which complied with the requirements of ch. IX, § 8. constituted an effective adoption of the electrical code, **City of Tucson v. Stewart**, 45 Ariz. 36, 40 p. 2d 72. Chapter IX, § 10 does not mean that emergency measures passed pursuant to ch. IX, § 8 will not become effective until thirty days after passage; they become effective upon passage under ch. IX, § 8 above. **Burton v. City of Tucson**, 88 Ariz. 320, 356 P. 2d 413.

Sec. 9. Manner of revising, amending, reenacting ordinances.

Ordinances shall not be revised, reenacted or amended by reference to title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this chapter for the adoption of ordinances.

Sec. 10. Publication, effective date of ordinances.

All ordinances adopted under this Charter, except emergency ordinances, shall be published forthwith in the usual manner three (3) consecutive times in the official newspaper, and no [such] ordinance shall take effect until thirty (30) days after its passage.

Annotation—Chapter IX, § 10 does not mean that emergency measures passed pursuant to ch. IX, § 8 will not become effective until thirty days after passage; they become effective upon passage under ch. IX, § 8, **Burton v. City of Tucson, 88 Ariz. 320, 356 P. 2d 413. The word [such] was inserted by editors to show effect of said case.**

Sec. 11. Manner of repealing or suspending ordinances.

No ordinance or section thereof shall be repealed or suspended except by ordinance adopted in the manner provided in this chapter.

Sec. 12. Minutes to be public.

Any citizen of the city may have access to the minutes, upon application to the clerk.

Sec. 13. Right to petition mayor and council; consideration of petitions.

Any citizen of the city may appear before the mayor and council at any regular meeting, and present a written petition; such petition shall be acted upon by the mayor and council in the regular course of business, within fifteen (15) days.

Sec. 14. Failure to vote.

No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote shall be entered on the minutes as an affirmative vote.

Sec. 15. Exercise of powers under Charter when no procedure prescribed by law.

Wherever, by any provision of this Charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of the State of Arizona, and there be no procedure established by state law therefor, then the mayor and council shall by ordinance prescribe the procedure.

CHAPTER X. POWERS AND DUTIES OF OFFICERS OTHER THAN MAYOR AND MEMBERS OF THE COUNCIL***Sec. 1. City manager.**

Subject to the control of the mayor and council, the manager shall have the general supervision and direction of the administrative operation of the city government; he shall supervise and direct the official conduct of all appointive city officers except the auditor, † attorney, treasurer, † health officer, † clerk and magistrate; he shall supervise the performance of all contracts made by any person for work done for the city, and in that behalf represent the city except as it may be otherwise provided in this Charter; he shall appoint, employ and discharge, from time to time, as occasion requires, all officers, deputies and employees of the city, who elsewhere in this Charter he is authorized to appoint, employ and discharge; he shall appoint all officers of the city, the appointment or election of whom is not otherwise provided for in this Charter, and may remove them when the interests of the city require; he shall make a written report to the mayor and council, at their first meeting in each month, of the state of the condition and business affairs of the city, with his recommendations in regard thereto; and he shall, whenever required by the mayor and council, make a written or verbal report, as may be indicated by the mayor and council, in detail of any particular matter relating to the affairs of the city within his supervision; he may require written monthly reports, or may require them oftener, from each of the appointed officers of the city, of the business and conditions of such office, and

* **Cross references**—Officers and salaries generally, ch. V; work day, minimum wage, citizenship requirements for employees, ch. NV, § 5; officers and employees generally, ch. XVIII; civil service, ch. XXII; political activities by employees prohibited, ch. XXV, § 8; purchasing agent, ch. XXVII; director of finance, ch. XXIX; director of parks and recreation, ch. XXXI.

† **Editor's note**—The office of auditor was abolished by repeal of § 2 of this chapter, and his functions are now performed by the director of finance under ch. XXIX hereof. The office of treasurer was abolished by repeal of § 3 of this chapter, and his functions are now performed by the director of finance under ch. XXIX hereof. Chapter XI, § 1, providing for a health officer has been repealed.

Cross references—Appointment, term and removal of city manager, ch. V, § 3; budgetary duties of city manager, ch. XIII, §§ 3, 4; duty of manager to keep franchise record, ch. XVII, § 13; duty of manager to issue temporary permits for franchise holders to use streets and public places, ch. XVII, § 14.

shall submit the same to the mayor and council upon their request therefor. The manager may direct reports other than the monthly reports herein provided for to be made verbally. All written reports shall be safely kept by the proper officers, as a part of the records of the city, and be open to the inspection of the electors of the city during office hours.

It shall be his duty, as well as that of the mayor, to see that all of the ordinances of the city are enforced. (Ord. No. 1287, eff. 9-4-52)

Sec. 2. Repealed by Ord. No. 2080, § 1, eff. Aug. 26, 1960.

Editor's note—Chapter X, § 2, of this Charter, which was repealed by Ord. No. 2080, dealt with the auditor and ex officio city assessor. These provisions were repealed because rendered obsolete by the adoption of amendments to ch. XXIX, relating to the department of finance and director of finance.

Sec. 3. Repealed by Ord. No. 2080, § 1, eff. Aug. 26, 1960.

Editor's note—Prior to repeal of ch. X, § 3, by Ord. No. 2080, the section dealt with the duties and powers of the city treasurer and ex officio tax collector. Said provisions were rendered obsolete by amendments to ch. XXIX, relating to the department of finance and director of finance.

Sec. 4. City attorney.

The attorney shall have been duly admitted to the practice of his profession in the Supreme Court of the State of Arizona, and shall have been actually engaged in the practice of his profession for a period of at least five (5) years. He shall prosecute, in behalf of the city, all criminal cases arising from violations of the provisions of this Charter and the ordinances of the city. He shall attend to all suits and proceedings in which the city may be legally interested; provided, however, that the mayor and council shall have control of all litigation of the city, and may employ other attorneys to take charge of or assist in any litigation. He shall be in attendance at meetings of the mayor and council when required by the mayor and council, and shall give his advice or opinion in writing, whenever requested so to do by the mayor and council, or any officer of the city. He shall approve the form of all bonds given to, and all contracts made by, the city, endorsing his approval thereon in writing. He shall, whenever required by the mayor and council, or any member thereof, draft any and all proposed ordinances for the city, and amendments thereto, and shall advise

and consult with the mayor and council whenever requested, and shall do and perform all such things touching his office as the mayor and council may from time to time require. On vacating the office, he shall surrender all books, papers, files and documents pertaining to the city business to his successor. He shall perform such other and further duties as may be at any time required of him by ordinance or by the laws of the state.

Cross reference—Appointment, term and removal of city magistrates, ch. V, § 4.1.

Sec. 5. City engineer.

The engineer shall have not less than five (5) years' practical experience as a civil engineer. He shall perform all the engineering and surveying required in the carrying on of public works and improvements done under the authority of the mayor and council. All maps, plats, profiles, filed notes, estimates and other memoranda of surveys and other professional work made or done for or under his direction or control during his term of office shall be and continue to be the property of the city. He shall be custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full and complete indexes thereto. He shall have the decision, subject, however, to any ordinances that the mayor and council may enact, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of telegraph, telephone, electric light and other wires, the depth below the surface and alignment of all water, gas, sewer and other pipes and conduits, the grade and proper alignment of all streets and street railway tracks. He shall perform such other and further duties as are or may be required of him by this Charter, by ordinance, or the laws of the state.

Cross reference—Appointment, term and removal of city engineer, ch. V, § 6.

Sec. 6. Superintendent of streets.

It shall be the duty of the superintendent of streets to see that all laws, ordinances, resolutions, orders and regulations relative to the public streets and highways are fully carried into execution, and the penalties for breaches thereof are rigidly enforced. He shall superintend and direct the sweeping, cleaning and

sprinkling of the streets, and the cleaning and flushing of all sewers, and shall keep himself informed of the condition of all public streets, highways and alleys. He shall have the general care of, and frequently inspect the streets, highways and alleys of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances and laws pertaining to street obstructions. He shall frequently inspect all public works, pertaining to street improvement, while same are in course of construction; inspect all work and material used in such construction; and reject all material or work not in conformity with good engineering or the contract, and shall at once report to the manager all deviations from contracts and the use of improper material and bad workmanship in such construction, and deliver to the clerk a duplicate of such report for the use and benefit of the mayor and council. He shall perform such other duties as are or shall be required of him by this Charter, ordinance, resolution or the laws of the state.

