

**TUCSON, ARIZONA**  
Supp. No. 115 – 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 June 20, 2017. 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. 115”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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Adopted, October 19, 1964  
Effective, January 20, 1965

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Published by Order of the Mayor and Council

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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.

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**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
Annual Pass	\$450.00	\$480.00

(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.
- d. *SummerGO Youth Pass:* For youth ages six (6) to eighteen (18) years old, pass valid for seventy-six (76) days between the end of May and beginning of August each year, based on the local K-12 academic calendars, as follows:

	FY 2017 (eff. 5-1-17)	FY 2018 (eff. 1-1-18)
SummerGO Youth Pass*	\$45.00**	\$45.00**

\*Not tied to the base fare

\*\*Includes \$15 fee for Parks & Recreation

- (10) *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.
- (11) *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.

(d) *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; Ord. No. 11454, § 1, 4-19-17)

**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.

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chapter. Such subpoenas may be personally served by the human resources department or by any process server recognized in the state.

(1953 Code, ch. 10, § 19; Ord. No. 7369, § 16, 3-12-90; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

**Sec. 10-22. Salaries of civil service commissioners.**

Commissioners shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum. The chairperson of the commission shall, for the performance of those additional duties required of the position, receive an additional six hundred dollars (\$600.00) per annum.

(Ord. No. 6839, § 1, 11-23-87; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

**Secs. 10-23 – 10-30. Reserved.**

**ARTICLE II. COMPENSATION PLAN\***

**Sec. 10-31. Establishment and adoption of compensation plan; payment of employees.**

*Sec. 10-31(1). Compensation policy.* The city's compensation system provides equitable and consistent treatment of employees commensurate with internal and external values of classifications and the objective of attracting, retaining and motivating employees. Key measures of employee compensation shall be labor market information and job performance. In addition, for classifications subject to Tucson Code section 10-7, a key measure will be job evaluation grades assigned to classifications based on compensable factors. Job evaluation grades shall be correlated with compensation ranges set forth in salary schedules. Classifications not subject to Tucson Code section 10-7 shall be assigned a range or rate set forth in a salary schedule. Other pay provisions such as commission, shift differential, overtime, standby, weekend premium pay for regularly schedule hours, incentive, special

skills, education, and other certification and special duty pays for designated employee groups may be provided for when adopted and/or reenacted by the mayor and council as part of the annual compensation plan.

(Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

*Sec. 10-31(2). Formulation.* Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend a compensation plan for adoption by the mayor and council. The recommended compensation schedules of the compensation plan will retain a competitive posture in the relevant labor markets subject to available funding and current economic trends. Under the direction of the city manager, the human resources director shall annually conduct, or cause to be conducted a labor market survey which, subject to available funding and current economic trends, shall be the basis for the annual compensation schedules recommendation. Such schedules shall provide for the compensation of all persons employed by the city whether classified or unclassified, except the mayor and council and those charter officers appointed directly by the mayor and council (city manager, city attorney, city clerk and city magistrates). (Ord. No. 9675, § 3, 2-25-02)

*Sec. 10-31(3). Amendments.* Subject to the prior approval of the city manager, amendments to the annual compensation plan may from time to time be initiated, formulated and recommended to the mayor and council.

(Ord. No. 4411, § 1, 11-17-75; Ord. No. 4418, § 1, 12-8-75; Ord. No. 9675, § 3, 2-25-02)

*Sec. 10-31(4). Adoption and filing.* Prior to the beginning of each fiscal year, subject to Tucson Charter Chapter VII, Sec. 2, the mayor and council shall adopt a compensation plan. Three (3) copies of the compensation plan and all current amendments thereto, shall be kept on file in the office of the city clerk. (Ord. No. 9675, § 3, 2-25-02)

*Sec. 10-31(5). Applications.* Each person employed by the city, except the mayor and council and those charter officers appointed directly by the mayor and council, (city manager, city attorney, city clerk and city magistrates), shall be paid within a designated range or rate of the compensation schedules. For

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\***Cross references** – Compensation of senior officers acting as department heads, § 2-3; salary of employees during injury or sickness, § 2-13.

classifications subject to Tucson Code section 10-7, the range shall correlate to the job evaluation grade assigned to the class in which employed. Each person, whether subject to Tucson Code section 10-7 and within a salary range or rate of the compensation schedules, subject to the approval of the city manager shall be placed within a range or at a rate by the human resources director on implementation of the annual compensation plan and as provided by city administrative directive for compensation administration. Changes in rates within the hourly range schedule may be made by the appointing authority in accordance with established criteria. (Ord. No. 7653, § 3, 6-24-91; Ord. No. 8206, § 2, 2-7-94; Ord. No. 8519, § 3, 6-12-95; Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

*Sec. 10-31(6). Implementation.* Effective retroactive to June 27, 2004, the position compensation schedules for the Annual Compensation Plan provided for in section 10-31(6) of the Tucson Code for the classified and unclassified employees of the city are amended by adding new rates to special rate schedule, Exhibit J to Appendix A, for weekend premium pay and shift differential pay for that employee group eligible for representation by the American Federation of State County and Municipal Employees to read as set forth in amended attached schedule. (Ord. No. 7780, § 1, 3-16-92; Ord. No. 8316, § 1, 7-5-94; Ord. No. 8712, § 1, 6-10-96; Ord. No. 9675, § 3, 2-25-02; Ord. No. 9866, § 1, 6-23-03; Ord. No. 10003, § 1, 6-28-04; Ord. No. 10021, § 1, 8-2-04)

*Sec. 10-31(7). Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions.*

a. Notwithstanding any other provision of section 10-31 of the compensation plan, the assignment positions of chief deputy city attorney; deputy city attorney; fire fighter, trainee; water treatment plant operator, trainee; and utility service worker, trainee, shall be compensated as follows:

- (1) Chief deputy city attorney, one hundred ten (110) percent of the range (from minimum to maximum) for principle assistant city attorney.

- (2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to maximum) for principle assistant city attorney.
- (3) Fire fighter, trainee, eighty-five (85) percent of range 401, step 1.
- (4) Water treatment plant operator, trainee, ninety (90) percent of range 916, step 1.
- (5) Utility service worker, trainee, ninety (90) percent of range 915, step 1.
- (6) Code inspector trainee, ninety-five (95) percent of range 918, step 1.
- (7) Emergency 911 operator, police service operator and public safety dispatcher will receive temporary assignment pay for five (5) percent of the employees base hourly rate for all hours when employee is assigned to train and evaluate an operator-trainee or dispatcher-trainee as part of the departments formal training program.

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan. (Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 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; Ord. No. 11429, eff. 12-25-16)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

*Sec. 10-31(8). Payment for uniform maintenance.*

Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance.

(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. No. 10806, § 2, 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. 11291, § 3, 8-5-15; Ord. No. 11373, § 2, 6-7-16, 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, and Ord. No. 11291, § 5, adopted August 5, 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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

(1953 Code, ch. 10, § 10; Ord. No. 7369, § 17, 3-12-90; Ord. No. 9675, § 3, 2-25-02, eff. 6-30-02)

**Editor's note** – Listed below are the ordinances constituting and amending the compensation plan:

1957 Supp. to 1953 Code, Ch. 10, § 36 – Amended by:

Ord. No. 1826, § 2, 5-5-58  
 Ord. No. 1853, § 1, 8-18-58  
 Ord. No. 1855, § 2, 9-2-58  
 Ord. No. 1870, § 1, 12-8-58  
 Ord. No. 1899, § 1, 4-20-59  
 Ord. No. 1960, §§ 1, 2, 9-28-59  
 Ord. No. 1980, § 6, 11-16-59  
 Ord. No. 1981, § 1, 11-16-59  
 Ord. No. 2004, § 1, 2-3-60  
 Ord. No. 2030, § 1, 5-2-60  
 Ord. No. 2129, § 1, 1-3-61  
 Ord. No. 2187, § 1, 6-19-61  
 Ord. No. 2212, § 3, 9-18-61  
 Ord. No. 2329, § 1, 8-13-62  
 Ord. No. 2390, § 3, 12-17-62  
 Ord. No. 2496, § 1, 7-22-63  
 Ord. No. 2574, § 1, 1-20-64  
 Ord. No. 2651, § 1, 8-13-64  
 Ord. No. 2658, § 1, 9-8-64  
 Ord. No. 2693, § 1, 11-2-64

Ch. 10, § 36a of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 2, 2-3-60  
 Ord. No. 2105, § 1, 11-7-60

Ord. No. 2129, § 2, 1-3-61  
 Ord. No. 2212, § 4, 9-18-61  
 Ord. No. 2390, § 4, 12-17-62  
 Ord. No. 2608, § 1, 5-4-64  
 Ord. No. 2709, § 1, 12-7-64

Ch. 10, § 36b of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 3, 2-3-60  
 Ord. No. 2212, § 5, 9-18-61  
 Ord. No. 2390, § 5, 12-17-62  
 Ord. No. 2651, § 2, 8-13-64  
 Ord. No. 2659, § 1, 9-8-64

Ch. 10, § 36c of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 4, 2-3-60  
 Ord. No. 2074, § 1, 8-1-60  
 Ord. No. 2212, § 6, 9-18-61  
 Ord. No. 2329, § 2, 8-13-62  
 Ord. No. 2574, § 2, 1-20-64

Ch. 10, § 36d of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 1971, § 2, 11-16-59  
 Ord. No. 2004, § 5, 2-3-60  
 Ord. No. 2032, § 1, 5-16-60  
 Ord. No. 2212, § 7, 9-18-61  
 Ord. No. 2390, § 7, 12-17-62  
 Ord. No. 2496, § 2, 7-22-63

Ch. 10, § 36e of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 6, 2-3-60  
 Ord. No. 2212, § 8, 9-18-61  
 Ord. No. 2329, § 3, 8-13-62  
 Ord. No. 2390, § 8, 12-17-62  
 Ord. No. 2460, § 2, 5-6-63  
 Ord. No. 2574, § 3, 1-20-64  
 Ord. No. 2608, § 2, 5-4-64  
 Ord. No. 2695, § 1, 11-9-64

Ch. 10, § 36f of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 7, 2-3-60  
 Ord. No. 2105, § 2, 11-7-60  
 Ord. No. 2212, § 9, 9-18-61  
 Ord. No. 2213, § 1, 9-25-61  
 Ord. No. 2390, § 9, 12-17-62  
 Ord. No. 2460, § 3, 5-6-63  
 Ord. No. 2490, § 3, 7-22-63  
 Ord. No. 2574, § 4, 1-20-64  
 Ord. No. 2693, § 2, 11-2-64

Ch. 10, § 36g of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 8, 2-3-60  
 Ord. No. 2063, § 1, 7-5-60  
 Ord. No. 2105, § 3, 11-7-60  
 Ord. No. 2212, § 10, 9-10-61  
 Ord. No. 2216, § 1, 10-19-61  
 Ord. No. 2390, § 10, 12-17-62  
 Ord. No. 2496, § 4, 7-22-63  
 Ord. No. 2574, § 5, 1-20-64

Ch. 10, § 36 of the 1953 Code as added by Ord. No. 2638, § 1, 7-6-64.

Section 10-31 has been amended by the following ordinances:

- Ord. No. 2754, § 3, 4-5-65  
 Ord. No. 2845, § 4, 2-7-66  
 Ord. No. 2874, § 1, 5-16-66  
 Ord. No. 2908, §§ 1, 2, 8-1-66  
 Ord. No. 2930, §§ 1, 2, 10-24-66  
 Ord. No. 2940, § 3, 11-28-66  
 Ord. No. 2973, § 1, 2-6-67  
 Ord. No. 2974, § 1, 2-6-67  
 Ord. No. 2986, § 2, 3-20-67  
 Ord. No. 3009, §§ 1, 2, 6-5-67  
 Ord. No. 3061, § 1, 12-4-67  
 Ord. No. 3079, § 1, 1-15-68  
 Ord. No. 3123, § 1, 5-20-68  
 Ord. No. 3126, § 2, 5-27-68  
 Ord. No. 3127, § 1, 6-3-68  
 Ord. No. 3137, § 1, 7-1-68  
 Ord. No. 3163, §§ 1, 2, 9-9-68  
 Ord. No. 3179, § 1, 11-12-68  
 Ord. No. 3199, § 1, 12-2-68  
 Ord. No. 3208, § 1, 1-13-69  
 Ord. No. 3209, §§ 1, 2, 1-13-69  
 Ord. No. 3214, § 1, 2-3-69  
 Ord. No. 3215, §§ 1, 2, 2-24-69  
 Ord. No. 3251, §§ 1, 2, 5-5-69  
 Ord. No. 3266, § 1, 6-2-69  
 Ord. No. 3279, § 1, 6-23-69  
 Ord. No. 3298, § 1, 7-21-69  
 Ord. No. 3344, § 2, 10-16-69  
 Ord. No. 3405, § 1, 2-2-70  
 Ord. No. 3428, § 1, 3-23-70  
 Ord. No. 3429, § 1, 3-23-70  
 Ord. No. 3444, § 1, 5-18-70  
 Ord. No. 3512, § 1, 8-31-70  
 Ord. No. 3534, § 1, 10-12-70  
 Ord. No. 3581, § 1, 1-4-71  
 Ord. No. 3582, § 1, 1-4-71  
 Ord. No. 3635, §§ 1, 2, 5-12-71  
 Ord. No. 3648, §§ 1-4, 5-10-71  
 Ord. No. 3710, §§ 1, 2, 9-7-71  
 Ord. No. 3768, § 1, 12-20-71  
 Ord. No. 3838, §§ 1-4, 5-1-72  
 Ord. No. 3863, §§ 1-4, 6-12-73  
 Ord. No. 3914, §§ 1, 2, 9-5-72  
 Ord. No. 3968, § 1, 1-22-73  
 Ord. No. 4014, § 1, 4-23-73  
 Ord. No. 4025, § 1, 5-21-73  
 Ord. No. 4027, § 1, 5-29-73  
 Ord. No. 4038, § 2, 6-25-73  
 Ord. No. 4065, § 1, 7-16-73  
 Ord. No. 4075, § 1, 8-6-73  
 Ord. No. 4105, § 1, 11-5-73  
 Ord. No. 4119, § 2, 12-11-73  
 Ord. No. 4142, § 1, 2-25-74  
 Ord. No. 4182, § 1, 5-28-74  
 Ord. No. 4194, § 1, 6-3-74  
 Ord. No. 4198, § 2, 6-17-74  
 Ord. No. 4203, § 2, 7-1-74  
 Ord. No. 4218, § 1, 7-22-74  
 Ord. No. 4239, § 1, 9-9-74  
 Ord. No. 4241, § 1, 9-9-74  
 Ord. No. 4306, § 1, 1-13-75  
 Ord. No. 4371, § 1, 6-30-75  
 Ord. No. 4381, § 1, 8-4-75  
 Ord. No. 4425, § 2, 12-30-75  
 Ord. No. 4445, § 1, 2-17-76  
 Ord. No. 4523, § 2, 6-21-76  
 Ord. No. 4528, § 1, 6-28-76  
 Ord. No. 4643, § 1, 5-23-77  
 Ord. No. 4682, § 2, 7-5-77  
 Ord. No. 4735, § 2, 12-19-77  
 Ord. No. 4849, §§ 2, 3, 7-3-78  
 Ord. No. 4859, § 1, 8-7-78  
 Ord. No. 4872, § 1, 9-5-78  
 Ord. No. 4896, § 1, 10-23-78  
 Ord. No. 4905, §§ 1, 2, 11-13-78  
 Ord. No. 4939, §§ 1, 2, 2-12-79  
 Ord. No. 4984, § 2, 6-4-79  
 Ord. No. 5007, §§ 1, 2, 7-2-79  
 Ord. No. 5032, § 1, 9-4-79  
 Ord. No. 5061, §§ 1, 2, 11-13-79  
 Ord. No. 5085, § 1, 1-7-79  
 Ord. No. 5146, §§ 1, 2, 5-5-80  
 Ord. No. 5164, § 2, 5-27-80  
 Ord. No. 5199, § 1, 8-4-80  
 Ord. No. 5305, §§ 1, 2, 2-9-81  
 Ord. No. 5365, § 1, 6-8-81  
 Ord. No. 5399, §§ 2, 3, 7, 6-29-81  
 Ord. No. 5413, § 1, 8-3-81  
 Ord. No. 5599, §§ 1, 3-5, 9, 6-28-82  
 Ord. No. 5624, § 1, 8-3-82  
 Ord. No. 5677, § 1, 11-8-82  
 Ord. No. 5798, §§ 1, 3, 8, 7-5-83  
 Ord. No. 5832, § 1, 8-1-83  
 Ord. No. 5850, §§ 1-3, 9-6-83  
 Ord. No. 5901, § 1, 11-21-83  
 Ord. No. 5903, § 1, 11-21-83  
 Ord. No. 5951, § 1, 2-13-84  
 Ord. No. 6007, § 1, 4-30-84  
 Ord. No. 6040, §§ 1, 3, 8, 6-25-84  
 Ord. No. 6071, § 1, 8-6-84  
 Ord. No. 6114, §§ 1-3, 11-5-84  
 Ord. No. 6169, § 1, 2-11-85  
 Ord. No. 6264, §§ 1, 3, 8, 6-24-85  
 Ord. No. 6302, §§ 1, 2, 9-3-85  
 Ord. No. 6329, § 1, 11-18-85  
 Ord. No. 6332, § 1, 11-25-85  
 Ord. No. 6338, § 1, 11-25-85  
 Ord. No. 6452, § 1, 3, 6-16-86  
 Ord. No. 6506, § 1, 9-2-86  
 Ord. No. 6613, § 1, 1-12-87  
 Ord. No. 6643, § 1, 3-16-87  
 Ord. No. 6735, §§ 1, 5, 10, 7-6-87  
 Ord. No. 6772, §§ 1, 2, 9-14-87  
 Ord. No. 6840, § 1, 11-16-87  
 Ord. No. 6913, § 1, 3-28-88  
 Ord. No. 6921, § 1, 4-4-88  
 Ord. No. 6945, § 1, 5-9-88  
 Ord. No. 6960, §§ 1, 2, 6-6-88  
 Ord. No. 7004, §§ 1, 4, 9-11, 14, 7-5-88  
 Ord. No. 7024, § 1, 9-6-88  
 Ord. No. 7097, § 1, 11-28-88

Ord. No. 7151, §§ 1, 2, 3-6-89  
 Ord. No. 7196, §§ 1, 2, 5-15-89  
 Ord. No. 7243, §§ 7, 9, 12, 7-3-89  
 Ord. No. 7275, §§ 1 – 3, 9-11-89  
 Ord. No. 7312, §§ 1, 2, 11-13-89  
 Ord. No. 7350 § 1, 2-5-90  
 Ord. No. 7383, § 2, 3-19-90  
 Ord. No. 7439, § 1, 6-25-90  
 Ord. No. 7466, § 1, 8-6-90  
 Ord. No. 7497, § 1, 9-17-90  
 Ord. No. 7518, § 1, 11-19-90  
 Ord. No. 7549, § 1, 1-14-91  
 Ord. No. 7566, § 1, 2-25-91  
 Ord. No. 7599, §§ 1, 2, 4-1-91  
 Ord. No. 7605, §§ 1, 2, 4-15-91  
 Ord. No. 7653, §§ 1, 2, 6-24-91  
 Ord. No. 7691, §§ 1, 2, 9-16-91  
 Ord. No. 7780, §§ 1, 2, 3-16-92  
 Ord. No. 7906, § 1, 9-14-92  
 Ord. No. 7917, §§ 1, 2, 10-5-92  
 Ord. No. 7970, § 1, 1-4-93  
 Ord. No. 8022, § 1, 4-12-93  
 Ord. No. 8067, §§ 1, 2, 6-21-93  
 Ord. No. 8090, § 1, 7-6-93  
 Ord. No. 8092, § 1, 8-2-93  
 Ord. No. 8149, § 1, 11-1-93  
 Ord. No. 8166, § 1, 11-22-93  
 Ord. No. 8206, § 1, 2-7-94  
 Ord. No. 8316, § 1, 7-5-94  
 Ord. No. 8367, § 1, 9-12-94  
 Ord. No. 8378, § 1, 10-17-94  
 Ord. No. 8439, § 2, 1-23-95  
 Ord. No. 8444, § 1, 2-6-95  
 Ord. No. 8519, §§ 1, 2, 6-12-95  
 Ord. No. 8619, § 1, 1-2-96  
 Ord. No. 8712, § 2, 6-10-96  
 Ord. No. 8753, § 2, 8-5-96  
 Ord. No. 8791, § 1, 1-6-97  
 Ord. No. 8842, § 1, 3-17-97  
 Ord. No. 8844, § 1, 3-24-97  
 Ord. No. 8878, § 1, 6-9-97  
 Ord. No. 8975, § 1, 11-3-97  
 Ord. No. 9008, § 1, 2-2-98  
 Ord. No. 9055, § 1, 5-18-98  
 Ord. No. 9068, § 1, 6-8-98  
 Ord. No. 9093, § 1, 8-3-98  
 Ord. No. 9151, § 1, 11-2-98  
 Ord. No. 9191, § 1, 1-11-99  
 Ord. No. 9237, § 1, 6-14-99  
 Ord. No. 9347, § 1, 2-7-00  
 Ord. No. 9352, § 1, 2-28-00  
 Ord. No. 9399, § 1, 6-12-00  
 Ord. No. 9465, § 1, 9-25-00  
 Ord. No. 9475, § 1, 10-16-00  
 Ord. No. 9575, § 1, 6-25-01  
 Ord. No. 9588, § 1, 8-6-01  
 Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)  
 Ord. No. 9724, §§ 1, 2, 6-17-02  
 Ord. No. 9727, §§ 1, 2, 6-24-02  
 Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)  
 Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)

Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)  
 Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)  
 Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)  
 Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)  
 Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)  
 Ord. No. 10491, §§ 1, 2, 1-8-08  
 Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)  
 Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)  
 Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)  
 Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)  
 Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)  
 Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)  
 Ord. No. 11075, § 5, 5-21-13 (effective July 1, 2013)  
 Ord. No. 11134, § 2, 12-17-13  
 Ord. No. 11180, § 1, 6-3-14 (effective June 29, 2014)  
 Ord. No. 11233, § 1, 12-16-14  
 Ord. No. 11273, § 1, 6-9-15 (effective June 28, 2015)  
 Ord. No. 11291, § 3, 8-5-15  
 Ord. No. 11373, § 1, 6-7-16 (effective June 26, 2016)  
 Ord. No. 11407, § 1, 11-9-16 (effective November 27, 2016)  
 Ord. No. 11429, § 1, 1-24-17 (effective December 25, 2016)  
 Ord. No. 11464, § 1, 6-6-17 (effective June 25, 2017)

### Sec. 10-32. Administration of plan.

(a) Under the direction and supervision of the city manager, the human resources director shall administer the annual position-compensation plan which is predicated on performance and skill based components and principles. A skill based pay component of the position-compensation for any department will not be implemented or administered without prior approval of a department proposal by the human resource director. Consideration and implementation of a proposal for a skill based component requires:

- (1) That a comprehensive review of departmental work practices has been undertaken. This review shall include the evaluation of work practices, the identification of potential improvements that integrate organization change, new work practices and use of new technologies and,
- (2) That benefits and cost savings which will result from the utilization of a skill based pay component for the department have been identified and quantified.
- (3) That there has been a job analysis identifying skill, job description, skill objectives, training program supporting the acquisition of identified skills, and skill based compensation structure.

- (4) That the human resources is satisfied with and approves the proposed skill based component to be appropriate for the classification involved.

(b) In no event shall a skill based pay component for a department be approved if the proposal results in the compensation of positions in a city classification both under the performance and skill based component of the compensation plan. (1953 Code, ch. 10, § 21; Ord. No. 7369, § 18, 3-12-90; Ord. No. 10003, § 3, 6-28-04)

**Cross references** – Duties of director of personnel pertaining to pensions, § 22-23; duties pertaining to group insurance, § 22-84.

**Sec. 10-33. Language communication compensation.**

(a) In addition to the compensation authorized by section 10-31, employees who use a language other than English, with proficiency at a conversational level as verified by the director of the department of human resources, a minimum of five (5) percent of the work week, or occupy a position designated by an appointing authority and approved by the city manager as a “language communication” position, shall receive extra compensation in the amount of thirty dollars (\$30.00) per pay period.

(b) Designation of a “language communication” position by the appointing authority and its authorization by the city manager shall be pursuant to procedures to be set forth in city administrative directives.

(c) The director of the department of human resources is responsible for the administration of the language communication compensation program, including, but not limited to, fixing: competency standards; verification procedures for confirming five (5) percent language usage; and criteria to be utilized by appointing authorities when designating “language communications” positions.

(Ord. No. 7937, § 1, 10-26-92; Ord. No. 9540, § 1, 4-16-01; Ord. No. 9562, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 3, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 3, 6-17-08, eff. 7-1-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**Sec. 10-33.1. Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish.**

(a) Effective July 1, 2011, commissioned police personnel who are certified as bilingual users of ASL or Spanish, who use ASL or Spanish a minimum of five (5) percent of the work week, or who occupy a position designated by the police chief and approved by the city manager as regularly requiring a certified bilingual user of ASL or Spanish, will receive eighty-five dollars (\$85.00) per pay period.

(b) Designation of a position as regularly requiring the use of a certified bilingual user of ASL or Spanish by the appointing authority and if authorized by the city manager, shall be pursuant to procedures to be set forth in city administrative directives.

(c) Certified bilingual officers who are receiving compensation under this section are not eligible for language communication compensation under section 10-33.

(d) The director of the department of human resources is responsible for establishing and/or adopting certification standards to ensure that bilingual ASL or Spanish proficiency is at a speed and technical level necessary to accomplish all critical aspects of a commissioned law enforcement officer’s duties in those languages. The department of human resources is also responsible for the administration of the certified ASL

or Spanish proficiency program including but not limited to verification procedures for confirming five (5) percent usage and criteria to be utilized by appointing authorities when designating a position as requiring certified bilingual user proficiency in ASL or Spanish language.

(Ord. No. 10165, § 4, 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, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

### **Sec. 10-34. Incentive pay for fire prevention inspectors.**

In addition to the compensation authorized by Tucson Code section 10-31, compensation in the amount of ninety-two dollars and thirty-one cents (\$92.31) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

International Certified Fire Investigator, certified by the International Association of Arson Investigators;

Fire Inspector II Certification, certified by the State Fire Marshal;

Public Education Specialist II, certified by the State Fire Marshal;

Uniform Fire Code Proficiency Certification, certified by the International Fire Code Institute;

Canine Handler Proficiency for Canine Odor Recognition and Detection of Accelerants, certified by Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

Compensation under this section will be awarded for only one certified designation regardless of the number of certified designations held.

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; 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, 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, 3, 6-7-16, eff. 6-26-16)

**Editor's note** – Ord. No. 3965, § 5, adopted Dec. 18, 1972, amended this Code by repealing former § 10-34, relative to the conversion of the salary range schedule to hourly, biweekly and approximate annual rates. The section was derived from the following: 1953 Code, ch. 10, § 35a; Ord. No. 2031, § 1, adopted May 16, 1960, and Ord. No. 2401, § 2, adopted Jan. 7, 1963. Subsequently, Ord. No. 8957 added a new § 10-34.

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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

### **Sec. 10-34.1. Assignment and incentive pay for maintaining paramedic certification and working as paramedics.**

Paramedic assignment pay of one hundred fifty dollars (\$150.00) per month will be paid to commissioned fire personnel who:

- (1) Are promoted to and remain in the classification of paramedic; or

- (2) Are in non-paramedic classifications, have completed new hire probation, possess a national and/or state certification (EMT-P) and are minimally available to work one (1) twenty-four-hour shift per month as a paramedic, which work availability is subject to verification by the fire chief.

(Ord. No. 9399, § 2, 6-12-00; Ord. No. 9522, § 1, 3-5-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10289, § 4, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

### **Sec. 10-35. Fire battalion chief call back shift pay.**

In addition to the compensation authorized by Tucson Code Section 10-31, compensation in the amount of two hundred fifty dollars (\$250.00) for each twelve-hour shift worked outside of a normally scheduled shift shall be paid to full time employees assigned to suppression duties who hold positions in the Fire Battalion Chief Classification.

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; 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, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10948, § 1, 12-5-11; 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)

**Editor's note** – Section 10-35, relating the rate of pay for a class of an employee's original appointment, derived from the 1953 Code, ch. 10, § 22, and Ord. No. 1980, § 1, adopted Nov. 16, 1959, was repealed by § 1 of Ord. No. 7369, adopted Mar. 12, 1990. Subsequently, Ord. No. 9091, § 1, adopted July 6, 1998, added a new § 10-35.

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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

### **Sec. 10-36. Probationary periods.**

All original and promotional appointments of eligible persons to permanent positions shall be made subject to a probationary period. Such probationary period shall commence with the date of appointment, except for entrance into the uniformed service of the police or fire department, when the probationary period shall commence when the employee enters the police or fire training academy. The length of probationary periods shall be as established by civil service commission rules and regulations.

(1953 Code, ch. 10, § 23; Ord. No. 1980, § 2, 11-16-59; Ord. No. 5000, § 9, 6-25-79; Ord. No. 5398, § 1, 6-29-81; Ord. No. 5598, § 1, 6-28-82; Ord. No. 6735, § 2, 7-6-87; Ord. No. 7004, § 5, 7-5-88; Ord. No. 7243, §§ 2, 3, 7-3-89)

### **Sec. 10-37. Reallocation.**

*Sec. 10-37(1). Reallocation of positions compensated under skill based pay components of the compensation plan.*

(a) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's skill level is greater than the incumbent's current pay level the incumbent shall receive a pay increase commensurate with the skill pay level and the incumbent's anniversary date shall be changed.

(b) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's skill level is equal to the incumbent's current pay level or falls between two (2) points within the skill level band the incumbent shall move to the higher level in the range. The anniversary date shall not change. The incumbent must attain the assigned skill level within the next six (6) months to retain the assigned pay level.

(c) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's current salary is higher than the incumbent's skill pay level the incumbent shall enter the structure with no change to current salary. The anniversary date shall not change. The incumbents 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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**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.
- (4) *Deductions.* Longevity pay will be subject to all applicable taxes and pension deductions. Such deductions will be made from longevity pay for amounts withheld.
- (5) *Table.* A table of longevity payments will be established by the finance department showing semiannual longevity payment amounts at each pay step for each “percentage of annual pay” and will be available for use of all concerned.
- (6) *Determination of eligibility.* The personnel department will be responsible for the accurate determination twice each year of each employee’s length of service, including approved prior service credit, if any, and the resulting eligibility for the proper annual percentage of longevity pay.
- (7) *Eligibility for benefits.* The provisions of this section shall not be applicable to any individual entering into employment with the city on or after May 1, 1977.

(Ord. No. 3345, § 1, 10-16-69; Ord. No. 3597, § 1, 1-25-71; Ord. No. 4077, § 1, 8-6-73; Ord. No. 4330, § 1, 2-24-75; Ord. No. 4642, § 1, 5-2-77; 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, 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. 10-53. Pipeline protection program; compensation.**

(a) In addition to the compensation authorized by section 10-31, city water department employees, when assigned to the pipeline protection program and receiving training in the pipeline protection skills verified as necessary by the human resource director, shall receive a pay increase of seven and one-half (7 1/2) percent calculated on the employee’s base salary as designated by the annual compensation plan.

(b) In addition to the compensation authorized by section 10-31, city water department employees, when assigned to the pipeline protection program and fully trained in the pipeline protection skills verified as necessary by the director of human resources, shall receive a pay increase of ten (10) percent calculated on the employee’s base salary as designated by the annual compensation plan.

(c) In accordance with Rule VI Section 8 of the Rules and Regulations of the Civil Service Commission of the City of Tucson, pipeline protection program work assignments are temporary and at the discretion of the director of the water department; assignment to and removal from the pipeline protection program is not appealable to the city service commission.

(d) The director of human resources is responsible for the administration of pipeline protection program compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a pipeline protection program assignment.

(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; 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, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**Sec. 10-53.1. Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.**

(a) An allowance of twenty-five dollars (\$25.00) per month shall be paid to permanent city civil service employees and elected officials and appointed employees working in the downtown city area bounded by 6<sup>th</sup> Street as the Northern Border, 12 Street as the Southern Border, I-10 as the Western Border and 4<sup>th</sup> Avenue as the Eastern Border, subject to the exception of subparagraph (b) following.

(b) Permanent and probationary city civil service employees and elected officials and appointed employees, working within the downtown boundaries of subparagraph (a) who utilize an assigned marked city vehicle for all or part of their commute, are provided parking by a city department, or receive a vehicle allowance instead of an assigned city vehicle are excepted from the allowance. Additionally, permanent and probationary employees and appointed employees of the Tucson Police Department, Fire Department and the Tucson Convention Center are excepted from the allowance.

(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**Sec. 10-53.2. Maintenance management program, assignment and incentive pay compensation.**

(a) City water department employees assigned to the maintenance management program team shall receive incentive pay of three hundred dollars (\$300.00) provided the team fully achieves quarterly team performance metrics, as verified by the director of human resources.

(b) Maintenance management program work assignments are at the discretion of the director of the water department; assignment to and removal from the maintenance management program is not appealable to the civil service commission

(c) The director of human resources is responsible for the administration of incentive pay associated with the maintenance management program. The human resources director shall fix competency and proficiency standards, verify and competencies and set criteria to be utilized by the water department director when making a maintenance management program assignment and verify that performance team metrics are met before any quarterly incentive payment is made.

(d) This section is subject to annual readoption and reenactment by the mayor. (Ord. No. 9797, § 1, 12-9-02; Ord. No. 10003, § 8, 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,

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. 10-53.3. Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain.**

(a) A career enhancement program (CEP) with a biannual compensation incentive for educational attainment, participation in special assignments and fitness levels is authorized. It shall be developed and administered by the police department with the human resources director having program oversight and control. This oversight and control shall include approval of any competency and proficiency standards, educational standards and other such criteria. The human resources department shall verify that program requirements are met and/or maintained before any biannual compensation is made to anyone authorized to participate in the CEP.

(b) There shall be three (3) levels of graduated CEP pay based on points:

- (1) Level One, 20 points. . . . . \$150.00
- (2) Level Two, 30 points. . . . . \$250.00
- (3) Level Three, 40 points. . . . . \$350.00

(c) Commissioned police personnel through rank of captain participating in the CEP will receive CEP biannual incentive compensation dependent on CEP points attained. Compensation will be paid biannually on the second payday in March and September, except

for the first payment after commencement of the program, which shall be paid on the second payday of June, 2005. To be eligible for the biannual payments, points must be attained prior to the cutoff date for submitting the form for processing payment. The form must be correctly submitted no later than February 28, for the March payment and August 31 for the September payment, except that the form for the first payment after commencement of the program must be submitted no later than April 1, of 2005.

(d) Annual compensation recommendations for CEP will be on a total compensation basis and not on top of or in excess of the salary/benefits budget and will be addressed through the normal budgeting process and is subject to annual re-adoption and reenactment by the mayor and council as part of the annual compensation plan.

(Ord. No. 10136, § 1, 3-22-05; 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, 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. 10-53.4. Additional compensation for certain public safety command staff.**

The following public safety classifications shall receive four thousand dollars (\$4,000.00) annually in addition to the compensation provided in the Annual Compensation Plan Schedules to be paid biweekly.

The classifications to receive this additional compensation are police lieutenant, police lieutenant-assignments to captain and assistant police chief, fire

battalion chief, and fire battalion chief-assignments to staff and assistant fire chief.

(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 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, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 3, 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)

**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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

#### **Sec. 10-53.5. Honor guard assignment pay for fire commissioned personnel.**

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents (\$25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules. (Ord. No. 10289, § 6, 6-27-06; 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, 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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employees, effective June 26, 2016. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

#### **Sec. 10-53.6. Reserved.**

**Editor's note** – Section 10-53.6, additional compensation to defray housekeeping costs for commissioned fire personnel, was repealed by § 4 of Ord. No. 11291, adopted August 5, 2015, effective July 12, 2015. The section had been derived from Ord. Nos. 10426, 10558, and 11273.

