

**TUCSON, ARIZONA**  
 Supp. No. 112 – 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 September 20, 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. 112”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

***Remove from Code. . . . . Add to Code***



Title Page, ii. . . . . Title Page, ii

**TABLE OF CONTENTS**

xxi – xxiv. . . . . xxi – xxiv  
 xxix, xxx. . . . . xxix, xxx

**CHECKLIST OF UP-TO-DATE PAGES**

[1] – [6]. . . . . [1] – [6]

**CHAPTER 2: ADMINISTRATION**

167, 168. . . . . 167, 168  
 175 – 180.2. . . . . 175 – 180.2

**CHAPTER 3: SIGN CODE**

229 – 232. . . . . 229 – 232  
 283 – 288. . . . . 283 – 288

**CHAPTER 8: CITY COURT**

681, 682. . . . . 681, 682

**CHAPTER 10:  
 CIVIL SERVICE – HUMAN RESOURCES**

803 – 806. . . . . 803 – 806

**CHAPTER 10A: COMMUNITY AFFAIRS**

845 – 848. . . . . 845 – 848  
 869 – 872. . . . . 869 – 872

**CHAPTER 13: FIRE PROTECTION AND  
 PREVENTION**

1309, 1310. . . . . 1309, 1310

***Remove from Code. . . . . Add to Code***



**CHAPTER 19: LICENSES AND PRIVILEGE TAXES**

1709 – 1712.4. . . . . 1709 – 1712.4

**CHAPTER 20: MOTOR VEHICLES AND TRAFFIC**

1795, 1796. . . . . 1795, 1796  
 1801, 1802. . . . . 1801, 1802  
 1819 – 1836. . . . . 1819 – 1836  
 1839, 1840. . . . . 1839, 1840

**CHAPTER 26: FLOODPLAIN, STORMWATER,  
 AND EROSION HAZARD MANAGEMENT**

2525 – 2550.1. . . . . 2525 – 2550.8

**CHAPTER 30: DEPARTMENT OF  
 TRANSPORTATION**

2803, 2804. . . . . 2803, 2804

**CODE COMPARATIVE TABLE**

3802.27, 3802.28. . . . . 3802.27, 3802.28

**INDEX**

3829, 3830. . . . . 3829, 3830  
 3833, 3834. . . . . 3833, 3834  
 3843 – 3846. . . . . 3843 – 3846  
 3859 – 3862. . . . . 3859 – 3862  
 3867 – 3870. . . . . 3867 – 3870  
 3879 – 3880.2. . . . . 3879 – 3880.2  
 3883, 3884. . . . . 3883, 3884



# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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## TABLE OF CONTENTS

	Page
City Officials at Time of Codification.....	iii
City Officials at Time of 1986 Republication.....	v
Preface.....	vii
Adopting Ordinance No. 2681.....	ix
Chapter 23 – Adopting Ordinance No. 3038.....	xiii
Chapter 23 – Adopting Ordinance No. 6624.....	xv
Chapter 23 – Adopting Ordinance No. 8509.....	xvii
Checklist of Up-to-Date Pages.....	[1]

### PART I: CHARTER

Chapter		
	I. Name.....	8.1
	II. Boundaries.....	8.1
	III. Government.....	8.1
	IV. Powers of City.....	8.1
	V. Officers and Salaries.....	12
	VI. The Mayor.....	16
	VII. Powers of Mayor and Council.....	17
	VIII. Vacancies.....	21
	IX. Legislation.....	22
	X. Powers and Duties of Officers Other Than Mayor and Members of the Council.....	24
	XI. City Board of Health.....	26.1
	XII. City Court.....	26.1
	XIII. Finance and Taxation.....	28
	XIV. Official Bonds.....	30
	XV. Procurement.....	30
	XVI. Elections.....	32
	Subchapter A. Campaign Contribution Limitations.....	35
	Subchapter B. Voluntary Expenditure Limitations.....	35
	XVII. Franchises and Public Utilities.....	38
	XVIII. Provisions Relating to Officers and Employees.....	40
	XIX. The Initiative.....	41
	XX. The Referendum.....	43
	XXI. Recall.....	44
	XXII. Civil Service.....	46
	XXIII. Pension Fund.....	48
	XXIV. Boards, Commissions, Committees, etc.....	49
	XXV. Miscellaneous Provisions.....	49
	XXVI. Amendments.....	51
	XXVII. Reserved.....	51
	XXVIII. Reserved.....	52
	XXIX. Department of Finance.....	52
	XXX. Department of Human Resources.....	53
	XXXI. Department of Parks and Recreation.....	54
	Charter Comparative Table.....	105

TUCSON CODE

**PART II: CODE OF ORDINANCES**

Chapter	Page
1. General Provisions. . . . .	115
2. Administration. . . . .	167
Art. I. In General. . . . .	171
Art. II. Mayor and Council. . . . .	182
Art. III. Reserved. . . . .	183
Art. IV. Reserved. . . . .	183
Art. V. Bonds of Officers and Employees. . . . .	183
Art. VI. City Clerk Records Management. . . . .	183
Art. VII. Reserve Police Officer Program. . . . .	184
Art. VIII. Special Duty Police Services Program. . . . .	185
Art. IX. Disposition of Property, Money, and Firearms by the Police Department. . . . .	185
3. Sign Code. . . . .	229
Art. I. Introductory Provisions. . . . .	233
Art. II. Definitions. . . . .	234
Art. III. Permits, Fees and Inspections. . . . .	240
Art. IV. General Requirements. . . . .	245
Art. V. Sign Types and General Regulations. . . . .	248
Art. VI. Signs by District. . . . .	263
Div. 1. Residential Districts. . . . .	263
Div. 2. Nonresidential Districts. . . . .	264.1
Div. 3. Special Districts. . . . .	265
Art. VII. Sign Maintenance. . . . .	277
Art. VIII. Nonconforming Signs and Change of Use. . . . .	278
Art. IX. Violations; Enforcement; Penalties. . . . .	281
Art. X. Indemnification. . . . .	283
Art. XI. Appeals & Variances. . . . .	283
Art. XII. Citizen Sign Code Committee. . . . .	286
4. Animals and Fowl. . . . .	329
Art. I. In General. . . . .	331
Art. II. Livestock, Large and Dangerous Animals. . . . .	340.2
Art. III. Diseased Animals. . . . .	341
Art. IV. Fowl. . . . .	342
Art. V. Dogs. . . . .	343
5. Bicycles. . . . .	395
Art. I. In General. . . . .	397
Art. II. Motorized Bicycle or Tricycle. . . . .	397
6. Buildings, Electricity, Plumbing, and Mechanical Code. . . . .	447
Art. I. In General. . . . .	450.1
Art. II. Tucson-Pima County Joint Consolidated Code Committee. . . . .	450.1

TABLE OF CONTENTS

Chapter	Page
Art. III.	Buildings. . . . . 454
	Div. 1. Building Code. . . . . 454
	Div. 2. Existing Building Code. . . . . 456
	Div. 3. Reserved. . . . . 456
Art. IV.	Electricity. . . . . 456
	Div. 1. Electrical Code. . . . . 456
	Div. 2. Outdoor Lighting Code. . . . . 457
Art. V.	Plumbing Code. . . . . 458
Art. VI.	Mechanical Code. . . . . 459
Art. VII.	Solar System Code. . . . . 461
Art. VIII.	Rainwater Collection and Distribution Requirements. . . . . 461
Art. IX.	Reserved. . . . . 463
7.	Businesses Regulated. . . . . 511
Art. I.	Auctions and Auctioneers. . . . . 519
Art. II.	Peddlers. . . . . 521
Art. III.	Fortunetellers. . . . . 524
Art. IV.	Going-Out-of-Business, Fire, Etc., Sales. . . . . 525
Art. V.	Pawnbrokers and Secondhand Dealers. . . . . 528
Art. VI.	Escorts and Escort Bureaus. . . . . 532.3
Art. VII.	Massage Establishments. . . . . 532.6
Art. VIII.	Drive-In Restaurants. . . . . 536.1
Art. IX.	Swap Meets. . . . . 540
Art. X.	Adult Entertainment Enterprises and Establishments. . . . . 543
Art. XI.	Reserved. . . . . 550.2
Art. XII.	Adult Care Homes and Facilities. . . . . 550.2
Art. XIII.	Street Fairs. . . . . 551
Art. XIV.	Vending Machines. . . . . 552
Art. XV.	Dance Halls. . . . . 554
Art. XVI.	Community Special Events. . . . . 562
Art. XVII.	Late Night Retail Establishments. . . . . 562.1
Art. XVIII.	General Provisions. . . . . 564
Art. XIX.	Retail Tobacco Sales. . . . . 564
Art. XX.	Hotels. . . . . 568
Art. XXI.	Alarm Companies and Users. . . . . 570
	Div. 1. Alarm Company Licenses. . . . . 570
	Div. 2. Alarm User Registration and Fees. . . . . 579
Art. XXII.	Merchants' Disclosure Requirements. . . . . 587
Art. XXIII.	Ice Cream Truck Vendors. . . . . 588
Art. XXIV.	Lessors of Commercial Real Property Disclosure Requirements. . . . . 590
7A.	Cable Communications. . . . . 597
7B.	Competitive Telecommunications. . . . . 651

TUCSON CODE

Chapter	Page
7C. Reserved. . . . .	673
7D. Location and Relocation of Facilities in Rights-of-Way. . . . .	674.25
8. City Court. . . . .	675
Art. I. In General. . . . .	677
Art. II. Reserved. . . . .	686
9. Emergency Services. . . . .	731
10. Civil Service – Human Resources. . . . .	783
Art. I. In General. . . . .	785
Art. II. Compensation Plan. . . . .	795
Art. III. Reserved. . . . .	811
10A. Community Affairs. . . . .	845
Art. I. Historical Commission. . . . .	851
Art. II. Tucson Youth and Delinquency Prevention Council. . . . .	853
Art. III. Veterans’ Affairs Committee. . . . .	855
Art. IV. Founding Date of City of Tucson. . . . .	857
Art. V. Redistricting Advisory Committee. . . . .	857
Art. VI. Reserved. . . . .	858
Art. VII. Commission on Disability Issues. . . . .	858
Art. VIII. Citizen Police Advisory Review Board. . . . .	858.1
Art. IX. Commemorations and Observances. . . . .	861
Art. X. Tucson-Pima County Metropolitan Energy Commission. . . . .	862
Art. XI. Independent Audit and Performance Commission. . . . .	863
Art. XII. Tucson-Pima County Bicycle Advisory Committee. . . . .	865
Art. XIII. Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules. . . . .	866
Art. XIV. Park Tucson Commission. . . . .	869
Art. XV. Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC). . . . .	871
Art. XVI. Reserved. . . . .	872
Art. XVII. Landscape Advisory Committee. . . . .	875
Art. XVIII. Small, Minority and Women-Owned Business Commission. . . . .	875
Art. XIX. Resource Planning Advisory Committee. . . . .	877
Art. XX. Climate Change Committee (CCC). . . . .	879
Art. XXI. Reserved. . . . .	882
Art. XXII. Reserved. . . . .	883
Art. XXIII. Citizen Transportation Advisory Committee. . . . .	883
Art. XXIV. Commission on Food Security, Heritage, and Economy (CFSHE). . . . .	884

TABLE OF CONTENTS

Chapter	Page
26. Floodplain, Stormwater, and Erosion Hazard Management.....	2525
Art. I. In General. ....	2527
Div. 1. Floodplain and Erosion Hazard Area Regulations. ....	2527
Art. II. Stormwater Management.....	2550.7
Div. 1. Purpose and Definitions. ....	2550.7
Div. 2. Powers and Duties. ....	2552
Div. 3. Prohibitions, Non-Prohibited Discharges, and Requirements. ....	2554
Div. 4. Enforcement. ....	2556
27. Water.....	2615
Art. I. In General. ....	2619
Art. II. Rates and Charges. ....	2625
Art. III. Citizens' Water Advisory Committee. ....	2640
Art. IV. Groundwater Consultant Board. ....	2641
Art. V. Backflow Prevention and Cross-Connection Control.....	2642
Art. VI. Emergency Water Conservation Response. ....	2653
Art. VII. Water Consumer Protection Act. ....	2655
Art. VIII. Drought Preparedness and Response Plan. ....	2656
28. Tucson Procurement Code. ....	2695
Art. I. General Provisions.....	2699
Art. II. Procurement Director Authority. ....	2702
Art. III. Source Selection and Contract Formation.....	2702
Art. IV. Specifications.....	2712
Art. V. Procurement of Professional Design Services and Capital Improvements.....	2713
Art. VI. Contract Terms and Conditions.....	2715
Art. VII. Cost Principles.....	2715
Art. VIII. Materials Management. ....	2716
Art. IX. Legal and Contractual Remedies.....	2717
Art. X. Cooperative Purchasing.....	2726
Art. XI. Reserved. ....	2727
Art. XII. Affirmative Action by City Contractors. ....	2727
Art. XIII. Small Business Enterprise Program.....	2730
Art. XIV. Living Wage. ....	2742
29. Energy and Environment. ....	2749
Art. I. General Provisions.....	2751
Art. II. Definitions. ....	2751
Art. III. Department of Transportation as Lead Agency.....	2752
Art. IV. Applicability. ....	2752
Art. V. Requirements for Employees.....	2753
Art. VI. Variances and Appeals. ....	2754
Art. VII. Enforcement.....	2755

TUCSON CODE

Chapter	Page
Art. VIII. Watercourse Amenities, Safety and Habitat. . . . .	2755
Art. IX. Development Regulations and Public Notice in the Proximity of Designated Landfills. . . . .	2762
30. Department of Transportation. . . . .	2801
Art. I. In General. . . . .	2803
Art. II. General Provisions Relating to City Transit System. . . . .	2803
Disposition Table – 1953 Code. . . . .	3699
Comparative Table – Subsequent Ordinances. . . . .	3713
Charter Index. . . . .	3803
Code Index. . . . .	3819

## Checklist of Up-to-Date Pages

**(This checklist will be updated with the printing of each Supplement)**

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.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
Title page, ii	112	167, 168	112
iii – xiv	OC	169, 170	105
xv	3	171, 172	91
xvii – xix	30	173, 174	92
xxi – xxiv	112	175 – 180.2	112
xxv – xxviii	111	181, 182	83
xxix, xxx	112	183 – 188	105
1, 2	110	229 – 232	112
3 – 7	25	233 – 238	100
8.1, 8.2	18	239, 240	109
9, 10	106	241 – 244	80
11, 12	25	245, 246	110
13 – 26.1	110	247, 248	94
27, 28	OC	249, 250	100
29, 30	18	251, 252	109
31, 32	25	253, 254	100
33, 34	45	255 – 256.2	103
35 – 38.1	18	257 – 262	100
39 – 44	OC	263, 264	109
45 – 48	110	264.1, 264.2	103
49, 50	OC	264.3 – 266	109
51 – 54	110	267 – 270	100
105, 106	110	271, 272	104
115, 116	OC	273, 274	100
117, 118	77	274.1, 274.2	104
119, 120	105	275, 276	109

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
277, 278	110	667 – 672	75
279, 280	109	673	42
281, 282	80	674.25 – 674.30	40
283 – 288	112	675, 676	96
329, 330	80	677, 678	110
331 – 334	98	679, 680	101
335 – 338.2	105	681, 682	112
339 – 340.3	71	683 – 686	92
341 – 344	109	731 – 733	11
345 – 348	92	783, 784	108
349, 350	111	785 – 790	81
395 – 398	75	791 – 794	83
447, 448	94	795 – 802	111
449, 450	98	803 – 806	112
450.1 – 450.4	94	807 – 812	111
451, 452	OC	845 – 848	112
453, 454	25	851, 852	33
455, 456	101	853	8
457, 458	103	855, 856	31
459, 460	98	857 – 858.2	111
461 – 463	81	859 – 862	91
511 – 518	95	863, 864	105
519, 520	24	865, 866	81
521 – 522.2	69	867, 868	94
523, 524	79	869 – 872	112
525, 526	73	875, 876	90
527, 528	90	877 – 880	88
529, 530	91	881, 882	95
531, 532	90	883 – 886	107
532.1 – 532.8	88	917, 918	83
533 – 536.2	66	919, 920	105
537 – 540	OC	967	39
541, 542	19	1063 – 1066	109
543, 544	26	1067, 1068	95
545, 546	90	1069, 1070	67
547, 548	93	1071 – 1074.2	90
548.1	74	1074.3, 1074.4	44
549, 550	26	1074.5, 1074.6	99
550.1, 550.2	81	1074.7 – 1076	109
550.3 – 552	88	1077, 1078	111
553 – 562.3	81	1078.1	109
563 – 566	37	1079 – 1080.4	62
567, 568	46	1081, 1082	110
569 – 592	95	1083 – 1084.2	100
597 – 618	39	1085 – 1090	80
619, 620	99	1091, 1092	21
621 – 634	39	1093, 1094	67
651	63	1095, 1096	86
653 – 664	31	1097, 1098	109
665, 666	64	1145 – 1147	65

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
1167, 1168	83	1767, 1768	37
1169, 1170	105	1769, 1770	36
1189 – 1240	109	1771 – 1772.2	103
1259 – 1262	84	1773, 1774	36
1307, 1308	98	1775 – 1778	67
1309, 1310	112	1778.1, 1778.2	103
1311 – 1313	78	1779, 1780	5
1361 – 1372	91	1781 – 1784	79
1459 – 1466.2	111	1785, 1786	111
1467, 1468	103	1787, 1788	105
1469 – 1472.2	107	1791, 1792	93
1473 – 1486	111	1793, 1794	109
1527, 1528	102	1795, 1796	112
1529, 1530	95	1799, 1800	99
1531, 1532	89	1801, 1802	112
1533 – 1548.2	102	1802.1 – 1802.8	78
1549 – 1552	98	1803, 1804	22
1553, 1554	97	1805, 1806	40
1555, 1556	109	1806.1	63
1556.1 – 1556.4	102	1807, 1808	89
1557, 1558	83	1809 – 1814	105
1559 – 1562	89	1815, 1816	95
1563 – 1568	95	1817, 1818	111
1579, 1580	100	1819, 1820	112
1581 – 1588.1	77	1825 – 1836	112
1589 – 1592	46	1837, 1838	93
1593 – 1598	100	1839, 1840	112
1643 – 1648	92	1841, 1842	80
1691 – 1698	105	1877 – 1880	109
1699 – 1704	88	1881, 1882	77
1705 – 1708	79	1883 – 1888	109
1708.1, 1708.2	105	1889 – 1896.2	96
1709 – 1712.4	112	1897 – 1900	67
1713 – 1724	103	1901, 1902	87
1725 – 1728	79	1903, 1904	111
1729 – 1732.4	105	1953, 1954	108
1733 – 1734.2	94	1955 – 1958	87
1735 – 1742	93	1959, 1960	97
1743 – 1746	103	1961 – 1982	109
1746.1, 1746.2	105	1983, 1984	83
1747, 1748	103	1985 – 1994	111
1749 – 1752.2.4	74	2025, 2026	99
1752.2.5, 1752.2.6	77	2203 – 2206	111
1752.3, 1752.4	87	2207 – 2208.2	99
1752.5, 1752.6	54	2209 – 2212	83
1753 – 1760	93	2213 – 2214.1	86
1761 – 1766	103	2215 – 2226	83
1766.1, 1766.2	105	2227 – 2232.1	86
1766.7 – 1766.10	103	2233 – 2242	83

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
2243 – 2248	111	3773, 3774	19
2301, 2302	99	3775, 3776	23
2383 – 2384.1	43	3777 – 3780	27
2385 – 2402	OC	3781, 3782	31
2403, 2404	35	3783, 3784	36
2453 – 2454.1	69	3785, 3786	39
2455, 2456	35	3787, 3788	44
2457 – 2460	69	3789, 3790	51
2461 – 2464	109	3791, 3792	54
2465 – 2466.2	34	3793 – 3796	69
2467, 2468	OC	3797, 3798	105
2469, 2470	26	3799, 3800	69
2471 – 2472.1	51	3801, 3802	70
2473, 2474	27	3802.1, 3802.2	75
2475 – 2477	69	3802.3 – 3802.8	81
2525 – 2550.8	112	3802.9, 3802.10	83
2551 – 2558	71	3802.11, 3802.12	88
2615, 2616	96	3802.13, 3802.14	92
2617, 2618	90	3802.15, 3802.16	103
2619, 2620	107	3802.17, 3802.18	99
2621 – 2626	100	3802.19, 3802.20	102
2627 – 2630.2	111	3802.21, 3802.22	103
2631, 2632	103	3802.23, 3802.24	109
2633 – 2640	100	3802.25, 3802.26	111
2640.1, 2640.2	96	3802.27, 3802.28	112
2641, 2642	107	3803, 3804	106
2643 – 2652	92	3805 – 3810	45
2652.1, 2652.2	100	3811, 3812	110
2653 – 2658	90	3813 – 3816	45
2695 – 2724	108	3817, 3818	106
2725, 2726	110	3819, 3820	109
2727 – 2744	108	3820.1, 3820.2	95
2749, 2750	67	3821, 3822	100
2751 – 2754	16	3823, 3824	109
2755 – 2758	68	3825, 3826	100
2759 – 2762	103	3827, 3828	109
2763 – 2767	67	3829, 3830	112
2801, 2802	103	3831, 3832	105
2803, 2804	112	3833, 3834	112
2805 – 2808	103	3835, 3836	100
3699 – 3752	OC	3837 – 3840	109
3753 – 3758	4	3841, 3842	111
3759, 3760	6	3843 – 3846	112
3761, 3762	9	3847 – 3850	107
3763, 3764	11	3850.1, 3850.2	109
3765, 3766	14	3851, 3852	103
3767, 3768	18	3853, 3854	105
3769, 3770	16	3855, 3856	106
3771, 3772	18	3857, 3858	103

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>
3859 – 3862	112
3863, 3864	103
3864.1, 3864.2	95
3865, 3866	109
3867 – 3870	112
3871 – 3876	108
3877, 3878	111
3879 – 3880.2	112
3881, 3882	92
3883, 3884	112
3885 – 3888	106
3889, 3890	103
3891, 3892	106

TUCSON CODE

## Chapter 2

### ADMINISTRATION\*

<b>Art. I.</b>	<b>In General, §§ 2-1 – 2-25.1</b>
<b>Art. II.</b>	<b>Mayor and Council, §§ 2-26 – 2-44</b>
<b>Art. III.</b>	<b>Public Communication, Community Engagement, and Integrated Planning, §§ 2-45 – 2-80</b>
<b>Art. IV.</b>	<b>Reserved, §§ 2-81 – 2-87</b>
<b>Art. V.</b>	<b>Bonds of Officers and Employees, §§ 2-88 – 2-100</b>
<b>Art. VI.</b>	<b>City Clerk Records Management, §§ 2-101 – 2-119</b>
<b>Art. VII.</b>	<b>Reserve Police Officer Program, §§ 2-120 – 2-129</b>
<b>Art. VIII.</b>	<b>Special Duty Police Services Program, §§ 2-130 – 2-139</b>
<b>Art. IX.</b>	<b>Disposition of Property, Money, and Firearms by the Police Department, §§ 2-140 – 2-142</b>

#### Article I. In General

Sec. 2-1.	City office hours.
Sec. 2-2.	Absences of appointive officers and heads of office and vacancies in appointive officers and heads of office positions.
Sec. 2-3.	Compensation of senior officers acting as department heads.
Sec. 2-4.	Residency requirement for specified city officers and employees.
Sec. 2-5.	Building safety division; chief inspector.
Sec. 2-6.	Sale of property for nonpayment of district assessments.
Sec. 2-7.	Statute of limitations on unpaid warrants.
Sec. 2-8.	Mayor's expense account.
Sec. 2-9.	Reserved.
Sec. 2-9.1.	Reserved.
Sec. 2-10.	Civil liability of city; notice of defective condition required.
Sec. 2-11.	Reserved.
Sec. 2-12.	Reserved.
Sec. 2-13.	Salary of employee during injury or sickness; salary paid to supplement workers' compensation; lien.
Sec. 2-14.	Reserved.
Sec. 2-15.	County health officer to enforce health, sanitation, food regulations; obstructing, resisting health officer.
Sec. 2-16.	Authority of city manager to execute certain utility rights-of-way.
Sec. 2-16.1.	Authority of city manager to administer the city real estate program.
Sec. 2-17.	Acceptance of dedications.
Sec. 2-18.	City fixed route, regularly scheduled bus system called Sun Tran and modern streetcar system called Sun Link; fares; eligibility and prohibited activity.
Sec. 2-19.	City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.
Sec. 2-20.	Transit system rules and regulations.
Sec. 2-21.	Promotional discount fare program for the Sun Tran fixed route bus and Sun Link modern streetcar systems.
Sec. 2-22.	City Sun Tran, Sun Link and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.
Sec. 2-22.1.	False information or refusal to provide information to obtain or retain low income assistance.
Sec. 2-23.	Permits for use of community center.
Sec. 2-24.	Fees chargeable for background check before transfer of handguns.
Sec. 2-25.	Annual fingerprinting and criminal history record check of parks and recreation department personnel and volunteers who work directly with children.
Sec. 2-25.1.	Fingerprinting and criminal history record check of intermittent program instructors who work directly with children.

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\***Cross references** – Sign code appeals & variances, § 3-121 et seq.; citizen sign code committee, § 3-141 et seq.; community affairs, ch. 10A; housing and community development, § 10B-1 et seq.; permit appeal board for transportation of hazardous materials, § 13-11; administrative hearing office, ch. 28.

TUCSON CODE

**Article II. Mayor and Council**

- Sec. 2-26. Date, time, and place of meetings; to be public.
- Secs. 2-27 – 2-29. Reserved.
- Sec. 2-30. City officers and employees to attend meetings.
- Secs. 2-31 – 2-44. Reserved.

**Article III. Public Communication, Community Engagement, and Integrated Planning**

- Sec. 2-45. Policy.
- Sec. 2-46. Implementation and administration of Plan Tucson.
- Sec. 2-47. Designated planning agency.
- Secs. 2-48 – 2-80. Reserved.

**Article IV. Reserved**

- Secs. 2-81 – 2-87. Reserved.

**Article V. Bonds of Officers and Employees**

- Sec. 2-88. Required; amounts.
- Sec. 2-89. Bonding of new employees.
- Sec. 2-90. Conditions, signing, approval.
- Sec. 2-91. City to pay premiums.
- Secs. 2-92 – 2-100. Reserved.

**Article VI. City Clerk Records Management**

- Sec. 2-101. Preservation of records in compliance with state law.
- Sec. 2-102. Reproductions from public records; certified copies.
- Sec. 2-103. Preservation of essential records.
- Secs. 2-104 – 2-119. Reserved.

**Article VII. Reserve Police Officer Program**

- Sec. 2-120. Appointment of reserve police officers.
- Sec. 2-121. Purpose and functions of reserve police officers.
- Sec. 2-122. Status of reserve police officers; compensation.
- Sec. 2-123. Qualifications for appointment; applications.
- Sec. 2-124. Oath of office.
- Sec. 2-125. Preassignment training.
- Sec. 2-126. Dismissal.
- Sec. 2-127. Relation to other police officers.
- Secs. 2-128, 2-129. Reserved.

**Article VIII. Special Duty Police Services Program**

- Sec. 2-130. Definitions.
- Sec. 2-131. Special duty police services; authorizing police chief to execute agreements with employers that set forth the wages and conditions for special duty police services; authorizing use of city resources for billing, accounting, and payment; authorizing police chief to charge an administrative fee; and permitting use of city vehicles.
- Secs. 2-132 – 2-139. Reserved.

**Sec. 2-15. County health officer to enforce health, sanitation, food regulations; obstructing, resisting health officer.**

The county health officer and his deputies shall have authority to enforce any provisions of this Code pertaining to health, sanitation, food and food establishments. Any person who shall obstruct or resist the health officer or his deputies in the legal exercise of his duties shall be deemed guilty of a misdemeanor. (1953 Code, ch. 15, § 4; Ord. No. 2077, § 3, 8-1-60)

**Sec. 2-16. Authority of city manager to execute certain utility rights-of-way.**

The city manager may execute licenses or easements to utility companies under, on or over city-owned property for utility rights-of-way when it is a condition to providing utility services to installations on city owned properties; such licenses or easements shall be coterminous with the need of utility services and shall be approved as to form by the city attorney. (Ord. No. 3000, § 1, 5-8-67)

**Sec. 2-16.1. Authority of city manager to administer the city real estate program.**

Subject to the control of the mayor and council, the city manager shall have authority to administer the real estate program including the assignment of functions and duties related to real estate and processing leases and property acquisition agreements in accordance with Arizona law and the Tucson Code. (Ord. No. 10578, § 1, 9-23-08, eff. 7-1-08)

**Sec. 2-17. Acceptance of dedications.**

The recording in the office of the proper county recorder in the state by the city clerk of any instrument accepted by the city manager, which is a dedication of any type of a right-of-way, such as a street, alley, easement, drainageway, or of a park or other area shall be presumed to be an acceptance thereof by the mayor and council of the city and the city. The city manager is hereby authorized to execute an acceptance on such instruments. (Ord. No. 3419, § 1, 3-1-70)

**Cross references** – Parks and recreation, ch. 21; streets and sidewalks, ch. 25.

**Sec. 2-18. City fixed route, regularly scheduled bus system called Sun Tran and modern streetcar system called Sun Link; fares; eligibility and prohibited activity.**

(a) *Sun Tran system:* The city provides a fixed route, regularly scheduled mass transportation bus system called Sun Tran.

(b) *Sun Link system:* The city provides a fixed rail, regularly scheduled mass transportation system called Sun Link.

(c) *Fares:* The fares for the Sun Tran and Sun Link systems shall be as follows:

(1) *Full fare (cash):*

	FY 2017	FY 2018
Per Ride, \$0.25 surcharge over stored value fare	\$1.75	\$1.75

(2) *Full fare (stored value):*

	FY 2017	FY 2018
Per Ride (Base Fare)	\$1.50	\$1.60
Per Day	\$3.75	\$4.00
30 Day Pass	\$45.00	\$48.00

(3) *Economy fare (cash):*

	FY 2017	FY 2018
Per Ride, \$0.15 surcharge over stored value fare	\$0.75	\$0.75

(4) *Economy fare (stored value):*

	FY 2017	FY2018
Per Ride	\$0.60	\$0.75
30 Day Pass	\$18.00	\$22.50

(5) *Express fare:*

	FY 2017	FY2018
Per Ride	\$2.25	\$2.35
30 Day Pass	\$60.00	\$64.00

(6) *Transfers to regular routes and streetcar:* Free for passengers paying appropriate fare and accompanied by appropriately issued transfer medium as determined by the director of transportation.

(7) *Transfers to express routes:* Passengers must pay a surcharge equal to the difference between the one-way base fare in the appropriate fare category and the one-way express fare.

(8) *Children:* Free for persons five (5) years of age or under when accompanied by paying adult.

(9) *Ridership incentive programs:* To encourage ridership among specific groups of persons shall be as follows:

a. *University of Arizona pass:* For employees and students of the University of Arizona, as follows:

	FY2017	FY2018
Fall Semester Pass, effective August 1 through December 31 of each calendar year	\$180.00	\$192.00
Fall Semester Express Pass, effective August 1 through December 31 of each calendar year	\$240.00	\$256.00
Spring Semester Pass, effective January 1 through May 31 of each calendar year	\$180.00	\$192.00
Spring Semester Express Pass, effective January 1 through May 31 of each calendar year	\$240.00	\$256.00
Annual Pass, effective August 1 through July 31	\$450.00	\$480.00
Annual Express Pass, effective August 1 through July 31	\$570.00	\$608.00

b. *Semester pass:* For students of all other local public and private educational institutions registered with Sun Tran as a bulk sales organization, as follows:

	FY2017	FY2018
Fall Semester Pass, effective August 1 through December 31 of each calendar year	\$180.00	\$192.00
Fall Semester Express Pass, effective August 1 through December 31 of each calendar year	\$240.00	\$256.00
Spring Semester Pass, effective January 1 through May 31 of each calendar year	\$180.00	\$192.00
Spring Semester Express Pass, effective January 1 through May 31 of each calendar year	\$240.00	\$256.00

- c. *Shuttle service:* To decrease traffic congestion and parking problems at specific community events. All event shuttles must be self-supporting with the cost off-set by bus advertising and fare revenues. Fares charged are not to exceed the base fare with no premium fares. All event shuttles must be publicized, open to the general public and within the Tucson service area.
- (8) *Administrative processing fee:* An administrative processing fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each pass type.
- (9) *Product fee:* A product fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each card or ticket to recover the cost of the fare media.

(c) *Seniors, persons with disabilities, Medicare cardholders, and low-income program fare eligibility and prohibited activity:* A special class of riders, referred to as “seniors, persons with disabilities, Medicare cardholders, and qualified low-income individuals” may qualify for the economy fare subject to the following provisions:

- (1) *Eligibility criteria determined by the mayor and council:* Only those individuals who qualify under the mayor and council’s definition of eligibility shall be eligible for this special fare; eligibility for the fare shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager.
- (2) *Seniors:* Persons sixty-five (65) years of age or over shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (3) *Persons with disabilities:* Persons with disabilities shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (4) *Medicare cardholders:* Medicare cardholders shall be eligible for the economy fare on the Sun Tran and Sun Link systems.

- (5) *Low-income individuals:* Persons qualified through the City of Tucson’s low-income program shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (6) *Nonprofit program:* Organizations in the nonprofit program shall be eligible to purchase economy fares on behalf of an organization’s qualified clients on the Sun Tran and Sun Link systems. The nonprofit program shall be defined and facilitated as determined by the director of transportation.
  - a. *Discount one (1) day pass:* Organizations in the nonprofit program shall be eligible to purchase for clients not yet qualified for the economy program as follows:

	FY 2017	FY 2018
Discounted Day Pass	\$2.00	\$2.05

- b. *Economy thirty (30) day ticket:* Organizations in the nonprofit program shall be eligible to purchase an economy thirty (30) day ticket for those clients who have obtained the appropriate ID required for purchase of economy fares as follows:

	FY 2017	FY 2018
Discounted 30 Day Pass	\$18.00	\$22.50

- (7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for reduced fares on the Sun Tran and Sun Link systems, and to establish reasonable standards of proof for eligibility for seniors, persons with disabilities, Medicare cardholders, and low-income individual. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.

(8) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize benefits of the economy fare program of the Sun Tran and Sun Link systems and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person’s eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person’s eligibility for the city’s economy fare program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(9) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city economy fare program.

(Ord. No. 4525, § 1, 6-28-76; Ord. No. 4535, § 1, 7-6-76; Ord. No. 4536, § 1, 7-6-76; Ord. No. 4669, § 1, 6-20-77; Ord. No. 5145, § 2, 5-5-80; Ord. No. 5916, § 1, 12-12-83; Ord. No. 6210, § 1, 4-8-85; Ord. No. 6233, § 1, 5-13-85; Ord. No. 6436, § 1, 5-27-86; Ord. No. 7173, § 1, 4-17-89; Ord. No. 7824, § 1 6-1-92; Ord. No. 8284, § 1, 5-23-94; Ord. No. 8778, § 1, 11-25-96; Ord. No. 8781, § 1, 11-25-96; Ord. No. 9404, § 1, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 1, 5-29-13; Ord. No. 11182, § 1, 6-17-14, eff. 7-17-14; Ord. No. 11401, § 1, 9-20-16)

**Sec. 2-19. City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.**

(a) *Paratransit service:* The city provides curb-to-curb transportation services to individuals, whose disability prevents them from riding the Sun Tran system. The service is provided by contract providers of the city.

(b) *Fares:* The fares for paratransit service provided by contractors for the city shall be as follows:

	FY 2017	FY 2018
Full Fare, per ride	\$3.00	\$3.20
Low-income Fare, per ride	\$1.50	\$1.60
Children, five (5) years of age when accompanied by a paying adult	Free	Free
Optional ADA*, Full Fare (per ride)	\$5.00	\$6.00
Optional ADA*, Low Income (per ride)	\$3.50	\$4.00

\*Optional ADA rides are rides provided outside of ¾ miles of fixed route service; same day service; and will-call service

(c) *Eligibility for low-income fare:* Rider eligibility for the paratransit service low-income fare shall be established under the city paratransit service system fare subsidy program for low-income individuals.

(d) *Paratransit service eligibility and prohibited activity:* Individuals may qualify for the paratransit service subject to the following provisions:

(1) *Eligibility:* Eligibility shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager. The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for the paratransit service, and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.

(2) *Revocation of eligibility:* When, in the opinion of the city, a person is continuing to utilize the paratransit service and that person no longer meets the eligibility standards set forth herein, the city shall have the authority

to revoke that person’s eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person’s eligibility for the city’s paratransit service. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

- (3) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city paratransit service.

(Ord. No. 4535, § 2, 7-6-76; Ord. No. 4669, § 2, 6-20-77; Ord. No. 5145, § 3, 5-5-80; Ord. No. 5916, § 2, 12-12-83; Ord. No. 6233, § 2, 5-13-85; Ord. No. 6436, § 2, 5-27-86; Ord. No. 8284, § 2, 5-23-94; Ord. No. 8778, § 2, 11-25-96; Ord. No. 8781, § 2, 11-25-96; Ord. No. 9404, § 2, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 2, 5-29-13; Ord. No. 11401, § 1, 9-20-16)

**Sec. 2-20. Transit system rules and regulations.**

The city manager, in conjunction with the department of transportation, is hereby authorized by the mayor and council to promulgate rules and regulations for operation of the city transit system, such rules and regulations to be in writing and subject to review by the mayor and council. Rules and regulations promulgated by the city manager shall be for the purpose of safe and efficient operation of the city transit system only.

(Ord. No. 4535, § 3, 7-6-76)

**Sec. 2-21. Promotional discount fare program for the Sun Tran fixed route bus and Sun Link modern streetcar systems.**

*Sec. 2-21(1).* A promotional discount fare program, aimed at increasing ridership on the Sun Tran fixed route bus and Sun Link modern streetcar systems, is authorized. This experimental program may consist of, but not be limited to, promotional projects implementing a weekend pass, a free fare day, a discounted fare day and a free ride coupon.

*Sec. 2-21(2).* The city manager shall have the authority to establish and implement reasonable discount fare projects under the program and shall promulgate reasonable rules and regulations, in writing and on file with the city clerk, for each project implemented. The rules and regulations shall be consistent with state and local law, federal law and specifically the statutes and regulations of the Federal Transit Administration, and the goal of increasing Sun Tran and Sun Link ridership.

(Ord. No. 5247, § 1, 11-3-80; Ord. No. 8284, § 3, 5-23-94; Ord. No. 11182, § 2, 6-17-14, eff. 7-17-14)

**Sec. 2-22. City Sun Tran, Sun Link and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.**

(a) *Program establishment:* The city manager shall have the authority to establish and implement a city Sun Tran and Sun Link fare subsidy program for low-income individuals, nonprofit program clients that qualify for low-income, and paratransit services for individuals, such program to be administered within the department of transportation and funded exclusively from local city revenues. The city manager shall have further authority to promulgate reasonable rules and regulations, in writing and on file with the city clerk, for the implementation of the fare subsidy program.

(b) *Sun Tran and Sun Link system fare subsidy:* The Sun Tran and Sun Link system fare subsidy for qualified low-income individuals shall be as follows:

- (1) *Economy fare subsidy:* For riders who qualify for the Sun Tran and Sun Link system economy fare, the subsidies shall be:

	FY 2017	FY 2018
Full Fare (cash) per ride	\$1.00	\$1.00
Full Fare (stored value)	\$0.90	\$0.85
Full Fare 30 Day Pass	\$27.00	\$25.50
Discounted Day Pass, purchased through nonprofit program	\$1.75	\$1.95

(c) *Sun Van fare subsidy*: The Sun Van service fare subsidy for qualified low-income individuals shall be as follows:

	FY 2017	FY 2018
Full Fare, per ride	\$1.50	\$2.00

(d) *Eligibility and prohibited activity*: Low-income individuals and nonprofit program clients may qualify for the fare subsidy program subject to the following provisions:

- (1) *Eligibility for Sun Tran, Sun Link and paratransit service low-income fares*: Applicants for eligibility to qualify for the Sun Tran, Sun Link and Sun Van systems low-income fare must demonstrate an income that meets the most recent income guidelines per the Lower Living Standard Income Level (LLSIL) (100%) as established by the United States Department of Labor, published annually, in the Federal Register.
- (2) *Definition of "income"*: Income shall include any money received by all members of the household. Any form of support or payment in the form of rent, food, automobile or any other assistance shall be counted as income. Wages, public assistance, retirement, disability, pension, veteran's compensation, worker's or unemployment compensation, senior benefits, survivor's benefits, strike benefits, support payments, alimony, scholarships, educational grants, fellowships, veteran's educational benefits, dividends, interest and any other form of income shall be counted to determine eligibility.
- (3) *Eligibility requirements for persons under eighteen (18) years of age*: Persons seeking to qualify for the fare subsidy program of the city who are under the age of eighteen (18) must have a parent or guardian signature on the application, or show good cause why such signature is not obtainable. Good cause shall be within the discretion of the city to determine. If the applicant is not living at home and receives more than half of his or her support from his or her family, the

applicant must declare all family income. If the applicant is not living at home and is not receiving more than half of his or her support from his or her family, then only the actual support from the family need be declared.