Cross reference—Appointment, term and removal of superintendent of streets, ch. V, § 6.

Sec. 7. Police department and chief of police.

There shall be maintained a police department, the members of which, other than the chief of police, shall be qualified and appointed under civil service rules and regulations. There shall be appointed a chief of police as provided in chapter V., Section 7 of this Charter. Such chief of police shall keep a public office, to be provided by the mayor and council, which office shall be open day and night. The chief of police shall devote his or her entire time to the discharge of the duties of that office, and shall have full control of the police force of the city.

In addition to the chief of police, the mayor and council, in the organization of the police department, shall provide for a permanent police force, which shall consist of such number of policemen as the mayor and council shall, from time to time, deem necessary to preserve the peace, protect the lives and property of the citizens, and enforce the laws and ordinances within the city.

The chief and members of the police department shall have power to make arrests for violations of the ordinances of the city, and shall have the same power and authority to make arrests, and to serve processes,

within the city, other than civil processes issued from the superior or justice of peace courts, or is or may be vested in sheriffs or other peace officers by the laws of the state. They shall have such other powers and duties as the mayor and council may, by ordinance, provide. (Prop. 404, eff. 2-2-2016)

Cross references—Appointment, term and removal of police chief, ch. V, § 7; authority of police to serve process of magistrates court, ch. XII, § 5; previously employed policemen declared under civil service, ch. XXV, § 10; effect of civil service on police chief, ch. XXV, § 11.

Sec. 8. Superintendent of water department.

The superintendent of the water department shall have such powers and perform such duties as the mayor and council shall by ordinance provide, but subject, however, to the control and supervision of the manager.

Cross reference—Appointment, term and removal of superintendent of water department, ch. V, § 6.

Sec. 9. Fire department and fire chief.

There shall be maintained a fire department, the members of which, other than the fire chief, shall be qualified and appointed under civil service rules and regulations. There shall be appointed a fire chief as provided in chapter V., Section 7 of this charter. The fire chief shall devote his or her entire time to the discharge of the duties of that office, and shall have control of the officers and men employed in the fire department. The fire chief shall see that all rules of the civil service commission relating to the fire department are enforced, and shall be charged with the special duty of superintending the extinguishment of fires, and seeing that all property imperiled thereby is protected and guarded. He shall have such other and further powers and duties as the mayor and council may, by ordinance, provide.

(Prop. 404, eff. 2-2-2016)

Cross reference—Appointment, term and removal of the fire chief, ch. V, § 7; previously employed firemen declared under civil service, ch. XXV, § 10; effect of civil service on fire chief, ch. XXV, § 11.

Sec. 10. City clerk.

The clerk shall have the custody and be responsible for the corporate seal of the city, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provisions committed to other custody. He shall be present at each meeting of the mayor and council, and

keep a record of its proceedings. He shall keep separate books in which, respectively, lie shall record all ordinances, resolutions, contracts and official bonds. He shall keep all the books properly indexed and open to public inspection, when not in actual use. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the City Hall and all personal property, the custody of which has not been otherwise provided for in this Charter. He shall have such other powers and perform such other duties as are or shall be provided by the laws of the state, or by ordinance of the mayor and council.

Cross references—Appointment, term and removal of city clerk, ch. V, § 4; duty of clerk to countersign and register contracts, ch. XV, § 1.

CHAPTER XI. CITY BOARD OF HEALTH

Sec. 1. Repealed by Ord. No. 2080, § 1, eff. Nov. 10, 1960.

CHAPTER XII. CITY COURT

Sec. 1. Established; when open; conducting business on nonjuridical days.

There shall be and is hereby established in the city a municipal court, to be known and designated "The City Court of The City of Tucson, Pima County, State of Arizona," which court shall always be open, except on nonjuridical days, and on such nonjuridical days it may transact such business within its jurisdiction as is authorized by general law to be transacted by courts of justice of the peace, relative to businesses within their jurisdiction.

Sec. 2. Jurisdiction generally.

Said court shall, within the territorial limits of said city, have and exercise jurisdiction as follows:

It shall have and exercise exclusive original jurisdiction of all proceedings of a criminal nature for the violation of any ordinance of said city, and of every action of a civil nature for the enforcement of a penalty, or the recovery of a penalty or forfeiture imposed by any ordinance of said city for violation thereof, or for neglect to perform any duty by any ordinance imposed, and of every action for the collection of any license, fine, or penalty due from any person to said city, and required to be paid, or which is due and collectible under the ordinance[s] of said city.

Sec. 6. Notice of insufficiency of petitions; filing additional signatures authorized.

If his certificate shows the petition to be insufficient, he shall at once notify in writing one (1) or more of the persons designated on the petition as filing the same; additional signatures, properly verified, may be filed at any time within ten (10) days from the filing of the certificate. The clerk shall, immediately after such refile, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if no additional signatures are so filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

Editor's note—On March 14, 2007, in *Fleischman v. Protect Our City*, 214 Ariz. 406, 153 P.3d 1035 (2007), the Arizona Supreme Court held that A.R.S. § 19-121(B) preempts Chapter XXI, § 6 and Tucson Code section 12-59. A.R.S. § 19-121(B) provides that once petition signature sheets are filed in support of a ballot measure, "no additional petition sheet may be accepted for filing", and thus does not allow the filing of additional signatures within the ten days after the city clerk certifies a city initiative petition insufficient.

Sec. 7. Clerk to certify sufficient petitions to mayor and council; notice to officer; calling elections.

When the petition shall be found by the clerk to be sufficient, he shall submit the same, with his certificate, to the mayor and council without delay, and the mayor and council shall immediately notify the officer sought to be removed, and if the said officer does not resign within five (5) days after said notification, the mayor and council shall forthwith, after said five-day period, order and fix a date for holding the said election, not less than twenty (20) days nor more than thirty (30) days from the date of the clerk's certificate that a sufficient petition is filed.

Sec. 8. Arrangement for and conduct of election.

The mayor and council shall make, or cause to be made, publication of notice, and all arrangements for holding such election; and the same shall be conducted, returned and result thereof declared, in all respects as are other city elections. If any vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as herein provided.

Cross reference—Elections generally, ch. XVI.

Sec. 9. Candidacy of officer sought to be removed.

An officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination.

Sec. 10. Nominations, notice, conduct of recall elections to conform to election provisions.

The nomination of other candidates, the publication of notice of such recall election, and the conduct of the same, shall be in accord with the provisions of this Charter relating to elections.

Cross reference—Elections generally, ch. XVI.

Sec. 11. Incumbent continued in office until election; persons declared elected; vacancy for failure of successor to qualify.

The incumbent shall continue to perform the duties of his office until the result of said election shall have been officially declared. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term; but if the officer sought to be recalled is elected, then no further recall petition shall be filed against the same officer, during the term for which he was elected, unless petitioners signing shall first pay into the public treasury, which has paid such election expenses of the preceding election, all expenses of the preceding election. If not then elected, he shall be deemed removed from office upon the qualification of his successor.

If the successor fails to qualify within five (5) days after the result of said election shall have been declared, the said office shall be vacant.

Sec. 12. Recall prohibited until officer serves six months.

No recall petition shall be filed against any officer until he has actually held his office for at least six (6) months.

Sec. 13. Appointing recalled officers to public office.

No person who has been removed from an office by recall, or who resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one (1) year after such removal or resignation.

Sec. 14. Additional powers of mayor and council.

The mayor and council shall, by ordinance, make all necessary provisions to facilitate the operation of this chapter.

CHAPTER XXII. CIVIL SERVICE*

Sec. 1. Appointment, terms, qualifications of commissioners; political affiliation.