#### **Sec. 10-53.7. Certified crane operator assignment and incentive pay program.**

(a) In addition to the compensation authorized by section 10-31, city water department employees, trained, certified, and licensed for the operation and maintenance of telescopic boom cranes (TSS) boom truck fixed cab (BTF), shall receive a pay increase of five dollars per hour (\$5.00) added to the employee's base salary as designated by the annual compensation plan when assigned to and during the operation of the telescopic boom cranes.

(b) Telescopic boom crane operation work assignments are temporary and at the discretion of the director of the water department; assignment to and removal from (TSS) (BTF) crane operation is not appealable to the city civil service commission.

(c) The director of human resources is responsible for the administration of certified crane operator and assignment compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a certified crane operator assignment. (Ord. No. 11240, § 1, 2-4-15; 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. 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. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017.

**Sec. 10-53.8. Certified compressed natural gas inspector assignment and incentive pay program.**

(a) In addition to the compensation authorized by section 10-31, compensation in the amount of seventy-six dollars and ninety-two cents (\$76.92) per pay period shall be paid to general services department employees certified as Compressed Natural Gas (CNG) Inspectors, accepted in the CNG Inspection program, and assigned to perform CNG inspections.

(b) Assignment to the CNG program is temporary and at the discretion of the director of the general services department; assignment to and removal from the CNG Program is not appealable to the city civil service commission.

(c) The director of human resources is responsible for the administration of certified Compressed Natural Gas Inspector and assignment compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the general services department director when making a CNG inspector assignment.

(Ord. No. 11280, § 1, 6-23-15, eff. 7-1-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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.

**ARTICLE III. RESERVED**

**Sec. 10-54. Reserved.**

**Editor's note** – Section 10-54, the executive pay plan, was repealed by § 1 of Ord. No. 7383, adopted Mar. 19, 1990. The section had been derived from Ord. Nos. 4850, 4940, 4985, 5164, 5399, 5599, 5798, 6040, 6264, 6735, 7004, 7243, 7275. See now § 10-31.

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## Chapter 11

### CRIMES AND OFFENSES\*

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<b>Art. II.</b>	<b>Methamphetamine; Synthetic Cannabinoids, §§ 11-71 – 11-87</b>
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Sec. 11-26.	Reserved.
Sec. 11-27.	Same – False entries on register.
Sec. 11-28.	Indecency, lewdness – Acts prohibited.
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\***Cross references** – General penalty and continuing violation, § 1-8; treatment of prisoners generally, § 1-9 et seq.; motor vehicles and related offenses, ch. 20.

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- Sec. 11-29. Indecent exposure.
- Sec. 11-30. Prohibition of hate crimes and institutional vandalism; penalties.
- Sec. 11-30.1. Same – Minimum penalty; subsequent convictions.
- Sec. 11-31. Lampposts, hydrants, brackets; injuring.
- Sec. 11-32. Legal business; soliciting by police.
- Sec. 11-33. Aggressive solicitation, legislative findings; definitions.
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- Sec. 11-33.2. Penalties.
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- Sec. 11-58. Water ditches, natural drainage channels – Deposit of offensive matter; obstructions.
  
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- Sec. 11-60. Same – Duty to clean upon notice.
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- Sec. 11-64. Professional strikebreakers; employment, recruitment or furnishing as replacements for employees involved in labor disputes unlawful.
  
- Sec. 11-65. Unattended child in motor vehicle; classification.
- Sec. 11-66. Throwing stars; sale to minors prohibited, possession by minors prohibited.
- Sec. 11-67. Prohibition of certain automatic dialing and prerecorded message alarm systems.
- Sec. 11-68. Prohibition of containers in community center premises.
- Sec. 11-69. Prohibition of certain items and activities at the Rodeo Parade and other parade events.
  
- Sec. 11-70. Police authority over Rodeo Parade peddlers.
- Sec. 11-70.1. Operating motor vehicle off the roadway prohibited; definitions; exceptions; impoundment; hearing; penalties.
- Sec. 11-70.2. Violation declared misdemeanor; penalties.

### **Article II. Methamphetamine; Synthetic Cannabinoids**

- Sec. 11-71. Sale of products containing pseudoephedrine.
- Sec. 11-72. Retail establishment's right to refuse sale.
- Sec. 11-73. Possession, sale or distribution of certain synthetic cannabinoids.
- Secs. 11-74 – 11-87. Reserved.

- (c) When the person is operating a motor vehicle actually used in the process of farming or ranching.
  - (d) When the person is operating a motor vehicle owned by a business or enterprise licensed by the city and used in the legitimate off-road operations of the business or enterprise, such as sand and gravel operations, land surveying operations, construction companies, utility companies, and other similar enterprises.
  - (e) When the person is a governmental employee operating a vehicle while on government business.
  - (f) When the person is operating a golf cart on a golf course.
- (c) If a continuance is granted to the defendant for good cause, the impounded vehicle may be released upon the posting of a cash bond covering the cost of the towing, impoundment and potential fine. If a continuance is granted to the city for good cause, the impounded vehicle shall be released forthwith without the necessity of a bond.
  - (d) If a case is continued, the hearing officer shall set the hearing within thirty (30) days.
  - (e) If judgment is entered in favor of the defendant the impounded vehicle shall be released forthwith to the operator or owner of the impounded vehicle without any towing or impoundment cost and any bond posted shall be returned to the person posting the bond.

*Sec. 11-70.1(4). Impoundment of the Vehicle, Hearing Procedures.* The citing authority shall impound or cause to be impounded any motor vehicle operated in violation of this section and issue a civil citation giving notice that there shall be a hearing within forty-eight (48) hours excluding weekends and holidays before a hearing officer. The hearing officer shall determine the responsibility of the operator and the release of the vehicle pursuant to the following procedures:

- (a) The defendant shall admit or deny the allegations of the citation. If the defendant admits the allegations, the hearing officer shall immediately enter judgment against the defendant. If the defendant denies the allegations, the hearing officer shall hold the hearing immediately. If the defendant fails to appear as directed on the citation, the hearing officer shall enter a default judgment against the defendant and order the police department to continue to hold the impounded vehicle and dispose of the vehicle pursuant to sections 20-13 and 20-14 of this Code.
- (b) Immediately after the hearing, if the hearing officer determines the existence of a violation, the hearing officer shall enter judgment in favor of the plaintiff and penalties shall be assessed pursuant to this section. Otherwise, judgment shall be entered in favor of the defendant.

- (f) In the event of a conflict between the provisions of this section and the provisions of chapter 8 of this Code, the provisions of this section shall control.

*Sec. 11-70.1(5). Penalties, Return of Impounded Vehicle.*

- (a) If judgment is entered against the defendant, the hearing officer shall impose a fine for a first offense of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per violation. For a second offense, the hearing officer shall impose a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per violation. The imposition of any fine under this section shall not be suspended. If there is a bond posted, the bond shall be forfeited except when posted by a person other than the defendant.

When the bond is posted by someone other than the defendant, the bond shall be held for ten (10) days, unless the penalties are paid earlier. Notice shall be sent to the person posting the bond informing the person that the bond will be forfeited unless the penalties are paid within ten (10) days from the date judgment was entered. If after notice has been sent to the poster of the bond and the

penalties are not paid within the prescribed 10-day period, the hearing officer shall order the bond to be forfeited.

- (b) The hearing officer shall order the release of the impounded vehicle to the operator or owner upon payment of the fine, towing and impoundment fees.
- (c) If the fine, towing and impoundment fees are not paid within ten (10) days, the hearing officer shall inform the police department to proceed pursuant to section 20-13 and 20-14 of this Code.

(Ord. No. 6675, § 1, 3-23-87; Ord. No. 8958, § 3, 9-22-97)

**Editor’s note**—Section 1 of Ord. No. 6675, adopted Mar. 23, 1987, added § 11-70, which the editor has redesignated § 11-70.1 in order to avoid duplication of section numbers.

**Sec. 11-70.2. Violation declared misdemeanor; penalties.**

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(Ord. No. 10494, § 2, 1-15-08)

**Editor’s note**—Ord. No. 10494, § 2, adopted Jan. 15, 2008, added § 11-71, which the editor has redesignated as § 11-70.2 in order to avoid duplication of section numbers.

**ARTICLE II. METHAMPHETAMINE; SYNTHETIC CANNABINOIDS\***

**Sec. 11-71. Sale of products containing pseudoephedrine.**

(a) Definitions. For the purposes of this article, the following definitions apply:

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\* **Editor’s note**—Prior to reenactment by Ord. No. 10211, § 1, adopted Oct. 18, 2005, effective Nov. 1, 2005, Ord. No. 9816, § 6, adopted Feb. 24, 2003, repealed former Art. II, §§ 11-71 – 11-84, and enacted similar provisions set out in new § 16-31. Former Art. II pertained to noise and derived from Ord. No. 5890, § 1, adopted Oct. 11, 1983; Ord. No. 6043, § 21, June 25, 1984; Ord. No. 8956, § 1, adopted Nov. 3, 1997; Ord. No. 9394, §§ 1 – 3, adopted June 5, 2000. See the Code Comparative Table.

(1) Pseudoephedrine product means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudoephedrine product.

(2) *Retail establishment* means any place of business that offers any pseudoephedrine product for sale at retail.

(3) *Permittee* means any person who holds or is required to hold a license or permit to sell drugs at retail pursuant to Title 32, Chapter 18 of the Arizona Revised Statutes.

(b) The operator and the permittee of a retail establishment shall keep all pseudoephedrine products behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.

(c) A violation of this section is a class 1 misdemeanor.

(d) Any pseudoephedrine products found to be displayed in a retail establishment in violation of subsection (b) constitute a nuisance and are subject to seizure and disposal by the city in the manner provided in subsection (e) of this section.

(e) Products subject to seizure under this section may be seized by a peace officer under the authority of a search warrant or upon probable cause to believe that the products are subject to seizure pursuant to subsection (d). Before removing any products subject to seizure from the retail establishment, the peace officer shall give the operator or permittee of the establishment a reasonable opportunity to remove the products from the area of the establishment accessible to the public, unless the operator or permittee has been afforded this opportunity on a previous occasion within the preceding twelve (12) months.

(f) At the time of seizing any products under this section, the peace officer shall deliver a notice of intent to dispose of the seized products. This notice shall include the date and location of the seizure, an inventory of the items seized, a description of how a post-seizure hearing may be requested, the time limit for requesting that hearing, and a warning that failure to request the hearing in a timely manner will result in the disposal and destruction of the seized property. The notice required under this subsection shall be served on the operator or permittee of the retail establishment present at the time of the seizure, or if that person cannot be identified at the time of the seizure, on any employee of the establishment.

(g) A person receiving a notice of intent to dispose under this section may request a post-seizure hearing to determine the validity of the seizure within fifteen (15) days of receiving the notice. The court shall conduct the hearing within ten (10) days of the court's receipt of the request, excluding weekends and holidays. Failure to request the hearing in a timely manner, or failure to attend a scheduled hearing, constitutes a waiver of the right to challenge the validity of the seizure. At the hearing, the city shall have the burden of establishing by a preponderance of the evidence that the property was subject to seizure pursuant to subsections (b) and (d) of this section. At the hearing, the court may admit any reliable and relevant evidence. If the court finds that the products were not subject to seizure, it shall order the immediate return of all seized items. If the court finds that the products were properly seized pursuant to this section, the court shall order that the products are forfeited to the city, and shall direct the city to destroy and dispose of the products.

(h) The requirements of this section are in addition to any requirements under state and federal law.

(Ord. No. 10211, § 1, 10-18-05)

**Sec. 11-72. Retail establishment's right to refuse sale.**

Any operator, permittee, or employee of a retail establishment may refuse to sell any pseudoephedrine product to any person if the operator, permittee or employee has reason to believe that the product will be used in the unlawful manufacture of methamphetamine or other controlled substance. Facts that give rise to the reason to believe that the product will be used

unlawfully include but are not limited to a "suspicious transaction" as defined in Section 13-3401 of the Arizona Revised Statutes; the attempted purchase of pseudoephedrine products in excess of the amounts permitted by Arizona law; the attempt to purchase pseudoephedrine products in a series of transactions in an effort to circumvent the limitations on sales; or the attempt to purchase pseudoephedrine products in conjunction with other products, such as red phosphorous or iodine, that are known to be used in manufacturing methamphetamine. Any person who refuses to make a retail sale in accordance with this section is not liable to its customer or any other person for any loss or damage caused in whole or in part by the refusal to sell.

(Ord. No. 10211, § 1, 10-18-05)

**Sec. 11-73. Possession, sale or distribution of certain synthetic cannabinoids.**

(a) *Definitions.* For the purposes of this section:

*Licensee* means the person licensed or required to be licensed pursuant to Chapter 19 of this Code.

*Prohibited synthetic cannabinoid* means any material, compound, mixture or preparation that contains any quantity of the following cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the following specific chemical designation:

(1) Any synthetic cannabinoid designated within A.R.S. Section 13-3401; and

(2) EG-018.

*Retail establishment* means any business or other establishment that is engaged in the business of sales of tangible personal property at retail.

(b) *Prohibitions.* It is unlawful for any person or any operator or licensee of a retail establishment to sell, offer for sale, display for sale, or distribute any prohibited synthetic cannabinoid in the corporate limits of the city. This prohibition is in addition to any act otherwise prohibited under Arizona or federal law, and nothing in this section limits or in any way affects any other provision of Arizona or federal law.

(c) *Classification and penalties.* Any violation of this section is a public nuisance and is punishable as follows:

1. A violation of this section is a class 1 misdemeanor. Each day during which a violation of this section occurs shall constitute a separate offense. In addition to any other penalties imposed according to law, any person found guilty of this section shall be liable for payment of the costs of prosecution and all investigative costs incurred, including but not limited to any cost for forensic or laboratory testing.
2. Alternatively, a violation of this section may be charged as a civil infraction, with penalties and sanctions as provided in Chapter 8 of this Code. In addition to any other penalties imposed under Chapter 8, any person found responsible for a civil infraction violation of this section shall be liable for payment of the costs of prosecution and all investigative costs incurred, including but not limited to any cost for forensic or laboratory testing. Upon finding a person or retail establishment responsible for a civil infraction violation of this section, the court or hearing officer shall issue an abatement order as provided in Section 8-6.1 of this Code, ordering the person and/or retail establishment to abate the violation(s) and to remain in compliance with the abatement order for one (1) year, and advising the person and/or retail establishment that any violation of the order shall result in the imposition of additional fines and penalties, and may cause the filing of a criminal charge for failure to obey an order to abate, the penalties for which include mandatory jail pursuant to Section 11-122 of this Code.
3. In addition to the remedies and penalties described above, the City of Tucson shall have the authority to seek an injunction against any person or retail establishment violating the provisions of this section. In any action seeking an injunction, the city shall be entitled to collect its enforcement expenses, including forensic costs, law enforcement costs and reasonable attorney fees and costs incurred.
4. In addition to the remedies and penalties described above, for any retailer who is a licensee under Chapter 7, Article XIX of this Code relating to retail tobacco sales, violations of this section shall be a basis for the suspension of that license as follows:
  - i. The license of a licensee who violates this section on two (2) separate dates within a twelve (12) month period shall be suspended for a period of thirty (30) days.
  - ii. The license of a licensee who violates this section on three (3) separate dates within a twelve (12) month period shall be suspended for a period of twelve (12) months.

License suspensions under this subsection shall be administered as provided in Section 7-436 of this Code. A licensee under Chapter 7, Article XIX shall be notified in writing within ten (10) days by the police department whenever an operator or employee of the licensee is cited for a violation of this section, and the license shall not be suspended in the absence of such notification.
- (d) *Seizure.* Any product found to be displayed for sale or offered for sale in violation of this section constitutes a nuisance and is subject to seizure by law enforcement. Products subject to seizure under this section may be seized by a peace officer under the authority of a search warrant or upon probable cause to believe the product is subject to seizure as provided in this section.
- (e) *Injunctive relief.* The City of Tucson shall have the authority to seek an injunction against any person or retail establishments violating the provisions of this section. In any action seeking an injunction, the city shall be entitled to collect its enforcement expenses, including forensic and laboratory costs, law enforcement costs and reasonable attorney fees and costs incurred.
- (f) *Defense.* It shall be a defense to any prosecution under this section that a product is specifically exempted by, or regulated within and in compliance with, state or federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is specifically exempt from regulation; mere "non-

regulation" without a specific regulatory exemption does not render a product exempt under this section. (Ord. No. 11460, § 2, 5-23-17)

**Secs. 11-74 – 11-87. Reserved.**

### ARTICLE III. SMOKING\*

**Sec. 11-88. Reserved.**

**Editor's note**—Section 11-88 was repealed by § 2 of Ord. No. 6384. The provisions were reenacted by 4 as a new 11-67.

**Sec. 11-89. Smoking prohibited in specified places, exceptions.**

No person shall smoke or carry a lighted cigar, cigarette or pipe, or use a match or flame-producing device for lighting any of them in any of the following places and at the following times:

- (1) *Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, pipe, cigarette, weed, plant or other combustible substance in any manner or in any form.
- (2) Smoking is prohibited in any public vehicle, any area placarded as a "No Smoking" area, or an enclosed structure, such as, but not limited to, taxicabs, lobbies, hallways, restrooms, stairways, malls, stores, theaters, locker rooms, conference rooms and recreation rooms.
  - (a) Smoking will be permitted by performers when smoking is required by a script as an integral part of a performance.
  - (b) This article does not apply to places where smoking is regulated or prohibited by federal, state or county laws.
  - (c) This section includes structures under the control of the city.

(d) This article does not apply to bars, bowling alleys, pool halls, restaurants, retail tobacco stores, private homes, hotel and motel rooms rented to guests, hotel and motel conference or meeting rooms and public or private assembly rooms when used for private functions, or private vehicles. The exceptions of this provision do not apply if the area is placarded as "No Smoking."

(3) In designated areas of the workplace as defined and set forth herein.

(a) *Purpose.* Because smoking is a danger to health and is a cause of annoyance and discomfort to those who are present in smoky, confined spaces, the purpose of this section is to protect the public health and welfare by regulating smoking in the workplace.

(b) *Definitions.*

(i) *Workplace* means any enclosed area of a structure or portion thereof intended for occupancy by any business entity. "Workplace" includes but is not limited to offices, factories, retail stores, hospitals, libraries, and service establishments.

(ii) *Employer* means any person who employs the services of an individual person.

(iii) *Employee* means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

(c) Within ninety (90) days of the adoption of this section, each employer shall adopt, implement, and maintain a written policy regulating smoking by employees which shall contain at a minimum the following:

\* **Editor's note**—Section 1 of Ord. No. 6384, adopted Feb. 3, 1986, changed the title of this article from "Nuisances" to "Smoking."

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## Chapter 12

### ELECTIONS\*

<b>Art. I.</b>	<b>Definitions, § 12-1</b>
<b>Art. II.</b>	<b>Voter Qualifications and Registrations, §§ 12-2 – 12-10</b>
<b>Art. III.</b>	<b>Conduct of Elections, §§ 12-11 – 12-38</b>
<b>Art. IV.</b>	<b>Vote by Mail Elections and Early Voting, §§ 12-39 – 12-53</b>
<b>Art. V.</b>	<b>Financial Disclosure, §§ 12-54 – 12-63</b>
<b>Art. VI.</b>	<b>Nominations; Candidates, §§ 12-64 – 12-80</b>
<b>Art. VII.</b>	<b>Campaign Finance; Candidates, Political Action Committees, and Public Funding Program, §§ 12-81 – 12-109</b>
<b>Art. VIII.</b>	<b>Initiative, §§ 12-110 – 12-147</b>
<b>Art. IX.</b>	<b>Referendum, §§ 12-148 – 12-160</b>
<b>Art. X.</b>	<b>Recall, § 12-161 – 12-180</b>
<b>Art. XI.</b>	<b>Campaign Finance; Reporting for All Political Action Committees Intending to Influence any Petition Drive, §§ 12-181 – 12-190</b>
<b>Art XII.</b>	<b>Reporting of Independent Expenditures, § 12-191</b>

#### Article I. Definitions

Sec. 12-1. Definitions

#### Article II. Voter Qualifications and Registrations

Sec. 12-2. City clerk to compile and keep register of persons entitled to vote.  
Sec. 12-3. Qualifications of city electors.  
Sec. 12-4. Change of residence from one address to another.  
Sec. 12-5. Registration, residence in ward required.  
Sec. 12-6. Active registered voters.  
Secs. 12-7 – 12-10. Reserved.

#### Article III. Conduct of Elections

Sec. 12-11. Applicability of general election laws; duties of the mayor and council and city clerk.  
Sec. 12-12. Vote by mail elections authorized.  
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Sec. 12-14. All special elections to be conducted in same manner and under same provisions as general elections.  
Sec. 12-15. Voting locations for city elections.  
Sec. 12-16. City clerk may promulgate rules, regulations, procedures, and forms.  
Sec. 12-17. Form; preparation of ballot.  
Sec. 12-18. Form; early or mail ballot affidavit.  
Sec. 12-19. Rotation of names of candidates.  
Sec. 12-20. City clerk authorized to conduct hand counts.  
Sec. 12-21. City to bear costs incurred by city clerk.  
Sec. 12-22. Displaying United States flag at voting locations.  
Sec. 12-23. Appointment of voting location boards; vote by mail or early ballot boards, write-in boards; other election boards.  
Sec. 12-24. Authorized persons in voting locations during voting hours.  
Sec. 12-25. Prohibited electioneering within seventy-five (75) feet of city voting locations or sites where mail ballots may be cast.  
Sec. 12-26. Limits on permitted activities within the seventy-five (75) foot limit.  
Sec. 12-27. Grounds for challenging a voter.  
Sec. 12-28. Challenging of voters at a voting location; procedure.  
Sec. 12-29. Challenging of vote by mail and early ballots; procedure.  
Sec. 12-30. Release of unofficial election returns.  
Sec. 12-31. Adoption of official canvass of election.  
Secs. 12-32 – 12-38. Reserved.

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**\*Editor's note** – Former Chapter 12 was repealed and replaced in its entirety by Ord. 11245, adopted February 18, 2015, which was repealed and replaced in its entirety by Ord. 11457, adopted April 19, 2017.

**Charter references** – Power of city to regulate elections, ch. IV, § 1(20); elections generally, ch. XVI.

**Cross references** – Description of wards, § 1-19; additions to wards upon annexation, § 1-20.

**State law reference** – Municipal election and voters, A.R.S. §§ 9-821 – 9-825.

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### **Article IV. Vote by Mail Elections and Early Voting**

- Sec. 12-39. Election notice.
- Sec. 12-40. Mailing vote by mail ballots.
- Sec. 12-41. Request for early ballots; on-site early voting; emergency voting of electors.
- Sec. 12-42. Early ballot request forms distributed by candidates or political committees.
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- Sec. 12-45. Duties of city clerk on receiving a returned vote by mail or early ballot.
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- Secs. 12-48 – 12-53. Reserved.

### **Article V. Financial Disclosure**

- Sec. 12-54. Duty to file verified financial disclosure statement; exceptions.
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### **Article VI. Nominations; Candidates**

- Sec. 12-64. Qualifications of candidates.
- Sec. 12-65. Number of signatures required.
- Sec. 12-66. Nomination petition signers.
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- Sec. 12-68. Nomination petition signature withdrawal.
- Sec. 12-69. Filing of nomination paper, declaration and financial disclosure statement.
- Sec. 12-70. Filing of nomination paper, declaration and financial disclosure statement for write-in candidates.
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- Sec. 12-72. Filing and form of nomination petitions.
- Sec. 12-73. Penalty for petition forgery.
- Sec. 12-74. Limitations on appeals of validity of nomination petitions; disqualification of candidate.
- Secs. 12-75 – 12-80. Reserved.

### **Article VII. Campaign Finance; Candidates, Political Action Committees, and Public Funding Program**

- Sec. 12-81. Public matching funds program; campaign contract.
- Sec. 12-82. Campaign finance administrator; duties thereof.
- Sec. 12-83. Registration of political committees.
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## ELECTIONS

### Article VIII. Initiative

- Sec. 12-110. Application to circulate petitions; filing of statement of organization.
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- Sec. 12-130. Disposition of insufficient petitions.
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- Sec. 12-148. Applicability of referendum to city ordinances; 30-day period for referendum to be calculated from the date ordinance is made available from the city clerk.
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- Sec. 12-161. Petition authorized, number of signatures.
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**Article XI. Campaign Finance; Reporting for Political Action Committees Intending to Influence Any Petition Drive**

- Sec. 12-181. Definitions.
- Sec. 12-182. Requirements for petition drive political committees; no receipt of contributions or expenditures until requirements met; financial records to be preserved.
- Sec. 12-183. Time for filing of campaign finance reports by petition drive political committees; opening and closing reporting dates.
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**Article XII. Reporting of Independent Expenditures**

- Sec. 12-191. Supplemental reporting of independent expenditures in city limits.

## ARTICLE I. DEFINITIONS

### Sec. 12-1. Definitions.

(a) "*Advertisement*" means information or materials, other than nonpaid social media messages, that are mailed, e-mailed, posted, distributed, published, displayed, delivered, broadcasted or placed in a communication medium and that are for the purpose of influencing an election.

(b) "*Agent*" means any person who has actual authority, either expressed or implied, to represent or make decisions on behalf of another person.

(c) "*Anonymous contribution*" means a contribution that is missing information necessary to adequately identify the contributor.

(d) "*Ballot measure expenditure*" means an expenditure made by a person that expressly advocates the support or opposition of a clearly identified ballot measure.

(e) "*Best effort*" means that a committee treasurer or treasurer's agent makes at least one written effort, including an attempt by e-mail, text message, private message through social media or other similar communication, or at least one oral effort that is documented in writing to identify the contributor or an incomplete contribution.

(f) "*Business day*" means any day that is not a Saturday, Sunday, or legal holiday.

(g) "*Calendar quarter*" means a period of three (3) consecutive months ending on March 31, June 30, September 30 or December 31.

(h) "*Campaign Contract*" means a signed agreement between a candidate and the City wherein the candidate agrees to abide by limitations on candidate's personal contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter, in exchange for public matching funds.

(i) "*Campaign Period*" means the entire time from the date on which an individual becomes a candidate until the election or defeat of the candidate.

The campaign period ends on the date the mayor and council canvass and declare the results of the election at which the candidate is elected or defeated.

(j) "*Candidate*" means an individual who receives contributions or makes expenditures or who gives consent to another person to receive contributions or make expenditures on behalf of that individual in connection with the candidate's nomination, election or retention for any public office.

(k) "*Candidate, Public Funding*" means a candidate who has signed a campaign contract agreeing to limit their campaign expenditures in exchange for public matching funds.

(l) "*Clearly identified candidate*" means that the name or a description, image, photograph or drawing of the candidate appears or the identity of the candidate is otherwise apparent by unambiguous reference.

(m) "*Committee*" means a candidate committee, a political action committee or a political party.

(n) "*Contribution*" means any money, advance, deposit or other thing of value that is made to a person for the purpose of influencing an election. Contribution includes:

- (1) A contribution that is made to retire campaign debt from a previous election cycle.
- (2) Money or the fair market value of anything that is directly or indirectly provided to an elected official for the specific purpose of defraying the expense of communications with constituents.
- (3) The full purchase price of any item from a committee.
- (4) A loan that is made to a committee for the purpose of influencing an election, to the extent the loan remains outstanding.

(o) "*Controlling legislation*" means the legislation as outlined in section 12-11(a) of this code.

(p) "*Coordinated party expenditures*" means expenditures that are made by a political party to directly pay for goods or services on behalf of its nominee.

(q) "*Day*" means a calendar day unless otherwise specified.

(r) "*Direct Campaign Expense*" means expenses related directly to further the campaign of the individual candidate, such as printing campaign literature, media space or time, mailings, campaign headquarters rent, or paying for campaign staff salaries.

(s) "*Earmarked*" means a designation, instruction or encumbrance between the transferor of a contribution and a transferee that requires the transferee to make a contribution to a clearly identified candidate.

(t) "*Election*" means any election for any ballot measure or any candidate election during a primary, general, recall or special election for any office in the city.

(u) "*Election Campaign Account*" means a restricted account in the general fund into which shall be deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the city for the support of public election campaign financing, and such sums as may otherwise be appropriated to said account.

(v) "*Election cycle*" means the two (2) year period between the scheduled date of the city's general election and the scheduled date of the immediately following general election. For the purposes of a recall election, "election cycle" means the period between issuance of a recall petition serial number and the latest of the following:

- (1) The date of the recall election that is called pursuant to section 12-170 of this code.
- (2) The date that a resignation is accepted pursuant to section 12-169 of this code.
- (3) The date that the city clerk provides notice pursuant to section 12-167 of this code that the number of signatures is insufficient.

(w) "*Entity*" means a corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative, unincorporated organization or association or other organized group that consists of more than one (1) individual.

(x) "*Excess contribution*" means a contribution that exceeds the applicable contribution limits for a particular election.

(y) "*Expenditure*" means any purchase, payment, or other thing of value that is made by a person for the purpose of influencing an election.

(z) "*Expressly advocates*" is based on the determination by the city clerk who shall consider the following three (3) components:

- (1) Even if it is not presented in the clearest, most explicit language, speech is express if its message is unmistakable, unambiguous, and suggestive of only one (1) plausible meaning.
- (2) Speech may only be termed advocacy if it presents a clear plea for action, and thus speech that is merely informative is not covered by this article.
- (3) It must be clear what action is advocated. Speech cannot be considered express advocacy of the election or defeat of a clearly identified candidate when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. If any reasonable alternative reading of speech can be suggested, it cannot be express advocacy.

(aa) "*Family contribution*" means any contribution that is provided to a candidate's committee by the parent, grandparent, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members, regardless of whether the relation is established by marriage or adoption.

(bb) "*Firewall*" means a written policy that precludes one person from sharing information with another person.

(cc) "*Identification*" means:

- (1) For an individual, the individual's first and last name, residence location or street address and occupation and the name of the individual's primary employer.
- (2) For any other person, the person's full name and physical location or street address.

(dd) "*Incomplete contribution*" means any contribution that is received by a committee for which the contributor's complete identification has not been obtained. For public funding candidates this includes the original signature.

(ee) "*Independent expenditure*" means an expenditure by a person, other than a candidate committee, that complies with both of the following:

- (1) Expressly advocates the election or defeat of a clearly identified candidate.
- (2) Is not made without cooperation or consultation with or at the request or suggestion of a candidate or the candidate's agent.

(ff) "*Individual*" means a natural person.

(gg) "*In-kind contribution*" means a contribution of goods, services or anything of value that is provided without charge or at less than the usual and normal charge.

(hh) "*Itemized*" means that each contribution received or expenditure made is set forth separately.

(ii) "*Mega PAC status*" means official recognition that a political action committee has received contributions from five hundred (500) or more individuals in amounts of ten dollars (\$10) or more in the four (4) year period immediately before application to the secretary of state.

(jj) "*Nominee*" means a candidate who prevails in the primary election and includes the nominee's candidate committee.

(kk) "*Permanent Early Voting List*" or "*PEVL*" is a permanent list of voters, maintained by the county voter registrar, that elect to automatically receive an early ballot for any election for which the voter is a qualified elector.

(ll) "*Person*" means an individual or a candidate, nominee, committee, corporation, limited liability company, labor organization, partnership, trust, association, organization, joint venture, cooperative or unincorporated organization or association, as well as, a natural person.

(mm) "*Personal monies*" means any of the following:

- (1) Assets to which the individual or individual's spouse has either legal title or an equitable interest.
- (2) Salary and other earned income from bona fide employment of the individual or individual's spouse.
- (3) Dividends and proceeds from the sale of investments of the individual or individual's spouse.
- (4) Bequests to the individual or individual's spouse.
- (5) Income to the individual or individual's spouse from revocable trusts for which the individual or individual's spouse is a beneficiary.
- (6) Gifts of a personal nature to the individual or individual's spouse that would have been given regardless of whether the individual became a candidate or accepted a contribution.
- (7) The proceeds of loans obtained by the individual or individual's spouse that are secured by collateral or security provided by the individual or individual's spouse.

(8) Family contributions.

For public funding candidates, personal monies shall not exceed three percent (3%) of the maximum expenditure limit.

(nn) "*Political Action Committee*" means an entity that is required to register as a political action committee pursuant to section 12-83 of this code.

(oo) "*Primary purpose*" means an entity's predominant purpose. Notwithstanding any other law or rule, an entity is not organized for the primary purpose of influencing an election if all of the following apply at the time the contribution or expenditure is made:

- (1) The entity has tax exempt status under section 501(a) of the internal revenue code.
- (2) Except for a religious organization, assembly or institution, the entity has properly filed a form 1023 or form 1024 with the internal revenue service or the equivalent successor form designated by the internal revenue service.
- (3) The entity's tax exempt status has not been denied or revoked by the internal revenue service.
- (4) The entity remains in good standing with the corporation commission.
- (5) The entity has properly filed a form 990 with the internal revenue service or the equivalent successor form designated by the internal revenue service in compliance with the most recent filing deadline established by the internal revenue service regulations or policies.

(pp) "*Qualified Elector*" means any person who is qualified to register to vote pursuant to section 12-3 of this code and is properly registered.

(qq) "*Qualified Signer*" for purposes of nominating petitions, means any of the following:

- (1) A qualified elector who is a registered member of the party from which the candidate is seeking nomination.
- (2) A qualified elector who is a registered member of a political party that is not entitled to continued representation on the ballot.
- (3) A qualified elector who is registered as independent or no party preferred.

(rr) "*Resident*" means an individual who has actual physical presence in the City combined with intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following their absence. An individual has only one (1) residence for purposes of this chapter.

(ss) "*Separate segregated fund*" means a fund established by a corporation, limited liability company, labor organization or partnership that is required to register as a political action committee.

(tt) "*Social media messages*" means forms of communication, including internet sites for social networking or blogging, through which users create a personal profile and participate in online communities to share information, ideas and personal messages.

(uu) "*Sponsor*" means any person that establishes, administers or contributes financial support to the administration of a political action committee or that has common or overlapping membership or officers with that political action committee.

(vv) "*Standing committee*" means a political action committee or political party that is active in more than one (1) reporting jurisdiction in this state and that files a statement of organization in a format prescribed by the secretary of state.

(ww) "*Surplus monies*" means those monies of a terminating committee that remain after all of the committee's expenditures have been made, all debts have been extinguished and the committee ceases accepting contributions.  
(Ord. No. 11457, § 2, 4-19-17)

## ARTICLE II. VOTER QUALIFICATIONS AND REGISTRATIONS

### Sec. 12-2. City clerk to compile and keep register of persons entitled to vote.

(a) For every city election, the city clerk shall compile, from the information in the general county voting register, a complete record of all persons entitled to vote at that city election under the provisions of this article, which shall be known as the "City of Tucson Register of Voters."

(b) In a polling place election the City Clerk shall use the permanent early voting list provided by the Pima County Recorder to assist in the administration of elections.  
(Ord. No. 11457, § 2, 4-19-17)

### Sec. 12-3. Qualifications of city electors.

Every resident of the city may become a qualified elector and may register to vote at all city elections if the resident:

- (a) Is a current resident of the city and will have been a resident of the state for twenty-nine (29) days; and
- (b) Is a resident of the ward in which they claim the right to vote thirty (30) days, next preceding any primary, general, or special election; and
- (c) Is a citizen of the United States; and
- (d) Will be eighteen (18) years of age or more on or before the date of the general election next following their registration; and
- (e) Is able to write their name or make their mark, unless prevented from doing so by physical disability; and
- (f) Has not been convicted of treason or a felony, unless restored to civil rights; and
- (g) Has not been adjudicated an incapacitated person as defined in A.R.S. § 14-5101.