- (4) *Unemployed persons*: Unemployed persons applying for the fare subsidy program must have a current registration card from the state employment office. Such applicant must report an estimated probable income that falls within the income guidelines set forth by the U.S. Department of Labor when added to all other family income. Persons unemployed due to strikes, lockouts and labor disputes must count as probable income their wages and wage level as such existed prior to the strike, lockout or other labor dispute that resulted in their being unemployed.
- (5) *Students*: Students not living at home, but who receive more than half of their support from their family must declare all family income. Students not living at home who do not receive more than half their support from their family need only declare the actual amount of support received. Students living at home must declare all family income.
- (6) *Residency requirement*: Applicants for the fare subsidy program for low-income individuals must be residents of the region, an area described in the U.S. Census Bureau's Geographic Base File on file with the city clerk.
- (7) *Proof of eligibility*: The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application to the program and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk. For nonprofit agency clients that qualify, the proof of eligibility requirements stipulating an ID are effective when smart card technology is implemented.

(8) *Term of eligibility:* Persons eligible for the fare subsidy program shall be deemed eligible from the date of issue of the eligibility identification card for a period of twelve (12) months, unless otherwise found ineligible by the city.

(9) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize the benefits of the program and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's fare subsidy program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(10) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the fare subsidy program.

(Ord. No. 6210, § 2, 4-8-85; Ord. No. 6233, § 3, 5-13-85; Ord. No. 7824, § 2, 6-1-92; Ord. No. 8284, § 4, 5-23-94; Ord. No. 8778, § 3, 11-25-96; Ord. No. 8781, § 3, 11-25-96; Ord. No. 9404, § 3, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 3, 5-29-13; Ord. No. 11182, § 3, 6-17-14, eff. 7-17-14; Ord. No. 11401, § 1, 9-20-16)

**Sec. 2-22.1. False information or refusal to provide information to obtain or retain low income assistance.**

(a) Any person who uses false information, or who refuses to provide information upon request, in order to obtain or retain low income assistance from the City of Tucson is responsible for a civil infraction and shall be fined five hundred dollars (\$500.00).

(b) Any person found responsible of a civil infraction as described in paragraph (a) may be deemed ineligible for low income assistance from the City of Tucson for a period up to five (5) years.

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for environmental services fees, Tucson water fees, Sun Tran, Sun Link and Sun Van fares, and parks and recreation fees, and any other discount or assistance provided by the City of Tucson.

(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 11182, § 4, 6-17-14, eff. 7-17-14)

**Sec. 2-23. Permits for use of community center.**

(a) Notwithstanding any other provision of this Code, permits for use or occupancy of any of the community center facilities may, upon written application therefor, be issued by the community center director if the permits are for less than thirty (30) days; or subject to the approval by resolution of the mayor and council if for thirty (30) days or more.

(b) Competitive bidding is not required for issuance of permits. If two (2) or more persons apply for community center facilities for the same type of use or event or series of uses or events which is considered by the community center director to be mutually exclusive, then the selection shall be made by the governing body, by motion, based upon which application it determines will be most beneficial to the public and will be in the best interest of the city.

TUCSON CODE

## Chapter 3

### SIGN CODE\*

<b>Art. I.</b>	<b>Introductory Provisions, §§ 3-1 – 3-10</b>
<b>Art. II.</b>	<b>Definitions, §§ 3-11 – 3-15</b>
<b>Art. III.</b>	<b>Permits, Fees and Inspections, §§ 3-16 – 3-30</b>
<b>Art. IV.</b>	<b>General Requirements, §§ 3-31 – 3-50</b>
<b>Art. V.</b>	<b>Sign Types and General Regulations, §§ 3-51 – 3-71</b>
<b>Art. VI.</b>	<b>Signs by District, §§ 3-72 – 3-90</b>
	Div. 1. Residential, §§ 3-73 – 3-75
	Div. 2. Nonresidential, §§ 3-76 – 3-80
	Div. 3. Special Districts, §§ 3-81 – 3-90
<b>Art. VII.</b>	<b>Sign Maintenance, §§ 3-91 – 3-95</b>
<b>Art. VIII.</b>	<b>Nonconforming Signs and Change of Use, §§ 3-96 – 3-100</b>
<b>Art. IX.</b>	<b>Violations; Enforcement; Penalties, §§ 3-101 – 3-115</b>
<b>Art. X.</b>	<b>Indemnification, §§ 3-116 – 3-120</b>
<b>Art. XI.</b>	<b>Appeals &amp; Variances, §§ 3-121 – 3-140</b>
<b>Art. XII.</b>	<b>Citizen Sign Code Committee, §§ 3-141 – 3-148</b>

#### Article I. Introductory Provisions

Sec. 3-1.	Short title.
Sec. 3-2.	Declaration of purpose and intent.
Sec. 3-3.	Interpretation and construction with Tucson Code by the sign code administrator.
Sec. 3-4.	Application and interpretation of district boundaries.
Sec. 3-5.	Reference to other codes.
Sec. 3-6.	Application of prior Code sections.
Sec. 3-7.	Severance of the provisions of this sign code.
Secs. 3-8 – 3-10.	Reserved.

#### Article II. Definitions

Sec. 3-11.	Definitions.
Secs. 3-12 – 3-15.	Reserved.

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**\*Editor's note** – Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I – XV, §§ 3-1 – 3-10, 3-14, 3-15, 3-19 – 3-27, 3-31 – 3-43, 3-47 – 3-69, 3-73, 3-77 – 3-80, 3-84 – 3-86, 3-90, 3-91, 3-95, 3-99 – 3-105, 3-109, 3-110, 3-114 – 3-125, 3-130 – 3-136. Section 2 of said ordinance enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1 – 8, adopted August 6, 1990; Ord. No. 7768, §§ 1 – 26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1 – 3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1 – 5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1 – 12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9859, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007.

**Charter reference** – Authority to regulate or prohibit signs and billboards, ch. VII, § 1(6).

**Cross references** – Construction regulations generally, ch. 6; license fee for advertising agencies, § 19-28(2); fee for advertising solicitors, § 19-28(3); fee for distributors of handbills and other advertising, § 19-28(55); privilege tax on advertising, § 19-405; advertising prohibited in parks and recreation areas, § 21-3(6)(3); posting advertising or signs on golf course property prohibited, § 21-19; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of sign code, § 28-4(1).

TUCSON CODE

**Article III. Permits, Fees and Inspections**

- Sec. 3-16. Permits required.
- Sec. 3-17. Permission of property owner.
- Sec. 3-18. Application for permit.
- Sec. 3-19. Issuance.
- Sec. 3-20. Effect of issuance.
- Sec. 3-21. Approval of standard plans.
- Sec. 3-22. Inspections.
- Sec. 3-23. Special inspector required.
- Sec. 3-24. Fees.
- Secs. 3-25 – 3-30. Reserved.

**Article IV. General Requirements**

- Sec. 3-31. Regulations established.
- Sec. 3-32. Sign area.
- Sec. 3-33. Grade.
- Sec. 3-34. Premises.
- Sec. 3-35. Maximum sign area.
- Sec. 3-36. Setback.
- Sec. 3-37. Signs near residences.
- Sec. 3-38. Multiple frontage lots.
- Sec. 3-39. Intersection corner sign.
- Sec. 3-40. Signs per street frontage.
- Sec. 3-41. Access regulated.
- Sec. 3-42. Integrated architectural features.
- Sec. 3-43. Signs over public rights-of-way.
- Sec. 3-44. Illumination.
- Secs. 3-45 – 3-50. Reserved.

**Article V. Sign Types and General Regulations**

- Sec. 3-51. Generally permitted signs.
- Sec. 3-52. Exempt signs.
- Sec. 3-53. Prohibited signs enumerated.
- Sec. 3-54. Signs creating traffic hazards.
- Sec. 3-55. Signs in public areas.
- Sec. 3-56. Awning signs.
- Sec. 3-57. Banners.
- Sec. 3-58. Billboards.
- Sec. 3-59. Canopy signs.
- Sec. 3-60. Directory signs.
- Sec. 3-61. Freestanding signs.
- Sec. 3-62. Freeway sign.
- Sec. 3-63. Menu boards.
- Sec. 3-64. Parking signs.
- Sec. 3-65. Portable (A-frame) signs.
- Sec. 3-66. Real estate signs.
- Sec. 3-67. Special event signs.
- Sec. 3-68. Temporary signs.
- Sec. 3-69. Traffic directional signs.
- Sec. 3-70. Wall signs.
- Sec. 3-71. Historic landmark signs (HLS).

## SIGN CODE

### **Article VI. Signs by District**

Sec. 3-72. Sign districts.

#### Division 1. Residential Districts

Sec. 3-73. Single family residential district.  
Sec. 3-74. Multiple family residential district.  
Sec. 3-75. Park district.

#### Division 2. Nonresidential Districts

Sec. 3-76. O-1 zone district.  
Sec. 3-77. General business district.  
Sec. 3-78. Planned area development (PAD) district.  
Sec. 3-79. Medical-business-industrial park district.  
Sec. 3-80. Industrial district.

#### Division 3. Special Districts

Sec. 3-81. Historic district.  
Sec. 3-82. Pedestrian business district.  
Sec. 3-83. Scenic corridor zone (SCZ) district.  
Secs. 3-84 – 3-90. Reserved.

### **Article VII. Sign Maintenance**

Sec. 3-91. Maintenance.  
Sec. 3-92. Dangerous or defective signs.  
Sec. 3-93. Removal of dangerous or defective signs.  
Secs. 3-94, 3-95. Reserved.

### **Article VIII. Nonconforming Signs and Change of Use**

Sec. 3-96. Signs for legal nonconforming uses.  
Sec. 3-97. Change of use.  
Secs. 3-98 – 3-100. Reserved.

### **Article IX. Violations; Enforcement; Penalties**

Sec. 3-101. Violation a public nuisance.  
Sec. 3-102. Violation declared a civil infraction.  
Sec. 3-103. Abandoned and discontinued signs; obsolete sign copy.  
Sec. 3-104. Reserved.  
Sec. 3-105. Illegal signs.  
Sec. 3-106. Removal of abandoned, prohibited and illegal signs by sign code administrator.  
Sec. 3-107. Administrative appeal.  
Sec. 3-108. Reserved.  
Sec. 3-109. Penalty.  
Sec. 3-110. Abatement by the city after court order.  
Secs. 3-111 – 3-115. Reserved.

TUCSON CODE

**Article X. Indemnification**

- Sec. 3-116. Indemnification of city.
- Sec. 3-117. Liability insurance required.
- Secs. 3-118 – 3-120. Reserved.

**Article XI. Appeals & Variances**

- Sec. 3-121. Powers, duties and responsibilities.
- Sec. 3-122. Findings required in granting variances.
- Sec. 3-123. Powers denied the board.
- Sec. 3-124. Application to the board.
- Sec. 3-125. Appeals stay proceeding.
- Sec. 3-126. Time for hearings; notice.
- Sec. 3-127. Fees and enforcement.
- Sec. 3-128. Appeal from board.
- Sec. 3-129. Appeals.
- Secs. 3-130 – 3-140. Reserved.

**Article XII. Citizen Sign Code Committee**

- Sec. 3-141. Creation.
- Sec. 3-142. Authority.
- Sec. 3-143. Composition.
- Sec. 3-144. Appointment and terms.
- Sec. 3-145. Vacancies.
- Sec. 3-146. Meetings.
- Sec. 3-147. Removal.
- Sec. 3-148. Administrative procedures.

C. Except where prohibited by law, each day the violation continues shall constitute a separate offense. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-110. Abatement by the city after court order.**

A. Pursuant to the summary abatement provisions of section 3-106.B, or after entry of a court order directing removal of an offending sign, the city or its agents may enter upon the property and cause the offending sign to be removed at the expense of the owner, tenant, lessee or occupant either jointly or severally.

B. A verified statement of the costs or expense shall be sent by certified or registered mail to the last known address of the record owner and to the lessee, tenant or occupant. The record owner or the lessee shall be liable jointly or severally for the payment of said cost or expense.

C. The payment for costs or expenses shall be in addition to any civil penalty imposed pursuant to Chapter 8 of the Tucson Code. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Secs. 3-111 – 3-115. Reserved.**

**ARTICLE X.**

**INDEMNIFICATION**

**Sec. 3-116. Indemnification of city.**

As a condition to the issuance of a sign permit as required by this sign code, all persons engaged in hanging of signs that involves, in whole or part, the erection, alteration, relocation, maintenance or other sign work in, over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached upon by the sign hanger in the said sign work, shall agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance or other sign work. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-117. Liability insurance required.**

As a condition to the issuance of a sign permit as required by Article III of this sign code, all sign hangers performing work shall obtain a public liability insurance policy in the minimum amounts of two hundred thirty thousand dollars/five hundred thousand dollars (\$230,000.00/500,000.00) for injury or death to any person in any one accident or for injury or death to two (2) or more persons in any one accident; and one hundred thousand dollars (\$100,000.00) for destruction of property in any one accident. The sign hanger shall furnish the city with a certificate of insurance that shall name the city, its officers, agents and employees as additional insured under the policy. The insurance shall provide that the city shall be notified of any cancellation of the insurance ten (10) days prior to the date of cancellation.

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

**Secs. 3-118—3-120. Reserved.**

**ARTICLE XI.**

**APPEALS & VARIANCES**

**Sec. 3-121. Powers, duties and responsibilities.**

The board of adjustment shall have the power to grant variances and to review decisions of the sign code administrator as specified in this section.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-122. Findings required in granting variances.**

The board of adjustment may grant a variance only if it finds:

- A. That, because there are special circumstances applicable to the property, strict enforcement of this sign code would deprive the property of privileges enjoyed by other property in the same district;

- B. That the variance will not result in a special privilege to one individual property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances;
- C. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood;
- D. That the need for a variance is not the result of special circumstances or conditions that were self-imposed or created by the owner or one in possession of the property;
- E. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the sign code provisions in question; and
- F. That because of physical circumstances or conditions, such as irregular shape, narrowness or shallowness of the lot, or exceptional topographic condition of the specific property, the property cannot reasonably be signed in conformity with the provisions of this sign code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-123. Powers denied the board.**

The board of adjustment may not:

- A. Make any changes in the wording, terms or provisions of this sign code.
- B. Grant a variance if the special circumstances or conditions applicable to the property were self-imposed or created by the owner or one in possession of the property.
- C. Grant a variance to a substantially greater extent or degree than indicated in the public notice of the hearing thereon.

- D. Grant a variance that would constitute a use variance.
- E. Grant a variance for a freeway sign to exceed:
  1. Forty-eight (48) feet above the freeway grade maximum height.
  2. Three hundred sixty (360) square feet maximum area.
  3. Thirteen (13) feet minimum clearance.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-124. Application to the board.**

A. *Filing.* An application to the board of adjustment for an appeal from a determination of the sign code administrator pursuant to section 3-107 shall be filed with the sign code administrator, who shall transmit the same, together with all fees, plans, papers, the report of the sign code administrator and all other materials pertaining to the matter to the board of adjustment.

B. *Application for variances.* Applications for a variance shall be written on forms prescribed by the development services department and shall be accompanied by statements, plans and other relevant evidence.

C. *Staff report.* The sign code administrator shall, on each request for a variance, make a recommendation to the board of adjustment. This recommendation may be included as part of the staff's report to the board or it may be transmitted separately. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-125. Appeals stay proceeding.**

An appeal stays all proceedings in the matter appealed from, unless the sign code administrator certifies to the board that, in his or her opinion and as supported by facts stated in the certificate, a stay could cause imminent peril to life or property. Upon such

certification, proceedings shall not be stayed, except by restraining order granted by the board, or by a court of record on application and notice to the sign code administrator.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-126. Time for hearings; notice.**

A. The board of adjustment shall fix a reasonable time for the hearing of an application or of an appeal. Notice of the time and place of the public hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days prior to the hearing by:

1. Publication at least once in a newspaper of general circulation published or circulated in the City of Tucson.
2. By posting notice in conspicuous places close to the property affected.
3. Such other manner as is deemed desirable.

B. A notice of the proposed variance hearing shall be mailed to all property owners of record of property located within one hundred fifty (150) feet of the property on which the variance is requested. Said notices shall be mailed not less than ten (10) days prior to the date of the hearing.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-127. Fees and enforcement.**

A. A fee of two hundred dollars (\$200.00) shall be paid upon the filing of each application for a variance from the provisions of this sign code.

B. A fee of one hundred dollars (\$100.00) shall be paid upon the filing of each application for an appeal from a determination of the sign code administrator regarding this sign code.

C. If a person fails to comply with the decision or requirements of the sign code advisory and appeals board or continues to violate the provisions of this sign code after being denied a variance, the sign inspector may disconnect or order utility companies to disconnect utility services to the premises involved

until compliance therewith or have the sign removed. No such action by the inspector shall be taken until ten (10) days after receipt by the person or owner of the premises of written notice of intent to take such action.

D. If a written request for a review of the matter is made within ten (10) days after receipt of the notice of intent, the action by the sign inspector shall be stayed until a hearing thereon by the sign code advisory and appeals board. The board may affirm, reverse or modify the inspector's proposed action.

E. This provision does not preclude the use of any other enforcement method provided in the Tucson Code.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-128. Appeal from board.**

A. Any person may:

1. File an action under the Arizona Rules of Procedure for Special Action seeking a judicial review of the decision. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.
2. File, at any time within fifteen (15) days after the board has rendered its decision, an appeal with the clerk of the legislative body. The legislative body shall hear the appeal and may affirm or reverse, in whole or in part, or may modify the board's decision. The authority to file a complaint, as provided in subsection A.1 of this section, may be used in lieu of or in addition to the appeal provided in this subsection. In hearing an appeal from the board, the legislative body is bound by the record presented to the board and may not consider new evidence or reweigh the evidence previously presented to the board.

B. For purposes of this section, the decision of the board is "rendered" when the board orally pronounces its decision during a public meeting, so

long as the oral pronouncement is sufficient to provide reasonable notice of the board’s final decision. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Sec. 3-129. Appeals.**

The board of adjustment hears and decides appeals from interpretations of this sign code made by the sign code administrator in the application or enforcement of this sign code in accordance with the board of adjustment appeal procedure, section 3.10.2 of the Unified Development Code (UDC). Fees for appeals under this sign code shall be the same as appeals of zoning interpretations under the UDC. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11392, § 1, 8-9-16)

**Secs. 3-130 – 3-140. Reserved.**

**ARTICLE XII.**

**CITIZEN SIGN CODE COMMITTEE**

**Sec. 3-141. Creation.**

A citizen sign code committee is hereby created to assist the mayor and council by reviewing and recommending to the mayor and council amendments to this sign code. The citizen sign code committee shall be the planning commission for the review and recommendation regarding sign regulations. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-142. Authority.**

A. *General.* Consistent with this section 3-142, the citizen sign code committee shall hold hearings and make specific recommendations as appropriate or deemed necessary to the mayor and council on:

1. Proposed additions or amendments to or deletions from this sign code.

2. Sign code enforcement, including but not limited to enforcement procedures and budgetary and personnel requirements.

B. *Procedure.* The committee shall hold at least one public hearing on any sign code matter that may be forwarded to the mayor and council for their consideration.

C. *Notice content.* The committee shall give notice of the time and place of hearings, including as appropriate:

1. An explanation of the subject matter to be considered, including references to specific sections of this sign code as necessary.
2. Information on the availability of any studies or summaries of the subject matter of the hearing.

D. *Notice procedure.* Notice shall be given not less than fifteen (15) nor more than thirty (30) calendar days before the hearing by:

1. Publication for three (3) consecutive days in a newspaper of general circulation in the City of Tucson, with all three (3) publications occurring within the required time frame; and
2. Such other manner as the committee may deem necessary.

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

**Sec. 3-143. Composition.**

A. *Number of members.* The citizen sign code committee shall be composed of eleven (11) members who shall serve without compensation.

B. *Special committees.* The committee may create such special committees as it may from time to time deem necessary or desirable. The members of such committees may be selected either from among the members of the committee or residents of the City of Tucson qualified to contribute to the work of the special committee or both.

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

**Sec. 3-144. Appointment and terms.****A. Appointment:**

1. The members of the mayor and council shall each appoint one member to the citizen sign code committee in conformance with Article XIII, Chapter 10A of the Tucson Code.
2. The city manager shall appoint four (4) members to the citizen sign code committee.

**B. Terms.** The terms of members of the committee appointed by the mayor and council shall be in conformance with Article XIII, Chapter 10A of the Tucson Code. All city manager appointments shall be for four (4) years.

**C. City employees, elected officials excluded.** No member of the committee may be a city employee or hold a city elective office.  
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-145. Vacancies.**

Vacancies on the citizen sign code committee shall be filled by appointment in the same manner in which members are initially appointed, as provided in section 3-144(A) and in conformance with Article XIII, Chapter 10A of the Tucson Code.  
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-146. Meetings.**

**A.** The citizen sign code committee shall meet at least semiannually consistent with the requirements of section 3-142.

**B.** Special meetings, with proper notice, may be called by the chairperson of the committee, upon request of the majority of the committee members, or upon a formal request by a majority of the mayor and council.

**C.** A majority of the committee members shall be necessary to conduct business and to adopt and forward any recommendations to the mayor and council.  
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-147. Removal.**

Removal of the members shall be in conformance with Article XIII, Chapter 10A of the Tucson Code.  
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

**Sec. 3-148. Administrative procedures.**

**A. City manager.** The city manager shall ensure that all city departments and persons under his authority shall cooperate in providing assistance and data to the citizen sign code committee.

**B. Executive secretary.** The sign code administrator or designee shall serve as executive secretary to the committee.

**C. Chairperson and other officers.** The committee shall elect a chairperson and vice-chairperson and such other officers as it may deem necessary from its members. The terms of chairperson, vice-chairperson and other officers shall be for one year subject to one additional term of one year.  
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

TUCSON CODE

**Sec. 8-5.2. Probation monitoring fees.**

When granting supervised probation, the city court shall, as a condition of such probation, assess a monthly probation monitoring fee reflecting the actual costs of such supervised probation, including screening sessions, any necessary testing, court-ordered treatment, and any other necessary costs of supervised probation. Such monthly probation monitoring fee shall be not less than the sum specified in A.R.S. 13-901(A), or any successor provision(s), unless, after determining the inability of the probationer to pay the fee, the city court assesses a lesser fee. Such monthly probation monitoring fee may be assessed only when the person is placed on supervised probation.

(Ord. No. 8521, § 1, 6-12-95)

**Sec. 8-6. Assumption of chapter 28 procedures.**

All references in this Code to section 28-12 shall be amended to read section 8-6.1, all references in this Code to section 28-14 shall be amended to read Rule 23 of Local Rules of Practice and Procedure in City Court Civil Proceedings, and all references in the Code to chapter 28 shall be amended to read chapter 8.

(Ord. No. 7887, § 5, 8-3-92)

**Sec. 8-6.1. Penalties.**

(a) Unless otherwise provided in this Code, when a civil violation or civil infraction is determined, the following penalties shall be imposed:

- (1) A person found responsible for a civil violation or civil infraction for the first time shall be fined not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a second time shall be fined not less than two hundred dollars (\$200.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a third or subsequent time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars

(\$2,500.00) per civil violation or civil infraction. The imposition of a fine for civil violations or civil infractions shall not be suspended.

- (2) The magistrate, special magistrate or limited special magistrate shall, after a finding of responsibility, order abatement of the civil violation or civil infraction. An abatement order shall be effective for one (1) year unless stayed on appeal. If stayed on appeal the order shall be effective for one (1) year from the end of the appeal if the finding of responsible and sentence is upheld.
- (3) The magistrate, special magistrate or limited special magistrate shall warn a violator that additional fines will be imposed for failure to abate a violation and criminal charges may be brought by the city attorney for failure to obey an order to abate a violation.

(b) Failure of a defendant to comply with any order contained in a judgment for a civil violation or civil infraction shall result in an additional fine of not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day the defendant fails to comply. A defendant's second failure to comply with any order contained in a judgment for a civil violation or civil infraction shall result in an additional fine of not less than two hundred dollars (\$200.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the first determination of the defendant's failure to comply; a defendant's third and subsequent failures to comply with any order contained in a judgment for a civil violation or civil infraction shall result in an additional fine of not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the second or subsequent determination of the defendant's failure to comply; provided, however, that the total fines imposed by this subsection and subsection (a) shall not exceed twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction.

(Ord. No. 7887, § 6, 8-2-92; Ord. No. 8154, § 2, 11-8-93; Ord. No. 8672, § 1, 4-8-96; Ord. No. 11393, § 3, 8-9-16)

**Sec. 8-6.3. Reimbursement of city's costs of incarceration; factors to be considered; exemption for indigent persons; reimbursement separate and distinct from any sentence or probation conditions; action for recovery authorized.**

(a) Where the city court sentences a person to a term of incarceration in the Pima County Jail, or makes a term of incarceration a condition of the person's probation for an offense, the city court shall order the person to reimburse the city for all or part of the actual incarceration costs to the city; EXCEPT THAT no person found by the city court to be indigent shall be required to reimburse the city for such incarceration costs.

(b) The city court shall determine the amount of incarceration costs to be reimbursed to the city based on the actual per diem per person cost of incarceration incurred by the city and on the person's ability to pay all or part of the incarceration costs.

(c) The reimbursement of incarceration costs provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or probation conditions imposed by the city court in the criminal case. The city court shall set forth the requirement and amount of such reimbursement of incarceration costs as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, where a person fails to reimburse the city for costs of incarceration in accordance with an order of the city court pursuant to this section the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of such costs of incarceration. (Ord. No. 8557, § 1, 8-7-95)

**Sec. 8-6.4. Administrative fee for warrants issued for failure to pay fines or restitution; exemption for indigent persons; fee separate and distinct from any sentence or probation conditions; action for recovery authorized.**

(a) When a city court magistrate issues a warrant for failure to pay a fine or restitution, the court shall

impose a warrant fee in the amount of fifty dollars (\$50.00) upon the person who is the subject of the warrant, to cover the city court's administrative cost for processing such warrants. As used in this section, the term "magistrate" includes senior special magistrates, magistrates, special magistrates, and limited special magistrates.

(b) The warrant fee may be waived or suspended when such waiver would be in the interest of justice. No person who is found to be indigent by the city court shall be required to pay the warrant fee.

(c) The warrant fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or probation conditions imposed by the city court in the criminal case. The city court shall set forth the requirement and amount of such warrant fee as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the warrant fee authorized under this section. (Ord. No. 8557, § 1, 8-7-95)

**Sec. 8-6.5. Case processing fee; exemption for indigent persons; deposit and use of funds collected; fee separate and distinct from any sentence or probation conditions or civil penalty; action for recovery authorized.**

(a) Each person found guilty or responsible or who enters a plea of guilty or responsible for any charge in a city court case shall be assessed a processing fee of twenty dollars (\$20.00) for each charge to cover part of the cost of processing that person's charge through the city court system.

(b) The case processing fee may be waived or suspended when such waiver would be in the interest of justice. No person who is found to be indigent by the city court shall be required to pay the case processing fee.

shall not receive any further salary increases until the skill level for the assigned salary has been reached.

*Sec. 10-37(2). Reallocation of positions compensated under performance based components of the compensation plan.*

(a) When a position is reallocated to a classification that is assigned a higher salary range, an incumbent's anniversary date shall be changed and salary increased as though a promotion had occurred.

(b) When a position is reallocated to a classification assigned a lower salary range, an incumbent's salary shall not change if it is equal to either a step or a point within salary ranges but if falling between two (2) steps of a range, the incumbent's salary will not change until the next pay increase at which time the salary will move to the appropriate step within the salary range. The anniversary date shall not change.

(c) When a position is reallocated to a classification assigned a lower salary range an incumbent's salary shall not change if it is greater than the maximum for the classification. The incumbent shall not receive any further salary increases until salary ranges for the classification increase, permitting salary increases under regular administration of the compensation plan.

(Ord. No. 9399, § 3, 6-12-00; Ord. No. 9866, § 3, 6-23-03; Ord. No. 10003, § 3, 6-28-04; Ord. No. 10550, § 4, 6-17-08, eff. 7-1-08)

#### **Sec. 10-37.1. Reserved.**

**Editor's note** – Ordinance No. 8712, § 3, adopted June 10, 1996, repealed § 10-37.1. Formerly, such section pertained to increases in compensation for the pay for performance plan and derived from Ord. No. 8519, § 6, 6-12-95.

#### **Sec. 10-37.2. Reserved.**

**Editor's note** – Ordinance No. 8712, § 3, adopted June 10, 1996, repealed § 10-37.2. Formerly, such section pertained to increases in compensation for the recreation benchmark group and hourly classifications and derived from Ord. No. 8519, § 7, 6-12-95.

#### **Sec. 10-38. Movement within salary ranges.**

Movement within salary ranges shall be based upon performance components and or predicated on acquisition of skills set forth in skill based pay components of the compensation plan and also in accordance with the city managers directives for compensation administration.

(Ord. No. 10003, § 4, 6-28-04)

#### **Sec. 10-39. Increases for exceptionally meritorious service.**

Notwithstanding any other provision of article II of chapter 10, no person compensated under a performance based component of the compensation plan may receive more than one (1) performance based compensation increase within a year, except for exceptionally meritorious service and then only upon the recommendation of the department head and with the approval of the city manager. Performance pay increases for exceptionally meritorious service will not exceed five (5) percent in addition to the basic performance based pay of five (5) percent or a total maximum of ten (10) percent in any twelve (12) month time period. Persons compensated under a skill based component of the compensation plan shall not receive increases for meritorious service but may receive up to three (3) skill based pay level increases per year as provided for by the structure of the skill based component of the compensation plan.

(Ord. No. 8519, § 8, 6-12-95; Ord. No. 10003, § 5, 6-28-04; Ord. No. 10550, § 5, 6-17-08, eff. 7-1-08)

**Editor's note** – Formerly, § 10-38.

#### **Secs. 10-40 – 10-44. Reserved.**

**Editor's note** – Sections 10-40 – 10-43 were repealed by § 1 of Ord. No. 7369, adopted Mar. 12, 1990. Section 10-40 dealt with transfers to different classes and was derived from the 1953 Code, ch. 10, § 26, and Ord. No. 5000, § 12. Section 10-41 dealt with reduction in pay on demotion to a lower class and was derived from the 1953 Code, ch. 10, § 27, and Ord. Nos. 5000, § 13, and 5237, § 2. Section 10-42 dealt with pay upon reemployment or reinstatement after separation and was derived from the 1953 Code, ch. 10, § 28, and Ord. No. 1980, § 3. Section 10-43 dealt with reallocation and was derived from Ord. No. 5000, § 15. Ord. No. 5000, § 16, adopted Jun 25, 1979, repealed § 10-44, which pertained to the deduction of lodging, transportation, etc., from compensation rates. The section had been derived from the 1953 Code, ch. 10, § 29.

**Sec. 10-45. Computation of hourly rates.**

Whenever it becomes necessary or desirable to compute compensation for service on an hourly basis, payment for part-time, emergency, temporary, overtime, or extra time service, and other similar cases, the computation shall be made by the city finance director under the direction of the city manager by applying any generally accepted payroll computation method for translating monthly salaries into equivalent hourly rates. The same formula shall be applied to compensation computations for all persons employed by the city.  
(1953 Code, ch. 10, § 30; Ord. No. 7369, § 21, 3-12-90)

**Sec. 10-46. Part-time employees to be paid by the hour.**

Part-time employees shall be compensated at a rate only for the number of hours worked.  
(1953 Code, ch. 10, § 31)

**Sec. 10-47. Recruiting referral compensation for commissioned personnel.**

(a) In addition to other compensation provided by Tucson Code Chapter 10, Article II employees who refer a police officer or firefighter applicant who is hired within one year of the referral shall receive two hundred dollars (\$200.00), as provided in section (b) following.

(b) In addition to other compensation provided by Tucson Code Chapter 10, Article II commissioned firefighter personnel who refer a firefighter applicant who is hired within one year of the referral shall receive two hundred dollars (\$200.00), as provided in section (c) following.

(c) The director of human resources is responsible for the administration of recruiting referral compensation, including, but not limited to, providing for criteria to determine an acceptable referral; establishing methods to match referrals with hiring; and approving referral compensation. Payment of recruiting referral compensation for firefighter referrals will occur upon the applicant's successful completion of the Academy.  
(Ord. No. 9349, § 1, 2-7-00; Ord. No. 9405, § 1, 6-19-00; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165,

§ 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10558, § 2, 6-25-08, eff. 6-22-08; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**Editor's note** – Ord. No. 10900, § 2, adopted June 28, 2011, ratified, reaffirmed, and reenacted this section for Fiscal Year 2012. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2011. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**Sec. 10-48. Supplement to military pay.**

City employees, who pursuant to state law are entitled to military leave without loss of pay for a period not to exceed thirty (30) days in any two (2) consecutive years and fire commissioned personnel who are entitled by section 22-90(4) to military leave not to exceed thirty (30) days in one (1) year, will, when called to active duty which exceeds either of the preceding thirty (30) day periods for a period that exceeds thirty (30) consecutive days, receive pay to supplement their military base pay and allowances to the equivalent of their regular rate of city pay during the following time period and pursuant to the conditions hereafter provided:

- (1) The supplemental pay will commence July 1, 2002, but pursuant to Tucson Code section 10-31(1), shall expire annually subject to readoption and reenactment as part of the annual compensation plan for the succeeding fiscal year.
- (2) Supplemental military pay is an amount calculated to make the employee's military base pay and allowances equivalent to the monthly amount of the employee's regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.
- (3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days.

- (4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-90(4) during military service has been or becomes exhausted during the period of military service.
- (5) The employee's base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.
- (6) The employee provides proof of military service, hostile fire/imminent danger assignment, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee's base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

(Ord. No. 9641, § 1, 12-10-01; Ord. No. 9709, § 1, 6-3-02; Ord. No. 9866, § 4, 6-23-03; Ord. No. 10003, § 6, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10814, § 1, 7-7-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, §§ 2, 4, 6-7-16, eff. 6-26-16; Ord. No. 11398, § 1, 9-7-16, eff. 6-26-16)

**Editor's note** – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**Sec. 10-49. Holiday and BOI pay for commissioned officers of the Tucson police department of the position of lieutenant and assignment positions of captain and assistant chief.**

(a) In addition to the compensation authorized by section 10-31, commissioned officers of the position of lieutenant and assignment positions of captain and assistant chief shall receive holiday pay for any holiday worked which shall result in one (1) extra day of pay for that holiday.

(b) In addition to the compensation authorized by section 10-31, commissioned officers of the position of lieutenant and assignment positions of captain and assistant chief shall receive one (1) day of board of inquiry pay when called out to serve on a boards of inquiry. Board of inquiry pay shall be equivalent to one (1) day of pay at the regular rate of pay for the employee who is called out. No more than one (1) day of board of inquiry pay shall be received by any employee for the same board.

(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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**Sec. 10-50. Reserved.**

**Editor's note** – Prior to the reenactment of § 10-49 by Ord. No. 10003, Ord. No. 7369, § 1, adopted March 12, 1990, repealed § 10-49 relating to compensation of craftsmen in building trades, derived from the 1953 Code, ch. 10, § 34, and § 10-50, declaring the state prevailing wage scale a public record, derived from Ord. No. 2279, § 1, adopted March 19, 1962.

**Sec. 10-51. Basic working hours; alternate work schedules for city employees are authorized subject to city manager approval.**

(a) The number of basic working hours for each full time employee shall be forty (40) hours per week, except that in the fire department the work week may be modified as permitted by the Fair Labor Standards Act, but such work week shall not be less than forty (40) hours per week.

(b) Pursuant to A.R.S. § 23-391(B), city employees are authorized to work forty (40) hours in fewer than five (5) working days subject to their classification being approved by the city manager if, in his discretion, city services can be maintained or improved.

(c) The city manager is also authorized, consistent with subsections (a) and (b) above, to review and approve additional alternate work schedules for city employees if the city manager decides, in his discretion, that city services can be maintained or improved.  
(1953 Code, ch. 10, § 38; Ord. No. 1980, § 8, 11-16-59; Ord. No. 3318, § 1, 9-2-69; Ord. No. 5000, § 14, 6-25-79; Ord. No. 7369, § 22, 3-12-90; Ord. No. 9183, § 1, 1-4-99)

**Sec. 10-52. Longevity compensation plan.**

The longevity compensation plan is hereby adopted and is designed to reward continuous satisfactory service in municipal employment in all classes of positions both classified and unclassified according to the following schedule:

Years of Service	Percent of Annual Salary of Longevity Premium
0 through 5th year	0
Beginning of 6th year through end of 10th year	4
Beginning of 11th year through end of 15th year	6
Beginning of 16th year through end of 20th year	8
Beginning of 21st year and following	10

Payment of longevity premium will be subject to the following:

- (1) *Years of service.* These are considered as years of full-time service as a city employee of any class beginning with the starting date of the employee’s first appointment. Any time served as a part-time employee (working less than twenty-one (21) hours per week or less than forty-two (42) hours per pay period) will not count toward eligibility for longevity pay. Any time in a leave-without-pay status in excess of ten (10) continuous working days will not count as time of service for longevity eligibility, but also will not be considered as a break in service. Military leave will fully count toward eligibility for longevity pay.
- (2) *Method of payment.* The longevity premium will be paid in two (2) semi-annual installments: Half of the annual amount on the payday for the pay period in which June 1 falls, and half on the payday for the pay period in which December 1 falls. This is done so as to provide additional funds when needed most: around June 1 for vacation expenses, and around December 1 for holiday expenses. Employees becoming eligible for longevity compensation for the first time or becoming eligible for an increased increment will receive the first longevity premiums or increment increase amount on a pro rata basis for the period of eligibility in a method to be determined by the finance department.
- (3) *Percentage of annual pay.* The amount of longevity pay will be based on the stated fixed percentage of the salary actually received by the employee during the six-month period immediately preceding the dates upon which longevity payments shall be made, as set forth in subsection (2) hereof. For purposes of this section the term “salary actually received by the employee” shall not include salary received in excess of the base pay.

## Chapter 10A

### COMMUNITY AFFAIRS

Art. I.	Historical Commission, §§ 10A-1 – 10A-9
Art. II.	Tucson Youth and Delinquency Prevention Council, §§ 10A-10 – 10A-20
Art. III.	Veterans' Affairs Committee, §§ 10A-21 – 10A-30
Art. IV.	Founding Date of City of Tucson, §§ 10A-31 – 10A-40
Art. V.	Redistricting Advisory Committee, §§ 10A-41 – 10A-50
Art. VI.	Reserved, §§ 10A-51 – 10A-74
Art. VII.	Commission on Disability Issues, §§ 10A-75 – 10A-85
Art. VIII.	Citizens Police Advisory Review Board, §§ 10A-86 – 10A-99
Art. IX.	Commemorations and Observances, §§ 10A-100 – 10A-109
Art. X.	Tucson-Pima County Metropolitan Energy Commission, §§ 10A-110 – 10A-119
Art. XI.	Independent Audit and Performance Commission, §§ 10A-120 – 10A-129
Art. XII.	Tucson-Pima County Bicycle Advisory Committee, §§ 10A-130 – 10A-132
Art. XIII.	Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules, §§ 10A-133 – 10A-144
Art. XIV.	Park Tucson Commission, §§ 10A-145 – 10A-159
Art. XV.	Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC), §§ 10A-160 – 10A-169
Art. XVI.	Reserved, §§ 10A-170 – 10A-179
Art. XVII.	Landscape Advisory Committee, §§ 10A-180 – 10A-189
Art. XVIII.	Small, Minority and Women-Owned Business Commission, §§ 10A-190 – 10A-199
Art. XIX.	Resource Planning Advisory Committee, §§ 10A-200 – 10A-209
Art. XX.	Climate Change Committee (CCC), §§ 10A-210 – 10A-219
Art. XXI.	Reserved, §§ 10A-220 – 10A-229
Art. XXII.	Reserved, §§ 10A-230 – 10A-239
Art. XXIII.	Citizen Transportation Advisory Committee, §§ 10A-240 – 10A-244
Art. XXIV.	Commission on Food Security, Heritage, and Economy (CFSHE), §§ 10A-250 – 10A-255

#### Article I. Historical Commission

Sec. 10A-1.	Tucson-Pima County Historical Commission: Created; membership; vacancies; officers; quorum; terms; compensation; rules and regulations.
Sec. 10A-2.	Commission expenses and expenditures.
Sec. 10A-3.	Functions and purposes of the commission.
Secs. 10A-4 – 10A-9.	Reserved.

#### Article II. Tucson Youth and Delinquency Prevention Council

Sec. 10A-10.	Created.
Sec. 10A-11.	Membership.
Sec. 10A-12.	Organization.
Sec. 10A-13.	Reports.
Sec. 10A-14.	Limitation of powers.
Sec. 10A-15.	Functions and purposes.
Secs. 10A-16 – 10A-20.	Reserved.

#### Article III. Veterans' Affairs Committee

Sec. 10A-21.	Created.
Sec. 10A-22.	Membership.
Sec. 10A-23.	Committee organization.
Sec. 10A-24.	Reports.
Sec. 10A-25.	Limitation of power.
Sec. 10A-26.	Functions and purposes.
Secs. 10A-27 – 10A-30.	Reserved.

TUCSON CODE

**Article IV. Founding Date of City of Tucson**

- Sec. 10A-31. Founding date established.
- Sec. 10A-32. Bicentennial anniversary celebration.
- Secs. 10A-33 – 10A-40. Reserved.

**Article V. Redistricting Advisory Committee**

- Sec. 10A-41. Potential redistricting year.
- Sec. 10A-42. Redistricting Advisory Committee established.
- Sec. 10A-43. Membership composition; qualifications and terms.
- Sec. 10A-44. City clerk attendance, committee duties and functions.
- Sec. 10A-45. Committee recommendation submitted.
- Secs. 10A-46 – 10A-50. Reserved.

