

TUCSON, ARIZONA
 Supp. No. 118 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through March 20, 2018. 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. 118”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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

Published by Order of the Mayor and Council

Republished 1987

Contains Supplement No. 118
Current through March 20, 2018

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
One West Fourth Street ✧ 3rd Floor ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

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

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

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

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 Amendments have been inserted in their proper places, and amended and repealed provisions have been deleted.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

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Chapter I. Name

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

Chapter II. Boundaries

- Sec. 1. Omitted.

Chapter III. Government

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

Chapter IV. Powers of City

- Sec. 1. Enumerated.
- Sec. 2. Business privilege tax.
- Sec. 3. Business privilege tax for transportation and public safety improvements.
- Sec. 5. Additional business privilege and use tax for the Gene Reid Park Zoo.

Chapter V. Officers and Salaries

- Sec. 1. Elective officers specified.
- Sec. 2. Appointive officers.
- Sec. 2.1. Appointive officers and department directors not in the classified service.
- Sec. 3. Appointment, term, removal of city manager.
- Sec. 4. Appointment, term, removal of city attorney and city clerk.
- Sec. 4.1. Appointment, term, removal of city magistrates.
- Sec. 5. Repealed by Ord. No. 2080, Nov. 10, 1960.
- Sec. 6. Appointment, term, removal of engineer, superintendent of streets, superintendent of water, officers provided by ordinance.
- Sec. 7. Appointment, term, removal of police chief and fire chief.
- Sec. 8. Salary of mayor.
- Sec. 9. Salaries of councilmembers.
- Sec. 9.1. Compensation of elected city officers; commission on salaries for elected officers.
- Sec. 10. Salary of other officers.
- Sec. 11. Salaries of engineer, superintendent of streets, superintendent of water, and officers provided by ordinance.
- Sec. 12. Citizenship of clerks and deputies.
- Sec. 13. Appointment, removal of deputies, clerks and employees generally.

Chapter VI. The Mayor

- Sec. 1. Executive duties generally.
- Sec. 2. To preside at council meetings.
- Sec. 3. Reports and recommendations to council.
- Sec. 4. Recognition by courts and state officials as official city head.
- Sec. 5. Emergency powers.

Chapter VII. Powers of Mayor and Council

- Sec. 1. Enumerated.
- Sec. 2. Advisory arbitration of wage disputes.

Chapter VIII. Vacancies

- Sec. 1. Authority of vice-chairman of council in absence or disability of mayor.
- Sec. 2. Procedures for filling vacancies in office of mayor or councilmember.
- Sec. 3. When vacancies exist.
- Sec. 4. Time for filling vacancies; term of appointees.
- Sec. 5. Mayor and councilmen not to hold other public office.

Chapter IX. Legislation

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

B. There shall be established a street improvements fund which shall consist of forty percent (40%) of all revenues collected from the tax authorized under section 3(a) above, as well as any interest earned on those monies. The director of finance shall deposit all monies received from the designated tax revenues into this fund, and shall invest monies in the fund, and all accounts therein as provided by Chapter XXIX of this Charter. The director of finance shall credit monies earned from these investments to the fund. The street improvements fund shall be administered as follows:

1. Sixty cents (\$0.60) of each dollar in the street improvement fund shall be used for restoration, repair, resurfacing and improvement of the condition of major streets, to include principal arterial and minor arterial streets, collector streets, and subcollector streets;

2. Forty cents (\$0.40) of each dollar in the street improvement fund shall be used for restoration, repair, resurfacing and improvement of the condition of local or residential streets.

3. Monies from the street improvement fund shall be appropriated by the mayor and council only for the purposes set forth in this section and in accordance with a street improvement plan approved by the mayor and council by ordinance on or before January 31, 2017.

C. There shall be established a public safety improvements fund which shall consist of sixty percent (60%) of all revenues collected from the tax authorized under section 3(a) above, as well as any interest earned on those monies.

The director of finance shall deposit all monies from the designated tax revenues into this fund, and shall invest monies in the fund, and all accounts therein as provided by Chapter XXIX of this Charter. The director of finance shall credit monies earned from these investments to the fund. The public safety improvements fund shall be used exclusively for the

payment of expenses associated with the acquisition and upgrading of public safety vehicles and equipment, and capital improvements of public safety facilities, in accordance with a public safety improvements plan approved by the mayor and council by ordinance on or before January 31, 2017.

D. The power to impose, collect and levy the taxes authorized by section 3(a) above shall expire on June 30, 2022, unless that power is extended or renewed by the approval of a majority of the qualified electors of the city voting at an election called for that purpose.

Editor’s note—Ch. IV, § 3, was added at a special election held May 16, 2017, pursuant to the provisions of Ord. No. 11421. The mayor certified the result of the election on June 8, 2017, and the governor approved the amendment on June 21, 2017. The amendment authorized a tax to fund street improvements and public safety investments for a period of five years.

Sec. 5. Additional business privilege and use tax for the Gene Reid Park Zoo.

A. In addition to the powers otherwise described in Chapter IV of this Charter, and over and above any existing tax, the city shall have the power to impose, levy and collect a transaction privilege and use tax not exceeding one-tenth of one percent (0.1%) for the sole and exclusive purpose of providing additional funding to the Gene Reid Park Zoo as described in this section.

B. There shall be established a Gene Reid Park Zoo improvement fund, which shall consist of all revenues collected from the tax authorized under section 5(A), above, as well as any interest earned on those monies. The director of finance shall deposit all monies in the fund, and all accounts therein as provided by Chapter XXIX of this Charter. The director of finance shall credit monies earned from these investments to the fund.

C. The Gene Reid Park Zoo improvement fund shall be administered as follows:

* **Cross references**—Filling of vacancies, ch. VIII; powers and duties of officers other than mayor and councilmen, ch. X; recall of officers, ch. XXI; civil service, ch. XXII; pension fund, ch. XXIII; additional compensation of officers prohibited and exception for police, ch. XXV, § 1; salary of director of finance, ch. XXIX, § 4; salary of director of parks and recreation, ch. XXXI, § 3.

1. Every dollar in the Gene Reid Park Zoo improvement fund shall be used for capital improvements, operations, and maintenance at the Gene Reid Park Zoo.

2. Monies from the Gene Reid Park Zoo improvement fund shall be appropriated by the mayor and council only for the purposes set forth in this section.

3. Monies from the Gene Reid Park Zoo improvement fund shall supplement and not supplant the monies that would otherwise be appropriated by the mayor and council to the Gene Reid Park Zoo.

D. The power of the city described in section 5(A) above shall be effective on January 1, 2018, and shall terminate on December 31, 2027.

Editor's note—Ch. IV, § 5, was added at a special election held November 7, 2017, pursuant to the provisions of Ord. No. 11485. The mayor certified the result of the election on December 1, 2017.

CHAPTER V. OFFICERS AND SALARIES*

Sec. 1. Elective officers specified.

The elective officers of the city shall be:

- (1) A mayor; and
- (2) Six (6) councilmen.

Cross references—Government vested in mayor, council, ch. III, § 1; elections generally, ch. XVI; mayor and councilmen holding other offices prohibited, ch. XVIII, § 1.

CHARTER COMPARATIVE TABLE

Amendments and repeals arranged according to effective date.

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

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Ordinance Number	Effective Date	Section This Charter Chapter	Section
5036	11-10-80	V XXII XXX	2, 4, 8, 9 1 1, 2 (Rpld)
5860	11-23-83	V	8, 9
5861	11-22-83	IV XXII	1(23) 4(c)
6299	2-21-86	XXV	13
6300	3- 4-86	XV XVI	4 Subch. A, §§ 1, 2 Subch. B, §§ 1--10
7274	12-11-89	IV V V VII XV XV XXII XXVII XXVII XXVIII XXIX XXX	1(25) 13 as 13(a) (Rnbd) 13(b) (Added) 2 2 5, 6 (Rpld) 2, 3(c), (d), 4-7 3 (Rpld) 4 as 3 (Rnbd) 1--3 (Rpld) 3(3)(b) 1--3
7684	9- 3-91	XIII XV XV XVI	12 1--8 (Rpld) 1--6 (Added) Subch. B, § 5(b)
8118	9- 7-93	XXVII 1	1--6 (Rpld) Art. V, 9.1 Art. XVI, 8.1
8573	9- 5-95	V	8, 9
8947	9- 2-97	XVI	8
8951	9- 2-97	VIII VIII VIII	2 3, 4 (Rpld) 5--7 as 3--5 (Rnbd)
8953	9- 2-97	VII	1(27)
9270	12- 2-99	V	8, 9
9271	12- 2-99	IX	2
(Prop. 403)	2-2-16	V IX XXII	3, 4, 4.1 5, 8 2
(Prop. 404)	2-2-16	V X XXII XXIX XXX XXXI	2.1 (Added), 6, 7, 11, 13 7, 9 3 4 3 3
11421	5-16-17	IV	3 (Added)
11485	11-7-17	IV	5 (Added)

Chapter 2

ADMINISTRATION*

Art. I.	In General, §§ 2-1 – 2-25.1
Art. II.	Mayor and Council, §§ 2-26 – 2-44
Art. III.	Public Communication, Community Engagement, and Integrated Planning, §§ 2-45 – 2-80
Art. IV.	Reserved, §§ 2-81 – 2-87
Art. V.	Bonds of Officers and Employees, §§ 2-88 – 2-100
Art. VI.	City Clerk Records Management, §§ 2-101 – 2-119
Art. VII.	Reserve Police Officer Program, §§ 2-120 – 2-129
Art. VIII.	Special Duty Police Services Program, §§ 2-130 – 2-139
Art. IX.	Disposition of Property and Money by the Police Department, §§ 2-140 – 2-141

Article I. In General

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

***Cross references** – Community affairs, ch. 10A; housing and community development, § 10B-1 et seq.; permit appeal board for transportation of hazardous materials, § 13-11; administrative hearing office, ch. 28.

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Article II. Mayor and Council

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

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

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

Article IV. Reserved

- Secs. 2-81 – 2-87. Reserved.

Article V. Bonds of Officers and Employees

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

Article VI. City Clerk Records Management

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

Article VII. Reserve Police Officer Program

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

Article VIII. Special Duty Police Services Program

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

Chapter 3

RESERVED*

***Editor's note** – Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I – XV, §§ 3-1 – 3-10, 3-14, 3-15, 3-19 – 3-27, 3-31 – 3-43, 3-47 – 3-69, 3-73, 3-77 – 3-80, 3-84 – 3-86, 3-90, 3-91, 3-95, 3-99 – 3-105, 3-109, 3-110, 3-114 – 3-125, 3-130 – 3-136. Section 2 of said ordinance enacted a new Ch. 3 pertaining to signs. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1 – 8, adopted August 6, 1990; Ord. No. 7768, §§ 1 – 26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1 – 3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1 – 5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1 – 12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9859, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007. Ord. No. 11508, § 2, adopted Dec. 5, 2017, effective Feb. 1, 2018, repealed Ch. 3.

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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
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 Ord. No. 8090, § 1, 7-6-93
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 Ord. No. 8166, § 1, 11-22-93
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 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)
 Ord. No. 11511, § 1, 12-19-17 (effective December 24, 2017)
 Ord. No. 11535, § 1, 3-20-18

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

Chapter 12

ELECTIONS*

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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, which was repealed and replaced in its entirety by Ord. 11525, adopted February 21, 2018.

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 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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.

(c) The mayor and council may enact ordinances as may be necessary or desirable to carry out the provisions of this chapter.
(Ord. No. 11525, § 2, 2-21-18)

Sec. 12-12. 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. 11525, § 2, 2-21-18)

Sec. 12-13. 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. 11525, § 2, 2-21-18)

Sec. 12-14. 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. 11525, § 2, 2-21-18)

Sec. 12-15. 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. 11525, § 2, 2-21-18)

Sec. 12-16. 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 party 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 voting location and 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. 11525, § 2, 2-21-18)

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. 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. 11525, § 2, 2-21-18)

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. A voter who makes available an image of the voter's own ballot by posting on the internet or in some other electronic medium is

deemed to have consented to retransmittal of that image and that retransmittal does not constitute a violation of this section.

(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.

(d) With the permission of the voter, a minor may enter and remain within the seventy-five (75) foot limit in order to accompany a voter into a polling place, an on-site early voting facility and a voting booth while the voter is voting.

(Ord. No. 11525, § 2, 2-21-18)

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 voting.
- (2) Impede orderly voting.
- (3) Otherwise interfere with the rights of electors.

(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

Sec. 12-30. Rules determining residence of voter upon challenge; reading of rules upon request.

(a) The election board, in determining the place of residence of a person, shall be governed by the following rules, so far as applicable:

- (1) The residence of a person is that place in which his habitation is fixed and to which he has the intention of returning when absent.
- (2) A person does not gain or lose his residence by reason of his presence at or absence from a place while employed in the service of the United States or of this state, or while engaged in navigation, or while a student at an institution of learning or while kept in an almshouse, asylum or prison.
- (3) A person does not lose his residence by leaving his home to go to another county, state or foreign country for merely temporary purposes, with the intention of returning.
- (4) A person does not gain a residence in any county into which he comes for merely temporary purposes, without the intention of making that county his home.
- (5) If a person removes to another state with the intention of making it his residence, he loses his residence in this state.

- (6) If a person removes to another state with the intention of remaining there for an indefinite time, and of making the place his present residence, he loses his residence in this state, even though he has an intention of returning at some future period.
- (7) The place where a person's family permanently resides is his residence, unless he is separated from his family, but if it is a place of temporary establishment for his family, or for transient purposes, it is otherwise.
- (8) If a person has a family residing in one place and he does business in another, the former is his place of residence, but a person having a family who has taken up his abode with the intention of remaining and whose family does not so reside with him shall be regarded as a resident where his abode has been taken.
- (9) A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot as prescribed in sections A.R.S. 16-103 and 16-543.02 if both of the following apply:
 - a. A parent is a United States citizen.
 - b. The parent is registered to vote in this state.
- (10) The mere intention of acquiring a new residence without the act of removal avails nothing and neither does the act of removal without the intention.
 - (b) The term of residence shall be computed by including the day on which the person's residence commenced and by excluding the day of election.
 - (c) Before administering an oath to a person touching his residence, the inspector, if requested by any person, shall read to the person challenged the rules set forth in subsection (a) of this section.
(Ord. No. 11525, § 2, 2-21-18)

Sec. 12-31. 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. 11525, § 2, 2-21-18)

Sec. 12-32. 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. 11525, § 2, 2-21-18)

Secs. 12-33 – 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 active 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. 11525, § 2, 2-21-18)

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 active registered voter 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) In a primary election, any qualified elector not registered as a member of a political party qualified for the ballot, shall have the opportunity to designate the ballot of one of the political parties that is qualified for the ballot. The elector may receive and vote the ballot of only that one political party. By voting for one of these parties, it will not change the voter registration status of the elector.

(c) 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. 11525, § 2, 2-21-18)

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. The request shall include the name, the residence or temporary address and date of birth of the requester.

(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. If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

(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, excluding Saturdays, Sundays, and other legal holidays.

(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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 may be in possession of that elector's unvoted ballot.
(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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.
- (c) The recorder or other officer in charge of elections shall keep a record of each replacement ballot provided pursuant to this section.

(d) If an elector to whom a replacement ballot is issued votes more than once, only the first ballot received shall be counted.
(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

Secs. 12-48 – 12-53. Reserved.

ARTICLE V. FINANCIAL DISCLOSURE

Sec. 12-54. Duty to file 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 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 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 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. 11525, § 2, 2-21-18)

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 financial disclosure statement.

(Ord. No. 11525, § 2, 2-21-18)

Sec. 12-56. Violation; classification.

(a) Any elected city officer or candidate who knowingly fails to file a financial disclosure statement required by this article, who knowingly files an incomplete financial disclosure statement or who knowingly files a false 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. § 16-937 and 938. (Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 shall 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.

(f) If an elector signs more nomination petitions than permitted by subsection (a) of this section, the earlier signatures of the elector are deemed valid, as determined by the date of the signature as shown on the petitions. If the signatures by the elector are dated on the same day, all signatures by that elector on that day are deemed invalid. Any signature by that elector on a nomination petition on or after the date of the last otherwise valid signature is deemed invalid and shall not be counted.

(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 (d) 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 (d) 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. 11525, § 2, 2-21-18)

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 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(d) 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 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.

- (2) 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.
- (3) 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.
- (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).
- (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) 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. 11525, § 2, 2-21-18)

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.

(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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

**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. 11525, § 2, 2-21-18)

**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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)
- 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. 11525, § 2, 2-21-18)
- 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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.
- (5) For public funding candidates, if following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign contributions, any surplus shall be returned to the election campaign account until the full amount of public matching funds disbursed has been returned. Any remaining unexpended campaign contributions shall be returned to the election campaign account, contributors, or to a non-profit charitable organization. All unexpended campaign contributions must be disbursed no later than the first Monday in December following the election.

(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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

Secs. 12-100 – 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.

(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 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) Arizona Post Office Box and Zip Code
- (5) City or Town
- (6) Ward No.
- (7) Date Signed

(t) Each signature sheet shall contain lines for signatures 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 ten (10) business 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. 11525, § 2, 2-21-18)

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. Signatures obtained on referendum petitions in violation of this section are void and shall not be counted in determining the legal sufficiency of the petition. 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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) Those sheets on which the circulator is required to be registered with the secretary of state pursuant to Tucson Code § 12-115 and the circulator is not properly registered at the time the petitions were circulated.

- (13) 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 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;
 - (13) The signature was obtained prior to the issuance of the petition serial number;
 - (14) 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;
 - (15) For the provisions of referendum and recall petitions, the ward number is missing;
 - (16) The signature or accompanying information is, in the opinion of the city clerk, otherwise insufficient or defective.
- (Ord. No. 11525, § 2, 2-21-18)
- 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. The title and text shall indicate material deleted, by printing the material with a line drawn through the center of the letters of the material. 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 a 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 lines for signatures 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 of sufficiency, 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 and residence addresses 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 XI of this chapter, "Campaign Finance; Reporting for Political Action Committees Intending to Influence any Petition Drive", shall apply to recall petitions.

(Ord. No. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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.

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. 11525, § 2, 2-21-18)

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 City for mayor or 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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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. 11525, § 2, 2-21-18)

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 petition 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 petition 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) 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.

(c) 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.

(d) 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.

(e) On the filing of a statement of organization, a petition drive political committee shall be issued a city identification number.

(f) 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.

(g) All petition drive political committees shall preserve all their financial records for two (2) years following the end of the election cycle.
(Ord. No. 11525, § 2, 2-21-18)

Sec. 12-183. Requirements for all other political committees.