The mayor and council, at their first regular meeting in January of 1968 or within ten (10) days thereafter, shall appoint five (5) electors of the city as civil service commissioners, who shall have been bona fide residents and qualified electors of the city for at least five (5) years next preceding such appointment, but said appointments shall include the three (3) commissioners presently holding office for the balance of their present respective terms. The remaining two (2) electors shall be appointed to serve terms expiring on the date of the first regular mayor and council meeting in January, 1970, and in January, 1972, respectively. Thereafter the term of office of each commissioner shall be six (6) years, and upon the expiration of the term of any commissioner, the said mayor and council shall appoint commissioners to succeed those whose term of office has expired. Said civil service commissioners shall not hold any other public office. Not more than three (3) members of the commission shall be of the same political affiliation, and any

* **Cross references**—Authority to provide for civil service commission, ch. IV, § 1(28); officers and employees, generally, ch. XVIII; pension fund, ch. XXIII; political activities by employees prohibited, ch. XXV, § 8; applicability of civil service to director of finance, ch. XXIX, § 4; department of human resources, ch. XXX; applicability of civil service to director of parks and recreation, ch. XXXI, § 3.

appointment that would result in more than three (3) members of said board being of the same political affiliation shall be void.

(Ord. No. 3040, eff. 12-1-67)

Editor's note—Chapter XXII, § 1, was amended by a referendum election held Nov. 7, 1967, approved by the governor Dec. 1, 1967, establishing five commissioners. A proposed amendment increasing the number of commissioners to seven was defeated at an election held Nov. 6, 1979.

Sec. 2. Organization of commission; removal of commissioners; vacancies; mayor and council to provide equipment.

The civil service commission shall elect a chairman and vice-chairman. The mayor and council may remove any of said civil service commissioners, during their term of office, for cause, by a vote of four (4) members of the mayor and council voting in favor of such removal, and shall fill any vacancy that may occur in said civil service commission for the unexpired term. The mayor and council shall provide suitable accommodations and equipment to enable the civil service commission to properly attend to its business.

(Mo. of 1-20-41, eff. 5-16-41; Ord. No. 7274, § 1, eff. 12-11-89; Prop. 403, eff. 2-2-2016)

Editor's note—Proposition 105 of an election called by Ord. No. 7274 on Nov. 7, 1989, approved by the governor Dec. 11, 1989, removed reference of the civil service commission regarding the department of personnel. See ch. XXX.

Sec. 3. Persons in classified service; status of covered persons; removal, demotion, suspension procedure; taxpayer's right of action for violating provisions.

(a) All officers, deputies, clerks, and employees subject to the civil service provisions of this Charter shall be in the classified service of the city, and all persons in the classified service shall be under and subject to the rules and regulations of the civil service commission.

(b) Any person holding a position in the classified service prior to this amendment becoming effective shall retain such position, subject to the same rights and conditions applicable to the status which he or she held as of such date under the provisions of this

Charter, the civil service ordinance and the rules and regulations of the civil service commission then in effect.

(c) Persons who have served through their probationary period and who have received permanent appointment in the classified service shall not be removed, suspended without pay, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. Whenever an appointing or employing officer removes, demotes or suspends (except where such suspension is made pending filing of charges of dismissal) without pay for a single period exceeding ten (10) days or for periods totaling more than ten (10) days in any one (1) year from the time the first suspension goes into effect, or for disciplinary reasons reduces in pay or position an employee in the classified service who has received permanent appointment, he shall at the time of such action furnish written notice and reasons therefor to the employee and to the civil service commission before the effective date thereof. The civil service commission shall by rules and regulations provide for an appeal by the employee, a fair and impartial hearing of said appeal, and the rendering of a decision thereon within forty-five (45) days after receipt of such notice and reasons from the employing officers when an appeal is heard. When an appeal is taken by the chief of police or the fire chief, the decision thereon shall be advisory only; in all other cases the decision of the civil service commission shall be binding and final. Both the employee and appointing officer may have representation of their own choosing, and all hearings shall be public unless the employee requests otherwise in writing. Except in cases of discharge for just cause, the pension or seniority rights of any employee shall not be affected through any disciplinary action.

(d) Any taxpayer in the city may maintain an action to recover for the city any sum of money paid, or to enjoin the human resources director from attaching his certificate to a payroll or account for services rendered, in violation of the civil service provisions of the Charter or the ordinances and rules made thereunder; and the rules made under the foregoing

provisions shall for this and all other purposes have the force of law.

(Prop. 404, eff. 2-2-2016)

Editor's note—Proposition 105 of an election called by Ord. No. 7274 on Nov. 7, 1959, approved by the governor Dec. 11, 1989, added reference to the human resources director in subsection (c) and changed reference in subsection (d) from the directory personnel to the human resources director.

Cross reference—Political or religious discrimination prohibited, ch. XVIII, § 3.

Sec. 4. General duties of commission.

The mayor and council shall by ordinance determine the powers and duties of the civil service commission except that in any event it shall be the duty of the said commission with reference to the classified service:

(a) At a public hearing and after affording a reasonable opportunity to the city officers and employees for consultation with the commission, and after due notice to the public by posting notice in three (3) public places, to adopt and from time to time amend rules and regulations for the administration of the provisions of this Charter and the ordinances of the mayor and council governing the classified service.

(b) To establish, according to merit and fitness determined insofar as practicable by competitive test, lists of eligibles from which all appointments shall be made.

(c) To establish procedures regulating entrance into retentions, promotions, transfers, and layoffs of employees in the classified service.

(d) To certify payrolls to the end that no person shall receive compensation for services rendered in any position who has not been appointed in accordance with the provisions of this Charter, the ordinances of the mayor and council, and the rules and regulations of the civil service commission.

(Mo. of 4-1-41, eff. 5-16-41; Ord. No. 3706, eff. 11-26-71; Ord. No. 7274, § 1, eff. 12-11-89)

Editors Note: Ord. No. 3706, § 1, adopted by the mayor and council Aug. 25, 1971, approved by a referendum election Nov. 2, 1971, certified by the mayor Nov. 17, 1971, and approved by the governor Nov. 26, 1971, amended ch. XXII of the Charter by revising § 4 in its entirety pertaining to the same subject matter to read as hereinabove set out.

Proposition 105 of an election called by Ord. No. 7274 on Nov. 7, 1989, approved by the governor Dec. 11, 1989, amended the section in its entirety to remove references to personnel matters now under the jurisdiction of the human resources director in ch. XXX.

Sec. 5. Administrative support to commission.

The director of the human resources department shall act as secretary to the commission and shall keep its minutes and make a record of all its work. Such minutes, eligible registers and employee roster cards shall be open at all times to the public during office hours, subject to the rules and regulations of the civil service commission; the examination materials and other confidential records and reports shall in like manner be open to the public only if and as provided for by the rules and regulations of the civil service commission. The commission shall never delegate its duty of hearing the appeal of anyone holding a position in the classified service, under the provisions of this Charter.

(Ord. No. 7274, § 1, eff. 12-11-89)

Editor's note—Proposition 105 of an election called by Ord. No. 7274 for Nov. 7, 1989, approved by the governor Dec. 11, 1989, added a new § 5. Former § 5 is now § 6.

Sec. 6. Compensation of commission; appropriation to carry out civil service provisions.

The salaries of the civil service commission shall be determined by the mayor and council, and a sufficient sum shall be annually appropriated to carry out the civil service provisions of this Charter.

(Ord. No. 7274, § 1, eff. 12-11-89)

Note—See the editor's note to § 5.

Sec. 7. Layoffs.

Whenever a reduction of employees is required because of a shortage of funds or work or material changes in duties or organization, employees shall be laid off within specific job classifications in inverse order to total length of continuous service with the city. Any permanent employee laid off from a position shall be permitted to take employment in a lower class in the same class series, or in some other lower class in which the employee has completed probation, each of which

must be, or have been under the same appointing officer under which the layoff occurred, provided that the employee is physically fit to perform the duties of the position and the action does not cause the layoff of another employee with greater total length of continuous service with the city.