**Article VI. Reserved**

- Secs. 10A-51 – 10A-74. Reserved.

**Article VII. Commission on Disability Issues**

- Sec. 10A-75. Creation.
- Sec. 10A-76. Functions and purposes.
- Sec. 10A-77. Membership composition, terms and qualifications.
- Sec. 10A-78. Commission organization.
- Sec. 10A-79. Limitation of powers.
- Secs. 10A-80 – 10A-85. Reserved.

**Article VIII. Citizen Police Advisory Review Board**

- Sec. 10A-86. Declaration of policy.
- Sec. 10A-87. Creation.
- Sec. 10A-88. Citizen complaints and concerns: powers and duties.
- Sec. 10A-89. Community-police partnership: powers and duties.
- Sec. 10A-90. Composition, appointment, terms, and attendance.
- Sec. 10A-91. Board organization.
- Sec. 10A-92. Reports.
- Sec. 10A-93. Limitations of powers.
- Sec. 10A-94. Training.
- Sec. 10A-95. Cooperation.
- Secs. 10A-96 – 10A-99. Reserved.

**Article IX. Commemorations and Observances**

- Sec. 10A-100. American Indian Awareness Days.
- Sec. 10A-101. Martin Luther King, Jr. Day.
- Secs. 10A-102 – 10A-109. Reserved.

**Article X. Tucson-Pima County Metropolitan Energy Commission**

- Sec. 10A-110. Created; membership; vacancies; quorum; terms; compensation.
- Sec. 10A-111. Commission expenses and expenditures.
- Sec. 10A-112. Functions and purposes of the commission.
- Sec. 10A-113. Limitation of powers.
- Secs. 10A-114 – 10A-119. Reserved.

COMMUNITY AFFAIRS

**Article XI. Independent Audit and Performance Commission**

- Sec. 10A-120. Creation of independent audit and performance commission.
- Sec. 10A-121. Membership composition; appointment and terms; compensation; removal.
- Sec. 10A-122. Functions and duties.
- Sec. 10A-123. Commission organization; meetings; reports.
- Sec. 10A-124. Limitation of powers.
- Sec. 10A-125. Staff support; ex officio member.
- Secs. 10A-126 – 10A-129. Reserved.

**Article XII. Tucson-Pima County Bicycle Advisory Committee**

- Sec. 10A-130. Created; membership; vacancies; quorum; terms; compensation.
- Sec. 10A-131. Functions and purposes.
- Sec. 10A-132. Limitation of powers.

**Article XIII. Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules**

- Sec. 10A-133. Applicability.
- Sec. 10A-134. Terms and removal.
- Sec. 10A-135. Effective date.
- Sec. 10A-136. Rules and regulations of commissions, boards, departments to be filed.
- Sec. 10A-137. Nonvoting, advisory members.
- Sec. 10A-138. Citizens Advisory Planning Committee zoning code revision subcommittee.
- Sec. 10A-139. Requirements for creation of boards, committees, and commissions; annual reports.
- Secs. 10A-140 – 10A-144. Reserved.

**Article XIV. Park Tucson Commission**

- Sec. 10A-145. Declaration of policy.
- Sec. 10A-146. Park Tucson commission created.
- Sec. 10A-147. Membership composition; appointment; terms.
- Sec. 10A-148. Functions and purposes.
- Sec. 10A-149. Commission organization.
- Sec. 10A-150. Commission reports.
- Sec. 10A-151. Limitation of powers.
- Secs. 10A-152 – 10A-159. Reserved.

**Article XV. Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC)**

- Sec. 10A-160. Creation.
- Secs. 10A-161 – 10A-169. Reserved.

**Article XVI. Reserved**

- Secs. 10A-170 – 10A-179. Reserved.

**Article XVII. Landscape Advisory Committee**

- Sec. 10A-180. Creation.
- Sec. 10A-181. Membership composition, appointment, officers, and terms.
- Sec. 10A-182. Purpose of the committee.
- Sec. 10A-183. Limitation of powers.
- Secs. 10A-184 – 10A-189. Reserved.

TUCSON CODE

**Article XVIII. Small, Minority and Women-Owned Business Commission**

- Sec. 10A-190. Creation.
- Sec. 10A-191. Membership composition, appointment, officers, and terms.
- Sec. 10A-192. Reports.
- Sec. 10A-193. Limitation of powers.
- Sec. 10A-194. Staff support.
- Secs. 10A-195 – 10A-199. Reserved.

**Article XIX. Resource Planning Advisory Committee**

- Sec. 10A-200. Creation.
- Sec. 10A-201. Membership composition; appointment and terms; purpose.
- Sec. 10A-202. Functions and duties.
- Sec. 10A-203. Committee organization.
- Sec. 10A-204. Limitation of powers.
- Secs. 10A-205 – 10A-209. Reserved.

**Article XX. Climate Change Committee (CCC)**

- Sec. 10A-210. Creation.
- Sec. 10A-211. Membership composition; principal and alternate members; nomination and appointment; qualifications; terms and reappointment; removal; concurrent service permitted; advisory members.
- Sec. 10A-212. Functions, purposes, powers, and duties.
- Sec. 10A-213. Staff support; minutes.
- Sec. 10A-214. Committee organization; subcommittees.
- Sec. 10A-215. Limitation of powers.
- Secs. 10A-216 – 10A-219. Reserved.

**Article XXI. Reserved**

- Secs. 10A-220 – 10A-229. Reserved.

**Article XXII. Reserved**

- Secs. 10A-230 – 10A-239. Reserved.

**Article XXIII. Citizen Transportation Advisory Committee**

- Sec. 10A-240. Creation.
- Sec. 10A-241. Membership composition; appointment and terms.
- Sec. 10A-242. Functions and purposes.
- Sec. 10A-243. Committee organization and rules.
- Sec. 10A-244. Limitation of powers.

**Art. XXIV. Commission on Food Security, Heritage, and Economy (CFSHE)**

- Sec. 10A-250. Creation.
- Sec. 10A-251. Membership composition; qualifications; terms and reappointment.
- Sec. 10A-252. Functions and purposes.
- Sec. 10A-253. Committee organization and rules.
- Sec. 10A-254. Staff support; minutes.
- Sec. 10A-255. Limitation of powers.

**Secs. 10A-140 – 10A-144. Reserved.**

**ARTICLE XIV. PARK TUCSON  
COMMISSION\***

**Sec. 10A-145. Declaration of policy.**

(a) It is the policy of the city to enhance the quality of life and stimulate economic development within the area defined by the City Center Strategic Vision Plan by creating a partnership between the city and the community that efficiently and creatively utilizes parking resources to improve the overall accessibility and environment of the region. Park Tucson will be responsible for focusing, coordinating, and supporting the city's role in parking issues.

(b) The primary funding source for this program is parking revenues. Therefore, the city will establish, upon adoption of this article, a "Park Tucson reserve of fund" account within the general fund to enable monies generated by Park Tucson to be carried forward from year to year to be reinvested into parking and other related public improvement projects within the city center as approved by the mayor and council.

(c) Although the primary focus of Park Tucson will be within the city center, mayor and council may direct Park Tucson to implement and manage self-supporting parking programs in other areas of the city should the need arise. The city manager or the manager's designee may enter into agreements with private property owners to operate and manage parking lots and parking structures, so long as Park Tucson covers its anticipated costs out of anticipated revenues from the agreements.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

**Sec. 10A-146. Park Tucson commission created.**

There is hereby created an entity to be called the Park Tucson Commission.  
(Ord. No. 10418, § 1, 6-12-07; Ord. No. 11400, § 1, 9-20-16)

**Sec. 10A-147. Membership composition; appointment; terms.**

(a) *Appointment.* The Park Tucson Commission shall be composed of sixteen (16) members who shall serve without compensation as follows:

- (1) The city manager will make two (2) appointments.
- (2) Councilmembers from Wards I, II, III, IV, V, and VI will each appoint one (1) neighborhood representative.
- (3) The following organizations will each make one (1) appointment:
  - a. Fourth Avenue Merchants Association (FAMA).
  - b. University of Arizona.
  - c. Downtown Tucson Partnership.
  - d. Campus Community Relations Commission (CCRC).
  - e. Citizens Transportation Advisory Committee (CTAC).
  - f. Marshall Foundation/Main Gate Square.
  - g. Visit Tucson.
  - h. Tucson Metro Chamber.

- (4) Notwithstanding Section 10A-134 of this Code, individuals appointed to the Park Tucson Commission may simultaneously serve on more than one (1) city body.

(b) *Terms.* The commissioners who are first appointed shall be designated to serve for staggered terms, so that the terms of three (3) commissioners shall expire after one (1) year; the terms of three (3) commissioners shall expire after two (2) years; the

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\***Editor's note** – Ord. No. 10418, § 1, adopted June 12, 2007, amended Art. XIV in its entirety to read as herein set out. Former Art. XIV, §§ 10A-145 – 10A-151, pertained to Transportation Enterprise Area Management (TEAM) Oversight Commission, and derived from Ord. No. 8904, § 1, adopted August 4, 1997; Ord. No. 9053, §§ 1, 2, adopted May 4, 1998; Ord. No. 9190, § 1, adopted Jan. 11, 1999.

terms of four (4) commissioners shall expire after three (3) years; and the terms of five (5) commissioners shall expire after four (4) years. Each commissioner’s initial term will be determined by drawing lots at the commission’s first meeting. All appointments thereafter shall be for four-year terms, except that councilmembers’ neighborhood representative appointments shall not serve beyond the term of the councilmember making such appointment.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11161, § 1, 4-23-14; Ord. No. 11400, § 1, 9-20-16)

**Sec. 10A-148. Functions and purposes.**

The functions, purposes, powers, and duties of the Park Tucson commission are to:

(a) Advise the Park Tucson administrator on matters related to the integration of on-street and off-street parking with pedestrian, bicycle, and transit programs, special events, and capital improvement district projects within the city;

(b) Assist the Park Tucson administrator in developing parking enhancement projects for the city;

(c) Review on an ongoing basis existing city and neighborhood parking programs and signage programs, pedestrian, bicycle, and transit programs and make recommendations to Park Tucson administrator for future programs and/or revisions to existing programs;

(d) Monitor the progress of installation, construction, operation, replacement, maintenance, repair, and improvement of the property and improvements used for parking in the city;

(e) Annually review and recommend the proposed annual budget for the Park Tucson program;

(f) Recommend revisions to the schedule of user charges for the use of parking facilities provided or furnished by the city, including the placement, times, and rates for on-street, metered parking as well as recommending changes in penalties, interest, collection costs, and other charges for delinquencies in payment of such charges to the Park Tucson administrator;

(g) Consult with the mayor and council when requested on specific parking issues which may develop in the future;

(h) Study the city's specialized parking permit programs and recommend expansion, modification, and/or other changes to the Park Tucson administrator;

(i) Assist the city in coordinating the efforts of merchants and property owners in promoting common plans of action and facilitation of parking, urban design, communications and quality of life improvements in downtown Tucson. However, the commission shall not engage in any anti-competitive practice or discourage any person from locating any legal business in any particular place;

(j) Work with other city and county commissions on issues of mutual interest and concern relating to transportation and parking enhancement.

(k) Recommend such action as it deems necessary or desirable to accomplish the above functions.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

**Sec. 10A-149. Commission organization.**

(a) The commission shall select a chair and a vice-chair from among its members, who shall serve for one-year terms. The vice-chair shall act as chair in the absence or disability of the chair, or in the event of a vacancy in that office.

(b) The commission shall adopt rules and bylaws for its operations that are consistent with this chapter and other legal authority, and shall meet at such times and places as determined by the commission.

(c) The bylaws and all minutes of commission meetings shall be filed with the city clerk.

(Ord. No. 10418, § 1, 6-12-07)

**Sec. 10A-150. Commission reports.**

The commission shall submit such reports and recommendations as it deems appropriate or as requested by the Park Tucson administrator and/or mayor and council.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

**Sec. 10A-151. Limitation of powers.**

Neither the commission nor any member thereof may incur city expenses or obligate the city in any way without prior authorization from the mayor and council. (Ord. No. 10418, § 1, 6-12-07; Ord. No. 11400, § 1, 9-20-16)

**Secs. 10A-152 – 10A-159. Reserved.**

**ARTICLE XV. STORMWATER ADVISORY COMMITTEE (SAC) AND STORMWATER TECHNICAL ADVISORY COMMITTEE (STAC)\***

**Sec. 10A-160. Creation.**

(a) The director of the planning and development service department (PDS&D director) shall administratively create a stormwater advisory committee (SAC), a stormwater technical advisory committee (STAC), or both, in any specific instance where review, conclusions, recommendations, or any other advice or action by SAC or STAC is authorized or required by any provision of the Tucson Code, including, but not limited to, chapter 23 (Land Use Code), sections 2.8.6.2.D, 2.8.6.4.B, or 2.8.6.8.A; section 23A-62(4); section 26-12; or section 29-19; or by any regulations or policies promulgated under authority of the Tucson Code.

(b) The provisions of Tucson Code chapter 10A, article XIII (sections 10A-133 through 10A-139 inclusive) shall not apply to any SAC or STAC administratively created by the PDS&D director under this section. In creating any SAC or STAC under this section, however, the PDS&D director shall, as necessary and to the extent practicable in the particular instance, include members with one or more of the following areas of expertise or interest:

- (1) Registered professional civil engineers, licensed by the State of Arizona during the term of their membership;

- (2) Surface water hydrologists or water quality specialists;
- (3) Professional environmental consultants with a degree or expertise in biology or ecology;
- (4) Professional land use planners;
- (5) Water resources scientists, affiliated with either a local university program or a state or federal government agency which regulates water resources; and
- (6) Advocates for the preservation of washes.

(c) The director of the planning and development services department shall cooperate and regularly communicate with the director of the transportation department on matters related to this committee. (Ord. No. 11016, § 3, 9-5-12)

**Secs. 10A-161 – 10A-169. Reserved.**

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\***Editor’s note** – Ord. No. 11016, § 2, adopted September 5, 2012, repealed former §§ 10A-160 – 10A-164, relating to the stormwater advisory committee and the stormwater technical advisory committee and deriving from Ord. No. 9582, § 1, adopted August 6, 2001.

**ARTICLE XVI. RESERVED\***

**Secs. 10A-170 – 10A-179. Reserved.**

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**\*Editor's note** – Article XVI, §§ 10A-170 – 10A-174, relating to the Technology Policy Advisory Committee, derived from Ord. No. 10176, § 1, adopted July 6, 2005, as amended by Ord. No. 10315, § 1, adopted September 6, 2006, was repealed by Ord. No. 10843, § 2, adopted October 19, 2010.

**Sec. 13-1. Duties of the fire chief.**

The fire chief shall be responsible for the direction of all fire service activities including: emergency medical response, fire prevention, and fire safety education. The fire chief shall also be responsible for the planning and development of programs to protect life and property from fire and hazardous material releases. The fire chief shall also be responsible for the establishment of departmental policies, administrative and command structure, personnel assignments and rules necessary for the operation of the department. (Ord. No. 5607, § 2, 12-13-82; Ord. No. 8609, § 1, 1-2-96)

**Sec. 13-2. Reserved.**

**Editor's note** – Ordinance No. 8609, § 2, adopted January 2, 1996, deleted section 13-2 in its entirety. Formerly, such section pertained to bureaus of the fire department and derived from Ord. No. 5607, § 2, 12-13-82; Ord. No. 6738, § 1, 7-6-87.

**Sec. 13-3. Code adopted by reference.**

The 2012 Edition of the International Fire Code published by the International Code Council, with those local modifications attached as Exhibit A to Ordinance No. 11040, and with those further local modifications attached as Exhibit A to Ordinance No. 11393, is hereby adopted and made a part hereof as if set forth at length and shall be the Fire Code of the City of Tucson. (Ord. No. 5607, § 2, 12-13-82; Ord. No. 6029, § 1, 6-11-84; Ord. No. 6740, § 1, 7-6-87; Ord. No. 7445, § 1, 7-2-90; Ord. No. 8031, § 1, 4-26-93; Ord. No. 8609, § 1, 1-2-96; Ord. No. 9120, § 1, 9-28-98; Ord. No. 9609, § 1, 10-1-01; Ord. No. 10036, § 1, 9-7-04; Ord. No. 10437, § 1, 7-10-07; Ord. No. 11040, § 1, 12-18-12, eff. 1-1-13; Ord. No. 11393, § 1, 8-9-16, eff. 9-1-16)

**Editor's note** – Exhibit A is not printed herein but is on file in the office of the city clerk and available for public inspection during regular business hours.

**Sec. 13-4. Clerk to keep copies of fire code and of rules and regulations.**

Three (3) copies of the fire code adopted in section 13-3, of all fee schedules adopted pursuant to section 13-12, and of any amendments to any of the above shall be filed in the office of the city clerk and made public records and shall be available for public use and inspection during regular office hours and shall

be of full force and effect immediately upon such filing.

(Ord. No. 5607, § 2, 12-13-82; Ord. No. 6581, § 1, 12-8-86)

**Sec. 13-5. Amendments to fire code.**

The fire code adopted in section 13-3 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the fire code shall be kept on file in the office of the city clerk as public records and shall be available for public use and inspection during regular office hours. (Ord. No. 5607, § 2, 12-13-82)

**Sec. 13-6. Reserved.**

**Editor's note** – Ordinance No. 11040, § 2, adopted December 18, 2012 and effective January 1, 2013, deleted section 13-6 in its entirety. Formerly, such section pertained to violation declared a civil infraction and derived from Ord. No. 5607, § 2, 12-13-82; Ord. No. 5721, § 2, 2-28-83; Ord. No. 6581, § 2, 12-8-86; Ord. No. 8958, § 4, 9-22-97; Ord. No. 9609, § 2, 10-1-01; and Ord. No. 10036, § 2, 9-7-04.

**Sec. 13-7. Reserved.**

**Editor's note** – Section 13-7, relating to transportation of radioactive materials, derived from Ord. No. 5148, § 1, adopted December 14, 1981, and Ord. No. 5607, § 3, adopted December 13, 1982, was repealed by § 3 of Ord. No. 6581, adopted December 18, 1986. See new §§ 13-9 – 13-15.

**Sec. 13-8. Assumption of fire prevention minimum standards jurisdiction.**

The city assumes from the state fire marshal all jurisdiction to prescribe minimum standards for fire prevention throughout the territorial jurisdiction of the city, except with respect to state- or county-owned and operated buildings and public schools, wherever located therein.

(Ord. No. 6031, § 1, 6-11-84)

**Sec. 13-9. Restrictions on transportation of hazardous and radioactive materials.**

Hazardous materials required to be placarded under 49 C.F.R. part 172, as amended, and radioactive materials subject to regulation under 10 C.F.R. section 71.5, as amended, may not be transported within the

city except on truck routes as established by section 20-15 of this Code, notwithstanding the fact that the transporting vehicle does not exceed minimum qualifying weights or sizes as set out in that section. (Ord. No. 6581, § 4, 12-8-86)

**Sec. 13-10. Permits for transport of hazardous materials.**

(a) A nontransferable permit for hazardous transport shall be required annually for each person who transports in commerce through the city any hazardous material, other than radioactive material, diesel fuel and gasoline, in quantities required to be placarded by title 49 of the Code of Federal Regulations. A permit for hazardous transport shall be required for gasoline or diesel fuel transported in quantities of one hundred eleven (111) gallons or more. A permit for hazardous transport shall expire one (1) year from the date it is issued.

(b) Any person required by this section to obtain a permit for hazardous transport shall apply to the fire chief for such a permit prior to the intended date of movement of hazardous material into, through or within the city. A permit

**DIVISION 4. LIQUOR AND VENDING MACHINE LICENSE TAX\***

**Sec. 19-51. Imposition – Liquor license tax.**

Businesses in the city, selling alcoholic beverages, shall possess a city liquor license and pay a license tax as set out in section 19-52 of this article. (Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 5, 9-27-93)

**Sec. 19-52. Quarterly – Liquor license fee schedule.**

Series 1.	Distiller’s License	\$225.00
Series 2.	Brewer’s License	\$202.50
Series 3.	Winer’s License	\$103.50
Series 5.	Government License	\$342.00
Series 6.	Bar License – All Spirituous Liquor	\$274.50
Series 7.	Bar License Beer and Wine	\$117.00
Series 9.	Liquor Store License Packaged Goods	\$94.50
Series 10.	Beer and Wine Store License – Packaged Beer and Wine	\$90.00
Series 11.	Hotel/Motel License – All Spirituous Liquor Consumed on Premises	\$342.00
Series 12.	Restaurant License – All Spirituous Liquor Consumed on Premises	\$342.00
Series 14.	Club License	\$61.20
Series 17.	Governmental License to Serve and Sell Spirituous Liquor on Special Premises	\$405.00
Series 18.	Daily On-Sale Special Event License	None

(Ord. No. 7885, § 2, 8-3-92)

\*Note – Formerly, Art. I, Div. 3. Renumbered Art. I, Div. 4 by § 10 of Ord. No. 10448.

**Sec. 19-53. Applications.**

Application fees are based on full cost recovery. Application processing costs shall be reviewed in conjunction with the city’s biennial budget process to ensure that cost recovery is being achieved. Applications for liquor licenses for establishments located within the city limits, whether original or transfer, shall be made in accordance with the following procedure:

- (1) Application shall first be made with the State of Arizona Department of Liquor Licenses and Control in such form and manner as required by the director.
- (2) A copy of the state application will be sent to the city clerk by the State of Arizona Department of Liquor Licenses and Control.
- (3) An application for a special event license and an extension of premises shall be filed with the city clerk forty-five (45) days before the date of its proposed use in order to be considered timely. Applications filed between twenty-two (22) and forty-four (44) days prior to the date of proposed use shall incur additional late processing fees conforming to the schedule under subsection (4) below. No application for a special event license or extension of premises shall be accepted within twenty-one (21) days before its proposed use, except that the city clerk or the clerk’s designee may grant a one-time only waiver to an organization or applicant after consultation with the ward office where the use will occur.
- (4) Upon receipt of a copy of the state application by the city for a license, the applicant shall pay a nonrefundable application fee to the city conforming to the following schedule:

<i>License Type</i>	<i>Applicable Fee</i>
<i>Regular</i>	
Original License	\$1,636.00
Location Transfer	\$1,636.00
Person Transfer	\$1,636.00
Person/Location Transfer	\$1,636.00
Continuation of Restaurant License	\$1,636.00
<i>Agent Change – Acquisition of Control – Restructure</i>	\$463.00
<i>Special Event/Wine Festival/Wine Fair</i>	
0 – 500 Attendees	\$125.00
501 – 2,500 Attendees	\$240.00
2,501 – 5,000 Attendees	\$297.00
Over 5,000 Attendees	\$480.00
Late Processing Fee (Day 30 to Day 44)	\$75.00
Late Processing Fee (Day 22 to Day 29)	\$125.00
<i>Temporary Extension of Premises</i>	
Initial Application	\$25.00 per 100 square feet, up to a maximum of \$526.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$15.00 per 100 square feet, up to a maximum of \$526.00
Fire Inspection Fees per application	\$82.50 for the initial inspection and 1 re-inspection. Additional inspections will be charged \$82.50 per inspection
Late Processing Fee (Day 30 to Day 44)	\$75.00
Late Processing Fee (Day 22 to Day 29)	\$125.00

<i>License Type</i>	<i>Applicable Fee</i>
<i>Permanent Extension of Premises</i>	
Initial Application	\$60.00 per 100 square feet, up to a maximum of \$1,344.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$35.00 per 100 square feet, up to a maximum of \$1,344.00
Fire Inspection Fees per application	\$82.50 for the initial inspection and 1 re-inspection. Additional inspections will be charged \$82.50 per inspection

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9839, §§ 1 – 3, 5-5-03; Ord. No. 10402, § 1, 5-15-07; Ord. No. 10554, § 1, 6-25-08, eff. 8-1-08; Ord. No. 10836, § 1, eff. 9-8-10; Ord. No. 10919, § 1, 8-9-11; Ord. No. 11022, § 1, 9-19-12, eff. 11-1-12; Ord. No. 11399, § 1, 9-20-16)

**Sec. 19-54. Vending machines license fees.**

(a) Before being granted a distributor’s license, each applicant therefor shall pay an annual license tax which is hereby imposed in the amount of one hundred fifty dollars (\$150.00) for licenses issued prior to April 1; one hundred twelve dollars and fifty cents (\$112.50) for licenses issued after March 31 and prior to July 1; seventy-five dollars (\$75.00) for licenses issued after June 30 and prior to October 1; and thirty-seven dollars and fifty cents (\$37.50) for licenses issued after September 30 of each calendar year. All distributors’ licenses will expire on December 31 of each calendar year. In addition, there shall be paid an annual tax of six dollars (\$6.00) per machine operating or operated in the city, listed in the application. For each machine placed in operation by a new licensee and for each additional machine placed in operation by existing licensees on and after July 1 of each calendar year, the six dollars (\$6.00) tax shall be reduced to three dollars (\$3.00) for the calendar year remainder.

(b) Each owner-operator shall pay a six dollar (\$6.00) annual registration tax for each machine placed in operation prior to July 1 of each year and a three dollar (\$3.00) proportional registration tax for each machine placed in operation on or after that date. All machine registrations shall expire on December 31 of each year and must be renewed annually. (Ord. No. 7885, § 2, 8-3-92)

**Sec. 19-55. Business privilege license tax.**

No provision of this division shall be construed to avoid payment of the business privilege license taxes in accordance with this chapter.

**Secs. 19-56 – 19-65. Reserved.**

**DIVISION 5. TAX ON HOTELS RENTING TO TRANSIENTS\***

**Sec. 19-66. Tax imposed; nature and source of transient rental occupational license tax.**

(a) *Six (6) percent tax.* Every person who operates or causes to be operated a hotel within the city is subject to and shall pay an occupational license tax in an amount equal to six (6) percent of the rent charged by the operator to a transient. The transient rental occupational license tax imposed on the class of lodging house operators serving transients as defined in section 19-1 is not on the privilege of doing business within the city, but is a license tax on the transient rental occupation. The tax, when due, constitutes a debt owed by the operator to the city which is extinguished only by payment thereof to the city. If the rent is charged by the operator to the transient in installments, the tax thereon shall be due as provided herein for the calendar month in which the installment was charged. Upon the transient's ceasing to occupy space in the hotel, the tax on any uncharged rent shall be due for that calendar month.

(b) *Four dollar (\$4.00) surtax.* In addition to the measure of tax established in subsection (a), there is imposed upon every person who operates or causes to be operated a hotel within the city an additional amount

of tax at the rate of four dollars (\$4.00) for each twenty-four-hour period or fraction thereof that each occupancy is rented. The amount of such additional tax shall be separately identified in the reports required by the rules and regulations for administration of the transient rental tax to be made by the taxpayer to the city and on the books and records of the taxpayer. The administrative rules and regulations aforementioned shall apply to this additional tax unless in conflict with this paragraph (b).

(c) *Exclusions.* The occupational license tax imposed by subsections (a) and (b) shall not apply to:

- (1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, Arizona, or any other state or a political subdivision of this state or of any other state in a privately operated prison, jail, or detention facility;
- (2) Gross proceeds of sales or gross income that is properly included in another business activity under chapter 19, article II and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity;
- (3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this division;
- (4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under sections 19-410 or 19-475 due to an exclusion, exemption, or deduction;
- (5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel; however, such commissions may be subject to tax under sections 19-445 or 19-450 as rental, leasing, or licensing for use of real or tangible personal property; or

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\*Note – Formerly, Art. I, Div. 4. Renumbered Art. I, Div. 5 by § 10 of Ord. No. 10448.

- (6) Income from providing telephone, fax, or internet services to customers at an additional charge that is separately stated to the customer and is separately maintained in the hotel's books and records; however, such gross proceeds of sales or gross income may be subject to tax under section 19-470 as telecommunication services.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9838, § 1, 5-5-03; Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07; Ord. No. 10685, § 4, 6-16-09, eff. 7-1-09; Ord. No. 11369, § 1, 6-7-16, eff. 7-1-16)

**Sec. 19-67. Registration.**

Within thirty (30) days after commencing business, each hotel within the city renting occupancy to transients shall be registered with the director of finance in the name of the operator. A transient rental tax license will be issued and will be at all times posted in a conspicuous place on the premises. The first of these licenses will be automatically issued to those hotels currently holding a city business privilege license, but this provision in no way relieves the operator of the responsibility of registering such hotel and obtaining a license after the effective date of the section. Thereafter, such license will be issued with the city business privilege license. The license shall, among other things, state the following:

- (1) Name of the operator;
- (2) Address of the hotel;
- (3) The date upon which the license was issued.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 6, 9-27-93)

**Sec. 19-68. Determination of rent based upon method of reporting.**

The method of reporting chosen by the taxpayer, as provided in section 19-520 shall necessitate the following adjustments to gross income for all purposes under this article:

- (1) *Cash basis.* When a person elects to report and pay taxes on a cash basis, rent for the reporting period shall include:

- (A) The total amounts received on "paid in full" transactions, against which are allowed all applicable deductions and exclusions; and
- (B) All amounts received on accounts receivable, conditional sales contract, or other similar transactions against which no deductions and no exclusions from rent are allowed.

- (2) *Accrual basis.* When a person elects to report and pay taxes on an accrual basis, rent shall include all rent for the applicable period regardless of whether receipts are for cash, credit, conditional, or partially deferred transactions and regardless of whether or not any security document or instrument is sold, assigned, or otherwise transferred to another. Persons reporting on the accrual basis may deduct bad debts, provided that:

- (A) The amount deducted for the bad debt is deducted from rent of the month in which the actual charge-off was made and only to the extent that such amount was actually charged off and also only to the extent that such amount is or was included as taxable rental income; and
- (B) If any amount is subsequently collected on such charged-off account, it shall be included in rental income for the month in which it was collected without deduction for expense of collection.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-69. Exclusion of vendor issued coupons and rebates from rental income.**

- (a) The following items shall not be included in rent:

- (1) When coupons issued by a vendor are later accepted by the vendor as a discount against the transaction, the discount may be excluded from rental income as a cash discount. Amounts credited or refunded by a vendor for redemption of coupons issued by any person other than the vendor may not be excluded from rental income.

- (2) Rebates issued by the vendor to a customer as a discount against the transaction may be excluded from rental income as a cash discount. Rebates issued by a person other than the vendor may not be excluded from rental income, even when the vendee assigns his right to the rebate to the vendor.

(b) If the amount specified in subsection (a) above is credited by a vendor subsequent to the reporting period in which the original transaction occurs, such amount may be excluded from the taxable rental income of that subsequent reporting period but only to the extent that the excludable amount was reported as taxable rental income in that prior reporting period.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-70. Exclusion of combined taxes from rent; itemization; notice; limitations.**

(a) *When tax is separately charged and/or collected.* The total amount of rental income shall be exclusive of combined taxes only when the person upon whom the tax is imposed establishes to the satisfaction of the tax collector that such tax has been added to the total price of the transaction. The taxpayer must provide to his customer and also keep a reliable record of the actual tax charged or collected, shown by cash register tapes, sales tickets, or other accurate record, separating net transaction price and combined tax. If at any time the tax collector cannot ascertain from the records kept by the taxpayer the total or amounts billed or collected on account of combined taxes, the claimed taxes collected may not be excluded from rental income unless such records are completed and/or clarified to the satisfaction of the tax collector.

(b) *Remittance of all tax charged and/or collected.* When an added charge is made to cover city (or combined) transient rental tax, the person upon whom the tax is imposed shall pay the full amount of the city taxes due, whether collected by him or not. In the event the taxpayer collects more than the amount due, the excess shall be remitted to the tax collector. In the event the tax collector cannot ascertain from the records kept by the taxpayer the total or amounts of taxes collected, and the tax collector is satisfied that the taxpayer has collected taxes in an amount in excess of the tax assessed under this division, the tax collector may determine the amount collected and collect the tax so determined in the manner provided in this division.

(c) *Itemization.* In order to be entitled to exclude from rent any amounts paid by customers for combined taxes passed on to such customers, the taxpayer shall show to the tax collector that the customer was provided with a written record of the transaction showing, at a minimum, the price before the tax, the combined taxes, and the total cost. This shall be in addition to the record required to be kept under subsection (a) above.

(d) *When tax has been neither separately charged nor separately collected.* When the person upon whom the tax is imposed establishes by means of invoices, sales tickets, or other reliable evidence that no added charge was made to cover combined taxes, the taxpayer may exclude tax collected from such income by dividing such taxable rent by 1.00 plus a decimal figure representing the effective combined tax rate expressed as a fraction of 1.00.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-71. Licensing requirements.**

(a) *Generally.* Every person desiring to engage or continue in business activities within the city upon which a transient rental tax is imposed by this article shall make application to the tax collector for a transient rental tax license, accompanied by a non-refundable fee of twenty-five dollars (\$25.00), and no person shall engage or continue in business or engage in such activities without such a license.

(b) *Limitation.* The issuance of a transient rental license by the tax collector shall not be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07; Ord. No. 10448, § 5, 9-5-07, eff. 1-1-08)

**Sec. 19-72. Special licensing requirements.**

(a) *Partnerships.* Application for a transient rental license by a partnership engaging or continuing in business in the city shall provide, at a minimum, the names and addresses of all general partners. Licenses issued to persons engaged in business as partners, limited or general, shall be in the name of the partnership.

(b) *Corporations.* Application for a transient rental license by a corporation engaging or continuing in business in the city shall provide, at a minimum, the

names and addresses of both the chief executive officer and chief financial officer of the corporation. Licenses issued to persons engaged in business as corporations shall be in the name of the corporation.

(c) *Multiple locations or multiple business names.* A person engaged in or conducting one (1) or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A “location” is a place of a separate business establishment.

(d) *Conditions.* Licenses shall not be issued until all legal requirements are met. It shall be a condition precedent to the issuance of a license that all statutes, ordinances, regulations, and other requirements affecting the public peace, health, and safety are complied with in total.  
(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-73. Licensing; duration of license; transferability; display.**

(a) Except as provided in section 19-74, the transient rental license shall be valid until request for cancellation and/or surrender of the license by the licensee or expiration through cessation by the licensee of the business activity for which it was issued.

(b) The transient rental license shall be nontransferable between owners or locations and shall be on display to the public in the licensee’s place of business.

(c) Any licensee whose license expires through cancellation as provided in section 19-74, by a request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued and who thereafter applies for license shall be granted a new license as an original applicant and shall pay the current license fee. Any licensee who loses or misplaces his transient rental license which is still in effect shall be charged the current license fee for each re-issuance of a license.  
(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-74. Licensing: cancellation; revocation.**

(a) *Cancellation.* The tax collector may cancel the city transient rental license of any licensee as inactive:

- (1) If the taxpayer, required to report monthly to the city, has neither filed any return nor remitted to the city any taxes imposed by this article for a period of six (6) consecutive months;
- (2) If the taxpayer, required to report quarterly, has neither filed any return nor remitted any taxes imposed by this article for two (2) consecutive quarters; or
- (3) If the taxpayer, required to report annually, has neither filed any return nor remitted any taxes imposed by this article when such annual report and tax are due to be filed with and remitted to the tax collector.

(b) *Revocation.* If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid to the city under this division or if such licensee fails to comply with any provision of this article, the tax collector may revoke the city transient rental license of the licensee.

(c) *Notice and hearing.* The tax collector shall deliver notice to such licensee of cancellation or revocation of the transient rental license. If within twenty (20) days the licensee so notified requests a hearing, he shall be granted a hearing before the tax collector.

(d) *Relicensing.* After cancellation or revocation of a taxpayer’s license, the taxpayer shall not be relicensed until all reports have been filed, all fees, taxes, interest, and penalties due have been paid, and the taxpayer is in compliance with this article.  
(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-75. Operating without a license.**

It shall be unlawful for any person who is required by this article to obtain a transient rental tax license to engage in or continue in business within the city without a license. The tax collector shall assess any delinquencies in tax, interest, and penalties which may apply against such person upon any transactions subject to the taxes imposed by this division.  
(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-76. Recordkeeping requirements.**

(a) Every person subject to the tax imposed by this division shall keep and preserve suitable records

and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this division. The books and records must contain, at a minimum, such detail and summary information as may be required by regulation or, when records are maintained within an electronic data processing (edp) system, the requirements established by the Arizona Department of Revenue for privilege tax filings will be accepted. Every person subject to the tax imposed by this division shall keep and preserve such books and records for a period equal to the applicable limitation period as provided in section 19-28 for assessment of tax and all such books and records shall be open for inspection by the tax collector during any business day.

(b) The tax collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

- (1) Only for future reporting periods; and
- (2) Only by express determination of the tax collector that such specific recordkeeping is necessary due to the inability of the city to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or inadequate books, records, or documentation maintained by the taxpayer.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-77. Recordkeeping; claim of exclusion, exemption, deduction, or credit; documentation; liability.**

(a) All deductions, exclusions, exemptions, and credits provided in this division are conditional upon adequate proof and documentation of such as may be required either by this division or regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which the person is not entitled under this division, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on

such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming the exemption, it shall not also be collected from the vendor.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-78. Inadequate or unsuitable records.**

In the event the records provided by the taxpayer are considered by the tax collector to be inadequate or unsuitable to determine the amount of the tax for which such taxpayer is liable under the provisions of this division, the taxpayer shall either:

- (1) Provide such other records as required by this division or regulation; or
- (2) Correct or reconstruct the taxpayer's records to the satisfaction of the tax collector.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-79. Administration.**

Except as otherwise provided in this division, the administration of this division shall be governed by the provisions of division 5, article II and the regulations thereunder.

(Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Secs. 19-80 – 19-84. Reserved.**

**DIVISION 6. TAX ON SECONDHAND DEALERS AND PAWNBROKERS**

**Sec. 19-85. Tax imposed.**

(a) *In general.* Except as provided in subsections (b) and (c), there is imposed on every secondhand dealer and pawnbroker operating in fixed location in the city an occupational license tax in the amount of one thousand dollars (\$1,000.00).

(b) *Out of city dealers.*

(1) A secondhand dealer described in subsection (b)(2) shall pay an occupational license tax as follows:

(A) If the dealer conducts one (1) or two (2) shows in a calendar year, a tax of five hundred dollars (\$500.00).

- (B) If the dealer conducts three (3) or more shows in a calendar year, a tax of one thousand dollars (\$1,000.00).
- (2) A secondhand dealer liable for the tax imposed by subsection (b)(1) is one who:
  - (A) Has not already paid the tax imposed by subsection (a) in that year; and
  - (B) Conducts business at a location that is not that person's or entity's actual business address, such as a hotel, meeting hall, convention center, or other short term leased or rented location

(c) *Exclusion.* A secondhand dealer or pawnbroker who has submitted less than one thousand (1,000) reports to the chief of police, as required by section 7-98, in the calendar year prior to the date the tax imposed by subsection (a) is due is exempt from the tax imposed by such subsection. The chief of police shall transmit to the director of finance the names of all secondhand dealers and pawnbrokers subject to such tax no later than January 15 of each year.  
(Ord. No. 10790, § 6, 5-18-10, eff. 1-1-11)

**Sec. 19-86. Due date of tax.**

The tax imposed by section 19-85 is due and payable on March 1.  
(Ord. No. 10790, § 6, 5-18-10, eff. 1-1-11)

**Sec 19-87. Administration.**

The administration of this division shall be governed by division 5, article II, and the regulations thereunder.  
(Ord. No. 10790, § 6, 5-18-10, eff. 1-1-11)

**Secs. 19-88 – 19-98. Reserved.**

## MOTOR VEHICLES AND TRAFFIC

### Division 4. Basic Parking Controls

- Sec. 20-225. Penalty.
- Sec. 20-226. Designation of places angle parking permitted.
- Sec. 20-226.1. Obedience to angle parking signs, marking.
- Sec. 20-226.2. Parking at angle to load or unload merchandise.
- Sec. 20-226.3. Angle parking.
- Sec. 20-226.4. Angle parking, direction.
- Sec. 20-227. Designation of common-carrier passenger vehicle stands.
- Sec. 20-228. Taxicab stands – Application for; location; signs required.
- Sec. 20-228.1. Same – Revocation.
- Sec. 20-229. Time limit parking.
- Sec. 20-230. Designation of parking meter zones; authority to create, alter, eliminate.
- Sec. 20-230.1. Park Tucson administrator shall install within designated zones.
- Sec. 20-230.2. Temporary suspension of operation – When granted.
- Sec. 20-230.3. Same – Fees.
- Sec. 20-230.4. Location; legend.
- Sec. 20-230.5. Spaces to be marked; parking in spaces.
- Sec. 20-230.6. Overtime parking prohibited; “feeding” meters prohibited.
- Sec. 20-230.7. Effective days and hours.
- Sec. 20-230.8. Prima facie evidence of overtime parking.
- Sec. 20-230.9. Meters to show parking compliance.
- Sec. 20-230.10. Deposit of slugs prohibited.
- Sec. 20-230.11. Residential parking permit meter exemption.
- Sec. 20-230.12. Parking rates.
- Sec. 20-231. Police/fire vehicle parking.
- Sec. 20-232. Government plated vehicles.
- Sec. 20-233. Specific vehicle type restrictions (RV, motorcycle, etc.).
- Sec. 20-234. Hazard flashers mandatory.
- Sec. 20-235. Public parking prohibited in parking lots or spaces reserved for city officers or employees.
- Sec. 20-236. Height limit restriction.
- Sec. 20-237. Obedience to markings; double parking prohibited.
- Secs. 20-238 – 20-245. Reserved.