All political action committees intending to influence the result of any petition drive, shall comply with the provisions of this article.
(Ord. No. 11525, § 2, 2-21-18)

Sec. 12-184. 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 political action committees intending to influence the outcome of the petition drive, 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.

(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 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. 11525, § 2, 2-21-18)

Sec. 12-185. Notification requirements.

(a) In addition to the requirements relating to election contributions prescribed in section 12-184 of this code, a petition drive political committee and a political action committee intending to influence the outcome of the petition drive, 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 12-184 of this code, a petition drive political committee and a political action committee intending to influence the outcome of the petition drive 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 12-184 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. 11525, § 2, 2-21-18)

Sec. 12-186. 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. 11525, § 2, 2-21-18)

Sec. 12-187. Failure to comply a civil infraction.

(a) If a political committee fails to file a report in a timely manner as required by section 12-184 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 political committee has failed to file, improperly filed, or refused to file any notice as required by section 12-185 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 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 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. 11525, § 2, 2-21-18)

Secs. 12-188 – 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 (g) and (k), 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 (g) and (k), 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 (g) and (k) 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 (g) and (k).
- (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 or ballot measure cumulatively exceeding one thousand dollars (\$1,000) during a campaign period, shall file reports with the city clerk in accordance with this subsection 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.

- (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.
 - (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 (g) for filing an original report shall file a supplemental report each time previously unreported independent expenditures specified by subsection (g) exceed one thousand dollars (\$1,000).

- (l) *Time of filing.* Any person who must file an original report pursuant to subsection (g), or who must file a supplemental report for previously unreported amounts pursuant to subsection (k), 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. 11525, § 2, 2-21-18)

TUCSON CODE

Chapter 12A

BUSINESS SERVICES DEPARTMENT

- Sec. 12A-1. Business services department established; director established; powers and duties; definitions; finance and procurement functions.
- Sec. 12A-2. Director, assignment powers.
- Sec. 12A-3. Reserved.
- Sec. 12A-4. Reserved.
- Sec. 12A-5. Interest on past due accounts receivable.
- Sec. 12A-6. Director to execute and endorse checks.
- Sec. 12A-7. Dishonored check fee.
- Sec. 12A-8. Collection fee.

TUCSON CODE

Sec. 12A-1. Business services department established; director established; powers and duties; definitions; finance and procurement functions.

(a) There is hereby established a business services department in accordance with the provisions of Chapters V [Section 2(14)], XV, and XXIX of the Charter.

(b) The head of the business services department shall be the director of such department, who shall have the duties and powers as set forth in the Charter, including those described in subsection (c) below, and as otherwise established elsewhere in the Charter and this Code.

(c) The director shall have the duties and powers as set forth in Chapter XV of the Charter and Chapter 28 of this Code, relating to the director of procurement; and as set forth in Chapter XXIX of the Charter, relating to the director of finance. The director shall be appointed and removed as provided in Chapter V, Section 6 of the Charter and Chapter XXIX, Section 4 of the Charter, each of which provides for appointment by the city manager, subject to approval of the mayor and council, and removal by the city manager.

(d) For the purposes of this Chapter, and unless the context plainly requires otherwise, the following terms, phrases and words shall have the meaning given herein:

- (1) *Department* means the business services department, which includes both the department of procurement and the department of finance.
- (2) *Director* means the director of the business services department, who also serves as the director of finance as provided in Chapter XXIX of the Charter and elsewhere in the Charter and Code; and who serves as the director of procurement as provided in Chapter XV of the Charter and elsewhere in the Charter and Code, including but not limited to Chapter 28 of the Code.

(e) On and after the effective date of this Section, wherever any provision of this Code refers to the director of procurement and/or the director of finance,

such reference means the director of the business services department; and wherever any provision of this Code refers to the department of finance and/or the department of procurement, such reference means the business services department.

(Ord. 11524, § 1, 2-6-18)

Sec. 12A-2. Director, assignment powers.

Under the direction of the city manager, the director may assign such of the director's duties and functions to others, or to departments, subdepartments or divisions established to perform such assigned work.

(Ord. 11524, § 1, 2-6-18)

Sec. 12A-3. Reserved.

Sec. 12A-4. Reserved.

Sec. 12A-5. Interest on past due accounts receivable.

Interest shall accrue on all past due accounts receivable of the city at rates to be determined and applied as established by the director subject to the direction of the city manager.

(Ord. 11524, § 1, 2-6-18)

Sec. 12A-6. Director to execute and endorse checks.

The director is hereby authorized to execute checks for and on behalf of the city utilizing a facsimile signature or mechanical stamps where necessary and is authorized to endorse checks and other items payable to the city utilizing a facsimile signature or mechanical stamps where necessary. The city clerk is authorized to attest to the authenticity of the signature of the director.

(Ord. 11524, § 1, 2-6-18)

Sec. 12A-7. Dishonored check fee.

(a) The city shall charge a fee for each check returned for nonpayment for any reason, including but not limited to insufficient funds, payment stopped, or closed account.

(b) The director shall, on a periodic basis, determine the city's administrative costs for processing checks returned for nonpayment, and set the dishonored check fee at the amount necessary to recover these

costs; EXCEPT THAT the dishonored check fee shall not exceed the amount that may be charged and collected pursuant to A.R.S. § 44-6852 or any successor state statute. The fee set by the director shall apply to any check returned for nonpayment to the city.

(c) Interest shall accrue on the dishonored check fee at rates to be determined and applied as established by the director subject to the direction of the city manager.

(d) Notwithstanding subsection (a) above, the director shall waive the dishonored check fee authorized by this section when the director, in that officer's sole discretion, determines that any of the following circumstances exist:

- (1) The financial institution of the person to whom the fee would otherwise be charged has provided the director with adequate written documentation showing that the financial institution made an error which caused the person's check to be returned for nonpayment.
- (2) The city, or the city's financial institution, has made an error which caused the check to be returned for nonpayment.
- (3) The person to whom the fee would otherwise be charged has been the victim of crime, as documented in a police report made at or near the time of the crime and provided by the person to the director, and has satisfactorily demonstrated that the crime resulted in, or had as a consequence, the check's return for nonpayment.

(e) The dishonored check fee authorized by this section, and any interest accruing thereon, shall be in addition to any other rights and remedies available to the city.

(Ord. 11524, § 1, 2-6-18)

Sec. 12A-8. Collection fee.

(a) The city shall charge a fee on any past due accounts receivable submitted to a collection agency for the purpose of collecting and enforcing payment of monies due to the city including, but not limited to, restitution, fines, sanctions, surcharges, assessments, penalties, bonds, costs and fees due to the city court.

(b) The amount of the fee shall equal the charge assessed by the collection agency and shall be added to the sum due from and chargeable against the obligor.

(c) The collection fee provided for in this section is hereby declared to be a cost recovery measure administrative in nature.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the collection fee authorized under this section.

(Ord. 11524, § 1, 2-6-18)

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.

Sec. 14-8(c). No more than one 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. 14-9. 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.

(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)

(B) *Deposit for accounts without city water service.* A customer who does not have a city water account shall pay the residential account deposit when the account for residential services is established, unless waived by the director. When the account is terminated, the deposit may be refunded in accordance with section 15-31.1.

(C) *Termination.* Termination of billing for the fees herein shall coincide with termination of billing for city water service when both are provided. The charges for residential services for an account that does not have a city water account shall end when the services are stopped due to the customer notifying the department or due to delinquency.

(D) *Container delivery fees.* The APC delivery fee shall be charged when the number of containers at an establishment is increased, and when a customer requests a change in container size (first two (2) per customer at establishment are exempted). The APC removal/delivery fee shall be charged when the department delivers containers at the initiation of an account that does not have city water charges, and when the department picks up containers from a customer who has requested a temporary suspension of residential services.

(E) *Penalty fees.* No penalty fees pursuant to section 15-31.6 shall be charged on residential fees. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12; Ord. No. 11272, § 4, 6-9-15, eff. 7-1-15)

Sec. 15-32.3. Fees for level of service.

The fees to be charged for standard residential collection services are listed in the table in section 15-32.5. The director is authorized to charge additional fees as listed in the table in section 15-32.5, or elsewhere in this chapter, to residential establishments that receive additional or different service. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.4. Environmental services low income assistance program.

(A) Residential customers meeting Federal low income guidelines may be eligible for the environmental services low income assistance credit from the environmental services fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service, or shared metal service, and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for services to only one dwelling unit.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined before each benefit period.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. The director may review eligibility when there is a material change to the account, including, but not limited to, customer account information or usage, and the director may periodically audit accounts to verify whether they remain eligible. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

(F) Customers may appeal determinations of eligibility or timing of credit by following the administrative dispute process in this chapter. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 11377, § 2, 6-21-16, eff. 7-5-16; Ord. No. 11519, § 1, 1-23-18)

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES		
Service	Refuse Container size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cubic yards	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cubic yards	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC delivery fee	Any	\$20.00
APC removal/delivery fee	Any	\$40.00
APC special order container	Any	\$48.00 per initial delivery
Residential account activation fee	Any	\$5.00
Residential account deposit	Any	\$50.00
Account reconciliation fee	Any	\$50.00
Household Hazardous Waste Home Pickup	Per visit	\$25.00

The following requirements apply to residential APC services:

- (1) The additional refuse container fee is imposed for each refuse container of one hundred (100) gallons or less in addition to the first container of one hundred (100) gallons or less per dwelling unit, or in addition to shared three hundred (300) gallon service.

- (2) A “sole use” three hundred-gallon container is dedicated for the exclusive use of one residential establishment. A sole use three hundred-gallon container is only permitted on private property where it is not available to residents of other establishments.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 2, 6-18-13, eff. 7-20-13)

(d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the tax collector that the exemption claimed is applicable.

(e) As applicable to each taxpayer, documentation sufficient to the tax collector, so that he or she may ascertain:

- (1) All construction expenditures and all privilege and use taxes claimed paid, relating to owner-builders and speculative builders.
- (2) Disbursement of collected gratuities and related payroll information required of restaurants.
- (3) (Reserved).
- (4) The validity of any claims of proof of exemption.
- (5) A claimed alternative prior value for reconstruction.
- (6) All claimed exemptions to the use tax imposed by Article VI of this chapter.
- (7) (Reserved).
- (8) Payments of tax to the Arizona department of transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.
- (9) (Reserved).

(f) Any additional documentation as the tax collector, by regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded expenditures as defined by this chapter.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-366. Recordkeeping: Out-of-city and out-of-state sales.

(a) *Out-of-city sales.* Any person engaging or continuing in a business who claims out-of-city sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-city branches or locations.

(b) *Out-of-state sales.* Persons engaged in a business claiming out-of-state sales shall maintain accounting records or books indicating for each out-of-state sale the following documentation:

- (1) Documentation of location of the buyer at the time of order placement; and
- (2) Shipping, delivery, or freight documents showing where the buyer took delivery; and
- (3) Documentation of intended location of use or storage of the tangible personal property sold to such buyer.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-370. Recordkeeping: Claim of exclusion, exemption, deduction, or credit; documentation; liability.

(a) All deductions, exclusions, exemptions and credits provided in this chapter are conditional upon adequate proof and documentation of such as may be required under A.R.S. § 42-5022 or by this chapter or regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this chapter, 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 if he or she is 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. 6674, § 3, 3-23-87; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a privilege license number, and makes a verbal claim of “sale for resale or lease” or “lease for re-lease” does not meet this burden and is insufficient to justify an exemption. The “reasonable evidence” must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-380. 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 chapter, it is the responsibility of the taxpayer either:

- (a) To provide such other records required by this chapter or regulation; or
- (b) To correct or to reconstruct his or her records, to the satisfaction of the tax collector.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

DIVISION 4. PRIVILEGE TAXES

Editor’s note – Ordinance No. 11518 put into effect tax increases required by Proposition 203; however, they have no legal effect unless approved by the Arizona Model City Tax Code Commission. Code sections affected are: 19-410(d), 19-415(d), 19-416(d), 19-417(d), 19-425(c), 19-427(e), 19-430(a), 19-432(d), 19-432(d), 19-435(g), 19-445(t), 19-450(d), 19-455(g), 19-460(i), 19-470(h), 19-475(d), 19-480(l), and 19-610(g).

Sec. 19-400. Imposition of privilege taxes; presumption.

(a) *Taxes Levied.* There are hereby levied and imposed, subject to all other provisions of this article, the following privilege taxes for the purpose of raising revenue to be used in defraying the necessary expenses of the city, such taxes to be collected by the tax collector:

- (1) A privilege tax upon persons on account of their business activities, to the extent provided elsewhere in this division, to be measured by the gross income of persons,

whether derived from residents of the city or not, or whether derived from within the city or from without.

(2) Reserved.

(b) *Taxes Imposed by this Article are in Addition to Others.* Except as specifically designated elsewhere in this article, each of the taxes imposed by this article shall be in addition to all other licenses, fees and taxes levied by law, including other taxes imposed by this article.

(c) *Presumption.* For the purpose of proper administration of this article and to prevent evasion of the taxes imposed by this article, it shall be presumed that all gross income is subject to the tax until the contrary is established by the taxpayer.

(d) *Limitation of Exemptions, Deductions and Credits Allowed Against the Measure of Taxes Imposed by this Article.* All exemptions, deductions and credits set forth in this article shall be limited to the specific activity or transaction described and not extended to include any other activity or transaction subject to the tax.

(Ord. No. 6674, § 3, 3-23-87)

Sec. 19-405. Advertising. (Regs. 405.1, 405.2)

(a) The tax rate shall be at an amount equal to zero percent (0%) of the gross income from the business activity upon every person engaging or continuing in the business of “local advertising” by billboards, direct mail, radio, television, or by any other means. However, commission and fees retained by an advertising agency shall not be includable in gross income from “local advertising”. All delivery or disseminating of information directly to the public or any portion thereof for a consideration shall be considered “local advertising”, except the following:

(1) The advertising of a product or service which is sold or provided both within and without the state by more than one “commonly designated business entity” within the state, and in which the advertisement names either no “commonly designated business entity” within the state or more than one “commonly designated business entity”. “Commonly

designated business entity” means any person selling or providing any product or service to its customers under a common business name or style, even though there may be more than one (1) legal entity conducting business functions using the same or substantially the same business name or style by virtue of a franchise, license, or similar agreement.

- (2) Advertising of a facility or of a service or activity in which neither the facility nor a business site carrying on such service or activity is located within the state.
- (3) The advertising of a product which may only be purchased from an out-of-state supplier.
- (4) Political advertising for United States Presidential and Vice Presidential candidates only.
- (5) Advertising by means of product purchase coupons redeemable at any retail establishment carrying such product but not product coupons redeemable only at a single commonly designated business entity.
- (6) Advertising transportation services where a substantial portion of the transportation activity of the business entity advertised involves interstate or foreign carriage.

(b) Reserved.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7436, § 1, 6-18-90; Ord. No. 10949, § 3, 12-13-11)

Sec. 19-407. Reserved.

(Ord. No. 6938, § 8, 4-25-88)

Sec. 19-410. Amusements, exhibitions, and similar activities.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing amusement that begins in the city or takes place entirely within the city, which includes the following type or nature of businesses:

- (1) Operating or conducting theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard or pool parlors, bowling alleys, skating rinks, tennis courts, golf courses, video games, pinball machines, public dances, dancehalls, sports events, jukeboxes, batting and driving ranges, animal rides, or any other business charging admission for exhibition, amusement, or entertainment.
- (2) Health spas, fitness centers, dance studios, or other persons who charge for the use of premises for sports, athletic, other health-related activities or instruction, whether on a per-event use, or for long-term usage, such as membership fees.

(b) *Deductions or exemptions.* The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this section:

- (1) Amounts retained by the Arizona Exposition and State Fair Board from ride ticket sales at the annual Arizona State Fair.
- (2) Income received from a hotel business subject to tax under section 19-444, if all of the following apply:
 - (A) The hotel business receives gross income from a customer for the specific business activity otherwise subject to amusement tax.
 - (B) The consideration received by the hotel business is equal to or greater than the amount to be deducted under this subsection.
 - (C) The hotel business has provided an exemption certificate to the person engaging in business under this section.
- (3) Income that is specifically included as the gross income of a business activity upon which another section of this article imposes a tax, that is separately stated to the customer

and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.

- (4) Income from arranging transportation connected to amusement activity that is separately stated to the customer, not to exceed consideration paid to the transportation business.

(c) The tax imposed by this section shall not include arranging an amusement activity as a service to a person's customers if that person is not otherwise engaged in the business of operating or conducting an amusement themselves or through others. This exception does not apply to businesses that operate or conduct amusements pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the amusement is performed by third party independent contractors. For the purposes of this paragraph, 'arranging' includes billing for or collecting amusement charges from a person's customers on behalf of the persons providing the amusement.

(d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 8, 1-23-95; Ord. No. 10361, § 3, 12-19-06; Ord. No. 10685, § 3, 6-16-09, eff. 7-1-09; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Editor's note – Section 16 of Ord. No. 10361, adopted Dec. 19, 2006, provides for an effective date on and after Jan. 1, 2007.

Sec. 19-415. Construction contracting: Construction contractors.

(a) *Tax rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the city.

- (1) However, gross income from construction contracting shall not include charges related to groundwater measuring devices required by A.R.S. Section 45-604.

“Subcontractor” also includes a construction contractor performing work for another subcontractor as defined above.

(d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7446, § 2.4, 7-2-90; Ord. No. 8440, § 9, 1-23-95; Ord. No. 9322, § 2, 11-22-99; Ord. No. 9652, § 1, 1-14-02; Ord. No. 10040, § 2, 9-20-04; Ord. No. 10361, § 4, 12-19-06; Ord. No. 10524, § 2, 5-13-08, eff. 7-1-08; Ord. No. 10754, § 1, 1-20-10, eff. 9-1-06; Ord. No. 10911, § 2, 8-9-11, eff. 7-29-10; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-416. Construction contracting: Speculative builders. (Regs. 416.1, 416.2)

(a) *Tax rate.* The tax shall be equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the city.

- (1) The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.
- (2) “Improved real property” means any real property:
 - a. Upon which a structure has been constructed; or
 - b. Where improvements have been made to land containing no structure (such as paving or landscaping); or
 - c. Which has been reconstructed as provided by regulation; or
 - d. Where water, power, and streets have been constructed to the property line.

(3) “Sale of improved real property” includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, “sale” refers to the sale of the entire project or to the sale of any individual parcel or unit.

(4) “Partially improved residential real property,” as used in this section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.

(b) *Exclusions.*

(1) In cases involving reconstruction contracting, the speculative builder may exclude from gross income the prior value allowed for reconstruction contracting in determining his taxable gross income, as provided by regulation.