(Ord. No. 7274, § 1, eff. 12-11-89)

Editor's note—Section 7 was added by Proposition 105 of an election called for Nov. 7, 1989, by Ord. No. 7274, approved by the governor Dec. 11, 1989.

CHAPTER XXIII. PENSION FUND

Sec. 1. Established; authority of mayor and council.

The mayor and council shall, within one (1) year after the creation of the civil service commission, establish a fund or funds for the pensioning of persons in the classified service of the city; may retain a reasonable amount from the monthly salary of, and may make necessary regulations for contributions to the pension fund by, such persons; may receive gifts, devises, bequests of money or property for the benefit of such fund or funds, may make contribution of public moneys thereto on such terms and conditions as it may see fit; and shall make rules and regulations for the management, investment and administration of such fund or funds.

Cross reference—Civil service, ch. XXII.

must be verified under oath by the claimant and shall state the name and address of the claimant, and shall further contain, insofar as it is then practicable, the date, time and place of the occurrence or injury for which damages are claimed, the nature and amount of said injuries or damages, and the items making up said amount. The omission to present such claim to the city clerk within sixty (60) days shall bar recovery on any such claim or by reason of the said occurrence for which damages are claimed.
(Ord. No. 2080, eff. 11-10-60)

Sec. 13. Neighborhood protection; voter approval of freeways, parkways, controlled-access highways and grade-separated interchanges.

(a) The purpose of this section is to allow maximum citizen participation with respect to controlled access highway design, placement and construction in order to protect existing neighborhoods as desired by the electorate.

(b) The City of Tucson shall not participate, as described herein, in the construction of any freeway, parkway or other controlled-access highway as defined by Arizona Revised Statutes section 28-602, or grade-separated interchange before the qualified electors of Tucson first vote to approve the location and preliminary design of such proposed project. Any freeway, parkway or other controlled-access highway or grade-separated interchange will be referred to as "project" throughout this section.

(c) For purposes of this section, participation by the City of Tucson in any project shall include approval or authorization of expenditure of funds for condemnation, right-of-way acquisition or construction of any project, or approval or concurrence in any approval of such project, or cooperation with any other governmental authority thereon, except as provided in paragraph (g) of this section.

(d) Voter approval for participation by the City of Tucson in any project shall be obtained by the mayor and city council at any regular election or special election called for that purpose. The design and proposed route of the project shall be described in such detail on the ballot that a reasonable person could understand the specific location, estimated cost and design of the proposed project, including whether the

proposed project could reasonably be described as either a freeway, parkway or other controlled-access highway or a grade-separated interchange. The voters shall be asked on the ballot to "approve" or "reject" the proposed project.

(e) If the voters reject the proposed project, the mayor and council shall request that the state department of transportation not include the proposed project in the state highway system.

(f) Approvals of any project granted pursuant to this section shall be effective for five (5) years and, if no actual construction has commenced within that period, shall lapse, subject to new voter approval pursuant to this section.

(g) This section shall not apply to improvements to the existing federal Interstate system, nor to cooperation with other governmental authorities in purely planning and research activities, nor to obtaining sufficient information required to comply with paragraph (d) of this section. This section shall not apply to projects for which construction contracts have been let as of the effective date of this section, except for any proposed grade-separated interchanges connected with those projects, in which event this section shall apply.
(Ord. No. 6299, eff. 2-21-86)

CHAPTER XXVI. AMENDMENTS

Sec. 1. Authorized; procedure.

This Charter, or any part or subdivision thereof, may be amended in the manner provided in the Constitution of the State of Arizona.

State law reference—Method of amending home rule charter, art. 13, § 2, Constitution of Arizona.

CHAPTER XXVII. RESERVED*

* **Editor's note**—Chapter XXVII, §§ 1--6, relating to the department of purchases, added by Ord. No. 1287 and amended by Ord. No. 7274, was repealed by Ord. No. 7684, adopted Sept. 3, 1991; approved at referendum Nov. 5, 1991; certified by the mayor Nov. 12, 1991; and approved by the governor Dec. 30, 1991.

CHAPTER XXVIII. RESERVED***CHAPTER XXIX. DEPARTMENT OF FINANCE†****Sec. 1. Established; qualifications of director.**

There shall be established a department of finance, the head of which shall be the director of finance, who shall have knowledge of municipal accounting and taxation, and shall have had no less than five (5) years of extensive experience in municipal accounting and auditing, including supervisory experience, shall have been graduated from an accredited four-year college or university and having specialized thereat in accounting and/or public finance administration or equivalent specialization, or shall have had not less than ten (10) years' practical experience in the field of accountancy and auditing if he had not graduated from such college or university.

(Ord. No. 2080, eff. 11-10-60)

Sec. 2. Director to be bonded.

The director of finance shall provide a bond with such surety and in such amount as the mayor and council may require by ordinance or resolution.

(Ord. No. 2080, eff. 11-10-60)

Cross references—Approval of bonds by city attorney, ch. X, § 4; official bonds generally, ch. XIV.

Sec. 3. Powers, duties of director.

Subject to the direction of the city manager, the director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have authority to and be required to:

- (1) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;

* **Editor's note**—Proposition 107 of an election called for Nov. 7, 1989, by Ord. No. 7274, approved by the governor Dec. 11, 1989, repealed ch. XXVIII, §§ 1-3, relating to the department of public works.

† **Cross reference**—Finance and taxation generally, ch. XIII.

- (2) Maintain a general accounting system for the city in each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department or agency; keep separate accounts for the items of appropriation contained in the city budget, each of which shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily, or at such intervals as he may deem expedient;
- (3) Maintain a general accounting system for the city and, in connection therewith, have power and be required to:
 - (a) Prescribe a uniform system of accounting, the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city;
 - (b) Assure the availability of sufficient funds for discharge of every valid financial obligation of the city when it becomes due and payable;
 - (c) Audit and approve before payment, all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city and, with the advice of the city attorney, determine the regularity, legality and correctness of such claims, demands, charges, contracts, orders and other documents;
 - (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city apart from or subsidiary to the accounts kept in his office.
- (4) Submit to the mayor and council, through the city manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;

- (5) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (6) Collect all taxes, license fees, and other revenues of the city, or for whose collection the city is responsible, and receive all moneys receivable by the city from any source;
- (7) Have custody of all public funds belonging to or under control of the city or any office, department or agency of the city, and deposit all funds coming into his hands in such depositories as may be designated by the mayor and council, subject to the requirements of law as to surety and payment of interest on deposits;
- (8) Have custody of all investments and invested funds of the city, or in possession of such government in a fiduciary capacity, and have the safe keeping of all bonds, notes, and insurance policies of the city, and the receipt and delivery of city bonds and notes for transfer, registration or exchange, and perform all the duties assigned to the treasurer in chapter XIII of the Charter; and
- (9) Maintain a continuous inventory of all real property owned, leased or occupied by the city or any of its agencies.

(Ord. No. 2080, eff. 11-10-60; Ord. No. 7274, § 1, eff. 12-11-89)

Sec. 4. Appointment of director; term; removal; applicability of civil service; salary.

The director of finance shall be appointed by the city manager, subject to the approval of the mayor and council, and shall hold office until removed by the city manager, and none of the civil service provisions of the Charter, ordinances or regulations shall apply to the director of finance. The salary of the director of finance shall be such as shall from time to time be fixed by the manager, and may be changed, increased or modified by the manager; provided, however, that such salary and all changes therein shall be in accordance with the compensation plan adopted by the mayor and council. (Ord. No. 2080, eff. 11-10-60; Prop. 404, eff. 2-2-2016)

Cross reference—Civil service, ch. XXII.

CHAPTER XXX.

DEPARTMENT OF HUMAN RESOURCES*

Sec. 1. Established; qualifications of director.

There shall be established a department of human resources, the head of which shall be the director of human resources, who shall have had at least five (5) years experience in the human resources field. (Ord. No. 7274, § 1, eff. 12-11-89)

Sec. 2. Duties of director.