### Division 5. Nuisance Parking Controls

- Sec. 20-246. Penalty.
- Sec. 20-247. Parking for certain purposes prohibited.
- Sec. 20-248. Parking regulations for peddlers.
- Sec. 20-248.1. Parking regulations for peddlers in certain central business district streets.
- Sec. 20-249. Freight curb loading zones; location of provisional zones in parking meter zones.
- Sec. 20-249.1. Same – When nonauthorized vehicles prohibited in provisional zones.
- Sec. 20-250. Parking on property of another prohibited without permission.
- Sec. 20-251. Parking in parks and playgrounds.
- Sec. 20-252. Parking on city-owned property.
- Sec. 20-253. Parking for purposes of sale on unpaved lots.
- Sec. 20-254. Parking prohibited during certain hours on certain streets.
- Sec. 20-255. Residential permit parking.
- Sec. 20-257. Special events permit parking.
- Sec. 20-258. Additional permit parking programs; fees; city manager may establish additional permit parking programs and an annual parking permit fee.
- Sec. 20-259. Expired registration.
- Sec. 20-260. Stopping, standing, parking prohibited between the curb and sidewalk or in an unimproved pedestrian area impeding continuous pedestrian use.
- Sec. 20-261. Unattended and inoperable vehicles prohibited.
- Sec. 20-262. Truck parking on streets not designated as truck routes prohibited.
- Sec. 20-263. Recreational vehicles; commercial vehicles.
- Secs. 20-264 – 20-270. Reserved.

TUCSON CODE

Division 6. Safety Issues

- Sec. 20-271. Penalty.
- Sec. 20-272. Reserved.
- Sec. 20-273. Parking in alleys.
- Sec. 20-274. Hazardous areas adjacent to schools.
- Sec. 20-275. Standing or parking outside of business or residence district.
- Sec. 20-276. Buses stopping on crosswalks, within intersections prohibited.
- Sec. 20-277. Stopping, standing or parking prohibited in specified places.
- Sec. 20-278. Stopping, standing or parking prohibited in additional specified places.
- Sec. 20-279. Parallel parking.
- Sec. 20-280. Parking near fire or rescue apparatus.
- Sec. 20-281. Parking prohibited on certain streets and portions of streets.
- Sec. 20-282. Fire lanes.
- Sec. 20-283. Law enforcement officers exempt from specified parking provisions.
- Secs. 20-284 – 20-299. Reserved.

**Art. VIII. Taxicab Regulations**

- Sec. 20-300. Purpose.
- Sec. 20-301. Definitions.
- Sec. 20-302. Taxicab businesses and executive sedan services regulated.
- Sec. 20-303. Exterior display of fare and other information.
- Sec. 20-304. Interior display of fare and other information.
- Sec. 20-305. Meters, fares, charges.
- Sec. 20-306. Direct routes required.
- Sec. 20-307. Two-way radios required.
- Sec. 20-308. Civil infraction.
- Sec. 20-309. Police department and Park Tucson enforcement agents authorized to issue citations.
- Secs. 20-310 – 20-399. Reserved.

**Art. IX. Trolleys**

- Sec. 20-400. Purpose.
- Sec. 20-401. Definition.
- Sec. 20-402. Application of law.
- Sec. 20-403. Operation of motor vehicles.
- Sec. 20-404. Civil infraction.
- Sec. 20-405. Enforcement.
- Secs. 20-406 – 20-499. Reserved.

**Article X. Soliciting Employment, Business or Contributions  
From Occupants of Vehicles**

- Sec. 20-500. Purpose and intent; legislative findings.
- Sec. 20-501. Prohibited conduct.
- Sec. 20-502. Classification and penalty.

*Sec. 20-1(33). Unimproved pedestrian area* means that portion of a street between the curbs, or the lateral lines of a roadway, and the adjacent property lines, which is not improved with a sidewalk, is not landscaped, and is physically capable of continuous pedestrian use. An unimproved pedestrian area less than four (4) feet wide is determined to be incapable of pedestrian use.

(1953 Code, ch. 17, § 1; Ord. No. 1821, § 3, 4-21-85; Ord. No. 4502, § 2, 6-21-76; Ord. No. 4653, § 1, 5-16-77; Ord. No. 5931, § 2, 12-19-83; Ord. No. 6041, § 1, 6-25-84; Ord. No. 6988, § 1, 6-20-88; Ord. No. 7757, § 1, 1-27-92; Ord. No. 8270, § 1, 11-21-94; Ord. No. 8464, § 1, 3-20-95; Ord. No. 8958, § 7, 9-22-97; Ord. No. 10418, § 2, 6-12-07; Ord. No. 11063, § 1, 3-27-13)

**State law reference** – Similar provisions, A.R.S. 20-8-602.

**Sec. 20-2. Civil traffic violations.**

It shall be a civil traffic violation for any person, firm or corporation to violate any of the provisions of article I, II, III, IV, V or VI of this chapter.

(1953 Code, ch. 17, § 6; Ord. No. 5391, § 3, 8-3-81; Ord. No. 5931, § 3, 12-19-83)

**Sec. 20-3. Penalties.**

Unless otherwise specifically provided in this chapter, the violation of any provision of article I, II, III, V or VI shall result in the imposition of a civil sanction which shall not exceed five hundred dollars (\$500.00).

(1953 Code, ch. 17, § 23c; Ord. No. 5391, § 4, 8-3-81; Ord. No. 5931, § 4, 12-19-83; Ord. No. 9492, § 2, 11-27-00)

**Sec. 20-4. Applicability to public employees.**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county or city; and it shall be unlawful for any such driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute.

(1953 Code, ch. 17, § 8)

**State law reference** – Similar provisions, A.R.S. § 28-623.

**Sec. 20-5. Applicability to pushcarts, animals, animal-drawn vehicles.**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which by their very nature can have no application.

(1953 Code, ch. 17, § 10)

**State law reference** – Similar provisions, A.R.S. § 26-625.

**Sec. 20-6. Reserved.**

**Sec. 20-7. Office of traffic engineer created; general powers, duties.**

The office of city traffic engineer is hereby established. The duties of the traffic engineer shall be, among other things, to regulate traffic under the provisions of this chapter and the traffic ordinances of the city. It shall be the general duty of the traffic engineer to establish, change, remove or prohibit, as conditions may require, boulevard stops, pedestrian lanes, U-turns and right- and left-hand turns, traffic lanes, and other necessities of traffic, subject to the approval of the city manager, and under such regulations as he may prescribe; provided, that nothing in this section shall be construed as conferring upon the office of traffic engineer the duties or authority over traffic of the chief of police.

(1953 Code, ch. 17, § 2; Ord. No. 11400, § 2, 9-20-16)

**Sec. 20-8. Enforcement duties of police.**

It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all traffic laws of the city and all of the state vehicle laws applicable to traffic in the city.

(1953 Code, ch. 17, § 3)

**Sec. 20-9. Police authorized to direct traffic; emergency authority.**

Officers of the police department, community service officers or such officers as are assigned by the chief of police are hereby authorized to direct all traffic

by voice, hand or signal in conformance with state and city traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, such officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.  
(1953 Code, ch. 17, § 4; Ord. No. 4605, § 1, 1-3-77)

**Sec. 20-10. Authority of officers of fire department.**

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.  
(1953 Code, ch. 17, § 5)

**Sec. 20-11. Reserved.**

**Editor’s note** – Section 20-11, requiring obedience to police and fire officers, derived from the 1953 Code, ch. 17, § 7, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-11.1. Appointment of park rangers as special policemen.**

The police chief may in his sound discretion certify as peace officers certain persons employed by the city parks and recreation department as park rangers, provided they meet the following qualifications:

*Sec. 20-11.1(1).* Attend a full training course at the Tucson Police Academy.

*Sec. 20-11.1(2).* Be not less than twenty-one (21) years of age.

*Sec. 20-11.1(3).* Be a citizen of the United States and of good moral character and able to read and write the English language understandably.  
(Ord. No. 2954, § 1, 1-16-67; Ord. No. 4605, § 2, 1-3-77)

**Sec. 20-11.2. Jurisdiction of special policemen.**

(a) The authority of the park rangers as special policemen shall be limited to when they are on duty as park rangers and when they are off duty but in the parks and in the park ranger’s uniform and shall be limited,

further, in that such authority shall exist only in public parks of the city or while in fresh pursuit out of public parks:

- (1) When the person to be arrested has committed a misdemeanor or felony in the presence of the park ranger in the parks; or
- (2) When the park ranger has reasonable ground to believe a felony has been committed in the parks, and reasonable grounds to believe the persons to be arrested has committed it.

(b) Public parks shall include all those grounds dedicated or deeded to the city for park purposes or those that are used for public park and recreation purposes, grounds maintained by the parks and recreation department and all structures or improvements included within any of the above areas when such structures are maintained or their use controlled by the parks and recreation department.  
(Ord. No. 2954, § 1, 1-16-67; Ord. No. 3010, § 2, 6-5-67; Ord. No. 4605, § 3, 1-3-77)

**Sec. 20-11.3. Authority of special policemen.**

A park ranger, as a special policemen, shall be considered as and have the authority of a peace officer to make arrests within their jurisdiction, as set forth in section 20-11.2 of this chapter.  
(Ord. No. 2954, § 1, 1-16-67; Ord. No. 4605, § 4, 1-3-77)

**Sec. 20-11.4. Status of special policemen.**

Special policemen shall not be a part of, nor affiliated or connected in any official capacity with, the city police department. Special policemen shall exercise such other limited police powers as may be delegated to them by the police chief. A special policemen shall not be subject to, or acquire any rights under any police pension fund of the state or of the city.  
(Ord. No. 2954, § 1, 1-16-67)

(1953 Code, ch. 17, § 98; Ord. No. 1924, § 3, 7-6-59; Ord. No. 3653, § 1, 1-24-72; Ord. No. 3753, § 1, 12-13-71; Ord. No. 4003, § 1, 4-2-73; Ord. No. 4132, § 1, 2-19-74; Ord. No. 4150, § 2, 6-21-76; Ord. No. 4275, § 1, 1-20-75; Ord. No. 5050, § 1, 10-15-79; Ord. No. 6120 § 1, 11-19-84; Ord. No. 6565, § 1, 11-3-86; Ord. No. 6590, §§ 1 and 2, 12-8-86; Ord. No. 6705, §§ 1 and 2, 5-18-87; Ord. No. 6797, §§ 1 and 2, 9-21-87; Ord. No. 6950, §§ 1 and 2, 5-16-88; Ord. No. 6974, §§ 1 and 2, 6-6-88; Ord. No. 7066, §§ 1 and 2, 10-17-88; Ord. No. 7080, §§ 1 and 2, 10-24-88; Ord. No. 7137, §§ 1 and 2, 2-6-89; Ord. No. 7251, §§ 1 and 2, 8-7-89; Ord. No. 7442, §§ 1 and 2, 7-2-90; Ord. No. 7484, §§ 1 and 2, 9-17-90; Ord. No. 7542, §§ 1 and 2, 1-7-91; Ord. No. 7750, §§ 1 and 2, 1-13-92; Ord. No. 7903, § 2, 9-14-92; Ord. No. 7914, § 2, 10-5-92; Ord. No. 7972, §§ 1 and 2, 1-11-93; Ord. No. 7979, §§ 1 and 2, 2-1-93; Ord. No. 8342, § 2, 8-1-94; Ord. No. 8687, § 2, 5-6-96; Ord. No. 8788, §§ 1 and 2, 12-16-96; Ord. No. 8927, §§ 1 and 2, 9-2-97; Ord. No. 9133, § 2, 10-5-98; Ord. No. 9435, § 2, 8-7-00; Ord. No. 9760, § 2, 9-3-02; Ord. No. 10181, § 1, 8-2-05; Ord. No. 10940, § 1, 10-25-11; Ord. No. 11091, § 2, 7-9-13; Ord. No. 11368, § 1, 6-7-16)

**Secs. 20-180 – 20-199. Reserved.**

## ARTICLE VII. STOPPING, STANDING AND PARKING\*

### DIVISION 1. GENERALLY

**Sec. 20-200. Unlawful parking prohibited; classification; parking defined; parties liable; applicability of regulations; continuous violations; mandatory fines and fees; community service.**

(a) *Classification.* Violation of any provision of this article which regulates the time, place, or method of parking shall constitute a civil infraction.

(b) *Definition.* Parking means the standing of a vehicle, whether occupied or not.

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\***Editor's note** – Ord. No. 9196, § 1, adopted Jan. 25, 1999, repealed the former Art. VII, §§ 20-193 – 20-277, which pertained to stopping, standing and parking, and enacted a new Art. VII, §§ 20-200 – 20-282 to read as herein set out. For more information, see the Code Comparative Table.

(c) *Parties liable.* The owner(s) of the vehicle and the person who parked or placed the vehicle where the violation occurred shall be jointly and individually liable for the violation and for the fine and fees prescribed therefor.

(d) *Applicability of regulations.* The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device.

(e) *Continuous violations.* Where parking is time restricted, each full time period the vehicle is unlawfully parked beyond the posted time limit shall constitute a separate violation. In all other cases, each day the violation continues shall constitute a separate offense.

(f) *Mandatory fines and fees.* Unless otherwise specifically provided by this article, the fines and fees for violating any provision of this article shall be mandatory, no part of which may be suspended or waived by the court.

(g) *Community service.* Community service work may be substituted for fines and fees in accordance with section 1-8(4) of this Code.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-201. Reserved.**

**Editor's note** – Ord. No. 9492, § 3, adopted Nov. 27, 2000, repealed § 20-201, which pertained to administrative enforcement fee. See the Code Comparative Table.

**Sec. 20-202. Prima facie evidence of parking infraction.**

No civil infraction may be established except upon proof by a preponderance of the evidence; provided, however, that a parking violation notice, or copy thereof, issued in accordance with this chapter and the Local Rules of Practice and Procedure in City Court Civil Proceedings shall be prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the correctness of the facts specified therein.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-203. Failure to respond to citation; default fee; booting and impounding vehicle authorized, booting and impound fees; damages to boot.**

(a) *Arizona registered vehicles.* When a citation is issued to a vehicle registered within the State of Arizona, Park Tucson shall within seven (7) working days send a citation letter to the owner address on file with the Arizona Department of Motor Vehicles advising the owner of the citation and containing the date, time, and location of the violation as well as the vehicle description and violation description; or a duplicate copy of the citation.

(b) *Failure to respond.* If the owner or operator of the vehicle involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a \$50.00 default fee pursuant to T.C.C. section 8-6.7 shall be assessed, and a \$20.00 Time Payment Fee pursuant to A.R.S. 12-116, and, a \$20.00 Case Processing Fee pursuant to T.C.C. section 8-6.5(a), plus surcharge and the court shall within seven (7) working days of the default date send a default letter to the owner address on file with the Arizona Department of Motor Vehicles, advising the owner that the citation is in default and that the vehicle may be subject to boot or impoundment as set forth in subsection (d).

(c) *Foreign registered vehicles.* If the owner or operator of the vehicle, registered in a state or jurisdiction other than Arizona, involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by Park Tucson or one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a default fee pursuant to T.C.C. section 8-6.7 shall be assessed, and a \$20.00 Time Payment Fee pursuant to A.R.S. 12-116, and, a \$20.00 Case Processing Fee pursuant to T.C.C. section 8-6.5(a) plus surcharge.

(d) *[Booting, impoundment.]* In addition to actions taken under section 20-203(b) or (c) above, the citing authority may boot, impound or cause to be booted or impounded any motor vehicle owned by a person who has three (3) or more unpaid civil parking infractions or has failed to respond to the civil parking

infractions as set forth in section 20-203(b) or (c), giving notice that there shall be a hearing before a limited special magistrate within forty-eight (48) hours of the booting or impoundment, excluding weekends and holidays. The owner of the vehicle which was booted or impounded may post a bond in the amount of the booting and/or impound fees, damages or replacement cost of the boot if any, and potential fines in order to have the vehicle released pending the hearing. The limited special magistrate shall conduct the hearing as follows:

- (1) The limited special magistrate shall conduct a hearing where the sole issue shall be to determine whether the vehicle was owned by the person at the time of the civil parking infractions, determine whether the infractions have been paid or otherwise responded to, and determine whether the boot was damaged or taken from the vehicle.
- (2) If the owner fails to appear as directed by the citing authority, the limited special magistrate shall enter a default judgment in the amount of the unpaid fines, booting fees, impound fees, other costs imposable under this section and order the vehicle impounded until all fines, fees and other costs imposable under this section are paid or the vehicle is disposed of pursuant to sections 20-13 and 20-14 of this Code.
- (3) For purposes of this hearing, the transference of title of the vehicle from the owner of the vehicle when the civil parking infraction occurred to another person after the vehicle was booted or impounded is not a defense to nonpayment of the fines and the vehicle will not be released until the unpaid fines, booting and/or impound fees and any other costs imposable under this section are paid, except pursuant to subsections (d)(6) and (7) of this section.
- (4) If a continuance is granted to the defendant for good cause, the booted or impounded vehicle may be released upon the posting of a cash bond in the amount of the booting and/or impound fees, other costs imposable under this section and potential fines. If a continuance is granted to the city for good cause, the impounded or booted vehicle shall be released forthwith without the necessity of a bond.
- (5) If the case is continued, the limited special magistrate shall set the hearing within thirty (30) days.
- (6) If judgment is entered in favor of the owner, the booted/impounded vehicle shall be released forthwith to the operator or owner of the vehicle, unless the boot was damaged or taken, without any booting and/or impound fees, and any bond posted shall be returned to the person posting the bond unless the boot was damaged or taken, then the vehicle shall not be released nor the bond released until the repair or replacement cost for the boot is paid.
- (7) If judgment is entered in favor of the city, the limited special magistrate shall order the payment of unpaid fines and fees booting and/or impound fees and damages or replacement cost of the boot, if any. The limited special magistrate may order the vehicle impounded until all fines, fees and damages or replacement cost of the boot, if any, are paid or the vehicle disposed of pursuant to sections 20-13 and 20-14 of this Code. The limited special magistrate may allow the vehicle released if the owner shows good cause and agrees to make payments. However, the booting and/or impound fees and any damages or replacement cost of the boot, if any, shall be paid before the vehicle is released to the owner.
- (8) The booting fee shall be in the amount of seventy-five dollars (\$75.00) and the impound fee shall be in the amount of the towing or removal costs plus storage fees. These fees are hereby declared to be cost recovery measures, administrative in nature, separate from and in addition to any civil penalty imposed.
- (9) Any person who damages a boot on a vehicle either by attempting to remove the boot or by trying to drive off with the boot or by taking the boot is responsible for the repair or replacement cost of the boot. The limited special magistrate shall order the repair or replacement cost of the boot be paid before the release of any vehicle.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 11324, § 1, 12-8-15; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-204. Booting or impounding list.**

(a) When a vehicle has three (3) or more unpaid civil parking infractions or the vehicle owner has failed to respond to the civil parking infractions as set forth in section 20-203(b) or (c), the city court shall place that vehicle on the booting/impound list.

(b) After a vehicle has been placed on the booting/impound list, any other vehicle owned by the owner of that vehicle is also subject to booting and/or impoundment. Prior to the booting or impoundment of any vehicle registered in a state or jurisdiction other than the State of Arizona, where such booting or impoundment is based solely on section 20-204(b) or (c), a boot/impound notice shall be affixed to the vehicle at least twenty-four (24) hours in advance of any booting or impoundment advising the owner and/or operator of the vehicle that the vehicle has been placed on the booting/impound list and is now subject to booting or impoundment without further notice.

(c) Twenty-four (24) hours after a boot/impound notice has been affixed to a vehicle pursuant to section 20-203(d), that vehicle, as well as any other vehicle owned by the same owner, shall be subject to booting or impoundment without further notice.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

**Secs. 20-205 – 20-209. Reserved.**

**DIVISION 2. ADMINISTRATION**

**Sec. 20-210. Director of transportation; duties; Park Tucson Administrator duties; authorization to issue citations and collect violation fines.**

(a) The director of transportation, or the director's designee, shall establish, change, remove, or prohibit, as conditions may require, boulevard stops, pedestrian lanes, parking spaces, parking time limits, safety and loading zones, public carrier stands and other necessities of facilitating parking.

(b) The Administrator of Park Tucson shall regulate parking and may issue citations and collect violation fines for any regulation relating to stopping, standing, or parking motor vehicles contained in any chapter of this Code.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 10918, § 2, 8-9-11; Ord. No. 11324, § 2, 12-8-15)

**Sec. 20-211. Administrative guidelines.**

The director of transportation has authority to prepare such administrative guidelines as may be deemed necessary and desirable to implement the provisions of this article. Three (3) copies of these guidelines will be kept on file by the city clerk.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-212. Civilian volunteer police assist specialists authorized to issue citations.**

Civilian volunteer police assist specialists appointed at the discretion and under the direction of the chief of police are hereby authorized to issue citations enforcing any regulation relating to the stopping, standing or parking of motor vehicles contained in any chapter of this Code.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-213. Parking enforcement agents exempt.**

Any stopping, standing or parking restrictions provided in this article shall not apply to any police officer, peace officer, or parking enforcement agent when such stopping, standing or parking is for the purpose of actual performance of law enforcement duty.  
(Ord. No. 9196, § 1, 1-25-99)

**Secs. 20-214 – 20-219. Reserved.**

**DIVISION 3. PARKING FOR INDIVIDUALS WITH PHYSICAL DISABILITIES**

**Sec. 20-220. Parking for individuals with physical disabilities; designation; enforcement.**

Parking spaces subject to these provisions shall be clearly and conspicuously designated as being reserved for individuals with physical disabilities. Such designation shall include a standard symbolic disabled parking sign bearing the number of this section of this Code and conforming to specifications for design and placement as approved by the director of transportation, or the director's designee. The posting of such sign or signs shall authorize enforcement of the provisions of this division and shall thereby constitute consent by the owner of the property to enforcement of this division.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-221. Penalty.**

Unless otherwise specifically provided, the penalty for violating any ordinance or provision of article VII, division 3, which regulates the time, place, or method of parking a vehicle shall be a mandatory base fine of two hundred eleven dollars and forty-eight cents (\$211.48), no part of which may be suspended or waived by the court, plus any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 1, 6-23-03; Ord. No. 11295, § 1, 8-5-15; Ord. No. 11324, § 3, 12-8-15)

**Sec. 20-222. Parking prohibited in spaces reserved for individuals with physical disabilities.**

(a) It shall be unlawful to park any motor vehicle, other than one bearing a license plate with the international wheelchair symbol or displaying a placard issued under state law for this purpose, in a parking space reserved for use by individuals with physical disabilities whether on public property or private property available for public use, when such space is designated as described in section 20-220 above.

(b) If the owner or operator of the vehicle involved in a violation of this section, subsequently produces to Park Tucson administrator or to Tucson City Court proof of possession of a valid placard issued under state law for these purposes, the fine shall be reduced to twenty dollars (\$20.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-222.1. Parking prohibited in access aisles of spaces reserved for individuals with physical disabilities.**

It shall be unlawful for any vehicle, including one with a disabled plate or placard, to park in the access aisle of such space as designated by diagonal white or yellow lines spaced at approximately two-foot intervals.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-222.2. Paratransit loading zones.**

When signs are erected giving notice thereof, it is unlawful to stop, stand, or park a vehicle in any provisional paratransit loading zone. The provisions of this section shall not apply to vehicles bearing a license plate with the international wheelchair symbol or displaying a placard issued under state law for this purpose, or to authorized commercial paratransit vehicles, when any such vehicles are actively engaged in loading or unloading of passengers. In no case shall the stop for the loading or unloading of passengers exceed twenty (20) minutes.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-223. Wheelchair curb access ramps.**

It is unlawful to stop, stand, or park a vehicle in such a manner as to block or deny access to a wheelchair curb access ramp. A violation of this section is punishable by a fine of one hundred twenty-five dollars (\$125.00) and such fine shall not be suspended. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-224. Reserved.****DIVISION 4. BASIC PARKING CONTROLS****Sec. 20-225. Penalty.**

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 4, which regulates the time, place, or method of parking a vehicle shall be a mandatory base fine of fourteen dollars and seventy-five cents (\$14.75), no part of which may be suspended or waived by the court, plus any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 2, 6-23-03; Ord. No. 11324, § 4, 12-8-15)

**Sec. 20-226. Designation of places angle parking permitted.**

The director of transportation, or the director's designee, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal aid or state highway within the city unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Angle parking shall not be intended or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of a two-way street.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-226.1. Obedience to angle parking signs, marking.**

Upon those streets which have been signed or marked by the director of transportation, or the director's designee, for angle parking, it is unlawful to park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or marking.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-226.2. Parking at angle to load or unload merchandise.**

When a vehicle is stopped for the purpose of loading or unloading merchandise, it is unlawful to park such vehicle at an angle to the curb or freight curb loading zone designated by appropriate signs and markings for such purpose.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-226.3. Angle parking.**

Where signs are posted specifying the direction of a vehicle for angle parking, it shall be unlawful to park a vehicle not in accordance with the signs.  
(Ord. No. 9434, § 1, 8-7-00)

**Sec. 20-226.4. Angle parking, direction.**

Unless signs are posted directing otherwise, vehicles shall pull into angled parking spaces while

traveling in the same direction as the travel flow of the nearest traffic lane and shall park facing the curb.  
(Ord. No. 10418, § 3, 6-12-07)

**Sec. 20-227. Designation of common-carrier passenger vehicle stands.**

The director of transportation, or the director's designee, is hereby authorized and required to establish bus stops and stands for other passenger common-carrier motor vehicles other than taxicabs on such public streets, in such places and in such number as the director of transportation, or the director's designee, shall determine to be of the greatest benefit and convenience to the public; and every such bus stop or other stand shall be designated by appropriate signs.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-228. Taxicab stands – application for; location; signs required.**

Upon receipt of a written application, the director of transportation is hereby authorized to determine the location of taxicab stands and shall place and maintain appropriate signs and/or markings indicating same. The written application shall define the area wherein the taxicab stand is requested, the size of zone requested, the hours of day during which the zone is needed, and such other pertinent information as may be necessary for the director of transportation to determine whether the application should be granted.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-228.1. Same – Revocation.**

The director of transportation may at any time, without notice, remove, relocate or alter any taxicab stand issued under this section.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-229. Time limit parking.**

When signs are erected giving notice thereof, it is unlawful to park a vehicle for longer than the time period posted. It shall be unlawful to park a vehicle in the same time restricted space, or same type time restricted space within the same block, for any portion of two (2) consecutive time periods.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

**Sec. 20-230. Designation of parking meter zones; authority to create, alter, eliminate.**

For the purposes of this division, the term “parking meter zones” means zones, areas, or streets established or designated by the mayor and council where parking meters may be installed by the Park Tucson administrator. The Park Tucson administrator may convert existing time limit parking zones into parking meter zones. The mayor and council may create, expand, change, or eliminate any such zones. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-230.1. Park Tucson administrator shall install within designated zones.**

The Park Tucson administrator may cause parking meters to be installed in such parking meter zones established by mayor and council for the purpose of and in such numbers and at such places as may be necessary to regulate and control the parking of vehicles therein. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-230.2. Temporary suspension of operation – When granted.**

The Park Tucson administrator may temporarily suspend the operation of parking meters upon request by contractors, merchants, or others, for bona fide reasons if such suspension shall be in the interest of public safety, traffic control, health, or the general welfare. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-230.3. Same – Fees.**

Request for suspension of parking meters shall be made upon forms supplied by the city and filed with the director of transportation. Before meters are suspended, the following fees shall be paid in full:

For each day, or part thereof: The full parking fee that would otherwise be charged within a twenty-four-hour time period. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.4. Location; legend.**

Parking meters installed in parking meter zones shall be placed at the curb immediately adjacent to the individual parking spaces hereinafter described, and each parking meter shall be so constructed and adjusted as to show or display a signal that the space adjacent to which it is established is or is not legally in use. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.5. Spaces to be marked; parking in spaces.**

(a) It shall be unlawful to park any vehicle across any line or marking designating the parking space for which a parking meter is used, or to park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

(b) It shall be unlawful to park any vehicle at a metered space in such a way as to prevent another vehicle from parking in any adjacent space. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 2, 8-7-00)

**Sec. 20-230.6. Overtime parking prohibited; “feeding” meters prohibited.**

(a) It is unlawful to park a vehicle in any space upon any street within a parking meter zone adjacent to which a parking meter is established for more than the length of time indicated on signs or meters maintained on the street pursuant to this chapter, or for any time during which the meter is displaying a signal indicating that such space is illegally in use, except during the time necessary to set the meter to show legal parking.

(b) Overtime parking prohibited; “feeding” meters prohibited. It is unlawful to add additional time to a parking meter beyond the maximum length of time indicated on signs. It shall be unlawful to park a vehicle in the same time restricted space for any portion of two (2) consecutive time periods. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 3, 8-7-00; Ord. No. 10418, § 3, 6-12-07)

**Sec. 20-230.7. Effective days and hours.**

Time limit parking restrictions in metered zones, including effective days and hours, shall be clearly posted on meters and/or signs. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.8. Prima facie evidence of overtime parking.**

The parking or standing of any motor vehicle in a parking meter space at which zone the parking meter is displaying the flag, sign or signal showing that such space is not legally in use shall constitute prima facie evidence that the vehicle has been parked or allowed to stand in such zone for a period longer than permitted by the provisions of this division.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.9. Meters to show parking compliance.**

Parking meters, when installed, shall be so adjusted as to show legal parking upon the deposit of United States coins or other legal payment method in the amounts indicated on such meters, during the periods of time stated on such meters.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.10. Deposit of slugs prohibited.**

It shall be unlawful to deposit, or cause to be deposited, in any parking meter, any slug, device or metallic substitute for coins of the United States.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.11. Residential parking permit meter exemption.**

The holder of a valid residential parking permit issued pursuant to §§ 20-255 et seq. shall be authorized to park at any parking meter located in the designated area for which the residential parking permit is issued, without having to pay the metered rate and without being found in violation of any time limitations otherwise imposed. This exemption shall not apply to parking at any meters located outside of the designated area for which the permit has been issued, including other residential parking permit areas.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-230.12. Parking rates.**

(a) Based on the advisory recommendations of the Park Tucson Commission and the Park Tucson administrator, parking rates are subject to approval by Mayor and Council.

(b) Two (2) copies of the current parking rate schedules and all future rate schedules established under this section shall be filed with the city clerk.

(c) It shall be unlawful for persons occupying parking metered spaces to fail to pay in accordance with the payment mechanisms posted on the meters and the rates posted on the meters and approved by Mayor and Council.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 10918, § 3, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-231. Police/fire vehicle parking.**

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle, other than a marked police or fire vehicle.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-232. Government plated vehicles.**

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle not bearing government plates.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-233. Specific vehicle type restrictions (RV, motorcycle, etc.).**

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle of body style, or type, different than that body style, or type of which the signs(s) indicate.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-234. Hazard flashers mandatory.**

Where signs are erected, giving notice thereof, it shall be illegal to park a vehicle without utilizing the vehicle's emergency hazard flashers. This restriction may be posted in conjunction with, and in addition to, any other section of this article.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-235. Public parking prohibited in parking lots or spaces reserved for city officers or employees.**

(a) It is unlawful for any person not an officer or employee of the city to stand or park a vehicle on city parking lots or parking spaces reserved for or allocated to city employees or officers.

(b) It is unlawful for any officer or employee of the city to stand or park a vehicle on city parking lots or parking spaces reserved for or allocated to another city employee or officer without that officer's or employee's permission.

(c) The provisions of this chapter relating to parking meters, and to the enforcement of parking violations set forth in section 20-230, unless the context otherwise requires, shall apply to public use designated parking spaces on such lots having city parking meters. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-236. Height limit restriction.**

It shall be unlawful to park a vehicle of height in excess of the clearly and conspicuously posted height limit of an off-street parking facility. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-237. Obedience to markings; double parking prohibited.**

It shall be unlawful to park a vehicle in off-street parking facilities, designed and maintained in accordance with Tucson Code chapter 23, except within the individually marked parking spaces. It shall be unlawful to park a vehicle in such a manner as to block ingress or egress to another legal parking space. (Ord. No. 9196, § 1, 1-25-99)

**Secs. 20-238 – 20-245. Reserved.**

**DIVISION 5. NUISANCE PARKING CONTROLS**

**Sec. 20-246. Penalty.**

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 5, which regulates the time, place, or method of parking a vehicle shall be a mandatory base fine of twenty-five dollars and sixty-eight cents (\$25.68), no part of which may be suspended or waived by the court, plus any assessments imposed under state law. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 3, 6-23-03; Ord. No. 11295, § 2, 8-5-15; Ord. No. 11324, § 5, 12-8-15)

**Sec. 20-247. Parking for certain purposes prohibited.**

It is unlawful to park a vehicle upon any roadway for the purpose of:

- (1) Washing, greasing or repairing such vehicle, except for immediate repairs necessitated by an emergency and necessary to be made before the vehicle can be moved; or
- (2) Displaying commercial exhibits, except by special permit lawfully issued by the city.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-248. Parking regulations for peddlers.**

No peddler shall park a vehicle or alternating vehicles or series of vehicles on any public street for the purpose of peddling food or wares for a period in excess of sixty (60) continuous minutes, or in excess of one hundred twenty (120) minutes in any 24-hour period at one (1) location. The parking of such vehicle within a distance of three hundred (300) feet from the original parking space shall be deemed one (1) location. No service from such vehicle to the public shall be made from the traffic side or the side of the vehicle which faces the center of the public street. However, such vehicle may park for such purposes in the vicinity of a special event, such as a football game or other sporting event, circus, fair, rodeo or parade, during the period of the event, plus one (1) hour, prior to and after the event.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-248.1. Parking regulations for peddlers in certain central business district streets.**

(a) Peddlers may not park a vehicle for the purpose of peddling food or wares in the central business district upon Stone Avenue between Franklin Street and 14th Street, and upon Congress Street and upon Pennington Street between Sixth Avenue and Church Avenue, except in the red painted street zones at the following designated areas:

- (1) North side of Pennington Street, east of Stone Avenue;
- (2) West side of Stone Avenue, north of Pennington Street;

- (3) South side of Congress Street, east of Stone Avenue.

Parking for such purposes at permitted areas is limited from 9:00 a.m. to 4:00 p.m., Monday through Friday, and is not permitted on sidewalks.

(b) The permitted area may not be used for peddlers' vehicles all day on special event days when the named streets are blocked off to vehicle traffic.

(c) Peddlers' vehicles must be removed immediately in event of an emergency, and must be at least fifty (50) feet from any objecting business.

(d) Only one (1) peddler's vehicle is permitted for each permitted designated area. The first peddler at the area each day shall have prior right to the area until the vehicle is removed.

(e) The maximum size of a peddler's vehicle shall be forty-eight (48) inches high, forty-eight (48) inches wide, and seventy-two (72) inches long.

(f) All items relating to the peddling activity must be kept in or under the peddler's vehicle, and nothing placed on any public area adjacent to the vehicle, including signs.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-249. Freight curb loading zones; location of provisional zones in parking meter zones.**

The director of transportation, or the director's designee, is hereby authorized to determine the location of provisional freight curb loading zones within any parking meter zone. The director of transportation, or the director's designee, may at any time, without notice, remove, relocate or alter any freight curb loading zone issued under this section.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-249.1. Same – When nonauthorized vehicles prohibited in provisional zones.**

When signs are erected giving notice thereof, it is unlawful to stop, stand or park a vehicle in any provisional freight curb loading zone between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday

except public holidays, however the provisions of this section shall not apply, when the vehicle's hazard warning flashers are in operation, if the authorized commercial vehicle or government-plated truck is parked in any provisional freight curb loading zone for a period of time not to exceed thirty (30) minutes.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-250. Parking on property of another prohibited without permission.**

It is unlawful for the driver of a motor vehicle to park the vehicle in or upon property of another without having in the driver's possession the written permission of the person legally entitled to possession of the property. However, a citation charging violation of this section shall be dismissed if the aforesaid written permission is subsequently presented to the department of transportation or to the city court.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-251. Parking in parks and playgrounds.**

It is unlawful to park a motor vehicle in or upon the parks and playgrounds of the city except in designated and signed parking areas.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-252. Parking on city-owned property.**

No person shall park a motor vehicle in or on city-owned property, other than public streets or alleys, when signs prohibiting or regulating parking have been placed thereon by the director of transportation as authorized by this chapter, unless in compliance with such erected signs.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-253. Parking for purposes of sale on unpaved lots.**

It is unlawful to park a motor vehicle for the purpose of sale upon any lot or area which is not paved within the city. The display of any signs or other markings indicating that a motor vehicle is for sale shall be prima facie evidence that the motor vehicle has been parked for the purpose of sale. For the purposes of this section, a lot or area which is not paved means the absence of any of the surfacing methods described in chapter 23. The provisions of this section shall not apply to a maximum of one (1) motor vehicle parked for the purpose of sale where the motor vehicle is

owned by the resident of the lot or area on which the motor vehicle is parked, and the sale of such motor vehicle would come within the meaning of a casual activity or sale as described in section 19-100.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-254. Parking prohibited during certain hours on certain streets.**

When signs are erected in each block giving notice thereof, it is unlawful to park a vehicle between the hours as specified by the signs.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-255. Residential permit parking.**

(a) The ParkWise program manager may designate a residential area or areas consisting of streets or portions of streets on which the parking of motor vehicles may be restricted in whole or in part to motor vehicles bearing a valid parking permit issued pursuant to these provisions by the program manager and approved by mayor and council to residents of the area so designated. The program manager shall provide for the issuance of permits and cause parking signs to be erected in the area indicating the times and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee but only to the owner or operator of a motor vehicle who resides on property immediately adjacent to a street within the residential permit parking areas.

(b) It shall be unlawful for any person to:

- (1) park a motor vehicle in a residential parking permit area during the designated hours unless the vehicle is equipped with a valid permit or valid visitor's pass;
- (2) falsify information to obtain a residential parking permit or visitor's pass;
- (3) fail to surrender a residential parking permit or visitor's pass to the ParkWise program manager on demand if such permits or passes are used in violation of these provisions or if the holder of the permit or pass is no longer entitled to the pass or permit;

(4) knowingly park a motor vehicle displaying a residential parking permit or visitor's pass in a permit parking area during the designated hours when the holder of the permit or pass is not entitled to possess the permit or pass;

(5) use a residential permit or visitor's pass outside of the designated residential permit parking area for which the residential parking permit is issued or outside of the five hundred (500) foot distance from the qualified residence for which the visitor's pass is issued; or

(6) otherwise violate these regulations, including, but not limited to, the issuance or use of residential parking permits or visitor's passes.

(c) The owner of a vehicle may contest the revocation of a permit by filing a written application for a hearing with the civil infractions division of city court requesting that the court determine whether justification existed for the revocation of the permit existed under the provisions of this article. The application shall be filed within ten (10) days after the revocation of the permit and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written application for a hearing and shall notify both the applicant and the director of transportation of the hearing date. At the hearing, the city shall prove by a preponderance of evidence that the revocation of the permit was justified pursuant to the provisions of this article.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 4, 8-9-11)

**Sec. 20-257. Special events permit parking.**

The director of transportation may designate special events parking permit areas consisting of streets or portions of streets on which the parking of motor vehicles may be restricted during posted specified hours to motor vehicles bearing valid special events parking permits or visitor's passes issued pursuant to these provisions. The director of transportation shall provide for issuance of permits and shall place signs (which may be temporary) which indicate the hours and conditions under which parking shall be by permit or visitor's pass only.

It is unlawful for any person to:

(a) Park a motor vehicle in a special events parking permit area during the designated hours unless the vehicle is equipped with a valid special event permit or valid special event visitor's pass.

(b) Violate any regulations pursuant to section 20-255 relating to the issuance and use of parking permits.  
(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-258. Additional permit parking programs; fees; city manager may establish additional permit parking programs and an annual parking permit fee.**

(a) In addition to other permit parking programs authorized in this article, the city manager may establish, subject to the advisory recommendation of the Park Tucson Commission and the Park Tucson administrator, additional Non-resident Permit Parking Programs as may be necessary and desirable to control traffic in high demand areas within the city. Pursuant to this section a "high demand area" is defined as one where more than seventy-five (75) percent of the legal curb parking spaces are occupied on a recurring basis, and more than twenty-five (25) percent of the vehicles parked do not belong to residents of the area.

(b) Subject to the advisory recommendation of the Park Tucson commission and Park Tucson administrator and the approval of Mayor and Council, the city manager may establish an annual fee for such additional permit parking programs to reduce parking in high demand areas and to promote alternate modes of transportation.

(c) Two (2) copies of the designations of programs and fees established under this section shall be listed within the administrative guidelines on file with the city clerk.

(d) Mayor and council may, at their discretion, change, modify or eliminate fees and/or permit parking programs established by the city manager.

(e) Vehicles parked within a designated parking permit area are subject to all provisions of section 20-255 except that applicants are not required to reside on a property immediately adjacent to the designated permit parking area in order to obtain a valid parking permit.

(f) Notwithstanding the requirements of section 20-263 as it pertains to commercial vehicles, permit-holders within Non-Resident Permit Parking Program areas who use commercial vehicles as personal vehicles may park on the same block within Non-Resident Permit Parking Program areas for periods of two (2) or more consecutive calendar days, regardless of the type of restriction that applies to such area.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 10918, § 4, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-259. Expired registration.**

It shall be unlawful to park a vehicle on any city street that does not conspicuously bear proof of a current registration. A citation charging violation of this section may be dismissed if proof of current registration is submitted to Park Tucson administrator or Tucson City Court.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 4, 8-7-00; Ord. No. 11400, § 3, 9-20-16)

**Sec. 20-260. Stopping, standing, parking prohibited between the curb and sidewalk or in an unimproved pedestrian area impeding continuous pedestrian use.**

It shall be unlawful to stop, stand or park a vehicle, whether posted or not, in that area between the curb and a sidewalk or in an unimproved pedestrian area such that it impedes continuous pedestrian use. Impeding continuous pedestrian use is determined when the stopping, standing, or parking of a vehicle leaves less than a four (4) foot wide unimproved pedestrian area. Provided, unless the area is posted with "no-parking" signs, it shall not be unlawful to stop, stand, or park a vehicle in an unimproved pedestrian area adjacent to roadways less than or equal to twenty-six (26) feet wide.  
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 5, 8-7-00; Ord. No. 11063, § 2, 3-27-13)

**Sec. 20-261. Unattended and inoperable vehicles prohibited.**

(a) It shall be unlawful to park, or leave unattended, on any street or roadway or right-of-way thereof, any vehicle for a period in excess of twenty four (24) hours.