(2) Cost of land. Gross income from the sale of improved real property shall not include the seller’s original purchase price of the land which is included in the real property sold, when a charge for such land is included in the total selling price of the real property sold.

(3) Reserved.

(4) A speculative builder may exclude gross income from the sale of partially improved residential real property as defined in (a)(4) above to another speculative builder only if all of the following conditions are satisfied:

- a. The speculative builder purchasing the partially improved residential real property has a valid city privilege license for construction contracting as a speculative builder; and

- b. At the time of the transaction, the purchaser provides the seller with a properly completed written declaration that the purchaser assumes liability for and will pay all privilege taxes which would otherwise be due the city at the time of sale of the partially improved residential real property; and
 - c. The seller also:
 - 1. Maintains proper records of such transactions in a manner similar to the requirements provided in this chapter relating to sales for resale; and
 - 2. Retains a copy of the written declaration provided by the buyer for the transaction; and
 - 3. Is properly licensed with the city as a speculative builder and provides the city with the written declaration attached to the city privilege tax return where he claims the exclusion.
- (5) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(c) *Occurrence of liability.* Tax liability for speculative builders occurs at close of escrow or transfer of title, whichever occurs earlier, and is subject to the following provisions, relating to exemptions, deductions and tax credits:

(1) *Exemptions.*

- a. The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible

personal property that is exempt from or deductible from privilege or use tax under:

- 1. Section 19-465, subsections (7) and (16).
- 2. Section 19-660, subsections (7) and (16).*

shall be exempt or deductible, respectively, from the tax imposed by this section.

- b. The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this section.
- c. The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to section 19-465, subsection (7) shall be exempt from the tax imposed under this section.
- d. The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this section.

e. Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:

1. The attributable amount shall not exceed the value of the development fees actually imposed.
2. The attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.
3. "Development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. section 9-463.05, A.R.S. section 11-1102 or A.R.S. title 48 regardless of the jurisdiction to which the fees are paid.

(2) *Deductions.*

- a. All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five (35) percent.
- b. The gross proceeds of sales or gross income that is derived from a contract entered into for the installation,

assembly, repair or maintenance of income-producing capital equipment, as defined in section 19-110, that is deducted from the retail classification pursuant to section 19-465(7), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one (1) of the following:

1. To be incorporated into real property.
2. To become so affixed to real property that it becomes part of the real property.
3. To be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

c. For taxable periods beginning from and after July 1, 2008, and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the Arizona Department of Revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books

and records relating to sales of solar energy devices available to the Department of Revenue and the city, as applicable for examination.

- (3) *Tax credits.* The following tax credits are available to owner-builders or speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:
 - a. A tax credit equal to the amount of city privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
 - b. A tax credit equal to the amount of privilege taxes paid to this city, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
 - c. No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

(d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 9, 4-25-88; Ord. No. 7446, § 2.6, 7-2-90; Ord. No. 9322, § 3, 11-22-99; Ord. No. 9652, § 2, 1-14-02; Ord. No. 10040, § 1, 9-20-04; Ord. No. 10361, § 5, 12-19-06; Ord. No. 10524, § 3, 5-13-08, eff. 7-1-08; Ord. No. 10754, § 2, 1-20-10, eff. 9-1-06; Ord. No. 10911, § 3, 8-9-11, eff. 7-29-10; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-417. Construction contracting: Owner-builders who are not speculative builders.

(a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to two and six-tenths (2.6) percent of:

- (1) The gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in subsection 19-415(c)(2); and
- (2) The purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

(b) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

(c) The tax liability of this section is subject to the following provisions, relating to exemptions, deductions and tax credits:

- (1) *Exemptions.*
 - a. The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
 - 1. Section 19-465, subsections (7) and (16).
 - 2. Section 19-660, subsections (7) and (16).*

shall be exempt or deductible, respectively, from the tax imposed by this section.

- b. The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this section.
- c. The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to section 19-465, subsection (7) shall be exempt from the tax imposed under this section.
- d. The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this section.
- e. Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:
 - 1. The attributable amount shall not exceed the value of the development fees actually imposed.
 - 2. The attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.
 - 3. "Development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. section 9-463.05, A.R.S. section 11-1102 or A.R.S. title 48 regardless of the jurisdiction to which the fees are paid.

(2) *Deductions.*

- a. All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five (35) percent.
- b. The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in section 19-110, that is deducted from the retail classification pursuant to section 19-465(7), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this section. If the

ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, “permanent attachment” means at least one (1) of the following:

1. To be incorporated into real property.
 2. To become so affixed to real property that it becomes part of the real property.
 3. To be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
- c. For taxable periods beginning from and after July 1, 2008, and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the Arizona Department of Revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the Department of Revenue and the city, as applicable, for examination.
- (3) *Tax credits.* The following tax credits are available to owner-builders and speculative builder, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

- a. A tax credit equal to the amount of city privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
- b. A tax credit equal to the amount of privilege taxes paid to this city, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
- c. No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

(d) The limitation period for the assessment of taxes imposed by this section is measured based upon when such liability is reportable, that is, in the reporting period that encompasses the twenty-fifth month after said unit or project was substantially complete. Interest and penalties, as provided in section 19-540, will be based on reportable date.

(e) Reserved.

(f) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 9322, § 4, 11-22-99; Ord. No. 9652, § 3, 1-14-02; Ord. No. 10040, § 1, 9-20-04; Ord. No. 10361, § 6, 12-19-06; Ord. No. 10524, § 4, 5-13-08, eff. 7-1-08; Ord. No. 10754, § 3, 1-20-10, eff. 9-1-06; Ord. No. 10911, § 4, 8-9-11, eff. 7-29-10; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-418. Reserved.

Editor’s note – Ord. No. 9322, § 5, adopted Nov. 22, 1999, repealed § 19-418, which pertained to construction contracting: deductions and tax credits available to speculative builders and owner-builders. It should be noted that § 16 of Ord. No. 9322, adopted Nov. 22, 1999 provided that the repeal of section 19-418 is retroactive to January 1, 1999. See the Code Comparative Table.

Sec. 19-420. Reserved.

Sec. 19-425. Job printing.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of job printing, which includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

(b) The tax imposed by this section shall not apply to:

- (1) Job printing purchased for the purpose of resale by the purchaser in the form supplied by the job printer.
- (2) Out-of-city sales.
- (3) Out-of-state sales.
- (4) Job printing of newspapers, magazines, or other periodicals or publications for a person who is subject to the tax imposed by subsection 19-435(a) or an equivalent excise tax; provided further, that the person is properly licensed by the taxing jurisdiction at the location of publication.
- (5) Sales of job printing to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (6) Reserved.
- (7) Sales of postage and freight except that the amount deducted shall not exceed the actual postage and freight expense that is paid to the

United States Postal Service or a commercial delivery service and that is separately itemized by the taxpayer on the customer’s invoice and in the taxpayer’s records.

(c) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 10, 4-25-88; Ord. No. 8440, § 10, 1-23-95; Ord. No. 9069, § 1(5), 6-15-98; Ord. No. 11183, § 14, 6-17-14, eff. 9-21-06; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-427. Manufactured buildings.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income, including site preparation, moving to the site, and/or setup, upon every person engaging or continuing in the business activity of selling manufactured buildings within the city. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.

(b) The sales of used manufactured buildings are not taxable.

(c) The sale prices of furniture, furnishings, fixtures, appliances, and attachments that are not incorporated as component parts of or attached to a manufactured building are exempt from the tax imposed by this section. The sales of such items are subject to the tax under section 19-460.

(d) Under this section, a trade-in will not be allowed for the purpose of reducing the tax liability.

(e) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 8440, § 11, 1-23-95; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-430. Timbering and other extraction.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the following businesses:

- (1) Felling, producing, or preparing timber or any product of the forest for sale, profit, or commercial use.
- (2) Extracting, refining, or producing any oil or natural gas for sale, profit, or commercial use.

(b) The rate specified in subsection (a) above shall be applied to the value of the entire product extracted, refined, produced, or prepared for sale, profit, or commercial use, when such activity occurs within the city, regardless of the place of sale of the product or the fact that delivery may be made to a point without the city or without the state.

(c) If any person engaging in any business classified in this section ships or transports products, or any part thereof, out of the state without making sale of such products, or ships his products outside of the state in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-state and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this section.

(d) Reserved.

(e) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 12, 1-23-95; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-432. Mining.

(a) The tax rate shall be at an amount equal to one-tenth (1/10) of one (1) percent not to exceed one-tenth (1/10) of one (1) percent, of the gross income from the business activity upon every person engaging

or continuing in the business of mining, smelting, or producing for sale, profit, or commercial use any copper, gold, silver, or other mineral product, compound, or combination of mineral products, but not including the extraction, removal, or production of sand, gravel, or rock from the ground for sale, profit, or commercial use.

(b) The rate specified in subsection (a) above shall be applied to the value of the entire product mined, smelted or produced for sale, profit, or commercial use, when such activity occurs within the city, regardless of the place of sale of the product or the fact that delivery may be made to a point without the city or without the state.

(c) If any person engaging in any business classified in this section ships or transports products, or any part thereof, out of the state without making sale of such products, or ships his products outside of the state in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-state and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this section.

(d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 8440, § 13, 1-23-95; Ord. No. 11485, eff. 8-8-17)

Sec. 19-435. Publishing and periodicals distribution. (Reg. 435.1)

(a) *Tax Rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business activity of:

- (1) Publication of newspapers, magazines or other periodicals when published within the city measured by the gross income derived from notices, subscriptions and local advertising as defined in section 19-405. In cases where the location of publication is both within and without this state, gross income subject to the tax shall refer only to

gross income derived from residents of this state or generated by permanent business locations within this state.

- (2) Distribution or delivery within the city of newspapers, magazines or other periodicals not published within the city, measured by the gross income derived from subscriptions.

(b) *Location of Publication.* Location of publication is determined by:

- (1) Location of the editorial offices of the publisher, when the physical printing is not performed by the publisher; or
- (2) Location of either the editorial offices or the printing facilities, if the publisher performs his own physical printing.

(c) *Subscription Income.* Subscription income shall include all circulation revenue of the publisher except amounts retained by or credited to carriers or other vendors as compensation for delivery within the state by such carriers or vendors, and further except sales of published items, directly or through distributors, for the purpose of resale, to retailers subject to the privilege tax on such resale.

(d) *Circulation.* Circulation, for the purpose of measurement of gross income subject to the tax, shall be considered to occur at the place of delivery of the published items to the subscriber or intended reader irrespective of the location of the physical facilities or personnel of the publisher. However, delivery by the United States mails shall be considered to have occurred at the location of publication.

(e) *Allocation of Taxes Between Cities and Towns.* In cases where publication or distribution occurs in more than one (1) city or town, the measurement of gross income subject to tax by the city shall include:

- (1) That portion of the gross income from publication which reflects the ratio of circulation within this city to circulation in all incorporated cities and towns in this state having substantially similar provisions; plus

- (2) Only when publication occurs within the city, that portion of the remaining gross income from publication which reflects the ratio of circulation within this city to the total circulation of all incorporated cities or towns in this state within which cities the taxpayer maintains a location of publication.

(f) The tax imposed by this section shall not apply to sales of newspapers, magazines or other periodicals to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(g) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 11, 4-25-88; Ord. No. 9069, § 1(6), 6-15-98; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-444. Hotels.

(a) The tax rate shall be at an amount equal to zero (0) percent of the gross income from the business activity upon every person engaging or continuing in the business of operating a hotel charging for lodging and/or lodging space furnished to any:

- (1) Person.

(b) *Exclusions.* The tax imposed by this section shall not include:

- (1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this state 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 this article 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 article.
- (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 section 19-410 or section 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 section 19-445 or section 19-450 as rental, leasing or licensing for use of real or tangible personal property.
- (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. 7446, § 2.7, 7-2-90; Ord. No. 9322, § 6, 11-22-99; Ord. No. 10361, § 7, 12-19-06, eff. 1-1-07)

Sec. 19-445. Rental, leasing, and licensing for use of real property.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the city for a consideration, to

the tenant in actual possession, or the licensing for use of real property to the final licensee located within the city for a consideration including any improvements, rights, or interest in such property; provided further that:

- (1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.
- (2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.
- (3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under section 19-470.

(b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.

(c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.

(d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this section.

(e) Exempt from the tax imposed by this section is gross income derived from the rental, leasing, or licensing for use of real property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(f) A person who has less than three (3) apartments, houses, trailer spaces, or other lodging spaces rented, leased or licensed or available for rent, lease, or license within the state and no units of commercial property for rent, lease, or license within the state, is not deemed to be in the rental business, and is therefore exempt from the tax imposed by this section on such income. However, a person who has one (1) or more units of commercial property is subject to the tax imposed by this section on rental, lease and license income from all such lodging spaces and commercial units of real estate even though said person may have fewer than three (3) lodging spaces.

(g) (Reserved).

(h) The tax prescribed by this section shall not include gross income from the rental, leasing, or licensing of lodging or lodging space to an individual who resides therein.

(i) (Reserved).

(j) Exempt from the tax imposed by this section is gross income derived from the activities taxable under section 19-444 of this Code.

(k) (Reserved).

(l) (Reserved).

(m) (Reserved).

(n) Notwithstanding the provisions of section 19-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this section.

(o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this state 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 is exempt from the tax imposed by this section.

(p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.

(q) Charges to patients receiving “personal care” or “directed care”, by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.

(r) Income received from the rental of any “low-income unit” as established under Section 42 of the Internal Revenue Code (IRC), including the low-income housing credit provided by IRC Section 42, to the extent that the collection of tax on rental income causes the “gross rent” defined by IRC Section 42 to exceed the income limitation for the low-income unit is exempt. This exemption also applies to income received from the rental of individual rental units subject to statutory or regulatory “low-income unit” rent restrictions similar to IRC Section 42 to the extent that the collection of tax from the tenant causes the rental receipts to exceed a rent restriction for the low-income unit. This subsection also applies to rent received by a person other than the owner or lessor of the low-income unit, including a broker. This subsection does not apply unless a taxpayer maintains the documentation to support the qualification of a unit as a low-income unit, the “gross rent” limitation for the unit, and the rent received from that unit.

(s) The gross proceeds of a commercial lease of real property between affiliated companies, businesses, persons or reciprocal insurers are exempt. For the purposes of this paragraph:

(1) “Affiliated companies, businesses, persons or reciprocal insurers” means the lessor holds a controlling interest in the lessee, the lessee holds a controlling interest in the lessor, an affiliated entity holds a controlling interest in both the lessor and the lessee or an unrelated person holds a controlling interest in both the lessor and lessee.

- (2) "Controlling interest" means direct or indirect ownership of at least eighty percent (80%) of the voting shares of a corporation or of the interests in a company, business, or person other than a corporation.
- (3) "Reciprocal insurer" has the same meaning as prescribed in A.R.S. § 20-762.

(t) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 7446, § 7.2, 7-2-90; Ord. No. 8440, § 14, 1-23-95; Ord. No. 9069, § 1(7), 6-15-98; Ord. No. 9322, § 7, 11-22-99; Ord. No. 9652, § 4, 1-14-02; Ord. No. 10287, § 5, 6-13-06; Ord. No. 10911, § 5, 8-9-11, eff. 7-29-10; Ord. No. 11183, § 13, 6-17-14, eff. 7-20-11; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-446. Reserved.
(Ord. No. 6938, § 12, 4-25-88)

Sec. 19-447. Reserved.
(Ord. No. 6674, § 3, 3-23-87)

Sec. 19-450. Rental, leasing, and licensing for use of tangible personal property.

(a) *Tax rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the city as provided by regulation.

(b) *Special provisions relating to long-term motor vehicle leases.* A lease transaction involving a motor vehicle for a minimum period of twenty-four (24) months shall be considered to have occurred at the location of the motor vehicle dealership, rather than the location of the place of business of the lessor, even if the lessor's interest in the lease and its proceeds are sold, transferred, or otherwise assigned to a lease financing institution; provided further that the city or town where such motor vehicle dealership is located

levies a privilege tax or an equivalent excise tax upon the transaction.

(c) *Exemptions.* Gross income derived from the following transactions shall be exempt from privilege taxes imposed by this section:

- (1) Rental, leasing, or licensing for use of tangible personal property to persons engaged or continuing in the business of leasing, licensing for use, or rental of such property.
- (2) Rental, leasing, or licensing for use of tangible personal property that is semi-permanently or permanently installed within another city or town that levies an equivalent excise tax on the transaction.
- (3) Rental, leasing, or licensing for use of film, tape, or slides to a theater or other person taxed under section 19-410, or to a radio station, television station, or subscription television system.
- (4) Rental, leasing, or licensing for use of the following:
 - a. Prosthetics.
 - b. Income-producing capital equipment.
 - c. Mining and metallurgical supplies.

These exemptions include the rental, leasing, or licensing for use of tangible personal property which, if it had been purchased instead of leased, rented, or licensed by the lessee or licensee, would qualify as income-producing capital equipment or mining and metallurgical supplies.

- (5) Rental, leasing, or licensing for use of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or rental, leasing, or licensing for use of

- tangible personal property in this state by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
- (6) Separately billed charges for delivery, installation, repair, and/or maintenance as provided by regulation.
 - (7) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services.
 - (8) The gross income from coin-operated washing, drying, and dry cleaning machines, or from coin-operated car washing machines. This exemption shall not apply to suppliers or distributors renting, leasing, or licensing for use of such equipment to persons engaged in the operation of coin-operated washing, drying, dry cleaning, or car washing establishments.
 - (9) Rental, leasing, or licensing of aircraft that would qualify as aircraft acquired for use outside the state, as prescribed by regulation, if such rental, leasing, or licensing had been a sale.
 - (10) Rental, leasing or licensing for use of an alternative fuel vehicle if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.
 - (11) Rental, leasing, and licensing for use of solar energy devices, for taxable periods beginning from and after July 1, 2008. The lessor shall register with the department of revenue as a solar energy retailer. By registering, the lessor acknowledges that it will make its

books and records relating to leases of solar energy devices available to the department of revenue and city, as applicable, for examination.

- (12) Leasing or renting certified ignition interlock devices installed pursuant to the requirements prescribed by A.R.S. § 28-1461. For the purposes of this paragraph, “certified ignition interlock device” has the same meaning prescribed in A.R.S. § 28-1301.

(d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 15, 1-23-95; Ord. No. 9069, § 1(8), 6-15-98; Ord. No. 9322, § 8, 11-22-99; Ord. No. 9652, § 5, 1-14-02; Ord. No. 10361, § 8, 12-19-06; Ord. No. 10754, § 4, 1-20-10, eff. 7-1-08; Ord. No. 11183, § 15, 6-17-14, eff. 9-1-04; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-452. Reserved.
(Ord. No. 7446, § 2.10, 7-2-90)

Sec. 19-455. Restaurants and bars.