(Ord. No. 11457, § 2, 4-19-17)

### Sec. 12-4. Change of residence from one address to another.

A qualified elector who moves from one address to another during the twenty-nine (29) day period preceding a City election is deemed to be a resident and registered elector at the address from which they have moved, until the day after the City election and must vote within that precinct.  
(Ord. No. 11457, § 2, 4-19-17)

### Sec. 12-5. Registration, residence in ward required.

All persons whose names appear on the "City of Tucson Register of Voters", as herein provided, and who are qualified electors of the city and of the ward in which they claim the right to vote, under the provisions of this article, shall be entitled to vote in their respective wards at any primary, general or special city election, but any person whose name does not so appear shall not be entitled to vote in city elections.  
(Ord. No. 11457, § 2, 4-19-17)

### Sec. 12-6. Active registered voters.

The terms "registered voters," "persons who are registered to vote," "registered electors" and "voters registered" as used in this chapter include only active registered voters for the purpose of the following:

- (a) Calculating petition signature requirements.
- (b) Mailing and distributing election-related notices, pamphlets or ballots.
- (c) Providing voting machines.
- (d) Furnishing ballots.
- (e) Determining qualification for political parties' continued representation on the ballot.

(Ord. No. 11457, § 2, 4-19-17)

### Secs. 12-7 – 12-10. Reserved.

**ARTICLE III. CONDUCT OF ELECTIONS**

**Sec. 12-11. Applicability of general election laws; duties of the mayor and council and city clerk.**

(a) The provisions of the Arizona Constitution and the general laws of the State of Arizona, governing the elections of state and county officers, not inconsistent with the provisions of the Tucson Charter, shall govern City of Tucson elections. In matters for which no provision is made in the Tucson Charter, or this code, the mayor and council and city clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by these laws on the secretary of state, board of supervisors and county election officials concerning elections.

(b) The laws of the State of Arizona relative to violations of the election laws, specifically including those prohibiting coercion or intimidation of voters, shall apply to vote by mail elections under the Tucson Charter and this code, and shall be enforced as provided in those laws.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-12. Vote by mail elections authorized.**

(a) The City of Tucson shall conduct all elections as vote by mail elections, unless otherwise prescribed by mayor and council. All city elections held on the same date shall use the same method of voting. The provisions of vote by mail elections for this article are pursuant to A.R.S. Title 16, and unless specifically prescribed otherwise in this code, are conducted in a similar manner as early voting provisions.

(b) For any city election conducted as a vote by mail election, the city clerk, with the approval of the mayor and council, shall designate voting locations as prescribed in section 12-15 of this code.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-13. Mayor and council to adopt ordinance calling all municipal elections.**

The conducting and carrying on of all city elections shall be under the control of the mayor and council, and they shall, by ordinance, subject to the provisions of the Tucson Charter, provide for the

holding of all municipal elections. The ordinance calling each election shall be published in the same manner and in the same publications as all other ordinances requiring publication.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-14. All special elections to be conducted in same manner and under same provisions as general elections.**

All special elections provided for in the Tucson Charter, including, but not limited to, those involving initiative, referendum or recall, shall be conducted in the same manner and under the same provisions as are provided for the holding of general elections, including the qualifications of electors, the nomination of candidates and campaign contribution and expenditure requirements set forth in controlling legislation.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-15. Voting locations for city elections.**

Pursuant to Tucson City Charter, there shall be at least one (1) voting location provided in each ward in the city for the casting of votes, or in the case of a Vote by Mail election, for the replacement of ballots, and such voting locations shall be kept open on the day of the election from 6:00 a.m. to 7:00 p.m. The mayor and council may increase the number of voting locations from time to time as necessity may require.

The following criteria will be used in determining voting locations and which precincts to combine for a specified election:

- (a) Selection of facilities already in use so as to cause a change in voting location for as few voters as possible.
- (b) Selection of facilities which will provide the greatest convenience to the greatest number of voters.
- (c) Selection of facilities located on or near major streets with adequate ingress and egress as well as ample voter parking capacity.
- (d) When determining voting locations, every attempt should be made to secure locations that are compliant with the Americans with

Disabilities Act (ADA) and utilize the checklist authorized by the Department of Justice when surveying.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-16. City clerk may promulgate rules, regulations, procedures and forms.**

The city clerk is authorized to promulgate rules, regulations, procedures, and forms necessary to conduct city elections and to carry out the provisions of this chapter and of Tucson Charter Chapters XVI, XIX, XX, and XXI, with the exception of campaign finance rules and regulations which shall be approved by mayor and council.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-17. Form; preparation of ballot.**

The city clerk shall prescribe the form of the ballot. The ballot for early ballot voters shall be identifiable as an early ballot.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-18. Form; early or mail ballot affidavit.**

The city clerk shall prescribe the form of the affidavit for an early or mail ballot pursuant to state law.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-19. Rotation of names of candidates.**

(a) In any primary election when there are two (2) or more candidates of the same political party on the ballot, the names of such candidates shall be so alternated on the ballots used in each election precinct that the name of each candidate shall appear substantially an equal number of times in each possible position.

(b) In any general election, the list of candidates of the several parties shall be arranged with the names of the parties in descending order according to the votes cast for governor for that county in the most recent general election for the office of governor.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-20. City clerk authorized to conduct hand counts.**

(a) In any city election, the city clerk is authorized to perform any hand count(s) the city clerk deems necessary to check the accuracy of the count produced by the central vote tabulating equipment, or to cause, authorize, or direct others to perform such hand count(s), including any county officer in charge of elections who is administering any consolidated election in which the city is participating.

(b) The percentage of ballots or voting areas subject to any hand count(s) shall be at the discretion of the city clerk.

(c) A hand count authorized by this section does not supersede the count produced by the central vote tabulating equipment, which is the official count.

(d) The city clerk shall promulgate rules, regulations, procedures, and forms necessary to carry out the provisions of this section.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-21. City to bear costs incurred by city clerk.**

All necessary expenses incurred by the city clerk in carrying out the provisions of this chapter, including all equipment, and supplies, shall be a city charge.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-22. Displaying United States flag at voting locations.**

The city clerk shall provide for the display of the flag of the United States in or near every voting location on election days during the hours the polls are open.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-23. Appointment of voting location boards; vote by mail or early ballot boards, write-in boards; other election boards.**

(a) Not less than twenty (20) days prior to Election Day the mayor and council shall appoint the number of election boards necessary to process ballots.

- (1) Each voting location election board shall consist, at a minimum, of one (1) inspector or deputy city clerk, one (1) marshal, and two (2) judges from each of the two (2) largest political parties in the city, to be selected upon the recommendation of their county party chairs, made not less than thirty (30) days prior to election day. In the event that a party chair does not timely submit recommendations, the city clerk shall proceed to appoint the boards. Additionally, clerks may be selected as deemed necessary by the City Clerk.
- (2) Each early ballot processing board shall consist, at a minimum, of two (2) judges from each of the two (2) largest political parties in the city, to be selected upon the recommendation of their county party chairs, made not less than thirty (30) days prior to election day. In the event that a party chair does not timely submit recommendations, the city clerk shall proceed to appoint the boards.
- (3) Each write-in ballot board shall consist of one (1) inspector and two (2) judges drawn from those members serving on ballot processing boards and shall be from each of the two (2) largest political parties in the city.
- (4) Each hand count board shall consist of two (2) judges drawn from those members serving on ballot processing boards and shall be from each of the two (2) largest political parties in the city.
- (5) The accuracy and certification board shall consist of one (1) member of each recognized political parties having a candidate on the ballot. For non-candidate elections, the two (2) parties receiving the highest number of votes for governor at the last general election shall comprise the board.

(b) The mayor and council shall make all such appointments. The city clerk is authorized to fill such vacancies or appoint additional boards or members as deemed necessary or dismiss those that are not needed.

(c) Members of all ballot processing boards shall be qualified and registered electors of the city and appointments shall be made so as to provide as equal as practicable representation of members of the two (2) largest political parties of the city. The inspector, marshal or judges shall not have changed their political party affiliation since the last preceding city general election.

(d) The election boards shall serve at a place and time to be designated by the city clerk.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-24. Authorized persons in voting locations during voting hours.**

No person shall be allowed to remain inside the seventy-five (75) foot limit while the polls are open, except for the purpose of voting, and except the election officials, one (1) representative at any one (1) time of each political party represented on the ballot who has been appointed by the county chairman of that political party and the challengers allowed by law, may remain inside and no electioneering may occur within the seventy-five (75) foot limit.

Voters having cast their ballots shall promptly move outside the seventy-five (75) foot limit.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-25. Prohibited electioneering within seventy-five (75) feet of city voting locations or sites where mail ballots may be cast.**

(a) Electioneering occurs when an individual knowingly, intentionally, by verbal expression and in order to induce or compel another person to vote in a particular manner or refrain from voting expresses support for or opposition to a candidate who appears on the ballot, a ballot question that appears on the ballot, or a political party with one or more candidates who appear on the ballot in that election.

(b) There shall be no electioneering, photography, or videography within the seventy-five (75) foot limit of any city voting location as posted by the election marshal, or within seventy-five (75) feet of the main outside entrance to any city voting location or site where mail ballots may be cast.

(c) An election official, a representative of a political party who has been appointed by the county chairman of that political party or a challenger who is authorized by law to be within the seventy-five (75) foot limit, shall not wear, carry or display materials that identify or express support for or opposition to a candidate, a political party or organization, a ballot question or any other political issue and shall not electioneer within the seventy-five (75) foot limit of a voting location.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-26. Limits on permitted activities within the seventy-five (75) foot limit.**

(a) Permitted materials means written or printed material or items that express support for or opposition to a candidate who appears on the ballot in that election, a ballot question that appears on the ballot in that election or a political party with one (1) or more candidates who appear on the ballot in that election.

- (1) Permitted materials must be displayed prior to the opening of the voting location. No additional materials will be allowed after 6:00 a.m.
- (2) No permitted materials may be displayed inside the physical voting location itself.
- (3) Permitted materials may only be displayed inside the seventy-five (75) foot limit in the area marked by city clerk staff prior to Election Day.
- (4) Displays in this area must comply with the following:
  - a. signs posted in this area shall not exceed four (4) square feet;
  - b. prevent any interference with or danger to the movement of voters or city clerk election staff going into and out of the voting location;
  - c. provide equal access to all candidates, campaigns or other persons wishing to display permitted materials;

(5) Permitted materials displayed inside the seventy-five (75) foot limit must be secured to prevent accidental dispersion or scattering. If the volume, concentration, or positioning of materials is deemed to create a potential hazard to the movement of persons, city clerk elections staff shall have the right to reposition the materials.

(6) Any permitted material left or found inside the seventy-five (75) foot limit, and not located in the designated area, will be removed by city clerk election staff.

(b) No person shall do any of the following within the seventy-five (75) foot limit:

- (1) Obstruct electors from entering or leaving the area provided for balloting.
- (2) Impede orderly balloting.
- (3) Otherwise interfere with the rights of electors.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-27. Grounds for challenging a voter.**

A person offering to vote may be orally challenged by any registered elector of the City upon any of the following grounds:

- (a) The voter is not the person whose name appears on the register.
- (b) The voter has not resided in the precinct for at least twenty-nine (29) days prior to the election.
- (c) The voter is not properly registered at an address permitted by the Tucson Charter and State law.
- (d) The individual is not a qualified registrant pursuant to State law.
- (e) The individual has voted before at that election.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-28. Challenging of voters at a voting location; procedure.**

(a) Upon challenge being made, if the person challenged appears to be registered, the person shall take and subscribe to the oath prescribed in the affidavit of registration and, if the person so elects, may be at once sworn to answer fully and truly all questions material to the challenges as are put to the person by the inspector of the voting location.

(b) Any returned United States mail addressed to the person challenged or the spouse of the person challenged, or both, and to the address appearing on the precinct register or affidavit shall be considered as sufficient grounds to proceed under this section.

(c) If after the examination on the challenge, a majority of the election board is satisfied that the challenge is not valid, the person challenged shall be permitted to vote.

(d) If the person challenged refuses to be sworn or affirmed, or refuses to answer questions material to the challenge or if a majority of the election board finds that the challenge is valid, the person challenged shall be permitted to vote a provisional ballot pursuant to State law.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-29. Challenging of vote by mail and early ballots; procedure.**

(a) The county chairman of each political party represented on the ballot may, by written appointment addressed to the early ballot board, designate party representatives and alternates to act as early ballot challengers for the party.

(b) No party may have more than the number of such representatives or alternates which were mutually agreed upon by each political party to be present at one time. If such agreement cannot be reached, the number of representatives shall be limited to one for each political party.

(c) An early ballot may be challenged on any grounds set forth in section 12-27. All challenges shall be made in writing with a brief statement of the grounds prior to the early ballot being placed in the ballot box.

(1) If an early or mail ballot is challenged, it shall be set aside and retained in the possession of the early ballot board or other officer in charge of early ballot processing until a time that the early ballot board sets for determination of the challenge.

(2) The early ballot board shall hear the grounds for the challenge and shall decide what disposition shall be made of the early ballot by majority vote. If the early ballot is not allowed, it shall be handled pursuant to rejection procedures promulgated by the city clerk.

(d) Within twenty-four (24) hours of receipt of a challenge, the ballot board or other officer in charge of early ballot processing shall mail, by first class mail, a notice of the challenge including a copy of the written challenge, and also including the time and place at which the voter may appear to defend the challenge, to the voter at the mailing address shown on the request for an early ballot or, if none was provided, to the mailing address shown on the registration rolls.

(1) Notice shall also be mailed to the challenger at the address listed on the written challenge and provided to the county chairman of each political party represented on the ballot.

(2) The board shall meet to determine the challenge at the time specified by the notice but, in any event, not earlier than ninety-six (96) hours after the notice is mailed, or forty-eight (48) hours if the notifying party chooses to deliver the notice by overnight or hand delivery, and not later than 5:00 p.m. on the Monday following the election.

(3) The board shall provide the voter with an informal opportunity to make, or to submit, brief statements regarding the challenge. The board may decline to permit comments, either in person or in writing, by anyone other than the voter, the challenger and the party representatives.

- (4) The burden of proof is on the challenger to show why the voter should not be permitted to vote. The fact that the voter fails to appear shall not be deemed to be an admission of the validity of the challenge.
- (5) The ballot board or other officer in charge of early ballot processing is not required to provide the notices described in this subsection if the written challenge fails to set forth at least one of the grounds listed in section 12-27 as a basis for the challenge. In that event, the challenge will be summarily rejected at the meeting of the board.
- (6) Except for election contests pursuant to state law, the board's decision is final and may not be appealed.

(e) If the vote is allowed, the board shall open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding it or permitting it to be opened or examined and show by the records of the election that the elector has voted.

(f) If the vote is not allowed, the affidavit envelope containing the ballot shall not be opened and the board shall mark across the face of such envelope the grounds for rejection. The affidavit envelope and its contents shall then be deposited with the opened affidavit envelopes and shall be preserved with official returns.

- (1) If the voter does not enter an appearance, the board shall send the voter a notice stating whether the ballot was disallowed and, if disallowed, providing the ground for the determination.
- (2) The notice shall be mailed by first class mail to the voter's mailing address as shown on the registration rolls within three (3) days after the board's determination.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-30. Release of unofficial election returns.**

Unofficial Returns for ballots that have been counted may be released to the public at any time after 8:00 p.m. on Election Day.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-31. Adoption of official canvass of election.**

(a) As provided by the City Charter, the mayor and council shall convene on the first Monday after Election Day in order to adopt the official canvass of the election. If, at the time, the returns from the election are incomplete, the official canvass shall be postponed from day to day, not to exceed twenty (20) days following the election. The results printed by the vote tabulating equipment, to which have been added write-in votes, shall, when certified by the city clerk, constitute the official canvass of each precinct.

(b) Upon completion of the canvass, the mayor shall forthwith issue a proclamation, proclaiming the whole number of votes cast for and against each proposed constitutional amendment, and for and against each initiated or referred measure, and declaring the amendments or measures which are approved by a majority of those voting thereon to be law.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-32 – 12-38. Reserved.**

**ARTICLE IV. VOTE BY MAIL ELECTIONS AND EARLY VOTING**

**Sec. 12-39. Election Notice.**

(a) Not less than ninety (90) days before any regularly scheduled city primary election not being conducted as vote by mail, the city clerk shall mail an election notice to all eligible city voters who are included on the Pima County Permanent Early Voting List. For vote by mail elections, the city clerk shall mail a notice to every registered voter within the city limits. The notice shall be mailed by non-forwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. The notice shall include:

- (1) The date(s) of the election(s) that are the subject of the notice.
- (2) The date(s) that the voter's ballot is expected to be mailed.
- (3) The address where the ballot will be mailed.

(b) If the voter is not registered as a member of one of the political parties that is recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot.

(c) The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:

- (1) Change the mailing address for the voter's ballot for the upcoming election or elections indicated on the notice.
- (2) Update the voter's residence address.
- (3) Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.

(d) If the voter is not registered as a member of a recognized political party and fails to notify the city clerk of the voter's choice of a political party ballot within forty-five (45) days before the primary election, the following apply:

- (1) The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter's name shall remain on the permanent early voting list for future elections.
- (2) To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the city clerk.

(e) A voter may make a written request to the Pima County Recorder at any time to be removed from the permanent early voting list.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-40. Mailing vote by mail ballots.**

(a) Not more than twenty-seven (27) days before the election and not fewer than fifteen (15) days before the election, the city clerk shall send by non-forwardable mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification.

(b) The mayor and council shall determine whether the voter or the city will pay for the postage for the return of electors' marked ballots. An elector who votes in a vote by mail election shall return the elector's marked ballot to the city clerk or to a designated depository site no later than 7:00 p.m. on the day of the election.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-41. Request for early ballots; on-site early voting; emergency voting of electors.**

(a) Within ninety-three (93) days before any city election not being conducted as vote by mail, an elector may make a request to the city clerk for an early ballot.

(b) If a request is made by a qualified and registered elector within twenty-seven (27) days before the election, the city clerk shall mail the ballot together with the affidavit postage prepaid to the elector within forty-eight (48) hours after receipt of the request.

(c) All requests must be received by 5:00 p.m. on the eleventh (11th) day before the election. If the request indicates that the elector desires a general election ballot as well as a primary election ballot, the city clerk shall honor the request.

(d) Upon specific request by a qualified elector, or where the city clerk deems hand delivery appropriate, the city clerk may, in lieu of mailing, authorize deputy city clerks to hand deliver the ballot, together with the affidavit, to the elector.

(e) Any qualified elector who is unable to go to the voting location because of confinement due to a continuing illness or physical disability, may request

that the city clerk have a special election board personally deliver a ballot to the qualified elector at their place of confinement. Such requests must be made by 5:00 p.m. on the second (2nd) Friday before the election. This paragraph shall not be construed to limit the city clerk's powers regarding emergency voting under subsection (f) below.

(f) At the city clerk's discretion, a qualified elector may request to vote early, between 5:00 p.m. on the eleventh (11th) day before the election and 5:00 p.m. on the Monday preceding the election, as a result of an emergency. For purposes of this section, "emergency" means any unforeseen circumstances that would prevent the elector from voting.

(g) The city clerk may, in the city clerk's discretion, establish on site early voting locations. Any qualified elector who appears no later than 5:00 p.m. on the Friday before the election at an on-site early voting location shall be permitted to vote at the on site location.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-42. Early ballot request forms distributed by candidates or political committees.**

(a) A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the city. Failure to use the city as the return addressee is punishable by a civil penalty of up to three (3) times the cost of the production and distribution of the request.

(b) All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted to the city clerk within six (6) business days after receipt by a candidate, political committee or other organization or eleven (11) days before the election day, whichever is earlier.

(c) Any person, political committee or other organization that fails to submit a completed early ballot request form to the city clerk within the prescribed time is subject to a civil penalty of up to twenty-five dollars (\$25) per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the

election immediately following the completion of the form is guilty of a class 6 felony.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-43. Mailing early ballots.**

(a) The city clerk shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five (5) days after receipt of the printed ballots, except that early ballot mailings shall not begin more than twenty-seven (27) days before the election. If an early ballot request is received on or before the thirty-first (31st) day before the election, the early ballot shall be distributed not earlier than the twenty-seventh (27th) day before the election and not later than the twenty-fourth (24th) day before the election.

(b) If a request is made by the elector within twenty-seven (27) days before the election, the mailing of the early ballot must be made within forty-eight (48) hours after receipt of the request. Saturdays, Sundays and legal holidays are excluded from the computation of the forty-eight (48) hour period prescribed by this subsection.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-44. Instructions to vote by mail and early voters.**

(a) The city clerk shall supply printed instructions to vote by mail and early voters in substantially the following form that direct them to:

- (1) sign the affidavit
- (2) mark the ballot
- (3) place the ballot inside the signed affidavit
- (4) return both in the enclosed tamper-evident, self-addressed envelope

(b) The instructions shall include the following statement:

"In order to be valid and counted, the ballot and the affidavit must be delivered to the city clerk or deposited at any voting location in the city no later than 7:00 p.m. on election day. WARNING - it is a felony to offer or receive any compensation for a ballot."

(c) Only the elector, a family member, household member or caregiver of the voter may be in possession of that elector's unvoted ballot.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-45. Duties of city clerk on receiving a returned vote by mail or early ballot.**

(a) Upon receipt of the affidavit containing a returned vote by mail or early ballot, the city clerk shall compare that signature with the signature on any of the following:

- (1) A signature roster from a prior election which was prepared and certified as required by law.
- (2) A verified vote by mail or early ballot affidavit from a prior election.
- (3) Any other current form of reliable signature maintained as an official public record.

(b) At the sole discretion of the city clerk, in place of the procedures in subsection (a), contract with the Pima County Recorder to act as the agent to the city for comparing voter signatures.

(c) The city clerk shall then secure the affidavit unopened in the city clerk vault until delivery to the ballot board.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-46. Replacement ballots.**

Any elector who receives a vote by mail ballot may request a replacement ballot, subject always to verification by the city clerk that the elector has not already voted. The elector shall be permitted to vote as follows:

- (a) The elector may request a replacement ballot from the city clerk; or
- (b) The elector may vote in person at a voting location on election day.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-47. Provisional ballots.**

In a polling place election, a voter may vote a provisional ballot pursuant to A.R.S. § 16-584 or its successor provisions.

- (a) At an on-site early voting location on or before the Friday preceding election day; or
- (b) At the qualified elector's designated voting location on election day.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-48 – 12-53. Reserved.**

**ARTICLE V. FINANCIAL DISCLOSURE**

**Sec. 12-54. Duty to file verified financial disclosure statement; exceptions.**

(a) In addition to other statements and reports required by law, every elected city officer, as a matter of public record, shall file with the city clerk on a form prescribed by the city clerk a verified financial disclosure statement as prescribed by state law covering the preceding calendar year ending December 31.

(b) The statement required to be filed pursuant to subsection (a) shall be filed by all persons who qualified as elected city officers at any time during the preceding calendar year on or before January 31 of each year, with the exception that a local public officer appointed to fill a vacancy shall, within sixty (60) days following the taking of such office, file a verified financial disclosure statement covering the twelve (12) month period ending with the last full month prior to the date of taking office.

(c) A candidate for elected city office shall file a verified financial disclosure statement covering the preceding twelve (12) month period on a form prescribed by the city clerk at the time of filing a nomination paper and declaration and at any other time prescribed by statute.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-55. City clerk to provide forms and guidelines.**

The city clerk shall prepare written guidelines and forms for completing a verified financial disclosure statement required by this section. A copy of the guidelines and forms shall be distributed to each elected city officer and shall be made available to each candidate required to file a verified financial disclosure statement.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-56. Violation; classification.**

(a) Any elected city officer or candidate who knowingly fails to file a verified financial disclosure statement required by this article, who knowingly files an incomplete verified financial disclosure statement or who knowingly files a false verified financial disclosure statement is guilty of a class 1 misdemeanor.

(b) Any elected city officer or candidate who violates this article is subject to a civil penalty of fifty dollars (\$50) for each day of noncompliance but not more than five hundred dollars (\$500) that may be imposed as prescribed in A.R.S. § 38-544.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-57 – 12-63. Reserved.**

**ARTICLE VI. NOMINATIONS; CANDIDATES**

**Sec. 12-64. Qualifications of candidates.**

(a) Candidates for the office of mayor and council member shall be duly qualified electors of the city under the laws of the State of Arizona and under the provisions of the Tucson Charter. Candidates shall be qualified electors of the city for not less than three (3) years immediately prior to becoming a candidate.

(b) Candidates for council member shall have resided in their respective ward for at least one (1) year prior to becoming a candidate.

(c) Time of residence and being a qualified elector shall be counted as residence and electoral qualifications within the city of Tucson one (1) year after said area becomes annexed to the city.

(d) At the time a candidate files a nomination paper, declaration and financial disclosure statement, the city clerk shall obtain the candidate's voter registration history from the County Recorder to verify qualifications.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-65. Number of signatures required.**

(a) Candidates for the office of mayor must obtain signatures from qualified signers of the city equal to at least five percent (5%) and not more than ten percent (10%) of the designated party vote in the city in the preceding mayoral election.

(b) Candidates for the office of council member must obtain signatures from qualified signers of the city equal to at least five percent (5%) and not more than ten percent (10%) of the designated party vote in the ward in the preceding election for that ward.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-66. Nomination petition signers.**

(a) Each signer of a nomination petition must be a qualified signer and member of the political party from which the candidate is seeking nomination, or a member of a political party that is not qualified for representation on the ballot pursuant to State law or the signer is registered as independent or party not determined.

(b) Each signer of a nomination petition may sign only one (1) petition for the same office.

(c) A signature shall not be counted on a nomination petition unless the signature is upon a sheet bearing the form prescribed by the city clerk.

(d) Each signer of a nomination petition for the office of mayor shall, at the time of signing, be a qualified elector residing in the city of Tucson.

(e) Each signer of a nomination petition for the office of council member shall, at the time of signing, be a qualified elector residing in the ward the candidate is seeking to represent.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-67. Nomination petition circulators.**

(a) Circulators who are not residents of this state must be registered as circulators with the secretary of state before circulating petitions.

(b) The circulator, before whom the signatures were written on the signature sheet, shall:

- (1) Certify that the circulator is qualified to register to vote in the State of Arizona.
- (2) Certify, if the circulator is not a resident of Arizona, that prior to circulating the petition the circulator registered as an out of state circulator with the Secretary of State.
- (3) Certify that each of the names on the petition was signed in the circulator's presence on the date indicated.
- (4) Certify that in the circulator's belief each signer was a qualified elector who resided at the address given as the signer's residence on the date indicated.
- (5) Circulators must sign the petition and type or print the circulator's name under the circulator's signature.
- (6) Type or print the circulator's actual residence address or, if no street address, a description of the circulator's residence location.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-68. Nomination petition signature withdrawal.**

Qualified electors wishing to withdraw their signatures from a nomination petition may do so by notifying the city clerk by a signed, written statement any time prior to the time the petition is filed with the city clerk.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-69. Filing of nomination paper, declaration and financial disclosure statement.**

(a) Any person desiring to become a candidate for any city office shall be qualified pursuant to section 12-64 of this code and shall file the following with the city clerk at the city clerk's office, or at a location specified by the city clerk:

- (1) Nomination paper in a form prescribed by the city clerk stating the exact manner in which the candidate desires to have their name printed on the official ballot.
- (2) The declaration including facts sufficient to show that, other than the residency requirement provided in subsection (a) of this section and the satisfaction of any monetary penalties, fines or judgments as prescribed in subsection (c) of this section, the candidate will be qualified at the time of election to hold the office the person seeks, and that for any monetary penalties, fines or judgments as prescribed in subsection (c) of this section, the candidate has made a complete payment before the time of filing.
- (3) Financial Disclosure Statement covering the preceding twelve (12) month period.

(b) The nomination paper, declaration and financial disclosure statement must be filed together, not less than ninety (90) nor more than one hundred twenty (120) days before the primary election day.

(c) A person who does not file a timely nomination paper, declaration and financial disclosure statement that comply with this section is not eligible to have the person's name printed on the official ballot for that office.

(d) Except in cases where the liability is being appealed, the city clerk shall not accept the nomination paper of a candidate if the person is liable for an aggregation of one thousand dollars (\$1,000) or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any

combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of this code.

(e) If, after the verification of the qualifications pursuant to section 12-64(d) of this code, it is determined that the individual is not qualified pursuant to sections 12-64(a-c), the city clerk shall reject the nomination paper, declaration and financial disclosure statement of the individual.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-70. Filing of nomination paper, declaration and financial disclosure statement for write-in candidates.**

(a) Any person desiring to become a write-in candidate for any city office shall be qualified pursuant to section 12-64 of this code and shall file a nomination paper, declaration and financial disclosure statement together with the city clerk at the city clerk's office, or at a location specified by the city clerk.

- (1) The nomination paper shall be in a form prescribed by the city clerk stating that the candidate is qualified to hold the office they seek.
- (2) The declaration shall include facts sufficient to show that, other than the residency requirement provided in subsection (a) of this section and the satisfaction of any monetary penalties, fines or judgments as prescribed in section 12-69(d) of this code, the candidate will be qualified at the time of election to hold the office the person seeks, and that for any monetary penalties, fines or judgments as prescribed in section 12-69(e) of this code, the candidate has made a complete payment before the time of filing.
- (3) The financial disclosure statement shall cover the preceding twelve (12) month period.

(b) A write-in candidate shall file the nomination paper not later than 5:00 p.m. on the fortieth (40th) day before the election.

(c) Any person who does not file a timely nomination paper shall not be counted in the tally of ballots.

(d) Except in cases where the liability is being appealed, the city clerk shall not accept the nomination paper of a write-in candidate if the person is liable for an aggregation of one thousand dollars (\$1,000) or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of this code.

(e) A candidate may not file pursuant to this section if any of the following applies:

- (1) For a candidate in the general election, the candidate ran in the immediately preceding primary election and failed to be nominated to the office sought in the current election.
- (2) For a candidate in the general election, the candidate filed a nomination petition for the immediately preceding primary election for the office sought and failed to provide a sufficient number of valid petition signatures.
- (3) For a candidate in the primary election, the candidate filed a nomination petition for the current primary election for the office sought and failed to provide a sufficient number of valid petition signatures.
- (4) For a candidate in the general election, the candidate filed a nomination petition for nomination other than by primary for the office sought and failed to provide a sufficient number of valid petition signatures.
- (5) The candidate is not qualified pursuant to section 12-64(a-c).

(f) A write-in candidate shall not be declared nominated unless the candidate receives a number of votes equivalent to at least the same number of

signatures required for nominating petitions for the same office.

(g) If, after the verification of the qualifications pursuant to section 12-64(d) of this code, it is determined that the individual is not qualified pursuant to sections 12-64(a-c), the city clerk shall reject the nomination paper, declaration and financial disclosure statement of the individual.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-71. Nomination other than by primary.**

Any qualified elector who is not a registered member of a political party that is recognized pursuant to A.R.S. §§ 16-801 through 16-804 may be nominated as a candidate for public office otherwise than by primary election or by party committee pursuant to this section.

- (a) Any person desiring to become a candidate for any city office shall be qualified pursuant to section 12-64 of this code and shall file nomination petitions with the city clerk at the city clerk's office, or at a location specified by the city clerk.
- (b) The nomination petition shall conform as nearly as possible to the provisions relating to nomination petitions of candidates to be voted for at primary elections.
- (c) The number of valid signatures must be at least three percent (3%) of the total number of registered voters who are NOT members of a qualified political party. For council member candidates, the total is calculated using the total number of registered voters in the ward for which the candidate is seeking office.
- (d) The percentage of registered voters necessary to sign the nomination other than by primary petition shall be determined by the total number of registered voters as of March 1 of the year in which the general election is held.
- (e) The nomination paper, declaration and financial disclosure statement must be filed together, not less than ninety (90) nor more than one hundred twenty (120) days before the primary election day.

(f) Except in cases where the liability is being appealed, the city clerk shall not accept the nomination paper of a candidate if the person is liable for an aggregation of one thousand dollars (\$1,000) or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of this code.

(g) If, after the verification of the qualifications pursuant to section 12-64(d) of this code, it is determined that the individual is not qualified pursuant to sections 12-64(a-c), the city clerk shall reject the nomination paper, declaration and financial disclosure statement of the individual.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-72. Filing and form of nomination petitions.**

(a) Any person desiring to become a candidate for any city office shall be qualified pursuant to section 12-64 of this code and shall file nomination petitions with the city clerk at the city clerk's office, or at a location specified by the city clerk. Nomination petitions shall be in a form prescribed by the city clerk containing the required number of signatures of qualified electors. Nomination petitions shall be filed not less than ninety (90) nor more than one hundred twenty (120) days before the primary election day.

(b) The nomination petitions shall be in substantially the following form:

- (1) Petitions shall be on paper eleven (11) inches wide and eight and one-half (8 1/2) inches long.
- (2) Petitions shall be headed by a caption stating the purpose of the petition, followed by the body of the petition stating the intent of the petitioners.
- (3) There shall be ten (10) lines spaced one-half (1/2) of an inch apart and consecutively numbered one (1) through ten (10).

- (4) The signature portion of the petition shall be divided into columns headed by the following titles:
  - a. Signature.
  - b. Printed name.
  - c. Actual residence address, description of place of residence or Arizona post office box address, city or town.
  - d. Date of signing.

- (5) A photograph of the candidate may appear on the nomination petition.

(c) The following shall appear on the petition:

Instructions for circulators

- (1) All petitions shall be signed by the circulator.
- (2) Circulator is not required to be a resident of this state but otherwise must be qualified to register to vote in this state and, if not a resident of this state, shall register as a circulator with the secretary of state.
- (3) Circulator's name shall be typed or printed under the circulator's signature.
- (4) Circulator's actual residence address or, if no street address, a description of residence location shall be included on the petition.

(d) The city clerk will not accept supplements to nomination petitions.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-73. Penalty for petition forgery.**

In addition to the procedures set forth in this article, all petitions that have been submitted by a candidate who is found guilty of petition forgery shall be disqualified and that candidate shall not be eligible to seek election to a public office for a period of not less than five (5) years.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-74. Limitations on appeals of validity of nomination petitions; disqualification of candidate.**

(a) Any elector filing any court action challenging the nomination of a candidate as provided for in this chapter shall do so no later than 5:00 p.m. of the tenth (10th) day, excluding Saturday, Sunday and legal holidays, after the last day for filing nomination papers and petitions. The elector shall specify in the action the petition number, line number and basis for the challenge for each signature being challenged. Failure to specify this information shall result in the dismissal of the court action.

(b) Any elector may challenge a candidate for any reason relating to qualifications for the office sought as prescribed by law, including age, residency, or failure to fully pay fines, penalties or judgments.

(c) For the purposes of an action challenging nomination petitions, the city clerk acts as the person's agent to receive service of process. Process in an action challenging a nomination petition shall be served immediately after the action is filed and in no event more than twenty-four (24) hours after filing the action, excluding Saturdays, Sundays and legal holidays.

(d) Immediately on receipt of process served on the city clerk as agent for a person filing a nomination petition, the city clerk shall mail the process to the person and shall notify the person by telephone of the filing of the action.  
(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-75 – 12-80. Reserved.**

**ARTICLE VII. CAMPAIGN FINANCE;  
CANDIDATES, POLITICAL ACTION  
COMMITTEES, AND PUBLIC FUNDING  
PROGRAM**

The provisions of this article shall apply to all political committees making contributions to candidates for the offices of mayor or council member, and all candidate committees in any city election. Political action committees intending to influence any petition drive must also comply with provisions of article XI of this chapter.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-81. Public matching funds program; campaign contract.**

(a) In exchange for public matching funds, a candidate for mayor or council member may file a signed, notarized contract with the city agreeing to abide by limitations on the candidate's contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in the City Charter, and pursuant to the Campaign Finance Administration Rules and Regulations adopted by the mayor and council.