Under the direction of the city manager the director of human resources shall exercise supervision over human resources in the city and to that end shall have authority to and be required to:

- (1) Formulate and adopt a position classification plan for employees in the classified service;
- (2) Formulate and recommend to the mayor and council, on an annual basis, a position compensation plan for employees in the classified service;
- (3) Administer both the position classification plan and the position compensation plan;
- (4) Establish rules and procedures regulating employee leaves, both with and without pay;
- (5) Establish standards of efficient service, develop appropriate service ratings and prescribe for their use;
- (6) Establish employee training programs;
- (7) Provide administrative support to the civil service commission;
- (8) Perform all other duties assigned by the city manager or mayor and council.

(Ord. No. 7274, § 1, eff. 12-11-89)

* **Editor's note**—Pursuant to an election called on Nov. 6, 1979, by § 1 of Ord. No. 5036, approved by the governor Nov. 10, 1980, ch. XXX, §§ 1, 2, relating to the office of post auditor, was repealed.

Subsequently, a new ch. XXX was added by Proposition 105 of an election called by Ord. No. 7274 for Nov. 7, 1989, approved by the governor Dec. 11, 1989.

Sec. 3. Appointment of director; term; removal; applicability of civil service; salary.

The director of human resources shall be appointed by the city manager, with the consent and approval of the mayor and council, and shall hold office until removed by the city manager. None of the civil service provisions of the Charter, ordinances or regulations shall apply to the director of human resources. The salary of the director of human resources shall from time to time be as fixed by the manager, and may be changed, increased or modified by the manager; provided, however, that such salary and all changes therein shall be in accordance with the compensation plan adopted by the mayor and council. (Ord. No. 7274, § 1, eff. 12-11-89; Prop. 404, eff. 2-2-2016)

Sec. 3. Appointment of director; term; removal; applicability of civil service; salary.

The director of parks and recreation shall be appointed by the city manager, subject to the approval of the mayor and council, and shall hold office until removed by the city manager; and none of the civil service provisions of the Charter, ordinances or regulations shall apply to the director of parks and recreation. The salary of the director of parks and recreation shall from time to time be as fixed by the manager, and may be changed, increased or modified by the manager; provided, however, that such salary and all changes therein shall be in accordance with the compensation plan adopted by the mayor and council. (Ord. No. 2080, eff. 11-10-60; Prop. 404, eff. 2-2-2016)

Cross reference—Civil service, ch. XXII.

CHAPTER XXXI. DEPARTMENT OF PARKS AND RECREATION

Sec. 1. Established; qualifications for director.

There shall be established a department of parks and recreation, the head of which shall be the director of parks and recreation, who shall have had at least five (5) years' experience in park or recreation work, including three (3) years' experience in the administration and direction of a park or recreation program. (Ord. No. 2080, eff. 11-10-60)

Sec. 2. Duties of director.

Under the direction of the city manager, the director of parks and recreation shall exercise supervision over the park and recreation programs of the city, including the planning, construction and maintenance of park and recreational facilities. He shall supervise the direction and planning of all recreational programs sponsored by the city. He shall be responsible for the installation and maintenance of cost and performance records pertaining to each major program, or activity, under his supervision and shall compile such administrative data as may be required by the manager from time to time. (Ord. No. 2080, eff. 11-10-60)

CHARTER COMPARATIVE TABLE

Amendments and repeals arranged according to effective date.

Ordinance Number	Effective Date	Section This Charter Chapter	Section
(Motion 1-20-41)	5-16-41	XXII	2
(Motion 4- 1-41)	5-16-41	V	6, 10, 11, 13
		XXII	3, 4
1142	6-23-48	IV	1(15), (27)
		IV	1(17) (Rpld)
		V	8, 9
		XVI	2
1287	9- 4-52	X	1
		XV	3 (Rpld)
		XXVII	1--7
		XXXVIII	1--3
1640	5-16-56	XVI	5
1642	5-16-56	V	8
2080	11-10-60	V	2, 4.1, 5
		X	6
		(Sec. 1 repealed X	2, 3)
		XI	1
		XV	2
		XVI	2--4, 10
		XXIV	1--3
			4 (Rpld)
		XXV	1, 2
		XXIX	1--4
		XXX	1, 2
		XXXI	1--3
2297	7- 1-62	IV	1(17a), 2 (Former 1835 repealed)
3027	10-14-67	XVII	16
3040	12- 1-67	XXII	1
3346	12-29-69	IV	2
3466	2- 5-71	V	8, 9
3706	11-26-71	VII	2
		XXII	4
4086	11-28-73	XIII	12
4394	1- 9-76	XII	5
		V	13
		XXIV	1--3 (Rpld)
		XXIV	1 (Added)
4439	4-20-76	XVIII	4
4704	11-28-77	IV	1(16a)
4816	10-16-78	V	4, 4.1
		XXX	1, 2
5130	10- 1-80	IV	1(16) (Rpld)

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Ordinance Number	Effective Date	Section This Charter Chapter	Section
5036	11-10-80	V XXII XXX	2, 4, 8, 9 1 1, 2 (Rpld)
5860	11-23-83	V	8, 9
5861	11-22-83	IV XXII	1(23) 4(c)
6299	2-21-86	XXV	13
6300	3- 4-86	XV XVI	4 Subch. A, §§ 1, 2 Subch. B, §§ 1--10
7274	12-11-89	IV V V VII XV XV XXII XXVII XXVII XXVIII XXIX XXX	1(25) 13 as 13(a) (Rnbd) 13(b) (Added) 2 2 5, 6 (Rpld) 2, 3(c), (d), 4-7 3 (Rpld) 4 as 3 (Rnbd) 1--3 (Rpld) 3(3)(b) 1--3
7684	9- 3-91	XIII XV XV XVI	12 1--8 (Rpld) 1--6 (Added) Subch. B, § 5(b)
8118	9- 7-93	XXVII 1	1--6 (Rpld) Art. V, 9.1 Art. XVI, 8.1
8573	9- 5-95	V	8, 9
8947	9- 2-97	XVI	8
8951	9- 2-97	VIII VIII VIII	2 3, 4 (Rpld) 5--7 as 3--5 (Rnbd)
8953	9- 2-97	VII	1(27)
9270	12- 2-99	V	8, 9
9271	12- 2-99	IX	2
(Prop. 403)	2-2-2016	V IX XXII	3, 4, 4.1 5, 8 2
(Prop. 404)	2-2-2016	V X XXII XXIX XXX XXXI	2.1 (Added), 6, 7, 11, 13 7, 9 3 4 3 3

committee shall review proposed amendments to the sign permit fees and make recommendations to the mayor and council. The mayor and council shall make the final decision to approve, deny or modify the sign permit fees.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-25 – 3-30. Reserved.

ARTICLE IV. GENERAL REQUIREMENTS

Sec. 3-31. Regulations established.

The sign regulations of this sign code shall be subject to the additional requirements, conditions and exceptions specified in this article.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-32. Sign area.

The area of a sign shall be determined as follows (see Figure 1: Area of a Sign):

A. *Single face sign:*

1. The entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall against which it is placed, excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the area of the square or rectangle that circumscribes the entire message.

B. *Two (2) or more faced sign:* Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the farthest distance between faces does not exceed five (5) feet, or when the interior angle of the sign faces does not exceed 45° if the boards are in a “V” configuration.

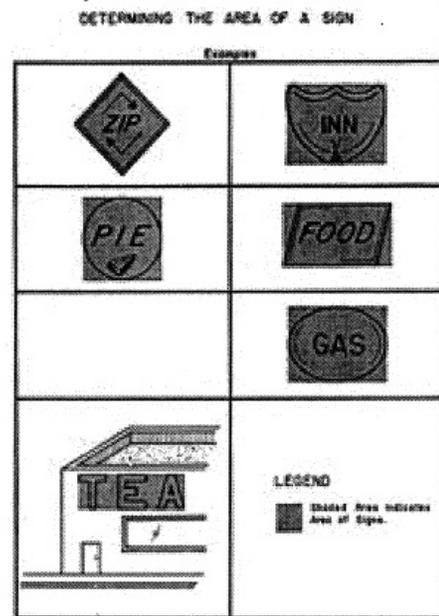


Figure 1: Area of a Sign

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-33. Grade.