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity. (Reg. 445.1)

(b) Caterers and other taxpayers subject to the tax who deliver food and/or serve such food off the premises shall also be allowed to exclude separately charged delivery, setup, and cleanup charges, provided that the charges are also maintained separately in the books and records. When a taxpayer delivers food and/or serves such food off the premises, his regular business location shall still be deemed the location of the transaction for the purposes of the tax imposed by this section.

(c) The tax imposed by this section shall not apply to sales to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(d) The tax imposed by this section shall not apply to sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight.

(e) The tax imposed by this section shall not apply to sales of prepared food, beverages, condiments or accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours.

(f) For the purposes of this section, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(g) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 13, 4-25-88; Ord. No. 9069, § 1(9), 6-15-98; Ord. No. 10361, § 9, 12-19-06; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-460. Retail sales: Measure of tax; burden of proof; exclusions.

(a) *Tax Rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail. (Regs. 460.2, 460.3, 460.6)

(b) *Burden of Proof.* The burden of proving that a sale of tangible personal property is not a taxable retail sale shall be upon the person who made the sale.

(c) *Exclusions.* For the purposes of this article, sales of tangible personal property shall not include:

- (1) Sales of stocks, bonds, options or other similar materials.
- (2) Sales of lottery tickets or shares pursuant to A.R.S. article I, chapter 5, title 5.
- (3) Sales of platinum, bullion or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by regulation. (Reg. 460.5)
- (4) Gross income derived from the transfer of tangible personal property which is specifically included as the gross income of a business activity upon which another section of this division imposes a tax shall be considered gross income of that business activity and are not includable as gross income subject to the tax imposed by this section. (Reg. 460.1)
- (5) Sales by professional or personal service occupations where such sales are inconsequential elements of the service provided. (Reg. 460.4)
- (6) Sales of cash equivalents. The gross proceeds of sales or gross income derived from the redemption of any cash equivalent by the holder as means of payment for goods or services that are taxable under this article is subject to the tax. “Cash equivalents” means items or intangibles, whether or not negotiable, that are sold to one or more persons, through which a value denominated in money is purchased in advance and may be redeemed in full or in part for tangible personal property, intangibles or services. Cash equivalents include gift cards, stored value cards, gift certificates, vouchers, traveler’s checks, money orders or other instruments, orders or electronic mechanisms, such as an electronic code, personal identification number or digital

payment mechanism, or any other prepaid intangible right to acquire tangible personal property, intangibles or services in the future, whether from the seller of the cash equivalent or from another person. Cash equivalents do not include either of the following:

- a. Items or intangibles that are sold to one (1) or more persons, through which a value is not denominated in money.
- b. Prepaid calling cards or prepaid authorization numbers for telecommunications services made taxable by subsection (g) of this section.

(d) Reserved.

(e) When this city and another Arizona city or town with an equivalent excise tax could claim nexus for taxing a retail sale, the city or town where the permanent business location of the seller at which the order was received shall be deemed to have precedence; and for the purposes of this article, such city or town has sole and exclusive right to such tax.

(f) The appropriate tax liability for any retail sale where the order is received at a permanent business location of the seller located in this city or in an Arizona city or town that levies an equivalent excise tax shall be at the tax rate of the city or town of such seller's location.

(g) Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications services, including sales of reauthorization of a prepaid card or authorization number, are subject to tax under this section.

(h) Reserved.

(i) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 8784, § 6, 12-2-96; Ord. No. 9322, § 9, 11-22-99; Ord. No. 11183, § 16, 6-17-14, eff. 10-1-07; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-462. Retail sales: Food for home consumption.

(a) The tax rate shall be at an amount equal to zero percent (0%) of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail.

(b) For the purposes of this section only, the following definitions shall be applicable:

- (1) *Eligible grocery business* means an establishment whose sales of food are such that it is eligible to participate in the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 Stat. 958, 7 U.S.C. § 2011, et seq.), according to regulations in effect on January 1, 1979. An establishment is deemed eligible to participate in the food stamp program if it is authorized to participate in the program by the United States Department of Agriculture Food and Nutrition Service Field Office on the effective date of this section [March 23, 1987], or if, prior to a reporting period for which the return is filed, such retailer proves to the satisfaction of the tax collector that the establishment, based on the nature of the retailer's food sales, could be eligible to participate in the food stamp program established by the Food Stamp Act of 1977 according to regulations in effect on January 1, 1979.
- (2) *Facilities for the consumption of food* means tables, chairs, benches, booths, stools, counters, and similar conveniences, trays, glasses, dishes, or other tableware and parking areas for the convenience of in-car consumption of food in or on the premises on which the retailer conducts business.
- (3) *Food for consumption on the premises* means any of the following:
 - a. "Hot prepared food" as defined below [in paragraph (4)].
 - b. Hot or cold sandwiches.

- c. Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters, and similar conveniences, and within parking areas for the convenience of in-car consumption of food.
 - d. Food served with trays, glasses, dishes, or other tableware.
 - e. Beverages sold in cups, glasses, or open containers.
 - f. Food sold by caterers.
 - g. Food sold within the premises of theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, fairs, races, contests, games, athletic events, rodeos, billiard and pool parlors, bowling alleys, public dances, dance halls, boxing, wrestling and other matches, and any business which charges admission, entrance, or cover fees for exhibition, amusement, entertainment, or instruction.
 - h. Any items contained in subsections (b)(3)a. through (b)(3)g. above even though they are sold on a take-out or to go basis, and whether or not the item is packaged, wrapped, or is actually taken from the premises.
- (4) *Hot prepared food* means those products, items, or ingredients of food which are prepared and intended for consumption in a heated condition. "Hot prepared food" includes a combination of hot and cold food items or ingredients if a single price has been established.
- (5) *Premises* means the total space and facilities in or on which a vendor conducts business and which are owned or controlled, in whole or in part, by a vendor or which are made available for the use of customers of the vendor or group of vendors, including any building or part of a building, parking lot, or grounds.
- (6) *Food for home consumption* means all food, except food for consumption on the premises, if sold by any of the following:
- a. An eligible grocery business.
 - b. A person who conducts a business whose primary business is not the sale of food but who sells food which is displayed, packaged, and sold in a similar manner as an eligible grocery business.
 - c. A person who sells food and does not provide or make available any facilities for the consumption of food on the premises.
 - d. A person who conducts a delicatessen business either from a counter which is separate from the place and cash register where taxable sales are made or from a counter which has two (2) cash registers and which are used to record taxable and tax exempt sales, or a retailer who conducts a delicatessen business who uses a cash register which has at least two tax (2) computing keys which are used to record taxable and tax exempt sales.
 - e. Vending machines and other types of automatic retailers.
 - f. A person's sales of food, drink and condiment for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff.
- (c) Income derived from the following sources is exempt from the tax imposed by this section:
- (1) Sales of food for home consumption to a person regularly engaged in the business of selling such property.
 - (2) Out-of-city sales of out-of-state sales.

- (41) Sales of magazines or other periodicals or other publications by this state to encourage tourist travel.
- (42) Sales of paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.
- (43) Sales of overhead materials or other tangible personal property that is used in performing a contract between the United States Government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contractor or subcontract.
- (44) Sales of coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in A.R.S. § 41-1514.02 and directly used or consumed in the generation or provision of on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph shall apply for twenty (20) full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor who does not manufacture paper, the time period shall begin with the date the first manufacturing, processing or production equipment is placed in service.
- (45) Sales or gross income derived from sales of machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in A.R.S. § 41-1514.02. This subsection applies for ten (10) full consecutive calendar or fiscal years after the start of initial construction.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 16, 1-23-95; Ord. No. 8784, § 7, 12-2-96; Ord. No. 8958, § 6, 9-22-97; Ord. No. 9004, § 1(2), 1-5-98; Ord. No. 9069, § 1(10), 6-15-98; Ord. No. 9322, § 10, 11-22-99; Ord. No. 9652, § 6, 1-14-02; Ord. No. 10361, § 10, 12-19-06; Ord. No. 10524, § 5, 5-13-08, eff. 7-1-08; Ord. No. 11183, § 3, 6-17-14, eff. 1-1-13*)

*Editor's note – Ord. No. 11183, § 18, adopted June 17, 2014, provides that the amendments made to Sec. 19-465(40) shall be effective from and after January 1, 2007.

Sec. 19-470. Telecommunication services.

(a) *Tax rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing telecommunication services to consumers within this city.

(1) Telecommunication services shall include:

- a. Two-way voice, sound, and/or video communication over a communications channel.
- b. One-way voice, sound, and/or video transmission or relay over a communications channel.
- c. Facsimile transmissions.
- d. Providing relay or repeater service.
- e. Providing computer interface services over a communications channel.

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- f. Time-sharing activities with a computer accomplished through the use of a communications channel.
- (2) Gross income from the business activity of providing telecommunication services to consumers within this city shall include:
 - a. All fees for connection to a telecommunication system.
 - b. Toll charges, charges for transmissions, and charges for other telecommunication services; provided that such charges relate to transmissions originating in the city and terminating in this state.
 - c. Fees charged for access to or subscription to or membership in a telecommunication system or network.
 - d. Charges for monitoring services relating to a security or burglar alarm system located within the city where such system transmits or receives signals or data over a communications channel.
 - e. Charges for telephone, fax, or Internet access services provided at an additional charge by a hotel business subject to taxation under section 19-444.

(b) *Resale telecommunication services.* Gross income from sales of telecommunication services to another provider of telecommunication services for the purpose of providing the purchaser’s customers with such service shall be exempt from the tax imposed by this section; provided, however, that such purchaser is properly licensed by the city to engage in such business.

(c) *Interstate transmissions.* Charges by a provider of telecommunication services for transmissions originating in the city and terminating outside the state are exempt from the tax imposed by this section.

(d) *(Reserved).*

(e) *(Reserved).*

(f) *Prepaid calling cards.* Telecommunications services purchased with a prepaid calling card that are taxable under section 19-460 are exempt from the tax imposed under this section.

(g) *Internet access services.* The gross income subject to tax under this section shall not include sales of internet access services to the person’s subscribers and customers. For the purposes of this subsection:

- (1) “Internet” means the computer and telecommunications facilities that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocol, to communicate information of all kinds by wire or radio.
- (2) “Internet access” means a service that enables users to access content, information, electronic mail or other services over the internet. Internet access does not include telecommunication services provided by a common carrier.

(h) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 8783, § 1, 12-2-96; Ord. No. 9322, § 11, 11-22-99; Ord. No. 9652, § 7, 1-14-02; Ord. No. 10361, § 11, 12-19-06, eff. 1-1-07; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-475. Transporting for hire. (Reg. 475.1)

(a) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing the following forms of transportation for hire from this city to another point within the state:

- (1) Transporting of persons or property by railroad; provided, however, that the tax imposed by this subsection shall not apply to transporting freight or property for hire by a railroad operating exclusively in this state if the transportation comprises a portion of a single shipment of freight or property, involving more than one railroad, either from a point in this state to a point outside this state or from a point outside this state to a point in this state, for purposes of this paragraph, “a single shipment” means the transportation that begins at the point at which one of the railroads first takes possession of the freight or property and continues until the point at which one (1) of the railroads relinquishes possession of the freight or property to a party other than one (1) of the railroads.
- (2) Transporting of oil or natural or artificial gas through pipe or conduit.
- (3) Transporting of property by aircraft.
- (4) Transporting of persons or property by motor vehicle, including towing and the operation of private car lines, as such are defined in Article VII, Chapter 14, Title 42, Arizona Revised Statutes; provided, however, that the tax imposed by this subsection shall not apply to:
 - a. Gross income subject to the tax imposed by Article IV, Chapter 16, A.R.S. Title 28.
 - b. Gross income derived from the operation of a governmentally adopted and controlled program to provide urban mass transportation.
 - c. Reserved.
 - d. Reserved.

(b) *Deductions or exemptions.* The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this section:

- (1) Income that is specifically included as the gross income of a business activity upon which another section of Article II imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.
- (2) Income from arranging amusement or transportation when the amusement or transportation is conducted by another person not to exceed consideration paid to the amusement or transportation business.
- (c) The tax imposed by this section shall not include arranging transportation as a convenience to a person’s customers if that person is not otherwise engaged in the business of transporting persons, freight or property for hire. This exception does not apply to businesses that dispatch vehicles pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the transportation is performed by third party independent contractors. For the purposes of this Subsection, ‘arranging’ includes billing for or collecting transportation charges from a person’s customers on behalf of the persons providing the transportation.
- (d) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 8958, § 6, 9-22-97; Ord. No. 9322, § 12, 11-22-99; Ord. No. 10361, § 12, 12-19-06, eff. 1-1-07; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-480. Utility services.

(a) *Tax Rate.* The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:

- (1) Consumers or ratepayers who reside within the city.
- (2) Consumers or ratepayers of this city, whether within the city or without, to the extent that this city provides such persons utility services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this city for providing such utility services to such persons.

(b) *Exclusion of Certain Sales of Natural Gas to a Public Utility.* Notwithstanding the provisions of subsection (a) above, the gross income derived from the sale of natural gas to a public utility for the purpose of generation of power to be transferred by the utility to its ratepayers shall be considered a retail sale of tangible personal property subject to sections 19-460 and 19-465, and not considered gross income taxable under this section.

(c) *Resale Utility Services.* Sales of utility services to another provider of the same utility services for the purpose of providing such utility services either to another properly licensed utility provider or directly to such purchaser's customers or ratepayers shall be exempt and deductible from the gross income subject to the tax imposed by this section, provided that the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.

(d) *Reserved.*

(e) *Exclusion of Sales of Utility Services to Nonprofit Primary Health Care Facilities.* The tax imposed by this section shall not apply to sales of utility services to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(f) *[Exclusion of Sales of Natural Gas or Liquefied Petroleum Gas.]* The tax imposed by this section shall not apply to sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

(g) *[Exceptions to Tax.]* The tax imposed by this section shall not apply to:

- (1) Revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.
- (2) Revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.

(h) *[Alternative Fuel.]* The tax imposed by this section shall not apply to sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a department of environmental quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.

(i) The tax imposed by this section shall not apply to sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the Corporation Commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(j) The tax imposed by this section shall not apply to the portions of gross proceeds of sales or gross income attributable to transfers of electricity by any retail electric customer owning a solar photovoltaic energy generating system to an electric distribution system, if the electricity transferred is generated by the customer's system.

(k) *Reserved.*

(1) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent of the gross income from any business activity taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 14, 4-25-88; Ord. No. 8784, § 8, 12-2-96; Ord. No. 9069, § 1(11), 6-15-98; Ord. No. 11183, § 4, 6-17-14, eff. 1-1-07; Ord. No. 11219, § 3, 12-9-14, eff. 1-1-15; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-485. Wastewater removal services.

(a) The tax rate shall be an amount equal to zero percent (0%) of the gross income from the business activity upon every person engaging or continuing in the business of providing wastewater removal services by means of sewer lines or similar pipelines to:

- (1) Consumers or ratepayers who reside within the city.
- (2) Consumers or ratepayers of this city, whether within the city or without, to the extent that this city provides such persons wastewater removal services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this city for providing such wastewater removal services to such persons.

(b) The tax imposed by this section shall not apply to gross income relating to the providing of wastewater removal services from a qualifying hospital, qualifying community health center or a qualifying health care organization.

(Ord. No. 11183, § 11, 6-17-14, eff. 1-1-13)

connection with an active audit, protest or appeal that involves the taxpayer or potential taxpayer and whether the same request has been or is being submitted to another taxing jurisdiction for a ruling.

- (4) Be signed by the taxpayer or potential taxpayer who makes the request or by an authorized representative of the taxpayer or potential taxpayer.

(b) A private taxpayer ruling may be revoked or modified by either:

- (1) A change or clarification in the law that was applicable at the time the ruling was issued, including changes or clarifications caused by regulations and court decisions.
- (2) Actual written notice by the tax collector to the last known address of the taxpayer or potential taxpayer of the revocation or modification of the private taxpayer ruling.

(c) With respect to the taxpayer or prospective taxpayer to whom a private taxpayer ruling is issued, the revocation or modification of a private taxpayer ruling shall not be applied retroactively to tax periods or tax years before the effective date of the revocation or modification and the tax collector shall not assess any penalty or tax attributable to erroneous advice that is furnished to the taxpayer or potential taxpayer in the private taxpayer ruling if:

- (1) The taxpayer reasonably relied on the private taxpayer ruling.
- (2) The penalty or tax did not result either from a failure by the taxpayer to provide adequate or accurate information or from a change in the information.

(d) A private taxpayer ruling may not be relied upon, cited nor introduced into evidence in any proceeding by any taxpayer other than the taxpayer who received the ruling.

(e) A taxpayer may appeal the propriety of a retroactive application of a revoked or modified private taxpayer ruling by filing a written petition with the tax

collector pursuant to section 19-570 within forty-five (45) days after receiving written notice of the intent to retroactively apply a revoked or modified private taxpayer ruling.

(f) A private taxpayer ruling constitutes the tax collector’s interpretation of the sections of this chapter only as they apply to the taxpayer making, and the particular facts contained in, the request.

(g) A private taxpayer ruling which addresses a taxpayer’s ongoing business activities will apply only to transactions that occur or tax liabilities that accrue from and after the date of the taxpayer’s ruling request.

(h) The tax collector shall attempt to issue private taxpayer rulings within forty-five (45) days after receiving the written request and on receiving the facts that are relevant to the ruling. If the ruling is expected to be delayed beyond the forty-five (45) days, the tax collector shall notify the requestor of the delay and the proposed date of issuance.

(i) Within thirty (30) days after being issued, the tax collector shall maintain the private taxpayer ruling as a public record and make it available at a reasonable cost for public inspection and copying. The text of private taxpayer rulings are open to public inspection subject to the confidentiality requirements prescribed by section 19-510.

(j) In this section, “private taxpayer ruling” means a written determination by the tax collector issued pursuant to this section that interprets and applies one (1) or more sections contained in this article and any applicable regulations.