(b) An individual wishing to become a public funding candidate must sign a campaign contract within thirty (30) days after the first of any of the following events occur:

- (1) The individual circulates or files nomination papers for a specified election; or
- (2) The individual publicly or formally declares candidacy for a specified election; or
- (3) The individual accepts a contribution or makes an expenditure for a specified election.

(c) A candidate who signs a contract shall comply with all contribution and expenditure limitations, even if the candidate never qualifies to receive public funds.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-82. Campaign finance administrator; duties thereof.**

(a) The city clerk or other officer appointed by the mayor and council shall administer the public matching funds program as the "campaign finance administrator." The office of the campaign finance administrator shall not be included in the classified civil service.

(b) The campaign finance administrator shall be responsible for the management of said office, shall administer the program, and is authorized to adopt, promulgate, amend, and rescind administrative rules and regulations to carry out the policies and purposes of the program. Prior to becoming effective, such rules

and regulations shall be approved by the mayor and council.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-83. Registration of political committees.**

(a) A candidate for election shall register as a candidate committee if the candidate receives contributions or makes expenditures, in any combination, of at least one thousand one hundred dollars (\$1,100) in connection with that candidacy.

(b) For public funding candidates any contributions received prior to the filing of a statement of organization will not be matched with public funds.

(c) A person that qualifies as a committee as prescribed by this section shall report all contributions, expenditures and disbursements that occurred before qualifying as a committee and shall maintain and produce records as prescribed by section 12-85 of this code.

(d) An entity shall register as a political action committee if both of the following apply:

- (1) The entity is organized for the primary purpose of influencing the result of an election.
- (2) The entity knowingly receives contributions or makes expenditures, in any combination, of at least one thousand one hundred dollars (\$1,100) in connection with any election during a calendar year.

(e) Notwithstanding the provisions set forth in subsection (d) above, a person shall register as a political action committee prior to the circulation of initiative, referendum or recall petitions.

(f) The city clerk shall make a rebuttable presumption that an entity is organized for the primary purpose of influencing the results of an election if it meets the requirements found in A.R.S. § 16-905 (c).

(g) A fund that is established by a corporation, limited liability company, labor organization or partnership for the purpose of influencing the result of an election shall register as a political action committee.

(h) A committee is not subject to state income tax and is not required to file a state income tax return.

(i) The dollar amounts prescribed by this section shall be increased pursuant to A.R.S. § 16-931. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-84. Organization of political committees.**

(a) A committee shall file a statement of organization with the city clerk within ten (10) days after qualifying as a committee.

(b) A statement of organization shall include the following committee information:

- (1) The committee name, mailing address, e-mail address, website, if any, telephone number, if any, and type of committee. The committee name shall include:
  - a. For a candidate committee, the candidate's first or last name and office sought.
  - b. For a political action committee that is sponsored, the sponsor's name or commonly known nickname.
- (2) The name, mailing address, e-mail address, website, if any, and telephone number of any sponsor.
- (3) The name, physical location or street address, e-mail address, telephone number, occupation and employer of the committee's chairperson and treasurer. For a candidate committee, the candidate may serve as both chairperson and treasurer.
- (4) For a candidate committee, the candidate's party affiliation.
- (5) A listing of all banks or other financial institutions used by the committee.
- (6) A statement that the committee chairperson and committee treasurer have read the city clerk's campaign

finance and reporting guide, agree to comply with this article and all relevant provisions of A.R.S. Title 16, Chapter 6, and all successor provisions, and agree to accept all notifications and service of process via the e-mail address provided by the committee.

(c) A committee shall file an amended statement of organization within ten (10) days after any change in committee information.

(d) On the filing of a statement of organization a political action committee shall be issued a city identification number.

(e) A standing committee shall file a statement of organization with the secretary of state and a copy of the statement with the city clerk. Only the secretary of state shall issue an identification number.

(f) A candidate may have only one (1) committee in existence for the same office during the same election cycle.

(g) On filing a statement of organization, a political action committee or political party may perform any lawful activity, including making contributions, making expenditures or conducting issue advocacy, without establishing a separate committee for each activity or specifying each activity in its statement of organization. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-85. Committee recordkeeping; treasurer; accounts.**

(a) A committee treasurer is the custodian of the committee's books and accounts. A committee may not make a contribution, expenditure or disbursement without the authorization of the treasurer or the treasurer's designated agent.

(b) All committee monies shall be deposited in one or more bank accounts held by the financial institutions listed in the committee's statement of organization. Committee bank accounts shall be segregated as follows:

- (1) Committee monies shall be segregated in different bank accounts from personal monies.

- (2) Contributions from individuals, partnerships, candidate committees, political action committees or political parties shall be segregated in different bank accounts from contributions from other donors.
- (3) Contributions to a political party to defray operating expenses or support party-building activities shall be segregated in different bank accounts from contributions used to support candidates.
- (4) For a committee that is a political party, the committee may commingle monies from any source in a single bank account if the account is maintained as prescribed in 11 code of federal regulations section 106.7.
- (5) For contributions intended to influence a recall election, the committee shall segregate those contributions into bank accounts that are different from those intended to influence any other election and those recall contributions may not be used to influence any other election.

(c) A committee shall exercise its best effort to obtain the required information for any incomplete contribution received that is required to be itemized and reported. The committee shall clearly ask for identification and inform the contributor that the committee is required by law to seek identification. The committee shall report in an amended report any contributor identification obtained after the contribution has been disclosed on a campaign finance report.

(d) A committee shall keep records of the following:

- (1) All contributions made or received by the committee.
- (2) The identification of any contributor that contributes in the aggregate at least fifty dollars (\$50) to the committee during the election cycle, the date and amount of each contribution and the date of deposit into the committee's account.

- (3) Cumulative totals contributed by each contributor during the election cycle.
- (4) The name and address of every person that receives a contribution, expenditure or disbursement from the committee, including the date and amount, and, for any expenditure or disbursement, the purpose of the expenditure or disbursement.

(e) A committee may accept a cash contribution. Cash contributions are subject to the identification requirements set forth in subsection (d)(2) of this section.

(f) A committee may accept a contribution by written or electronic instrument, including a check, credit card, payroll deduction, online payment or electronic transfer, if the contributor is an account holder of the instrument. Unless designated as a joint contribution, a contribution shall be attributed to the account holder that signs the instrument or authorizes the transaction.

(g) A committee shall preserve all records required to be kept by this section for two (2) years following the end of the election cycle.

(h) On request of the city clerk or city attorney, a committee that has filed a statement of organization shall produce any of the records required to be kept pursuant to this section to the city clerk or city attorney.

(i) A person that qualifies as a committee as prescribed by A.R.S. § 16-905 shall report all contributions, expenditures and disbursements that occurred before qualifying as a committee and shall maintain and produce records as prescribed by this section.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-86. Contribution limits.**

Notwithstanding the provisions of this section, public funding candidates must comply with the requirements of the Tucson Charter and the campaign finance administration rules and regulations.

- (a) No individual shall make a contribution of more than five hundred dollars (\$500) to any candidate for mayor or council member during any campaign period.

- (b) A political action committee may contribute up to one thousand dollars (\$1,000) to any candidate for mayor or council member. No individual member of such committee shall contribute more than five hundred dollars (\$500) toward the contribution, nor an aggregate amount of more than five hundred dollars (\$500) to any candidate whether through a committee contribution or a personal contribution.
- (c) No candidate for mayor or council member shall accept or receive a campaign contribution of more than five hundred dollars (\$500) from any individual or more than one thousand dollars (\$1,000) from any political action committee during any campaign period.
- (d) An individual may only make contributions using personal monies, except that a contribution from an unemancipated minor child shall be treated as a contribution by the child's custodial parent or parents.
- (e) A candidate committee shall not make contributions to a candidate committee for another candidate.
- (f) A candidate committee may transfer unlimited contributions to any one or more other candidate committees for that same candidate under the following conditions:
  - (1) A candidate committee for mayor or council member shall not transfer contributions to that same candidate's committee for a statewide or legislative office.
  - (2) If a candidate committee for mayor or council member transfers contributions to a candidate committee for a county office for that same candidate, the candidate committee for the county office shall not transfer contributions to a statewide or legislative candidate committee for that same candidate during the twenty-four (24) months immediately following that transfer of contributions to the county candidate committee.
- (3) Contributions originally made to the transferring candidate committee are deemed to be contributions to the receiving candidate committee. On transfer, an individual's aggregate contributions to both candidate committees during the election cycle shall not exceed the individual's contribution limit for that candidate.
- (g) A candidate committee shall not knowingly accept contributions in excess of the contribution limits prescribed by law. A candidate committee that unknowingly accepts an excess contribution shall refund or reattribute any excess contribution within sixty (60) days after receipt of the contribution. A candidate committee may reattribute an excess contribution only if both of the following apply:
  - (1) The excess contribution was received from an individual contributor.
  - (2) The individual contributor authorizes the candidate committee to reattribute the excess amount to another individual who was identified as a joint account holder in the original instrument used to make the excess contribution.
- (h) A candidate committee may accept contributions only from an individual, a partnership, a candidate committee, a political action committee or a political party.
- (i) A candidate committee may make unlimited contributions to a person other than a candidate's committee.
- (j) A candidate may contribute unlimited personal monies to the candidate's own candidate committee.
- (k) A political action committee may only contribute to a candidate committee using monies contributed by an individual, a partnership, a candidate committee, a political action committee or a political party.

- (l) A political action committee may make unlimited contributions to persons other than candidate committees.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-87. Exemption from definition of contribution.**

(a) A person may make any contribution not otherwise prohibited by law.

(b) The following are not contributions:

- (1) The value of an individual's volunteer services or expenses that are provided without compensation or reimbursement, including the individual's:

- a. Travel expenses.
- b. Use of real or personal property.
- c. Cost of invitations, food or beverages.
- d. Use of e-mail, internet activity or social media messages, only if the individual's use is not paid for by the individual or any other person and if the e-mails, social media messages or other internet activities do not contain or include transmittal of a paid advertisement or paid fund-raising solicitation.

- (2) The costs incurred for covering or carrying a news story, commentary or editorial by a broadcasting station or cable television operator, an internet website, a newspaper or another periodical publication, including an internet-based or electronic publication, if the cost for the news story, commentary or editorial is not paid for by and the medium is not owned or under the control of a candidate or committee.

- (3) Any payment to defray the expense of an elected official meeting with constituents or attending an

informational tour, conference, seminar or presentation, if the payor or the elected official does not attempt to influence the result of an election and the payment is reported if required pursuant to A.R.S. Title 38.

- (4) The payment by a political party to support its nominee, including:

- a. The printing or distribution of, or postage expenses for, voter guides, sample ballots, pins, bumper stickers, handbills, brochures, posters, yard signs and other similar political party expenditures.
- b. Coordinated political party expenditures.

- (5) The payment by any person to defray a political party's operating expenses or party-building activities, including:

- a. Party staff and personnel.
- b. Studies and reports.
- c. Voter registration, recruitment, polling and turnout efforts.
- d. Party conventions and party meetings.
- e. Construction, purchase or lease of party buildings or facilities.

- (6) The value of any of the following to a committee:

- a. Interest earned on the committee's deposits or investments.
- b. Transfers between committees to reimburse expenses and distribute monies raised through a joint fund-raising effort, if the transfers comply with an agreement to reimburse and distribute monies that was executed before the joint fund-raising effort occurred.

- c. Payment of a committee's legal or accounting expenses by any person.
  - d. An extension of credit for goods and services on a committee's behalf by a creditor if the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation. The creditor must make a commercially reasonable attempt to collect the debt, except that if an extension of credit remains unsatisfied by the committee after six (6) months the committee is deemed to have received a contribution but the creditor is not deemed to have made a contribution.
- (7) The value of nonpartisan communications that are intended to encourage voter registration and turnout efforts.
  - (8) Any payment to the city clerk for arguments in a publicity pamphlet.
  - (9) The payment by any sponsor or its affiliate for the costs of establishing, administering and soliciting contributions from its employees, members, executives, stockholders, and retirees and their families to the sponsor's separate segregated fund.
  - (10) Any payment by any entity for the costs of communicating with its employees, members, executives, stockholders and retirees and their families about any subject, without regard to whether those communications are made in coordination with any candidate or candidate's agent.
  - (11) The value of allowing a candidate or a committee's representative to appear at any private residence or at the facilities of any entity to speak about the candidate's campaign or about a ballot measure, if the venue is furnished by the venue's owner, is not paid for by a third party and is not a sports stadium, coliseum, convention center, hotel ballroom, concert hall or other similar arena that is generally open to the public.
  - (12) The costs of hosting a debate or candidates' forum, if at least two (2) opposing candidates, with respect to any given office sought, or representatives of at least two (2) opposing ballot measure campaigns, with respect to any measure on the ballot, are invited with the same or similar advance notice and method of invitation.
  - (13) The preparation and distribution of voter guides, subject to the following:
    - a. A featured candidate or ballot measure shall not receive greater prominence or substantially more space in the voter guide than any other candidate or ballot measure.
    - b. The voter guide shall not include any message that constitutes express advocacy.
  - (14) Monies that are loaned by a financial institution in the ordinary course of business and not for the purpose of influencing the results of an election, except that the loan is deemed a pro rata contribution by any endorser or guarantor, other than the candidate's spouse.
  - (15) The costs of publishing a book or producing a documentary, if the publication and production are for distribution to the general public through traditional distribution mechanisms or a fee is obtained for the purchase of the publication or viewing of the documentary.
- (c) This section does not imply that any transactions that are not specifically listed in subsection (b) of this section are contributions unless those transactions otherwise meet the definition of contribution defined in A.R.S. § 16-901. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-88. Advertising and fund-raising disclosure statements.**

(a) A person that makes an expenditure for an advertisement or fund-raising solicitation, other than an individual or a natural person, shall include the following disclosures in the advertisement or solicitation:

- (1) The words "paid for by", followed by the name of the person making the expenditure for the advertisement or fund-raising solicitation.
- (2) Whether the expenditure was authorized by any candidate, followed by the identity of the authorizing candidate, if any.

(b) Any person purchasing literature or advertisements for the purpose of making an independent expenditure must also comply with Article XII of this code.

(c) In addition to the disclosure required by subsection (a) of this section, a political action committee that makes an expenditure for an advertisement shall include a disclosure stating the names of the three (3) political action committees making the largest aggregate contributions to the political action committees making the expenditure and that exceed twenty thousand dollars (\$20,000) during the election cycle, as calculated at the time the advertisement was distributed for publication, display, delivery or broadcast.

(d) If a disclosure contains any acronym or nickname that is not commonly known, the disclosure shall also spell out the acronym or provide the full name.

(e) If the advertisement is:

- (1) Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
- (2) Delivered by hand or mail or electronically, the disclosure shall be clearly readable.

(3) Displayed on a sign or billboard, the disclosure shall be displayed in a height that is at least four percent (4%) of the vertical height of the sign or billboard.

(4) Broadcast on television or in a video or film, both of the following requirements apply:

- a. The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth (1/6) of the broadcast duration or four (4) seconds, a spoken disclosure statement is not required.
- b. The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent (4%) of the vertical picture height.

(f) This section does not apply to:

- (1) Social media messages, text messages or messages sent by a short message service.
- (2) Advertisements that are placed as a paid link on a website, if the message is not more than two hundred (200) characters in length and the link directs the user to another website that complies with this section.
- (3) Advertisements that are placed as a graphic or picture link, if the statements required in this section cannot be conveniently printed due to the size of the graphic or picture and the link directs the user to another website that complies with this section.
- (4) Bumper stickers, pins, buttons, pens and similar items on which the statements required in this section cannot be conveniently printed.

- (5) A solicitation of contributions by a separate segregated fund.
- (6) A communication by a tax-exempt organization solely to its members.
- (7) A published book or a documentary film or video.

(g) A person who violates this section is subject to the penalties provided for in section 12-96 of this code.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-89. Exemptions from definition of expenditure.**

(a) A person may make any expenditure not otherwise prohibited by law.

(b) The following are not expenditures:

- (1) The value of an individual's volunteer services or expenses that are provided without compensation or reimbursement, including the individual's:
  - a. Travel expenses.
  - b. Use of real or personal property.
  - c. Cost of invitations, food or beverages.
  - d. Use of e-mail, internet activity or social media messages, only if the individual's use is not paid for by the individual or any other person and if the e-mails, social media messages or other internet activities do not contain or include transmittal of a paid advertisement or paid fund-raising solicitation.
- (2) The value of any news story, commentary or editorial by any broadcasting station, cable television operator, programmer or producer, newspaper, magazine, website or other periodical publication that is not owned or operated by a candidate, a candidate's spouse or any committee.

- (3) The payment by any person to defray a political party's operating expenses or party-building activities, including:
  - a. Party staff and personnel.
  - b. Studies and reports.
  - c. Voter registration, recruitment, polling and turnout efforts.
  - d. Party conventions and party meetings.
  - e. Construction, purchase or lease of party building or facilities.
- (4) The value of any of the following to a committee:
  - a. Interest earned on the committee's deposits or investments.
  - b. Transfers between committees to reimburse expenses and distribute monies raised through a joint fund-raising effort, except that contributions shall be allocated as described in the fund-raising solicitation and expenses shall be allocated in the same proportion as contributions.
  - c. Payment of a committee's legal or accounting expenses.
  - d. An extension of credit for goods and services on a committee's behalf by a creditor if the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation. The creditor must make a commercially reasonable attempt to collect the debt, except that if an extension of credit remains unsatisfied by the committee after six (6) months the committee is deemed to have received a contribution but the creditor is not deemed to have made a contribution.

- (5) The value of nonpartisan communications that are intended to encourage voter registration and turnout efforts.
- (6) Any payment by a person that is not a committee to the city clerk for arguments in a publicity pamphlet.
- (7) Any payment for legal or accounting services that are provided to a committee.
- (8) The payment of costs of publishing a book or producing a documentary, if the publication and production are for distribution to the general public through traditional distribution mechanisms or a fee is obtained for the purchase of the publication or viewing of the documentary.

(c) This section does not imply that any transactions that are not specifically listed in subsection (b) of this section are expenditures unless those transactions otherwise meet the definition of expenditure as defined in A.R.S. § 16-901.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-90. Deceptive mailings.**

(a) A person is prohibited from attempting to influence the outcome of an election by delivering or mailing any document that:

- (1) Purports to be authorized, approved, required, sent or reviewed by the state government, a county, city, or town, or any other political subdivision, or
- (2) Falsely simulates a document from any of these governmental entities.

(b) The penalty for deceptive mailings (civil penalty) is equal to twice the total cost of the mailing, or five hundred dollars (\$500), whichever amount is greater.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-91. Contribution restrictions.**

(a) A corporation, limited liability company or labor organization shall not make contributions to a candidate committee.

(b) A corporation, limited liability company or labor organization may make unlimited contributions to persons other than candidate committees.

(c) A corporation, limited liability company or labor organization may sponsor a separate segregated fund. Employees, members, executives, stockholders and retirees and the families of a corporation, limited liability company or labor organization and any subsidiary or affiliate of a corporation, limited liability company or labor organization may make contributions to the separate segregated fund provided that the separate segregated fund has registered as a political action committee subject to the provisions of A.R.S. § 16-916 (c).

(d) A partnership may not contribute to a candidate for mayor or council member more than the contribution limits of section 12-86 of this code.

(e) A partnership may make unlimited contributions to persons other than candidate committees.

(f) Partnership contributions are subject to the following:

- (1) Partnership contributions shall be attributed to each contributing partner as designated by the partnership. The partnership shall provide the recipient committee written notice identifying the contributing partners and the amount attributed to each.
- (2) Partnership contributions shall count against both the partnership's and the individual partners' contribution limits to a recipient. The portion attributed to each partner shall be aggregated with the individual partner's non-partnership contributions to that recipient and shall not exceed the individual partner's contribution limit.

- (3) The partnership shall not attribute any contribution to a partner that is a corporation, limited liability company or labor organization.
- (4) Partnership contributions need not be accompanied by the signature of each contributing partner.

(g) A partnership may establish a separate segregated fund and register it as a political action committee.

(h) A contributor shall not give and a committee shall not accept a contribution that has been earmarked for a candidate.

(i) If an anonymous contribution is accepted because it is received in a non-returnable form, it must be segregated from other funds and must be disposed of pursuant to section 12-97 of this code.

(j) A contribution by an individual or a political committee to two (2) or more candidates in connection with a joint fund-raising effort shall be divided among the candidates in direct proportion to each candidate campaign committee's share of the expenses for the fund-raising effort.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-92. Campaign finance violations; classifications.**

(a) It is unlawful for a corporation, limited liability company or labor organization to make a contribution to a candidate committee. A corporation, limited liability company or labor organization that violates this subsection is guilty of a class 2 misdemeanor. The individual through whom the violation is effected is guilty of a class 6 felony. This subsection does not apply to a committee that is incorporated or organized for a limitation of liability.

(b) It is unlawful for any person to make a contribution in the name of another person, knowingly permit a person's name to be used to effect a contribution in the name of another person or knowingly accept a contribution made by a person in the name of another person. A person who violates this subsection is guilty of a class 6 felony.

(c) It is unlawful for any person to make a contribution or expenditure using money or anything of value secured by physical force, job discrimination or financial reprisal including threats of any force, discrimination or reprisal. A person who violates this subsection is guilty of class 6 felony.

(d) It is unlawful for any person to make a contribution or expenditure using dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment. A person who violates this subsection is guilty of a class 6 felony.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-93. Campaign finance reports required.**

(a) A committee shall file campaign finance reports with the city clerk. Public funding candidates must comply with the requirements of the Tucson Charter and the campaign finance administration rules and regulations. For other committees, the secretary of state's instructions and procedures manual adopted pursuant to A.R.S. § 16-452 shall prescribe the format for all reports and statements.

(b) A campaign finance report shall set forth:

- (1) The amount of cash on hand at the beginning of the reporting period.
- (2) Total receipts during the reporting period, including:
  - (a) An itemized list of receipts in the following categories, including the source, amount and date of receipt, together with the total of all receipts in each category:
    - (i) Contributions from individuals whose contributions exceed fifty dollars (\$50) for that election cycle, including identification of the contributor's occupation and employer.
    - (ii) Contributions from candidate committees.

- (iii) Contributions from political action committees.
- (iv) Contributions from political parties.
- (v) Contributions from partnerships.
- (vi) For a political action committee or political party, contributions from corporations and limited liability companies, including identification of the corporation's or limited liability company's file number issued by the corporation commission.
- (vii) For a political action committee or political party, contributions from labor organizations, including identification of the labor organization's file number issued by the corporation commission.
- (viii) For a candidate committee, a candidate's contribution of personal monies.
- (ix) All loans, including identification of any endorser or guarantor other than a candidate's spouse, and the contribution amount endorsed or guaranteed by each.
- (x) Rebates and refunds.
- (xi) Interest on committee monies.
- (xii) The fair market value of in-kind contributions received.
- (xiii) Extensions of credit that remain outstanding, including identification of the creditor and the purpose of the extension.
- (b) The aggregate amount of contributions from all individuals whose contributions do not exceed fifty dollars (\$50) for the election cycle.
- (3) An itemized list of all disbursements in excess of two hundred fifty dollars (\$250) during the reporting period in the following categories, including the recipient, the recipient's address, a description of the disbursement and the amount and date of the disbursement, together with the total of all disbursements in each category:
  - (a) Disbursements for operating expenses.
  - (b) Contributions to candidate committees.
  - (c) Contributions to political action committees.
  - (d) Contributions to political parties.
  - (e) Contributions to partnerships.
  - (f) For a political action committee or political party, contributions to corporations and limited liability companies, including identification of the corporation's or limited liability company's file number issued by the corporation commission.
  - (g) For a political action committee or political party, contributions to labor organizations, including identification of the labor organization's file number issued by the corporation commission.

- (h) Repayment of loans.
  - (i) Refunds of contributions.
  - (j) Loans made.
  - (k) The value of in-kind contributions provided.
  - (l) Independent expenditures that are made to advocate the election or defeat of a candidate, including identification of the candidate, office sought by the candidate, election date, mode of advertising and distribution or publication date.
  - (m) Expenditures to advocate the passage or defeat of a ballot measure, including identification of the ballot measure, ballot measure serial number, election date, mode of advertising and distribution or publication date.
  - (n) Expenditures to advocate for or against the issuance of a recall election order or for the election or defeat of a candidate in a recall election, including identification of the officer to be recalled or candidate supported or opposed, mode of advertising and distribution or publication date.
  - (o) Any other disbursements or expenditures.
- (4) The total sum of all receipts and disbursements for the reporting period.
  - (5) A certification by the committee treasurer, issued under penalty of perjury, that the contents of the report are true and correct.
- (c) For the purposes of reporting under subsection (b) of this section:
- (1) A contribution is deemed to be received either on the date the committee knowingly takes possession of the contribution or the date of the check or credit card payment. For an in-kind contribution of services, the contribution is deemed made either on the date the services are performed or the date the committee receives the services.
  - (2) An expenditure or disbursement is deemed made either on the date the committee authorized the monies to be spent or the date the monies are withdrawn from the committee's account. For a transaction by check, the expenditure or disbursement is deemed made on the date the committee signs the check. For a credit card transaction on paper, the expenditure or disbursement is deemed made on the date the committee signs the authorization to charge the credit card. For an electronic transaction, an expenditure or disbursement is deemed made on the date the committee electronically authorizes the charge. For an agreement to purchase goods or services, the expenditure or disbursement is deemed made either on the date the parties enter into the agreement or the date the purchase order is issued.
  - (3) A committee may record its transactions using any of the methods authorized by this subsection but for each type of contribution, expenditure or disbursement made or received, the committee shall use a consistent method of recording transactions throughout the election cycle.
  - (d) The amount of an in-kind contribution of services shall be equal to the usual and normal charges for the services on the date performed.
  - (e) If any receipt or disbursement is earmarked, the committee shall report the identity of the person to whom the receipt or disbursement is earmarked.

(f) Candidate committee reports shall be cumulative for the election cycle to which they relate. Political action committee and political party reports shall be cumulative for a two (2) year election cycle ending in the year of a statewide general election. If there has been no change during the reporting period in an item listed in the immediately preceding report, only the amount need be carried forward.

(g) For a political action committee that receives individual contributions through a payroll deduction plan, that committee is not required to separately itemize each contribution received from the contributor during the reporting period. In lieu of itemization, the committee may report all of the following:

- (1) The aggregate amount of contributions received from the contributor through the payroll deduction plan during the reporting period.
- (2) The individual's identity.
- (3) The amount deducted per pay period.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-94. Campaign finance reporting period.**

(a) Candidate committees, political action committees and political parties shall file a campaign finance report covering each reporting period as follows:

- (1) For a calendar quarter without an election, the political action committee or political party shall file a quarterly report. The quarterly report shall be:
  - (a) Filed not later than the fifteenth (15th) day after the calendar quarter.
  - (b) Complete through the last day of the calendar quarter.
- (2) For a calendar quarter with an election, the political action committee or political party shall file a preelection and postelection report as follows:
  - (a) A preelection report shall be:

- (i) Filed not later than ten (10) days before the election.
- (ii) Complete from the first (1st) day of the applicable calendar quarter through the seventeenth (17th) day before the election.

(b) A postelection report shall be:

- (i) Filed not later than the fifteenth (15th) day after the applicable calendar quarter.
- (ii) Complete from the sixteenth (16th) day before the election through the last day of the applicable calendar quarter.

(b) A committee shall file campaign finance reports until terminated.

(c) Public funding candidates must also comply with the requirements of the Tucson Charter and the campaign finance administration rules and regulations. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-95. Failure to file; penalties; notice; suspension.**

(a) If a committee fails to timely file a complete report as prescribed by this code, the city clerk shall send a written notice by e-mail to the committee within five (5) days after the filing deadline that identifies the late report, describes how fines accrue and identifies methods of payment.

(b) A committee that fails to timely file a report shall pay the city clerk a penalty of ten dollars (\$10) for each day that the filing is late during the first fifteen (15) days after the filing deadline and twenty-five dollars (\$25) for each subsequent day that the filing is late. Penalties accrue until the late report is filed. The city clerk shall not accept the late report until all penalties accrued pursuant to this section have been paid.

(c) If a committee fails to file a complete report within thirty (30) days after the filing deadline and being provided notice pursuant to subsection (a) of this section, the city clerk may notify the city attorney who may proceed pursuant to section 12-96 of this code.

(d) For any political action committee or political party that fails to file three (3) consecutive complete reports, the city clerk shall send by e-mail to the committee a notice of temporary suspension and the following apply:

- (1) On receipt, the committee's authority to operate in the city is temporarily suspended.
- (2) The notice shall state that failure to comply with all filing and payment requirements within thirty (30) days after the date of the notice shall result in permanent suspension of the committee's authority to operate in the city.

(e) After compliance with subsection (d) of this section, the city clerk may permanently suspend the committee and shall notify the committee by e-mail and is not required to provide any further notice. Permanent or temporary suspension does not eliminate a committee's continuing obligation to file reports and pay any outstanding and accruing penalties provided by law.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-96. Enforcement authority; investigation; reasonable cause; notice of violation; administrative appeal.**

(a) Notwithstanding the provisions of A.R.S. § 16-1021, on receipt of a complaint from a third party, the city clerk is the sole public officer who is authorized to initiate an investigation into alleged violations of this chapter, including the alleged failure to register as a committee. The city clerk shall limit an investigation to violations that are within the city clerk's jurisdiction.

(b) The secretary of state will establish guidelines in the instructions and procedures manual adopted pursuant to A.R.S. § 16-452 that outline the procedures, timelines and other processes that apply to investigations by all filing officers in this state. Until the secretary of state establishes such guidelines the city clerk shall promulgate necessary interim guidelines.

(c) If after providing the subject of an investigation a reasonable opportunity to respond, the

city clerk has reasonable cause to believe a person violated this chapter, the city clerk shall refer the matter to the city attorney.

(d) Before a reasonable cause determination is made as prescribed in subsection (c) of this section, the city clerk, the city attorney and any other public officer or employee may not order a person to register as a committee and does not have audit or subpoena powers to compel the production of evidence or the attendance of witnesses concerning a potential campaign finance violation. The city clerk may request the voluntary production of evidence or attendance of witnesses in making a reasonable cause determination. Public funding candidates must also comply with the requirements of the campaign finance administration rules and regulations.

(e) Only after receiving a referral from the city clerk, the city attorney may:

- (1) Conduct an investigation using the city attorney's subpoena powers, except that the city attorney shall not compel a person to file campaign finance reports unless the city attorney has determined that the person is a committee.
- (2) Serve the alleged violator with a notice of violation. The notice shall state with reasonable particularity the nature of the violation, shall specify the fine or penalty imposed and shall require compliance within twenty (20) days after the date of issuance of the notice. The city attorney shall impose a presumptive civil penalty equal to the value of amount of money that has been received, spent or promised in violation of this chapter, except that after a finding of special circumstances, the city attorney may impose a penalty of up to three (3) times the amount of the presumptive civil penalty, based on the severity, extent or willful nature of the alleged violation. If the notice of violation requires a person to file campaign finance reports, the reports are not required to be filed until the city attorney's notice of violation has been upheld after any timely appeal.

- (3) Keep any nonpublic information gathered by the city attorney in the course of the committee status investigation confidential until the final disposition of any appeal of the enforcement order.

(f) The city attorney has the sole and exclusive authority to initiate any applicable administrative or judicial proceedings to enforce an alleged violation of this article and of this chapter that have been referred by the city clerk.

(g) If the alleged violator:

- (1) Takes corrective action within twenty (20) days after the date of the issuance of the notice of violation by the city attorney, the alleged violator is not subject to any penalty.
- (2) Does not take corrective action within twenty (20) days after the date of issuance of the notice of violation by the city attorney, the city attorney shall impose the penalty set forth in the notice and shall provide formal notice that the imposition of the penalty is an appealable agency action pursuant to A.R.S. §§ 41-1092.03 and 41-1092.04.
- (3) If due to the nature of the violation, no corrective action is possible, the city attorney shall issue an order of compliance and may impose a penalty of up to three (3) times the amount of the presumptive civil penalty, based on the severity, extent or willful nature of the alleged violation.

(h) Within thirty (30) days after receiving from the city attorney the notice of violation or an order of compliance with penalty under subsection (g)(3) of this section, the alleged violator may request a hearing pursuant to A.R.S. Title 41, Chapter 6, Article 10.

(i) After the conclusion of the administrative appeal process prescribed in A.R.S. Title 41, Chapter 6, Article 10, the alleged violator may appeal to the superior court pursuant to A.R.S. Title 12, Chapter 7, Article 6 for judicial review of the final administrative decision.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-97. Transfer and disposal of committee monies; limitations.**

(a) A committee that intends to terminate shall dispose of surplus monies as follows:

- (1) Donate surplus monies to the City of Tucson election campaign account established pursuant to section 12-99 of this code.
- (2) Donate surplus monies to a nonprofit organization that has tax exempt status under section 501(c)(3) of the internal revenue code.
- (3) Return surplus monies to the contributor.
- (4) In the case of a candidate committee, contribute surplus monies to a candidate committee for another candidate under the following conditions:
  - a. The candidate committee makes the contribution after the time period for filing a nomination paper pursuant to section 12-69(b) of this code.
  - b. The candidate associated with the candidate committee that makes the contribution did not file a nomination paper to run for election in the current election cycle.

(b) Surplus monies shall not be used for or converted to personal use.

(c) This section does not preclude the repayment of a loan to a committee.

(d) Contributions of surplus monies shall be made pursuant to section 12-86 of this code.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-98. Termination statement; filing; contents.**

(a) A committee may terminate only when the committee treasurer files a termination statement with the city clerk.

(b) In the termination statement, the committee treasurer shall certify under penalty of perjury that all of the following apply:

- (1) The committee will no longer receive any contributions or make any disbursements.
- (2) The committee either:
  - a. Has no outstanding debts or obligations.
  - b. Has outstanding debts or obligations, or both, that are all more than five (5) years old, and that the committee's creditors have agreed to discharge the debts and obligations and have agreed to the termination of the committee.
- (3) Any surplus monies have been disposed of and that the committee has no cash on hand.
- (4) All contributions and expenditures have been reported, including any disposal of surplus monies.

(c) The city clerk may reject the termination statement if it appears that the requirements in subsection (b) of this section have not been satisfied.

(d) After a termination statement is filed, a committee:

- (1) Is not required to file any subsequent campaign finance reports.
- (2) Shall have no further receipts or disbursements without filing a new statement of organization.

(e) A standing committee may terminate its activities in the City and remain active in other reporting jurisdictions, by filing a statement of that intent with the city clerk.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-99. Establishment of a restricted election campaign account.**

Pursuant to Tucson Charter Chapter XVI subchapter (b) section 6, the mayor and council shall establish an election campaign account in the general fund into which shall be deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the city for the support of public election campaign financing, and such sums as may otherwise be appropriated to said account. Money in said account shall be restricted, and expended for the purpose of assisting the financing of the public matching funds program.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-100. Additional powers of mayor and council.**

The mayor and council may enact ordinances as may be necessary or desirable to carry out the provisions of this chapter.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-101 – 12-109. Reserved.**

**ARTICLE VIII. INITIATIVE**

Any proposed ordinance or amendment to the Charter of the City of Tucson may be submitted to the mayor and council by a petition signed by fifteen (15) percent of the qualified electors of the city, computed on the vote for the candidates for mayor at the last preceding general municipal election at which a mayor was elected.

If the initiative is certified as sufficient, the city clerk shall proceed as provided in section 12-128 of this code.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-110. Application to circulate petitions; filing of statement of organization.**

(a) A person or persons intending to circulate an initiative petition shall, before causing the petition to be printed and circulated, file with the city clerk an application on a form to be provided by the city clerk, stating an intent to circulate and file a petition. The application shall set forth the names, addresses and signatures of three (3) individuals ("petitioners") who

are responsible for the petition and who are to be notified of all proceedings and actions taken in reference to the petition.

(b) The application shall be accompanied by the complete title and text of the proposed measure to be initiated.