(b) Any operable, currently registered, non-commercial, passenger vehicle registered to a resident of a property immediately adjacent to the parked vehicle shall be exempt from section 20-261(a) provided the vehicle is not in violation of any other section of this code.

(c) It shall be unlawful to park or leave unattended, on any street or roadway or right-of-way thereof, any vehicle exempt from section 20-261(a) as described in section 20-261(b) for a period in excess of seven (7) calendar days.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

**Sec. 20-262. Truck parking on streets not designated as truck routes prohibited.**

(a) It is unlawful to park any vehicle having a total gross vehicle weight rating in excess of twenty thousand (20,000) pounds, including, but not limited to, trucks, truck tractors, road tractors, trailers, semi-trailers, vehicle transporters, or any combination of such vehicles:

- (1) On a street not designated as a truck route under article I section 20-15 of this chapter; or
- (2) On a street posted pursuant to section 20-15.1(b) with a sign or signs limiting the gross weight of vehicles permitted on the street; or
- (3) Within a residence district.

(b) Notwithstanding the prohibition in section 20-262(a) above, a restricted vehicle may park, except as otherwise prohibited by this article:

- (1) On any street within a business district, unless the street is posted pursuant to section 20-15.1(b) with a sign or signs limiting the gross weight of vehicles on the street; or
- (2) On any street to perform the following activities, except that, upon completion of such activity, the vehicle must return to the nearest designated truck route:

(i) Deliver, pickup, load, or unload merchandise, materials, or equipment, including furniture and other household goods; or

(ii) Provide construction, repair, or similar services to a property.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 11400, § 3, 9-20-16)

Note: Formerly § 20-272.

**Sec. 20-263. Recreational vehicles; commercial vehicles.**

It shall be unlawful to park any recreational vehicle, or any commercial vehicle, on the same block of any street or roadway or right-of-way thereof for any portion of any two (2) consecutive calendar days.

(Ord. No. 10418, § 3, 6-12-07)

**Secs. 20-264 – 20-270. Reserved.**

**DIVISION 6. SAFETY ISSUES**

**Sec. 20-271. Penalty.**

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 6, which regulates the time, place, or method of parking a vehicle shall be a mandatory base fine of sixty dollars and eleven cents (\$60.11), no part of which may be suspended or waived by the court, plus any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 4, 6-23-03; Ord. No. 11295, § 3, 8-5-15; Ord. No. 11324, § 6, 12-8-15)

**Sec. 20-272. Reserved.**

**Editor’s note** – Ord. No. 9492, § 3, adopted Nov. 27, 2000, renumbered the provisions of former § 20-272 as current § 20-262. The user is directed to § 20-262 for provisions concerning truck parking on streets not designated as truck routes prohibited. See the Code Comparative Table.

**Sec. 20-273. Parking in alleys.**

It is unlawful to park a vehicle within an alley, whether posted or not, except for the loading or unloading of merchandise and materials, and then not unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic. Notwithstanding the foregoing provision, the director of transportation may authorize limited alley blockage for periods not to exceed twenty (20) minutes at locations where such blockage is necessary for the immediate loading or unloading of persons, merchandise, or materials, provided that vehicles shall remain attended at all times and shall be immediately moved if necessary to accommodate the passage of emergency or city service vehicles. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 9424, § 1, 7-10-00; Ord. No. 9434, § 6, 8-7-00)

**Sec. 20-274. Hazardous areas adjacent to schools.**

The director of transportation is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property where and when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon such side of a street adjacent to any school property, it is unlawful to stop, stand, or park a vehicle in any such designated place. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-275. Standing or parking outside of business or residence district.**

Upon any highway outside of a business or residence district, it is unlawful to stand or park any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practical to stand or park the vehicle off that part of the highway, but in every event an unobstructed width of the highway opposite the vehicle shall be left for the free passage of other vehicles; and a clear view of the standing or parked vehicle shall be available from a distance of two hundred (200) feet in each direction

upon the highway. This section shall not apply if the vehicle is disabled while on the paved or main-traveled part of a highway and is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-276. Buses stopping on crosswalks, within intersections prohibited.**

It shall be unlawful for any bus to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers. (Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-277. Stopping, standing or parking prohibited in specified places.**

Except for public buses, which may stop in a no-parking zone marked or sign posted as a bus loading zone, or authorized commercial vehicles or government-plated trucks as defined in section 20-249 in freight curb loading zones, or disabled or handicapped vehicles in disabled zones, or passengers or their effects in passenger curb loading zones, it is unlawful to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with law or directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
  - (2) In front of a public or private driveway.
  - (3) On a crosswalk, whether marked or unmarked.
  - (4) Within twenty (20) feet of a crosswalk at the departing side of an intersection whether marked or unmarked.
  - (5) In red zones.
  - (6) Where “no-parking” signs are specifically posted.
  - (7) Within five (5) feet of a driveway.
  - (8) Within ten (10) feet of an alleyway.
- (Ord. No. 9196, § 1, 1-25-99; Ord. No. 11063, § 3, 3-27-13)

*Taxicab company* means a person engaging in the taxicab business.

*Vehicle* means a device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway.  
(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-302. Taxicab businesses and executive sedan services regulated.**

No person shall engage in the taxicab business or executive sedan (VIP) service or operate as a taxicab company or an executive sedan (VIP) service on public rights of way within the city without complying with the requirements of this article.  
(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-303. Exterior display of fare and other information.**

Except as provided in section 20-303(5), no person, owner, lessee, company or operator of a motor vehicle shall allow, operate or cause to be operated, a motor vehicle as a taxicab on the city streets of the City of Tucson, unless:

- (1) The vehicle displays outside in a permanent manner, readily visible to both prospective and actual passengers in letters not less than one (1) inch in height, the schedule of rates to be charged (such as the flag drop rates, additional mile fares, distance rates, hourly rates, waiting time rates charged per hour or other rates used to charge a passenger for services), which rates shall [be] permanently affixed by sign or painted on the exterior door panel but which may not be placed or permanently affixed in any manner to the exterior door glass.
- (2) The vehicle displays outside the vehicle in a permanent manner, readily visible to both prospective and actual passengers, in letters not less than two (2) inches in height, the name of the company on each front door of the vehicle in English and in a clear and legible manner. Magnetic signs are not permitted for the requirements under this subsection.

(3) Every vehicle shall be equipped with a dome light not less than four (4) inches in height, permanently affixed to the roof, bearing the word "TAXI" or the company name.

(4) All outside display information shall be of such color as to contrast clearly with its background. The taxicabs or executive sedans (VIP's) may display the company logo or advertising matter if such does not interfere with the visibility of the information required by this section.

(5) The provisions of section 20-303(1) and (3) only, shall not apply to any motor vehicle used in executive sedan (VIP) services.

(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-304. Interior display of fare and other information.**

No person, owner, lessee, company or operator of a motor vehicle shall allow, operate or cause to be operated the motor vehicle as a taxicab or as an executive sedan (VIP) on the city streets of the City of Tucson, unless:

- (1) The vehicle displays on the dashboard or sunvisor of each vehicle, readily visible to the passenger, a 5 x 8 inch laminated card, with a 3 x 4 inch picture of the driver, the name of the taxicab company or the executive sedan (VIP) service, the number of the vehicle (if more than one) and the address and phone number of the taxicab company or the executive sedan (VIP) service.
- (2) The vehicle displays inside at locations readily visible to the passenger, the schedule of rates of charges (such as the flag drop rates, additional mile fares, distance rates, hourly rates, waiting time rates charged per hour or other rates used to charge a passenger for services and a statement that liability insurance is required to be maintained on the vehicle with the Motor Vehicle Division of the Arizona Department of Transportation.

(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-305. Meters, fares, charges.**

(a) No taxicab company, executive sedan (VIP) service or operator of a taxicab or an executive sedan (VIP) shall operate or cause to be operated such vehicles on city streets unless such vehicles are equipped with meters maintained in accurate working order and certified by any registered service agency (RSA) which has been approved by the State of Arizona, Department of Weights and Measures.

(b) No taxicab company, executive sedan (VIP) service or operators of such vehicles, shall charge more than the amount shown on the meter unless there is a specific agreement to the contrary with the passenger or passengers prior to the commencement of the fare. In the case of a specific agreement to the contrary, no more than the agreed fare shall be charged.  
(Ord. No. 8051, § 2, 5-17-93; Ord. No. 9166, § 1, 11-23-98)

**Sec. 20-306. Direct routes required.**

No taxicab company or executive sedan (VIP) service or operator of such taxicab or such executive sedan (VIP) shall transport any passenger for hire from any point within the City of Tucson to any other point within the city by any route or method which is other than the most reasonably direct and rapid method available except at the specific direction and request of the passenger.  
(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-307. Two-way radios required.**

Each taxicab or executive sedan (VIP) shall be equipped with a Federal Communication Commission (FCC) licensed radio/receiver/transmitter (mobile station or two-way radio) which is an integral part of an FCC mobile service system. Said service shall be operational on a 24-hour basis and in compliance with FCC requirements. No taxicab or executive sedan shall be operated unless such radio/receiver or transmitter is maintained in accurate working order.  
(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-308. Civil infraction.**

(a) Any person, any taxicab company, executive sedan (VIP) service or operator of a taxicab or an executive sedan (VIP) who violates the provisions of this article shall be deemed liable for a civil infraction. Such person or persons shall be subject to the penalties for a civil infraction imposed pursuant to section 8-6.1.

(b) Whenever a taxicab or an executive sedan (VIP) is used in violation of the provisions of this article, the person or persons responsible for the violation shall be jointly and severally liable.  
(Ord. No. 8051, § 2, 5-17-93)

**Sec. 20-309. Police department and Park Tucson enforcement agents authorized to issue citations.**

The police department officers and the Park Tucson administrator or such traffic agents designated by the administrator as responsible for enforcing article VII (stopping, standing or parking) provisions of this chapter, may issue citations enforcing any provisions concerning taxicabs or executive sedans (VIP's) contained in this article.  
(Ord. No. 8051, § 2, 5-17-93; Ord. No. 10918, § 5, 8-9-11; Ord. No. 11400, § 3, 9-20-16)

**Secs. 20-310 – 20-399. Reserved.**

## Chapter 26

### FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT\*

#### Art. I. In General, §§ 26-1—26-19

Div. 1. Floodplain and Erosion Hazard Area Regulations, §§ 26-1—26-19

#### Art. II. Stormwater Management, §§ 26-20—26-48

Div. 1. Purpose and Definitions, §§ 26-20—26-29

Div. 2. Powers and Duties, §§ 26-30—26-39

Div. 3. Prohibitions, Non-Prohibited Discharges, and Requirements, §§ 26-40—26-46

Div. 4. Enforcement, §§ 26-47, 26-48

#### Article I. In General

##### Division 1. Floodplain and Erosion Hazard Area Regulations

Sec. 26-1.	Purpose.
Sec. 26-1.1.	Authority.
Sec. 26-1.2.	Applicability.
Sec. 26-1.3.	Basis for establishing areas of special flood hazard.
Sec. 26-1.4.	Methods of reducing flood losses.
Sec. 26-2.	Definitions.
Sec. 26-3.	Floodplain boundaries, elevations.
Sec. 26-3.1.	Floodplain boundary and flood elevation revisions.
Sec. 26-4.	Statutory exceptions.
Sec. 26-4.1.	Nonconforming development.
Sec. 26-5.	Floodplain and erosion hazard area development.
Sec. 26-5.1.	Floodway development.
Sec. 26-5.2.	Floodway fringe development.
Sec. 26-5.3.	Special flood hazard areas.
Sec. 26-6.	Extraction of sand, gravel and other earth products; permit required.
Sec. 26-6.1.	Stockpiling.
Sec. 26-6.2.	Standards for construction of utility systems.
Sec. 26-7.	Erosion hazard areas and setbacks from watercourses.
Sec. 26-7.1.	Setbacks on regional watercourses.
Sec. 26-7.2.	Setbacks on all other watercourses.
Sec. 26-8.	Subdivision and development project requirements.
Sec. 26-9.	Standards for manufactured homes and manufactured home parks and subdivisions.
Sec. 26-10.	Detention/retention systems.
Sec. 26-11.	Floodplain use permit requirements and regulations.
Sec. 26-11.1.	City engineer review of floodplain and erosion hazard area development.
Sec. 26-11.2.	Floodplain use permit procedure.
Sec. 26-11.3.	Penalties, violations, unlawful acts, classifications.
Sec. 26-11.4.	Declaration of public nuisance; abatement.

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\* **Editor's note**—Ord. No. 5777, § 1, adopted May 23, 1983, repealed ch. 26, pertaining to swimming pools, bath houses and bathing places, in its entirety. Former ch. 26 was derived from Ord. No. 3002, § 2, adopted June 26, 1967, as amended by Ord. No. 5722, §§ 1, 3, adopted Feb. 28, 1983. Ord. No. 5802, § 1, adopted July 5, 1983, specifically repealed Ord. No. 5722, §§ 1, 3, from which §§ 26-70 and 26-72 had been derived. For a complete sectional disposition, see the Code Comparative Table at the back of this volume.

Subsequently, Ord. No. 7407, § 5, adopted June 25, 1990, added a new ch. 26.

**Note**—Ord. No. 10209, § 1, adopted Oct. 18, 2005, amended the title of ch. 26 to read as herein set out. Prior to inclusion of said ordinance, ch. 26 was entitled, "Floodplain and Erosion Hazard Management."

**Cross reference**—Spa/pool code, § 6-181 et seq.

## TUCSON CODE

- Sec. 26-12. Appeals and variances.
- Sec. 26-13. Amendments.
- Sec. 26-14. Enforcement.
- Sec. 26-15. Disclaimer of liability.
- Sec. 26-16. Severability.
- Sec. 26-17. Coordination with other agencies.
- Sec. 26-18. Public hearing.
- Sec. 26-19. Reserved.

### **Article II. Stormwater Management**

#### Division 1. Purpose and Definitions

- Sec. 26-20. Purpose.
- Sec. 26-21. Consistency.
- Sec. 26-22. Severability.
- Sec. 26-23. Definitions.
- Secs. 26-24—26-29. Reserved.

#### Division 2. Powers and Duties

- Sec. 26-30. Authorized representative.
- Sec. 26-31. General.
- Sec. 26-32. Authority to enter.
- Sec. 26-33. Warrants, restraining orders, and injunctive relief.
- Sec. 26-34. Authority to inspect.
- Sec. 26-35. Authority to monitor.
- Sec. 26-36. Authority to abate.
- Secs. 26-37—26-39. Reserved.

#### Division 3. Prohibitions, Non-Prohibited Discharges, and Requirements

- Sec. 26-40. Prohibited discharges.
- Sec. 26-41. Non-prohibited discharges.
- Sec. 26-42. Requirements.
- Secs. 26-43—26-46. Reserved.

#### Division 4. Enforcement

- Sec. 26-47. Violation notices.
- Sec. 26-48. Penalties and corrective actions.

## ARTICLE I. IN GENERAL

### DIVISION 1. FLOODPLAIN AND EROSION HAZARD AREA REGULATIONS

#### Sec. 26-1. Purpose.

These floodplain and erosion hazard area regulations are intended to protect human life and health, and promote and protect the public peace, safety, comfort, convenience, and general welfare; to meet state and federal requirements, thereby allowing residents of the city to purchase flood insurance; receive disaster relief should the need arise, and obtain residential and commercial real estate loans; to manage uses of the floodplains, recognizing that the highest and best use of the regulatory floodplains in the city is for the maintenance of hydrologic and hydraulic processes, with consideration for aesthetics, natural open space, recreation areas and wildlife habitat; to minimize flood and erosion damage; to protect and preserve groundwater recharge; to minimize costs to the city; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to encourage the most effective expenditures of public money for drainage projects; to minimize prolonged business interruptions; minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas; to help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize blight areas caused by flooding; to notify potential buyers when a property is in a Special Flood Hazard Area; participate in and maintain eligibility for flood insurance and disaster relief; to accommodate anticipated runoff; to preserve the natural areas, streams, washes, arroyos, rivers, and drainage courses in their natural riverine condition whenever possible and that any land use proposal which utilizes this approach be considered superior to all others; to recognize that southwestern watercourses are unstable and that their physical characteristics may change; and to ensure that those who occupy the areas within a regulatory floodplain or erosion hazard area assume the responsibility for their actions.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

#### Sec. 26-1.1. Authority.

The mayor and council, pursuant to the powers and jurisdiction vested by A.R.S. title 9, chapter 4, article 6.1, section 9-462.01(A)(8), (9), and title 48, chapter 21, article 1, section 48-3610, et seq., and other applicable laws, statutes, orders and regulations of the city, do hereby exercise the power and authority to adopt floodplain and erosion hazard area regulations for the city. The mayor and council, within city limits, shall delineate through this chapter for areas where development is ongoing or imminent or becomes imminent, the criteria for development within floodplains in a manner that is consistent with the criteria developed by FEMA and the Director of the Arizona Department of Water Resources.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

#### Sec. 26-1.2. Applicability.

These floodplain and erosion hazard area regulations shall be applicable and enforceable in all incorporated areas of the city for all developments located within the floodplains, as defined herein, including public lands and to erosion-prone areas (as described in section 26-11.1) located within the corporate limits of the city. This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

#### Sec. 26-1.3. Basis for establishing areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Pima County, Arizona, and Incorporated Areas" dated September 28, 2012, with any accompanying flood insurance rate maps (FIRM) and all subsequent amendments and/or revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The FIS is on file with the floodplain section of the Engineering Division at the Planning and Development Services Department. The

FIS and FIRM are the minimum areas and standards of applicability of this chapter and may be supplemented by studies for other flood hazard areas which allow implementation of this chapter and which are approved by the city engineer, and may be recommended to the floodplain board and FEMA. All river and basin management plans, or other land use plans approved by the mayor and council, are hereby incorporated into this chapter and made a part thereof by reference. Engineering drainage design standards, approved by the city engineer as revised on an ongoing basis to include the most current practices and methodologies, will be used in creating river and basin management plans. (Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-1.4. Methods of reducing flood losses.**

In order to accomplish its purposes, this ordinance includes methods and provisions to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
  - (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
  - (d) Control filling, grading, dredging, and other development which may increase flood damage; and
  - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- (Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-2. Definitions.**

The following definitions shall apply to words and phrases used in this division:

*Accessory structure* means a structure that is on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure.

*Appeal* means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

*Area of shallow flooding* means a designated Zone AO or AH on a community's FIRM with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Arizona Department of Water Resources (ADWR)* is the state agency assigned with oversight of floodplain management/flood control as provided in Title 48, Chapter 21 of the Arizona Revised Statutes (A.R.S.).

*Balanced basin* means a drainage basin which contains floodwater channels, natural or manmade, and/or flood control structures that are adequate to contain existing runoff from the regulatory storm produced by the basin, but in which additional runoff cannot be safely contained by said channels or structures.

*Base flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Base flood elevation (BFE)* means the calculated water-surface elevation of the base flood. For a special flood hazard area, the BFE means the elevation shown on or calculated from the FIS or FIRM, including Zones A, AE, AO1, AO2, and AH, where the FIS or FIRM indicates the water surface elevation resulting from a base flood. FIS Profile shall be used when available. Other elevations shall be determined by an engineering study.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Basin management plan* means a site-specific plan for a watershed or balanced or critical basin which has been prepared for and approved by the city engineer, and which provides a conceptual plan for orderly development of flood control measures within the basin.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Building:* See "Structure."

*Community* means any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

*Critical basin* means a drainage basin which contains floodwater channels, natural or manmade, and/or flood control structures that cannot contain existing runoff produced by the regulatory flood within the basin, and which has a documented history of severe flooding hazards.

*Critical facility* means any new and substantially improved public or private facility, or any addition to an existing public or private facility, that is used for public emergency management. Critical facilities shall be designed and constructed to be located outside of FEMA SFHA and other one hundred (100) year jurisdictional floodplains, and provide a minimum lowest floor elevation set at or above five hundred (500) year WSEL, or the  $RFE_{CF} = BFE + 2\text{-ft.}$  Critical facilities include: critical airport facilities (air traffic control towers, electrical vaults, emergency generators, police station, fire station, and fueling stations), emergency incident command centers, other emergency facilities including fire stations, police departments; utility facilities; nursing homes or elderly care facilities; hospitals; storage facilities that have hazardous materials; and schools or day care facilities. Other critical facilities may be designated as determined by city administration (department directors with city manager or designee's concurrence).

*Cumulative improvement* means the tracking of the market value of all improvements to a structure over a ten (10) year period for the purpose of determining substantial damage or improvement.

*Detention system* means a type of flood control system which delays the downstream progress of

floodwaters in a controlled manner, generally through the combined use of a temporary storage area and a metered outlet device which causes a lengthening of the duration of flow and thereby reduces downstream flood peaks. Reduction of runoff shall be provided per current City of Tucson standards.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, landscaping, paving, excavation, drilling operations, or storage of equipment or materials.

*Drainage basin* means any watershed or stormwater catchment land area, above a point on a watercourse which traverses the basin and to which the waters drain and collect.

*Dry well* means a device that is used to dispose of floodwaters through a process of passive infiltration of floodwaters into the vadose zone, below the ground surface. Unless specifically used for water re-charge, dry wells are restricted to post-construction drainage solutions where all drainage requirements are met.

*Dwelling unit* means a place of residence which may be located in a single- or multiple-dwelling building or a manufactured home.

*Encroachment* means the advancement or infringement of land uses, fill or structures, or development, into the floodplain that impedes, alters, or reduces the flow capacity of the channel and regulatory floodplain of a watercourse.

*Erosion* means the process, either rapid or gradual, of the wearing away of land masses by water flow forces. This peril is not, per se, covered under the National Flood Insurance Program (NFIP).

*Erosion hazard area* means the land area adjoining a watercourse regulated by this chapter which is deemed by the city engineer to be subject to FEMA or local flood-related erosion losses.

*Exhibit 1.* See exhibit 1 at end of this section.

*Existing manufactured home park or subdivision* means a manufactured home park for which the construction of facilities for servicing the lot on which

the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or before March 22, 1982.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

*FEMA* means the Federal Emergency Management Agency or designate successor agency that is responsible for the administration of the National Flood Insurance Program (NFIP) to provide flood insurance and to establish flood prone areas and development regulations.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

*Flood hazard map(s) (FHM)* means an official map(s) of a community, issued by the city engineer, where the boundaries of the flood and/or related erosion hazard areas have been designated as local floodplain and/or erosion hazard zones.

*Flood insurance rate map(s) (FIRM)* means the official map(s) on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards (SFHA) and the risk premium zones applicable to the community. These maps, which are approved by the city engineer and adopted by the floodplain board, provide information regarding floodplains of the city.

*Flood insurance study (FIS)* means the official report provided by FEMA that includes flood profiles, FIRM and the water surface elevation of the base flood as set forth in the FIS.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of "flood").

*Floodplain administrator* means the city engineer, or designee, who is the community official designated by title to administer and enforce the floodplain management regulations.

*Floodplain board* means the mayor and council at such times as they are engaged in the enforcement of this ordinance.

*Floodplain and erosion hazard area management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, housing codes, setback requirements, open space area regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power which control development in floodprone areas. The term describes such state or local regulations, in any combination thereof, which provide standards for preventing and reducing both erosion damage and flood loss and damage.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodplain use permit* means an official document which authorizes specific activity within a regulatory floodplain or erosion hazard area.

*Flood-related erosion* means the collapse or subsidence of land along the shore of a lake, watercourse, or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

*Floodway or regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See exhibit 1.

*Floodway encroachment lines* mean the lines marking the limits of floodways on federal, state and local flood plain maps.

*Floodway fringe* means the land outside the floodway lying at or below the base flood elevation along a watercourse, and includes that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted. See exhibit 1.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size of flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

*Governing body* means the local governing municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

*Hardship* means, as related to section 26-12 of this ordinance, the exceptional hardship that would result from a failure to grant the requested variance. The City of Tucson mayor and council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing in the National Register.
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either of the following:
  - a. By an approved state program as determined by the secretary of the interior.
  - b. Directly by the secretary of the interior in states without approved programs.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 26-5.2 or 26-5.3 of this chapter. See definition of "Basement."

*Major wash* or *major watercourse* means any watercourse which drains a contributing drainage basin of less than thirty (30) square miles and generates a base flood peak discharge of twenty-five hundred (2,500) cubic feet per second (cfs), or greater. Examples of major washes include but are not necessarily limited to: Alamo Wash, Cholla Wash, at and downstream from Mission Road, Pima Wash, Rodeo Wash, Silvercroft Wash, Tucson Arroyo, and West Branch of the Santa Cruz River Washes.

*Manufactured home* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or manufactured home subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Market value* is determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent

professional appraiser and supported by a written explanation of the differences.

*Mean sea level* means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's FIRM's are referenced.

*Minor watercourse* or *minor wash* means a watercourse which conveys or collects a 100-year (base flood) peak discharge of less than twenty-five hundred (2,500) cubic feet per second (cfs), but more than one hundred (100) cfs.

*New construction* means, for purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of August 2, 1982, when the FIRM became effective, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of March 22, 1982, when floodplain management regulations were adopted by the city.

*Obstruction* means any matter, including but not limited to a dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, vegetation, refuse, fill, or structure in, along, across or projecting into any channel, watercourse, stream, lake or regulatory flood hazard area which may impede, alter, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

*One-hundred-year flood* or *100-year flood* is a common name for the flood having a one (1) percent chance of being equaled or exceeded in any given year. See definition of "Base flood."

*Person* means any individual or his agent, firm, partnership, association, corporation, or agent of the aforementioned groups, or the state, or any agency or political subdivision thereof.

*Reach* is a hydraulic engineering term to describe longitudinal segments of a watercourse.

*Reclamation plan* means a plan for sand and gravel operations which defined hydrological and hydraulic constraints; outlines methods of extraction, operation and site development; and provides for backfilling procedures and final site reclamation.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

*Regional watercourse* means a large watercourse, which may have intermittent flow, draining a contributing drainage basin of thirty (30) square miles or greater. Examples of regional watercourses include but are not necessarily limited to the Santa Cruz River, Rillito Creek, Pantano Wash, Tanque Verde Wash, and Canada Del Oro Wash.

*Regulatory flood* includes the base flood and drainage areas where the Q100 is equal to or greater than one hundred (100) cubic feet per second for the one (1) percent flood event.

*Regulatory flood elevation* means the elevation which is one (1) foot higher than the calculated water surface elevation of the base flood, unless pertaining to critical facilities where the minimum lowest floor

elevation is set at or above five hundred (500) year WSEL, or Regulatory Flood Elevation for Critical Facility ( $RFE_{CF} = BFE + 2\text{-ft.}$ ). In an AO Zone the RFE shall be one (1) foot higher than the depth number specified on the FIRM, or two (2) feet if no depth number is specified.

*Regulatory floodplain* means that portion of the natural floodplain that would be inundated by the regulatory flood. It includes that area where drainage is or may be restricted by manmade structures or those areas which are subject to sheet flooding, or those areas mapped as being floodprone on existing recorded subdivision plats and also includes areas where the Q100 is equal to or greater than one hundred (100) cubic feet per second for the one (1) percent flood event. Also see exhibit 1.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Retention system* means a type of flood control facility which stores surface runoff and stops the downstream progress of surface water runoff or flood by employing methods of total containment. No flow is discharged directly into a downstream watercourse from a retention system or basin, except for bleed pipes to assure minimum drain-down time is met. Infiltration rate shall include safety factor of 2, or provide bleed pipe with spillway at maximum six (6) inches above basin bottom. The stored water may infiltrate into the subsurface ground layers.

*Setback* means the minimum horizontal distance between a structure and a watercourse. On each side of a watercourse, the setback is measured from the top edge of the highest channel bank or edge of the base flood water surface elevation, whichever is closer to the channel center line.

*Sheet flooding* means those areas which are subject to flooding with depths of one-half ( 1/2) foot or greater during the base flood where a clearly defined channel does not exist and the path of the flooding is often unpredictable and indeterminate.

*Special flood hazard area (SFHA)* means an area of floodplain subject to a one (1) percent or greater chance of flooding in any given year. SFHA are shown on a FIRM as Zones A, AO(1), AO2, AE, or AH.

*Start of construction* includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling below existing ground surface; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means, for floodplain management purposes, a walled and/or roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair unless such materials or supplies are within an enclosed building on the premises.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, repair, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the

improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term includes cost of improvements cumulatively added, in percentage, for a period of ten (10) years. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Variance* means a grant of relief by the floodplain board from the requirements of this chapter which permits development in a manner that would otherwise be prohibited by the terms of this chapter.

*Violation* means the failure of a structure or other development to fully comply with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided to the city for review and acceptance.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Watercourse* means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Watercourse master plan* means a comprehensive plan adopted by the floodplain board that provides uniform, but separate, rules for watercourses where a higher level of protection is warranted for public safety or to preserve integrity of the watercourse, as provided

by ARS Section 48-3609.01. These include the river and/or basin management plans, such as Tucson Stormwater Management Study (TSMS).

*Watershed* means "drainage basin." See definition of "drainage basin."

*Zone A* means no BFE's determined.

*Zone AE* means BFE's determined.

*Zone AH* means flood depths of one (1) to three (3) feet (usually areas of ponding); BFE's determined.

*Zone AO* means flood depths of one (1) to three (3) feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

*Zone X (unshaded)* means areas determined to be outside the two-tenths (0.2) percent annual chance floodplain.

*Zone X (shaded)* means areas of two-tenths (0.2) percent annual chance flood; areas of one (1) percent annual chance flood with average depths of less than one (1) foot or with drainage areas less than one (1) square mile; and areas protected by levees from one (1) percent annual chance flood.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Cross reference**—Definitions and rules of construction, § 1-2.



**Sec. 26-3. Floodplain boundaries, elevations.**

(a) *Boundaries:* The boundaries of the regulatory floodplains and floodways shall be shown on maps maintained by the city engineer using the best available hydrologic and hydraulic data, such as the flood hazard maps (FHM) and flood insurance rate maps (FIRM) provided by the FEMA. The approximate boundaries of the regulatory floodplains shall also be shown on the city's building zone maps, which serve as the city's flood hazard maps.

For those watercourses where regulatory floodplains are not delineated on the maps maintained by the city engineer, the regulatory floodplains shall be determined by engineering studies. An engineering study shall mean the requirements of these regulations and shall include hydrologic and hydraulic analyses prepared by a state registered professional civil engineer and approved by the city engineer.

(b) *Elevations:* Where elevations of the base flood have been determined for the regulatory floodplain and floodway delineated on maps maintained by the city engineer (such as the elevations shown on the FEMA flood insurance rate maps, however, FIS profiles shall be used to determine BFE when available), those elevations are hereby made a part of these regulations.

For those watercourses which are delineated on the FIRM as unnumbered A zones or where the base flood elevations have not been previously determined, the base flood elevations shall be determined by an engineering study. The study shall meet the requirements of these regulations and shall include hydrologic and hydraulic analyses prepared by a state-registered professional civil engineer and approved by the city engineer. The study shall further demonstrate that the determination of the base flood elevation and study methodology comply with any applicable criteria established by ADWR and FEMA.

(c) *Interpretation of boundaries:* Where uncertainty exists, the boundary of any regulatory floodplain or floodway shall be determined by the city engineer. The base flood elevation for the point in question shall be the governing factor in locating the floodplain area boundary on the land. A person contesting a boundary location shall be given a reasonable opportunity to substantiate an alternative location based on technical evidence.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-3.1. Floodplain boundary and flood elevation revisions.**

(a) Whenever additional data becomes available and warrants floodplain elevation or boundary revisions, such revisions may be made by the city engineer at the request of property owners or developers upon submission of the necessary engineering calculations and maps prepared by a state-registered professional civil engineer in conformance with the requirements of this chapter, the ADWR, and FEMA. When BFEs increase or decrease, as soon as practicable but not later than six (6) months after the date the information becomes available, FEMA shall be notified by submitting technical or scientific data in accordance with 44 CFR 65.3. The city shall also notify ADWR. Within one hundred twenty (120) days of completion of flood control protective works that change rate of flow or boundaries of the floodplain, all jurisdictions affected by the project are required to be notified.

(b) Whenever a watercourse is to be altered or relocated:

- (1) Require that the flood-carrying capacity of the altered or relocated portion of the watercourse is maintained.
- (2) Where appropriate, obtain a permit from the corps of engineers in accordance with section 404 of the Clean Water Act.
- (3) A development permit is required to be submitted for base flood elevation data for any subdivision proposal or other development greater than fifty (50) lots or five (5) acres, whichever is the lesser.

(c) The city engineer or his designated representative shall have the authority and responsibility to revise the regulatory floodplain and floodway boundaries and base flood elevations on the flood hazard maps (FHM) for the watercourses that are not included on the FIRM.

- (1) The city engineer shall notify, within thirty (30) days after his ruling, the owner of each property for which floodplain boundaries and/or base flood elevations have been revised and those owners of adjoining property immediately upstream and downstream. Such specific notice shall not be

required when such revisions have been made following a noticed public hearing on the property involved. In addition, the city engineer shall notify ADWR and FEMA.

(d) BFE's may increase or decrease resulting from physical changes affecting flooding conditions. Within one hundred twenty (120) days after completion of construction of any flood control protective works, the revised regulatory floodplain and/or floodway and the revised base flood elevations, in the areas affected by such work, shall be redefined, and shall be provided to the governing bodies of all jurisdictions affected. As soon as is practicable, but not later than six (6) months after the date such information becomes available, the Floodplain Administrator shall notify FEMA of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations (CFR) Section 65.3. This submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(e) An appeal may be taken to the floodplain board by any person aggrieved by such revisions in accordance with section 26-12 of this chapter. (Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-4. Statutory exceptions.**

(a) As specified in A.R.S. sections 48-3609 and 48-3613, these regulations shall not:

- (1) Affect or apply to facilities constructed or installed pursuant to a certificate of environmental compatibility issued under the authority of A.R.S. title 40, chapter 2, article 6.2.
- (2) Affect existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land, building, or structure is discontinued for twelve (12) months or destroyed to the extent of fifty (50) percent of its value, as determined by a competent appraiser, any further use shall comply with this article and these regulations.
- (3) Affect reasonable repair or alteration of property for purposes for which the property

was legally used on August 3, 1984, or the date on which any regulations affecting such property took effect; except that any alteration, addition or repair to a non-conforming building or structure which would result in increasing its flood damage potential by fifty (50) percent or more shall be either floodproofed (nonresidential structures only) or elevated to or above the regulatory flood elevation. All floodproofing (nonresidential structures only) shall be certified by a state-registered professional civil engineer. A record of such floodproofing shall be maintained on file with the city, which includes a certificate of floor elevation. See section 26-11.2(h).

- (4) Affect the construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision. Any such alteration must maintain the carrying capacity of the watercourse.
- (5) Prohibit the construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads, and streets intersecting or crossing a watercourse.
- (6) Prohibit the construction of storage dams for watering livestock or wildlife, structures on banks of a creek, stream, river, wash, arroyo, or other watercourse to prevent erosion of or damage to adjoining land or dams for the conservation of floodwaters permitted by A.R.S. title 45, chapter 6, section 45-1201 et seq., and chapter 10, section 45-1701 et seq.
- (7) Prohibit construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the city engineer pursuant to regulations adopted by the floodplain board under this chapter.
- (8) Prohibit the construction and erection of poles, towers, foundations, guy wires, and other facilities related to power transmission

as constructed by any utility whether a public service corporation or a political subdivision.

- (9) Prohibit any flood control district, county, city, town or other political subdivision to exercise powers granted to it under A.R.S. section 48-3601 et seq.

(b) These exceptions do not preclude any person from liability if that person's actions increase flood hazards to any other person or property. Before any construction authorized by this section may begin, plans for such construction must be submitted to the city engineer for review and comment, and/or issuance of a floodplain use permit. A drainage statement or report also may be required.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

#### **Sec. 26-4.1. Nonconforming development.**

(a) *Improvements to, or Reconstruction of, Existing Nonconforming Development:*

- (1) Any structure which is substantially improved at a cost equal to or exceeding fifty (50) percent of the full cash value of the structure as shown on the latest assessment rolls of the county assessor either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred, shall conform to these regulations. At the time of improving or reconstructing the existing structure or development, floodproofing (nonresidential structures only) may be considered as one of the means of bringing it in compliance with this chapter.

For the purpose of determining the value of any such construction, repair or alteration, the normal retail value of the materials and the reasonable value of labor performed shall be used.

- (2) Floodplain administrator or designee shall review all improvements to a structure and track all changes over a cumulative ten (10) year period for compliance.
- (3) For the purpose of this chapter, "substantial improvement" is also considered to occur,

but is not limited to, when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- (4) No person shall repair or alter property in any manner so as to avoid the provisions of this section.

(b) *Discontinuance of Nonconforming Development:* In the event that the use of a nonconforming development is discontinued for a period of twelve (12) consecutive months, any further use thereof shall be in conformity with the provisions of these regulations.

(c) *Condominium Conversions:* These regulations shall not apply to an existing legally constructed building which is subdivided for the purpose of conversion to condominium ownership as long as "substantial improvement" guidelines stated in subsections (a)1—3 of this section are met.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

#### **Sec. 26-5. Floodplain and erosion hazard area development.**

Areas designated as floodways have a high potential for flooding. Land in the floodway should be set aside for the conveyance of floodwaters as a first priority. Floodways are also areas of major groundwater recharge, a characteristic which should be preserved and enhanced where possible. Floodways are areas of land that belong to the watercourse, while floodway fringe areas can be shared by people and the watercourse, provided the arrangement does not result in damage to either the people or the watercourse.

The requirements outlined in sections 26-5.1 and 26-5.2 below also apply to all land areas designated as AO zones on city FIRM.

(Ord. No. 7407, § 5, 6-25-90)

#### **Sec. 26-5.1. Floodway development.**

Development in the floodway shall:

- (1) Conform to adopted city land use plans for the design of public and private development in the floodplain.

- (2) Not result in damage to public facilities as a result of erosion or flooding events.
- (3) Not generate adverse impacts (including but not limited to erosion) upstream or downstream.
- (4) Not unnecessarily alter riparian habitats of watercourses and adjacent bank areas.
- (5) Not increase the base flood elevations. Certification by a registered professional civil engineer shall be provided that demonstrates that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (6) Not result in higher floodwater velocities which significantly increase the potential for flood or erosion damage.
- (7) Not significantly increase channel or bank erosion.
- (8) Not decrease groundwater recharge.
- (9) Not contain a waste disposal system wholly or partially.
- (10) Not result in the placement of any structure or material that may divert, retard or obstruct the flow of floodwaters.
- (11) Not result in creating a danger or hazard to life or property.
- (12) Not utilize structures except hydraulic structures and those structures exempted under section 26-4(4)—(8) of this ordinance, which are designed and constructed to protect life or property from dangers or hazards of floodwaters.
- (13) Not contribute to debris accumulation upstream and/or downstream.
- (14) Not create a water pollution problem in the floodway due to soluble, insoluble, or solid materials, at the time of flooding.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-5.2. Floodway fringe development.**

No development, storage of materials or equipment, or other uses shall be permitted which, acting alone or in combination with existing or future uses, create a danger or hazard to life or property. Development in the floodway fringe shall:

- (1) Conform to adopted city land use plans for the design of public and private development in the floodplain.
- (2) Not result in damage to public facilities as a result of erosion or flooding events.
- (3) Not generate adverse impacts, including but not limited to erosion, upstream or downstream.
- (4) Not unnecessarily alter riparian habitats of watercourse and adjacent bank areas.
- (5) Not increase the base flood elevation more than one-tenth of a foot, as measured from the property boundary.
- (6) Not result in higher floodwater velocities which significantly increase the potential for flood or erosion damage.
- (7) Not significantly increase channel or bank erosion.
- (8) Use, where appropriate, native and/or adaptive landscaping to enhance the open space character of the floodway fringe.
- (9) Place the lowest (including basement) floor one (1) foot above the base flood elevation. In an AO Zone, residential construction, new or substantial damage repairs or improvements, shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Prior to the pouring of the first slab or lowest floor installation and prior to any framing, the applicant shall submit to the city engineer certification by state-registered land surveyor or a state-registered professional civil engineer that the elevation of the lowest floor framework is in compliance with that approved by the city engineer's office in the form prepared by FEMA (Elevation

Certificate) for preslab (Building Under Construction) and final (Finished Construction).