(k) A private taxpayer ruling issued by the Arizona Department of Revenue pursuant to A.R.S. § 42-2101 may be relied upon by the taxpayer to whom the ruling was issued and must be recognized and followed by any city in which such taxpayer has obtained a privilege license if the city has not issued a ruling addressing the facts described in the taxpayer’s ruling request and the statute at issue in the taxpayer’s ruling request is, in essence, worded and written the same as the applicable section hereunder. (Ord. No. 8784, § 27, 12-2-96; Ord. No. 10361, § 14, 12-19-06)

DIVISION 6. USE TAX

Editor’s note – Ordinance No. 11518 put into effect tax increases required by Proposition 203; however, they have no legal effect unless approved by the Arizona Model City Tax Code Commission. Code sections affected are: 19-410(d), 19-415(d), 19-416(d), 19-417(d), 19-425(c), 19-427(e), 19-430(a), 19-432(d), 19-432(d), 19-435(g), 19-445(t), 19-450(d), 19-455(g), 19-460(i), 19-470(h), 19-475(d), 19-480(l), and 19-610(g).

Sec. 19-600. Use tax: definitions.

For the purposes of this division only, the following definitions shall apply, in addition to the definitions provided in division 1:

Acquire (for storage or use) means purchase, rent, lease, or license for storage or use.

Retailer also means any person selling, renting, licensing for use, or leasing tangible personal property under circumstances which would render such transactions subject to the taxes imposed in division 4, if such transactions had occurred within this city.

Storage (within the city) means the keeping or retaining of tangible personal property at a place within the city for any purpose, except for those items acquired specifically and solely for the purpose of sale, rental, lease, or license for use in the regular course of business or for the purpose of subsequent use solely outside the city.

Use (of tangible personal property) means consumption or exercise of any other right or power over tangible personal property incident to the ownership thereof except the holding for the sale, rental, lease, or license for use of such property in the regular course of business.
(Ord. No. 9840, § 5, 5-5-03)

Sec. 19-601. Reserved.

Editor’s note – Ord. No. 9840, § 4, adopted May 5, 2003, repealed § 19-601, which pertained to director of finance to keep records and derived from Ord. No. 6674, § 3, adopted March 23, 1987.

Sec. 19-602. Reserved.

Editor’s note – Ord. No. 9840, § 4, adopted May 5, 2003, repealed § 19-602, which pertained to levying and pledging a portion of excise and franchise taxes for community center, operations center and bus maintenance facilities purposes; creating a special fund, not part of the general funds and derived from Ord. No. 6674, § 3, adopted March 23, 1987.

Sec. 19-610. Use tax: imposition of tax; presumption.

(a) There is hereby levied and imposed, subject to all other provisions of this chapter, an excise tax on the storage or use in the city of tangible personal property, for the purpose of raising revenue to be used in defraying the necessary expenses of the city, such taxes to be collected by the tax collector.

(b) The tax rate shall be at an amount equal to two and six-tenths (2.6) percent of the:

- (1) Cost of tangible personal property acquired from a retailer, upon every person storing or using such property in this city.
- (2) Gross income from the business activity upon every person meeting the requirements of subsection 19-620(b) or (c) who is engaged or continuing in the business activity of sales, rentals, leases, or licenses of tangible personal property to persons within the city for storage or use within the city, to the extent that tax has been collected upon such transaction.
- (3) Cost of the tangible personal property provided under the conditions of a warranty, maintenance, or service contract.
- (4) Cost of complimentary items provided to patrons without itemized charge by a restaurant, hotel, or other business.
- (5) (Reserved).

(c) It shall be presumed that all tangible personal property acquired by any person who at the time of such acquisition resides in the city is acquired for storage or use in this city, until the contrary is established by the taxpayer.

(d) Exclusions. For the purposes of this division, the acquisition of the following shall not be deemed to be the purchase, rental, lease, or license of tangible personal property for storage or use within the city:

- (1) Stocks, bonds, options, or other similar materials.

- (2) Lottery tickets or shares sold pursuant to A.R.S. title 5, chapter 5, article I.
- (3) Platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by regulation.
- (e) (Reserved).
- (f) (Reserved).

(g) Notwithstanding the tax rate identified elsewhere in this section, an additional tax in an amount equal to one-tenth of one (0.1) percent on any activity or item taxable under this section is imposed pursuant to Chapter IV, Section 5 of the Charter of the City of Tucson.
 (Ord. No. 9840, § 5, 5-5-03; Ord. No. 11479, § 1, 8-8-17; Ord. No. 11485, eff. 8-8-17; Ord. No. 11518, eff. 1-23-18)

Sec. 19-620. Use tax: liability for tax.

The following persons shall be deemed liable for the tax imposed by this division and such liability shall not be extinguished until the tax has been paid to this city, except that a receipt from a retailer separately charging the tax imposed by this chapter is sufficient to relieve the person acquiring such property from further liability for the tax to which the receipt refers:

- (1) Any person who acquires tangible personal property from a retailer, whether or not such retailer is located in this city, when such person stores or uses said property within the city.
- (2) Any retailer not located within the city, selling, renting, leasing, or licensing tangible personal property for storage or use of such property within the city, may obtain a license from the tax collector and collect the use tax on such transactions. Such retailer shall be liable for the use tax to the extent such use tax is collected from his customers.
- (3) Every agent within the city of any retailer not maintaining an office or place of business in this city, when such person sells, rents, leases, or licenses tangible personal property

for storage or use in this city shall, at the time of such transaction, collect and be liable for the tax imposed by this division upon the storage or use of the property so transferred, unless such retailer or agent is liable for an equivalent excise tax upon the transaction.

- (4) Any person who acquires tangible personal property from a retailer located in the city and such person claims to be exempt from the city privilege or use tax at the time of the transaction, and upon which no city privilege tax was charged or paid, when such claim is not sustainable.
- (5) Every person storing or using tangible personal property under the conditions of a warranty, maintenance, or service contract.
 (Ord. No. 9840, § 5, 5-5-03)

Sec. 19-630. Use tax: record-keeping requirements.

All deductions, exclusions, exemptions, and credits provided in this division are conditional upon adequate proof of documentation as required by division 3 or elsewhere in this chapter.
 (Ord. No. 9840, § 5, 5-5-03)

Sec. 19-640. Use tax: credit for equivalent excise taxes paid another jurisdiction.

In the event that an equivalent excise tax has been levied and paid upon tangible personal property which is acquired to be stored or used within this city, full credit for any and all such taxes so paid shall be allowed by the tax collector but only to the extent use tax is imposed upon that transaction by this division.
 (Ord. No. 9840, § 5, 5-5-03)

Sec. 19-650. Use tax: exclusion when acquisition subject to use tax is taxed or taxable elsewhere in this chapter; limitation.

The tax levied by this division does not apply to the storage or use in this city of tangible personal property acquired in this city, the gross income from the sale, rental, lease, or license of which were included in the measure of the tax imposed by division 4 of this chapter; provided, however, that any person who has acquired tangible personal property from a vendor in

this city without paying the city privilege tax because of a representation to the vendor that the property was not subject to such tax, when such claim is not sustainable, may not claim the exclusion from such use tax provided by this section.
(Ord. No. 9840, § 5, 5-5-03)

Sec. 19-660. Use tax: exemptions.

The storage or use in this city of the following tangible personal property is exempt from the use tax imposed by this division:

- (1) Tangible personal property brought into the city by an individual who was not a resident of the city at the time the property was acquired for his own use, if the first actual use of such property was outside the city, unless such property is used in conducting a business in this city.
- (2) Tangible personal property, the value of which does not exceed the amount of one thousand dollars (\$1,000.00) per item, acquired by an individual outside the limits of the city for his personal use and enjoyment.
- (3) Charges for delivery, installation, or other customer services, as prescribed by regulation.
- (4) Charges for repair services, as prescribed by regulation.
- (5) Separately itemized charges for warranty, maintenance, and service contracts.
- (6) Prosthetics.
- (7) Income-producing capital equipment.
- (8) Rental equipment and rental supplies.
- (9) Mining and metallurgical supplies.
- (10) Motor vehicle fuel and use fuel which are used upon the highways of this state and upon which a tax has been imposed under the provisions of A.R.S. title 28, chapter 16, article I or II.
- (11) Tangible personal property purchased by a construction contractor, but not an owner-builder, when such person holds a valid privilege license for engaging or continuing in the business of construction contracting, and where the property acquired is incorporated into any structure or improvement to real property in fulfillment of a construction contract.
- (12) Sales of motor vehicles to nonresidents of this state for use outside this state if the vendor ships or delivers the motor vehicle to a destination outside this state.
- (13) Tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
- (14) Rental, leasing, or licensing for use of film, tape, or slides by a theater or other person taxed under section 19-410, or by a radio station, television station, or subscription television system.
- (15) Food served to patrons for a consideration by any person engaged in a business properly licensed and taxed under section 19-455, but not food consumed by owners, agents, or employees of such business.
- (16) Tangible personal property acquired by a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property is in fact used in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. section 512.
- (17) Food for home consumption.
- (18) The following tangible personal property purchased by persons engaging or continuing in the business of farming, ranching, or feeding livestock, poultry or ratites:

Sec. 20-137. Intersections where fifteen miles per hour speed limit imposed.

The *prima facie* speed limit within one hundred (100) feet upon every designated approach to and within the intersections set forth by ordinance shall be fifteen (15) miles per hour, which speed limit shall be effective when signs are erected upon the approaches to such intersections giving notice of such *prima facie* speed limit. Three (3) copies of the current ordinances designating the intersections subject to this section shall be kept on file by the city clerk.

Editor's note – Fifteen miles per hour speed limits have been designated by 1953 Code, ch. 17, § 72, as supplemented in 1957 and amended by:

Ord. No. 1925, § 1, 7-6-59
 Ord. No. 1935, § 1, 8-3-59
 Ord. No. 2145, § 1, 2-20-61
 Ord. No. 2268, § 1, 2-19-62
 Ord. No. 2486, § 1, 7-8-63
 Ord. No. 2964, § 1, 2-6-67
 Ord. No. 3106, § 1, 4-15-68

Intersections designated by Ord. No. 3106 were amended by Ord. No. 3292, § 1, 7-21-69

Intersections designated by Ord. No. 3292 were amended by Ord. No. 3747, § 1, 12-13-71

Intersections designated by Ord. No. 3747 were amended by Ord. No. 4046, § 1, 7-9-73

Intersections designated by Ord. No. 4046 were repealed by Ord. No. 4269, § 1, 1-20-75

Sec. 20-138. Speed limit in all city parks.

The *prima facie* speed limit upon the streets and driveways in all city parks shall be twenty (20) miles per hour, which shall be effective when signs are erected giving notice thereof. (1953 Code, ch. 17, § 72a; Ord. No. 4108, § 1, 11-13-73)

Sec. 20-138.1. Speed limit in bicycle boulevards.

The *prima facie* speed limit upon and along all officially designated and substantially constructed bicycle boulevards within the city, unless otherwise specifically provided by ordinance, shall be twenty (20) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. The definition of bicycle boulevard shall be the same as that included in the most recent version of the City of Tucson Department of Transportation Bicycle Boulevard Master Plan. (Ord. No. 11420 § 1, 12-20-16)

Sec. 20-138.2. Designating current streets or parts of streets as bicycle boulevards where twenty miles per hour speed limit is imposed.

(1) N. Fontana Avenue from E. Prince Road to E. Grant Road.

(2) N. Fourth Avenue from Sahuaro Street to E. University Boulevard.

(3) E. Sahuaro Street from N. Sixth Avenue to N. Fourth Avenue.

(4) E. Third Street from N. Campbell Avenue to N. Columbus Boulevard.

(Ord. No. 11420 § 1, 12-20-16)

Sec. 20-139. Speed limit in alleys.

The *prima facie* speed limit upon and along all of the alleys within the city, unless otherwise specifically provided by ordinance, shall be fifteen (15) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances specifying exceptions to this section shall be kept on file by the city clerk.

Editor's note – As of the time of republication of this Code, there have been no ordinances establishing exceptions to section 20-139.

Sec. 20-140. Where thirty miles per hour speed limit imposed.

The *prima facie* speed limit upon streets or portions thereof as so designated by ordinance shall be thirty (30) miles per hour, which speed shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's Note – Thirty miles per hour speed limits have been designated by 1953 Code, ch. 17, § 73, as supplemented in 1957 and amended by:

Ord. No. 1935, § 2, 8-3-59
 Ord. No. 2145, § 2, 2-20-61
 Ord. No. 2312, § 1, 7-2-62
 Ord. No. 2966, § 1, 2-6-67
 Ord. No. 3107, § 1, 4-15-68

Streets designated by Ord. No. 3107 were amended by Ord. No. 3293, § 1, 7-21-69

Streets designated by Ord. No. 3478 were amended by Ord. No. 4047, § 1, 7-9-73

Streets designated by Ord. No. 4047 were amended by:

Ord. No. 4270, § 1, 1-20-75
 Ord. No. 4504, § 2, 6-21-76
 Ord. No. 4881, §§ 1, 2, 10-16-78
 Ord. No. 5441, §§ 1, 2, 9-28-81
 Ord. No. 5654, §§ 1, 2, 9-27-82
 Ord. No. 5965, §§ 1, 2, 3-12-84

Ord. No. 5965 was repealed and new streets were designated by Ord. No. 6180, §§ 1, 2, 2-19-85
 Ord. No. 6180 was repealed and new streets were designated by Ord. No. 6412, §§ 1, 2, 5-5-86
 Ord. No. 6412 was repealed and new streets were designated by Ord. No. 6470, §§ 1, 2, 7-7-86
 Ord. No. 6470 was repealed and new streets were designated by Ord. No. 6545, §§ 1, 2, 10-20-86
 Ord. No. 6545 was repealed and new streets were designated by Ord. No. 6585, §§ 1, 2, 12-8-86
 Ord. No. 6585 was repealed and new streets were designated by Ord. No. 6794, §§ 1, 2, 9-21-87
 Ord. No. 6794 was repealed and new streets were designated by Ord. No. 706, §§ 1, 2, 10-17-88
 Ord. No. 7062 was repealed and new streets were designated by Ord. No. 7440, §§ 1, 2, 7-2-90
 Ord. No. 7440 was repealed and new streets were designated by Ord. No. 7543, §§ 1, 2, 1-7-91
 Ord. No. 7543 was repealed and new streets were designated by Ord. No. 7641, §§ 1, 2, 6-17-91
 Ord. No. 7641 was repealed and new streets were designated by Ord. No. 7785, §§ 1, 2, 3-16-92
 Ord. No. 7785 was repealed and new streets were designated by Ord. No. 8076, §§ 1, 2, 6-28-93
 Ord. No. 8076 was repealed and new streets were designated by Ord. No. 8213, §§ 1, 2, 2-28-94
 Ord. No. 8213 was repealed and new streets were designated by Ord. No. 8465, §§ 1, 2, 3-20-95
 Ord. No. 8465 was repealed and new streets were designated by Ord. No. 8550, §§ 1, 2, 8-7-95
 Ord. No. 8550 was repealed and new streets were designated by Ord. No. 9049, §§ 1, 2, 5-4-98
 Ord. No. 9049 was repealed and new streets were designated by Ord. No. 10408, §§ 1, 2, 6-12-07
 Ord. No. 10408 was repealed and new streets were designated by Ord. No. 10543, §§ 1, 2, 6-10-08
 Ord. No. 10543 was repealed and new streets were designated by Ord. No. 10728, §§ 1, 2, 11-17-09
 Ord. No. 11220 was repealed and new streets were designated by Ord. No. 11527, §§ 1, 2, 2-21-18

Sec. 20-141. Where thirty-five miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets or portions thereof as may be designated by ordinances shall be thirty-five (35) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's Note – Thirty-five miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74, as supplemented in 1957 and as amended by:

Ord. No. 1935, § 3, 8-3-59
 Ord. No. 2145, § 3, 2-20-60
 Ord. No. 2312, § 2, 7-2-62
 Ord. No. 2961, § 1, 2-6-67
 Ord. No. 3109, § 1, 4-15-68
 Streets designated by Ord. No. 3109 were amended by Ord. No. 3294, § 1, 7-21-69

Streets designated by Ord. No. 3294 were amended by Ord. No. 3749, § 1, 12-13-71
 Streets designated by Ord. No. 3749 were amended by Ord. No. 4080, § 1, 7-9-73
 Streets designated by Ord. No. 4080 were amended by:
 Ord. No. 4271, § 1, 1-20-75
 Ord. No. 4505, § 2, 6-21-76
 Ord. No. 4558, §§ 1, 2, 8-23-76
 Ord. No. 4882, §§ 1, 2, 10-16-78
 Ord. No. 4962, § 2, 4-23-79
 Ord. No. 5453, §§ 1, 2, 10-19-81
 Ord. No. 5655, §§ 1, 2, 10-19-81
 Ord. No. 5966, §§ 1, 2, 3-12-84
 Ord. No. 5966 was repealed and new streets were designated by Ord. No. 6181, §§ 1, 2, 2-19-85
 Ord. No. 6181 was repealed and new streets were designated by Ord. No. 6413, §§ 1, 2, 5-5-86
 Ord. No. 6413 was repealed and new streets were designated by Ord. No. 6471, §§ 1, 2, 7-7-86
 Ord. No. 6471 was repealed and new streets were designated by Ord. No. 6490, §§ 1, 2, 8-4-86
 Ord. No. 6490 was repealed and new streets were designated by Ord. No. 6514, §§ 1, 2, 9-2-86
 Ord. No. 6514 was repealed and new streets were designated by Ord. No. 6549, §§ 1, 2, 10-2-86
 Ord. No. 6549 was repealed and new streets were designated by Ord. No. 6586, §§ 1, 2, 12-8-86
 Ord. No. 6586 was repealed and new streets were designated by Ord. No. 6668, §§ 1, 2, 3-16-87
 Ord. No. 6668 was repealed and new streets were designated by Ord. No. 6703, §§ 1, 2, 5-18-87
 Ord. No. 6703 was repealed and new streets were designated by Ord. No. 6795, §§ 1, 2, 9-21-87
 Ord. No. 6795 was repealed and new streets were designated by Ord. No. 6841, §§ 1, 2, 11-23-87
 Ord. No. 6841 was repealed and new streets were designated by Ord. No. 6928, §§ 1, 2, 4-18-88
 Ord. No. 6928 was repealed and new streets were designated by Ord. No. 7063, §§ 1, 2, 10-17-88
 Ord. No. 7063 was repealed and new streets were designated by Ord. No. 7115, §§ 1, 2, 12-19-88
 Ord. No. 7115 was repealed and new streets were designated by Ord. No. 7355, §§ 1, 2, 2-26-90
 Ord. No. 7355 was repealed and new streets were designated by Ord. No. 7418, §§ 1, 2, 6-4-90
 Ord. No. 7418 was repealed and new streets were designated by Ord. No. 7441, §§ 1, 2, 7-2-90
 Ord. No. 7441 was repealed and new streets were designated by Ord. No. 7613, §§ 1, 2, 5-6-91
 Ord. No. 7613 was repealed and new streets were designated by Ord. No. 7642, §§ 1, 2, 6-17-91
 Ord. No. 7642 was repealed and new streets were designated by Ord. No. 7784, §§ 1, 2, 3-16-92
 Ord. No. 7784 was repealed and new streets were designated by Ord. No. 7976, §§ 1, 2, 2-1-93
 Ord. No. 7976 was repealed and new streets were designated by Ord. No. 8158, §§ 1, 2, 11-15-93
 Ord. No. 8158 was repealed and new streets were designated by Ord. No. 8294, §§ 1, 2, 6-6-94
 Ord. No. 8294 was repealed and new streets were designated by Ord. No. 8340, §§ 1, 2, 8-1-94
 Ord. No. 8340 was repealed and new streets were designated by Ord. No. 8551, §§ 1, 2, 8-7-95