A. *General:* The grade of a sign is the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane, except as provided in paragraphs B. through D., below.

B. The grade of a sign more than forty (40) feet from the outside edge of the street or roadway travel lane is the lowest point of elevation of a finished surface within a twenty (20) foot radius of the base of the sign.

C. *Freeway grade:* For freeway signs and billboards, the freeway grade is the elevation of the outside edge of the freeway travel lane nearest to the freeway sign or billboard.

D. A Sign Code Administrator’s determination, taking into consideration the surrounding conditions, location of vehicular access points, and topography, is required for any sign located on a finished surface which is five (5) or more feet below the elevation of the outside edge of the street or roadway travel lane nearest to the sign measured perpendicular to the travel lane. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 1, 12-14-10; Ord. No. 10951, §§ 1 and 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*)

***Editor’s note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951, Section 1 of Ord. No. 11032 and Section 1 of Ord. No. 11333, provides: “The provisions of this Ordinance amending Sections 3-33 and [3-83] of the Sign Code shall cease to be effective on January 31, 2019, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and [3-83], as amended or to revert to those provisions existing prior to this Ordinance.”

Sec. 3-34. Premises.

A premises is all contiguous land used and occupied by a use or business. All buildings, parking, storage and service areas, and private roads or driveways that are an integral part of the use or business are considered part of the premises. Commercial shopping centers, office complexes, commercial or industrial subdivisions, or similar developments are a premises to the extent such lands are identified as a single site for zoning under an approved development plan. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-35. Maximum sign area.

Maximum sign area is determined in accordance with Article V, except that the maximum on-site total sign area for commercial, office or industrial uses located within two hundred fifty (250) feet of a freeway shall be four (4) square feet per foot of those portions of street frontage located within two hundred fifty (250) feet of the freeway. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-36. Setback.

The sign and structure must be installed on private property and set back at least twenty (20) feet from the face of the curb, unless otherwise specified in this sign code. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-37. Signs near residences.

No off-site sign shall be permitted if such sign faces the front or side yard of any lot within any residential district and is located within one hundred fifty (150) feet of such lot line. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-38. Multiple frontage lots.

On corner lots and other lots with more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowances, however, are not transferable either in whole or in part from one street frontage to another. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-39. Intersection corner sign.

A. When a sign is erected at the street intersection corner of the lot and is placed in such a manner so as to be readable from both streets or both frontages, the sign shall not exceed the maximum area allowed for the longest street frontage.

B. The sign shall count as one sign for each street frontage.

C. The area of the sign shall be deducted from the allowable sign area for each street frontage. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-40. Signs per street frontage.

A. *General rule:* For premises having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage and are not transferable either in whole or in part from one street frontage to another.

B. *Freestanding sign exception:* The more stringent restrictions of the sign district shall apply to freestanding signs. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-41. Access regulated.

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of

- Unused tenant panels shall be opaque and designed to match the rest of the sign.
- g. Within SCZ buffer electronic message signs and exposed neon signs are prohibited.
4. Menu boards.
5. Medical services directional sign.
- a. Maximum area: Eight (8) square feet.
- b. Maximum height: Four (4) feet to top of sign.
- c. Permitted: Only if no frontage on collector or arterial street.
6. Real estate signs, only types listed.
- a. Real estate for sale or lease signs.
- (1) Maximum area:
- (a) Residential properties: Four (4) square feet.
- (b) Vacant land: Sixteen (16) square feet.
- (c) Commercial and industrial development: Eight (8) square feet. Must be placed on the building for sale or lease and not on any buffer wall, landscape element, etc.
- b. Real estate project identity entrance sign.
- c. Real estate subdivision sign.
- (1) Maximum faces: Two (2).
- (2) Maximum area: Sixteen (16) square feet.
- (3) Maximum height: Ten (10) feet from grade to top of sign.
7. Temporary signs.
8. Traffic directional signs:
- a. Within the scenic corridor thirty (30) foot landscape buffer the following shall apply:
- (1) Minimum site area: Ten (10) acres.
- (2) Maximum area: Three (3) square feet; tenant identification or logo not to exceed one (1) square foot.
- (3) Maximum number: One (1) per vehicular entrance.
- (4) Location: Within twenty (20) feet of the entrance.
9. Wall signs.
10. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 2, 12-14-10; Ord. No. 10951, § 2, 12-20-11, eff. 1-20-12; Ord. No. 11032, § 1, 11-7-12*; Ord. No. 11076, § 7, 5-29-13)
- *Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951, Section 1 of Ord. No. 11032 and Section 1 of Ord. No. 11333, provides: “The provisions of this Ordinance amending Sections 3-33 and [3-83] of the Sign Code shall cease to be effective on January 31, 2019, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending Ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and [3-83], as amended or to revert to those provisions existing prior to this Ordinance.”
- Secs. 3-84 – 3-90. Reserved.**

ARTICLE VII. SIGN MAINTENANCE

Sec. 3-91. Maintenance.

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is

considered maintenance of a sign. The sign code administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within one hundred (100) days after it is installed or erected.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-92. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-93. Removal of dangerous or defective signs.

The sign code administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Secs. 3-94, 3-95. Reserved.

ARTICLE VIII. NONCONFORMING SIGNS AND CHANGE OF USE

Sec. 3-96. Signs for legal nonconforming uses.

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the Land Use Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. Any such sign legally existing on the effective date of this sign code but that does not comply with the regulations of this sign code adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled, or replaced, unless it is brought into compliance with the requirements of this Sign Code.

D. Notwithstanding the provisions of Sec. 3-96. C., a nonconforming detached sign may be relocated, altered, removed and reinstalled, or replaced, subject to meeting all of the following conditions:

1. The sign is a legally permitted on-site sign.
2. A sign permit must be obtained prior to commencing any such relocation, alteration, removal and reinstallation, or replacement. The following information must be attached to the sign permit application:
 - a. Photographs of all existing signs on the property.
 - b. Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - c. Scaled drawings showing the new configuration of the sign and setback.
3. The sign must be decreased in height by at least twenty percent (20%) and shall not exceed twenty (20) feet in height.
4. The sign must be decreased in sign area by at least twenty percent (20%) and shall not exceed one hundred (100) square feet in area.
5. If the sign shares a common structure with other tenants, the aggregate area of all tenant signs must be reduced by at least twenty percent (20%) and shall not exceed one hundred (100) square feet, and the height of the common structure must be reduced by at least twenty percent (20%) and shall not exceed twenty (20) feet.

ARTICLE I. IN GENERAL***Sec. 8-1. Jurisdiction, powers, duties.**

(a) There shall be a city court which shall be the municipal court for the city, to be known and designated as "The City Court of the City of Tucson, Pima County, State of Arizona". It shall have and exercise the jurisdiction conferred upon it by the Charter and the Code of the city. It shall exercise exclusive original jurisdiction of all proceedings of a criminal nature for the violation of the Charter or of any ordinance of the city, and of every action of any nature for the enforcement of a penalty, or the recovery of a penalty or forfeiture imposed by any ordinance of the city for the violation thereof or for neglect to perform any duty by any ordinance imposed or for a violation of a civil traffic ordinance and of every action for the collection of any license fee, fine or penalty due from any person to the city and required to be paid or which is due and collectible under the ordinances of the city.

(b) The city court shall further have jurisdiction over all actions alleging civil violations or civil infractions of this Code.

(c) The city court shall further have concurrent jurisdiction with justices of the peace over all violations of the laws of the state committed within the limits of the city. The court shall also have jurisdiction of violations of the Charter and ordinances of the city committed on land owned or leased by the city, whether contiguous or noncontiguous, lying without the corporate limits thereof, to the same extent and with like effect as if the violation occurred within the corporate limits of the city, provided that the land is

***Editor's note** – Ord. No. 7733, adopted Dec. 9, 1991, extensively revised this article by amending certain sections, by repealing certain sections, and by renumbering certain sections. The editor has retained the history note as it appeared prior to the renumbering and has included a note giving the former section number.