(c) On receipt of the application, the city clerk shall assign an official serial number to the petition, which number shall appear in the lower right-hand corner of each side of each page thereof, and issue that number to the applicant. The serial numbers shall be assigned in numerical sequence. The city clerk shall maintain a record of each application received, the numbers assigned, and the applicant and petitioners to whom issued.

(d) The statement of organization required in section 12-84 of this code, and listing the chairperson and treasurer of the committee, shall be filed with the city clerk at the time of application and before circulating petitions. Signatures obtained before the filing of a completed statement of organization with the city clerk are void and shall not be counted in determining the legal sufficiency of any initiative petition(s).

(e) The city clerk shall make available to each applicant by electronic means a copy of the text of this chapter governing the initiative and referendum, a copy of A.R.S. Title 19 and all rules adopted by the secretary of state pursuant to that title.

(f) The provisions of article VII of this chapter, "Campaign Finance; Candidates, Political Action Committees, and Public Funding Program," shall apply to initiative petitions.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-111. Form of petition.**

(a) The term "petition," as used in this article, includes the title and text of the proposed measure, the signature sheets, and the affidavit of circulator.

(b) The term "at all times during circulation" means the entire period from the time the circulator receives any blank initiative petition for circulation until the time the petition is filed with the city clerk.

(c) Any initiative petition desired to be submitted to the mayor and council shall be presented upon a petition in the form prescribed by the city clerk.

(d) The referendum and recall petitions filed with the city clerk must strictly comply with the constitutional and statutory requirements for the referendum and recall process. This includes the form of petition and the requirement that the ward number shall be filled in on the signature sheet.

(e) It is the responsibility of the petitioners of the initiative petition to ensure that at all times during circulation, the petition is in the required form, that it contains all required information, and that all of its pages are fully legible. Any deficiencies are subject to challenge by the public as well as the city clerk.

(f) No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature sheet, affidavit of circulator).

(g) The title and text of the measure proposed by the petition shall be printed in at least eight (8) point type on either 8 1/2 x 11" or 8 1/2 x 14" paper, portrait or landscape orientation, and shall include both the original and (if applicable) amended text. The title and text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material, and shall indicate material added or new material by printing the letters of the material in capital letters. The eight (8) point type requirement does not apply to maps, charts, or other graphics.

(h) If the full printing of the title and text of the proposed measure requires multiple pages, the title and text may be printed either on the front of each page or on the front and back of each page, at the option of the petitioners. Each and every page of the title and text shall be numbered sequentially (e.g. Page 1 of 5, Page 2 of 5, etc.) and the number shall appear in the upper right-hand corner of each page, immediately below the words "Tucson, Arizona" and the date of issuance.

(i) The initiative petition shall be printed in black ink on white or recycled white pages.

(j) The signature sheets shall be fourteen (14) inches in width by eight and one-half (8 1/2) inches in length.

(k) All pages of the petition shall have a margin of at least one-half (1/2) inch at the top and one-fourth (1/4) inch at the bottom of each page.

(l) The title of the petition shall read "CITY OF TUCSON" in the left margin followed by "Initiative Description" centered.

(m) The following language shall appear in the uppermost right-hand corner of the signature sheet: "It is unlawful to sign this petition before it has a serial number."

(n) Immediately below the statement required in subsection (m) of this section, each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type the following:

" \_\_\_\_\_ PAID CIRCULATOR"  
" \_\_\_\_\_ VOLUNTEER"

(o) Immediately below the heading required in subsection (l) of this section, the petition shall include a description of no more than one hundred (100) words.

(p) Immediately below the description required in subsection (o) of this section, the following language shall be included: "Notice: This is only a description of the proposed measure (or charter amendment) prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing."

(q) Immediately below the notice required in subsection (p) of this section, the following language shall be included in eight (8) point centered type "Initiative Measure to be Submitted Directly to Electors". Immediately below this centered heading, the following language shall be included: "To the Honorable Mayor and Council, and the Clerk of the City of Tucson: We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, do hereby submit and propose to you, for adoption, the following ordinance, and request that action be taken by you relative to the adoption or rejection of such proposed ordinance, at the earliest possible moment, and that the same be forthwith submitted to a vote of the people, to-wit: \_\_\_\_\_, as described in the attached Title and Text. Each signer

says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson, State of Arizona".

(r) Immediately following the language described subsection (q) above, the following language shall be included: "Warning: It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

(s) The signature sheet shall include columns with the following headings:

- (1) Signature
- (2) Name (First and Last Name Printed)
- (3) Actual Address (Street & Number, if no street address, describe residence location)
- (4) Ward No.
- (5) Date Signed

(t) Each signature sheet shall contain fifteen (15) numbered lines for signatures spaced three-eighths (3/8) inch apart and numbered one (1) through fifteen (15).

(u) Immediately below the fifteen (15) numbered lines described in subsection (t) above, the following language shall be included: "The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet."

(v) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words "Serial Number" on both sides of the signature sheet and the title and text page(s). (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-112. Affidavit of circulator.**

(a) The affidavit shall be in the following form printed on the reverse side of each signature sheet: "Initiative Affidavit of Circulator".

(b) The words "Tucson, Arizona" and the date of issuance shall appear in the upper right-hand corner.

(c) In the upper left-hand corner include the following:

State of Arizona )  
 ) ss.:  
County of \_\_\_\_\_ )  
(Where notarized)

(d) Immediately below the language described in subsection (c), the following language shall be included:

I,           (print name)          , a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the County of \_\_\_\_\_, in the State of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, §§ 1, ¶ 9, Arizona Revised Statutes § 19-112 (B), (C), (D), 19-114 (A) Tucson Charter, Chapter XIX, § 2, Tucson Code § 12-116(f)). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear (Tucson Charter, Chapter XIX, § 2). I retained direct custody and control of this signature sheet, and personally observed each signer of this signature sheet actually sign it (Tucson Code § 12-116(c)(h)). I crossed out and initialed blank signature lines on this signature sheet prior to or at the time my signature on this affidavit was notarized (Tucson Code § 12-116(j)).

(e) Immediately following the language in subsection (d), the following shall be included: "The

names of the petitioners who should be notified of all proceedings and action taken in reference to this petition are:"

(f) Immediately below the information required in subsection (e), the following shall be included: the petitioners' printed names, residence addresses, street and number (if no street address, describe residence location).

(g) Immediately below the statement described in subsection (f), the following shall be included: the circulator signature, printed name, actual residence address, street and number (if no street address, describe residence location).

(h) Immediately following the circulator signature required in subsection (g), the following shall be included:

Subscribed and sworn to (or affirmed) before me on \_\_\_\_\_ (date)

\_\_\_\_\_  
Notary Public  
(Form shall include a designated location for notary stamp)

(i) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words "Serial Number" on both sides of the signature sheet and the title and text page(s).

(j) The affidavit of circulator shall not be modified. Any petition that contains a partially completed affidavit or any affidavit that has been modified is invalid.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-113. Final version of petition.**

Prior to the circulation of an initiative petition, the petitioners shall file with the city clerk, as a public record, a blank final printed version of the initiative petition to be circulated, showing the official serial number. The city clerk shall time and date stamp the filed version. The initiative petition must include the full and correct copy of the title and text of the proposed measure to be initiated. The petition filed with the city clerk is the only valid version for circulation.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-114. Right of city clerk to review.**

The city clerk shall have the right, at any time, to review, challenge or reject an initiative petition on the basis of any legal or procedural insufficiency, including but not limited to the petition's failure to address legislation that is subject to the initiative process. The city clerk's administration of the initiative process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the initiative petition by the city.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-115. Registered circulators; requirements; definition.**

(a) All circulators who are not residents of this state must register as circulators with the secretary of state before circulating petitions pursuant to A.R.S. § 19-118. The political action committee that is circulating the petition shall collect and submit the registrations to the secretary of state. The secretary of state shall establish in the instructions and procedures manual issued pursuant to A.R.S. § 16-452 a procedure for registering circulators and shall publish on a website maintained by the secretary of state all information regarding circulators that is required pursuant to this section. The city clerk shall disqualify all signatures collected by a circulator who fails to register pursuant to this subsection.

(b) The registration required by subsection (a) of this section shall include the following provisions:

- (1) The circulator consents to the jurisdiction of the courts of this state in resolving any disputes concerning the circulation of petitions by that circulator.
- (2) The circulator shall designate an address in this state at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. Service of process is effected under this section by delivering a copy of the subpoena to that person individually or by leaving a copy of the subpoena at the address designated by the circulator with a person of suitable age.

(c) If a registered circulator is properly served with a subpoena to provide evidence in an action regarding circulation of petitions and fails to appear or produce documents as provided for in the subpoena, all signatures collected by that circulator are deemed invalid. The party serving the subpoena may request an order from the court directing the city clerk to remove any signatures collected by the circulator.

(d) Any person may challenge the lawful registration of circulators in the superior court of the county in which the circulator is registered. A challenge may not be commenced more than five (5) days after the date on which the petitions for which the circulator is required to be registered are filed with the city clerk. The person challenging signatures may amend that complaint after the city clerk has removed signatures and signature sheets. An action pursuant to this section shall be advanced on the calendar and decided by the court as soon as possible. Either party may appeal to the supreme court within five (5) calendar days after entry of judgment. The prevailing party in an action to challenge the registration of a circulator under this section is entitled to reasonable attorney fees.

(e) The removal or disqualification of any one or more circulators does not invalidate the random sample of signatures, and the city clerk shall not be required to conduct any additional random sampling of signatures. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-116. Circulation of petition.**

(a) Prior to circulating the initiative or referendum petition, the circulator shall state whether they are a paid circulator or a volunteer by checking the appropriate line on the signature sheet. For the purposes of this chapter, "paid circulator:"

- (1) Means a natural person who receives monetary or other compensation that is based on the number of signatures obtained on a petition or on the number of petitions circulated that contain signatures.
- (2) Does not include a paid employee of any political action committee organized pursuant to Arizona Revised Statutes Title 16, Chapter 6, unless that employee's primary responsibility is

circulating petitions to obtain signatures.

(b) At all times during circulation, each signature sheet shall be attached to a complete copy of the title and text of the proposed measure.

(c) For purposes of this article, the term "at all times during circulation" means the entire period from the time the circulator receives any blank initiative petition for circulation until the time the petition is filed with the city clerk.

(d) With the exceptions listed in subsection (e) of this section, and section 12-115(a) of this code, any person who is qualified to register to vote in the State of Arizona may circulate an initiative or referendum petition.

(e) No county recorder or justice of the peace and no person other than a person qualified to register to vote in the State of Arizona shall circulate an initiative petition and all signatures verified by any such person shall be void and shall not be counted in determining the legal sufficiency of the petition.

(f) Each circulator of any petition page shall personally receive sufficient information from each signer of the signature sheet, at the time the signature is obtained, to ensure that the circulator can, as to all signers of that page, depose and state in the affidavit required by the Tucson Charter that each signature is genuine, and that each signer is a resident and qualified elector of the City of Tucson.

(g) Every qualified elector signing a petition shall do so in the presence of the person who is circulating the petition and who is to execute the affidavit of circulator.

- (1) At the time of signing, the qualified elector shall sign their first and last names in the spaces provided and the elector so signing shall print their first and last names and write, in the appropriate spaces following the signature, the signer's residence address, giving street and number, and if no street address, a description of the residence location.

- (2) In the case of strict compliance of the referendum, the qualified elector shall also print their ward number (see Tucson Code 12-151 (a)).

- (3) The elector so signing shall write, in the appropriate spaces following the elector's address, the date on which the elector signed the petition.

(h) The circulator of any petition page shall retain direct custody and control of the page at all times during circulation, except when a signer is signing; personally give the page to, and take it from, each signer; and personally observe each signer of the petition page actually sign the petition.

(i) Abandoned or stray petition sheets that are not or at any time have not been under the direct custody and control of the circulator shall be rejected in their entirety.

(j) Each circulator of an initiative petition shall cross out and initial any blank signature lines on the signature sheet including those in the middle of the sheet, prior to, or at the time, the circulator's signature on the affidavit for that signature sheet is notarized.

(k) In the event that a circulator fails to cross out and initial any blank signature lines before notarization then the entire signature sheet shall be rejected and all signatures on that page will be void.

(l) Signatures obtained before the filing of a completed statement of organization with the city clerk are void and shall not be counted in determining the legal sufficiency of any initiative petition(s).

(m) The provisions of this section shall also apply to the circulation of any referendum or recall petition. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-117. Petition signature fraud.**

(a) For the purposes of this chapter, a person commits petition signature fraud if the person does either of the following with the intent to defraud:

- (1) Intentionally collects for filing petition signature sheets with the knowledge that the person whose name appears on the signature sheet did not actually sign the petition.

- (2) Uses any fraudulent means, method, trick, device or artifice to obtain signatures on a petition.

(b) A person paid by a political committee to employ or subcontract with persons who fraudulently obtain petition signatures or who obtain petition signatures through other unlawful means is not guilty of a violation of subsection (a) if the person does both of the following:

- (1) Reports the suspected unlawful or fraudulent signature collection to the city clerk.
- (2) Refuses to file the suspected unlawful or fraudulent signatures.

(c) A person who violates subsection (a) is guilty of a class 1 misdemeanor, except that a person who engages or participates in a pattern of petition signature fraud is guilty of a class 4 felony and shall be prohibited from participating for five (5) years in any election, initiative, referendum or recall campaign. For the purposes of this subsection, "pattern of petition signature fraud" means that the person employs or subcontracts with persons to obtain signatures and at least five (5) of the employees or subcontractor's employees have been convicted of a violation of this section for one or more elections or recall campaigns in an election cycle.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-118. Procedure for withdrawing signatures.**

Qualified electors desiring to withdraw their signatures may do so by executing and filing with the city clerk an affidavit in the form prescribed by the city clerk.

- (a) A withdrawal of signature must occur no later than 5:00 p.m. on the date the petition containing their signature is actually filed.
- (b) To withdraw a petition signature, a person may do any of the following:
- (1) Verify the withdrawal by signing a simple statement of intent to withdraw at the office of the city clerk.

- (2) Mail a signed, notarized statement of intent to withdraw to the city clerk.

- (3) Draw a line through the signature and printed name on the petition at any time prior to filing.

- (c) A signature withdrawn pursuant to subsections (a) and (b) of this section shall not be counted in determining the legal sufficiency of the petition.

- (d) A person who knowingly gives or receives money or any other thing of value for signing a statement of signature withdrawal pursuant to subsection (b) of this section is guilty of a class 1 misdemeanor.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-119. Filing initiative petition.**

The city clerk is responsible for, and shall exercise final control over, all aspects of the certification process relating to city initiative petitions. In the event of evidence of fraud or other circumstances that the city clerk determines may affect the security or integrity of the initiative petition, the city clerk shall consult with the city attorney to take additional steps necessary to ensure the security and integrity of the initiative petition process and the proper validation of signatures. The precise steps will be determined on a case-by-case basis.

- (a) All signature sheets with the complete copy of the title and text of the proposed measure to be initiated attached shall be filed with the city clerk as one (1) instrument. For purposes of this chapter, a petition is filed when the petition is tendered to the city clerk, and the city clerk takes custody of the petition.
- (b) The petitioners shall organize the signature sheets and group them by circulator and are solely responsible for compliance with this section. The city clerk shall return as unfiled any signature sheets that are not so organized and grouped.
- (c) Initiative petitions which have not been filed with the city clerk as of 5:00 p.m. on the day four (4) months prior to the next ensuing city general election after their issuance, shall be null and void.

- (d) In no event shall the city clerk accept an initiative petition which was issued for circulation more than twenty-four (24) months prior to the date of the city general election at which the measure is to be included on the ballot.
- (e) Initiative petitions must be filed at a location specified by the city clerk.
- (f) A representative of the petitioners shall be present from the time the city clerk begins processing the petition to the time the city clerk either issues the interim receipt of sufficiency or rejects the petition for insufficiency.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-120. Issuance of a petition filing receipt to the petitioners.**

When a petition is filed, a receipt is immediately issued by the city clerk containing:

- (a) Part I- The petitioners' estimate of purported number of sheets and signatures filed.
- (b) Part II- The city clerk's estimate of purported number of sheets and signatures filed.
  - (1) If the signature sheets appear to contain a number of signatures equal to or exceeding the minimum number required, the city clerk shall commence a verification process, examining the petition to determine if it contains the requisite number of signatures of qualified electors as prescribed by Chapter XIX of the Tucson City Charter and this chapter of the Tucson Code in order to proceed with certification.
  - (2) If the number of estimated signatures does not appear to equal or exceed the minimum number required, the city clerk shall reject the initiative petition and immediately return it to the petitioners, without prejudice to the filing of a new petition for the same purpose. The city clerk shall indicate the reason for the rejection on the receipt.

After the city clerk issues the receipt, no additional petition sheets may be accepted for filing, and no additions, corrections, or adjustments to the filed petition sheets are permitted.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-121. Examination of petitions.**

Within ten (10) days after issuing the receipt, the city clerk shall ascertain whether the petition is signed by the requisite number of qualified electors to forward to the Pima County Recorder for further processing pursuant to applicable state law along with a receipt specifying the number of signature sheets and random sample signatures as determined by the city clerk.

- (a) The city clerk shall examine the petition for improper formatting. Examples of improperly formatted pages include, but are not necessarily limited to, the following:
  - (1) Signature sheets that are not attached to a complete copy of the title and text of the measure being proposed or referred;
  - (2) Failure by the petitioners to organize the signature sheets and group them by circulator as required by section 12-119 (b) of this code. The city clerk shall return as unfiled any signature sheets that are not so organized and grouped;
  - (3) Any petition page that does not bear the words "Tucson, Arizona" and the date of issuance of the serial number in the upper right-hand corner;
  - (4) Signature sheets that either do not themselves bear the city clerk's official serial number in the lower right-hand corner, or that are attached to title and text pages which do not bear the official serial number, or that have both of these defects;
  - (5) Signature sheets which are themselves, or whose attached title and text pages are, damaged in such a manner that the format or legibility of the petition is both in violation of this chapter and beyond correction (e.g. the official serial number is torn off, the title and text is missing, etc.);

- (6) Statutory language is missing from the signature sheet, including but not limited to the "Notice", the "Warning" and the statement beginning with "we the undersigned...."
- (b) The city clerk shall examine the petition for defects. Signatures on a signature sheet with the following defects in the circulator's affidavit shall not be included in the count of signatures eligible for verification, and shall be ineligible for inclusion in the total number of valid signatures:
- (1) Is not completed or signed by the circulator;
  - (2) Is missing the designated county;
  - (3) Is not notarized;
  - (4) Is missing the notary's signature;
  - (5) Has been notarized by a notary whose commission has expired;
  - (6) Does not have the notary's seal affixed or whose seal is not in compliance with the Arizona Revised Statutes relating to notaries public and the Secretary of State's Arizona Notary Public Reference Manual;
  - (7) Does not bear a notarization date;
  - (8) Contains a notary signature that is dated earlier than the date on which any elector signed the signature sheet;
  - (9) Is attached to a page where the circulator failed to cross out and initial any blank signature lines at the time of or prior to notarization;
  - (10) The circulator is prohibited from participating in any election, initiative, referendum or recall campaign pursuant to A.R.S. § 19-119.01 (D);
  - (11) The circulator did not mark whether they are a paid circulator or a volunteer;
  - (12) In the opinion of the city clerk, it is otherwise defective.
- (c) The disqualification of a signature sheet results in the invalidity and removal of all signatures on that signature sheet, but not necessarily all signature sheets circulated by that circulator without an independent reason for disqualification of each signature sheet.
- (d) Signatures on or attached to improperly formatted pages of the petition shall not be included in the count of signatures eligible for verification.
- (e) Individual signature sheets that are damaged, illegible or improperly formatted may be accepted for examination and verification at the city clerk's discretion.
- (f) The city clerk shall examine the individual signatures (or signature lines) contained on each numbered signature sheet of the petition. A signature is not eligible for verification, and is ineligible for inclusion in the total number of valid signatures, if it meets any of the following criteria:
- (1) The original signature is missing from the signature line;
  - (2) The residence address or description of the residence location is missing (street and number; and/or if no street address, described residence location) or the column contains only a post office box;
  - (3) The date of signing is missing;
  - (4) There is more than one (1) signature placed on the numbered signature line, in which case only the signature which is actually on the line will be eligible for verification and all other signatures shall be rejected;
  - (5) There is an excess of fifteen (15) signatures on the signature sheet, in which case the one(s) in excess shall be rejected;

- (6) The signature has been withdrawn, pursuant to controlling legislation;
  - (7) The date of signature is after the date on which the Affidavit of Circulator was notarized;
  - (8) The date the circulator or notary signed is earlier than the date the sheet was signed.
  - (9) The signature has been crossed out, or otherwise defaced, prior to being received by the city clerk.
  - (10) Ditto marks in any column except the signature column are acceptable as long as the reiterated information is valid.
  - (11) The circulator has printed the elector's first and last name (or other information) in violation of controlling legislation.
  - (12) The signature or accompanying information is, in the opinion of the city clerk, otherwise insufficient or defective.
- (g) The city clerk shall also examine the petition for void signatures. Void signatures are ineligible for inclusion in the count of sufficient signatures and shall not be counted in determining the legal sufficiency of the petition. As used in this chapter, a signature is void if:

- (1) The signature appears on a signature sheet that was circulated by a county recorder, a justice of the peace, or a circulator who is not qualified to register to vote in the State of Arizona at the time of circulation of the signature sheet;
- (2) The signature was obtained prior to the issuance of the petition serial number.
- (3) Signatures obtained by a person who is not a resident of the State of Arizona and who failed to register with the secretary of state.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-122. Interim receipt of sufficiency.**

If, after the examination and removal of ineligible signatures, the number of facially eligible signatures remaining on the signature sheets appears to equal or exceed the minimum number required, the city clerk shall issue an interim receipt of sufficiency to the petitioners, which shall list the number of signature sheets in the possession of the city clerk, and also the total number of signatures eligible for further examination and verification. The issuance of an interim receipt of sufficiency to the petitioners shall not preclude:

- (a) The continuation or repetition of any examinations carried out prior to its issuance;
- (b) The initiation of examinations or verifications not yet begun;
- (c) Any other activities the city clerk deems necessary to make a thorough, accurate and complete examination of the petition;
- (d) The exclusion from the total of valid signatures of any additional signatures found ineligible, invalid or void under the criteria of this chapter.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-123. Receipt of insufficiency.**

If, after completion of the procedures described in this chapter, the number of signatures remaining on the sheets which are eligible for verification does not appear to equal or exceed the minimum number required, the city clerk shall reject the initiative petition, without prejudice to the filing of a new petition for the same purpose. Disposition of the insufficient petition shall be pursuant to section 12-130 of this code.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-124. Generation of random sample.**

(a) After issuing the interim receipt of sufficiency to the petitioners for the initiative petition, the city clerk shall, at random, select five percent (5%) of the signatures determined to be eligible for verification. The random sample signatures to be verified shall be drawn in such a manner that every signature filed with the city clerk has an equal chance of being included in the sample.

(b) Upon generation of the random sample, the city clerk shall reproduce a facsimile of the front of each signature sheet containing a random sample signature and shall forward those facsimile signature sheets to the county recorder, who shall have fifteen (15) days, excluding Saturdays, Sundays, and legal holidays, to complete their examination and certify the results of the random sample.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec 12-125. Disposition of petitions by city clerk.**

Within seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, after receipt of the facsimile signature sheets and the certification of the results of the random sample from the county recorder, the city clerk shall determine the total number of valid signatures in the following manner:

- (a) Subtract all signatures from the total number of eligible signatures on petitions containing a defective circulator's affidavit.
- (b) If a signer has signed more than once, subtract all but one otherwise valid signature;
- (c) Subtract all signatures that were found to be ineligible by the county recorder or found to be ineligible by the city clerk that were not previously subtracted;
- (d) After determining the percentage of all signatures found to be invalid in the random sample, subtract a like percentage from those signatures remaining after all previous subtractions have been performed.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-126. Certificate of sufficiency.**

If the actual number of signatures on the remaining sheets after all subtractions equals or exceeds the minimum number required by the constitution or if the number of valid signatures as projected from the random sample is at least one hundred per cent (100%) of the minimum number required by the constitution, the city clerk shall issue the following receipt to the person or organization that submitted them:

\_\_\_\_\_ signature sheets bearing \_\_\_\_\_ signatures for initiative petition serial number \_\_\_\_\_ have been refused for filing in this office as provided by law. A total of \_\_\_\_\_ signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of \_\_\_\_\_ signatures, a total of \_\_\_\_\_ signatures were invalidated by the county recorder resulting in a failure rate of \_\_\_\_\_ per cent. The actual number of remaining signatures for such initiative petition number \_\_\_\_\_ are equal to or in excess of the minimum required by the constitution to place a measure on the next ensuing city general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred per cent (100%) of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.

Date: \_\_\_\_\_  
\_\_\_\_\_ city clerk (Seal)

The city clerk shall then forthwith notify the mayor and council that a sufficient number of signatures has been filed and the initiative shall be forwarded to the mayor and council for action pursuant to section 12-128 of this code.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-127. Certificate of insufficiency.**

If the number of valid signatures as projected from the random sample is less than one hundred per cent (100%) of the minimum number required by the constitution or if the actual number of signatures on the remaining sheets after all subtractions from the random sample or after certification fails to equal or exceed the minimum required by the constitution, the city clerk shall dispose of the insufficient petition in the manner set forth in section 12-130 of this code and shall issue to the person or organization that submitted them, a certified statement that, for the following reasons, the petition lacks the minimum number of signatures to place it on the general election ballot:

- (1) Signature sheets bearing city clerk page numbers and bearing signatures of \_\_\_\_\_ persons appeared on petitions that were required to be removed.
- (2) A total of \_\_\_\_\_ signatures on the remaining petition sheets were found to be ineligible.

- (3) A total of \_\_\_\_\_ signatures included in the random sample have been certified by the county recorder as ineligible at the time such petition was signed and a projection from such random sample has indicated that \_\_\_\_\_ more signatures are ineligible to appear on the petition.

A copy of the certification of the county recorder pursuant to A.R.S. § 19-121.02 shall accompany the certified statement.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-128. City clerk to certify sufficient petitions to mayor and council; mayor and council adopt ordinance or call an election.**

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate of sufficiency without delay, to the mayor and council; and the mayor and council shall either:

- (1) Pass said initiative, without alteration, within twenty (20) days after the attachment of the city clerk's certificate of sufficiency of the accompanying petition, or
- (2) Within twenty-five (25) days after the city clerk shall have attached the certificate of sufficiency to the petition, the mayor and council shall proceed to call a special election to be held in conjunction with the next ensuing city general election at which said initiative without alteration shall be submitted to the vote of the people.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-129. Disposition of sufficient petitions.**

The city clerk shall retain an electronic copy of all signature sheets, subsequently certified as sufficient, pursuant to the retention schedule prescribed by the Arizona State Library, Archives and Public Records. After the time period for legal challenges has elapsed, the original petitions shall be made available to the applicant but may be disposed of by the city clerk after a reasonable period of time.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-130. Disposition of insufficient petitions.**

Insufficient petitions shall be retained by the city clerk until after the conclusion of any litigation regarding the measure or until the time has expired for any litigation to proceed. After the time period for legal challenges has elapsed, the original petitions shall be made available to the applicant but may be disposed of by the city clerk after a reasonable period of time.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-131. Number of proposed initiative measures to be voted on not limited.**

Any number of proposed initiative measures may be voted upon at the same election.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-132. Arrangement for and conduct of election.**

Whenever any ordinance is required to be submitted to the voters of the city, the mayor and council shall order such ordinance to be printed in the official newspaper of the city, for three (3) consecutive days and posted in the official posting location of the city. The mayor and council shall make, or cause to be made, all arrangements for holding such election; and the same shall be conducted, returned and result thereof declared, in all respects as are other city elections.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-133 – 12-147. Reserved.**

**ARTICLE IX. REFERENDUM**

**Sec. 12-148. Applicability of referendum to city ordinances; 30-day period for referendum to be calculated from the date ordinance is made available from the city clerk.**

Referendum shall apply to City ordinances as provided in Chapter XX of the City Charter. If petitioners file an application for referendum with the city clerk relating to an ordinance, or a resolution having the effect of an ordinance, or any item, section, or part thereof, that is subject to referendum, and the city clerk is unable to provide petitioners with a copy of the ordinance at the time of application for an official serial number or on the same business day of

the application, the thirty (30) day period for filing the referendum petition shall be calculated from the date such ordinance is made available from the city clerk. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-149. Form of petition.**

(a) The term "petition," as used in this article, includes the title and text of the referred measure, the signature sheets, and the affidavit of circulator.

(b) Any referendum petition desired to be submitted to the mayor and council shall be presented upon a petition in the form prescribed by the city clerk.

(c) The referendum and recall petitions filed with the city clerk must strictly comply with the constitutional and statutory requirements for the referendum and recall process. This includes the form of and the requirement that the qualified elector shall print their ward number on the signature sheet.

(d) It is the responsibility of the petitioners of the referendum petition to ensure that at all times during circulation, the petition is in the required form, including a complete copy of the measure sought to be referred, that it contains all required information, and that all of its pages are fully legible.

(e) No additional information, instructions, symbols, or markings of any kind are to be printed on any portion of the petition, including the back or margins of any of the petition documents (title/text, signature sheet, affidavit of circulator).

(f) The title and text of the measure referred by the petition shall be printed in at least eight (8) point type on either 8 1/2" x 11" or 8 1/2" x 14" paper, portrait or landscape orientation, and shall include both the original and (if applicable) amended text. The title and text shall indicate material deleted, if any, by printing the material with a line drawn through the center of the letters of the material, and shall indicate material added or new material by printing the letters of the material in capital letters. The eight (8) point type requirement does not apply to maps, charts, or other graphics.

(g) If the full printing of the title and text of the referred measure requires multiple pages, the title and text may be printed either on the front of each page or on the front and back of each page, at the option of the

petitioners. Each and every page of the title and text shall be numbered sequentially (e.g. Page 1 of 5, Page 2 of 5, etc.) and the number shall appear in the upper right-hand corner of each page, immediately below the words "Tucson, Arizona" and the date of issuance.

(h) The referendum petition shall be printed in black ink on white or recycled white pages.

(i) The signature sheets shall be fourteen (14) inches in width by eight and one-half (8 1/2) inches in length.

(j) All pages of the petition shall have a margin of at least one-half (1/2) inch at the top and one-fourth (1/4) inch at the bottom of each page.

(k) The title of the petition shall read "CITY OF TUCSON" in the left margin followed by "Referendum Description" centered.

(l) Immediately below the title required in subsection (k) of this section, the petition shall include a description of no more than one hundred (100) words of the principal provisions of the measure sought to be referred.

(m) The following language shall appear in the uppermost right-hand corner of the signature sheet: "It is unlawful to sign this petition before it has a serial number."

(n) Immediately below the statement required in subsection (m) of this section, each signature sheet shall have printed in capital letters in no less than twelve (12) point bold-faced type the following:

" \_\_\_\_\_ PAID CIRCULATOR"  
" \_\_\_\_\_ VOLUNTEER"

(o) The words "Tucson, Arizona" and the date of issuance shall appear in the upper right-hand corner of both sides of the signature sheet.

(p) Immediately below the description required in subsection (l) of this section, the following language shall be included: "Notice: This is only a description of the measure sought to be referred prepared by the sponsor of the measure. It may not include every provision contained in the measure. Before signing, make sure the title and text of the measure are attached. You have the right to read or examine the title and text before signing."

(q) In eight (8) point centered type, the following language shall be included "Petition for Referendum".

(r) Immediately below the language required in subsection (q) above, the following language shall be included: "To the City Clerk of the City of Tucson: We, the undersigned, residents of the City of Tucson, Arizona, and duly qualified electors therein, respectfully order that City of Tucson Ordinance No. \_\_\_\_\_ entitled (*title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the referendum is used*) passed by the Mayor and Council on \_\_\_\_\_ (date) and petition that this ordinance be reconsidered by the Mayor and Council and, if not repealed at the time of such reconsideration, the same shall be referred to a vote of the qualified electors of the City of Tucson for their approval or rejection at the next city election called pursuant to A.R.S. § 16-204. Each signer for himself says: I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a qualified elector of the City of Tucson."

(s) Immediately following the language in subsection (r) above, the following language shall be included: "Warning: It is a class 1 misdemeanor for any person to knowingly sign an initiative or referendum petition with a name other than his own, except in a circumstance where he signs for a person, in the presence of and at the specific request of such person, who is incapable of signing his own name because of physical infirmity, or to knowingly sign his name more than once for the same measure, or to knowingly sign such petition when he is not a qualified elector."

(t) The signature sheet shall include columns with the following headings in bold-faced type:

- (1) Signature
- (2) Name (first and last name printed)
- (3) Actual address (street & no. and if no street address, describe residence location)
- (4) Arizona post office address & zip code
- (5) City or town (if any)
- (6) Ward No.

(7) Date signed

(u) Each signature sheet shall contain fifteen (15) numbered lines for signatures spaced three-eighths (3/8) inch apart and numbered one through fifteen.

(v) Immediately below the fifteen (15) numbered lines described in subsection (t) above, the following language shall be included: "The validity of the signatures on this sheet must be sworn to by the circulator before a notary public on the form appearing on the back of the sheet."

(w) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words "Serial Number" on both sides of the signature sheet and the title and text page(s). (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-150. Affidavit of circulator.**

(a) The affidavit shall be in the following form printed on the reverse side of each signature sheet: "Referendum Affidavit of Circulator".

(b) The words "Tucson, Arizona" and the date of issuance shall appear in the upper right-hand corner.

(c) In the upper left-hand corner include the following:

State of Arizona                    )  
 ) ss.:  
 County of \_\_\_\_\_ )  
 (Where notarized)

(d) Immediately below the language described in subsection (c) above, the following language shall be included:

I, \_\_\_\_\_ (print name) \_\_\_\_\_, a person who is not required to be a resident of this state but who is otherwise qualified to register to vote in the county of \_\_\_\_\_, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that subject to section 19-115, Arizona Revised Statutes, each individual printed the individual's own name and address and signed this sheet of the foregoing petition in my presence on the date indicated and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a

qualified elector of the City of Tucson and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet (Ariz. Const. Art. IV, Pt. 1, § 1, ¶ 9, A.R.S. §§ 19-112 (B), (C), (D), 19-114(A), Tucson Charter, Chapter XIX, § 2). The signatures appearing on this petition sheet are the genuine signatures of the persons whose names they bear and each and all of them are residents and duly qualified electors of the City of Tucson (Tucson Charter, Chapter XIX, § 2).

(e) Immediately following the language in subsection (d), the following language shall be included: "The names of the persons procuring this petition and who should be notified of all proceedings and action taken in reference to this petition are (Tucson Charter, Chapter XIX, § 2):".

(f) Immediately below the information required in subsection (e), the following shall be included: the petitioners' printed names, residence addresses, street and number (if no street address, describe residence location).

(g) Immediately below the information required in subsection (f), the following shall be included:

Signature of affiant \_\_\_\_\_  
Typed or Printed Name of affiant (Circulator)

\_\_\_\_\_  
(Residence address, street and number of affiant, or if no street address, a description of residence location)

(h) Immediately following the circulator signature required in subsection (g), the following shall be included:

Subscribed and sworn to (or affirmed) before me on \_\_\_\_\_ (date)  
\_\_\_\_\_  
Notary Public

(Form shall include a designated location for notary stamp)

(i) The official serial number shall appear in the lower right-hand corner, immediately preceded by the words "Serial Number" on both sides of the signature sheet and the title and text page(s).

(j) The affidavit of circulator shall not be modified. Any petition that contains a partially or incorrectly completed affidavit or any affidavit that has been modified is invalid.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-151. Provisions applicable to referendum.**

(a) Pursuant to the strict compliance provisions relative to referendum, and the specific provisions of the Tucson Charter, the qualified elector shall print their ward number on the referendum petition.