Ord. No. 8551 was repealed and new streets were designated by Ord. No. 8684, §§ 1, 2, 5-6-96
 Ord. No. 8684 was repealed and new streets were designated by Ord. No. 8715, §§ 1, 2, 6-17-96
 Ord. No. 8715 was repealed and new streets were designated by Ord. No. 8924, §§ 1, 2, 9-2-97
 Ord. No. 8924 was repealed and new streets were designated by Ord. No. 9012, §§ 1, 2, 2-2-98
 Ord. No. 9012 was repealed and new streets were designated by Ord. No. 9050, §§ 1, 2, 5-4-98
 Ord. No. 9050 was repealed and new streets were designated by Ord. No. 9134, §§ 1, 2, 10-5-98
 Ord. No. 9134 was repealed and new streets were designated by Ord. No. 9759, §§ 1, 2, 9-3-02
 Ord. No. 9759 was repealed and new streets were designated by Ord. No. 9964, §§ 1, 2, 5-17-04
 Ord. No. 9964 was repealed and new streets were designated by Ord. No. 10409, §§ 1, 2, 6-12-07
 Ord. No. 10409 was repealed and new streets were designated by Ord. No. 10544, §§ 1, 2, 6-10-08
 Ord. No. 10544 was repealed and new streets were designated by Ord. No. 10729, §§ 1, 2, 11-17-09
 Ord. No. 11221 was repealed and new streets were designated by Ord. No. 11528, §§ 1, 2, 2-21-18

Sec. 20-142. Where forty miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be forty (40) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Forty mile per hour speed limits have been designated by 1953 Code, ch. 17, § 74b, as supplemented in 1957, and as amended by:

Ord. No. 2145, § 5, 2-20-61
 Ord. No. 2312, § 4, 7-2-62
 Ord. No. 2459, § 1, 5-6-63
 Ord. No. 2965, § 1, 2-6-67
 Ord. No. 3108, § 1, 4-15-68
 Streets designated by Ord. No. 3108 were amended by Ord. No. 3295, § 1, 7-21-69
 Streets designated by Ord. No. 3295 were amended by Ord. No. 3750, § 1, 12-13-71
 Streets designated by Ord. No. 3750 were amended by Ord. No. 4049, § 1, 7-9-73
 Streets designated by Ord. No. 4049 were amended by Ord. No. 4272, § 1, 1-20-75
 Ord. No. 4506, § 2, 6-21-76
 Ord. No. 4883, §§ 1, 2, 10-16-78
 Ord. No. 4962, § 1, 4-23-79
 Ord. No. 5656, §§ 1, 2, 9-27-82
 Ord. No. 5967, §§ 1, 2, 3-12-84
 Ord. No. 5967 was repealed and new streets were designated by Ord. No. 6182, §§ 1, 2, 2-19-85
 Ord. No. 6182 was repealed and new streets were designated by Ord. No. 6415, §§ 1, 2, 5-5-86
 Ord. No. 6415 was repealed and new streets were designated by Ord. No. 6472, §§ 1, 2, 7-7-86

Ord. No. 6472 was repealed and new streets were designated by Ord. No. 6489, §§ 1, 2, 8-4-86
 Ord. No. 6489 was repealed and new streets were designated by Ord. No. 6515, §§ 1, 2, 9-2-86
 Ord. No. 6515 was repealed and new streets were designated by Ord. No. 6550, §§ 1, 2, 10-20-86
 Ord. No. 6550 was repealed and new streets were designated by Ord. No. 6587, §§ 1, 2, 12-8-86
 Ord. No. 6587 was repealed and new streets were designated by Ord. No. 6619, §§ 1, 2, 1-5-87
 Ord. No. 6619 was repealed and new streets were designated by Ord. No. 6669, §§ 1, 2, 3-16-87
 Ord. No. 6669 was repealed and new streets were designated by Ord. No. 6704, §§ 1, 2, 5-18-87
 Ord. No. 6704 was repealed and new streets were designated by Ord. No. 6796, §§ 1, 2, 9-21-87
 Ord. No. 6796 was repealed and new streets were designated by Ord. No. 6842, §§ 1, 2, 11-23-87
 Ord. No. 6842 was repealed and new streets were designated by Ord. No. 6929, § 1, 2, 4-18-88
 Ord. No. 6929 was repealed and new streets were designated by Ord. No. 6951, §§ 1, 2, 5-16-88
 Ord. No. 6951 was repealed and new streets were designated by Ord. No. 7041, §§ 1, 2, 9-19-88
 Ord. No. 7041 was repealed and new streets were designated by Ord. No. 7067, §§ 1, 2, 10-17-88
 Ord. No. 7067 was repealed and new streets were designated by Ord. No. 7116, §§ 1, 2, 12-19-88
 Ord. No. 7116 was repealed and new streets were designated by Ord. No. 7204, §§ 1, 2, 6-5-89
 Ord. No. 7204 was repealed and new streets were designated by Ord. No. 7231, §§ 1, 2, 7-3-89
 Ord. No. 7231 was repealed and new streets were designated by Ord. No. 7356, §§ 1, 2, 2-26-90
 Ord. No. 7356 was repealed and new streets were designated by Ord. No. 7375, §§ 1, 2, 3-19-90
 Ord. No. 7375 was repealed and new streets were designated by Ord. No. 7419, §§ 1, 2, 6-4-90
 Ord. No. 7419 was repealed and new streets were designated by Ord. No. 7482, §§ 1, 2, 9-17-90
 Ord. No. 7482 was repealed and new streets were designated by Ord. No. 7614, §§ 1, 2, 5-6-91
 Ord. No. 7614 was repealed and new streets were designated by Ord. No. 7643, §§ 1, 2, 6-17-91
 Ord. No. 7643 was repealed and new streets were designated by Ord. No. 7810, §§ 1, 2, 5-4-92
 Ord. No. 7810 was repealed and new streets were designated by Ord. No. 7977, §§ 1, 2, 2-1-93
 Ord. No. 7977 was repealed and new streets were designated by Ord. No. 8080, §§ 1, 2, 6-28-93
 Ord. No. 8080 was repealed and new streets were designated by Ord. No. 8159, §§ 1, 2, 11-15-93
 Ord. No. 8159 was repealed and new streets were designated by Ord. No. 8626, §§ 1, 2, 1-8-96
 Ord. No. 8626 was repealed and new streets were designated by Ord. No. 8925, §§ 1, 2, 9-2-97
 Ord. No. 8925 was repealed and new streets were designated by Ord. No. 9013, §§ 1, 2, 2-2-98
 Ord. No. 9013 was repealed and new streets were designated by Ord. No. 9051, §§ 1, 2, 5-4-98
 Ord. No. 9051 was repealed and new streets were designated by Ord. No. 9135, §§ 1, 2, 10-5-98
 Ord. No. 9135, was repealed and new streets were designated by Ord. No. 9618 §§ 1, 2, 10-8-01

- Ord. No. 9618, was repealed and new streets were designated by Ord. No. 9966 §§ 1, 2, 5-17-04
- Ord. No. 9966, was repealed and new streets were designated by Ord. No. 10229 §§ 1, 2, 12-20-05
- Ord. No. 10229, was repealed and new streets were designated by Ord. No. 10410 §§ 1, 2, 6-12-07
- Ord. No. 10410, was repealed and new streets were designated by Ord. No. 10545 §§ 1, 2, 6-10-08
- Ord. No. 10545 was repealed and new streets were designated by Ord. No. 10730, §§ 1, 2, 11-17-09
- Ord. No. 10730 was repealed and new streets were designated by Ord. No. 11222, §§ 1, 2, 12-9-14

Sec. 20-143. Where forty-five miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be forty-five (45) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Forty-five miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74a, as supplemented in 1957, and as amended by:

- Ord. No. 1935, § 4, 8-3-50
- Ord. No. 2145, § 4, 2-20-61
- Ord. No. 2312, § 3, 7-2-62
- Ord. No. 2963, § 1, 2-6-67
- Ord. No. 3110, § 1, 4-15-68
- Streets designated by Ord. No. 3110 were amended by Ord. No. 3296, § 1, 7-21-69
- Streets designated by Ord. No. 3296 were amended by Ord. No. 3751, § 1, 12-13-71
- Streets designated by Ord. No. 3751 were amended by Ord. No. 4050, § 1, 7-9-73
- Streets designated by Ord. No. 4050 were amended by:
 - Ord. No. 4273, § 1, 1-20-75
 - Ord. No. 4507, § 2, 6-21-76
 - Ord. No. 4884, §§ 1, 2, 10-16-78
 - Ord. No. 5657, §§ 1, 2, 9-27-82
 - Ord. No. 5968, §§ 1, 2, 3-12-84
- Ord. No. 5968 was repealed and new streets were designated by Ord. No. 6183, §§ 1, 2, 2-19-85
- Ord. No. 6183 was repealed and new streets were designated by Ord. No. 6414, §§ 1, 2, 5-5-86
- Ord. No. 6414 was repealed and new streets were designated by Ord. No. 6474, § 1, 2, 7-7-86
- Ord. No. 6474 was repealed and new streets were designated by Ord. No. 6516, §§ 1, 2, 9-2-86
- Ord. No. 6516 was repealed and new streets were designated by Ord. No. 6551, §§ 1, 2, 10-20-86
- Ord. No. 6551 was repealed and new streets were designated by Ord. No. 6588, §§ 1, 2, 12-8-86
- Ord. No. 6588 was repealed and new streets were designated by Ord. No. 6900, §§ 1, 2, 3-7-88
- Ord. No. 6900 was repealed and new streets were designated by Ord. No. 6952, §§ 1, 2, 5-16-88
- Ord. No. 6952 was repealed and new streets were designated by Ord. No. 7042, §§ 1, 2, 9-19-88

- Ord. No. 7042 was repealed and new streets were designated by Ord. No. 7064, §§ 1, 2, 10-17-88
- Ord. No. 7064 was repealed and new streets were designated by Ord. No. 7232, §§ 1, 2, 7-3-89
- Ord. No. 7232 was repealed and new streets were designated by Ord. No. 7357, §§ 1, 2, 2-26-90
- Ord. No. 7357 was repealed and new streets were designated by Ord. No. 7374, §§ 1, 2, 3-19-90
- Ord. No. 7374 was repealed and new streets were designated by Ord. No. 7483, §§ 1, 2, 9-17-90
- Ord. No. 7483 was repealed and new streets were designated by Ord. No. 7644, §§ 1, 2, 6-17-91
- Ord. No. 7644 was repealed and new streets were designated by Ord. No. 7769, §§ 1, 2, 2-24-92
- Ord. No. 7769 was repealed and new streets were designated by Ord. No. 7811, §§ 1, 2, 5-4-92
- Ord. No. 7811 was repealed and new streets were designated by Ord. No. 7978, §§ 1, 2, 2-1-93
- Ord. No. 7978 was repealed and new streets were designated by Ord. No. 8077, §§ 1, 2, 6-28-93
- Ord. No. 8077 was repealed and new streets were designated by Ord. No. 8627, §§ 1, 2, 1-8-96
- Ord. No. 8627 was repealed and new streets were designated by Ord. No. 8685, §§ 1, 2, 5-6-96
- Ord. No. 8685 was repealed and new streets were designated by Ord. No. 8716, §§ 1, 2, 6-17-96
- Ord. No. 8716 was repealed and new streets were designated by Ord. No. 8926, §§ 1, 2, 9-2-97
- Ord. No. 8926 was repealed and new streets were designated by Ord. No. 9617, §§ 1, 2, 10-8-01
- Ord. No. 9617 was repealed and new streets were designated by Ord. No. 9698, §§ 1, 2, 4-15-02
- Ord. No. 9698 was repealed and new streets were designated by Ord. No. 10230, §§ 1, 2, 12-20-05
- Ord. No. 10230 was repealed and new streets were designated by Ord. No. 10411, §§ 1, 2, 6-12-07
- Ord. No. 10411 was repealed and new streets were designated by Ord. No. 10546, §§ 1, 2, 6-10-08
- Ord. No. 10546 was repealed and new streets were designated by Ord. No. 10731, §§ 1, 2, 11-17-09
- Ord. No. 10731 was repealed and new streets were designated by Ord. No. 11223, §§ 1, 2, 12-9-14

Sec. 20-144. Where fifty miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be fifty (50) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Fifty miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74c, as added by Ord. No. 2145, § 6, 2-20-61, and as amended by:

- Ord. No. 2312, § 5, 6-2-62
- Ord. No. 2962, § 1, 2-6-67
- Ord. No. 5969, §§ 1, 2, 3-12-84
- Ord. No. 5969 was repealed and new streets were designated by Ord. No. 6184, §§ 1, 2, 2-19-85

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, and is a primary offense, meaning that a law enforcement officer may initiate a stop and issue a citation to a person operating a motor vehicle for a violation of this section if the law enforcement officer has reasonable cause to believe there is a violation of this section.
2. A person who violates this section and is not involved in a motor vehicle collision is subject to a civil penalty of \$50 for the first violation, \$100 for the second violation, and \$200 for the third or any subsequent violation.
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 \$250.

(Ord. No. 11442, § 3, 3-21-17, eff. 5-1-17; Ord. No. 11520, § 1, 1-23-18, eff. 2-1-18)

Chapter 21

PARKS AND RECREATION*

Art. I.	Operation and Regulation of Parks, §§ 21-1 – 21-18.1
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Article I. Operation and Regulation of Parks

Sec. 21-1.	Definitions.
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Sec. 21-3.	Regulations regarding park use.
Sec. 21-4.	Permits, licenses and reservations.
Sec. 21-5.	Regulation of activities in areas adjacent to or affecting parks.
Sec. 21-6.	Enforcement.
Sec. 21-7.	Penalties.
Sec. 21-8.	Consumption of spirituous liquor.
Sec. 21-9.	Adult major sports; fees; rosters; minimum number of players per sponsor team; disposition of fees.
Sec. 21-10.	Fees – Tennis courts.
Sec. 21-11.	Same – Handball courts.
Sec. 21-12.	Same – Swimming pool admission, swim lesson, competitive swimming program, and synchronized swimming program fees and rental rates.
Sec. 21-13.	Same – Recreational classes.
Sec. 21-13.1.	Program registration fees.
Sec. 21-13.2.	Fees – Senior trip programs.
Sec. 21-14.	Same – Use of equipment.
Sec. 21-14.1.	Same – Archer, Quincie Douglas, El Rio, Freedom, Northwest, Randolph, and Santa Rosa Center use.
Sec. 21-14.2.	Same – Clements, El Pueblo and Udall Center use.
Sec. 21-14.3.	Same – Hi Corbett Stadium Use.
Sec. 21-15.	Non-city resident rates.
Sec. 21-16.	Same – Use of certain meeting rooms; reservation fee for ramadas, sport fields, volley ball courts, bandshells, outdoor performance center, rodeo grounds, and fees for special maintenance.
Sec. 21-17.	Authorization to waive or discount fees and charges.
Sec. 21-18.	Wasting or abusing athletic facility lighting; fines and penalties.
Sec. 21-18.1.	Administrative fees.

Article II. City Municipal Golf Courses

Sec. 21-19.	Damaging, defacing property.
Sec. 21-20.	Selling, soliciting on courses.
Sec. 21-21.	Permit to play required.
Sec. 21-22.	Rates for city carts; rental agreement required.
Sec. 21-23.	Rates for use of private carts.
Sec. 21-23.1.	Driving range golf ball rental fees.
Sec. 21-24.	General regulations.
Sec. 21-25.	Reserved.
Sec. 21-25.1.	Regular greens fees.
Sec. 21-25.2.	Retired city employees.
Sec. 21-25.3.	Resident golfer.

***Charter reference** – Department of parks and recreation, ch. XXXI.

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- Sec. 21-25.4. Resident senior citizen golfer.
- Sec. 21-25.5. Fees for shotgun start tournaments.
- Sec. 21-25.6. Resident greens fees.
- Sec. 21-25.7. Authorization to discount golf rates.
- Sec. 21-25.8. Authorization to establish food, beverage and merchandise prices.
- Sec. 21-25.9. Tucson City Golf employee greens fee.
- Sec. 21-25.10. Authorization to establish reservation policies.
- Sec. 21-25.11. Authorization to establish frequent user discount policies.
- Sec. 21-26. Collection of fees.
- Sec. 21-27. Violations, penalty.
- Sec. 21-28. Reserved.
- Sec. 21-29. Reserved.
- Secs. 21-30 – 21-37. Reserved.

Article III. Reserved

- Secs. 21-38 – 21-50. Reserved.

Article IV. Gene Reid Park Zoo Admittance Fees

- Sec. 21-51. Schedule.
- Sec. 21-52. Reserved.
- Secs. 21-53, 21-54. Reserved.

Article V. Gene Reid Park Zoo Improvement Fund

- Sec. 21-60. Gene Reid Park Zoo improvement fund.

ARTICLE III. RESERVED*

Secs. 21-38 – 21-50. Reserved.

**ARTICLE IV. GENE REID PARK ZOO
ADMITTANCE FEES****

Sec. 21-51. Schedule.

(a) The following schedule of fees is hereby established for admittance to Gene Reid Park Zoo:

Adults (ages 15 through 61)	
June - Nov.....	\$9.50
Dec. - May..	\$10.50
Senior citizens (ages 62 and over)	
June - Nov.....	\$7.50
Dec. - May..	\$8.50
Children (ages 2 through 14)	
June - Nov.....	\$5.50
Dec. - May..	\$6.50
Reserved school groups (per person).	Free
Children (under age 2) when accompanied by an adult.	Free

(b) Passes for free admission to the zoo may be issued by the director of the department of parks and recreation to such persons or members of such organizations that make substantial contributions to the zoo in money, property, or services.