Section 10 gave an effective date of §§ 2 – 7 as the effective date of the intergovernmental agreement between the city and the county superior court attached to Res. No. 15893. Section 1 of Ord. No. 7756, adopted Jan. 13, 1992, changed the number of the resolution to Res. No. 15917.

signed as provided in subsection B of A.R.S. section 9-401.

(1953 Code, ch. 9A, § 1; Ord. No. 5930, § 1, 12-19-83; Ord. No. 7887, § 2, 8-3-92)

Cross reference – Authority of city to exercise jurisdiction over land owned or leased outside city. § 1-7.

Sec. 8-2. Appointment of magistrates; several powers, duties.

There shall be appointed a sufficient number of magistrates as determined by the mayor and council. Each magistrate shall exercise powers and duties as provided by the Charter and Code of the city and the constitution and laws of the state in such cases made and provided.

(1953 Code, ch. 9A, §§ 2, 3, 4; Ord. No. 1956, §§ 1, 3, 9-8-59; Ord. No. 2529, § 1, 10-14-63; Ord. No. 4679, § 2, 6-27-77; Ord. No. 5169, § 1, 6-16-80; Ord. No. 7733, § 2, 12-9-91)

Charter reference – Term of office of magistrate, ch. XII, § 3.

Sec. 8-2.1. Methods of appointment of magistrates and qualifications; establishing senior special magistrate status and compensation.

(a) There shall be a nonpartisan merit selection commission known as the magistrate merit selection commission on magistrate appointments composed of four (4) attorney members appointed by the county bar association, not more than two (2) of whom shall be of the same political party, and five (5) non-attorney members appointed by the Mayor and Council. Of the five (5) non-attorney members not more than three (3) shall be of the same political party. None of the attorney or non-attorney members of the commission shall hold any other elective or appointive public office or be a member of law enforcement, and no attorney member shall be eligible for appointment to the office of magistrate until one (1) year after ceasing to be a member of the commission. All members shall serve four (4) year terms.

(b) For the purpose of conducting the business of the commission, a quorum shall consist of five (5) members.

(c) Within ninety (90) days from the occurrence of a vacancy in the office of magistrate or at the request of mayor and council, the commission shall recommend to the mayor and council the names of not more than three (3) persons in ranked order to fill the position of magistrate or satisfy such request. Any such candidate shall be:

- (1) Of good moral character;
- (2) A resident of Arizona for one (1) year immediately preceding recommendation; and
- (3) Admitted to the practice of law for five (5) years immediately preceding recommendation.

In addition to other relevant materials and the results of the biennial judicial performance review, where a sitting magistrate seeks a new appointment the commission shall consider the magistrate's courtroom administrative performance, as evidenced by matters including but not limited to case aging, case load, time to rule on matters under advisement and rulings reversed/affirmed on appeal to the extent any such measures do not conflict with judicial independence; and the magistrate's adherence to the city's rules of conduct and code of ethics to the extent adherence is not inconsistent with the Code of Judicial Conduct. The presiding magistrate of the city court shall perform a written annual review of each magistrate's performance measured by these criteria.

(d) No later than nine (9) months prior to the expiration of the term, a magistrate may apply for reappointment in writing to the mayor and council. Upon such notice, the magistrate merit selection commission shall review the term of the magistrate and submit a written report of its findings to the mayor and council, which shall include a recommendation as to the reappointment. Such report shall be submitted at least ten (10) days prior to the expiration of the term. Upon expiration of the magistrate's term, the mayor and council may reappoint the magistrate, or may appoint a successor in accordance with the procedures set forth herein.

(e) A regular magistrate who completes a term in office prior to January 15, 2012 and does not seek reappointment enters senior special magistrate status. The presiding judge of the city court may call a senior

special magistrate to serve temporarily as needed; such senior special magistrates shall be compensated (without benefits) at the same hourly rate as regular city magistrates then serving.

(Ord. No. 4815, § 1, 5-22-78; Ord. No. 4866, § 1, 8-7-78; Ord. No. 4919, § 1, 12-18-78; Ord. No. 7305, § 1, 11-6-89; Ord. No. 7513, § 1, 11-19-90; Ord. No. 8189, § 1, 2-7-94; Ord. No. 8254, § 1, 4-25-94; Ord. No. 8569, § 1, 9-5-95; Ord. No. 8767, § 1, 10-21-96; Ord. No. 9086, § 1, 7-6-98; Ord. No. 10062, §§ 1, 2, 10-11-04; Ord. No. 10952, § 1, 12-20-11, eff. 1-1-12; Ord. No. 11335, § 1, 1-5-16)

Sec. 8-2.2. Appointment of special magistrates; terms of office; compensation; powers; duties; qualifications.

(a) Upon recommendation of the presiding judge of the Pima County Superior Court and subject to the appointment procedures set forth by the presiding judge, the mayor and council may appoint special magistrates, as needed, to assist in the timely adjudication of city court cases. Special magistrates shall serve a four (4) year term of office, and may be reappointed.

(b) The compensation of a special magistrate during the four (4) year term of appointment is fixed at the rate of one hundred twenty five dollars (\$125.00) for each morning, afternoon or evening session of court at which the special magistrate sits; provided, however, that such special magistrate shall receive no more compensation than would be paid to a regular magistrate each month.

(c) The powers and duties of a special magistrate shall be the same as those of a regular magistrate and shall extend beyond the period of appointment for the purpose of hearing and determining any proceeding necessary for a final determination of a cause heard by the special magistrate in whole or in part during the period of appointment.

(d) Any such candidate for special magistrate shall possess the qualifications for a magistrate set forth in Tucson Code section 8-2.1(c).

(e) Subject to the nomination and appointment procedures set forth in section 8.2.1(a), mayor and council shall appoint construction special magistrates possessing a demonstrated experience and familiarity of not less than five (5) years in contract and

Sec. 11-50. Boarding, alighting from moving trains.

It shall be unlawful for any person, other than a railroad employee, a passenger or person intending to become a bona fide passenger, or an officer of the law, to get on or off an engine or car upon any railroad while such engine or car is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.
(1953 Code, ch. 18, § 41)

Sec. 11-51. Reserved.

Editor's note – Ord. No. 4553, § 1, adopted Aug. 23, 1976, specifically amended the Code by repealing § 11-51, which had pertained to trains blocking railroad crossings. The section had been derived from the 1953 Code, ch. 18, § 42.

Sec. 11-52. Loitering, congregating about railroad yards.

It shall be unlawful for any person, other than railroad employees, to assemble, congregate or gather, or to remain idly loitering in or about any railroad freight depot, warehouse or railroad yard, or where railroad cars are being loaded, unloaded, repaired or iced, unless such person has the express permission of the owner or lessee in possession or use of such railroad property so as to assemble, congregate or gather, or loiter.
(1953 Code, ch. 18, § 43)

Sec. 11-53. Soliciting passengers or baggage at railways or hotels.

It shall be unlawful for any person to enter in or upon any depot, depot ground, hotel or hotel ground for the purpose of soliciting passengers or baggage to be transported or carried in any manner, without the consent of the owner of such ground or the person in charge thereof.
(1953 Code, ch. 18, § 45)

Sec. 11-54. Urinating or defecating in public.

It is unlawful for any person to urinate or defecate in a public place, or in any place exposed to public view, except an established lavatory or toilet.
(Ord. No. 5340, § 3, 4-6-81)

Editor's note – Ord. No. 4554, § 1, adopted Aug. 23, 1976, specifically amended the Code by repealing § 11-54 which pertained to spitting. The section had been derived from the 1953 Code, ch. 18, § 46. Subsequently, 3 of Ord. No. 5340, adopted Apr. 6, 1981, enacted a new § 11-54.

Sec. 11-55. Definition of firearm and air gun; possession of firearms and air guns by minors; forfeiture of weapon, penalties.**(a) Definitions:**

(1) *Firearm* means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, except that it does not include a firearm in permanently inoperable condition.