- (10) Anchor all structures, material or equipment firmly to prevent their flotation.
- (11) Place all service facilities such as electrical and heating equipment at or above the regulatory flood elevation.
- (12) Be constructed so as to protect placed fill from erosion which could be caused by waters, or otherwise. Such fill shall be permitted only when demonstrated by the owner/developer that it will have some beneficial purpose, as determined by the city engineer, and the amount of proposed fill is not in excess of what is necessary to achieve that purpose. The fill shall be protected from erosion which could be accomplished by placing riprap, vegetative cover, bulk heading, or any other floodplain administrator approved methods. Certification of compaction shall be provided as determined by the floodplain administrator.
- (13) Prohibit storage and/or processing of materials that are buoyant, flammable, explosive or that could be injurious to human, animal or plant life at the time of flooding.
- (14) Locate on-site sanitary waste disposal systems to avoid impairment to them or contamination from them during flooding.
- (15) Locate water supply, water treatment and sewage collection and disposal systems to eliminate or minimize infiltration of floodwaters into these systems and discharge of materials from these systems into floodwaters.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

### **Sec. 26-5.3. Special flood hazard areas.**

In areas of special flood hazards, the minimum criteria for approval of any development shall require compliance with all applicable regulations adopted by

these regulations, the ADWR and FEMA, whichever is more restrictive.

(Ord. No. 10311, § 1, 8-8-06)

### **Sec. 26-6. Extraction of sand, gravel and other earth products; permit required.**

A floodplain use permit shall be required for extraction of sand, gravel and other earth products within a floodway or floodplain (which includes the floodway fringe areas) or erosion hazard areas. An engineering study outlining effects on stream mechanics prepared by a state-registered professional civil engineer shall be required with an application for a floodplain use permit for major extraction operations, for operations in locations that appear to be hazardous because of their relative proximity to structures or banks of watercourses, and for any other operations considered by the city engineer to be potentially hazardous. The operations plan and any engineering study required shall meet the approval of the city engineer. For other operations, a study may be required, at the discretion of the city engineer, depending upon the nature of the proposed operation.

The engineering study is for the purpose of evaluating the possible flood- and erosion-related hazards and must include considerations of effects of the excavation on water velocities, direction of flows, volume of flows, channel geometry (shape and size), type of channel banks, depth of flow, and other items that may be pertinent to stream mechanics, which includes an analysis indicating a balanced sediment flow system or channel aggradation, and resultant effects on structures (including but not limited to roads, bridges, culverts and utilities), banks of watercourses, adjoining lands, and groundwater recharge for the respective alluvial watercourse.

Floodplain use permits for sand and gravel mining operations shall be issued for a time limit of one (1) year only. All such permits are subject to review by the city engineer prior to issuance. No mining operation shall be commenced without an approved permit.

In granting the permit, the city engineer may impose restrictions/conditions regarding the location and boundaries of the area where excavations/stockpiles are allowed, the quantity of excavations/stockpiles, and time period and methods of operation.

After July 25, 1990, the effective date of this section, any extraction of sand and gravel or related

materials in the floodway, floodway fringe or erosion hazard areas shall be allowed only if a reclamation plan is also provided for the extraction operation. The reclamation plan shall show that all adverse effects of extraction are mitigated. The plan shall also contain a timetable and financial assurances for accomplishing reclamation.

The city engineer may require bonds or other financial assurances appropriate for the sand and gravel extraction operation.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-6.1. Stockpiling.**

(a) There shall be no stockpiling within the floodway of materials or tailings that may obstruct, divert or retard the flow of floodwaters, except as may be approved by the city engineer pursuant to an application for a floodplain use permit.

(b) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if it is not subject to major damage by floods, and is firmly anchored to prevent flotation, or is readily removable from the area within the very short time available after a flood warning.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-6.2. Standards for construction of utility systems.**

All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Waste disposal systems shall not be installed wholly or partially in a floodway.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-7. Erosion hazard areas and setbacks from watercourses.**

The banks of watercourses constitute an erosion hazard zone which is subject to channel widening and/or meandering. Setback distances are best

determined by a detailed engineering study performed by a state-registered professional civil engineer. Guidelines for such studies and for determining setbacks are found in the *Standards Manual for Drainage Design and Floodplain Management in Tucson, Arizona (Standards Manual)*.

Setbacks from unstabilized banks may be determined by use of methodology found in the *Standards Manual*.

Reduced setbacks may be considered at the discretion of the city engineer only upon submitting to the city a detailed engineering study performed by a state-registered professional civil engineer for review and approval.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-7.1. Setbacks on regional watercourses.**

If a detailed engineering study is not performed, the minimum setback to structures shall be as indicated in table I or from the appropriate formulas from the *Standards Manual* unless the banks are stabilized. When banks are stabilized to the level of the base flood (plus an appropriate freeboard) the setback to structures shall be fifty (50) feet.

*Table I*

<i>Watercourse</i>	<i>Minimum Setback in Straight Section (Feet)</i>	<i>Minimum setback in Curved Section (Feet)</i>
Pantano Wash	350	870
Rillito Creek	360	895
Santa Cruz River	490	1,220

Setbacks for other regional watercourses may be determined from guidelines in the *Standards Manual*.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-7.2. Setbacks on all other watercourses.**

When the banks are stabilized to the level of the base flood (plus an appropriate freeboard) the setback to structures shall be a minimum of twenty (20) feet for access and maintenance. When access and maintenance easements are not required by the city engineer, the minimum setback may be reduced to ten (10) feet at the discretion of the city engineer. When banks are not stabilized, the setback to structures shall be as calculated from guidelines in the *Standards Manual*.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-8. Subdivision and development project requirements.**

The requirements outlined in subsections (a) through (i) below apply to all improved or unimproved land areas or lands divided for the purpose of financing, sale or lease, whether immediate or future, the boundaries of which have been fixed by or proposed to be fixed by a recorded plat and which are located in flood hazard areas. These regulations shall also apply in instances where development plans are required by chapter 23B, Tucson Unified Development Code.

(a) *Suitability of Land:*

- (1) Land physically unsuitable for subdivision or development because of severe flooding, drainage or erosion problems endangering life or property shall not be subdivided or developed unless it can be developed in such a way so as to alleviate those problems.
- (2) Additionally, if a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall be reviewed, designed and constructed to assure that:
  - a. All such proposals are consistent with the need to minimize flood and erosion damage within the floodprone area;
  - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood and erosion damage. Septic systems, whether public or privately owned, shall not be located in such a way as to avoid impairment to them or contamination from them during flooding. Unprotected excavations shall not be permitted so close to any floodplain crossings, utility structures or facilities as to cause or have the potential to cause an adverse effect on such crossings, utilities or similar facilities.
  - c. Adequate drainage is provided to reduce exposure to flood and erosion hazards.

- (3) When planning and designing developments adjacent to, surrounding or affected by watercourses, the owner/developer should conform to policies set forth in the adopted general plan of the city, existing basin management plans, and this chapter. In those areas where basin management plans have not yet been formulated, the first consideration in approaching alternative drainage design concepts shall be to maintain the natural configuration to reduce exposure to flood and erosion hazards as well as promote groundwater recharge. Where natural washes cannot be maintained, a mitigation plan shall be established with emphasis being placed on earthen or naturally appearing channels with landscaping and texture/color added to bank protection materials. The design of earthen channels will be encouraged in order to allow for a more permeable surface which permits reintroduction of the water into the groundwater system, allowing for the reintroduction of native plant species which promotes a natural, partially soil-stabilized system.

(b) *Delineation of Areas Subject to Flooding on Plats and Development Plans:*

- (1) All tentative plats and development plans submitted shall show the location, by survey or photographic methods, of streams, watercourses, canals, irrigation laterals, private ditches, culverts, lakes and other water features, including those areas subject to flooding and/or erosion. The location shall also include the direction and magnitude of any flow, water surface elevations, and the limits of inundation from the base flood.
- (2) Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the BFE, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- (3) All tentative plats and development projects in floodprone areas shall be accompanied by conceptual grading plans and conceptual drainage improvement plans included in a

drainage statement or a drainage report prepared by a state-registered professional civil engineer, for approval by the city engineer, unless exempted by the city engineer. These reports or statements should include the following:

- a. The methods for mitigation of increased urban peak and/or volumetric flood-water runoff or discharge created by the development on-site and to upstream and downstream properties, up to a reasonable location as determined by the approved hydrologic and hydraulic study.
  - b. The demonstration that the improvements are compatible with the existing upstream and downstream drainage conditions and that any proposed grading and/or grade change will not have an adverse impact on adjacent property.
  - c. The methods for adequate erosion and sediment control, as approved by the city engineer.
  - d. The proposed floodplain management methods for floodproofing (existing nonresidential structure only) drainage control, detention, retention, and/or delineating and setting aside floodprone areas which result in mitigating a flood or erosion hazard on the proposed finished pads (elevations determined) and drainage slopes constructed to protect building foundations from runoff waters.
- (4) All tentative plats and development plans in floodprone areas shall show proposed grading and improvement for areas which are subject to flooding or erosion or which have poor drainage. Also included will be a description and location of all facilities proposed to be used to alleviate flooding, erosion or other drainage problems, both in the proposed subdivision or development, and downstream and upstream of any watercourse affected by the subdivision or

development, whether they are within or outside the project boundaries.

Prior to commencement of any site improvements or grading, a grading plan shall be submitted to the city engineer for review and approval. Detailed improvement plans of storm drains or channel improvements shall also be submitted to the city engineer for review and approval.

- (5) All final plats and development plans in floodprone areas shall show limits of the regulatory floodplains, erosion hazard boundaries, and the floodways and floodplains delineated in a surveyable manner and certified by a state-registered land surveyor.
- (6) All tentative plats and development plans in floodprone areas of all developments, including manufactured home parks and subdivisions, submitted shall include base flood elevation data. Also included as a general note shall be the drainage area(s) and their respective base flood peak discharges.

(c) *Street Design Criteria:* Streets required for permanent access shall be designed and paved/constructed so that the flow depths over them do not exceed one (1) foot in depth except at drainage crossings during the base flood peak discharge. At least one (1) paved permanent access shall be provided to each lot over terrain which can be traversed by conventional motor vehicles in times of flooding. Where the streets are also used for flow of stormwater additional safety features may be required by the city engineer. Fill may be used for streets in areas subject to flooding provided such fill does not unduly increase flood heights. Developers may be required to provide profiles and elevation of streets in areas subject to flooding.

(d) *Building Sites:* Land which contains area within a floodplain shall not be divided or platted for residential occupancy or building sites unless each lot contains a building site, either natural or manmade, which is not subject to flood-related erosion or to flooding by the base flood, provides all weather access to the building pad, and is certified for compaction of fill for pad by an engineer.

- (1) In areas subject to flooding where no fill is proposed to be used, the building line shall be located no closer to the floodplain than the edge of the area subject to flooding by the base flood.
- (2) In areas where fill is to be used to raise the elevation of the building site, the building line shall be located not less than twenty-five (25) feet landward from any edge of the fill, unless a study prepared by a state-registered professional civil engineer and approved by the city engineer shows that a lesser distance is acceptable.
- (3) No fill shall be placed in any floodway; nor shall any fill be placed where it diverts, retards or obstructs the flow of water to such an extent that it creates a danger or hazard to life or property in the area.

(e) *Setbacks From Channels:* Setbacks shall be established in accordance with the *Drainage Standards Manual* or city engineer approved studies prepared by a state-registered professional civil engineer. Also see section 26-7 of this chapter.

(f) *Rights-of-way for Drainage; Easement Dedication:* Whenever a subdivision plat or development plan contains a watercourse which is regulated by this chapter, all right-of-way associated with the watercourses shall be provided and designated "drainageway" or "drainage easement" as determined by the city engineer.

At the discretion of the city engineer, structural solutions to drainage problems will be required.

When structural solutions are necessary, preference shall be given to landscaped natural appearing channels. While improvements to watercourses should be responsive to the environment, existing conditions may prevent or inhibit the desired approach. Examples of such existing conditions include insufficient right-of-way, insufficient runoff carrying capacity in the channel, large erosion potential, existing residences or businesses exposed to flooding during runoff events, and inadequate street conveyance capacity.

The additional land area required for the purpose of widening, deepening, aligning, improving, stabilizing, constructing and allowing for natural meanders so the

watercourse will safely convey the base flood peak discharge shall also be included in the drainageway or drainage easement.

- (1) If the watercourse is an improved regional watercourse, the drainageway shall include the channel, the channel improvements, and a fifty-foot-wide area measured outward from the front face of the top of the bank protection, for the city or for county flood control district uses.
- (2) If the watercourse is an improved major or minor watercourse, the drainageway or the easement shall include the channel, the channel improvements, and necessary maintenance access.
- (3) If the watercourse is to remain natural, the drainageway shall contain the boundaries of the regulatory floodplain and necessary maintenance access.
- (4) Along regional watercourses and major watercourses where the peak discharge during the base flood is ten thousand (10,000) cubic feet per second or greater, the drainageway shall be dedicated in fee simple to the city.
- (5) Along other watercourses, the city engineer shall determine whether it is necessary for the city to have control of the drainageway. If the city engineer determines that public control is necessary, the owner shall dedicate the drainageway in a fee simple or grant an easement.

(g) *Detention/Retention Systems:* (See section 26-10 of this chapter.)

(h) *Utilities:* All public and private utilities are to be constructed so as to minimize or eliminate flood damage and shall comply with the provisions of section 26-6.2.

(i) *Arizona Revised Statutes (A.R.S.) Section 48-3610 Compliance:* The city engineer upon receipt of an application for any development in a floodplain shall advise the Pima County Regional Flood Control District ("district") in writing and provide a copy of the application and any development plan, tentative plat, or

a floodplain use permit application within one (1) mile of the corporate limits of the city. The district shall also provide similar development applications to the city which are located within one (1) mile outside of the city. Written notice and a copy of the development plan and/or tentative plat shall be sent to the district no later than three (3) working days after the receipt by the city engineer.

(j) *Construction Conformance:* All construction including the detention/retention systems (see section 26-10) shall conform to the city engineer approved plans and specifications. Any deviation shall occur only upon prior approval by the city engineer. (Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-9. Standards for manufactured homes and manufactured home parks and subdivisions.**

All new and replacement manufactured homes, additions to existing manufactured homes or additions to existing manufactured home parks or subdivisions, and recreational vehicles which are left on a site for longer than one hundred eighty (180) days and are not licensed and ready for highway use shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. The provisions of this paragraph and subsection (a)(1) do not apply to recreational vehicles which are on a site for fewer than one hundred eighty (180) days and which are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(a) *General Provisions:*

- (1) All newly placed, repaired or replacement manufactured homes, additions to existing manufactured homes and recreational vehicles, where applicable, shall be placed and elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation.

- (2) A manufactured home which has incurred substantial damage by a flood may be repaired or may be replaced by another manufactured home. If the damage is less than fifty (50) percent of its value before the flood, it may be repaired or may be replaced by another manufactured home.
- (3) All public and private utilities shall be located and constructed so as to minimize or eliminate flood damage.
- (4) A plan for evacuating residents of all manufactured home parks or subdivisions located within floodprone areas shall be developed and filed with and approved by the county department of emergency services, disaster planning and preparedness. A copy of the approved plan shall be submitted to the city engineer's office for record.

(b) *Certification:* Certification by a state-registered professional civil engineer that the installation of a manufactured home meets all of the requirements of this section is required. Such certification shall be provided by the person installing the manufactured home, the owner, the developer of the manufactured home park or subdivision, or an agency regulating manufactured home placement, whichever is deemed appropriate by the city engineer. Certification of elevations listed on the floodplain use permit shall be prepared by a state-registered land surveyor and provided to the city engineer prior to habitation of the structure in the form of an Elevation Certificate prepared by FEMA for Building Under Construction stage or at Final Construction. (Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-10. Detention/retention systems.**

(a) When deemed necessary by the city engineer, flood detention/retention systems shall be employed in lieu of or in combination with structural flood control measures to reduce flooding potential or restrict it to a level no greater than pre-platting and/or pre-development conditions.

All proposed residential net densities of three (3) or more units per acre and all proposed commercial and industrial developments greater than one (1) acre in

size shall provide some method of peak and volumetric runoff reduction. The amount of reduction is stipulated within the *Stormwater Detention/Retention Manual*, and subsequent amendments, which was approved for use by the city engineer as development standard in the Technical Standards Manual section 4-03.0.

(b) Basins which have been identified by the city engineer as unsuitable for additional development because of the high probability of increased flooding, or flooding of existing improvements or properties not previously studied, may be developed further only upon the incorporation of adequate detention/retention systems as reviewed and approved by the city engineer. The following criteria shall be considered:

- (1) If a drainage basin is determined to be a balanced basin, detention or retention systems shall be employed. These systems shall maintain the existing balance within the basin by limiting the flood peak discharges from the site to values no greater than pre-developed conditions.
- (2) If a drainage basin is determined to be a critical basin where potential flood problems currently exist, detention or retention systems shall be employed. The purpose of such systems in a critical basin shall be to reduce the potential flood hazard through the detention or retention of storm runoff in fair and equitably apportioned increments.

(c) The design of a detention or retention system, as reviewed and approved by the city engineer, shall include consideration of the degree of existing development within the basin and the capacity of the downstream drainage facilities. The systems will be designed with strict conformance to the public's health, safety and welfare. The effects of recharging storm runoff and possible pollution of the groundwater shall be evaluated for all systems employing infiltration systems, such as dry wells, in order to prevent contamination of the groundwater aquifer.

(d) Structural flood control measures may be utilized in conjunction with or in place of a detention/retention system if it can be clearly demonstrated that such measures shall accomplish, with an equal or greater degree of success, the function of such system, which includes preservation of the water and sediment equilibrium in the affected

watercourse and mitigation of the environmental impacts. Appropriate structural flood control measures, such as channelization to a logical conclusion downstream of the proposed development and/or improvements to existing off-site flood control systems within the affected drainage or stream reach, shall be completed in accordance with plans reviewed and approved by the city engineer.

(e) A fee may be utilized in place of a detention/retention system, at the request of affected persons, when it can be clearly demonstrated that detention at the site does not provide off-site flood relief due to the parcel size, location within the drainage basin, or other factors. The fees collected will be used to construct public flood control improvements which will be designed to mitigate the potential damage of floodwaters associated with the property from which the fees are contributed. In balanced and critical basins, and where development is less than three (3) units to the acre, use of a fee system may be considered appropriate in lieu of a detention system in order to preserve the natural drainage patterns. The amount of the fee shall be proportional to the cost of the otherwise required detention/retention system.

(f) The city engineer shall prepare and retain for public inspection and use an official map designating critical and balanced basins within the city.

(g) All repairs and maintenance of detention/retention systems shall conform to the city engineer approved design drawings and specifications. Any deviation shall occur only if approved by the city engineer.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

#### **Sec. 26-11. Floodplain use permit requirements and regulations.**

(a) Except as otherwise provided in these regulations, it shall be unlawful for any person to establish, erect, alter or relocate a use or structure in the regulatory floodplain or an erosion-prone area as described in section 26-11.1(2) without first obtaining a floodplain use permit from the city engineer.

(b) It shall be unlawful for any person to perform any grading operation in or alteration of any watercourse in violation of this chapter. Without written authorization from the city engineer, any such

act, including excavation of any kind, is a public nuisance per se and may be abated, prevented or restrained by action of the city.

(c) No license, permit or other similar approval for any development which would be in conflict with the provisions of this chapter shall be issued by any department, official or employee of the city; and any such license, permit or approval, if issued in conflict with the provisions of this chapter, shall be considered null and void.

(Ord. No. 7407, § 5, 6-25-90)

**Sec. 26-11.1. City engineer review of floodplain and erosion hazard area development.**

The city engineer shall review all of the following applications for compliance with these regulations:

- (1) Applications for development within a regulatory floodplain and erosion hazard areas.
- (2) Applications for development requiring building permits within an area five hundred (500) feet on either side of delineated floodway boundaries in floodplains having watersheds larger than thirty (30) square miles, or two hundred fifty (250) feet on either side of watercourses having watersheds between ten (10) and thirty (30) square miles, and one hundred (100) feet on either side of watercourses having watersheds less than ten (10) square miles shall be reviewed. If, within twenty (20) working days, the city engineer determines that the location is subject to flood or erosion hazards, an application for a floodplain use permit pursuant to section 26-11.2 is required. Property owners may request a preliminary determination from the city engineer for property in such areas prior to any application for actual development.

(3) Applications for subdivision plat approval.  
(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-11.2. Floodplain use permit procedure.**

(a) *General:* Upon receiving an application for a floodplain use permit, the city engineer shall, within

twenty (20) working days, review the application to ensure that the site is reasonably safe from flooding, declare the application complete, or:

- (1) Require the applicant to submit, where applicable, plans in triplicate drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures (existing nonresidential structures only), and the relationship of the above to the location of any watercourse channel, floodway, regulatory floodplain, erosion hazard area boundaries, and the regulatory flood elevation of the structures. All elevations or vertical distances must be referenced to an established datum or base elevation.
- (2) Require the applicant to furnish as much of the following additional information as the city engineer deems necessary for the evaluation of effects of the proposed development upon flood flows and erosion:
  - a. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
  - b. Plan (surface view) showing elevations or contours of the ground; structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply lines, sanitary sewers and waste disposal facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
  - c. Profile showing the slope of the bottom of the channel or flow line of the stream or watercourse.
  - d. Specifications for building construction and materials, filling, dredging, grading, channel improvement, storage of materials, water, and sewage facilities.

- e. An engineering study prepared by a state-registered professional civil engineer outlining the effects the development will have on the flow of water through the area being developed and the surrounding areas. This study will be for the purpose of evaluating possible flood hazards and shall, where necessary, include consideration of the effects of the development on flood heights, water velocities, direction of flow, sedimentation and/or erosion, volume of flows, channel shape and size, type of channel banks and other items that may be pertinent, and the resultant effects or structures, land, banks, etc., for the adjacent regulatory floodplain and the surrounding area.
- f. A soils investigation study prepared by a state-registered professional civil engineer, outlining the determination of the erosive properties of areas or lands to be graded or disturbed which may create sediment deposition or erosion in any watercourse or watershed regulated by this chapter.
- (3) Require applicants to submit an additional copy of the development plan and/or subdivision plat, including the pertinent reports of the studies performed for forwarding to the county flood control district ("district"), if the proposed development in the floodplain is located within one (1) mile of the boundary between the city and the district's area of jurisdiction. The city shall also advise any city or town in writing and provide a copy of any development plan of any major development proposed within a regulatory floodplain, floodway or erosion hazard area which could affect regulatory floodplains, floodways, erosion hazard areas or watercourses within the district's area of jurisdiction. Written notice as required above and a copy of the plan of development shall be sent to any adjacent jurisdiction no later than three (3) working days after having been received by the city.
- (4) Require the applicant to obtain all necessary permits from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. 1334.
- (b) *Conditions:* Any floodplain use permit may be subject to conditions or restrictions designed to reduce or mitigate the potential damage or hazard to life or property resulting from development within the regulatory floodplain, floodway or erosion hazard areas.
- Any grading or alteration (including excavation) of any watercourse regulated by this chapter shall be controlled to minimize the loss of soil through erosion from rainfall or stormwater flowage. Methods to control erosion and sedimentation must be demonstrated to the satisfaction of the city engineer prior to the granting of a floodplain use permit for any work in any floodplain. Both temporary and permanent measures for sediment and erosion control must be clearly delineated on plans or other written documents prior to receiving a floodplain use permit.
- Examples of conditions that may be imposed include, but are not limited to, the following:
- (1) Modification of sanitary sewer, waste disposal, and water supply facilities.
  - (2) Limitations on periods of use and hours of operation.
  - (3) Imposition of operational controls, sureties related to temporary uses, and deed restrictions.
  - (4) Requirements for construction of channel modifications, dikes, levees and other protective measures.
  - (5) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall:
    - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

- b. Be constructed with materials and utility equipment resistant to flood and erosion damage; and
  - c. Be constructed by methods and practices that minimize flood and erosion damage.
- (6) Indemnification agreements whereby the applicant agrees to hold the city and its officials, employees and agents, harmless and defend them from any and all claims for damages now and in the future relating to the use of the property sought to be developed by reason of flooding, flowage, erosion or damage caused by water, whether surface, flood or rainfall.
- (7) Dry floodproofing measures for existing nonresidential structures, which shall be designed to be consistent with the regulatory flood elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The city engineer may require that the applicant submit a plan or document certified by a state-registered professional civil engineer that the floodproofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Examples of floodproofing measures may be obtained from the city engineer approved drainage design standards. Floodproofing for nonresidential structure construction or new or substantial damage repairs or improvements shall either be elevated to conform to regulations, or together with attendant utility and sanitary facilities:
- a. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. If structure is elevated, be certified by a registered professional surveyor as certified by an accepted dry floodproofing elevation certificate;
  - d. If structure is floodproofed by other means than elevating, be certified by a civil engineer.
- (8) Wet floodproofing requires flood vent certification. All new construction and substantial damage repairs or improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:
- a. Have a minimum of two (2) openings, on different sides of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
  - b. Alternatively, a registered civil engineer may design and wet-floodproof-certify the openings.
- (c) *Revocation of Permit:* Any person who fails to comply with the terms of the floodplain use permit or has created situations that can be a danger to life and property as determined by the city engineer shall be subject to revocation of the floodplain use permit by the city engineer upon written notice by registered mail to the applicant citing the reasons for revocation. The person holding the floodplain use permit or any affected party may appeal the decision of the city engineer by requesting in writing a hearing before the floodplain board in accordance with section 26-12.
- (d) *Removal of violation:* Upon written notice, the city engineer may cause any structure,

encroachment or work constructed without a floodplain use permit, or which is in violation with the terms of a permit, to be removed immediately at the expense of the person who caused the structure, encroachment or work if the structure, encroachment or work will cause an immediate danger to life and property.

(e) *Recovery of costs:* The city shall be entitled to recover all costs, administrative, engineering and legal, as well as actual costs to remove or modify the structure, encroachment and/or any other work in violation of this chapter.

(f) *Factors upon which a decision of the city engineer shall be based:* In reviewing floodplain use permit applications, the city engineer shall consider, in addition to relevant factors specified in other sections of these regulations, any other provision of law relating to such development. In making such a determination, the city engineer may consider the following factors:

- (1) The danger to life and property due to increased flood heights, velocities or altered direction of flow caused by the development.
- (2) The danger that materials may be swept onto other lands or downstream to cause injury to others.
- (3) The proposed water supply, sanitary sewer systems and waste disposal systems of any development and the ability of these systems to prevent disease, contamination and unsanitary conditions due to flooding and/or erosion.
- (4) The susceptibility of the proposed development and/or its contents to flood and erosion damage and the effect of such damage on the individual owner.
- (5) The availability of alternative locations for the proposed use on the same property which are not subject to flooding or erosion.
- (6) The compatibility of the proposed use with existing regulatory floodplain uses and with floodplain management programs anticipated in the foreseeable future.
- (7) The relationship of the proposed use to any comprehensive plan, basin management plan,

neighborhood plan, and floodplain management program for the area.

- (8) The safety of access to the property in times of flood for conventional and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site under both existing and proposed conditions.
- (10) The enhancement and preservation of groundwater recharge and the potential pollution of the groundwater supply.
- (11) Such other factors, including but not limited to cost to the city, which are relevant to the purposes of these regulations.
- (12) Documentation that all necessary permits have been obtained from state and federal agencies.

(g) *Decision:* The city engineer shall, within twenty (20) working days of the application's being declared complete, render a decision on the floodplain use permit. A floodplain use permit shall be denied if the proposed development constitutes a danger or hazard to life and/or property.

(h) *Certificate of flood elevation:* Prior to the issuance of final occupancy permits for development undertaken pursuant to a floodplain permit, the applicant shall submit, on a form provided by the city, certification that the elevation (in relation to mean sea level) of the lowest floors (including basement) of all new or substantially improved, or substantially damage repaired, structures is at or above the regulatory flood elevation. The certificate shall also disclose the method used to determine the regulatory flood elevation and the required erosion hazard setback, if any. The certification shall be signed by a state-registered professional civil engineer or land surveyor. Following acceptance of a certificate by the city engineer, a copy shall also be maintained in the building safety division records of the development. For elevation certificate for projects in SFHA or other jurisdictional floodplains, use current FEMA form for both stages for Building Under Construction and for Finished Construction.

The city engineer shall maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on an FHM or FIRM, any certifications and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new or substantially improved structures.

(i) Floodplain administrator is responsible for record keeping and shall obtain and maintain for public inspection and make available as needed:

- (1) Certification required by sections 26-5.2(9), 26-11.2(b)(7), and 26-9(b) (lowest floor elevations, bottom of the structural frame, and utilities);
- (2) Certification required by section 26-11.2(b)(7), 26-11.2(b)(8) and 26-11.2(h) (lowest floor elevations or floodproofing of nonresidential structures and utilities);
- (3) Certification required by section 26-11.2(b)(8) (flood vents);
- (4) Certification of elevation and compaction required by section 26-8(b)(2) and 26-5.2(12) (subdivisions and other proposed development standards);
- (5) Certification required by section 26-5.1(5) (floodway encroachments);
- (6) Records of all variance actions, including justification for their issuance;
- (7) Obtain and maintain improvement and damage calculations required in section 26-4.1(2);

(j) *Fees:* The following fees are imposed on applications for floodplain use permits:

Flood status requests . . . . .	\$ 15.00
Floodplain use permit . . . . .	50.00
Review of engineering studies, including review of first resubmittal . . . . .	150.00
Review of subsequent resubmittals . . . . .	300.00

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-11.3. Penalties, violations, unlawful acts, classifications.**

(a) *Civil infraction:* Except as provided in subsection (b) below, it is unlawful and is hereby declared a civil infraction for any person to:

- (1) Fail to obtain any floodplain use permit; or
- (2) Fail to comply with the terms and conditions of any permit required by this chapter; or
- (3) Violate any of the provisions of this chapter.

All violations under this section shall be heard under the procedures set forth in chapter 8 of this Code. Additionally, any person found responsible under this section shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than twenty-five hundred dollars (\$2,500.00). The administrative hearing officer may also order abatement of the violation. Furthermore, where the provisions of chapter 8 conflict with the provisions of this section, this section shall govern.

(b) *Class 2 Misdemeanor:* Pursuant to A.R.S. section 48-3615, it is unlawful and is hereby declared a class 2 misdemeanor for any person to engage in any development or by any acts to cause a diversion, retardation or obstruction to the flow of waters in a watercourse whenever it creates a hazard to life or property and without securing the permit required by any provision of this chapter. Any person found guilty of violating this section shall be punished by a fine not to exceed more than seven hundred fifty dollars (\$750.00) or four (4) months' imprisonment, or both. In addition, a person convicted of a class 2 misdemeanor may be placed on probation for a period not to exceed twenty-four (24) months.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-11.4. Declaration of public nuisance; abatement.**

All development located or maintained in a floodplain since August 8, 1973, in violation of Title 48, Chapter 21, Article 1 of the Arizona Revised Statutes or of floodplain regulations established by this chapter and without written authorization from the floodplain board is a public nuisance per se and may be abated, prevented or restrained by action of the City of Tucson. To abate violations, the city may:

(a) Take any necessary action to effect the abatement of such violation; or

(b) Issue a variance to this ordinance in accordance with the provisions of section 26-12 herein; or

(c) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination; or

(d) Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-12. Appeals and variances.**

(a) *Appeals.* Any written decision of the city engineer made in the course of administering or interpreting this ordinance may, within thirty (30) days of the decision, be appealed to the floodplain board.

(b) *Variances.* The floodplain board shall hear and decide all requests for variances from the requirements of this ordinance. Stormwater technical advisory committee (STAC) or stormwater advisory committee (SAC), as designated at the time by the floodplain administrator, shall make recommendations to the director of the department of transportation to be forwarded to the mayor and council on technical issues raised by appeals and variance requests.

(1) A variance may be granted only if, based on technical evidence prepared by an Arizona registered professional engineer, the floodplain board finds all of the following:

- a. A showing of good and sufficient cause.
- b. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. That failure to grant the variance would result in exceptional hardship to the applicant. An exceptional hardship is one that is exceptional, unusual and

peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

d. That the granting of the variance will not create a danger or hazard to life or property in the area, or result in increased flood heights; additional threats to public safety; extraordinary public expense; the creation of a nuisance; the victimization of or fraud on the public; and that the variance is not in conflict with other city ordinances or regulations.

e. That special circumstances, such as size, shape, topography, location, or surroundings of the property would cause strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain or erosion hazard areas.

(2) A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitation on similar property in the floodplain or erosion hazard areas.

(3) If the floodplain board grants a variance from the provisions of this division, the city engineer shall provide written notice to the grantees of the variance as required by A.R.S. section 48-3609(J) that the property may be ineligible for exchange of state land pursuant to the statutory flood relocation and land exchange program. The city clerk shall record a copy of the notice in the office of the county recorder so that the notice appears in the chain of title of the affected parcel of land.

- (4) The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage as determined by the insurance carrier.
- (5) The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its biennial report submitted to FEMA.

(c) *Application and hearing.* The following application and hearing procedures apply to an appeal of a decision of the city engineer, or a variance request, or combination thereof:

- (1) The application shall be in writing and filed with the city engineer. The application shall include technical evidence prepared by an Arizona registered professional engineer in support of the appeal or variance request.
  - a. An application for an appeal shall state why the decision of the city engineer is in error and shall contain a concise explanation of all matters in dispute and any pertinent maps, drawings, data or other information in support of the appeal.
  - b. An application for a variance shall state the code section from which the variance is sought and shall include any pertinent maps, drawings, data or other information why the variance should be granted.
- (2) Incomplete applications shall not be accepted.
  - a. Within three (3) working days after the receipt of the application, or any additional materials or information as provided for below, the city engineer shall notify the applicant whether or not the application is deemed complete.
  - b. If the application is determined to be incomplete, the applicant shall submit

additional materials and information as may be reasonably determined necessary by the city engineer.

- (3) Within twenty (20) working days after accepting an appeal or variance request, the city engineer may submit a copy of the appeal or variance request, together with all available pertinent documents and information to SAC or STAC as designated at the time by the floodplain administrator. If SAC or STAC determines that the appeal or variance request raises technical questions or issues, SAC or STAC may review the request and provide written conclusions and recommendations to the floodplain board. The conclusions for a variance request must address the findings required in section 26-12(d) for the granting of a variance by the floodplain board.

- a. Within twenty (20) working days after the receipt of the application, or any additional materials or information as provided for below, the city engineer shall notify the applicant whether or not the application is deemed complete.

(d) In considering such applications, the floodplain board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

(e) A variance shall be granted only if, based on technical evidence prepared by an Arizona registered professional engineer, the floodplain board finds all of the following:

- (1) A showing of good and sufficient cause.
- (2) That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) That failure to grant the variance would result in exceptional hardship to the applicant. An exceptional hardship is one that is exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (4) That the granting of the variance will not create a danger or hazard to life or property in the area, or result in increased flood heights; additional threats to public safety;

extraordinary public expense; the creation of a nuisance; the victimization of or fraud on the public; and that the variance is not in conflict with other city ordinances or regulations.

- (5) That special circumstances, such as size, shape, topography, location, or surroundings of the property would cause strict application of the regulations to deprive the property of privileges enjoyed by similar property in the floodplain or erosion hazard areas.
- (6) That, for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures' continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (7) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined as having "functionally dependent use".

(f) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

(g) A variance is subject to conditions to ensure that the variance does not constitute a grant of special privileges inconsistent with the limitation on similar property in the floodplain or erosion hazard areas.

(h) If the floodplain board grants a variance from the provisions of this division, the city engineer shall provide written notice to the grantees of the variance that:

- (1) The property may be ineligible for exchange of state land pursuant to the statutory flood relocation and land exchange program per A.R.S. 37-610. The city clerk shall record a copy of the notice in the office of the county recorder so that the notice appears in the chain of title of the affected parcel of land;

- (2) Such construction for a structure to be constructed below RFE increases risks to life and property; and
- (3) The issuance of a variance to construct a structure below the RFE will result in increased premium rates for flood insurance as determined by the insurance carrier and NFIP regulations.

(i) The floodplain board shall hold a public hearing to consider an appeal or variance request within sixty (60) days after the city engineer accepted the application. After the close of the public hearing the mayor and council may:

- (1) Uphold, reverse or modify the decision of the city engineer on appeal.
- (2) Grant or deny the variance, subject to the findings for a variance set forth in these regulations.

(j) *Stormwater technical advisory committee (STAC)*. The STAC shall make recommendations to the director of the department of transportation to be forwarded to the mayor and council on technical issues raised by appeals and variance requests.

- (1) Within three (3) days after accepting an appeal or variance request, the city engineer shall submit a copy of the appeal or variance request, together with all available pertinent documents and information to STAC. If STAC determines that the appeal or variance request raises technical questions or issues, STAC may review the request and provide written conclusions and recommendations to the floodplain board. The conclusions for a variance request must address the findings required in section 26-12(b)(1) for the granting of a variance by the floodplain board.
- (2) Reserved.

(k) *Stormwater advisory committee (SAC)*. The SAC shall review all proposed amendments to Chapter 26 of the Tucson Code and shall provide written conclusions and recommendations to the director of the department of transportation to be forwarded to the

mayor and council and to the planning commission, as applicable, prior to a public hearing on the proposed amendments.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 8309, § 1, 9-26-94; Ord. No. 9582, §§ 4, 5, 8-6-01; Ord. No. 10311, § 1, 8-8-06; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-13. Amendments.**

(a) SAC or STAC, as determined at the time by the floodplain administrator, shall review all proposed amendments to chapter 26 of the Tucson Code and shall provide written conclusions and recommendations to the director of the department of transportation to be forwarded to the mayor and council prior to a public hearing on the proposed amendments. Floodplain administrator shall request the director of Planning and Development Services Department to reconstitute or convene as necessary the SAC or STAC.

(b) Pursuant to A.R.S. Sec. 48-3609.02, prior to the adoption, amendment or repeal of any provision of this chapter the following shall occur:

- (1) City department through the floodplain administrator shall provide at least two weeks' notice of a meeting at which the public may provide comments on draft language of any proposed rule. Notice shall include the entire text of the draft proposed rule and it shall be made available to the public. Written and verbal comments on the draft language shall be accepted by floodplain administrator.
- (2) City department through the floodplain administrator shall provide at least two weeks' notice of a meeting at which the final text of the proposed rule is considered by the mayor and council. Notice shall include the entire text of the final version of the proposed rule and it shall be made available to the public. At least one week before this meeting, floodplain administrator shall provide the public with the department's written responses to the written public responses generated as a result of the meeting required under subsection (1) above, and may provide written responses to the verbal public comments generated as a result of the meeting required under subsection (1) above.

(3) City department through the floodplain administrator shall provide mayor and council with copies of the public comments and the department's written responses to those public comments. If as a result of public comments or internal review, mayor and council determines that the text of a proposed rule requires substantial change, mayor and council shall issue a supplemental notice containing the changes to the proposed rule and shall provide for additional public comment before adoption.

(4) City department through the floodplain administrator may provide the notices required by this section on the department/city's website.

(Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-14. Enforcement.**

It shall be the duty of the city engineer and all officers of the city otherwise charged with the enforcement of the law to enforce these floodplain or erosion hazard area regulations.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-15. Disclaimer of liability.**

The degree of flood and erosion protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as bridge openings restricted by debris. These regulations do not imply that areas outside the floodplain or erosion hazard area boundaries or land uses permitted within such area will be free from flooding or flood and erosion damages. These regulations shall not create liability on the part of the city or any officer or employee thereof for any flood or erosion damages that may result from reliance on any administrative decision lawfully made thereunder.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-16. Severability.**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of

this ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-17. Coordination with other agencies.**

The city engineer shall notify adjacent communities and the Arizona Department of Water Resources prior to any alteration or relocation of a regional or a major watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-18. Public hearing.**

A public hearing is required for any amendment of these regulations and shall be held in accordance with the provisions of A.R.S. title 9 and title 48. The mayor and council acting as the floodplain board shall conduct the public hearing. The public hearing and notice requirements will be conducted in accordance with A.R.S. title 9 and title 48-3609(E). In cases where the provisions of either title are more restrictive, the more restrictive provisions will prevail.

(Ord. No. 7407, § 5, 6-25-90; Ord. No. 11396, § 1, 8-9-16)

**Sec. 26-19. Reserved.**

**ARTICLE II. STORMWATER MANAGEMENT**

**DIVISION 1. PURPOSE AND DEFINITIONS**

**Sec. 26-20. Purpose.**

It is the purpose of this article to comply with the City of Tucson's Municipal Stormwater Permit and applicable federal (40 CFR § 122.26) and state (ARS Title 49, Ch. 2 Article 3.1) regulations for stormwater discharges, to be consistent with the stormwater quality provisions of the federal Clean Water Act (33 U.S.C. § 1342), and to enable the City of Tucson to comply with all applicable stormwater quality provisions of federal, state, and local laws and regulations to ensure

the future health, safety, and general welfare of the citizens of Tucson, as well as the protection and preservation of the local environment.  
(Ord. No. 10209, § 3, 10-18-05)

**ARTICLE I. IN GENERAL**

**Sec. 30-1. Department of transportation established.**

There is hereby established a department of transportation, the head of which shall be the director of transportation. The director’s appointment and removal shall be in accordance with sections 2, 6 and 11 of Chapter V of the Charter. (Ord. No. 8070, § 2, 6-21-93)

**Sec. 30-2. Powers and duties of the department of transportation.**

The department of transportation shall perform such work and duties as the city manager may designate, and the director of transportation shall carry out such assigned duties and functions, including the supervision of functional units established within the department of transportation, as deemed advisable. (Ord. No. 8070, § 2, 6-21-93)

**Sec. 30-3. Functional units established under the department of transportation.**

(a) The following functional units are hereby established under the department of transportation:

- Management Services
- Engineering
- Transit Services
- Streets Maintenance
- Traffic Engineering
- Transportation Planning
- Park Tucson

(b) Such units shall have such functions and duties as may be assigned to them by the director of transportation, together with such additional functions, powers, duties and organizational framework as may be designated by the city manager. (Ord. No. 8070, § 2, 6-21-93; Ord. No. 10578, § 2, 9-23-08, eff. 7-1-08; Ord. No. 11400, § 4, 9-20-16)

**Sec. 30-4. Environmental property access privilege program (EPAPP); fees; monitor wells.**

(a) Upon application, the department of transportation may allow a private party to use public rights-of-way and/or city property for purposes of

characterizing and ameliorating subsurface environmental contamination originating from the applicant’s property. That use shall be limited to soil borings in the public right-of-way and soil borings and monitor wells on city property.