***Editor’s note** – Section 1 of Ord. No. 7114, adopted Dec. 19, 1988, repealed art. III, §§ 21-38 – 21-49, entitled “Baseball Commission.” The article was derived from 1953 Code, ch. 2, §§ 30-39; and Ord. No. 3074, 3076, 3393, 5172, 5982, 6382.

****Editor’s note** – Ord. No. 3579, § 12, enacted Jan. 4, 1971, repealed former art. IV, “Zoological Commission,” §§ 21-51 – 21-56, derived from Ord. No. 3361, § 1, enacted Nov. 17, 1969. Ord. No. 3812, §§ 1 – 3, adopted Mar. 27, 1972, amended this Code by adding a new art. IV, § 21-51(1) – (4). At the discretion of the editor, art. IV was entitled “Gene Reid Park Zoo Admittance Fees”; catchlines were added for purposes of indexing and reference; and §§ 21-51(1) – (3) and 21-54(4) were codified as §§ 21-51, 21-52. Ord. No. 3812, §§ 2, 3, directory and effective date provisions, were omitted.

(Ord. No. 3812, § 1, 3-27-72; Ord. No. 4149, § 1, 3-11-74; Ord. No. 4164, § 1, 4-8-74; Ord. No. 4401, § 1, 10-13-75; Ord. No. 5172, § 3, 6-23-80; Ord. No. 7054, § 1, 10-3-88; Ord. No. 7859, § 6, 7-6-92; Ord. No. 8319, § 1, 7-5-94; Ord. No. 9261, § 11, 8-2-99; Ord. No. 9757, § 20, 8-5-02; Ord. No. 10304, § 1, 7-6-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 7, 6-26-12, eff. 7-1-12; Ord. No. 11367, § 1, 6-7-16, eff. 7-1-16; Ord. No. 11485, eff. 8-8-17)

Sec. 21-52. Reserved.

Editor’s note – Ord. No. 9757, § 21, adopted Aug. 5, 2002, repealed § 21-52, which pertained to disposition. See the Code Comparative Table.

Secs. 21-53, 21-54. Reserved.

**ARTICLE V. GENE REID PARK ZOO
IMPROVEMENT FUND*****

Sec. 21-60. Gene Reid Park Zoo improvement fund.

(a) The director of the department of finance shall establish the Gene Reid Park Zoo (Zoo) improvement fund (fund). The fund shall consist of all revenues collected from the tax authorized under Tucson Charter (TC) Chapter IV, Section 5 as well as any interest earned on those monies. The director shall deposit all monies in the fund and all accounts therein as provided by TC Chapter 19. The director shall credit monies earned from these investments to the fund.

(b) Money deposited in the fund shall:

- (1) be used for capital improvements, operations, and maintenance at the Zoo;

*****Editor’s note** – Ordinance No. 9000, § 1, adopted December 15, 1997, repealed §§ 21-55, 21-56. Formerly, such sections pertained to community center recreation: public ice skating permitted; fees for public ice skating; penalty and derived from Ord. No. 4390, §§ 1, 2, 9-8-75.

(2) be appropriated by the mayor and council only for the purposes set forth in this Section; and

(c) Supplement and not supplant the monies that would otherwise be appropriated by the mayor and council to the Zoo.

(Ord. No. 11518, § 2, 1-23-18)

Chapter 22

PENSIONS, RETIREMENT, GROUP INSURANCE, LEAVE BENEFITS AND OTHER INSURANCE BENEFITS*

- Art. I. In General, §§ 22-1 – 22-12**
Art. II. Social Security, §§ 22-13 – 22-29
Art. III. Tucson Supplemental Retirement System, §§ 22-30 – 22-77
Div. 1. Types of Retirement and Benefits, §§ 22-30 – 22-43.1
Div. 2. Administration of the System, §§ 22-44 – 22-77
Art. IV. Group Insurance and Medical Health Plans, §§ 22-78 – 22-89
Art. V. Leave Benefit Plan, §§ 22-90 – 22-99
Art. VI. Other Insurance Benefits, §§ 22-100 – 22-104

Article I. In General

- Sec. 22-1. Contributions to the public safety personnel retirement system.
Secs. 22-2 – 22-12. Reserved.

Article II. Social Security

- Sec. 22-13. Short title.
Sec. 22-14. Purpose.
Sec. 22-15. Execution of application and agreement authorized.
Sec. 22-16. Effect of membership.
Sec. 22-17. Director of finance to pay city contributions.
Sec. 22-18. Funds for city contributions for current services.
Sec. 22-19. Funds for city contributions for past services.
Sec. 22-20. Employee contributions for current services.
Sec. 22-21. Employee contributions for past services.
Sec. 22-22. Collection of employee contributions for past services.
Sec. 22-23. Duties of director of personnel.
Secs. 22-24 – 22-29. Reserved.

Article III. Tucson Supplemental Retirement System

Division 1. Types of Retirement and Benefits

- Sec. 22-30. Definitions.
Sec. 22-31. Trust fund.
Sec. 22-32. Exclusive benefit.
Sec. 22-33. Membership.
Sec. 22-34. Membership contributions.
Sec. 22-35. City contributions.

***Editor's note** – Ord. No. 10294, § 1, adopted June 27, 2006, amended the title of ch. 22 to read as herein set out. Prior to inclusion of said ordinance, ch. 22 was entitled, "Pensions, Retirement and Group Insurance." It should be noted that said ordinance is effective June 20, 2006.

The 1953 Code, ch. 20, §§ 1 – 24, provided for pensions and retirement. These sections were repealed by Ord. No. 1420, § 1, enacted Nov. 30, 1953. Terms and conditions of the repeal, appearing as ch. 20, §§ 25 and 26 in the 1957 supplement to the 1953 Code, have not been included in this Code because fully executed and rights thereunder are guaranteed by the present supplement retirement systems, § 22-34 et seq.

Charter reference – Civil service generally, ch. XXII.

Cross reference – Civil service generally, ch. 10.

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- Sec. 22-36. Accumulation of credited service.
- Sec. 22-37. Retirements.
- Sec. 22-38. End of service program.
- Sec. 22-39. Disability retirement.
- Sec. 22-40. Death benefits.
- Sec. 22-41. Refund of accumulated contributions accounts; transfers to other systems.
- Sec. 22-42. Retirement benefit payment options.
- Sec. 22-43. Administration of benefit payments; benefit calculations.
- Sec. 22-43.1. System approved domestic relations orders.

Division 2. Administration of the System

- Sec. 22-44. Board of trustees.
- Sec. 22-45. Investments.
- Sec. 22-46. Finance director duties.
- Sec. 22-47. Human resources director duties.
- Sec. 22-48. System administrator.
- Sec. 22-49. Indemnification.
- Sec. 22-50. Miscellaneous administrative provisions.
- Sec. 22-51. Alteration, amendment, repeal of the system.
- Sec. 22-52. Effective date.
- Sec. 22-53. Reserved.
- Sec. 22-54. Reserved.
- Sec. 22-55. Reserved.
- Secs. 22-56 – 22-77. Reserved.

Article IV. Group Insurance and Medical Health Plans

- Sec. 22-78. Short title.
- Sec. 22-79. Purpose.
- Sec. 22-80. Coverage authorized.
- Sec. 22-81. Finance director to pay premiums.
- Sec. 22-82. Employees' premium costs.
- Sec. 22-83. City's premium costs.
- Sec. 22-84. Duty of human resources director.
- Sec. 22-85. Applicability to existing, future employees.
- Sec. 22-86. Medical insurance incentive allowance.
- Secs. 22-87 – 22-89. Reserved.

Article V. Leave Benefit Plan

- Sec. 22-90. Providing for leave benefit plan.
- Sec. 22-91. Duties of the human resources director and city manager.
- Sec. 22-92. Peace officer recruitment incentive.
- Sec. 22-93. Conditions for annual sick leave payment to fire department commissioned personnel.
- Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.
- Sec. 22-95. Wellness attendance incentive.
- 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.
- Sec. 22-97. Living donor leave.
- Secs. 22-98 – 22-99. Reserved.

Article VI. Other Insurance Benefits

- Sec. 22-100. Reserved.
- Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.
- Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.
- Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.
- Sec. 22-104. Death benefit for employee group eligible for representation by CWA/TACE.

receipt and acceptance of a statement designating a beneficiary(ies) by the system administrator, the designation shall become effective and shall remain in effect until an updated statement is received and accepted by the system administrator. A change in the marital status of a member does not impact the validity or enforceability of a beneficiary designation on file with the system administrator. A member must update the beneficiary designation to reflect changes in marital status, as necessary. Upon ratification by the board of a member's application for retirement benefits, the member's beneficiary designation shall become irrevocable with regard to any joint and survivor annuity elected in accordance with section 22-42(c). All other beneficiary designations become irrevocable upon the member's death. There shall be no liability on the part of the city, the board or the system administrator with respect to any payment made in accordance with the most recent beneficiary designation on file with the system administrator.

(Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09; Ord. No. 10711, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10915, § 2, 6-21-11, eff. 7-1-11; Ord. No. 11020, § 2, 9-11-12, eff. 7-1-09; Ord. No. 11327, §§ 2, 3, 12-8-15, eff. 1-1-16)

Sec. 22-34. Membership contributions.

Sec. 22-34(a). Fixed contribution rate. Each member hired prior to July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to five (5) percent of the member's compensation. The finance director shall deduct this amount and credit it to the member's accumulated contributions account.

Sec. 22-34(b). Variable contribution rates. Each member hired on or after July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to the applicable percentage of the Employee Segment Normal Cost: For purposes of this Section 22-34(b), the applicable percentage shall equal the percentage determined by the City on an annual basis prior to the beginning of each fiscal year, and which shall equal no less than fifty (50) percent and no more than one hundred (100) percent. Notwithstanding the foregoing, the member's annual contribution rate (1) shall in no event be less than five (5) percent of compensation and (2) shall be subject to an annual fiscal year adjustment (increase or decrease) equal to no more than two and one-half

(2 1/2) percent of member compensation. The finance director shall deduct the applicable member contributions from each member's compensation and credit it to the member's accumulated contributions account.

Sec. 22-34(c). Contribution rates for rehired members. If a member separates from employment with the city and is later re-hired, the rate of mandatory member contributions applicable to the rehired member shall be determined in accordance with this section. Any member who was originally hired by the city prior to July 1, 2006, who was a vested member at the time of separation from employment with the city and who does not request a refund of member contributions in accordance with section 22-41 prior to his date of reemployment with the city shall make mandatory member contributions to the system in accordance with section 22-34(a) above. All other rehired members shall make mandatory member contributions in accordance with section 22-34(b) above.

Sec. 22-34(d). Employer pick-up/member contributions. All member contributions to the system are mandatory and are picked up by the city in accordance with Code Section 414(h). As a result of the city's pick-up arrangement, the member contributions are contributed to the system on a pre-tax basis and shall not be included in the member's gross income until the member requests a refund of contributions or receives retirement benefit payments. All member contributions are deposited into the individual accumulated contributions account maintained by the system administrator on behalf of each contributing member.

Sec. 22-34(e). Qualified military service. A member who leaves employment for qualified military service and is timely reinstated by the city and meets all other applicable requirements for benefits following qualified military service including, without limitation, the requirements set forth in the city's Administrative Directive 2.01-7G regarding military leave, as amended, shall be permitted (but not required) to make up missed member contributions to the system. Any reinstated member who wishes to make up missed member contributions shall contribute all or a portion of the member contributions that would have been made by the member but for the qualified military service, calculated at the compensation rate in effect for the member immediately preceding the commencement of the qualified military service and the member contribution rate in effect during the qualified

military service, and without interest or any other adjustment. The missed member contributions shall be contributed to the system during a period that begins on the date of reinstatement and ends on the earliest of (1) the date that is five (5) years from the date of reinstatement; (2) the date that marks the end of a period which is three (3) times the length of the member's most recent period of qualified military service; or (3) the member's termination date. Any and all member contributions made up pursuant to this section shall be treated as regular member contributions made in accordance with section 22-34(d). Following the contribution of missed member contributions to the system, the system administrator shall take all steps necessary to increase the member's accrued benefit to include the portion of the member's qualified military service covered by the missed member contributions. Notwithstanding the foregoing, to the extent the member is paid his full city salary during military leave in accordance with Section IV of the city's Administrative Directive 2.01-7G, as amended (Paid Military Leave Not to Exceed 30 Calendar Days in any Two (2) Consecutive Federal Fiscal Years), member contributions shall be deducted from the member's military leave pay on the same basis as member contributions would be made by the member under section 22-34 if the member was actively employed.

Sec. 22-34(f). Accrued vacation cash out. All hours of accumulated vacation earned by a tier I member and cashed out by the city as of the earlier of the member's termination date or election to enter the end of service program shall be included in a member's compensation for member contribution purposes, provided that member contributions are made in accordance with this section. The member contributions applicable to accumulated vacation shall be calculated using the tier I member's compensation and member contribution rate as in effect immediately preceding the tier I member's termination date. The calculation and collection of member contributions under this section shall trigger the city's obligation to make corresponding employer contributions under section 22-35(a) for the accumulated vacation hours.

Sec. 22-34(g). Non-forfeiture and refund of contributions. It is the right of each member to request a refund of the member's accumulated contributions, plus interest, upon separation from city service and the right of each beneficiary to be paid the member's accumulated contributions, plus interest, upon the member's death before retirement or unused

contributions, plus interest, upon the member's death after retirement, whichever is applicable. All refunds, and the related forfeiture of credited service, shall be administered in accordance with section 22-41.

Sec. 22-34(h). Employment status changes. Effective July 1, 2011 and notwithstanding any provision of the Code to the contrary, the mandatory member contribution rate for an employee who first becomes a member in the system after the employee's date of hire or rehire with the city will be determined pursuant to this section. If an employee is hired or rehired by the city in an employment position that does not qualify for membership in the system and later becomes a member, the applicable member contribution rate shall be determined as of the date on which the employee first satisfies the requirements for membership under section 22-33, as opposed to the employee's date of hire or rehire. The member contribution rate for a reemployed member shall be determined in accordance with section 22-34(c). (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10915, § 3, 6-21-11, eff. 7-1-11; Ord. No. 11062, § 3, 3-27-13, eff. 7-1-13; Ord. No. 11243, § 1, 2-18-15, eff. 7-1-15; Ord. No. 11327, §§ 4, 5, 12-8-15, eff. 1-1-16; Ord. No. 11349, § 1, 4-5-16, eff. 7-1-16; Ord. No. 11430, § 1, 1-24-17, eff. 7-1-17; Ord. No. 11529, 2-21-18, eff. 7-1-18)

Sec. 22-35. City contributions.

Sec. 22-35(a). Contribution by the city. At the end of each payroll period, the finance director shall cause the city to contribute to the trust fund an amount equal to the employer contribution for the particular payroll period, plus any and all member contributions picked up by the city in accordance with section 22-34(d) and section 22-36(g)(2).

Sec. 22-35(b). Certification of rates and charges. The board shall certify to the city manager, on a fiscal year basis, the annual required contribution, the member contribution rate and the employer contribution for the system.

Sec. 22-35(c). City's funding requirement for system. The city council shall appropriate no less than one hundred (100) percent of the employer contribution for a particular fiscal year.

Sec. 22-35(d). Determination and deposit of employer contributions. The finance director at the end of each pay period shall apply the appropriate employer

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)

Sec. 22-97. Living Donor Leave.

(a) An employee is entitled to a paid leave of absence for the time specified for the following purposes:

- (1) Up to five (5) work days to serve as a bone marrow donor for a bone marrow transplant if the employee provides the employee's appointing authority with written verification that the employee is to serve as a bone marrow donor. This leave may include time spent on a screening process to determine whether the employee is a compatible donor, not to exceed one (1) day in any calendar year, if the employee provides written verification that the employee is participating in that process.
- (2) Up to thirty (30) work days to serve as an organ donor for a human organ transplant if the employee provides the employee's appointing authority with written verification that the employee is to serve as an organ donor. This leave may include time spent on a screening process to determine whether the employee is a compatible donor, not to exceed five (5) days in any calendar year, if the employee provides written verification that the employee is participating in that process.

(b) An employee who is granted a leave of absence pursuant to this section is entitled to receive base pay without interruption during the leave of absence. For the purposes of determining seniority, pay or pay advancement, credited service and/or for the calculation and receipt of any benefit that may otherwise be affected by a leave of absence, the service of the employee is considered uninterrupted by the leave of absence.

(c) The employer shall not penalize an employee for requesting or obtaining a leave of absence pursuant to this section.

- (d) For the purposes of this section:
- (1) "Bone marrow" means the soft material that fills human bone cavities.
 - (2) "Bone marrow transplant" means the medical procedure by which transfer of bone marrow

is made from the body of a person to the body of another person.

- (3) "Employee" means a probationary or permanent full-time or part-time employee.
- (4) "Human organ transplant" means the medical procedure by which transfer of an organ or part of an organ is made from the body of a person to the body of another person.
- (5) "Organ" means human organs or parts of an organ that are capable of being transferred from the body of a person to the body of another person.

(e) The director of human resources may prescribe rules and regulations for the administration of this section.

(Ord. No. 11534, § 1, 3-20-18)

Secs. 22-98 – 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)

Chapter 23A

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***Editor's note** – Ordinance No. 9967, § 7, adopted May 17, 2004, effective July 1, 2004, amended the title of said chapter to read as set out. Formerly said title pertained to Development Compliance Reviews.

Section 3 of Ordinance No. 11025, adopted October 9, 2012, provides: “Article 1, General Provisions, and Article II, Review Procedures, of Chapter 23A are hereby repealed effective January 1, 2016 except that the same is continued in full force and effect as necessary for the interpretation or application of other ordinances, resolutions, agreements or other legal documents or as necessary to the final determination and disposition of, or the prosecution or litigation of any claim or complaint that has been made or may be made in the future alleging a violation of any prior provision of Article I or Article II, Chapter 23A based upon acts occurring prior to the repeal of any such provision.”

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- Sec. 23A-82. Development impact fee credits and credit agreements.
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ARTICLE III. DEVELOPMENT IMPACT FEE REGULATIONS*

DIVISION 1. APPLICABILITY AND INTENT

Sec. 23A-71. Title.

This article shall be known and may be cited as Tucson's "Development Impact Fee Regulations," and is referred to herein as "this article."
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A- 72. Legislative intent and purpose.

A. This article is adopted for the purpose of promoting the health, safety, and general welfare of the residents of the city by:

1. Requiring new development to pay its proportionate share of the costs incurred by the city that are associated with providing necessary public services to new development.

2. Setting forth standards and procedures for creating and assessing development impact fees consistent with the requirements of A.R.S. § 9-463.05.

3. Setting forth procedures for administering the development impact fee program, including mandatory offsets, credits, and refunds of development impact fees. All development impact fee assessments, offsets, credits, or refunds shall be administered in accordance with the provisions of this article.