(b) The title and text of a referendum petition must include a complete copy of the ordinance, item, section, or part of the ordinance sought to be repealed or referred, and all attachments.

(c) The provisions of article VII of this chapter, "Campaign Finance; Candidates, Political Action Committees, and Public Funding Program," shall apply to referendum petitions.

(d) The provisions of article VIII of this chapter, "Initiative," insofar as they relate to applications to circulate petitions, final version of petition, registered circulators, circulation of petitions, petition signature fraud, procedure for withdrawing signatures, filing petitions, examination and certification and disposition of petitions, as therein set out, shall apply to referendum petitions. These provisions shall not be construed to affect the strict compliance standard imposed by the Arizona Supreme Court under the Arizona Constitution and Arizona Revised Statutes. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-152. Right of city clerk to review.**

The city clerk shall have the right, at any time, to review, challenge or reject a referendum petition on the basis of any legal or procedural insufficiency, including but not limited to the petition's failure to address legislation that is subject to the referendum process. The city clerk's administration of the referendum process does not represent an acceptance or review of the petition, and the absence of objection at any particular time does not bar subsequent rejection of the referendum petition by the City. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-153. Submission of sufficient petitions to mayor and council; mayor and council repeal the part(s) protested or call an election.**

When the petition shall be found by the city clerk to be sufficient, the city clerk shall submit the same, with the certificate, to the mayor and council. It shall be the duty of the mayor and council to reconsider such ordinance; and if the same, or item, section or part thereof protested be not repealed, the mayor and council shall submit the ordinance or item, section or part thereof protested to the electors of the city, either at the next ensuing city general election or at a special election to be called for that purpose; and such protested ordinance or protested item, section or part thereof shall not go into effect or become operative unless a majority of the qualified electors, voting on the same, shall vote in favor thereof, and until the proclamation of the mayor is made.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-154. Insufficient petitions; effective date of ordinance.**

The ordinance, item, section, or part thereof shall become effective if the petition is determined to be insufficient and the effective date has passed.  
(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-155 – 12-160. Reserved.**

**ARTICLE X. RECALL**

**Sec. 12-161. Petition authorized, number of signatures.**

Every public officer holding an elective office, either by election or appointment, is subject to recall. The proposed recall of a public officer may be submitted to the mayor and council by a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the total number of votes cast for all of the candidates including valid write-in candidates for the office held by the officer sought to be removed, at the last preceding general election.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-162. Affidavit to circulate recall petitions.**

(a) Any qualified elector of the city may make and submit to the city clerk an affidavit containing the name of the officer to be removed and a general statement, not to exceed two hundred (200) words, stating the grounds for removal.

(b) The affidavit shall include an endorsement which shall set forth the names, residence addresses, and signatures of three (3) persons who are responsible for endorsing the petition and who are to be notified of all proceedings and actions taken in reference to the petition. The three (3) persons making the endorsement in the affidavit will be deemed, and referred to collectively as, the "petitioners of the recall petition" or simply "petitioners."  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-163. Form of recall petition.**

(a) The city clerk shall provide the elector submitting an affidavit to circulate recall petitions a sufficient number of copies of petitions prepared by the city clerk for such recall and removal.

(b) At the time of submission of the affidavit, the affiant or petitioners intending to circulate a recall petition shall deposit with the city clerk the fees sufficient to cover the printing and preparation of the recall petitions.

(c) The recall petition issued by the city clerk shall bear the electronic signature of the city clerk and the official embossed seal of the City of Tucson; shall be dated and addressed to the mayor and council and the city clerk; and shall contain the names and residence addresses of the three (3) petitioners responsible for endorsing the petition, the number of recall petition forms issued, the name of the person sought to be removed, the office from which such removal is sought, and the grounds for removal, as stated in the affidavit.

(d) Only original recall petitions which have been printed and issued by the city clerk can be circulated and submitted for verification.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-164. Circulation of recall petitions.**

(a) No recall petition shall be circulated against any officer until the officer has actually held the office for at least six (6) months. The commencement of a subsequent term in the same office does not renew the six (6) month period delaying the circulation of a recall petition.

(b) A recall petition shall not be accepted for verification if more than one hundred twenty (120) days have passed since the date of issuance of the petition by the city clerk.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-165. Notice to officer of issuance of recall petition.**

The city clerk shall notify the officer sought to be removed of the submission of the affidavit and the issuance of a recall petition.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-166. Provisions applicable to recall.**

(a) The provisions of article VIII of this chapter, "Initiative," insofar as they relate to registered circulators, circulation of petitions, petition signature fraud, procedure for withdrawing signatures, submitting petitions, and examination and certification thereof shall apply to recall petitions.

(b) The provisions of article VII of this chapter, "Campaign Finance; Candidates, Political Action Committees, and Public Funding Program, shall apply to recall petitions.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-167. Notice of insufficient petition.**

If the certificate shows the petition to be insufficient, the city clerk shall at once notify in writing one (1) or more of the persons designated on the petition as submitting the same. The city clerk shall return the petition to one of the persons designated as submitting it, without prejudice, however, to the submitting of a new petition for the same purpose.  
(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-168. Filing of sufficient petition; notice to officer; statement of defense.**

(a) When the petition shall be found by the city clerk to be sufficient, the city clerk shall officially file the petition and shall submit the same with the certificate to the mayor and council, without delay, and the mayor and council shall immediately notify the officer sought to be removed pursuant to subsection (b) of this section.

(b) Within forty-eight (48) hours, excluding Saturdays, Sundays or legal holidays, of the filing of the recall petition, the city clerk shall give written notice to the person against whom it is filed of the following:

- (1) The notice shall state that a recall petition has been certified as sufficient, shall set forth the grounds of the recall, and shall notify the person to whom it is addressed that the officer has the right to prepare and have printed on the ballot a statement containing not more than two hundred (200) words defending the person's official conduct.
- (2) The notice shall also state that if the officer fails to deliver the defensive statement to the city clerk within ten (10) days thereafter, the right to have a statement printed on the ballot shall be considered waived.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-169. Resignation of officer.**

If a person against whom a recall petition is filed desires to resign, the person may do so by filing a written tender thereof with the city clerk within five (5) days after the official filing of the petition. In such event, the person's resignation shall be accepted and effective immediately, and the vacancy shall be filled as provided by law.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-170. Failure to resign; call of election.**

If the officer does not resign within five (5) days after notification by the mayor and council, the mayor and council shall, not less than twenty (20) nor more than thirty (30) days from the date of the city clerk's

certificate that a sufficient petition is filed, order an election to be held on the next following consolidated election date pursuant to A.R.S. § 16-204 that is ninety (90) days or more after the order calling the election. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-171. Candidacy of officer sought to be removed.**

An officer sought to be removed shall have their name placed on the official ballot without nomination unless otherwise requested in writing to the city clerk not less than sixty (60) days prior to the election. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-172. Nomination of recall candidates.**

(a) Candidates seeking nomination during a recall election must meet the qualification requirements pursuant to section 12-64 of this code.

(b) In the situation that the incumbent was elected to office, candidates other than the incumbent shall be placed upon the official recall ballot after filing a nomination petition that is signed by a number of qualified electors that is equal to at least two percent (2%) of the total votes cast for all candidates for that office at the last general election.

(c) In the situation that the incumbent was appointed to the office, candidates other than the incumbent shall be placed upon the official recall ballot after filing a nomination petition that is signed by a number of qualified electors that is equal to at least one-half of one per cent of the total active registered voters in the ward represented by that elective officer as determined on the date of the last general election.

(d) Nomination petition signers shall be qualified electors of the city for mayoral candidates and in the ward of the officer against whom the recall petition is filed for council member candidates. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-173. Filing of recall nomination petitions and papers.**

Recall nomination petitions must be filed with the city clerk pursuant to section 12-69 of this code, except that such nomination petitions shall be filed not more than ninety (90) days nor less than sixty (60) days prior to the date of the recall election. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-174. Arrangement for and conduct of election.**

The mayor and council shall make, or cause to be made, publication of notice, and all arrangements for holding such election; and the same shall be conducted, returned and result thereof declared, in all respects as are other city elections. If any vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as herein provided. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-175. Form of ballot.**

(a) Ballots for the election shall contain the qualified elector's grounds for the officer's recall.

(b) Ballots shall also contain the officer's justification of their conduct in office, if timely filed pursuant to section 12-168 of this code.

(c) There shall be no party designation upon the recall ballot.

(d) The form of the ballot shall conform as nearly as practicable to the ballot prescribed for general elections. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-176. Incumbent to continue in office; costs for additional recall effort.**

(a) The incumbent shall continue to perform the duties of the office until the result of said election shall have been officially declared. The candidate receiving the highest number of votes shall be declared elected for the remainder of the term. If the incumbent is not elected, they shall be deemed removed from office upon the canvassing and declaring the results of the election.

(b) If the officer sought to be recalled is elected, then no further recall petition shall be filed against the same officer during the term elected, unless petitioners first pay all expenses of the preceding election. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-177. Appointing recalled officers to public office.**

No person who has been removed from an office by recall, or who resigned from such office while recall

proceedings were pending against that officer, shall be appointed to any office within one (1) year after such removal or resignation.

(Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-178 – 12-180. Reserved.**

**ARTICLE XI. CAMPAIGN FINANCE;  
REPORTING FOR POLITICAL ACTION  
COMMITTEES INTENDING TO INFLUENCE  
ANY PETITION DRIVE**

**Sec. 12-181. Definitions.**

As used in this article, unless otherwise stated:

*Petition* means any City of Tucson initiative, referendum, or recall petition.

*Petition drive* means the circulation of any City of Tucson initiative, referendum or recall petition. A petition drive is deemed to be occurring independent of whether the petition is being actively circulated at any particular point(s) in time or is actually submitted to or filed with the city clerk for examination and certification.

*Petition drive political committee* means a political action committee intending to influence the result of any petition drive. The term includes, but is not necessarily limited to, political action committees organized to circulate or oppose petitions.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-182. Requirements for petition drive political committees; no receipt of contributions or expenditures until requirements met; financial records to be preserved.**

(a) A petition drive political committee applying for the issuance of a serial number, and not previously registered with the city clerk as a political action committee, shall file a statement of organization pursuant to sections 12-83 and 12-84 of this code, with the city clerk at the same time the committee files the application for a serial number. No petition drive political committee shall receive any contribution, or make or promise to make any expenditure prior to filing a statement of organization.

(b) All other petition drive political committees, specifically including those previously registered as political action committees, shall file a statement of organization pursuant to sections 12-83 and 12-84 of this code, as a petition drive political committee with the city clerk no later than ten (10) days after becoming a petition drive political committee, and in any event prior to receiving or expending any funds for the purpose of influencing the result of any petition drive.

(c) The petition drive political committee shall file an amended statement of organization reporting any change in the information prescribed in this article within ten (10) days after the change.

(d) The name of each petition drive political committee shall include the name of any sponsoring organization and the official serial number for the petition, if assigned.

(e) A petition drive political committee shall have a chairperson and treasurer. The position of chairperson and treasurer of a single petition drive political committee may not be held by the same individual.

(f) On the filing of a statement of organization, a petition drive political committee shall be issued a city identification number.

(g) Before any petition drive political committee accepts a contribution or makes an expenditure it shall also designate one (1) or more state banks, federally chartered depository institutions or depository institutions the deposits or accounts of which are insured by the federal deposit insurance corporation or the national credit union administration as its campaign depository or depositories. The petition drive political committee shall notify the city clerk of the designation of the financial institution either at the time of filing its statement of organization or within ten (10) business days after opening an account.

(h) All petition drive political committees shall preserve all their financial records for two (2) years following the end of the election cycle.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-183. Time for filing of campaign finance reports by petition drive political committees; opening and closing reporting dates.**

(a) In addition to filing campaign finance reports required under section 12-94 of this code, the petition drive political committee that applied for the petition serial number shall also file campaign finance reports with the city clerk no later than:

- (1) Sixty (60) days after the date of issuance of the serial number by the city clerk, or on the date of filing the petition, whichever is earlier.
- (2) At the time of filing a petition filed more than sixty (60) days after the date of issuance.
- (3) Thirty (30) days after the filing of the petition.

(b) In addition to filing campaign finance reports required under section 12-94 of this code, all other petition drive political committees shall also file campaign finance reports with the city clerk no later than thirty (30) days after the filing of the petition to which the petition drive political committee's activities relate.

(c) The opening reporting date to be included in any campaign finance report filed pursuant to this section is the date on which the first previously unreported contribution or expenditure was received or made by a petition drive political committee.

(d) Notwithstanding the provisions of section 12-94 of this code, the closing reporting date to be included in any campaign finance report filed pursuant to this section is ten (10) days prior to the filing of the report.

(e) In the case of any petition not filed with the city clerk within the deadline for filing established by the Tucson Charter or this code, all petition drive political committees shall file campaign finance reports twenty (20) days after the expiration of said deadline.

(f) A campaign finance report filed pursuant to this section shall show the aggregate sum of all contributions received, and of all expenditures made,

between the opening reporting date and the closing reporting date, and shall itemize all expenditures and those contributions with a monetary value of more than fifty dollars (\$50), showing the specific amount and the identification of the contributor.

(g) Each campaign finance report required to be filed pursuant to this section shall be signed by the petition drive political committee's treasurer and shall contain a certification by the committee treasurer, issued under penalty of perjury, that the contents of the report are true and correct.

(Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-184. Notification requirements.**

(a) In addition to the requirements relating to election contributions prescribed in section 12-183 of this code, a petition drive political committee shall give notice to the city clerk of any contribution or group of contributions to the committee that is made from a single source less than twenty (20) days before the day of the election if it exceeds two thousand five hundred dollars (\$2,500).

(b) In addition to the requirements in section 12-183 of this code, a petition drive political committee shall give notice to the city clerk each time any of the following occurs:

- (1) The committee has received contributions totaling ten thousand dollars (\$10,000) or more.
- (2) The committee has made expenditures totaling ten thousand dollars (\$10,000) or more.
- (3) The committee has received contributions totaling ten thousand dollars (\$10,000) or more from a single source.
- (4) The committee has received contributions totaling ten thousand dollars (\$10,000) or more from different additional single sources.

(c) The notices prescribed by this section shall be filed within twenty-four (24) hours, excluding Saturdays, Sundays and legal holidays. All notices shall include the identification of the contributors, the dates

of receipt and the amounts of the contributions or the date, amount, recipient and purpose of the expenditures. Contributions subject to the notification requirements of this section shall be included in the next report filed pursuant to section 12-183 of this code.

(d) For the purposes of this section, "single source" includes principals of the same partnership, corporation, limited partnership, limited liability company, limited liability partnership or association. (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-185. Regulations for administration and enforcement; interpretation of reporting provisions.**

(a) The city clerk is authorized and directed to promulgate regulations for the administration of this article.

(b) It is the intent of this article that the procedures for reporting shall, to the extent possible, be consistent with those found in A.R.S. Title 16, Chapter 6 or any successor provision(s). (Ord. No. 11457, § 2, 4-19-17)

**Sec. 12-186. Failure to comply a civil infraction.**

(a) If a petition drive political committee fails to file a report in a timely manner as required by section 12-183 of this code, the report is not signed, or a good faith effort is not made to complete the report, it shall be a failure to file and penalties shall be assessed pursuant to section 12-95 of this code.

(b) Where a petition drive political committee has failed to file, improperly filed, or refused to file any notice as required by section 12-184 of this code, it shall be liable in a civil action for a civil penalty up to three (3) times the amount improperly reported or unreported. Additionally, the petition drive political committee shall not continue its activities, receive contributions, or make or promise to make any expenditure until the required notice is filed properly.

(c) It shall be a civil infraction for any person or petition drive political committee to make any statement or report required by this article, and therein knowingly misrepresent, misstate or fail to fully disclose the facts of any contribution or expenditure

required to be reported pursuant to this article. Penalties shall be pursuant to Article VII of this chapter.

(d) The provisions of this section supplement, and do not supersede, any civil or criminal penalties provided under state law, and are in addition to any other rights or remedies available to the city. (Ord. No. 11457, § 2, 4-19-17)

**Secs. 12-187 – 12-190. Reserved.**

**ARTICLE XII. REPORTING OF INDEPENDENT EXPENDITURES**

**Sec. 12-191. Supplemental reporting of independent expenditures in city limits.**

*Statement of purposes.* This article's purposes are to:

- (1) Allow voters access to information about who supports or opposes candidates financially;
- (2) Allow the city clerk to more effectively distinguish independent expenditures from expenditures made by candidates or candidates' campaign committees; and
- (3) Deter corruption and the appearance of corruption.

(a) *Additional notification.* In addition to the reporting required in subsections (d) and (e), a person that makes independent expenditures relating to any one candidate or office within sixty (60) days of the election shall:

- (1) Send by certified mail a copy of the campaign literature or advertisement to each candidate named or otherwise referred to in the literature or advertisement twenty-four (24) hours after depositing it at the post office for mailing, twenty-four (24) hours after submitting it to a telecommunications

system for broadcast or twenty-four (24) hours after submitting it to a newspaper for printing.

- (2) The copy of the literature or advertisement sent to a candidate pursuant this section shall be a reproduction that is clearly readable, viewable or audible.

A person who violates this subsection is subject to a civil penalty of three (3) times the cost of the literature or advertisement that was distributed in violation of this subsection. This civil penalty shall be imposed as prescribed in sections 12-95 and 12-96 of this code.

- (b) *Contents of report.* Any report under this article shall, in addition to providing all other required information, identify any person who has contributed five hundred dollars (\$500) or more.
- (c) *Determining whether expenditure is for communication that expressly advocates the election or defeat of a clearly identified candidate.* In determining whether an expenditure should have been reported pursuant to subsections (d) and (e), the city clerk shall consider whether the expenditure was for a communication that expressly advocates the election or defeat of a clearly identified candidate and was not made with prior consent, cooperation, or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate, or any committee or agent of the candidate. In determining that a communication expressly advocates the election or defeat of a candidate, rather than a communication that advocates in favor of or against an issue, the city clerk will consider the following three (3) components:

- (1) Even if it is not presented in the clearest, most explicit language, speech is express if its message is unmistakable, unambiguous, and suggestive of only one plausible meaning.

- (2) Speech may only be termed advocacy if it presents a clear plea for action, and thus speech that is merely informative is not covered by this article.

- (3) It must be clear what action is advocated. Speech cannot be considered express advocacy of the election or defeat of a clearly identified candidate when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. If any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to this article's disclosure requirements.

- (d) *Exception for independent expenditures previously reported.* Subsections (d) and (e) shall not apply to any independent expenditure already reported by the person making the independent expenditure pursuant to the requirements of A.R.S. §§ 16-926 and 16-927, and the amount of that already reported independent expenditure shall not be used in calculating the trigger amounts for original and supplemental reports set forth in subsections (d) and (e).
- (e) *Literature or Advertisements.* Any person purchasing literature or advertisements for the purpose of making an independent expenditure must also comply with this code.
- (f) *Misdemeanor.* Any person who makes a knowingly false filing relating to an independent expenditure pursuant to this section is guilty of a class 1 misdemeanor.
- (g) *Original report.* Any person who makes independent expenditures related to a particular city office cumulatively exceeding one thousand dollars (\$1,000) during a campaign period, shall file reports with the city clerk in accordance with subsection (g) so indicating.
  - (1) The name, address, title, email address and telephone number of the person making the independent expenditure.

- (2) The date and amount of the expenditure, and the name of the vendor or other payee receiving the expenditure.
  - (3) The name of the candidate(s) and race(s) in which the expenditure was made and whether the expenditure was in support of or opposition to the candidate(s).
  - (4) The communication medium and description of what was purchased with the expenditure.
  - (5) An expenditure or disbursement is deemed made either on the date the committee authorizes the monies to be spent or the date the monies are withdrawn from the committee's account. For a transaction by check, the expenditure or disbursement is deemed made on the date the committee signs the check, For a credit card transaction on paper, the expenditure or disbursement is deemed made on the date the committee signs the authorization to charge the credit card. For an electronic transaction, an expenditure or disbursement is deemed made on the date the committee electronically authorizes the charge. For an agreement to purchase goods or services, the expenditure or disbursements is deemed made either on the date the parties enter into the agreement or the date the purchase order is issued.
- (j) *Severability.* If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.
  - (k) *Supplemental report.* Any person who has previously reached the dollar amount specified in subsection (d) for filing an original report shall file a supplemental report in accordance with subsections (d) and (g) each time previously unreported independent expenditures specified by subsection (d) exceed one thousand dollars (\$1,000).
  - (l) *Time of filing.* Any person who must file an original report pursuant to subsection (k), or who must file a supplemental report for previously unreported amounts pursuant to subsection (e), shall file the report with the city clerk not later than one (1) day after making the expenditure, excluding Saturdays, Sundays and legal holidays.
  - (m) All civil penalties paid under this section shall be appropriated to the election campaign account established pursuant to section 12-99 of this code.
- Corporations, limited liability companies and labor organizations making independent expenditures relating to the City of Tucson candidates must comply with the provisions of A.R.S. Title 16. (Ord. No. 11457, § 2, 4-19-17)
- (h) *Penalty for failure to file required report.* Any person who fails to file a report as required, or provide information, as required by this article shall be subject to a civil penalty of up to three (3) times the total amount of independent expenditures not reported. In the case of a political action committee, the civil penalty may be assessed against the political action committee's chairperson, its treasurer, or both.
  - (i) *"Person"* includes a political committee as defined in A.R.S. § 16-901, as well as a natural person.

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## Chapter 14

### **LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ELECTION PROCEDURE, MEET AND CONFER AND MEET AND DISCUSS\***

Sec. 14-1.	Purpose.
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Sec. 14-13.	Meet and confer.
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Sec. 14-16.	City employee rights.
Sec. 14-17.	Prohibited activity.
Sec. 14-18.	No strike / lockout provisions.
Sec. 14-19.	Labor organization business.

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**\*Editor's note** – Ord. No. 4382, § 1, adopted Aug. 4, 1975, amended the Code by repealing arts. I – III, V of ch. 14, which pertained to food and food handlers. Said chapter was derived from the Code of 1953, ch. 13, §§ 1-3.1, 9, 10, 21 – 32, 35 – 62; Ord. No. 1802, §§ 1 – 4, 1-6-58; Ord. No. 1804, § 4, 1-6-58; Ord. No. 2077, § 2, 8-1-60 and Ord. No. 3220, § 1, 2-24-69. Article IV of former ch. 14 was redesignated, pursuant to city instructions as art. VIII of ch. 7.

Current ch. 14 was enacted by Ord. No. 10880, §§ 1 and 2, 3-8-11.

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**Sec. 14-1. Purpose.**

The purpose of this chapter is to improve relations between city employees and city management. This chapter establishes procedures for the designation of labor organizations to represent certain employee groups, and an orderly process to allow regular employees and their representatives, who have been certified as the exclusive representative of a particular employee group, to meet and confer with the city manager relating to wages, hours, benefits and other conditions of employment and enter into labor agreements.

This chapter also establishes procedures for the recognition of employee associations that represent professional or supervisory employees and an orderly process to allow the employee associations to meet with the city manager and participate in the formulation of policies effecting annual salaries and benefits.

This chapter will be interpreted and implemented consistent with the city's authority under the Arizona Constitution and statutes, City Charter, ordinances, resolutions and civil service rules and regulations. (Ord. No. 10880, § 2, 3-8-11)

**Sec. 14-2. Definitions.**

The words, terms and phrases as used in this chapter shall have the same meanings as defined in Sec. 10-3. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Confidential employee* means any individual who regularly assists or acts in a confidential capacity to an individual, manager, or supervisor who formulates, determines, and effectuates management, personnel, or labor relations policies, or who has access to confidential or discretionary information regarding the formulation of city policy or procedures; or whose functional responsibilities or knowledge concerning employee relations makes the employee's membership in an labor organization incompatible with that employee's duties.
2. *Day* means calendar day except as otherwise stated.
3. *Employee association* means the group that represents or seeks to represent professional or supervisory City employees in the meet and discuss process.
4. *Employee group* may be members of an employee association or labor organization.
5. *Excluded employee* means employees of the city manager's office except employees of the manager's program offices; employees of the offices of mayor and council; employees of the human resources department; police chief, deputy police chief and assistant police chief; fire chief and assistant fire chief; all department directors and deputy directors; program directors; and nonpermanent employees.
6. *Fiscal year* means the budget term adopted by the city, July 1 through June 30.
7. *Initial probationary period* means an employee's initial probationary period in conformance with the civil service commission rules which must be completed before the employee becomes a permanent city employee. For purposes of this Chapter, an initial probationary employee may be eligible for representation if designated in the labor agreement and may sign a petition or vote in a representation election if represented under a current labor agreement.
8. *Labor agreement* means a statement of agreed upon goals and intentions to be implemented through the city's standard legislative and administrative procedures. A labor agreement cannot contradict, supersede, conflict with or modify the Tucson Charter, the Tucson Code, and the civil service commission rules.
9. *Labor organization* means an organization recognized by the mayor and council as authorized to represent employees in permanent positions in specified classifications in the meet and confer process as described in this chapter for the purpose of meeting and conferring relating to wages, hours, benefits and other conditions of employment.

- 10. *Management employee* means any city employee who is engaged primarily in executive and management functions and/or is charged with the responsibility of developing, administering or effectuating management policies.
- 11. *Meet and confer* means a process requiring the city manager or designee, together with other management representatives to meet with the representatives of a labor organization to discuss and develop mutual recommendations on issues affecting the city and members of the employee group represented by the labor organization, with such mutual recommendations being reduced to a written labor agreement signed by the parties subject to ratification by the members of the employee group and adoption by the mayor and council. The meet and confer process includes discussions of work issues including wages (for purposes of Tucson City Charter Chapter VII, Section 2), benefits, hours and other terms and conditions of employment.
- 12. *Meet and discuss* means the process for providing participation by professional and/or supervisory employees in the formulation of policies affecting their annual salaries and benefits, and requiring representatives of the city manager and representatives of the employee association to personally meet at reasonable times in advance of the budget making process and to discuss the proposals for consideration before any recommendations are submitted to the city council by the city manager.
- 13. *Professional employee* means city employees in classifications identified as professional in accordance with the Fair Labor Standards Act.
- 14. *Supervisory employee* means any individual, except lead persons, police sergeants and fire captains, having authority in the interest of the city either to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust

their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-3. Labor organizations.**

*Sec. 14-3(a).* The maximum number of labor organizations to be designated for employee representation shall be limited to a total of four as follows:

- 1. One organization may represent employees consisting of commissioned personnel of the Tucson police department through the rank of sergeant.
- 2. One organization may represent employees consisting of commissioned personnel of the Tucson fire department through the rank of captain.
- 3. One organization may represent employees consisting of all clerical, administrative, professional and technical non-supervisory city employees as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.
- 4. One organization may represent employees consisting of all labor and trades non-supervisory employees (including lead persons) as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.

*Sec. 14-3(b).* Employees who have not successfully completed the initial probationary period in conformance with the civil service commission rules may be members of a labor organization subject to the labor agreement. Membership and representation shall not affect the at-will status of the probationary employee. For purposes of this Chapter, an initial probationary employee may be eligible for representation if designated in the labor agreement and

may sign a petition or vote in a representation election if represented under a current labor agreement. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-4. Employees ineligible for representation by a labor organization.**

*Sec. 14-4(a).* The following employees are ineligible for representation by a labor organization:

1. All commissioned fire personnel at or above the rank of battalion chief.
2. All commissioned police personnel at or above the rank of lieutenant.
3. All other city employees who are supervisory, professional, excluded or confidential employees.
4. Non-permanent (intermittent, seasonal and/or temporary employees as defined in Tucson Code Section 10-3) employees and persons employed on a contract basis.

*Sec. 14-4(b).* The director of human resources shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are eligible for representation in employee groups consistent with the provisions of this chapter. An employee or a labor organization representing the employee group to which the employee would belong may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager's decision to either uphold or overturn the initial determination of eligibility shall be final. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-5. Petitioning for election to determine representation by labor organizations.**

*Sec. 14-5(a).* If there is no current labor agreement in existence, eligible members of the employee group may petition the city clerk to conduct an election not later than one hundred eighty (180) days prior to the

beginning of the city's fiscal year to determine if representation is desired within the employee group.

*Sec. 14-5(b).* During the existence of a current labor agreement between the city of Tucson and an employee group, eligible members of said group may petition the city clerk to conduct an election to determine representation within that group, not earlier than one hundred eighty (180) days prior to the expiration date of the current existing agreement and no later than ninety (90) days prior to the expiration of the then current existing agreement.

*Sec. 14-5(c).* At any time not earlier than one hundred eighty (180) days and no later than ninety (90) days prior to the expiration of an applicable labor agreement, any member of an employee group can initiate an election to decertify an exclusive representative by submitting a petition containing not less than thirty-three percent (33%) of the eligible employees in the employee group. The petition verification and election shall be conducted in the same manner as a representation election.

*Sec. 14-5(d).* No more than one (1) election per employee group may be held within a fiscal year. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-6. Employee associations.**

*Sec. 14-6(a).* The maximum number of employee associations to be designated for representation of professional and supervisory employees shall be limited to a total of four (4) as follows:

1. One association may represent employees consisting of commissioned personnel of the Tucson police department with the rank of lieutenant and above.
2. One association may represent employees consisting of commissioned personnel of the Tucson fire department with the rank of battalion chief and above.
3. One association may represent employees consisting of all city employees in professional classifications as set forth in the city's position compensation plan.

4. One organization may represent employees consisting of all supervisory employees (excluding lead persons) as set forth in the city's position compensation plan.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-7. Employees ineligible for representation by an employee association.**

*Sec. 14-7(a).* The following employees are ineligible for representation by an employee association:

1. Employees eligible for representation by a labor organization.
2. All other city employees who are excluded or confidential employees.

*Sec. 14-7(b).* The human resources director shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are eligible for representation consistent with the provisions of this chapter. An employee may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager's decision to either uphold or overturn the initial determination of ineligibility shall be final.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-8. Petitioning for election to determine representation by employee associations.**

*Sec. 14-8(a).* If the City Manager has not recognized an employee association to represent one of the professional/ supervisory employees defined in Section 14-6, eligible employees may file a petition with the city clerk to conduct an election not later than ninety (90) days prior to the beginning of the city's fiscal year to determine if representation is [desired].

*Sec. 14-8(b).* During the time there is recognition of a professional/ supervisory employee group, an eligible member of said group may file a petition with the city clerk to conduct an election to determine representation, not earlier than one hundred eighty

(180) days prior to the beginning of the city's fiscal year.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-9. Eligibility.**

*Sec. 14-9(a).* Employees who hold a position, at the time the petition to conduct an election is certified by the director of human resources and the city clerk, as a permanent, full-time, employee in a job classification included within the scope of the employee group for which an election is sought shall be eligible to sign the petition. A probationary employee shall be eligible to sign a petition if a then-current labor agreement provides that probationary employees are represented.

*Sec. 14-9(b).* Employees who hold a position, at the time of an election, as a permanent, full-time, employee in a job classification included with the scope of the employee group shall be eligible to vote in the election subject to the petition. A probationary employee shall be eligible to vote in the election if a then current labor agreement provides that probationary employees are represented.

*Sec. 14-9(c).* Employees who wish to petition for a call of an election to determine representation by a labor organization or an employee association must:

1. Be members of the employee group petitioning for an election as defined and set forth in Section 14-3 or Section 14-6, and
2. Sign a valid petition requesting that an election be called for the purpose of determining representation.

*Sec. 14-9(d).* Upon verification by the director of human resources of the submitted petitions, the requesting organization or association shall be allowed use of bulletin boards in those departments, where employees eligible to vote are located, to post organization or association-related news bulletins, notice of organization or association meetings and information relating to the election. Prior to posting, materials shall be initialed by an authorized representative of the labor organization or employee association and the city manager or designee.

*Sec. 14-9(e).* A neutral, non-city party designated by mayor and council at the call of an election shall set a date for the election and conduct and supervise the election to determine which, if any, labor organization shall be recognized by the city for any employee group.

*Sec. 14-9(f).* Ballots for the election shall be prepared under the supervision of the neutral, non-city party, and shall contain the names of those competing labor organizations or employee associations and an option for no representation. Employees voting shall cast only one vote. Ballot boxes shall be sealed under the supervision of the neutral, non-city party. The counting of the ballots shall be accomplished by the neutral, non-city party. Each competing organization or association shall be allowed one (1) representative as an observer during the counting of all ballots.

*Sec. 14-9(g).* Elections shall be conducted at a neutral location as determined by the designated neutral, non-city party.

*Sec. 14-9(h).* Voting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Counting of ballots shall commence immediately after the close of the polls.

*Sec. 14-9(i).* No personal electioneering shall be permitted on City property or during normal duty hours by any city employee or representative of those labor organizations or employee association which are party to the election. Any city employee violating this paragraph shall be subject discipline in accordance with city administrative directives. Any labor organization or employee association representative violating this paragraph shall be denied access to the department where the violation occurred until the election has been conducted.

*Sec. 14-9(j).* A plurality of those voting in the election shall prevail.

*Sec. 14-9(k).* All of the costs of an election held as set forth in this chapter shall be shared and paid for on an equal pro-rata basis by the city and all labor organizations or employee associations represented on the ballot.

*Sec. 14-9(l).* Election disputes shall be resolved by the neutral third-party conducting the election whose decision shall be final and binding on the parties. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

#### **Sec. 14-10. Application, form of petition and petition process.**

*Sec. 14-10(a).* An employee who wishes to petition to conduct an election to determine representation of an employee group must complete and file an application for petition for election with the city clerk.

*Sec. 14-10(b).* The form of the petition shall include the issue date, petition number, name of labor organization or employee association, and employee group seeking representation.

*Sec. 14-10(c).* Each petition shall be in a form prescribed by the city clerk.

*Sec. 14-10(d).* A petition to conduct an election to determine representation of an employee group must bear the signatures of eligible employees pursuant to Sec. 14-9(a), of an employee group in a number equal to at least thirty-three percent (33%) of the employees of the employee group as of the date the application for a petition is submitted to the city clerk.

*Sec. 14-10(e).* Within five (5) business days of issuing the petition, the city clerk will notify the petitioners of the number of signatures needed equal to at least thirty-three percent (33%) of the eligible employees.

*Sec. 14-10(f).* Each petition submitted to the city clerk shall contain the name of the employee group, the name of the labor organization or employee association, signature, printed name, employee number, date of signature, and employee position of each person signing the petition.

1. No signature on a petition shall bear a date greater than ninety (90) days in advance of submittal.

2. If an eligible employee signs more than one (1) copy of the same petition or more than one (1) petition if there are competing petitions, then the earliest signature is the only valid signature unless it was officially withdrawn in writing submitted to the city clerk. No supplemental filings are allowed.

*Sec. 14-10(g).* The signatures of employees on the petitions requesting an election shall be verified by the director of human resources in order to determine current employment within the employee group. A signature is not eligible for verification and is ineligible for inclusion in the total number of valid signatures (and shall immediately be so designated by the human resources department by marking an encircled "hr" in the margin to the right of the signature lines), if it meets any of the following criteria:

1. The signature is missing from the signature line.
2. The employee number or employee position is missing from the signature line.
3. The date of signing is missing or incomplete (to be complete, the date must include the month and day).
4. There is more than one (1) signature placed on the numbered signature line, in which case only the signature which is actually on the line will be eligible for verification and all other signatures shall be rejected.
5. The signature is made in the margin or otherwise outside the signature space on the numbered signature line.
6. The signature has been withdrawn, pursuant to written authorization by the signer.
7. The signature is by an employee who is ineligible.
8. The signature or accompanying information is, in the opinion of the director of human resources, otherwise insufficient or defective.

9. Signatures which have been crossed out, or otherwise defaced, prior to being received by the city clerk are not eligible for verification, and are ineligible for inclusion in the total of valid signatures (and shall be so designated by the city clerk by marking an encircled "cc" in the margin to the right of the signature line).