(b) Fees for soil borings in the public right-of-way and on city property are as follows:

*Public rights-of-way:*

Application fee.....	\$200.00
Boring fee (per borehole).....	\$100.00
Permit fee.....	\$10.00

*City property:*

Application fee.....	\$200.00
Boring fee (per borehole).....	\$100.00
Right-of-entry permit fee (minimum). . . . .	\$250.00

(c) Monitor wells may be located on city property if the requested property is available for sale and the applicant agrees to purchase that property through the city’s remnant sales program. (Ord. No. 8695, § 1, 5-6-96)

**ARTICLE II. GENERAL PROVISIONS RELATING TO CITY TRANSIT SYSTEM**

**Sec. 30-5. Definitions.**

*Fare:* A fee established by the City to ride on public transit as specified in section 2-18 of this Code.

*Identification:* Any government issued document that contains a photograph, date of birth, and physical description.

*Overhead catenary system (OCS):* A system of poles, overhead wires including contact wire, which supply traction power to the Sun Link streetcar system.

*Paid zone:* The inside of a transit vehicle or other areas as designated by appropriate signage or markings.

*Passenger:* Any person occupying, riding or using any transit vehicle, boarding or alighting from such a vehicle, or waiting within a designated paid zone area.

*Proof of fare payment:* A valid pass or transit fare media valid for the time and day of use.

*Sun Link:* The streetcar transit system.

*Sun Link operational right-of-way (SLROW):* The area including all tracks (single and double) and the space extending four (4) feet beyond the outer edge of the streetcar tracks, and ten (10) feet from the overhead catenary system (OCS). The SLROW also includes the substations and the poles and wires that make up the OCS.

*Sun Shuttle:* The public neighborhood circulator connecting to Sun Tran’s fixed route or express service.

*Sun Tran:* The public fixed route and express bus system.

*Sun Van:* The public Americans with Disabilities Act (ADA) paratransit system.

*Transit enforcement agent:* A person authorized by the city manager or the manager’s designee to enforce all or part of the provisions of this article. The city manager or the manager’s designee may designate an employee of the city or an employee of a private entity that has entered into a contract with either the city or the city’s transit provider as a transit enforcement agent.

*Transit facility:* Any real property used for, or in connection with, the provision of transit services, including transit stops and centers.

*Transit stop:* An area designated for boarding and alighting from any transit vehicle, including a bus stop, bus shelter, streetcar stop, or platform.

*Transit vehicle:* A streetcar, public bus, public van or shuttle, or other vehicle used to transport passengers in public transportation service.  
(Ord. No. 11174, § 1, 5-20-14)

**Sec. 30-6. Powers and duties of enforcement agents.**

*Sec. 30-6(1).* A peace officer or transit enforcement agent as designated by the director of transportation is authorized to enforce all or part of the provisions of this article.

*Sec. 30-6(2).* The presentment of any citation to the violator shall be considered sufficient and appropriate service.

*Sec. 30-6 (3).* Nothing in this article is intended to limit the authority of the city or its peace officers from enforcing concurrently, or in the alternative, other remedies applicable at law, including those related to the crimes of theft of services and/or trespass.

*Sec. 30-6 (4).* A person who refuses to provide proof of fare payment when required, or otherwise violates any lawful regulation of this article, may be removed from the transit vehicle or transit facility by a transit enforcement agent at any transit stop or usual stopping place.  
(Ord. No. 11174, § 1, 5-20-14)

**Sec. 30-7. Specified unlawful activities.**

It is unlawful for any person to:

*Sec. 30-7(1). Fare violations.*

- (a) Occupy or ride in any transit vehicle that requires a fare without payment of the applicable fare;
- (b) Fail to exhibit proof of fare payment upon request of a transit enforcement agent when occupying or disembarking from a transit vehicle;
- (c) Refuse to disembark a transit vehicle or transit facility upon demand of a transit enforcement agent;
- (d) Fail to provide his or her true name and address or identification to a transit enforcement agent when being served with a citation, or;

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
11387	7-6-16	1	11-39
11392	8-9-16	1	3-121–3-140
11393	8-9-16 (eff. 9-1-16)	1	13-3
		3	8-6.1
11396	8-9-16	1	26-1
			26-1.1
			26-1.2
			26-1.3
			Added 26-1.4
			26-2
			26-3
			26-3.1
			26-4
			26-4.1
			26-5.1
			26-5.2
			26-8
			26-9
			26-10
			26-11.1
			26-11.2
			26-11.3
			26-11.4
			26-12
			Added 26-13
			26-14
			26-15
			26-16
			26-17
			26-18
11398	9-7-16	1	10-48
11399	9-20-16	1	19-53
11400	9-20-16	1	10A-145–10A-148
			10A-150
			10A-151
		2	20-7
		3	20-200
			20-203
			20-220
			20-222
			20-223
			20-226
			20-226.1
			20-227
			20-230–20-230.2
			20-230.12
			20-249
			20-258

TUCSON CODE

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
11400 (Contd.)			20-259 20-262 20-309
11401	9-20-16	4 1	30-3 2-18 2-19 2-22

CODE INDEX

	Section		Section
CITY ENGINEER		CLAIMS AGAINST THE CITY	
City office hours. . . . .	2-1	Civil liability of city; notice of defective condition required. . . . .	2-10
Floodplain and erosion hazard area development, review of. . . . .	26-11.1	Settlement of claims. . . . .	18-11
CITY MANAGER		CLAIRVOYANCE	
Authority of city manager		Fortunetellers. . . . .	7-62 et seq.
To administer the city real estate program. . . . .	2-16.1	See: FORTUNETELLERS	
To execute certain utility rights-of-way. . . . .	2-16	CLASSIFICATION OF EMPLOYMENT	
City office hours. . . . .	2-1	Civil service, generally. . . . .	10-1 et seq.
Residency requirements. . . . .	2-4	See: OFFICERS AND EMPLOYEES	
CIVIL EMERGENCIES (Riots or unlawful assemblies, natural disasters, man-made calamities; floods, windstorms, tornadoes, earthquakes, etc.)		CLIMATE CHANGE COMMITTEE	
Powers of mayor		Committee organization; subcommittees. . . . .	10A-214
Additional powers. . . . .	11-103	Creation. . . . .	10A-210
Closing certain establishments		Functions, purposes, powers, and duties. . . . .	10A-212
Additional powers. . . . .	11-103	Limitation of powers. . . . .	10A-215
Curfew, general. . . . .	11-102	Membership composition. . . . .	10A-211
Definitions. . . . .	11-100	Staff support; minutes. . . . .	10A-213
Discontinuance of sale, distribution of certain items		CLOTHING REQUIREMENTS	
Additional powers. . . . .	11-103	Dancers, etc., certain	
General curfew. . . . .	11-102	Clothing requirements of. . . . .	11-25.3
Proclamation of civil emergency. . . . .	11-101	Operation of restaurants where failure to meet certain clothing requirements deemed misdemeanor. . . . .	11-25.4
Duration of proclamation or orders. . . . .	11-104	Female entertainers and waitresses, clothing requirements. . . . .	11-25.1
Violations and penalties. . . . .	11-105	Operation of certain restaurants, etc., where failure to meet requirements deemed misdemeanor. . . . .	11-25.2
CIVIL INFRACTIONS		CLUBS	
Gatherings; loud or unruly		Proprietary clubs	
Violation a civil infraction. . . . .	11-150	Privilege and excise taxes, provisions re. . . . .	19-270.2
Landfills; development, public notice in proximity of		Senior trip programs. . . . .	21-13.2
Violation declared a civil infraction. . . . .	29-29	COASTERS. See: MOTOR VEHICLES AND TRAFFIC	
Obstruction of enforcement of civil infractions		COCKTAIL LOUNGES	
Failure to furnish information, failure to sign citation. . . . .	11-121	Escorts and escort bureaus, unlawful acts. . . . .	7-118
Failure to obey abatement order. . . . .	11-122	Message therapists and establishments, unlawful activities. . . . .	7-144
Sign code; declared. . . . .	3-102	CODE OF ORDINANCES*	
CIVIL RIGHTS		* <b>Note</b> – The adoption, amendment, repeal, omission, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume	
Discrimination provisions regarding civil rights. . . . .	17-11 et seq.	Areas owned or leased by city, jurisdiction. . . . .	1-7
See: DISCRIMINATION		Catchlines for sections. . . . .	1-3
CIVIL UNIONS		Citing, how Code cited. . . . .	1-1
Registered civil unions. . . . .	17-70 et seq.		
See: HUMAN RELATIONS			
CIVIL SERVICE; HUMAN RESOURCES			
Provisions re. . . . .	10-1 et seq.		
See: OFFICERS AND EMPLOYEES			
CLAIMS			
City property, squatting on prohibited. . . . .	11-12		

TUCSON CODE

	Section		Section
CODE OF ORDINANCES (Cont'd.)		COMBUSTIBLES. See: FLAMMABLE OR COMBUSTIBLE PRODUCTS, SUBSTANCES	
Civil infractions.....	1-8	COMMEMORATIONS AND OBSERVANCES	
Continuing violations.....	1-8	American Indian Awareness Days.....	10A-100
Definitions and rules of construction.....	1-2	Bicentennial anniversary celebration.....	10A-32
Designating		Martin Luther King, Jr. Day.....	10A-101
How Code designated.....	1-1	COMMERCIAL ACTIVITIES	
Existing ordinances		Parks and recreation, regulations relating to commercial activities.....	21-3(6)
Provisions declared continuation of.....	1-6	COMMERCIAL PROPERTY	
How Code designated and cited.....	1-1	Lessors of commercial real property disclosure requirements.....	7-501 et seq.
Imprisonment in city or county jail.....	1-9	COMMITTEES AND COMMISSIONS. See: DEPARTMENTS AND OTHER AGENCIES OF CITY	
Jail		COMMUNICATIONS	
Imprisonment to be in city or county jail. . .	1-9	Competitive telecommunications.....	7B-1 et seq.
Jurisdiction over areas owned or leased by city.	1-7	See: TELECOMMUNICATION SERVICES	
Labor required of prisoners.....	1-10	General services department	
Leasing areas		Divisions within.....	11A-3
Jurisdiction over by city.....	1-7	Established.....	11A-1
Prisoners		Powers and duties of.....	11A-2
Classification as regular or trustees.....	1-10	Telecommunication services	
Escape of.....	1-15	Privilege and excise taxes.....	19-470
Labor required of.....	1-10	Public utility tax.....	19-1070
Prisoner regulations, prescribing additional		COMMUNITY AFFAIRS	
Duty of police chief.....	1-18	American Indian Awareness Days.....	10A-100
Security of, duty of police chief.....	1-17	Citizen police advisory review board.....	10A-87 et seq.
Supervision of working prisoners.....	1-12	See: CITIZEN POLICE ADVISORY REVIEW BOARD	
Treatment of.....	1-16	Climate Change Committee.....	10A-210 et seq.
Trustees		See: CLIMATE CHANGE COMMITTEE	
City not liable for acts of.....	1-14	Commemorations and observances	
Classification as.....	1-10	American Indian Awareness Days.....	10A-100
Persons deemed.....	1-11	Martin Luther King day.....	10A-101
Credit on sentence for.....	1-13	Commission on disability issues.....	10A-75 et seq.
Designation of.....	1-12	See: HANDICAPPED PERSONS	
Provisions declared continuation of existing ordinances.....	1-6	Founding date of City of Tucson	
Repealing ordinances, effect of.....	1-4	Bicentennial anniversary celebration.....	10A-32
Rules of construction.....	1-2	Founding date established.....	10A-31
Sections, catchlines.....	1-3	Historical commission.....	10A-1 et seq.
Severability of parts of Code.....	1-5	See: HISTORICAL COMMISSION	
Sign code		Independent Audit and Performance Commission.....	10A-120 et seq.
Interpretation and construction with Tucson Code by the sign code administrator. . .	3-3	See: INDEPENDENT AUDIT AND PERFORMANCE COMMISSION	
Violations		Indian awareness days.....	10A-100
General penalty.....	1-8	Landscape advisory committee.....	10A-180 et seq.
Misdemeanors.....	1-8	Martin Luther King, Jr. Day.....	10A-101
Wards of		Park Tucson commission.....	10A-145 et seq.
Additions to upon annexation.....	1-20	See: PARK TUCSON COMMISSION	
Described.....	1-19		
COINS			
Pawnbrokers and secondhand dealers.....	7-97 et seq.		
See: PAWNBROKERS AND SECONDHAND DEALERS			
COLOR			
Civil rights, discrimination, affirmative action programs.....	17-0 et seq.		
See: DISCRIMINATION			

CODE INDEX

	Section		Section
DANCE HALLS (Cont'd.)		DEFACING, DISFIGURING	
Place of business.....	7-355	Parks and recreation, regulations regarding park use. ....	21-3
Required.....	7-351		
Revocation.....	7-356	DEFECATING	
Hearing re.....	7-357	Public defecation.....	11-54
Transferability.....	7-355		
Types of licenses.....	7-353	DELINQUENCY	
Liquor establishments.....	7-361	Tucson Youth and Delinquency Prevention Council.....	10A-10 et seq.
Location supervisors.....	7-359	See: YOUTH AND DELINQUENCY PREVENTION COUNCIL	
Operation near residences.....	11-15		
Penalty; violation declared a nuisance; assessment of administrative charge.....	7-364	DEPARTMENT OF TRANSPORTATION	
Police		Environmental property access privilege program (EPAPP); fees; monitor wells.	30-4
Authority of the chief of police.....	7-366	Established.....	30-1
Closure of operations.....	7-366	Functional units established under the department of transportation.....	30-3
Security.....	7-366	General provisions relating to transit system	
Prohibited activities.....	7-362	Definitions.....	30-5
Provisions severable.....	7-367	Impeding a transit vehicle, towing.....	30-10
		Powers and duties of enforcement agents.....	30-6
DANCERS		Specified unlawful activities.....	30-7
Clothing requirements of certain female entertainers and waitresses, dancers.....	11-25.1 et seq.	Use restrictions.....	30-8
See: CLOTHING REQUIREMENTS		Violation declared a civil infraction; penalties.....	30-9
		Powers and duties.....	30-2
DANGEROUS ANIMALS. See: ANIMALS AND FOWL			
		DEPARTMENTS AND OTHER AGENCIES OF CITY	
DANGEROUS BUILDINGS		Board of appeals.....	6-12 et seq.
Dilapidated structures; vacant and unsecured structures; buildings and structures constituting a nuisance.....	16-14	Boards, committees and commissions (generally)	
		Membership on	
DANGEROUS OFF-SITE WASTE		Annual reports.....	10A-139
Public nuisances re.....	11-46.1	Applicability.....	10A-133
		Effective date.....	10A-135
DANGEROUS OR DEFECTIVE SIGNS		Nonvoting, advisory members.....	10A-137
Sign maintenance.....	3-91 et seq.	Requirements for creation of.....	10A-139
See: SIGN CODE		Rules and regulations, filing procedure.....	10A-136
		Terms, removal.....	10A-134
DATING SERVICES		Citizen police advisory review board.....	10A-87 et seq.
Escorts and escort bureaus.....	7-117 et seq.	Citizen sign code committee.....	3-141 et seq.
See: ESCORTS AND ESCORT BUREAUS		Citizen transportation advisory committee.....	10A-240 et seq.
		Citizens water advisory committee.....	27-60 et seq.
DAVIS MONTHAN AIR FORCE BASE		City office hours.....	2-1
Privilege and excise taxes, special exemption for certain activities from measure of gross income.....	19-290	Civil service commission.....	10-17 et seq.
Public utility tax, exclusion of certain activities occurring on air force base from gross income.....	19-890	Climate change committee.....	10A-210 et seq.
		Department heads	
DEBT		Absences and vacancies of.....	2-2
Evidences of, personal property includes		Compensation of.....	2-3
Definitions and rules of construction.....	1-2(17)	Residency requirement for specified city officers and employees.....	2-4
DEDICATIONS			
Acceptance of dedications.....	2-17		

TUCSON CODE

	Section		Section
DEPARTMENTS AND OTHER AGENCIES OF CITY (Cont'd.)		DEPARTMENTS AND OTHER AGENCIES OF THE CITY (Cont'd.)	
Department of transportation established. . . . .	30-1 et seq.	Water	
Disability issues, commission on. . . . .	10A-75 et seq.	Citizens' water advisory committee. . . . .	27-60 et seq.
See: HANDICAPPED PERSONS		Groundwater consultant board. . . . .	27-66 et seq.
Emergency services agency. . . . .	9-2	The superintendent of water also known as director of the water department to oversee city water services. . . . .	27-1
Emergency services commission. . . . .	9-1	Youth and delinquency prevention council. . . . .	10A-10 et seq.
Energy commission. . . . .	10A-110 et seq.	DEVELOPMENT	
Environmental services department. . . . .	15-1 et seq.	Floodplain, stormwater, and erosion hazard management. . . . .	26-1 et seq.
Finance department. . . . .	12A-1 et seq.	Landfills; development, public notice in proximity of. . . . .	29-20 et seq.
Food Security, Heritage, and Economy (CFSHE), Commission on. . . . .	10A-250 et seq.	See: GARBAGE, REFUSE AND TRASH	
Fire department. . . . .	13-1 et seq.	Signs. . . . .	3-1 et seq.
General services department. . . . .	11A-1 et seq.	See: SIGN CODE	
Groundwater consultant board. . . . .	27-66 et seq.	Watercourse amenities, safety and habitat. . . . .	29-12 et seq.
Historical commission. . . . .	10A-1 et seq.	See: WATERCOURSES	
Independent Audit and Performance Commission. . . . .	10A-120 et seq.	DEVELOPMENT COMPLIANCE	
Landscape advisory committee. . . . .	10A-180 et seq.	Development compliance code	
Officers and employees, civil service, human resources, compensation plan		Definitions	
Certified compressed natural gas inspector assignment and incentive pay program	10-53.8	General rules for construction of language. . . . .	23A-103
Certified crane operator assignment and incentive pay program. . . . .	10-53.7	General rules of application. . . . .	23A-102
Honor guard assignment pay for fire commissioned personnel. . . . .	10-53.5	Listing of words and terms	
Park Tucson commission. . . . .	10A-145 et seq.	Definitions enumerated. . . . .	23A-111 et seq.
Pensions, retirement and group insurance, leave benefits and other insurance benefits		Purpose. . . . .	23A-101
Tucson supplemental retirement system, administration of the system, board of trustees. . . . .	22-44	General provisions	
Planning and development services department. . . . .	11B-3 et seq.	Appeals. . . . .	23A-7
Redistricting advisory committee. . . . .	10A-41 et seq.	Applicability. . . . .	23A-5
Repairs and improvements in public rights-of-way; street excavations, etc., requirement of permits from other city departments or governmental agencies. . . . .	25-21	Certification of zoning compliance. . . . .	23A-4
Resource planning advisory committee. . . . .	10A-200 et seq.	Enumeration. . . . .	23A-9
Sign code appeals & variances. . . . .	3-121 et seq.	Hierarchy. . . . .	23A-10
Small, minority and women-owned business commission. . . . .	10A-190 et seq.	Interpretation. . . . .	23A-6
Stormwater advisory committee (SAC) and stormwater technical advisory committee (STAC). . . . .	10A-160 et seq.	Mapping	
See: STORMWATER		Purpose, applicability, and interpretation. . . . .	23A-22
Traffic division. . . . .	20-40 et seq.	Title. . . . .	23A-21
Tucson-Pima County Emergency Service Commission. . . . .	9-1	Purpose. . . . .	23A-2
Tucson-Pima County Emergency Services Agency. . . . .	9-2	Scope. . . . .	23A-3
Tucson-Pima County Historical Commission. . . . .	10A-1 et seq.	Title. . . . .	23A-1
Tucson-Pima County Joint Consolidated Code Committee. . . . .	6-10, 6-11	Violation. . . . .	23A-8
Veterans' affairs committee. . . . .	10A-21 et seq.	Impact fees	
		Appeals; interpretations. . . . .	23A-92
		Assessment; payment of fees. . . . .	23A-86
		Credits. . . . .	23A-82
		Exemptions and waivers. . . . .	23A-83
		Expenditure of funds. . . . .	23A-84
		Fee determination. . . . .	23A-81
		Independent fee calculation. . . . .	23A-85
		Intent. . . . .	23A-72
		Miscellaneous provisions. . . . .	23A-91
		Amendment of impact fee assessments. . . . .	23A-91(3)
		Other development requirements. . . . .	23A-91(1)
		Record-keeping. . . . .	23A-91(2)
		Schedules. . . . .	23A-96 et seq.
		Severability. . . . .	23A-94

CODE INDEX

	Section		Section
<b>FINANCES (Cont'd.)</b>		<b>FIRE DEPARTMENT (Cont'd.)</b>	
Officers and employees		Interference with. . . . .	11-110
Civil service, human resources		Condemnation sign, refusal to obey order of fire chief. . . . .	11-114
Compensation plan		Placement of ropes or guards by police; violation. . . . .	11-111
Certified crane operator assignment and incentive pay program. . . . .	10-57.7	Vehicles obstructing progress of fire apparatus. . . . .	11-112
Honor guard assignment pay for fire commissioned personnel. . . . .	10-53.5	Violations	
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		Penalty. . . . .	11-115
Procurement. . . . .	28-1 et seq.	Police placement of ropes or guards, violation. . . . .	11-111
Social security. . . . .	22-13 et seq.	Officers and employees	
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		Civil service, human resources	
Transit system fare subsidy program for low- income individuals. . . . .	2-22	Compensation plan	
Warrants; statute of limitations on unpaid. . . . .	2-7	Certified crane operator assignment and incentive pay program. . . . .	10-57.7
Water utility fund, receipts to be deposited in.	27-7	Honor guard assignment pay for fire commissioned personnel. . . . .	10-53.5
<b>FINES, FORFEITURES AND OTHER</b>		Parking	
<b>PENALTIES</b>		Police/fire vehicle parking. . . . .	20-231
City court, fixing fines, penalties, etc., by magistrates. . . . .	8-5	Ropes or guards, police placement of; violations. . . . .	11-111
Code of Ordinances		Vehicles obstructing progress of fire apparatus.	11-112
General penalty; misdemeanor; civil infractions; continuing violations. . . . .	1-8	Violations, penalty. . . . .	11-115
For specific fines, penalties for specific violations. See in this index specific subjects as indexed		<b>FIRE HYDRANTS. See: FIRE OR RESCUE   APPARATUS</b>	
<b>FINGERPRINTING</b>		<b>FIRE OR RESCUE APPARATUS</b>	
Intermittent program instructors who work directly with children; fingerprinting and criminal history record check of. . . . .	2-25	Driving over fire hose. . . . .	20-149
Licensing regulations re businesses		Fire hydrants, injuring. . . . .	11-31
Fingerprinting procedures. . . . .	7-425	Following. . . . .	20-148
Parks and recreation department personnel and volunteers who work directly with children		Vehicles obstructing progress. . . . .	11-112
Annual fingerprinting and criminal history record check of. . . . .	2-25	<b>FIRE PROTECTION AND PREVENTION</b>	
<b>FIRE DEPARTMENT</b>		Burning trash, other articles	
Barricades, ropes or guards, police placement of. . . . .	11-111	Nuisance declaration. . . . .	11-5
Condemnation sign, refusal to obey order of fire chief or building official. . . . .	11-114	Permit	
Fire apparatus, vehicles obstructing. . . . .	11-112	Application. . . . .	11-7
Fire chief		Cooking devices, not required for. . . . .	11-8
Compensation plan		Dense smoke defined; chart adopted. . . . .	11-10
Fire battalion chief call back shift pay. . . . .	10-35	Duration. . . . .	11-9
Duties. . . . .	13-1	Failure to comply with conditions. . . . .	11-9
Notification to required of possession of hazardous substances by auctions and auctioneers. . . . .	7-7	Fee. . . . .	11-7
Refusal to obey order of. . . . .	11-114	Information shown on. . . . .	11-9
Residency requirement for specified city officers and employees. . . . .	2-4	Issuance or denial. . . . .	11-7
		Required. . . . .	11-6
		Not required for cooking devices. . . . .	11-8
		Prohibited generally. . . . .	11-5
		Code	
		Adopted by reference. . . . .	13-3
		Amendments. . . . .	13-5
		Copies of, keeping by clerk. . . . .	13-4
		Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume	

TUCSON CODE

	Section		Section
<b>FIRE PROTECTION AND PREVENTION</b> (Cont'd.)		<b>FIREWORKS</b>	
Fire chief, duties. . . . .	13-1	Generally. . . . .	11-22
Hazardous and radioactive materials, transportation of		Rodeo parade	
Operation of motor vehicles carrying. . . . .	13-13	Prohibition of certain fireworks items and activities and other parade events. . . . .	11-69
Permits. . . . .	13-10	Solid waste collection; recycling, etc.	
Appeal from denial, suspension or revocation. . . . .	13-11	Environmental services department. . . . .	15-10.1 et seq.
Fees. . . . .	13-12	See: ENVIRONMENTAL SERVICES DEPARTMENT	
Reporting requirements. . . . .	13-14	<b>FIRMS</b>	
Restrictions on. . . . .	13-9	Definitions and rules of constructions. . . . .	1-2(9), (16)
Denial, suspension or revocation		<b>FISHING</b>	
Appeal from. . . . .	13-11	Parks and recreation, regulations relating to fishing. . . . .	21-3(2)
Fees. . . . .	13-12	<b>FLAG OR PENNANTS</b>	
Suspension of operations. . . . .	13-15	Displaying United States flag at polls. . . . .	12-22
Inspectors		<b>FLAMMABLE OR COMBUSTIBLE PRODUCTS, SUBSTANCES</b>	
Incentive pay for fire prevention inspectors.	10-34	Civil emergencies, additional powers of mayor regarding closing of certain establishments. . . . .	11-103
Installation of backflow prevention assemblies for fire systems. . . . .	27-77	Solid waste collection; recycling, etc.	
Minimum standards		Environmental services department. . . . .	15-10.1 et seq.
Assumption of jurisdiction. . . . .	13-8	See: ENVIRONMENTAL SERVICES DEPARTMENT	
Permits		<b>FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT</b>	
Burning trash, other articles. See herein that subject		Amendments. . . . .	26-13
Hazardous and radioactive materials, transportation of. See herein that subject		Appeals. . . . .	26-12
Radioactive materials. See herein: Hazardous and Radioactive Materials, Transportation of		Applicability. . . . .	26-1.2
Rules and regulations		Authority. . . . .	26-1.1
Clerk to keep copies of. . . . .	13-4	Basis for establishing areas of special flood hazard. . . . .	26-1.3
Water, charges for fire protection service. . . . .	27-34	Coordination with other agencies. . . . .	26-17
<b>FIRE SALES</b>		Definitions. . . . .	26-2
Going-out-of-business, fire, etc., sales. . . . .	7-80 et seq.	Detention/retention systems. . . . .	26-10
See: GOING-OUT-OF-BUSINESS, FIRE, ETC., SALES		Development	
<b>FIREARMS AND WEAPONS</b>		Floodplain and erosion hazard area development. . . . .	26-5
Air guns. . . . .	11-1	Floodway development. . . . .	26-5.1
Bean shooters. . . . .	11-1	Floodway fringe development. . . . .	26-5.2
Civil emergencies, additional powers of mayor regarding discontinuance of sale or distribution of firearms. . . . .	11-103	Nonconforming development. . . . .	26-4.1
Disposition of unclaimed, forfeited firearms taken in by police department. . . . .	2-142	Subdivision and development project requirements. . . . .	26-8
Parks and recreation		Enforcement. . . . .	26-14
Regulations relating to firearms, explosives, etc. . . . .	21-3(5)	Floodplain boundaries, elevations. . . . .	26-3
Pawnbrokers and secondhand dealers. . . . .	7-97 et seq.	Revisions. . . . .	26-3.1
See: PAWNBROKERS AND SECONDHAND DEALERS		Liability, disclaimer of. . . . .	26-15
Possession of firearms or air guns by minors. . . . .	11-55	Manufactured homes, manufactured home parks and subdivisions, standards for. . . . .	26-9
Slings. . . . .	11-1	Methods for reducing flood losses. . . . .	26-1.4
Transfer of handguns			
Fees chargeable for background check before. . . . .	2-24		

CODE INDEX

	Section		Section
FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT (Cont'd.)		FOLLOWING	
Permit, floodplain use		Definitions and rules of constructions. . . . .	1-2(18)
City engineer review of floodplain and erosion hazard area development. . . .	26-11.1	FOOD AND DRINK ESTABLISHMENTS, HANDLERS	
Extraction of sand, gravel and other earth products; permit required. . . . .	26-6	Clothing requirements of certain female entertainers and waitresses. . . . .	11-25.1 et seq.
Penalties, violations, unlawful acts, classifications. . . . .	26-11.3	See: CLOTHING REQUIREMENTS	
Procedure. . . . .	26-11.2	Cooking devices	
Requirements and regulations. . . . .	26-11	Burning trash, other articles; permit not required for. . . . .	11-8
Stockpiling. . . . .	26-6.1	County health officer, enforcing food regulations. . . . .	2-15
Public hearing. . . . .	26-18	Drinking establishments	
Public nuisance, declaration of; abatement. . . .	26-11.4	Loitering in, frequenting during closed hours. . . . .	11-17
Purpose. . . . .	26-1	Allowing frequenting. . . . .	11-18
Severability. . . . .	26-16	Drive-in restaurants. . . . .	7-160 et seq.
Special flood hazard areas		See: DRIVE-IN RESTAURANTS	
Basis for establishing. . . . .	26-1.3	Food and drink establishments	
Generally. . . . .	26-5.3	Soliciting or annoying customers; responsibility of proprietor. . . . .	11-24, 11-25
Statutory exceptions. . . . .	26-4	Privilege and excise taxes	
Stormwater management		Retail sales, food for home consumption. . . .	19-462
Enforcement		Smoking prohibited in specified places. . . . .	11-89
Penalties and corrective actions. . . . .	26-48	Soliciting or annoying customers. . . . .	11-24
Violation notices. . . . .	26-47	Responsibility of proprietor. . . . .	11-25
Non-prohibited discharges. . . . .	26-41	Street fairs regulated. . . . .	7-300
Powers and duties		FOOD SECURITY, HERITAGE, AND ECONOMY (CFSHE), COMMISSION ON	
Authority to		Committee organization and rules. . . . .	10A-253
Abate. . . . .	26-36	Creation. . . . .	10A-250
Enter. . . . .	26-32	Functions and purposes. . . . .	10A-252
Inspect. . . . .	26-34	Limitation of powers. . . . .	10A-255
Monitor. . . . .	26-35	Membership composition; qualifications; terms and reappointment. . . . .	10A-251
Authorized representative. . . . .	26-30	Staff support; minutes. . . . .	10A-254
General. . . . .	26-31	FOREIGN WARS	
Warrants, restraining orders, and injunctive relief. . . . .	26-33	Veterans' affairs committee. . . . .	10A-21 et seq.
Prohibited discharges. . . . .	26-40	See: VETERANS' AFFAIRS COMMITTEE	
Purpose and definitions		FORTUNETELLERS	
Consistency. . . . .	26-21	Definitions. . . . .	7-62
Definitions. . . . .	26-23	License	
Purpose. . . . .	26-20	Applicants, investigation of. . . . .	7-64
Severability. . . . .	26-22	Application. . . . .	7-64
Requirements. . . . .	26-42	Approval. . . . .	7-63
Subdivision and development project requirements. . . . .	26-8	Each place of business, required for. . . . .	7-67
Utility systems, standards for construction of. . . .	26-6.2	Fee. . . . .	7-64, 7-68
Variances. . . . .	26-12	Issuance. . . . .	7-64
Watercourses		Required. . . . .	7-63
Erosion hazard areas and setbacks from. . . .	26-7	Required for each place of business. . . . .	7-67
Setbacks on all other watercourses. . . . .	26-7.2	Revocation. . . . .	7-64
Setbacks on regional watercourses. . . . .	26-7.1	Scope of. . . . .	7-67
FLOODS, FLOODING		Transferability of, fee. . . . .	7-68
Civil emergencies, powers of mayor. . . . .	11-100 et seq.		
See: CIVIL EMERGENCIES			
Water; charge for water used in flooding excavations. . . . .	27-46		
FLOWER POTS, PLANTERS			
Streets and sidewalks, placing pots on sidewalks. . . . .	25-57		



CODE INDEX

	Section		Section
MOTOR VEHICLES AND TRAFFIC (Cont'd.)		MOTOR VEHICLES AND TRAFFIC (Cont'd.)	
Hazardous intersections		One-way streets and stop streets	
Designating for stop. . . . .	20-176	Hazardous intersections for "stop"	
Designating for yield. . . . .	20-177	Traffic engineer to designate. . . . .	20-176
Hours and time of parking		Hazardous intersections for "yield"	
Regulations applicable to specific streets		Traffic engineer to designate. . . . .	20-177
and times. See herein: Stopping,		One-way streets and alleys. . . . .	20-179
Standing and Parking		Signs required. . . . .	20-173
Impounding vehicles		Stop intersections	
Notice. . . . .	20-13	Hazardous intersections, designating. . . . .	20-176
Off-road operation. . . . .	11-70.1	Through streets. . . . .	20-174
Redemption or sale. . . . .	20-14	Stop sign required at each intersection	
When permitted. . . . .	20-12	with. . . . .	20-175
Intersections		Yield intersections	
Traffic to stop when traffic signals are not		Hazardous intersections, designating. . . . .	20-177
of service. . . . .	20-176.1	Opening vehicle doors into traffic. . . . .	20-26
Lanes, marking		Operation of vehicles	
Authority. . . . .	20-118	Crosswalks	
Livestock, large and dangerous animals		Obstructing. . . . .	20-156
Animals attached to vehicles to be hitched.	4-29	Fire apparatus, following. . . . .	20-148
Loading or unloading		Fire hose, driving over. . . . .	20-149
Commercial plates required. . . . .	20-195.1	Following fire or rescue apparatus. . . . .	20-148
Districts where loading, unloading large		Intersections	
vehicles prohibited; variances. . . . .	20-17	Obstructing. . . . .	20-156
Governmental vehicles exempted from		Motorized skateboards, play vehicles,	
loading, unloading provisions. . . . .	20-18	operating; definitions; prohibitions;	
Streets not designated for trucks or to		penalty. . . . .	20-30
operate or move vehicles; special		Operation of unsafe vehicles. . . . .	20-154
permission required to use		Parades and processions	
Loads or mobile homes exceeding state		Method of driving in processions. . . . .	20-152
limitations; exemptions; permit		Permission required for, compliance	
and fee structure; violation of civil		with provisions. . . . .	20-150
infraction. . . . .	20-16	Preemptor devices on traffic signals. . . . .	20-159
Minors		Rescue apparatus, following. . . . .	20-148
Unlawful to leave unattended child in motor		Speed laws	
vehicle. . . . .	11-65	Alleys, speed limits in. . . . .	20-139
Moving trains		City parks, speed limit in. . . . .	20-138
Boarding, alighting from. . . . .	11-50	Fifteen miles per hour speed limit	
Notice of impounding vehicles. See herein.		Where imposed. . . . .	20-137
Impounding Vehicles		Fifty miles per hour speed limit	
Obedience		Where imposed. . . . .	20-144
Traffic-control devices, obedience required.	20-111	Fifty-five miles per hour speed limit	
Obstructions		Where imposed. . . . .	20-145
Crosswalks, obstructing. . . . .	20-156	Forty miles per hour speed limit	
Intersections, obstructing. . . . .	20-156	Where imposed. . . . .	20-142
Traffic-control devices, obstructing view of.	20-114	Forty-five miles per hour speed limit	
Officers and employees		Where imposed. . . . .	20-143
Applicability to public employees. . . . .	20-4	Intersections where fifteen miles per	
Off-road operation		hour speed limit imposed. . . . .	20-137
Definitions. . . . .	11-70.1	Regulation of speed by traffic signals. . . . .	20-147
Exceptions. . . . .	11-70.1	Special speed restrictions on certain	
Hearing. . . . .	11-70.1	streets. . . . .	20-146
Impoundment. . . . .	11-70.1	State speed laws applicable generally. . . . .	20-136
Operation of vehicle prohibited. . . . .	11-70.1	Streets, certain	
Violations and penalties. . . . .	11-70.1	Special speed restrictions on. . . . .	20-146
Declared misdemeanor. . . . .	11-70.2		

TUCSON CODE

	Section		Section
MOTOR VEHICLES AND TRAFFIC (Cont'd.)		MOTOR VEHICLES AND TRAFFIC (Cont'd.)	
Thirty miles per hour speed limits		Special policemen	
Where imposed. . . . .	20-140	Appointment of park rangers as. . . . .	20-11.1
Thirty-five miles per hour speed limit		Authority. . . . .	20-11.3
Where imposed. . . . .	20-141	Revocation of. . . . .	20-11.6
Traffic signals, regulation of speed by. . . . .	20-147	Compensation. . . . .	20-11.5
State speed laws applicable generally. . . . .	20-136	Jurisdiction of. . . . .	20-11.2
Towing services, regulation of. . . . .	20-158	Revocation of authority. . . . .	20-11.6
Traffic signals preemptor devices. . . . .	20-159	Status of. . . . .	20-11.4
Traffic signals, regulation of speed by. . . . .	20-147	Preemptor devices	
Turning movements		Traffic signal preemptor devices. . . . .	20-159
Limitations on U-turns. . . . .	20-155	Public employees	
Unsafe vehicles, operation of. . . . .	20-154	Applicability. . . . .	20-4
Use of handheld wireless communication		Public transit buses	
devices while driving; prohibited;		Exemption from turning requirements. . . . .	20-115
exceptions. . . . .	20-160	Pushcarts	
U-turns, limitations on. . . . .	20-155	Applicability. . . . .	20-5
Ordinances not affected by Code. See the		Rail transportation. See: RAILROADS AND	
adopting ordinance in the preliminary		TRAINS	
pages found at beginning of this volume		Records, reports	
Parades and processions		Accident records, reports. See herein:	
Compliance with provisions. . . . .	20-150	Accidents	
Method of driving in processions. . . . .	20-152	Annual traffic report required. . . . .	20-54
Permission required for. . . . .	20-150	Redemption or sale of impounded vehicles.	
Parking. See herein: Stopping, Standing and		See herein: Impounding Vehicles	
Parking		Rescue apparatus. See herein: Fire or Rescue	
Parks, playgrounds and recreation		Apparatus	
Driving in. . . . .	20-21	Residential permit parking. See herein:	
Parking in. . . . .	20-251	Stopping, Standing and Parking	
Requirements relating to traffic. . . . .	21-3(4)	Roller skates, roller blades. See herein: Skates,	
Park Tucson commission. . . . .	10A-145 et seq.	Skating	
See: PARK TUCSON COMMISSION		Safety zones	
Peddlers, canvassers, solicitors		Authority to designate. . . . .	20-117
Central business district		Scenic corridor zone (SCZ) district. . . . .	3-83
Parking regulations for peddlers in		School crossings	
certain streets. . . . .	20-248.1	Authority to establish. . . . .	20-119
Parking regulations for peddlers. . . . .	20-248	Signs	
Unlawful activities. . . . .	7-29	One-way streets and stop streets, signs	
Pedestrians		required. . . . .	20-173
Obedience to traffic-control signals and		Types and general regulations. . . . .	3-51 et seq.
these provisions. . . . .	20-91	Signs, signals, etc. See herein: Traffic-Control	
Prohibited crossings. . . . .	20-92	Devices	
Physically disabled.		Skates, skating	
See: DISABLED		Bicycles. See also herein that subject	
Police		Operating (motorized) skateboards, play	
Appointment of park rangers as special		vehicles; definitions; prohibitions;	
policemen. . . . .	20-11.1	penalty. . . . .	20-30
Authorized to direct traffic. . . . .	20-9	Persons on skateboards, roller blades,	
Civilian volunteer police assist specialists.		coasters, toy vehicles, etc.	
See herein that subject		All roadways; exceptions re crossing	
Community service officers		streets. . . . .	20-28(a)
Appointment of. . . . .	20-11.7	Public property and central business	
Authority. . . . .	20-11.8	district areas prohibited. . . . .	20-28(b)
Emergency authority. . . . .	20-9	Tucson-Pima Library property or facility.	20-28(c)
Enforcement duties of. . . . .	20-8	Soliciting employment, business or	
		contributions from occupants of vehicles	
		Classification and penalty. . . . .	20-502
		Prohibited conduct. . . . .	20-501
		Purpose and intent; legislative findings. . . . .	20-500