(2) *Air gun* means any loaded or unloaded handgun, pistol, revolver, rifle, BB gun or pellet gun which will or is designed to or may readily be converted to expel a projectile by the action of compressed air or other gasses, except that it does not include an air gun in permanently inoperable condition.

(b) A minor who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the minor's parent or guardian shall not knowingly carry or possess on the minor's person, within the minor's immediate control, or in or on any means of transportation a firearm or air gun in any place that is open to the public or on any street or highway or on any private property, except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

(c) This section does not apply to a minor who is fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and who is engaged in any of the following:

(1) Lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm or air gun is not prohibited.

- (2) Lawful transportation of an unloaded firearm or air gun for the purpose of lawful hunting.
- (3) Lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
- (4) Any activity that is related to the production of crops, livestock, poultry products or ratites or storage of agricultural commodities.

(d) If the minor is in possession of a firearm or air gun and unaccompanied as required by subsection (b) of this section, a peace officer shall seize the firearm or air gun at the time the violation occurs. The law enforcement agency responsible for the seizure of firearms as provided herein, shall hold the firearm until the charges have been adjudicated or otherwise disposed of.

(e) Any person who violates subsection (b) is guilty of a class two misdemeanor, and in addition to any other disposition authorized by Title 8 of the Arizona Revised Statutes, the court may:

- (1) Order the suspension or revocation of the minor’s driver’s license. If the minor does not have a driver’s license at the time of adjudication, the court may direct that the department of transportation not issue a driver’s license to the minor until the minor reaches eighteen (18) years of age.
- (2) Order that the firearm or air gun seized pursuant to subsection (d) be forfeited and sold, destroyed or otherwise properly disposed of.

(f) Any parent or guardian of a minor who permits, or by insufficient control allows, the minor to carry or possess a firearm or air gun in violation of subsection (b) is guilty of a class two misdemeanor.

(g) This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal

conduct involving the use or exhibition of the deadly weapon.
(Ord. No. 7933, § 2, 10-26-92; Ord. No. 8164, § 1, 11-15-93; Ord. No. 9416, § 1, 7-10-00)

Sec. 11-56. Reporting of stolen and/or lost firearms required.

(a) Any person who owns or possesses a firearm shall report the theft or loss of such firearm to the Tucson police department within forty-eight (48) hours of the time he or she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city. As used in this section, “firearm” has the same set forth in A.R.S. 13-105(19).

(b) The provisions of subsection (a) of this section shall not apply to any of the following:

- 1. Law enforcement officials while engaged in their official duties;
- 2. Members of the armed forces of the United States, or of the national guard, while engaged in their official duties;
- 3. Firearms dealers and manufacturers licensed under federal law who are subject to the reporting requirements of 18 U.S.C. 923(g)(6).

(c) A failure to report the loss or theft of a firearm as required in this section is a violation of the provisions of this section and constitutes a civil infraction, punishable by a civil sanction of one hundred dollars (\$100.00).
(Ord. No. 11081, § 1, 5-29-13)

Sec. 11-57. Reserved.

Editor’s note – Ord. No. 10126, § 19, adopted March 1, 2005, repealed § 11-57, which pertained to handbills; posting on public property and utility poles prohibited; civil infraction, costs of removal; minimum penalties and derived from Ord. No. 7699, § 1, adopted Oct. 7, 1991; Ord. No. 8958, § 3, adopted Sept. 22, 1997.

Sec. 28-109(4). In the event a hearing is conducted, it shall occur to the extent practicable, in accordance with this article.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-110. Reinstatement.

Sec. 28-110(1). The director may at any time after a final decision on debarment or suspension reinstate a debarred or suspended person or rescind the debarment or suspension upon a determination that the cause upon which the debarment or suspension is based no longer exists.

Sec. 28-110(2). Any debarred or suspended person may request reinstatement by submitting a petition to the director supported by documentary evidence showing that the cause for debarment or suspension no longer exists or has been substantially mitigated.

Sec. 28-110(3). The director may require a hearing on the request for reinstatement.

Sec. 28-110(4). The decision on reinstatement shall be in writing and specify the factors on which it is based.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-111. Limited participation.

The director may allow a debarred or suspended person to participate in city contracts on a limited basis during the debarment or suspension period upon a written determination that participation is advantageous to the city. The determination shall specify the factors on which it is based and define the extent of the limits imposed.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-112. Master list for suspension and debarment.

Sec. 28-112(1). The director shall maintain a master list of debarments and suspensions under this article.

Sec. 28-112(2). The master list shall show as a minimum the following information:

- (a) The names of those persons whom the city has debarred or suspended under this article;

- (b) The basis for the action;
- (c) The period of debarment or suspension, including the expiration date; and
- (d) The name of the debarring or suspending agency, if the city's debarment or suspension is based on debarment or suspension by another governmental agency.

Sec. 28-112(3). The master list shall include a separate section listing persons voluntarily excluded from participation in city contracts.
(Ord. No. 10404, § 1, 5-15-07)

Sec. 28-113. Hearing procedures.

Sec. 28-113(1). If a hearing is required or permitted under this article, the director shall appoint a hearing officer.

Sec. 28-113(2). If a hearing is required or permitted under this article, the hearing officer shall arrange for a prompt hearing and notify the parties of the time and place of the hearing.

Sec. 28-113(3). The hearing shall be conducted in an informal manner without formal rules of evidence or procedure.

Sec. 28-113(4). The hearing officer may:

- (a) Hold pre-hearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
- (b) Require parties to state their positions concerning the various issues in the proceeding;
- (c) Require parties to produce for examination those relevant witnesses and documents under their control;
- (d) Rule on motions and other procedural items on matters pending before such officer;
- (e) Regulate the course of the hearing and conduct of participants;

- (f) Establish time limits for submission of motions or memoranda;
- (g) Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
 - (i) Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence;
 - (ii) Excluding all testimony of an unresponsive or evasive witness; and
 - (iii) Expelling the person from further participation in the hearing;
- (h) Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice;
- (i) Administer oaths or affirmations; and
- (j) Assess or apportion damages or costs associated with the hearing matter or the proceedings to the parties involved.

Sec. 28-113(5). A transcribed record of the hearing shall be made available at cost to the requesting party. (Ord. No. 10404, § 1, 5-15-07)

Sec. 28-114. Hearing officer’s decision.

Sec. 28-114(1). The hearing officer's decision shall be final. The decision shall be based on the evidence presented and shall include findings of fact and conclusions of law. The decision shall be sent to all parties by certified mail, return receipt requested or by any other method that provides evidence of receipt. (Ord. No. 10404, § 1, 5-15-07; Ord. No. 11296, § 1, 8-5-15)

Sec. 28-115. Reserved.

Sec. 28-116. Reserved.

Sec. 28-117. Judicial review of protests, claims, debarments or suspensions.

The decision of the hearing officer in a protest (section 28-77 et seq.), claim (section 28-91 et seq.), debarment (section 28-99 et seq.), or suspension (section 28-99 et seq.) under this chapter is subject to special action review to superior court by any party to the proceeding. Exhaustion of the procedures set forth in this Code shall be a condition precedent to seeking judicial review and the party seeking review shall file the special action within thirty (30) days of a final decision by the hearing officer. (Ord. No. 10404, § 1, 5-15-07; Ord. No. 11296, § 1, 8-5-15)

Sec. 28-118. Exclusive remedy.

Notwithstanding any law to the contrary, this article shall provide the exclusive procedure for asserting a claim or cause of action against this city arising in relation to any procurement conducted under this chapter. (Ord. No. 10404, § 1, 5-15-07)

Secs. 28-119—28-125. Reserved.

ARTICLE X. COOPERATIVE PURCHASING*

Sec. 28-126. Definitions.

In this article, unless the context otherwise requires:

Sec. 28-126(1). “Cooperative purchasing” means procurement conducted by, or on behalf of, more than one public procurement unit.

Sec. 28-126(2). “Local public procurement unit” means the same as that term in A.R.S. section 41-2631. (Ord. No. 10404, § 1, 5-15-07; Ord. No. 11296, § 1, 8-5-15)

*Editor’s note—See editor’s note at Art. I.

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