*Sec. 14-10(h).* The director of human resources shall, within thirty (30) days from receiving the petition, verify that thirty-three percent (33%) of the eligible employees within the designated group have signed the petition. The city clerk and the director of human resources shall then promptly post conspicuous notice of receipt of such petition and the result of the verification process.

*Sec. 14-10(i).* The city clerk shall conduct a representation election among the employees in the employee group within thirty (30) days after verification by the director of human resources that thirty-three percent (33%) of the eligible employees within the designated group have signed the petition.

*Sec. 14-10(j).* Once a petition has been filed with the city clerk calling for a representation election, other organizations or associations in the same employee group may seek to be placed on the ballot by filing an application for petition.

*Sec. 14-10(k).* The organization or association must also file a petition containing the valid dated signatures of not less than thirty-three percent (33%) of the employees in the employee group. This petition must be filed no later than ten (10) days after the director of human resources and the city clerk have posted a written notice that a petition containing the valid signatures of employees has been filed by a labor organization or employee association.

*Sec. 14-10(l).* A labor organization or employee association that is recognized pursuant to this article as the representative of an employee group at the time a petition for an election is verified shall appear on the ballot without the requirement to submit a petition. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-11. Election procedures.**

*Sec. 14-11(a).* Upon verification of the submitted petitions by the director of human resources the city clerk shall conduct and supervise the election to determine which, if any, labor organization or employee association shall be recognized by the city for any employee group.

*Sec. 14-11(b).* Upon verification by the director of human resources and the city clerk of the submitted petitions, the city clerk shall provide a courtesy notice to the interested parties. The notice should include the verification and timeline for the election.

*Sec. 14-11(c).* The requesting organization or association shall be allowed use of bulletin boards in those departments, where employees eligible to vote are located, to post organization or association related news bulletins, notice of organization or association meetings and information relating to the election. Prior to posting, materials shall be initialed by the department director or designee and the city clerk or designee.

*Sec. 14-11(d).* Ballots for the election shall be prepared by the city clerk, and shall contain the names of those competing labor organizations or employee associations and an option for no representation. Employees voting shall cast only one (1) vote. The name of the requesting group shall be listed on the ballot first, followed by the currently recognized group, if any, and any competing groups in alphabetical order. Last choice shall be "No Representation."

*Sec. 14-11(e).* Ballot boxes shall be sealed by the city clerk.

*Sec. 14-11(f).* Elections shall be conducted at a neutral location as determined by the city clerk.

*Sec. 14-11(g).* Voting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Each competing organization or association shall be allowed one (1) representative as an observer during voting. Counting of ballots shall commence immediately after the close of the polls.

*Sec. 14-11(h).* No personal electioneering shall be permitted on City property or during normal duty hours

by any city employee or representative of those labor organizations or employee association which are party to the election. Electioneering occurs when an individual, by verbal expression and in order to induce or compel another person to vote in a particular manner or refrain from voting, expresses support for or opposition to a labor organization or an employee group that appears on the ballot in that election.

1. There shall be no electioneering, photography, or videography with the seventy-five (75) foot limit of any representation election voting location as posted by the city clerk, or within seventy-five (75) feet of the main outside entrance to any representation election voting location.
2. An election official or person who is authorized to be within the seventy-five (75) foot limit, shall not wear, carry or display materials that identify or express support for or opposition to the labor organization or employee association which are party to the election and shall not electioneer within the seventy-five (75) foot limit of a voting location.
3. Any city employee violating this section shall be subject to discipline in accordance with city administrative directives. Any labor organization or employee association representative violating this paragraph shall be denied access to the department where the violation occurred until the election has been conducted. Any issues may be reviewed by the city attorney on a case by case basis.

*Sec. 14-11(i).* There shall be no coercion or intimidation either directly or indirectly upon or against any person in order to induce or compel such person to vote or refrain from voting for or against a labor organization. Any city employee violating this paragraph shall be subject to discipline in accordance with city administrative directives. Any labor organization or employee association representative violating this paragraph shall be denied access to the department where the violation occurred until the election has been conducted. Any issues may be reviewed by the city attorney on a case by case basis.

*Sec. 14-11(j).* The counting of the ballots shall be completed by the city clerk. Each competing organization or association shall be allowed one (1) representative as an observer during the counting of the ballots.

*Sec. 14-11(k).* A plurality of those voting in the election shall prevail.

*Sec. 14-11(l).* All of the costs of an election held as set forth in this chapter shall be shared and paid for on an equal pro-rata basis by the city and all labor organizations or employee associations represented on the ballot.

*Sec. 14-11(m).* Election disputes shall be resolved by the city clerk and city attorney whose decision shall be final and binding on the parties.  
(Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-12. Recognition of labor organizations and employee associations.**

*Sec. 14-12(a).* The city clerk shall certify the organization or association that receives the most votes as the exclusive representative for all employees in the applicable employee group.

*Sec. 14-12(b).* When a new labor organization is selected, the city manager and/or the manager's designated representatives and the new organization shall immediately commence the meet and confer process to establish a new labor agreement between the city and the labor organization. The current organization shall retain all benefits and privileges until the expiration of its agreement with the city.

*Sec. 14-12(c).* Recognized labor organizations and employee associations shall have the right to bi-weekly payroll deductions. Deductions from the payroll of any participating employees must be authorized by each individual employee on the appropriate form provided by the finance department. No dues may be deducted for any employee who has not authorized a deduction or who has provided with city with a written statement withdrawing a prior authorization for deduction of dues.

*Sec. 14-12(d).* The city will not recognize any labor organization or employee association that does not possess a current city employee membership equal to at least fifteen percent (15%) of the total number of

employees in the employee group. Certification of such membership shall be made by any labor organization or employee association at any time upon request of the city manager. When a new labor organization or employee association is selected through the election process, it shall have thirty (30) days to certify its membership in the necessary number to the city manager.

*Sec. 14-12(e).* If a labor organization's certification of membership does not show that the labor organization possesses the prescribed minimum city employee membership, any existing labor agreement between the city and the labor organization shall be deemed to have lapsed and will automatically terminate sixty (60) days after the date of the certification that showed the deficiency in membership, unless the labor organization submits a new certification showing that the labor organization possesses the prescribed minimum city employee membership.  
(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-13. Meet and confer.**

*Sec. 14-13(a).* The meet and confer process is used to develop mutual recommendations in the form of a labor agreement for submittal to the mayor and council. The meet and confer process may include discussions of work issues including wages (for purposes of Tucson City Charter Chapter VII, Section 2), benefits, hours and other terms and conditions of employment. As the processes outlined in this chapter are for a public purpose, the city may agree to provide paid release time for employees to conduct activity for a recognized labor organization.

*Sec. 14-13(b).* At least one hundred twenty (120) days prior to the expiration date of an existing labor agreement, the city manager and/or designated representatives and the designated representatives of the labor organization shall commence the meet and confer process for the purpose of reaching a new labor agreement.

*Sec. 14-13(c).* If a labor organization questions the financial information provided by the city manager's representative, and the question cannot be resolved in the meet and confer process, the question shall be referred to the Independent Audit and Performance Commission (IAPC) for resolution.

*Sec. 14-13(d).* If the city manager and the labor organization reach a total impasse that prevents reaching a labor agreement, either party may request that the outstanding issues be mediated. The mediation will be conducted by a mediator from the Federal Mediation and Conciliation Service (FMCS). If the mediation is unsuccessful, the mediator, in the mediator's discretion, may submit a recommendation to the mayor and council on the resolution of the impasse. If either the city manager or the labor organization declines to agree to mediation, there shall be no mediation and that shall be reported to the mayor and council.

*Sec. 14-13(e).* When the city manager and the labor organization reach agreement on the recommended terms and conditions of employment for those persons in the represented classifications, that agreement shall be set forth in a written labor agreement to be submitted to the mayor and council.

*Sec. 14-13(f).* Final action by the mayor and council shall constitute approval of the labor agreement. Within ninety (90) days of mayor and council approval of the labor agreement, city staff shall amend city administrative directives, and departmental procedures to conform to the labor agreement. Revisions of Tucson City Code shall be recommended for adoption by the mayor and council as necessary in order to implement the terms of a labor agreement. Nothing herein shall limit the legal authority of the mayor and council to unilaterally legislate the terms and conditions of employment or in any way limit the legislative or annual budget discretion of the mayor and council. In the event there is a conflict between the labor agreement and the civil service commission rules and regulations, the civil service commission rules and regulations shall prevail. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

#### **Sec. 14-14. Meet and discuss.**

*Sec. 14-14(a).* The scope of meeting and discussing shall be limited to salaries and benefits for professional and supervisory employees.

*Sec. 14-14(b).* An employee association may submit proposals to the city manager no earlier than January 1 of any calendar year and not later than March 1 of the same calendar year. Upon receipt of the

proposals the city manager will schedule meetings between the association's representatives and the city manager's representatives. The first meeting shall be scheduled on or before March 15 and after a reasonable period of meeting and discussing the city manager shall advise the association's representatives of the manager's budget recommendations related to salary and benefits for professional and supervisory employees.

*Sec. 14-14(c).* If an employee association questions the financial information provided by the city manager's representative, and the question cannot be resolved in the meet and discuss process, the question shall be referred to the Independent Audit and Performance Commission (IAPC) for resolution.

*Sec. 14-14(d).* The employee association shall inform the city manager of its agreement or disagreement with the manager's recommendations and the city manager shall forward the employee association's comments to the mayor and council.

*Sec. 14-14(e).* A representative of the employee association may present the view of the association at a regular meeting of the mayor and council. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

#### **Sec. 14-15. City management rights.**

*Sec. 14-15(a).* The rights of the city, through its management employees, shall include, but shall not be limited to the following:

1. to determine the purpose of each of its departments;
2. to exercise control and discretion over the organization and efficiency of operations of the city;
3. to set standards for services to be provided to the public;
4. to direct the employees of the city, including the right to assign work and overtime;
5. to hire, compensate, examine, classify, promote, train, transfer, assign and schedule city employees;

6. to suspend, demote, discharge, or take other disciplinary action against employees for cause;
7. to increase, reduce change, modify or alter the composition and size of the city work force, including the right to relieve employees from duties because of lack of work, funds or a material change in the duties or organization of a department;
8. to determine the location, methods means and personnel by which operations are to be conducted, including the right to determine whether goods or services are to be made or purchased;
9. to establish, modify, combine or abolish job classifications;
10. to change or eliminate existing methods, equipment or facilities.

*Sec. 14-15(b).* The city's management rights are not subjugated or diminished in any way by any expressed or implied duty or obligation to meet and confer. Retained management rights are not subject to the grievance procedure contained in any labor agreement, nor are they subject to any other appeal or complaint process.  
(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-16. City employee rights.**

*Sec. 14-16(a).* Eligible city employees shall have the right to form, join and participate in any labor organization or employee association of their own choosing, or to refrain from forming, joining, or participating in same. City employees shall not be eligible for any paid release time for any elective or appointive office in any labor organization or employee association until the probationary period following their initial employment in a permanent position in the classified service has been successfully completed.

*Sec. 14-16(b).* This chapter does not prevent any city employee from communicating with city management and the mayor and council, in person, through a group, association or unrecognized

organization or through counsel, with respect to the terms and conditions of employment.  
(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-17. Prohibited activity.**

*Sec. 14-17(a).* Employees, labor organizations, and employee associations and their representatives shall not:

1. Discriminate against an employee with regard to labor organization membership because of race, color, religion, creed, age, disability, sex, national origin, sexual orientation, gender identity, familial status, or marital status;
2. Discriminate against an employee because he/she has chosen not to form, join or assist a labor organization or employee association;
3. Use city time, property or equipment for labor organization or employee association business, except as specified in and consistent with this chapter; use of city email is governed by the applicable administrative directive;
4. Interfere with, restrain or coerce any employee, elected or appointed city official in the exercise of any right provided by the provisions of this chapter;
5. Interfere with, restrain, threaten or coerce any elected or appointed official, representative of the employer or city employee, for the purpose of gaining a concession;
6. Refuse to meet and confer or meet and discuss in good faith;
7. Refuse or fail to comply with any provision of this chapter;
8. Interfere with or coerce the city in the selection of its agents for resolving grievances.

*Sec. 14-17(b).* City management and its representatives shall not:

1. Discriminate against an employee with regard to terms and conditions of employment because of the employee's membership in a labor organization or employee association;
2. Interfere with, restrain or coerce any employee in the exercise of any right provided under this chapter;
3. Dominate or interfere in the formation, existence or administration of any labor organization or employee association;
4. Discriminate in regard to hiring, promotion or any term or condition of employment in order to encourage or discourage membership in a labor organization or employee association;
5. Discharge or otherwise discriminate against an employee because he/she has signed or filed a petition, grievance or complaint or because an employee is forming, joining or choosing to be represented by a labor organization or employee association;
6. Refuse to meet and confer and meet and discuss in good faith;
7. Refuse or fail to comply with any provisions of this chapter;
8. Coerce the labor organization in the selection of its agent for meeting and conferring or adjustment of grievances.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-18. No strike/lockout provisions.**

*Sec. 14-18(a).* No employee, labor organization or employee association shall cause, instigate, encourage, support, threaten or participate, directly or indirectly, in a strike, slowdown, sickout, or work disruption of any type. The city shall not cause, instigate or engage in any employee lockout.

*Sec. 14-18(b).* In the case of an action by employees where the employer alleges a strike or other work disruption has occurred, the mayor and council may meet in emergency session and determine whether a strike or other work disruption has indeed occurred.

*Sec. 14-18(c).* Any labor organization or employee association whose employees participate in, threaten, cause, instigate, encourage or support a city employee strike, walkout, slowdown or other work disruption shall be automatically decertified as the exclusive representative. In such a case, the labor agreement shall be null and void in whole or in part at the discretion of the city, the exclusive representative for that employee group may not collect dues, meet and confer, meet and discuss or represent employees in any fashion, and shall be barred from serving as the exclusive representative of any unit of Tucson employees for a period of not less than three (3) years.

*Sec. 14-18(d).* The provisions and sanctions in this section do not prohibit the city from also taking disciplinary action, up to and including termination of employment, against some or all of the employees who are in violation of the provisions of this section, nor is the city prohibited from seeking other legal remedies against the employee(s), labor organization(s) or employee association(s).  
(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

**Sec. 14-19. Labor organization business.**

All labor organization business shall be conducted only during non-working time in non-working areas and shall not interfere with the work process, except as otherwise specified in an applicable labor agreement.  
(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

TUCSON CODE

**ARTICLE I. OCCUPATIONAL LICENSE TAX**

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 19-1. Definitions.**

As used in this article:

*Broker* means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this article, and who receives for his principal all or part of the gross income from the taxable activity.

*Business* includes all activities or acts including professions, trades and occupations, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, but not casual activities or sales.

*Casual activity or sale* means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article; and which is wholly unrelated to that person’s normal business transaction and which transaction occurs no more than once per calendar year.

*Cigarette vending machine* means any automatic vending machine used for the sale of cigarettes and controlled by the insertion of a coin, slug, token, plate or disc.

*City* means the City of Tucson, Arizona, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form.

*Combined taxes* means the sum of all applicable state transaction privilege and use taxes, all applicable transportation taxes imposed upon gross income by Pima County as authorized by A.R.S. Chapter 8.3, title 42, and all applicable taxes imposed by article I of this chapter.

*Dealer trade show* means an event having a duration not exceeding twenty (20) consecutive days, whereby dealers are engaged in sales to other dealers; however, such sales activity need not be limited exclusively to sales between dealers.

*Employee* means any individual who performs services for an employing unit and who is subject to the direction, rule, or control of the employing unit as to both the method of performing or executing the services and the results to be effected or accomplished; or who directs, rules or controls the employing unit, except employee does not include:

- (1) An individual who performs services as an independent contractor, business person, agent or consultant, or in a capacity characteristic of an independent profession, trade, skill or occupation.
- (2) An individual subject to the direction, rule, control or subject to the right of direction, rule or control of an employing unit solely because of a provision of law regulating the organization, trade or business of the employing unit.

*Employing unit* means an individual or type of organization, including a sole proprietorship, partnership, association, trust estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, who directs, rules or controls activity of one or more employees toward a purpose or objective.

*Federally exempt organization* means an organization which has received a determination of exemption under 26 U.S.C. section 501(c) and rules and regulations of the Commissioner of Internal Revenue pertaining to same, but not including a “governmental entity”, “non-licensed business” or “public educational entity”.

*Finance director* means the finance director of the city.

*Hotel* means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home, at a fixed location or other similar structure or portion

thereof, and also means any space, lot or slab which is occupied or intended or designed for occupancy by transients in a mobile home or house trailer furnished by them for such occupancy. It includes any building or group of buildings containing sleeping accommodations for more than five (5) persons which are open to the transient public. It does not mean any convalescent home or facility, home for the aged, hospital, jail, military installation, fraternity or sorority house, nor does it mean a structure operated exclusively by an association, institution, governmental agency or corporation for religious, charitable or educational purpose or purposes, no part of the earnings of which association or corporation inures to the benefit of any private shareholder or individual.

*Hotel operator* means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agency of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this section and shall have the same duties and liabilities as his principal.

*Jukebox* means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

*Liquor sale* means the sale of all alcoholic beverages as regulated by the Arizona Department of Liquor License and Control.

*Mechanical amusement device* includes any machine, except any machine in or upon which children may ride, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally or used as a game, entertainment or amusement, excepting pay television, whether or not registering a score, as well as such devices as marble machines, pinball machines, skill ball, mechanical grab machines, miniature or mechanical billiard or snooker tables, or bumper pool, and all games, operation or transactions similar thereto.

*Occupancy* means the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes and includes furnishings or services and accommodations accompanying the use or possession of said dwelling space, including storage for the property of the tenant and mandatory valet parking services.

*Pawnbroker* has the same meaning it does in A.R.S. § 44-1621.

*Person* means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the federal government, this state or any political subdivision or agency of this state. For the purposes of this chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

*Promoter* means an individual who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public for periods of twenty-one (21) consecutive days or less.

*Receipt (of notice) by the taxpayer* means the earlier of actual receipt or first attempted delivery by certified United States mail to the taxpayer's address of record with the tax collector.

*Recreational vehicle* means a motor vehicle or trailer designed for dwelling, lodging, or sleeping purposes.

*Recreational vehicle park* means any space, lot, or slab which is occupied or intended or designed for occupancy by occupants in a recreational vehicle as defined in section 19-1.

*Recreational vehicle park operator* means a person who is proprietor of a park, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing

agency of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this section and shall have the same duties and liabilities as his principal.

*Rent* means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

*Secondhand dealer* has the same meaning it has in section 7-97(4) of this Code.

*Street fair* means an open-air marketplace event, having a duration not exceeding five (5) consecutive days, the boundaries of which have been set by the city for use by street fair vendors selected as set forth in section 7-300(b) and (c) of this Code and in which:

- (1) Public access to the city streets and alleys is curtained by city action designating the specific portions of streets and alleys to be utilized for a specific time for street fair purposes only; and
- (2) Public access to city sidewalks is curtained by city action limiting use of the sidewalks to pedestrian traffic only and prohibiting vending to, from, or upon those sidewalks during the specific time set for the street fair.

*Street fair vendor* means anyone who sells a product or renders a service at a street fair as defined in this article.

*Successor in interest* means any person who acquires a business interest by any means whatsoever.

*Swap meet* means a place of commercial activity, popularly known as a swap meet, flea market, park-and-swap, which is:

- (1) Open to the general public for the purchase of merchandise on the premises;
- (2) Available to the general public who wish to sell merchandise on the premises, whether such sellers or vendors are in the business of vending or are making casual sales or some combination thereof;

- (3) Composed of stalls, stands or spaces allotted to vendors, at least one (1) of whom does not occupy the same allotted space or spaces on an uninterrupted continuous daily basis.

*Swap meet premises* means any building, structure, lot or other area at which a swap meet sale is conducted.

*Swap meet proprietor* means any person who rents, sells, donates or otherwise makes available to swap meet vendors any space within premises owned or controlled by the swap meet proprietor for the purpose of making sales.

*Swap meet vendor* means any person upon the swap meet premises for the purpose of causing the advertisement of or making a sale at a swap meet.

*Tax collector* means the finance director or his/her designee or agent.

*Transient* means any person who exercises occupancy or is entitled to occupancy of a hotel or recreational vehicle space as defined in this section by reason of concession, permit, right of access, license, or other agreement on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. Any such person so occupying space in a hotel or recreational vehicle space shall be deemed to be a transient unless there is an agreement in writing between the operator and the occupant providing for a period of occupancy of thirty (30) days or more. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this section may be considered.

*Vending machine* or *machine* means cigarette vending machine, jukebox or mechanical amusement machine.

*Vending machine distributor* means any person having his principal place of business in the city, or who conducts any portion of his business in the city, who sells, leases or rents for operation in the city under any kind of an agreement, or has an interest in by agreement or contract or otherwise, or services and maintains, one (1) or more of the machines defined in this section.

*Vending machine owner-operator* means any person who owns and operates or maintains one (1) or more “vending machines” as defined in this section, upon premises owned, operated, controlled or leased by him.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 1, 9-27-93; Ord. No. 10360, § 1, 12-19-06, eff. 1-1-07; Ord. No. 10790, § 4, 5-18-10, eff. 1-1-11; Ord. No. 11472, § 1, 6-20-17, eff. 9-1-17)

**Sec. 19-2. License required.**

(a) It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or an officer of any corporation, or as a member of any firm or copartnership, or otherwise, to:

- (1) Commence, practice, transact or carry on any trade, calling, profession, occupation or business, subject to the imposition of a license tax under this article without first having procured a license from the city to do so, or without complying with any and all relations of such trade, calling, profession, occupation or business designated in this article.
- (2) Fail or refuse to make any return required by this article.
- (3) Fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.
- (4) Make or cause to be made a false or fraudulent return.
- (5) Make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion or credit or to entitle the person to an allocation or apportionment or receipts subject to tax.
- (6) Fail or refuse to permit any lawful examination of any book, account, record or other memorandum by the tax collector.

- (7) Fail or refuse to obtain a quarterly business license or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
- (8) Reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this article.

(b) The violation of any provision of subsection (a) above shall constitute class 2 misdemeanor. Such violation shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, transacted or carried on. The granting of a license is not to be deemed as evidence or proof that the licensee has complied with the provisions of this chapter or other provisions of this Code, nor shall it estop the prosecution by the city for any violation of this Code. (Ord. No. 7885, § 2, 8-3-92)

**Sec. 19-3. Issuance by tax collector; contents.**

The tax collector, or such other person to whom may be assigned the duty, shall prepare and issue a license under this article for every person required to pay a license tax hereunder and to state the period of time covered thereby, and the location or place of business where such trade or business is to be practiced or carried on. (Ord. No. 7885, § 2, 8-3-92; Ord. No. 10448, § 1, 9-5-07, eff. 1-1-08)

**Sec. 19-4. When taxes due.**

(a) The quarterly license tax provided for in divisions 2 and 3, of this article shall be due and payable on the first day of January, April, July and October of each year.

(b) Annual licenses taxes as set out in divisions 2 and 3, of this article shall become due on the first day of January, April, July, or October, according to date of original application. (Ord. No. 7885, § 2, 8-3-92)

**Sec. 19-5. Prorating quarterly taxes.**

License taxes prescribed by this article shall be diminished by one-third ( 1/3) of a full quarterly fee for each month of the tax period which has fully lapsed at the date of the license application.

(Ord. No. 7885, § 2, 8-3-92)

**Sec. 19-6. When taxes delinquent; penalty and interest applied.**

(a) Any quarterly license tax provided for herein shall become delinquent if not received by the city within twenty (20) days after becoming due. The tax collector shall, on the day the same becomes delinquent, add thereto an amount equal to ten (10) percent of the total amount of any tax unpaid and delinquent as a penalty. No license shall be issued by the tax collector until the delinquent license taxes and penalties have been paid in full.

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(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 or recreation vehicle park 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 and recreation vehicle park 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.

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

(b) *Variable dollar amount 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) and, effective September 1, 2017, upon every person who operates or causes to be operated a recreational vehicle park within the city an additional amount of tax at the rate of two dollars (\$2.00) for each twenty-four (24) 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
- (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; Ord. No. 11472, § 1, 6-20-17, eff. 9-1-17)

**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

- Sec. 20-74 – 20-76. Reserved.
- Sec. 20-77. Reserved.
- Sec. 20-78. Records of chief magistrate.
- Sec. 20-79. Reserved.
- Sec. 20-80. Disposition of civil sanctions.
- Secs. 20-81 – 20-90. Reserved.

### Article III. Pedestrians

- Sec. 20-91. Obedience to traffic-control signals and this article.
- Sec. 20-92. Prohibited crossings.
- Secs. 20-93 – 20-108. Reserved.

### Article IV. Traffic-Control Devices

- Sec. 20-109. Installation of devices by traffic engineer; existing devices ratified.
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- Sec. 20-111. Obedience required.
- Sec. 20-112. Observance of flashing yellow arrow display.
- Sec. 20-112.1. Bicycle traffic control signals.
- Sec. 20-113. Required stops for pedestrians in crosswalks.
- Sec. 20-114. Displaying unauthorized or confusing signs, signals, markings; obstructing view of devices.
- Sec. 20-115. Authority to prohibit or require turns; obedience to signs; public transit buses exempted from same.
- Sec. 20-115.1. Authority to exempt bicyclists from required or prohibited turns.
- Sec. 20-116. Authority to designate crosswalks.
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- Sec. 20-119. Traffic engineer authorized to establish school crossings.
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- Secs. 20-121 – 20-134. Reserved.

### Article V. Operation

- Sec. 20-135. Reserved.
- Sec. 20-136. State speed laws applicable generally.
- Sec. 20-137. Intersections where fifteen miles per hour speed limit imposed.
- Sec. 20-138. Speed limit in all city parks.
- Sec. 20-138.1. Speed limit in bicycle boulevards.
- Sec. 20-138.2. Designating current streets or parts of streets as bicycle boulevards where twenty miles per hour speed limit is imposed.
- Sec. 20-139. Speed limit in alleys.
- Sec. 20-140. Where thirty miles per hour speed limit imposed.
- Sec. 20-141. Where thirty-five miles per hour speed limit imposed.
- Sec. 20-142. Where forty miles per hour speed limit imposed.
- Sec. 20-143. Where forty-five miles per hour speed limit imposed.
- Sec. 20-144. Where fifty miles per hour speed limit imposed.
- Sec. 20-145. Where fifty-five miles per hour speed limit imposed.
- Secs. 20-145.1 – 20-145.4. Reserved.
- Sec. 20-146. Special speed restrictions on certain streets.
- Sec. 20-146.1. Special speed limit reductions in temporary traffic control zones.
- Sec. 20-146.2. Special speed limit reductions during nighttime hours.
- Sec. 20-146.3. Speeding in temporary traffic control zone prohibited.
- Sec. 20-147. Regulation of speed by traffic signals.
- Sec. 20-148. Following fire or rescue apparatus.
- Sec. 20-149. Driving over fire hose.

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- Sec. 20-150. Permission required for processions and parades; compliance with chapter.
- Sec. 20-151. Reserved.
- Sec. 20-152. Method of driving in processions.
- Sec. 20-153. Reserved.
- Sec. 20-154. Operation of unsafe vehicles.
- Sec. 20-155. Limitations on U-turns.
- Sec. 20-156. Obstructing intersections, crosswalks.
- Sec. 20-157. Reserved.
- Sec. 20-158. Regulation of towing services.
- Sec. 20-159. Traffic signal preemptor devices.
- Sec. 20-160. Use of handheld mobile telephone or portable electronic device; prohibited conduct; exceptions.
- Sec. 20-161. Racing of vehicles prohibited; definitions; penalties.
- Secs. 20-162 – 20-172. Reserved.

### Article VI. One-Way Streets and Stop Streets

- Sec. 20-173. Signs required.
- Sec. 20-174. Through streets.
- Sec. 20-175. Stop sign required at each intersection with through street.
- Sec. 20-176. Traffic engineer to designate hazardous intersections for “stop.”
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- Sec. 20-178. Reserved.
- Sec. 20-179. One-way streets and alleys.
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### 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.
- Sec. 20-201. Reserved.
- Sec. 20-202. Prima facie evidence of parking infraction.
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- 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.
- Sec. 20-211. Administrative guidelines.
- Sec. 20-212. Civilian volunteer police assist specialists authorized to issue citations.
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#### Division 3. Parking for Individuals with Physical Disabilities

- Sec. 20-220. Parking for individuals with physical disabilities; designation; enforcement.
- Sec. 20-221. Penalty.
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- Sec. 20-222.1. Parking prohibited in access aisles of spaces reserved for individuals with physical disabilities.
- Sec. 20-222.2. Paratransit loading zones.
- Sec. 20-223. Wheelchair curb access ramps.
- Sec. 20-224. Reserved.

**Sec. 20-11.5. Compensation of special policemen.**

Special policemen shall receive no compensation from the city police department for duties performed. (Ord. No. 2954, § 1, 1-16-67)

**Sec. 20-11.6. Revocation of authority.**

The police chief shall have the authority to revoke the status of special policemen when he finds such revocation to be in the best interest of the city. (Ord. No. 2954, § 1, 1-16-67)

**Sec. 20-11.7. Appointment of community service officers.**

The chief of police shall, at his discretion, have the authority to appoint certain persons to the position of community service officer, providing they meet the following qualifications:

*Sec. 20-11.7(1).* Attend a specified training course at the Tucson Police Academy.

*Sec. 20-11.7(2).* Must be eighteen (18) years of age.

*Sec. 20-11.7(3).* Be a citizen of the United States and of good moral character, and able to understand, read and write the English language.

*Sec. 20-11.7(4).* Possess a high school diploma (or general equivalency diploma). (Ord. No. 4605, § 5, 1-3-77; Ord. No. 8761, §§ 1, 2, 10-7-96)

**Sec. 20-11.8. Authority of community service officers.**

Community service officers shall have the authority:

*Sec. 20-11.8(1).* To investigate traffic accidents occurring within the city limits of Tucson.

*Sec. 20-11.8(2).* To issue summons, or commence an action or proceeding before a court or judge for any violation of any state statute or local ordinance relating to traffic laws, providing that such violence is related to a traffic accident within the jurisdiction of the city.

*Sec. 20-11.8(3).* To commence an action or proceeding before a court or judge for any violation of city ordinance or state statutes regulating the standing or parking of vehicles.

*Sec. 20-11.8(4).* To investigate complaints of thefts or attempted thefts of property, and to file reports relating to each offense.

*Sec. 20-11.8(5).* To carry out any lawful order of, or conduct such investigations as directed by, the chief of police not involving hazardous duty.

(Ord. No. 4605, § 6, 1-3-77; Ord. No. 8761, § 3, 10-7-96)

**Sec. 20-11.9. Appointment of civilian volunteer police assist specialists.**

The chief of police shall have the authority and discretion to appoint certain persons to the position of unarmed civilian volunteer police assist specialist, providing those persons meet the following qualifications:

*Sec. 20-11.9(1).* Attend training as required under the direction of the chief of police.

*Sec. 20-11.9(2).* Be at least eighteen (18) years of age, of good moral character, and able to understand, read and write the English language. (Ord. No. 7671, § 1, 8-5-91)

**Sec. 20-11.10. Authority of civilian volunteer police assist specialists.**

Civilian volunteer police assist specialists, acting in an unarmed capacity, shall have the authority at the discretion of the chief of police, to:

*Sec. 20-11.10(1).* Commence an action or proceeding before the administrative hearing officer for any violation of any chapter of the Tucson Code regarding the stopping, standing or parking of motor vehicles.

*Sec. 20-11.10(2).* Testify, on behalf of the city as required before the administrative hearing officer or any subsequent court proceedings involving any violation of any chapter of the Tucson Code regarding the stopping, standing or parking of motor vehicles.

*Sec. 20-11.10(3).* Assist in the taking of reports involving civil infractions of the Tucson Code and file reports relating to such infractions.

*Sec. 20-11.10(4).* Carry out any lawful order of the chief of police, not involving hazardous duty, the exercise of the power of arrest or the use of force.

(Ord. No. 7671, § 1, 8-5-91)

**Sec. 20-12. Impounding vehicles – When permitted.**

(a) Members of the police department are hereby authorized to impound a vehicle from a street, alley or highway under any of the circumstances enumerated in this section.

(b) Members of the fire department are authorized to impound a vehicle under the circumstances enumerated in subsections (d)(6) or (7) of this section.

(c) Traffic agents are authorized to remove a vehicle under the circumstances enumerated in subsections (d)(1), (3), (4), (6), (7), (9), (10) or (11) of this section.

(d) Vehicles may be impounded under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic, and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is left unattended upon a street or alley and is parked illegally or constitutes a definite hazard or obstruction to the normal movement of traffic.
- (4) When any vehicle is left unattended upon a street for a period in excess of twenty-four (24) hours.

- (5) When any person is arrested while in possession of a motor vehicle and taken into custody.
- (6) When any vehicle other than an authorized emergency vehicle is parked, whether or not attended, in a properly designated fire lane established pursuant to chapter 13 of this Code, or earlier legislation.
- (7) When any vehicle other than an authorized emergency vehicle is parked, whether or not attended, within fifteen (15) feet of a fire hydrant placed on either public or private property.
- (8) When any person is given a civil citation for operating a motor vehicle off the roadway within a quarter mile of a structure in violation of section 11-70.1 of this Code.
- (9) When a special limited magistrate or magistrate orders a vehicle impounded as authorized by this Code.
- (10) When any vehicle is owned by a person who has three (3) or more unpaid civil parking infractions or has failed to respond as set forth in section 20-203(a) of this Code.
- (11) When any vehicle has been booted for more than forty-eight (48) hours.
- (12) When any person is arrested or given a citation for operating a motor vehicle in violation of Section 20-161 of this Code, relating to racing motor vehicles.  
(1953 Code, ch. 17, § 17; Ord. No. 4969, § 1, 5-14-79; Ord. No. 5544, § 1, 4-12-82; Ord. No. 8464, § 2, 3-20-95; Ord. No. 9697, § 1, 4-15-02; Ord. No. 10418, § 2, 6-12-07; Ord. No. 11452, § 2, 4-19-17)

**Sec. 20-13. Same—Notice.**

*Sec. 20-13(1). If owner known.* Whenever an officer removes a vehicle from a street as authorized in section 20-12, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has

**Sec. 20-153. Reserved.**

**Editor's note** – Section 20-153, prohibiting driving on sidewalks except at a driveway, derived from the 1953 Code, ch. 17, § 82, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-154. Operation of unsafe vehicles.**

No person shall drive or move any motor vehicle, trailer, semitrailer or combination thereof on any street or highway when any such vehicle is in such condition as to be a potential hazard to any other person or vehicles upon such street or highway. This section is particularly directed against vehicles with damaged, torn or loose fenders, doors or other parts likely or liable to injure other persons, damage other vehicles or any other property.  
(1953 Code, ch. 17, § 85)

**Sec. 20-155. Limitations on U-turns.**

The driver of any vehicle shall not turn such vehicle on a city street or highway so as to proceed in the opposite direction:

*Sec. 20-155(1).* At any intersection controlled by a traffic-control signal, whether a green indication or a green arrow when signs are erected prohibiting such turns. (Ord. No. 4508, § 2, 6-21-76)

*Sec. 20-155(2).* Upon any street or highway in a business district, except when on a divided highway or street, or part thereof.

*Sec. 20-155(3).* Upon any street or highway other than divided highways, except at intersections.