CODE INDEX

	Section		Section
MOTOR VEHICLES AND TRAFFIC (Cont'd.)		MOTOR VEHICLES AND TRAFFIC (Cont'd.)	
Special events permit parking. See herein:		Parking meter zones, authority to create,	
Stopping, Standing and Parking		alter, eliminate. . . . .	20-230
Special policemen. See herein: Police		Parking rates. . . . .	20-230.12
Speed limits		Police/fire vehicle parking. . . . .	20-231
Alleys, speed limit in. . . . .	20-139	Prima facie evidence of overtime	
City parks, speed limit in. . . . .	20-138	parking. . . . .	20-230.8
Fifteen miles per hour speed limits,		Public parking prohibited in parking lots	
intersections where imposed. . . . .	20-137	or spaces reserved for city officers	
Fifty miles per hour speed limit imposed.	20-144	or employees. . . . .	20-235
Fifty-five miles per hour speed limit		Spaces to be marked; parking in spaces.	20-230.5
imposed. . . . .	20-145	Specific vehicle type restrictions (RV,	
Forty miles per hour speed limits imposed.	20-142	motorcycle, etc.). . . . .	20-233
Forty-five miles per hour speed limit		Taxicab stands	
imposed. . . . .	20-143	Application for; location; signs	
Nighttime hours, special reductions during.	20-146.2	required. . . . .	20-228
Regulation on speed by traffic signals. . . . .	20-147	Revocation. . . . .	20-228.1
Special speed restrictions on certain streets.	20-146	Temporary suspension of operation	
State speed laws applicable generally. . . . .	20-136	Fees. . . . .	20-230.3
Streets, certain, special speed restrictions		When granted. . . . .	20-230.2
on. . . . .	20-147	Time limit parking. . . . .	20-229
Temporary traffic control zones		Violation and penalty. . . . .	20-225
Special speed limit reductions in. . . . .	20-146.1	Booting or impounding list. . . . .	20-204
Speeding in zone prohibited. . . . .	20-146.3	Civilian volunteer police assist specialists	
Thirty miles per hour speed limits imposed.	20-140	authorized to issue citations. . . . .	20-212
Thirty-five miles per hour speed limits		Director of transportation; duties; Park	
imposed, where. . . . .	20-141	Tucson administrator duties;	
Traffic signals, regulation of speed by. . . . .	20-147	authorization to issue citations and	
Standing. See herein: Stopping, Standing and		collect violation fines. . . . .	20-210
Parking		Failure to respond to citation; default fee;	
Stop streets. See herein: One-Way Streets and		booting and impounding vehicle	
Stop Streets		authorized, booting and impound	
Stopping, standing and parking		fees; damages to boot. . . . .	20-203
Administrative guidelines. . . . .	20-211	Handicapped parking. See within this	
Basic parking controls		subheading: Parking for Individuals	
Angle parking. . . . .	20-226.3	with Physical Disabilities	
Designations permitted. . . . .	20-226	Nuisance parking controls	
Direction. . . . .	20-226.4	Addition permit parking programs; fees;	
Common-carrier passenger vehicle		city manager may establish	
stands. . . . .	20-227	additional permit parking	
Deposit of slugs prohibited. . . . .	20-230.10	programs and an annual parking	
Effective days and hours. . . . .	20-230.7	permit fee. . . . .	20-258
Government plated vehicles. . . . .	20-232	City-owned property. . . . .	20-252
Hazard flashers mandatory. . . . .	20-234	Commercial vehicles. . . . .	20-263
Height limit restriction. . . . .	20-236	Expired registration. . . . .	20-259
Location; legend. . . . .	20-230.4	Freight curb loading zones; location of	
Meters to show parking compliance. . . . .	20-230.9	provisional zones in parking meter	
Obedience to angle parking signs,		zones. . . . .	20-249
marking. . . . .	20-226.1	Parking for certain purposes prohibited.	20-247
Obedience to markings; double parking		Parking on property of another	
prohibited. . . . .	20-237	prohibited without permission. . . . .	20-250
Overtime parking prohibited; "feeding"		Recreational vehicles. . . . .	20-263
meters prohibited. . . . .	20-230.6	When nonauthorized vehicles prohibited	
Park Tucson administrator shall install		in provisional zones. . . . .	20-249.1
within designated zones. . . . .	20-230.1	Parking enforcement agents exempt. . . . .	20-213
Parking at angle to load or unload			
merchandise. . . . .	20-226.2		

TUCSON CODE

	Section		Section
MOTOR VEHICLES AND TRAFFIC (Cont'd.)		MOTOR VEHICLES AND TRAFFIC (Cont'd.)	
Parking for individuals with physical disabilities		Temporary, experimental regulations authorized.....	20-56
Designation; enforcement. ....	20-220	Temporary work zone traffic management	
Paratransit loading zones. ....	20-222.2	Definitions. ....	25-89
Parking prohibited in access aisles of spaces reserved for individuals with physical disabilities.....	20-222.1	Fee schedule. ....	25-91
Parking prohibited in spaces reserved for individuals with physical disabilities.....	20-222	Program established. ....	25-88
Violations and penalty. ....	20-221	Temporary work zone traffic management.	25-90
Wheelchair curb access ramps. ....	20-223	Violations and civil sanctions. ....	25-92
Parking prohibited during certain hours on certain streets.....	20-254	Through streets. ....	20-174
Parks and playgrounds.....	20-251	Towing service, regulation of. ....	20-158
Peddlers. ....	20-248	Toy vehicles. See herein: Skates, Skating	
Peddlers in certain central business district streets. ....	20-248.1	Traffic division	
Residential permit parking. ....	20-255	Accidents; duty of police to investigate, make arrests, assist in prosecutions. . .	20-44
Sale on unpaved lots. ....	20-253	Established. ....	20-40
Special events permit parking. ....	20-257	General duties. ....	20-41
Stopping, standing, parking prohibited between the curb and sidewalk or in an unimproved pedestrian area impeding continuous pedestrian use.....	20-260	Other police officers. ....	20-41
Unattended and inoperable vehicles prohibited. ....	20-261	Record of violations required. ....	20-42
Violation and penalty.....	20-246	Traffic engineer	
Prima facie evidence of parking infraction.	20-202	City office hours. ....	2-1
Safety issues		General powers, duties. ....	20-7
Alleys.....	20-273	Office of created. ....	20-7
Buses stopping on crosswalks, within intersections prohibited. ....	20-276	Traffic report, annual required.....	20-54
Fire lanes. ....	20-282	Traffic-control devices	
Hazardous areas adjacent to schools. . . .	20-274	Bicycle traffic control signals. ....	20-112.1
Law enforcement officers exempt from specified parking provisions.....	20-283	Conformance to state specifications required. ....	20-110
Parallel parking. ....	20-279	Confusing signs, signals, or markings, displaying. ....	20-114
Parking near fire or rescue apparatus. . . .	20-280	Crosswalks, authority to designate. ....	20-116
Parking prohibited on certain streets and portions of streets. ....	20-281	Declared official. ....	20-110
Standing or parking outside of business or residence district.....	20-275	Displaying unauthorized or confusing signs, signals, markings.....	20-114
Stopping, standing or parking prohibited in additional specified places. ....	20-278	Existing devices ratified. ....	20-109
Stopping, standing or parking prohibited in specified places.....	20-277	Flashing yellow arrow display, observance of. ....	20-112
Truck parking on streets not designated as truck routes prohibited. ....	20-262	Installation of devices by traffic engineer. . .	20-109
Violation and penalty.....	20-271	Intersections, authority to prohibit entry onto streets and alleys from.....	20-120
Unlawful parking prohibited; classification; parking defined; parties liable; applicability of regulations; continuous violations; mandatory fines and fees; community service....	20-200	Marking lanes, authority.....	20-118
Streets and alleys; authority to prohibit entry onto from intersections.....	20-120	Obedience required.....	20-111
		Obstructing view of devices. ....	20-114
		Official, declared.....	20-110
		Pedestrians, obedience to traffic-control signals. ....	20-91
		Regulation of speed by traffic signals.....	20-147
		Required stops for pedestrians in crosswalks. ....	20-113
		Safety zones, authority to designate. ....	20-117
		School crossings, authority to establish. . . .	20-119
		State specifications, conformance to.....	20-110
		Testing authorized.....	20-57
		Traffic signal preemptor devices.....	20-159
		Turning onto streets and alleys from intersections, authority to prohibit. . . .	20-120

CODE INDEX

	Section		Section
OFFICERS AND EMPLOYEES (Cont'd.)		OFFICERS AND EMPLOYEES (Cont'd.)	
Labor disputes, professional strikebreakers; employment, recruitment of, furnishing as replacements for employees involved in. . . . .	11-64	Stormwater management	
Lien. . . . .	2-13	Authorized representative. . . . .	26-30
Mayor and council		Traffic engineer, office created. . . . .	20-7 et seq.
City officers and employees to attend meetings. . . . .	2-30	See: MOTOR VEHICLES AND TRAFFIC	
Motor vehicles and traffic		Water	
Applicability to public employees. . . . .	20-4	The superintendent of water also known as director of the water department to oversee city water services. . . . .	27-1
Community service officers, appointment.	20-11.7, 20-11.8	Water superintendent. . . . .	27-2 et seq.
Governmental vehicles exempt from truck route and loading or unloading provisions. . . . .	20-18	See: WATER AND SEWER	
Law enforcement officers exempt from specified parking provisions. . . . .	20-283	Workers' compensation	
Park rangers as special policemen. . . . .	20-11.1 et seq.	Salary paid to supplement. . . . .	2-13
Traffic engineer, office of. . . . .	20-7 et seq.	OFF-ROAD	
Office hours. . . . .	2-1	Operation of motor vehicles. . . . .	11-70.1
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at the beginning of this volume		ONE-WAY STREETS	
Operation of parks under. . . . .	21-2	Motor vehicles and traffic, one-way streets and stop streets. . . . .	20-173 et seq.
Parks and recreation, city municipal golf courses, retired city employees. . . . .	21-25.2	See: MOTOR VEHICLES AND TRAFFIC	
Pay plans, compensation plan. See herein: Civil Service, Human Resources		OPEN FIRES	
Pensions, retirement and group insurance. . . . .	22-1 et seq.	Burning trash, other articles, permit requirements, nuisance provisions. . . . .	11-5 et seq.
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		See: FIRE PROTECTION AND PREVENTION	
Personnel director		OPEN SPACE	
City office hours. . . . .	2-1	Public place includes	
Police officers		Definitions and rules of construction. . . . .	1-2(20)
Reserve police officer program. . . . .	2-120 et seq.	OPEN-AIR MARKET PLACES	
See: POLICE DEPARTMENT		Street fairs regulated. . . . .	7-300
Special duty police services program. . . . .	2-130, 2-131	OR, AND	
Reporting wrongful conduct. . . . .	17-67	Definitions and rules of construction. . . . .	1-2(14)
Reserve police officer program. . . . .	2-120 et seq.	ORDINANCES, RESOLUTIONS, ETC.	
See: POLICE DEPARTMENT		Boards, committees, and commissions	
Residency requirement for specified city officers and employees. . . . .	2-4	Annual reports. . . . .	10A-139
Retirement		Requirements for creation of. . . . .	10A-139
Civil service, retirement ages. See herein: Civil Service, Human Resources		Calling elections; mayor and council adopting ordinances. . . . .	12-13
Retirement system, supplemental. . . . .	22-30 et seq.	Code of Ordinances, provisions. . . . .	1-1 et seq.
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		See: CODE OF ORDINANCES	
Sickness, salary during. . . . .	2-13	Recall petitions. . . . .	12-150 et seq.
Sign code		See: ELECTIONS	
Code administrator, interpretation and construction with Tucson Code. . . . .	3-3	Referendum petitions. . . . .	12-139 et seq.
Special inspector. . . . .	3-23	See: ELECTIONS	
Sign code appeals & variances. . . . .	3-121 et seq.	OUTDOOR LIGHTING CODE	
Small business commission		Adopted. . . . .	6-101 et seq.
Officers and rules. . . . .	10A-191(b)	See: ELECTRICITY	
Smoking in workplace prohibited in specified places. . . . .	11-89	OUTDOOR PERFORMANCE CENTER	
		Use fees. . . . .	21-16

TUCSON CODE

	Section	Section
OWNER		
Definitions and rules of construction.....	1-2(15)	
<b>P</b>		
PAINT		
Vapor releasing substances containing toxic substances.....	11-35	
PAINTINGS. See also: ARTS, CRAFTS AND CULTURE		
Pawnbrokers and secondhand dealers.....	7-97 et seq.	
See: PAWNBROKERS AND SECONDHAND DEALERS		
PAPER PRODUCTS. See: RETAIL SALES		
PARADES		
Motor vehicles and traffic		
Method of driving in processions.....	20-152	
Permission required for processions and parades.....	20-150	
Rodeo parade		
Police authority over peddlers.....	11-70	
Prohibition of certain items and activities and other parade events.....	11-69	
PARAPHERNALIA, DRUG		
Narcotics paraphernalia; keeping, seizure.....	11-40, 11-41	
PARATRANSIT SERVICE		
City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.....	2-19	
See: TRANSIT SYSTEM		
PARKING		
Drive-in restaurants		
Paving or treatment of parking area.....	7-176	
Indecent exposure.....	11-29	
Sign code.....	3-64	
Stopping, standing and parking.....	20-200 et seq.	
See: MOTOR VEHICLES AND TRAFFIC		
PARKS AND RECREATION		
Activities in areas adjacent to or affecting parks, regulations of.....	21-5	
Administrative fees.....	21-18.1	
Adult major sports, fees, rosters, minimum number of players per sponsor team; disposition of fees.....	21-9	
Alcoholic beverages		
Consumption of spirituous liquor.....	21-8	
Animals, horses and wildlife		
Regulations regarding park use.....	21-3(7)	
Animals, wild		
Regulations relating to.....	21-3(2)	
		PARKS AND RECREATION (Cont'd.)
		Archer center use fee.....
		Athletic facility lighting
		Wasting or abusing; fines and penalties. . . .
		Athletic fields
		Reservation fee, special maintenance fee. . .
		Bandshells
		Reservation fee, special maintenance fee. . .
		Bathing or swimming
		Designated areas, hours. . . . .
		Regulations of activities in areas adjacent to or affecting. . . . .
		Camping
		Regulations regarding park use.....
		City municipal golf courses
		Authorization to establish reservation policies. . . . .
		City carts, rates for; rental agreement required. . . . .
		Collection of fees. . . . .
		Damaging, defacing property. . . . .
		Discount golf rates, authorization to.....
		Driving range golf ball rental fees.....
		Food, beverage, merchandise prices, authorization to establish.....
		Frequent user discount policies (authorization).....
		General regulations.....
		Permit to play required. . . . .
		Private carts, rates for use of.....
		Regular greens fees. . . . .
		Reservation policies (authorization). . . . .
		Resident golfer. . . . .
		Resident greens fees. . . . .
		Resident senior citizen golfer. . . . .
		Retired city employees. . . . .
		Selling, soliciting on courses. . . . .
		Shotgun start tournaments, fees for.....
		Tucson City Golf employee greens fee.....
		Violations, penalty. . . . .
		Clements, El Pueblo and Udall Center use. . . .
		Commercial activities
		Regulations regarding park use.....
		Damaging park property
		Regulations regarding park use.....
		Dedications, acceptance of. . . . .
		Definitions. . . . .
		Code definitions and rules of construction
		Public place includes. . . . .
		Department of parks and recreation personnel and volunteers who work directly with children
		Annual fingerprinting and criminal history record check of. . . . .
		Director of parks and recreation
		City office hours.....

CODE INDEX

	Section		Section
PARKS AND RECREATION (Cont'd.)		PARKS AND RECREATION (Cont'd.)	
Operation of parks under. . . . .	21-2	Motor vehicles and traffic	
Disfiguring or removing buildings, structures or facilities		Appointment of park rangers as special policemen. . . . .	20-11.1 et seq.
Regulations regarding park use. . . . .	21-3(1)	See: MOTOR VEHICLES AND TRAFFIC	
El Pueblo Center use fees. . . . .	21-14.2	Driving in parks and playgrounds. . . . .	20-21
El Rio Center use fees. . . . .	21-14.1	Parking in parks and playgrounds. . . . .	20-251
Enforcement. . . . .	21-6	Northwest Center use fee. . . . .	21-14.1
Equipment		Operation and regulations of. . . . .	21-1 et seq.
Use of, fee. . . . .	21-14	Outdoor performance center	
Explosives and pyrotechnics		Reservation, special maintenance fees. . . . .	21-16
Regulations regarding park use. . . . .	21-3(5)	Park use, regulations regarding. . . . .	21-3
Fees		Parking in parks and playgrounds. . . . .	20-251
Administrative fees. . . . .	21-18.1	Permits, licenses and reservations. . . . .	21-4
Adult major sports. . . . .	21-9	Pollution of water	
Archer, Quincie Douglas, El Rio, Freedom, Northwest, Randolph, and Santa Rosa Center use. . . . .	21-14.1	Regulations relating park use. . . . .	21-3(3)
Authorization to waive or discount fees and charges. . . . .	21-17	Quincie Douglas Center use fee. . . . .	21-14.1
Clements, El Pueblo and Udall Center use. Equipment, use of. . . . .	21-14.2	Ramadas	
Handball courts. . . . .	21-11	Reservation fee for, special maintenance fees. . . . .	21-16
Hi Corbett Stadium Use. . . . .	21-14.3	Randolph Center	
Meeting rooms. . . . .	21-16	Gymnasium and nautilus weightroom use fees. . . . .	21-14.1
Non-city resident rates. . . . .	21-15	Recreational classes	
Program registration fees. . . . .	21-13.1	Fees for use. . . . .	21-13
Ramada, sports field, volley ball courts, bandshells, outdoor performance center, rodeo grounds		Refuse and trash, dumping, depositing, etc. Regulations regarding park use. . . . .	21-3(3)
Reservation, special maintenance fees. . . . .	21-16	Restrooms and washrooms	
Recreational classes. . . . .	21-13	Regulations regarding park use. . . . .	21-3(1)
Senior trip programs. . . . .	21-13.2	Rodeo grounds	
Swimming pools. . . . .	21-12	Reservation, special maintenance fees. . . . .	21-16
Tennis courts. . . . .	21-10	Sanitation	
Use of equipment. . . . .	21-14	Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5
Firearms and weapons		Regulations relating to park use. . . . .	21-3(3)
Regulations regarding park use. . . . .	21-3(5)	Santa Rosa Center use fee. . . . .	21-14.1
Fires		Senior trip programs. . . . .	21-13.2
Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5	Sign districts. . . . .	3-75
Freedom Center use fees. . . . .	21-14.1	Signs	
Gene Reid Park Zoo		Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5
Admittance fees, schedule. . . . .	21-51	Spirituos liquor, consumption of. . . . .	21-8
Glass beverage containers, regulations regarding park use. . . . .	21-3(3)	Sports field	
Golfing. See also herein: City Municipal Golf Courses		Reservation, special maintenance fees. . . . .	21-16
Regulations regarding park use. . . . .	21-3(5)	Swimming pools	
Handball courts		Admission fees. . . . .	21-12
Fees for use. . . . .	21-11	Competitive swimming program. . . . .	21-12
Hunting, regulations regarding park use. . . . .	21-3(5)	Pool rental rates. . . . .	21-12
Ice cream truck vendors		Swim passes. . . . .	21-12
City parks and other city property, separate license required to operate in. . . . .	7-495	Swimming lesson fees. . . . .	21-12
Meeting rooms		Synchronized swimming program fees. . . . .	21-12
Use of certain. . . . .	21-16	Tennis	
		Regulations regarding park use. . . . .	21-3(5)
		Tennis courts, fees for use. . . . .	21-10
		Traffic, regulations regarding park use. . . . .	21-3(4)
		Vending and peddling	
		Regulations regarding park use. . . . .	21-3(6)

TUCSON CODE

	Section		Section
<b>PARKS AND RECREATION (Cont'd.)</b>		<b>PEDDLERS, CANVASSERS AND SOLICITORS</b>	
Violations		Motor vehicles and traffic	
Penalties. . . . .	21-7	Parking regulations for peddlers. . . . .	20-248
Volley ball courts		Peddlers in certain central business district streets, parking regulations. . . . .	20-248.1
Reservation, special maintenance fees. . . . .	21-16	<b>Peddlers</b>	
<b>PARK TUCSON COMMISSION</b>		Appeal of court decision. . . . .	7-37
Commission organization. . . . .	10A-149	Civil infraction proceedings. . . . .	7-36
Commission reports. . . . .	10A-150	Definitions. . . . .	7-26
Created. . . . .	10A-146	Enforcement authority. . . . .	7-34
Declaration of policy. . . . .	10A-145	Insurance. . . . .	7-28
Functions and purposes. . . . .	10A-148	Jurisdiction of court. . . . .	7-35
Limitation of powers. . . . .	10A-151	License requirements. . . . .	7-27
Membership composition; appointment; terms. . . . .	10A-147	Operating before or after required closing time. . . . .	7-31
<b>PART OWNER, JOINT OWNER, TENANT IN COMMON</b>		Revocation (license). . . . .	7-32
Definitions and rules of construction. . . . .	1-2(15)	Setback requirements. . . . .	7-30
<b>PAST TENSE</b>		Unlawful activities. . . . .	7-29
Definitions and rules of construction. . . . .	1-2(27)	Violations; penalties. . . . .	7-33
<b>PAWNBROKERS AND SECONDHAND DEALERS</b>		Rodeo parade, police authority at. . . . .	11-70
Claimant's rights. . . . .	7-108	Swap meets. . . . .	7-201 et seq.
Definitions. . . . .	7-97	See: SWAP MEETS	
Hearing, conduct of. . . . .	7-110	<b>PEDESTRIAN BUSINESS DISTRICT</b>	
Hearing, notice of. . . . .	7-107	Sign districts. . . . .	3-82
Hearing officer. . . . .	7-109	<b>PEDESTRIANS</b>	
Hearing officer decision; limited effect of. . . . .	7-113	Motor vehicles and traffic. See also that subject	
Inspecting goods or records		Obedience to traffic-control signals. . . . .	20-91
Refusal to permit chief of police; prohibited acts. . . . .	7-102	Prohibited crossings. . . . .	20-92
Judicial review. . . . .	7-111	<b>PENSIONS, RETIREMENT AND GROUP INSURANCE, LEAVE BENEFITS AND OTHER INSURANCE BENEFITS</b>	
License		Civil service, retirement ages. . . . .	10-15
Grounds for denial and revocation of. . . . .	7-115	See: OFFICERS AND EMPLOYEES	
Minors; prohibited acts re. . . . .	7-102(1)	Contributions to the public safety personnel retirement system. . . . .	22-1
Petition, initiation of. . . . .	7-106	Group insurance and medical health plans	
Petition, service of. . . . .	7-107	Applicability of existing and future employees. . . . .	22-85
Prohibited acts. . . . .	7-102	City's premium costs. . . . .	22-83
Property included. . . . .	7-105	Coverage authorized. . . . .	22-80
Provisions severable. . . . .	7-114	Duty of human resources director. . . . .	22-84
Receipt of articles; duty to report to police. . . . .	7-98	Employees' premium costs. . . . .	22-82
Release of property. . . . .	7-112	Existing employees, applicability. . . . .	22-85
Reports		Finance director to pay premiums. . . . .	22-81
Contents of report to police. . . . .	7-99	Future employees, applicability. . . . .	22-85
Duty to report receipt of articles to police. . . . .	7-98	Medical insurance incentive allowance. . . . .	22-86
Form of reports when due. . . . .	7-100	Paying premiums by finance director. . . . .	22-81
Requirements; record of transactions; police department hold on property. . . . .	7-101	Personnel director, duty. . . . .	22-84
Revocation hearing. . . . .	7-116	Premium costs	
Scope. . . . .	7-104	City. . . . .	22-83
Swap meets. . . . .	7-201 et seq.	Employees. . . . .	22-82
See: SWAP MEETS		Purpose. . . . .	22-79
Time limit for disposition of purchased goods		Short title. . . . .	22-78
Prohibited acts. . . . .	7-102		
Violations, penalties. . . . .	7-103		

CODE INDEX

	Section		Section
SEX OFFENDERS		SIGN CODE (Cont'd.)	
Intermittent program instructors who work directly with children; fingerprinting and criminal history record check of. . . . .	2-25.1	Interpretation and construction with Tucson Code by the sign code administrator. . . .	3-3
Parks and recreation department personnel and volunteers who work directly with children		Nonconforming signs and change of use	
Annual fingerprinting and criminal history record check of. . . . .	2-25	Change of use. . . . .	3-97
SEXUAL PREFERENCES, CONSIDERATION		Signs for legal nonconforming uses. . . . .	3-96
Civil rights, discrimination, affirmative action programs. . . . .	17-0 et seq.	Permits, fees and inspections	
See: DISCRIMINATION		Application for permit. . . . .	3-18
SHOPPING CARTS		Approval of standard plans. . . . .	3-21
Impoundment. . . . .	16-39	Effect of issuance. . . . .	3-20
SIDEWALKS. See: STREETS AND SIDEWALKS		Fees. . . . .	3-24
SIGN CODE		Inspections. . . . .	3-22
Appeals and variances. . . . .	3-121 et seq.	Issuance. . . . .	3-19
Appeal from board. . . . .	3-128	Permission of property owner. . . . .	3-17
Appeals. . . . .	3-129	Permits required. . . . .	3-16
Appeals stay proceeding. . . . .	3-125	Special inspector required. . . . .	3-23
Application to the board. . . . .	3-124	Reference to other codes. . . . .	3-5
Fees and enforcement. . . . .	3-127	Severance of the provisions of this sign code. . . . .	3-7
Findings required in granting variances. . . . .	3-122	Short title. . . . .	3-1
Powers denied the board. . . . .	3-123	Sign districts. . . . .	3-72
Powers, duties and responsibilities. . . . .	3-121	General business district. . . . .	3-77
Time for hearings; notice. . . . .	3-126	Historic district. . . . .	3-81
Application		Industrial district. . . . .	3-80
Interpretation of district boundaries. . . . .	3-4	Medical-business-industrial park district. . . . .	3-79
Prior code sections. . . . .	3-6	Multiple family residential district. . . . .	3-74
Citizen sign code committee. . . . .	3-141 et seq.	O-1 zone district. . . . .	3-76
See: CITIZEN SIGN CODE COMMITTEE		Park district. . . . .	3-75
Declaration of purpose and intent. . . . .	3-2	Pedestrian business district. . . . .	3-82
Definitions. . . . .	3-11	Planned area development (PAD) district. . . . .	3-78
General requirements		Scenic corridor zone (SCZ) district. . . . .	3-83
Access regulated. . . . .	3-41	Single family residential district. . . . .	3-73
Grade. . . . .	3-33	Sign maintenance	
Illumination. . . . .	3-44	Dangerous or defective signs. . . . .	3-92
Integrated architectural features. . . . .	3-42	Maintenance. . . . .	3-91
Intersection corner sign. . . . .	3-39	Removal of dangerous or defective signs. . . . .	3-93
Maximum sign area. . . . .	3-35	Sign types and general regulations	
Multiple frontage lots. . . . .	3-38	Awning signs. . . . .	3-56
Premises. . . . .	3-34	Banners. . . . .	3-57
Regulations established. . . . .	3-31	Billboards. . . . .	3-58
Setback. . . . .	3-36	Canopy signs. . . . .	3-59
Sign area. . . . .	3-32	Directory signs. . . . .	3-60
Signs near residences. . . . .	3-37	Exempt signs. . . . .	3-52
Signs over public rights-of-way. . . . .	3-43	Freestanding signs. . . . .	3-61
Signs per street frontage. . . . .	3-40	Freeway sign. . . . .	3-62
Indemnification		Generally permitted signs. . . . .	3-51
City, of. . . . .	3-116	Historic landmark signs (HLS). . . . .	3-71
Liability insurance required. . . . .	3-117	Menu boards. . . . .	3-63
		Parking signs. . . . .	3-64
		Portable (A-frame) signs. . . . .	3-65
		Prohibited signs enumerated. . . . .	3-53
		Real estate signs. . . . .	3-66
		Signs creating traffic hazards. . . . .	3-54
		Signs in public areas. . . . .	3-55
		Special event signs. . . . .	3-67
		Temporary signs. . . . .	3-68
		Traffic directional signs. . . . .	3-69
		Wall signs. . . . .	3-70

TUCSON CODE

	Section		Section
<b>SIGN CODE (Cont'd.)</b>		<b>SMOKING</b>	
Violations; enforcement; penalties		Enforcement; penalty.....	11-92
Abandoned and discontinued signs;		Narcotics.....	11-40, 11-41
obsolete sign copy.....	3-103	Placarding required.....	11-90
Abatement by the city after court order....	3-110	Prohibited in specified places.....	11-89
Administrative appeal.....	3-107	Retail tobacco sales.....	7-426 et seq.
Illegal signs.....	3-105	See: RETAIL TOBACCO SALES	
Penalty.....	3-109	Tobacco vending machines prohibited in	
Removal of abandoned, prohibited and		specified places, exceptions.....	11-93
illegal signs by sign code		Violations, enforcement; penalty.....	11-92
administrator.....	3-106		
Violation		<b>SOCIAL AFFAIRS</b>	
Civil infraction, declared.....	3-102	Escort and escort bureaus.....	7-117 et seq.
Public nuisance.....	3-101	See: ESCORTS AND ESCORT BUREAUS	
<b>SIGNATURE OR SUBSCRIPTION</b>		<b>SOCIAL SECURITY</b>	
Definitions and rules of construction.....	1-2(23)	Regulations regarding.....	22-13 et seq.
Initiative petitions, number of signatures....	12-112 et seq.	See: PENSIONS, RETIREMENT AND	
Obstruction of enforcement of civil infractions		GROUP INSURANCE	
Failure to sign citation.....	11-121	<b>SOLAR SYSTEM CODE</b>	
Recall petitions, number of signatures.....	12-150	Adopted.....	6-171
Referendum petitions, number of signatures...	12-139 et seq.	Amendments.....	6-173
<b>SILVER. See: PRECIOUS STONES, METALS</b>		Board of appeals.....	6-12 et seq.
<b>SINGULAR NUMBER</b>		See: BUILDINGS	
Definitions and rules of construction.....	1-2(12)	Building codes, adopted, listing of.....	6-34 et seq.
<b>SKATES, SKATING</b>		See: BUILDING CODE	
Merchants disclosures re sale of (motorized)		Copies.....	6-172
skateboards, play vehicles; penalty.....	7-480	<b>SOLICITING</b>	
Operating (motorized) skateboards, play		Aggressive solicitation	
vehicles; definitions; prohibitions;		Legislative findings; definitions.....	11-33
penalty.....	20-30	Prohibited acts.....	11-33.1
Persons on skateboards, roller blades, coasters,		Violations; penalties.....	11-33.2
toy vehicles, regulated.....	20-28	Escorts and escort bureaus, unlawful acts....	7-118
<b>SLINGS</b>		Food and drink establishments, soliciting	
Discharging weapons from.....	11-1	customers prohibited.....	11-24
<b>SMALL, MINORITY AND WOMEN-OWNED</b>		Parks and recreation, city golf courses	
<b>  BUSINESS COMMISSION</b>		Soliciting on course.....	21-20
Creation.....	10A-190	Police department, soliciting legal business. . .	11-32
Membership composition, appointment,		Soliciting passengers or baggage at railways or	
officers, and terms.....	10A-191	hotels.....	11-53
Powers, limitation of.....	10A-193	<b>Traffic</b>	
Reports.....	10A-192	Soliciting employment, business or	
Staff support.....	10A-194	contributions from occupants of	
<b>SMALL BUSINESS ENTERPRISE PROGRAM</b>		vehicles.....	20-500 et seq.
Provisions re.....	28-147 et seq.	See: MOTOR VEHICLES AND TRAFFIC	
See: PROCUREMENT		<b>SOLICITORS. See: PEDDLERS,</b>	
<b>SMOKE</b>		<b>  CANVASSERS AND SOLICITORS</b>	
Burning trash, other articles			
Dense smoke defined; chart adopted.....	11-10		

CODE INDEX

	Section		Section
<b>SOLID WASTE</b>		<b>STATE</b>	
Solid waste collection, disposal and recycling facilities		Definitions and rules of construction.....	1-2(24)
Environmental services department duties, etc.....	15-1 et seq.	<b>STATE CRIMINAL PROCEDURE</b>	
See: ENVIRONMENTAL SERVICES DEPARTMENT		City court, rules of state criminal procedure followed.....	8-8
<b>SOUND LEVELS</b>		<b>STORMWATER</b>	
Noise.....	11-71 et seq.	Rainwater collection and distribution requirements.....	6-181 et seq.
See: NOISE		See: RAINWATER COLLECTION AND DISTRIBUTION REQUIREMENTS	
<b>SPECIAL ASSESSMENT</b>		Stormwater advisory committee (SAC) and stormwater technical advisory committee (STAC)	10A-160 et seq.
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		Stormwater management.....	26-20 et seq.
<b>SPECIAL DUTY POLICE SERVICES PROGRAM</b>		See: FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT	
Provisions enumerated.....	2-130, 2-131	<b>STREET FAIRS</b>	
<b>SPECIAL EVENTS</b>		Regulated.....	7-300
Occupational license tax			
Swap meet proprietors, outdoor vendors, and special event occupational license tax.....	19-42 et seq.		
See: LICENSES AND PRIVILEGE TAXES (Chapter 19)			
Regulations generally.....	7-401		
<b>SPEED REGULATIONS</b>			
Motor vehicles and traffic, operation of vehicles, speed regulations.....	20-136 et seq.		
See: MOTOR VEHICLES AND TRAFFIC			
<b>SPORTS</b>			
Parks and recreation, various sporting events, sports, regulations relating to.....	21-1 et seq.		
See: PARKS AND RECREATION			
<b>SPORTS FIELDS</b>			
Use fees.....	21-16		
<b>SPOUSES</b>			
Registered civil unions.....	17-70 et seq.		
See: HUMAN RELATIONS			
<b>SPRAYS</b>			
Vapor releasing substances containing toxic substances.....	11-35		
<b>SQUATTING</b>			
City property, squatting on prohibited.....	11-12		
<b>STAMP, TRADING. See: TRADING STAMP</b>			

TUCSON CODE

CODE INDEX

	Section		Section
STREETS AND SIDEWALKS (Cont'd.)		STREETS AND SIDEWALKS (Cont'd.)	
Scenic corridor zone (SCZ) district, signs by district. . . . .	3-83	Under-sidewalk elevators	
Schools		Insurance. . . . .	25-59
Selling, displaying merchandise on streets near. . . . .	25-50	Permit	
Sewerage and sewage disposal regulations. . . . .	24-1 et seq.	Application. . . . .	25-59
See: WATER AND SEWERS		Issuance. . . . .	25-60
Sidewalks		Required. . . . .	25-59
Definitions and rules and construction. . . . .	1-2(22)	Terms and conditions. . . . .	25-60
Injuring, tearing up. . . . .	25-48	Where permitted. . . . .	25-58
Owners, occupants of building to keep clean. . . . .	25-56	Utility rights-of-way	
Placing benches on sidewalks. . . . .	25-51	Authority of city manager to execute certain. . . . .	2-16
Placing flower pots, tree pots, planters on. . . . .	25-57	Vacating, naming, renaming, etc.	
Repairs and improvements in public rights-of-way. See herein that subject		Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume	
Under-sidewalk elevators. See herein that subject		Variances	
Signs. See also that subject		Repairs and improvements in public rights-of-way. See herein that subject	
Sign per street frontage. . . . .	3-40	Vending machines	
Signs on intersection corner. . . . .	3-39	Newspaper vending machines, attaching to public right-of-way. . . . .	25-57.1
Signs over public rights-of-way. . . . .	3-43	Violations declared civil infractions. . . . .	24-45.1
Sitting and lying down on public sidewalks in downtown and neighborhood commercial zones. . . . .	11-36	Waste or unreasonable use of water; violation declared a civil infraction. . . . .	27-15
Special events re street and sidewalk usage		Water flow in streets, gutters, conduits	
Regulations generally. . . . .	7-401	Obstructing. . . . .	25-52
Street, avenue, boulevard, parkway, alley		Work zone traffic management. See herein: Temporary Work Zone Traffic Management	
Definitions and rules of construction. . . . .	1-2(25)		
Street fairs regulated. . . . .	7-300		
Street names, changes in. . . . .	25-62		
Streets, gutters, conduits			
Obstructing water flow in. . . . .	25-52		
Streets, public places			
Digging, removing earth from. . . . .	25-49		
Temporary work zone traffic management			
Definitions. . . . .	25-89		
Fee schedule. . . . .	25-91		
Program established. . . . .	25-88		
Temporary work zone traffic management. . . . .	25-90		
Violations and civil sanctions. . . . .	25-92		
Transit system, city fixed route, rules and regulations. . . . .	2-18 et seq.		
See: TRANSIT SYSTEM			
Trespassing on closed streets. . . . .	25-45		
Underground utility districts			
Definitions. . . . .	25-81		
Establishment of. . . . .	25-80		
Exceptions. . . . .	25-86		
Findings required. . . . .	25-84		
Notice. . . . .	25-83		
Procedure to establish. . . . .	25-82		
Provisions. . . . .	25-85		
Publicly owned equipment. . . . .	25-87		
Underpasses, operating bicycle through. . . . .	5-2		
		STRIKEBREAKERS. See: LABOR DISPUTES	
		SUBDIVISIONS	
		Development compliance code. . . . .	23A-1 et seq.
		See: DEVELOPMENT COMPLIANCE	
		Floodplain, stormwater, and erosion hazard management. See also that subject	
		Generally. . . . .	26-1 et seq.
		Subdivision and development project requirements. . . . .	26-8
		Subdivision standards. . . . .	26-9
		Sign regulations generally. . . . .	3-1 et seq.
		See: SIGN CODE	
		SUN LINK SYSTEM	
		City modern streetcar system. . . . .	2-18
		SUN TRAN SYSTEM	
		City transit bus system. . . . .	2-18
		SWAP MEETS	
		Administration. . . . .	7-205
		Animals and fowl, sale of at swap meets and public property prohibited. . . . .	4-8
		Definitions. . . . .	7-201
		License, proprietor application. . . . .	7-202.1

TUCSON CODE

	Section		Section
SWAP MEETS (Cont'd.)		TAXICABS (Cont'd.)	
Regulations. . . . .	7-204	Routes, direct routes required. . . . .	20-306
Taxation regulations generally. . . . .	19-1 et seq.	Taxicab businesses and executive sedan services regulated. . . . .	20-302
See: LICENSES AND PRIVILEGE TAXES		Two-way radios required. . . . .	20-307
Unlawful practices		Violations and penalties	
Swap meet proprietor. . . . .	7-202	Citations, police department and Park Tucson enforcement agents authorized to issue. . . . .	20-309
Swap meet vendors. . . . .	7-203	Civil infraction re. . . . .	20-308
Violations, penalties. . . . .	7-205.1		
SWIMMING POOLS		TELECOMMUNICATION SERVICES	
Parks and recreation. See also that subject		Competitive telecommunications	
Admission fees. . . . .	21-12	Bonding. . . . .	7B-24
Competitive swimming programs. . . . .	21-12	Conditions of street occupancy. . . . .	7B-14
Pool rental rates. . . . .	21-12	Construction and technical standards. . . . .	7B-16
Regulation of activities in areas adjacent to or affecting parks, bathing and swimming. . . . .	21-3(5)	Cost of consultant. . . . .	7B-30
Swim lesson fees. . . . .	21-12	Damages. . . . .	7B-31
Swimming passes. . . . .	21-12	Definitions. . . . .	7B-2
Synchronized swimming program fees. . . . .	21-12	Effective date; application to existing systems. . . . .	7B-34
SYNAGOGUES		Exemption for pre-statehood telecommunications providers. . . . .	7B-37
Vandalism		Findings; purpose. . . . .	7B-3
Institutional vandalism, intimidation. . . . .	11-30, 11-30.1	Foreclosure and receivership. . . . .	7B-20
<b>T</b>		Franchise provisions	
TAGS		Application and agreement. . . . .	7B-5
Dog licenses, tag requirements. . . . .	4-88 et seq.	Application for. . . . .	7B-29
See: ANIMALS AND FOWL		Required. . . . .	7B-8
TAMPERING		Geographic area of system. . . . .	7B-12
Cable communications, tampering with system. . . . .	7A-39	Grant of authority. . . . .	7B-9
TAXATION		Indemnification. . . . .	7B-22
Privilege and excise taxes. See: LICENSES AND PRIVILEGE TAXES		Insurance. . . . .	7B-23
Public utility tax. . . . .	19-699, 19-700	License	
TAXICABS		Alternative fee for long distance only licenses. . . . .	7B-26.1
Charges. See herein: Fares and Charges		Application and agreement. . . . .	7B-4
Definitions. . . . .	20-301	Application for. . . . .	7B-29
Enforcement; citations		Fee. . . . .	7B-26
Police department, Park Tucson enforcement agents authorized. . . . .	20-309	Required. . . . .	7B-8
Equipment		Limited point-of-presence only licenses authorized. . . . .	7B-36
Two-way radios required. . . . .	20-307	Local regulatory framework. . . . .	7B-10
Fares and charges		No vested rights. . . . .	7B-38
Charges generally. . . . .	20-305	Nondiscrimination and equal employment opportunities. . . . .	7B-28
Exterior display of fare and other information. . . . .	20-303	Permit moratorium. . . . .	7B-35
Fares generally. . . . .	20-305	Policy of innovation. . . . .	7B-6
Interior display of fare and other information. . . . .	20-304	Provision of service and equipment to the city. . . . .	7B-17
Meters generally. . . . .	20-305	Purchase of system by city. . . . .	7B-19
Privilege and excise taxes		Regulation costs. . . . .	7B-11
Transporting for hire. . . . .	19-475	Remedies, violation or civil infraction. . . . .	7B-32
Purpose. . . . .	20-300	Renewal and termination. . . . .	7B-18
		Rights reserved to the city. . . . .	7B-27
		Security deposit. . . . .	7B-25
		Severability. . . . .	7B-33
		Shared facilities. . . . .	7B-13
		Short title. . . . .	7B-1