*Sec. 20-155(4).* Except when such movement can be made on a street or highway in safety and without interfering with other traffic. The driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger. (Ord. No. 7645, § 1, 6-17-91)

*Sec. 20-155(5).* At such places where such turns are prohibited pursuant to and in the manner provided by section 20-115.  
(1953 Code, ch. 17, § 87; Ord. No. 1921, § 1, 4-21-58; Ord. No. 2544, § 1, 11-18-63)

**Sec. 20-156. Obstructing intersections, crosswalks.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(1953 Code, ch. 17, § 89)

**Sec. 20-157. Reserved.**

**Editor's note** – Ord. No. 9985, § 1, adopted June 21, 2004, repealed § 20-157, which pertained to left turns prohibited and derived from Ord. No. 4000, § 1, 3-26-73; Ord. No. 4885, § 1, 10-16-78; Ord. No. 5001, §§ 1, 2, 6-25-79; Ord. No. 5608, § 1, 6-28-82; Ord. No. 6307, § 1, 9-16-85; Ord. No. 7731, § 1, 12-9-91; Ord. No. 8160, § 1, 11-15-93; Ord. No. 8341, § 1, 8-1-94.

**Sec. 20-158. Regulation of towing services.**

*Sec. 20-158(1).* The chief of police will supervise and regulate towing services upon the streets and rights-of-way of the city for disabled, wrecked, abandoned, stolen, unlawfully parked vehicles and vehicles seized as evidence. When an operator or owner of a vehicle has no preference or is unable to request a preference, the vehicle will be towed according to the provisions of agreements procured by the purchasing agent through competitive bidding governing towing services.

(Ord. No. 4117, § 1, 12-10-73; Ord. No. 4346, § 1, 4-21-75; Ord. No. 4957, §§ 1 – 3, 4-9-79)

**Sec. 20-159. Traffic signal preemptor devices.**

*Sec. 20-159(1).* It shall be unlawful for any person not authorized by the city traffic engineer to utilize any preemptor device to control an official traffic-control device within the City of Tucson.

*Sec. 20-159(2).* A civil sanction of not less than two hundred fifty dollars (\$250.00), which shall not be suspended, shall be imposed on any person found responsible for a violation of minor section (1).  
(Ord. No. 5931, § 13, 12-19-83)

**Sec. 20-160. Use of handheld mobile telephone or portable electronic device; prohibited conduct; exceptions.**

A. Definitions.

1. "Hands-free use" means the use of a mobile communication device or portable electronic device without the use of either hand by employing an internal feature of, or an attachment to, the device.
2. "Mobile communication device" and "portable electronic device" means a wireless communication device that is designed to engage in calls; and/or receive and transmit text, images, and/or data; but excludes devices that are physically or electronically integrated into a motor vehicle and are operated hands-free so that the user composes, sends, accesses, communicates or receives messages or data without the use of a hand except to activate, deactivate or initiate the hands-free use.
3. "Operating a motor vehicle" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but excludes operating a motor vehicle when the vehicle has pulled over to the side of the road or off an active roadway and has stopped at a location in which the vehicle can safely remain stationary.

B. No person shall, except as otherwise provided in this section, use a mobile communication device or portable electronic device while operating a motor vehicle upon a street or highway, regardless of whether the motor vehicle is in motion or not, unless that device is specifically designed or configured to allow hands-free use and is used in that manner while operating a motor vehicle.

C. Exemptions. This section shall not apply to:

1. The use of a mobile communication device or portable electronic device for the sole purpose of communicating with any of the

following regarding an immediate emergency situation:

- a. An emergency response operator;
  - b. An ambulance company;
  - c. Fire department and rescue service personnel;
  - d. Law enforcement personnel;
  - e. A hospital; or
  - f. A physician's office or health clinic.
2. The activation or deactivation of hands-free use, as long as the mobile telephone or portable electronic device is securely configured and attached to the vehicle or integrated into the vehicle.
  3. Law enforcement and public safety personnel, and persons operating authorized emergency vehicles, using a mobile communications device or portable electronic device while operating a vehicle in the course and scope of his or her duties.

D. Penalty.

1. A violation of this section is a civil traffic violation. A law enforcement officer shall not stop or issue a citation to a person operating a motor vehicle for a violation of this section unless the law enforcement officer has reasonable cause to believe there is another alleged violation of a motor vehicle law.
2. A person who violates this section and is not involved in a motor vehicle collision is subject to a civil penalty of \$250 for the first violation and \$500 for the second and following violations.
3. A person who violates this section and is involved in a motor vehicle collision is subject to a civil penalty of a minimum amount of \$500.

(Ord. No. 11442, § 3, 3-21-17, eff. 5-1-17)

**Sec. 20-161. Racing of vehicles prohibited; definitions; penalties.**

(a) Racing motor vehicles prohibited. A person shall not drive a motor vehicle or participate in any manner in a race, speed competition or contest, drag race or acceleration contest, exhibition of speed or acceleration, or for the purpose of making a speed record, on a street or highway.

(b) Definitions. For the purposes of this section:

"Drag race" means either:

- (1) The operation of two (2) or more motor vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
- (2) The operation of one (1) or more motor vehicles over a common selected course and from the same point for the purpose of comparing the relative speeds or power of acceleration of the motor vehicle or motor vehicles within a certain distance or time limit.

"Motor vehicle" has the same meaning as provided in Section 28-101 of the Arizona Revised Statutes.

"Race" or "racing" means the use of one (1) or more motor vehicles in an attempt to outgain or outdistance another motor vehicle or prevent another motor vehicle from passing.

(c) A person who violates this section is guilty of a class 1 misdemeanor. In addition to any penalties otherwise provided by law, when any person is arrested or given a citation for operating a motor vehicle in violation of this section, a peace officer is authorized to impound the motor vehicle pursuant to Section 20-12 of this Chapter.

(Ord. 11452, § 1, 4-19-17)

**Secs. 20-162 – 20-172. Reserved.**

**ARTICLE VI. ONE-WAY STREETS AND STOP STREETS****Sec. 20-173. Signs required.**

Whenever any provision of this Code or any ordinance of the city designates any through street, one-way street or alley, the traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(1953 Code, ch. 17, § 92)

**Sec. 20-174. Through streets.**

Those streets or portions of streets designated by ordinance shall be through streets for the purpose of this section. Three (3) copies of current ordinances designating such streets or portions of streets as through streets shall be on file by the city clerk.

(Ord. No. 4070, § 1, 8-6-73)

**Editor's note** – Ord. No. 4070, § 1, amended § 20-174 to read as herein set out. Through streets have been designated by 1953 Code, ch. 17, § 93 as supplemented in 1957 and as amended by:

Ord. No. 1925, § 2, 2-19-62

Ord. No. 1935, § 5, 8-3-59

Ord. No. 2265, § 1, 2-19-62

Ord. No. 2484, § 1, 7-8-63

Ord. No. 2967, § 1, 2-6-67

Ord. No. 3111, § 1, 4-15-68

Ord. No. 3752, § 1, 12-23-71

Ord. No. 4051, § 1, 7-9-73

Ord. No. 4274, § 1, 1-20-75

Ord. No. 4509, § 2, 6-21-76

Ord. No. 4886, §§ 1, 2, 10-16-78

TUCSON CODE

	<i>Per Pay Period</i>	<i>Per Year</i>
0 – 5 years of continuous service:	4 hrs. 0 min.	13 days (104 hrs.)
Over 5 to 10 years of continuous service:	4 hrs. 30 min.	14 days, 5 hrs. (117 hrs.)
Over 10 to 15 years of continuous service:	6 hrs. 0 min.	19 days, 4 hrs. (156 hrs.)
Over 15 to 20 years of continuous service:	7 hrs. 0 min.	22 days, 6 hrs. (182 hrs.)
Over 20 years plus:	8 hrs. 0 min.	26 days (208 hrs.)

- c. Permanent, part-time employees who work twenty (20) or more hours per week accrue a prorated amount of paid vacation leave according to the actual hours worked and hours of paid leave used per pay period.
- d. Permanent employees who work less than twenty (20) hours per week and non-permanent employees do not accrue paid vacation leave.
- e. Employees who have accrued thirty-six (36) days (two hundred eighty-eight (288) hours) of vacation leave in any pay period will not accrue additional vacation leave for that pay period. The number of hours of vacation leave that would otherwise have accrued for that pay period will be credited to the employee as additional sick leave accrual. Commissioned fire personnel at or below the rank of captain may receive a maximum of two hundred eight (208) hours of such additional sick leave accrual each year, starting with the pay period in which April 1 falls. All other employees may receive a maximum of fifty-six (56) hours (seven (7) days) of such additional sick leave accrual each year, starting with the pay period in which April 1 falls.
- f. An employee who is on leave without pay or any unpaid leave status for up to one-half ( 1/2) of the pay period shall accrue vacation leave on a pro-rated basis for that pay period based on the actual hours worked and hours of paid leave used. An employee who is on leave without pay or any unpaid leave status for more than one-half ( 1/2) of a pay period does not accrue vacation leave for that pay period.
- g. Employees on paid leave shall be paid their regular salaries and shall continue to accrue their normal vacation and sick leave.

*Sec. 22-90(2). Sick leave accrual.*

- a. Probationary and permanent, full-time employees, except permanent, full time commissioned fire and commissioned police personnel, shall accrue sick leave as follows:

<i>Per Pay Period</i>	<i>Per Year</i>
4 hrs. 0 min.	13 days (104 hrs.)

- b. Permanent full time commissioned fire and commissioned police employees shall accrue sick leave as follows:

	<i>Per Pay Period</i>	<i>Per Year</i>
0 – 10 years of continuous service:	4 hrs. 0 min.	13 days (104 hrs.)
Over 10 to 15 years of continuous service:	4 hrs. 38 min.	15 days, 28 min. (120 hrs. 28 min.)
Over 15 years of continuous service:	6 hrs. 10 min.	20 days, 20 min. (160 hrs. 20 min.)

- c. Probationary and permanent, part time employees who work twenty (20) or more hours per week (forty (40) or more hours per pay period) shall accrue the greater of either a pro-rated amount of sick leave according to the actual hours worked and hours of paid leave used per pay period or shall accrue one hour of sick leave for every thirty (30) hours worked.
- d. Non-permanent employees and permanent part-time employees who work less than twenty (20) hours per week, shall accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked.
- e. Employees on leave without pay or any unpaid leave status for up to one-half (1/2) of a pay period shall accrue sick leave on a pro-rated basis for that pay period based on the actual hours worked and hours of paid leave used. An employee who is on leave without pay for more than one-half (1/2) of a pay period does not accrue sick leave for that pay period.
- f. Earned paid sick time (as defined in A.R.S. § 23-371) is not additional sick leave, but is the first 40 hours accrued annually. Earned paid sick time accrues as stated above in subsections (a), (b), (c), and (d) and is capped at a maximum of forty (40) hours accrual and usage per year. A maximum of forty (40) hours of unused earned paid sick time may be carried over to the following calendar year. Any carryover of earned paid sick time is available for an employee's immediate use at the beginning of the subsequent calendar year, subject to the annual forty (40) hour maximum usage.
- g. Accruals in excess of the forty (40) hours maximum of earned paid sick time is designated sick leave, and accrues at the rates stated above in subsections (a), (b), (c), and (d). Any earned paid sick time in excess of the maximum carryover of forty (40) hours on January 1 of any subsequent calendar year shall be converted to sick leave.
- h. Sick leave credit is cumulative with no maximum accrual.

*Sec. 22-90(3). Compensation for unused accrued leave to employees separating from city service.*

- a. Permanent employees shall be fully compensated for unused accumulated vacation day/hours at the employee's base rate of pay at the time of separation.
- b. Employees, excepting commissioned police officers and commissioned fire personnel, who retire from the city, under a normal, early, disability or a retirement incentive program and are eligible for benefits from the Tucson Supplemental Retirement System shall be compensated for accumulated sick leave in accordance with the following schedule and using the employee's base rate of pay at the time of separation for the calculation.

Accrued sick leave hours payment:

0 – 240	0% of total
Over 240 – 480	25% of total balance
Over 480 – 720	35% of total balance
Over 720	50% of total balance

- c. Commissioned police officers and commissioned fire personnel who retire from the city and are eligible for normal or permanent disability retirement benefits from the Public Safety Personnel Retirement System shall be compensated for accumulated sick leave as hereafter provided using the employee's base rate of pay at the time of separation for the calculation.
  - 1. Those who retire with sick leave balances of two hundred eighty-seven (287) hours or less will be compensated for those hours at fifty (50) percent of the employee's base rate of pay.
  - 2. Those who retire with sick leave balances of at least two hundred eighty-eight (288) hours will be compensated for two hundred eighty-eight (288) of those hours at one hundred (100) percent of the employee's base rate of pay, however, any sick leave hours

remaining, in excess of two hundred eighty-eight (288) hours, will be compensated at the lessor rate of fifty (50) percent of the employee's base rate of pay.

- d. Upon the death of a city employee, the city shall pay the employee's entire accumulated sick leave to the employee's survivor. A survivor for the purpose of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.

*Sec. 22-90(4). Military leave.*

- a. Excepting commissioned fire employees of the city who are members of any branch, reserve, or auxiliary of the armed forces, and are under orders for active duty, short tour training, attending camps, maneuvers, formation, or drill, employees shall be granted military leave in accordance with this section and state and/or federal law.
- b. Employees of the City of Tucson who are members of any branch, reserve or auxiliary of the Armed Forces, and are under orders for short tour training, attending camps, maneuvers, formations or drills, will be given Military Leave as provided by state and/or federal law or the Tucson Code. This leave is not to exceed thirty (30) days in any two (2) consecutive federal fiscal years (Oct. 1 - Sept. 30), except as otherwise provided by this section. Up to the thirty (30)-day limit, such employees will receive full city salary for normally scheduled working hours that fall within the periods of training duty unless otherwise provided by the Tucson Code. Employees will not be charged military leave for days on which the employee was not otherwise scheduled for work.
- c. Commissioned fire employees of the city who are members of any branch, reserve, or auxiliary of the armed forces, and are under orders for active duty, short tour training, attending camps, maneuvers, formation, or drill, shall be granted military leave as provided by state and/or federal law and this section. Military leave shall be provided to

commissioned fire employees up to a maximum of thirty (30) days per federal fiscal year. Such leave shall not be carried forward or accrued. In addition to the usage provided in this subparagraph c, this additional leave may be used to perform inactive duty drills provided that the member establishes that the military leave was required to perform those drills.

**Note** – Ord. No. 10004, § 2, adopted June 28, 2004, reenacted section 22-90(5) for Fiscal Year 2005.

(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 1, 6-18-01; Ord. No. 95-90, § 1, 8-6-01; Ord. No. 9719, §§ 1, 2, 6-10-02; Ord. No. 9831, § 1, 4-14-03; Ord. No. 9864, § 1, 6-16-03; Ord. No. 10004, §§ 1, 2, 6-28-04; Ord. No. 10057, § 8, 10-11-04; Ord. No. 10163, § 1, 6-14-05; Ord. No. 10425, § 1, 6-19-07; Ord. No. 10557, § 1, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 3, 6-9-09, eff. 7-1-09; Ord. No. 11364, §§ 4, 5, 6-7-16, eff. 6-26-16; Ord. No. 11469, § 1, 6-20-17, eff. 7-1-17)

**Editor's note** – Due to a scrivener's error, § 22-90(1) should read effective FY 03.

**Note** – Section 22-90(1)e. is effective July 1, 2007.

**Sec. 22-91. Duties of the human resources director and city manager.**

The human resources director, subject to the supervision and approval of the city manager, is charged with the responsibility for establishing rules and procedures regulating employee leaves, both with and without pay, for other paid and unpaid time off work and for the administration, establishment, and amendment, of those rules and procedures as from time to time may be required in accordance with the preceding provisions and as hereafter set forth. Rules and regulations for paid and unpaid leave shall not exceed the authorizations provided by ordinance.

- a. The human resources director, with the approval of the city manager shall also establish administrative policies and procedures to provide for:
1. Paid time off not to exceed five (5) days annually to exempt employees in recognition of exceptional performance requiring expenditure of numerous hours beyond the hours normally worked. Such time off must be used when granted and will not be accumulated or otherwise compensated.

2. Paid time off not to exceed two (2) hours to vote in primary and general elections.
  3. Paid time off not to exceed two (2) hours for the purposes of blood donations.
  4. Paid time off to employees on jury duty.
  5. Paid time off to permanent employees on witness duty unassociated with their employment. (Employee attendance as a witness on behalf of the city is an employment duty).
  6. Paid time for holidays, which are as follows: New Year's day, Martin Luther King, Jr. Day, Presidents Day, César E. Chávez Day (to be observed on either the final Monday or the final Friday in March, whichever is closest in time to March 31), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day and excepting commissioned public safety employees who shall have a birthday day holiday, one (1) employee floating holiday per year.
  7. Unpaid or paid time off for a period of bereavement for loss of immediate family not to exceed one workweek annually.
  8. Unpaid leave, consistent with the needs of the city, not to exceed one year, but always in conformance with applicable state and federal law.
- b. The city manager, when recruiting department directors, deputy or assistant city managers, may as an employment incentive:
1. Grant on commencement of employment up to an additional thirty (30) days of paid vacation leave which shall be in addition to any leave entitlement provided in section 22-90 preceding.

2. Waive any of the time in service requirements for accrual of vacation leave to permit up to the maximum rate of vacation accrual for such employees immediately on commencement of employment.  
(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 2, 6-18-01; Ord. No. 9864, § 2, 6-16-03; Ord. No. 9878, § 1, 8-4-03; Ord. No. 10557, § 2, 6-25-08, eff. 7-1-08; Ord. No. 11146, § 1, 3-4-14; Ord. No. 11415, § 1, 12-6-16)

Note – Section 22-91(a)7. is effective July 1, 2008.

**Sec. 22-92. Peace officer recruitment incentive.**

The human resources director, with the approval of the city manager, when recruiting lateral entry commissioned peace officers may, as an employment incentive:

- (1) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of vacation leave.
- (2) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of sick leave.

(Ord. No. 9348, § 2, 2-7-00)

**Sec. 22-93. Conditions for annual sick leave payment to fire department commissioned personnel.**

*Sec. 22-93(a).* Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

*Sec. 22-93(b).* Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the annual sick leave hours for which payment is not requested remains subject to the sick leave transfer provisions of city administrative directive 2.01-7.

*Sec. 22-93(c).* Conditions for annual sick leave payment to fire department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

*Sec. 22-93(d).* Employees with five (5) or more years of service as of July 1 of the year of their request for sick leave payment who have three hundred sixty (360) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, or any part of those hours as set forth in the employee's request, in approximately two (2) equal installments during the pay period in which July 1 falls and the next subsequent pay period.

*Sec. 22-93(e).* Employees with ten (10) or more years of service as of July 1 of the year of their request for sick leave payment who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-93(f).* Employees with seventeen (17) or more years of service as of July 1 of the year of their request for sick leave payment who have five hundred twenty (520) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred four (104) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred sixty (160) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-93(g).* Employees with twenty-two (22) or more years of service as of July 1 of the year of their request for sick leave payment who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty-two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208)

hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

(Ord. No. 9382, § 1, 5-15-00; Ord. No. 9523, § 1, 3-5-01; Ord. No. 9561, § 1, 6-11-01; Ord. No. 9720, § 1, 6-10-02; Ord. No. 10425, § 2, 6-19-07, eff. 7-1-07)

**Editor's note** – Ord. No. 9382, § 1, adopted May 15, 2000, amended the Code by adding provisions designated as § 22-92. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 9382 have been included herein as § 22-93 at the discretion of the editor.

**Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.**

*Sec. 22-94(a).* Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

*Sec. 22-94(b).* Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the remaining annual sick leave hours for which payment is not requested remain subject to the sick leave transfer provisions of city administrative directive 2.01-7.

*Sec. 22-94(c).* Conditions for annual sick leave payment to police department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

*Sec. 22-94(d).* Employees with fifteen (15) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(e).* Employees with seventeen (17) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls,

who have five hundred forty-four (544) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred (100) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of hundred fifty-six (156) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(f).* Employee with twenty (20) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(g).* Year(s) of prior active duty military service or prior commissioned police service from other jurisdictions shall be included in calculating the years of qualifying service applicable to any payments made under the preceding subparagraphs (d) through (f) of § 22-94.  
(Ord. No. 9560, § 1, 6-11-01; Ord. No. 95-90, § 2, 8-6-01; Ord. No. 9864, § 3, 6-16-03; Ord. No. 9878, § 2, 8-4-03; Ord. No. 10425, § 3, 6-19-07, eff. 7-1-07, eff. 7-1-07)

**Sec. 22-95. Wellness attendance incentive.**

The employee groups eligible for representation by a labor organization and employees eligible for overtime who are not eligible to be represented by any labor organization shall be entitled to receive a cash incentive of two hundred fifty dollars (\$250.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including FMLA, in the six (6) month measuring period preceding the date of payment. The Wellness Attendance incentive payment will be

paid in February for the first six (6) month period and in August for the second six (6) month period.  
(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord. No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11; Ord. No. 10991, § 2, 6-12-12, eff. 7-1-12; Ord. No. 11071, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11176, § 1, 6-3-14, eff. 7-1-14; Ord. No. 11292, § 1, 8-5-15)

**Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.**

(a) Each City of Tucson/Pima County Household Hazardous Waste Program employee who is leaving Pima County employment and beginning employment with the City of Tucson under section 13 of the intergovernmental agreement with Pima County approved by mayor and council resolution on March 1, 2005 shall have his or her accrued sick and vacation leave balances transferred with the employee.

(b) These employees shall thereafter accrue city sick and vacation leave at a rate commensurate with the employees combined length of service with the county and city. This special length of service provision shall not otherwise affect the status of these employees, who will begin employment with the city as new civil service employees.

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time.  
(Ord. No. 10125, § 1, 3-1-05)

**Secs. 22-97 – 22-99. Reserved.**

## **ARTICLE VI. OTHER INSURANCE BENEFITS**

### **Sec. 22-100. Reserved.**

**Editor's note** – Ord. No. 10425, § 5, adopted June 19, 2007, effective July 1, 2007, repealed § 22-100, which pertained to providing for other insurance benefits and derived from Ord. No. 9383, § 1, adopted May 15, 2000; Ord. No. 10005, § 1, adopted June 28, 2004; Ord. No. 10163, § 4, June 14, 2005.

### **Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.**

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

### **Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.**

The city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by IAFF who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as a commissioned fire employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10294, § 3, 6-27-06; Ord. No. 10557, § 5, 6-25-08, eff. 7-1-08)

### **Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.**

The city shall provide a two thousand five hundred dollar (\$2,500.00) special death benefit to the survivor of a city employee who is a member of the employee

group eligible for representation by AFSCME and dies while in the employ of the City of Tucson. Although the benefit will be paid without restriction, it is intended that it should be used for purposes of the employees funeral expenses. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.

(Ord. No. 10020, § 1, 8-2-04; Ord. No. 10557, § 6, 6-25-08, eff. 7-1-08)

### **Sec. 22-104. Death benefit for employee group eligible for representation by CWA/TACE.**

The city shall provide twenty-five thousand dollars (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by CWA/TACE who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as an employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10557, § 7, 6-25-08, eff. 7-1-08)

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- e. Assessment of fees for a building permit for redevelopment of existing structures shall be assessed in accordance with section 23A-81(5).
- f. Exemptions:
1. Subsection 23A-86(2)a. shall not apply to a building permit where the square footage to be constructed is based upon a new or amended development plan that was accepted for submittal by PDSO prior to April 1, 2006, approved by October 1, 2006, and which is not expired as provided in LUC section 5.3.8.2.
  2. Subsection 23A-86(2)(b) shall not apply to a tenant improvement permit where the square footage to be constructed is based upon a new or amended development plan that was accepted for submittal by PDSO prior to April 1, 2006, approved by October 1, 2006, and which is not expired as provided in LUC section 5.3.8.2; and where the permit for the shell building is obtained before January 16, 2008 and the tenant improvement permit is obtained within twelve (12) months of the permit for the shell building.
  3. Subsection 23A-86(2)(c) shall not apply to a building permit issued prior to January 16, 2010, where the square footage to be constructed is based upon a new or amended development plan or plat that was accepted for submittal by PDSO prior to July 10, 2007, approved by January 10, 2008, and which is not expired as provided in LUC section 5.3.8.2.
- g. Prior to and as a condition of the issuance of every certificate of occupancy after July 16, 2006, the applicant shall demonstrate that the

structure to be occupied has conformed to this article. Where the original assessment of impact fees was less than the impact fees that would be assessed based upon the use specified in the certificate of occupancy, the difference between the two shall be paid by the applicant prior to the issuance of the certificate. No refunded fees shall be provided where the original use was assessed higher fees. A certificate of occupancy shall include both temporary and permanent certificates of occupancy and certificates for all or a portion of a structure.

(3) This article shall not be altered or extended by or subject to a Protected Development Rights Plan under section 5.3.10.

(Ord. No. 10053, § 5, 9-27-04; Ord. No. 10095, § 1, 12-6-04; Ord. No. 10256, §§ 2, 3, 2-28-06; Ord. No. 10442, § 2, 8-6-07; Ord. No. 10655, § 4, 4-21-09, eff. 7-1-09)

**Editor's note**—It should be noted that § 5 of Ord. No. 10256 provides for an effective date of May 30, 2006, for section 23A-86(2), (3).

#### **Sec. 23A-87. Reserved.**

**Editor's note**—Ord. No. 10372, § 2, adopted Feb. 6, 2007, repealed § 23A-87, which pertained to offsets and derived from Ord. No. 10053, § 5, adopted Sept. 27, 2004. The user's attention is directed to § 23A-82(3), site-specific credits.

#### **Secs. 23A-88 – 23A-90. Reserved.**

### DIVISION 3. GENERAL PROVISIONS

#### **Sec. 23A-91. Miscellaneous provisions.**

(1) *Other development requirements.* Nothing in this article shall restrict the city from requiring the construction of reasonable project improvements required to serve the development project, whether or not such improvement are of a type for which credits are available under subsection 23A-82(3).

(2) *Record-keeping.* The impact fee administrator shall maintain accurate records of the impact fees paid and any other matters that the city deems appropriate or necessary to the accurate accounting of such fees.

Records shall be available for review by the public during normal business hours and with reasonable advance notice. Records pertaining to individual developments may be destroyed three (3) years after the completion of the development or the expenditure of all credits, whichever is later.

(3) *Amendment of impact fee assessments.* An impact fee may be amended after it has been assessed and paid where there is an error or mistake in the calculation of the fee or applicable credits, or where the actual cost of credits changes after the calculation of the credits. Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the acceptance of the recalculated amount. Any amounts underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after the acceptance of the recalculated amount. In the case of an underpayment to the impact fee administrator, the city may not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the city are not paid within such thirty-day period, the city may also rescind any permits issued in reliance on the previous payment of such impact fee. (Ord. No. 10053, § 5, 9-27-04; Ord. No. 10372, § 3, 2-6-07)

#### **Sec. 23A-92. Appeals and interpretations.**

(1) *Appeals.* Any individual calculation of an impact fee or credit made by the impact fee administrator charged with the administration of any part of this article may be appealed in accordance with the mayor and council appeal procedure, section 23A-62. Appeals shall be limited to disputes regarding the calculation of the fee due or the amount of a credit due. Appeals shall be submitted in writing to the planning and development services department director within fourteen (14) days of a decision and no later than fourteen (14) days after the determination of the final fee to be charged for a project.

(2) *Interpretations.* Any dispute or challenge to the interpretation of this article shall be determined by the zoning administrator. The zoning administrator's decision may be appealed within thirty (30) days in accordance with the board of adjustment appeal procedure, section 23A-61.

(3) *Takings appeal.* Any assertion that the assessment of the impact fee on an individual development constitutes an unconstitutional taking may be appealed in accordance with the takings appeal procedure, section 23A-63.

(4) *Building permits.* Building permits may be issued during the pendency of an appeal if the applicant pays the fee at the time the appeal is filed. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered and a refund if applicable. (Ord. No. 10053, § 5, 9-27-04; Ord. No. 10372, § 3, 2-6-07; Ord. No. 10655, § 4, 4-21-09, eff. 7-1-09)

#### **Sec. 23A-93. Violation.**

Furnishing false information on any matter relating to the administration of this article, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this article. (Ord. No. 10053, § 5, 9-27-04)

#### **Sec. 23A-94. Severability.**

If a provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable. (Ord. No. 10053, § 5, 9-27-04)

#### **Sec. 23A-95. Reserved.**

### **DIVISION 4. DEVELOPMENT IMPACT FEE SCHEDULES AND EFFECTIVE DATES**

#### **Sec. 23A-96. Effective dates.**

For the period from December 23, 2014 through and including June 30, 2018, development impact fees shall be assessed and paid at the "phase-in fee" rates represented in Table 1 of Section 23A-97. Commencing July 1, 2018, development impact fees shall be fully assessed and paid thereafter at the "full adopted fee" rates represented in Table 2 of Section 23A-97. Nothing in this Section or any other provision

of this Article shall prohibit the Mayor and Council from moving the implementation date of the "full adopted fee" rates to an earlier or later effective date. Any such amendment to the implementation date shall not be deemed to be an increase to the development impact fees as provided in this Article, as Mayor and Council expressly adopt and approve the "full fee" rates represented in Table 2 of Section 23A-97.

(Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17)

#### **Sec. 23A-97. Fee schedule tables.**

Table 1 - "Phase-in Fee" Rates\*

\*Assessed Beginning December 23, 2014 Through and Including June 30, 2018 Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-96.

Table 2 - "Full Adopted Fee" Rates\*

\*Assessed Commencing July 1, 2018 and Thereafter Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-96.

(Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17)

#### **Secs. 23A-98 – 23A-100. Reserved.**

### **ARTICLE IV. DEFINITIONS\***

#### **DIVISION 1. GENERAL PROVISIONS†**

##### **Sec. 23A-101. Purpose.**

The purpose of this article is to promote consistency and precision in the interpretation of this chapter.

(Ord. No. 9392, § 2(3.1.1), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

##### **Sec. 23A-102. General rules of application.**

(a) *Meaning and construction.* The meaning and construction of words and phrases as set forth apply throughout the chapter, except where the context of

such words or phrases clearly indicates a different meaning or construction.

(b) *Land Use Code (LUC).* Where the word or term is applicable to the Land Use Code (LUC), the definition in the LUC applies.

(Ord. No. 9392, § 2(3.1.2), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

##### **Sec. 23A-103. General rules for construction of language.**

The following general rules of construction apply to the textual provisions of the chapter.

- (1) *Headings.* Section and subsection headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the chapter.
  - (2) *Illustration.* In case of any difference of meaning or implication between the text of any provision and any illustration, the text prevails.
  - (3) *Tenses and numbers.* Words used in the present tense include the future, and words used in the singular include the plural and the plural the singular, unless the context clearly indicates contrary.
  - (4) *Conjunctions.* Unless the context clearly indicates contrary, the following conjunctions will be interpreted as follows:
    - a. "And" indicates that all connected items or provisions apply.
    - b. "Or" indicates that the connected items or provisions may apply individually or in any combination.
    - c. "Either . . . or" indicates that the connected items or provisions apply individually but not in combination.
- (Ord. No. 9392, § 2(3.1.3), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

##### **Secs. 23A-104 – 23A-110. Reserved.**

\***Editor's note** – Formerly Art. III. See editor's note at Art. III.

†**Editor's note** – Section 3 of Ord. No. 10053 renumbered Art. IV, Div. 1, §§ 23A-71 – 23A-73 as Art. IV, Div. 1, §§ 23A-101 – 23A-103, respectively.

DIVISION 2. LISTING OF WORDS AND TERMS‡

**Sec. 23A-111. Definitions – A.**

*Advisory board.* The historic district advisory board established pursuant to section 5.1.10 of the LUC.

*Applicant.* The applicant for a building permit for which an impact fee is due pursuant to the provisions of this article.

*Arterial road system.* Arterial roads identified on the city’s major street and routes plan that are the responsibility of the City of Tucson or which are designated in accordance with section 23A-84(14).

*Arterial road (system) improvements.* Improvements that expand the capacity of the arterial road system, including but not limited to construction of new roads or the widening of existing roads, roadway pavement, curbs and curb cuts, bridges, sidewalks, pedestrian facilities, trails, drainage structures, medians, street lighting, landscaping and irrigation, one (1) percent public art, intersection improvements, acceleration and deceleration lanes, turn lanes, parking lanes, traffic signals and other similar improvements constructed in conjunction with an arterial road capacity improvement. Ancillary components of a capacity-expanding road improvement shall not be considered system improvements when not an integral part of a capacity-expanding improvement. (Ord. No. 9392, § 2(3.2.1), 5-22-00; Ord. No. 10053, §§ 4, 6, 9-27-04; Ord. No. 9967, § 10, 5-17-04)

**Sec. 23A-112. Definitions – B (Reserved).**

(Ord. No. 9392, § 2(3.2.2), 5-22-00; Ord. No. 10053, § 4, 9-27-04)

**Sec. 23A-113. Definitions – C.**

*CDRC.* Acronym for community design review committee.

*Community design review committee.* The community design review committee (CDRC) is established as an advisory body for the review of land development proposals within the city. Establishment, composition, and function of the CDRC are provided in Development Standard 1-03.0.

*Conformance.* To be in agreement with; to comply with.

*Credit.* There are three (3) types of credits: public revenue credits, public funding credits, and site-specific credits as defined in section 23A-82. (Ord. No. 9392, § 2(3.2.3), 5-22-00; Ord. No. 10053, §§ 4, 6, 9-27-04; Ord. No. 10372, § 4, 2-6-07)

**Sec. 23A-114. Definitions – D.**

*Director.* The director of the planning and development services department. (Ord. No. 9392, § 2(3.2.4), 5-22-00; Ord. No. 10053, § 4, 9-27-04; Ord. No. 9967, § 10, 5-17-04; Ord. No. 10655, § 4, 4-21-09, eff. 7-1-09)

**Sec. 23A-115. Definitions – E (Reserved).**

(Ord. No. 9392, § 2(3.2.5), 5-22-00; Ord. No. 10053, § 4, 9-27-04)

**Sec. 23A-116. Definitions – F (Reserved).**

(Ord. No. 9392, § 2(3.2.6), 5-22-00; Ord. No. 10053, § 4, 9-27-04)

**Sec. 23A-117. Definitions – G (Reserved).**

(Ord. No. 9392, § 2(3.2.7), 5-22-00; Ord. No. 10053, § 4, 9-27-04)

**Sec. 23A-118. Definitions – H (Reserved).**

(Ord. No. 9392, § 2(3.2.8), 5-22-00; Ord. No. 10053, § 4, 9-27-04)

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‡**Editor’s note** – Section 4 of Ord. No. 10053, renumbered Art. IV, Div. 2, §§ 23A-81 – 23A-106 as Art. IV, Div. 2, §§ 23A-111 – 23A-136.

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
11377	6-21-16	1	15-1
		2	15-32.4
		3	Added 15-32.7
		4	15-33, 15-33.1, 15-33.2
		5	15-34.7
		6	15-36
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
11395	8-9-16	1	14-2–14-19
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
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			26-10
			26-11.1
			26-11.2
			26-11.3
	26-11.4		
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	Added 26-13		
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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
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		4	30-3
11401	9-20-16	1	2-18 2-19 2-22
11407	11-9-16 (eff. 11-27-16)	1	10-31
11413	11-22-16	1	21-4
11415	12-6-16	1	22-91
11420	12-20-16	1	Added 20-138.1, 20-138.2
11429	1-24-17	1	10-31
11430	1-24-17	1	22-34
11442	3-21-17 (eff. 5-1-17)	2 3	Rpld 20-160 Added 20-160
11443	3-21-17	1	11-30, 11-30.1
11445	3-21-17	1	16-32
11452	4-19-17	1 2	Added 20-161 20-12
11454	4-19-17	1	2-18
11457	4-19-17	1 2	Rpld 12-1–12-175 Added 12-1–12-191
11460	5-23-17 (eff. 7-1-17)	1 2	Ch. 11, Art. II, title Added 11-73
11464	6-6-17	1 2	10-31 10-31(7) 10-31(8) 10-33 10-33.1 10-34 10-34.1 10-35 10-47 10-48 10-49 10-52 10-53 10-53.1 10-53.2

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

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11469	6-20-17 (eff. 7-1-17)	1	22-90
11471	6-20-17	1	23A-96, 23A-97
11472	6-20-17 (eff. 9-1-17)	1	19-1, 19-66

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