B. This article shall not affect the city's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the city may require amendments to development impact fees as provided in section 23A-77.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-73. Definitions.

When used in this article, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural. The definitions used in this article shall supersede any definition for the same or similar term defined in Chapter 23A, Article IV.

1. *Age restricted multi-family residential land use subcategory*: Development where more than a single residential unit occurs on a single lot in a community that restricts residents to fifty-five (55) years or older with no one in the household under age eighteen (18). See ITE land use category 252.

2. *Age restricted single residential land use subcategory*: Detached and attached residential structures characteristic of a primary residence, even if the residence is subsequently rented, in a community that restricts residents to fifty-five (55) years or older with no one in the household under age 18. See ITE land use category 251.

3. *Applicant*: A person who applies to the city for a building permit.

4. *Appurtenance*: Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a capital facility that are necessary or convenient to the operation, use, or maintenance of a capital facility, but excluding replacement of the same after initial installation.

5. *Aquatic center*: A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets, and diving events. The facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating, and shade structures.

6. *Building permit*: Any permit issued by the city that authorizes vertical construction, increases square footage, or authorizes changes to land use.

* **Editor's note**—Ord. No. 10053, § 5, added a new Art. III, which was repealed and replaced by Ord. No. 11203, eff. 12-23-14.

7. *Capital facility*: An asset having a useful life of three or more years that is a component of one or more categories of necessary public service provided by the city. A capital facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. "Infrastructure" shall have the same meaning as "capital facilities."

8. *Category of necessary public service*: A category of necessary public services for which the city is authorized to assess development impact fees, as identified in the infrastructure improvements plans.

9. *Category of development*: A specific land use category against which a development impact fee is calculated and assessed. The city assesses development impact fees against residential, commercial, retail, high traffic retail, industrial, general office, medical facilities, institutional, and recreational land use categories, each of which is defined in this list of definitions.

10. *City*: The City of Tucson, Arizona.

11. *Commercial land use category*: Includes all non-residential uses including, but not limited to, land use classes that permit facilities for the buying or selling of commodities or services, such as consulting, technical, transportation, and repair services, and similar land uses as determined by the development impact fee administrator.

12. *Congregate care land use subcategory*: Group housing with a central eating facility, smaller rooms, and care for its tenants. This includes nursing homes, group homes, prisons, and similar uses as determined by the development impact fee administrator. See ITE land use categories 253, 254, 255, 571, and 620.

13. *Credit*: A reduction in an assessed development impact fee resulting from developer contributions to, payments for, construction of, or dedications for capital facilities included in an infrastructure improvements plan pursuant to section 23A-82 (or as otherwise permitted by this article).

14. *Credit agreement*: A written agreement between the city and a developer or landowner that allocates credits to the development pursuant to section 23A-82. A credit agreement may be included as part of a development agreement pursuant to section 23A-83.

15. *Credit allocation*: A term used to describe when credits are distributed to a particular development or parcel of land after execution of a credit agreement, but are not yet issued.

16. *Credit issuance*: A term used to describe when the amount of an assessed development impact fee attributable to a particular development or parcel of land is reduced by applying a credit allocation.

17. *Developer*: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity and their respective successors and assigns.

18. *Development agreement*: An agreement prepared in accordance with the requirements of section 23A-83, A.R.S. § 9-500.05, and any applicable requirements of the City Code.

19. *Development impact fee administrator*: The person designated by the city manager and authorized to make determinations regarding the application, administration, and enforcement of the responsibilities and duties under this article.

20. *Direct benefit*: A benefit to a SU resulting from a capital facility that:

(a) addresses the need for a necessary public service created in whole or in part by the SU; and that,

(b) meets either of the following criteria:

(i) the capital facility is located in the immediate area of the SU and is needed in the immediate area of the SU to maintain the level of service; or,

(ii) the capital facility substitutes for, or eliminates the need for a capital facility that would otherwise have been needed in the immediate area of the SU to maintain the city's level of service.

21. *Dwelling unit*: A house, apartment, mobile home or trailer, group of rooms, or single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

22. *Equipment*: Machinery, tools, materials, and other supplies, not including vehicles, that a capital facility needs to provide the level of service specified by the infrastructure improvements plan, but excluding replacement of the same after initial development of the capital facility.

23. *Excluded library facility*: Library facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including that portion of any library facility that exceeds ten thousand (10,000) square feet, and equipment, vehicles or appurtenances associated with library operations.

24. *Excluded park facility*: Park and recreational facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand (3,000) square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

25. *Fee report*: A written report developed pursuant to section 23A-79 that identifies the methodology for calculating the amount of each development impact fee, explains the relationship between the development impact fee to be assessed and the plan-based cost per SU calculated in the infrastructure improvements plan, and which meets other requirements set forth in A.R.S. § 9-463.05.

26. *Final approval*: For a nonresidential or multifamily development, the date of the approval of a site plan or, if no site plan is submitted for the development, the date of the approval of a final subdivision plat; for a single family residential development, the date that the first building permit is issued pursuant to an approved site plan or subdivision plat.

27. *Financing or debt*: Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a capital facility.

28. *Fire protection*: A category of necessary public services that includes fire stations, fire equipment, fire vehicles and all appurtenances for fire stations. Fire protection does not include vehicles or equipment used to provide administrative services, or helicopters or airplanes. Fire protection does not include any facility that is used for training firefighters from more than one station or substation.

29. *General office land use category*: Office uses, office parks, corporate headquarters, governmental offices, business parks, research and development parks, and similar uses as determined by the development impact fee administrator. Doctor, dentist, and veterinary offices fall under this category instead of medical facilities. See ITE land use categories 700-799.

30. *General plan*: The most recently adopted Tucson General Plan.

31. *Gross impact fee*: The total development impact fee to be assessed against a subject development on a per unit basis, prior to subtraction of any credits.

32. *High traffic retail land use category*: Fast food restaurants, service stations, convenience stores, high-turnover restaurants, and similar uses as determined by the development impact fee administrator. See ITE land use categories 900-999.

33. *Hotel/motel land use subcategory*: Temporary lodging facilities such as hotels, motels, time shares/fractional shares, recreational vehicle parks, and similar uses as determined by the development impact fee administrator. See ITE land use categories 310 and 320.

34. *Industrial land use category*: Light and heavy industry, industrial parks, manufacturing, warehousing, utilities, and similar uses as determined by the development impact fee administrator. See ITE land use categories 100-199.

35. *Infrastructure improvements plan*: A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05, including those adopted pursuant to section 23A-79 to cover any category or combination of categories of necessary public services.

36. *Institutional land use category*: Churches, schools, colleges, universities, cemeteries, libraries, fraternal lodges, day care centers, and similar uses as determined by the development impact fee administrator. See ITE land use categories 500-599.

37. *Interim fee schedule*: The Tucson development impact fee schedule as established prior to January 1, 2012, in accordance with then-applicable law and which shall expire not later than August 1, 2014.

38. *ITE land use categories*: Land use categories found in the Institute of Transportation Engineers' *Trip Generation Manual* (9th Edition, 2012).

39. *Land use assumptions*: Projections of changes in land uses, densities, intensities and population for a service area over a period of at least ten (10) years as specified in section 23A-77.

40. *Level of service*: A quantitative and/or qualitative measure of a necessary public service that is to be provided by the city to development in a particular service area, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of service may be measured differently for different categories of necessary public services, as identified in the applicable infrastructure improvements plan.

41. *Medical facilities land use category*: Hospitals, urgent care facilities, clinics, veterinary hospitals and clinics, and similar uses as determined by the development impact fee administrator. See ITE land use categories 600-699.

42. *Multifamily residential land use subcategory*: Predominantly rental multi-unit development such as apartments, student housing, mobile home parks, and similar uses as determined by the development impact fee administrator. See also ITE land use category 220.

43. *Necessary public services*: Has the meaning prescribed in A.R.S. § 9-463.05(T)(7).

44. *Offset*: An amount which is subtracted from the overall costs of providing necessary public services to account for those capital components of infrastructure or associated debt that have been or will be paid for by a development through taxes, fees (except for development impact fees), and other revenue sources, as determined by the city pursuant to section 23A-78.

45. *Parks and recreational facilities*: A category of necessary public services including but not limited to parks, swimming pools, and related facilities and equipment located on real property not larger than thirty (30) acres in area and park facilities larger than thirty (30) acres where such facilities provide a direct benefit. Parks and recreational facilities do not include excluded park facilities although parks and recreational facilities may contain, provide access to, or otherwise support an excluded park facility.

46. *Plan-based cost per SU*: The total future capital costs listed in the infrastructure improvements plan for a category of necessary public services divided by the total new equivalent demand units projected in a particular service area for that category of necessary public services over the same time period.

47. *Pledged*: Where used with reference to a development impact fee, a development impact fee shall be considered "pledged" where it was identified by the city as a source of payment or repayment for financing or debt that was identified as the source of financing for a necessary public service for which a development impact fee was assessed pursuant to the then applicable provisions of A.R.S. § 9-463.05.

48. *Police facilities*: A category of necessary public services, including vehicles and equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment, and communications systems. Police facilities do not include vehicles and equipment used to provide administrative services, or helicopters or airplanes. Police facilities do not include any facility that is used for training officers from more than one (1) station or substation.

49. *Public school*: An institution of learning offering free education for all children, including some or all of the grades from kindergarten through 12th grade. The site may contain athletic, dining, assembly and recreation facilities.

50. *Qualified professional*: A professional engineer, surveyor, financial analyst, or planner providing services within the scope of that person's license, education, or experience.

51. *Recreational land use category*: Parks, camp grounds, golf courses, bowling alleys, movie theaters, racetracks, skating rinks, tennis courts, health/fitness clubs, community recreational centers, and similar uses as determined by the development impact fee administrator. See ITE land use categories 400-499.

52. *Residential land use category*: Includes all uses in the single family residential, multifamily, hotel/motel, congregate care, age restricted single family residential, and age restricted multifamily residential land use subcategories.

53. *Retail land use category*: Land uses providing retail sales, discount sales, and similar uses as determined by the development impact fee administrator. See ITE land use categories 800-899.

54. *Service area*: Any specified area within the boundaries of the city within which:

(a) the city will provide a category of necessary public services to development at a planned level of service; and

(b) within which:

(i) a substantial nexus exists between the capital facilities to be provided and the development to be served, or

(ii) in the case of a park facility larger than thirty (30) acres, a direct benefit exists between the park facilities and the development to be served, each as prescribed in the infrastructure improvements plan.

Some or all of the capital facilities providing service to a service area may be physically located outside of that service area provided that the required substantial nexus or direct benefit is demonstrated to exist.

55. *Service unit (SU)*: A unit of development within a particular category of development, defined in terms of a standardized measure of the demand that a unit of development in that category of development generates for necessary public services in relation to the demand generated by a detached single-family dwelling unit. For all categories of necessary public services, the SU factor for a detached single-family dwelling unit is one (1), while the SU factor for a unit of development within another category of development is represented as a ratio of the demand for each category of necessary public services typically generated by that unit as compared to the demand for such services typically generated by a detached single-family dwelling unit.

56. *Single family residential land use subcategory*: Detached and attached residential structures characteristic of a primary residence, even if the residence is subsequently rented. Mobile homes and manufactured homes on individual parcels, and duplexes, triplexes, condominiums, and townhomes are assessed at the single family residential land use rate. See also ITE land use category 210.

57. *Street facilities*: A category of necessary public services including arterial or collector streets or roads that have been designated on an officially adopted plan of the city, traffic signals, and rights-of-way and improvements thereon, including but not limited to, sidewalks, bus pullouts, grade separations, intersection reconstruction, lane additions, roadway extensions, bridges, culverts, irrigation, tiling, storm drains, and regional transportation facilities.

58. *Student housing*: Includes rental housing exclusively for students engaged in post-secondary education consisting of four (4) or more residential stories and located within one-half (0.5) mile of an existing or adopted fixed rail public transit station.

59. *Subject development*: A land area linked by a unified plan of development, which must be contiguous unless the land area is part of a development agreement executed in accordance with section 23A-83.

60. *Substantial nexus*: A substantial nexus exists where the demand for necessary public services that will be generated by an SU can be reasonably quantified in terms of the burden it will impose on the available capacity of existing capital facilities, the need

it will create for new or expanded capital facilities, and/or the benefit to the development from those capital facilities.

61. *Swimming pool*: A public facility primarily designed and/or utilized for recreational non-competitive functions generally occurring within water, including, but not limited to, swimming classes, open public swimming sessions, and recreational league swimming/diving events. The facility may be indoors, outdoors, or any combination thereof and includes all necessary supporting amenities.

62. *Useful life*: The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the city over the entirety of such period.

63. *Vehicle*: Any device, structure, or conveyance utilized for transportation in the course of providing a particular category of necessary public services at a specified level of service, excluding helicopters and other aircraft.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-74. Applicability.

A. Except as otherwise provided in this article, this article shall apply to all new development within any service area, except for the development of any public school or city facility.

B. The provisions of this article shall apply to all of the territory within the corporate limits of the city.

C. The development impact fee administrator is authorized to make determinations regarding the application, administration, and enforcement of the provisions of this article.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

DIVISION 2. FEE CALCULATION

Sec. 23A-75. Authority for development impact fees.

A. *Fee report and implementation*. The city may assess and collect a development impact fee for costs of necessary public services, including all professional services required for the preparation or revision of an

infrastructure improvements plan, fee report, development impact fee, and required reports or audits conducted pursuant to this article. Development impact fees shall be subject to the following requirements:

1. The city shall develop and adopt a fee report that analyzes and defines the development impact fees to be charged in each service area for each capital facility category, based on the infrastructure improvements plan and the plan-based cost per SU.

2. Development impact fees shall be assessed against all new commercial, residential, and industrial developments, provided that the city may assess different amounts of development impact fees against specific categories of development based on the actual burdens and costs that are associated with providing necessary public services to that category of development. No development impact fee shall exceed the plan-based cost per SU for any category of development.

3. No development impact fees shall be charged, or credits issued, for any capital facility that does not fall within one of the categories of necessary public services for which development impact fees may be assessed.

4. Costs for necessary public services made necessary by new development shall be based on the same level of service provided to existing development in the same service area. Development impact fees may not be used to provide a higher level of service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing capital facilities that are serving existing development.

5. Development impact fees may not be used to pay the city's administrative, maintenance, or other operating costs.

6. Projected interest charges and financing costs can only be included in development impact fees to the extent they represent principal and/or interest on the portion of any financing or debt used to finance the construction or expansion of a capital facility identified in the infrastructure improvements plan.

7. Except for any fees included on interim fee schedules, all development impact fees charged by the city must be included in a "fee schedule" prepared pursuant to this article and included in the fee report.

8. All development impact fees shall meet the requirements of A.R.S. § 9-463.05.

B. *Costs per SU.* The fee report shall summarize the costs of capital facilities necessary to serve new development on a per SU basis as defined and calculated in the infrastructure improvements plan. The fee report shall also include all required offsets and shall recommend a development impact fee structure for adoption by the city. The actual impact fees to be assessed shall be disclosed and adopted in the form of impact fee schedules.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-76. Administration of development impact fees.

A. *Separate accounts.* Development impact fees collected pursuant to this article shall be placed in separate, interest-bearing accounts for each capital facility category within each service area.

B. *Limitations on use of fees.* Development impact fees and any interest on them collected pursuant to this article shall be spent to provide capital facilities associated with the same category of necessary public services in the same service area for which they were collected, including costs of financing or debt used by the city to finance those capital facilities and other costs authorized by this article that are included in the infrastructure improvements plan.

C. *Time limit.* Development impact fees collected after July 31, 2014 shall be used within ten (10) years of the date upon which they were collected for all categories of necessary public services.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-77. Land use assumptions.

A. *Consistency.* The infrastructure improvements plan shall be consistent with the city's current land use assumptions for each service area and each category of necessary public services as adopted by the city pursuant to A.R.S. § 9-463.05.

B. *Reviewing the land use assumptions.* Prior to the adoption or amendment of an infrastructure improvements plan, the city shall review and evaluate the land use assumptions on which the plan is to be based to ensure that the assumptions within each service area conform to the General Plan.

C. *Evaluating necessary changes.* If the land use assumptions upon which an infrastructure improvements plan is based have not been updated within the last five (5) years, the city shall evaluate the land use assumptions to determine whether changes are necessary. If, after general evaluation, the city determines that the land use assumptions are still valid, the city shall issue the report required in section 23A-80.

D. *Required modifications to land use assumptions.* If the city determines that changes to the land use assumptions are necessary in order to adopt or amend an infrastructure improvements plan, it shall make such changes as necessary to the land use assumptions prior to or in conjunction with the review and approval of the infrastructure improvements plan pursuant to section 23A-80.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-78. Infrastructure improvements plan.

A. *Infrastructure improvements plan contents.* The infrastructure improvements plan shall be developed by qualified professionals and may be based upon or incorporated within the city's capital improvements plan. The infrastructure improvements plan shall specify the categories of necessary public services for which the city will impose a development impact fee, and shall comply with all statutory requirements of A.R.S. § 9-463.05, including those in A.R.S. §§ 9-463.05(E)(1) through (7).

B. *Multiple plans.* An infrastructure improvements plan adopted pursuant to this section may address one (1) or more of the city's categories of necessary public services in any or all of the city's service areas. Each capital facility shall be subject to no more than one (1) infrastructure improvements plan at any given time.

C. *Reserved capacity.* The city may reserve capacity in an infrastructure improvements plan to serve one (1) or more planned future developments, including capacity reserved through a development agreement pursuant to section 23A-83. All reservations of existing capacity must be disclosed in the infrastructure improvements plan at the time it is adopted.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-79. Adoption and modification procedures.

A. *Adopting or amending the infrastructure improvements plan.* The infrastructure improvements plan shall be adopted or amended subject to the following procedures:

1. *Major amendments to the infrastructure improvements plan.* Except as provided in section 23A-79(A)(2), the adoption or amendment of an infrastructure improvement plan shall occur after one (1) or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the city's land use assumptions as provided in section 23A-77:

a. Sixty (60) days before the first public hearing regarding a new or updated infrastructure improvements plan, the city shall provide public notice of the hearing and post the infrastructure improvements plan and the underlying land use assumptions on its website; the city shall additionally make available to the public the documents used to prepare the infrastructure improvements plan and underlying land use assumptions and the amount of any proposed changes to the plan-based cost per SU.

b. The city shall conduct a public hearing on the infrastructure improvements plan and underlying land use assumptions at least thirty (30) days, but no more than sixty (60) days, before approving or disapproving the infrastructure improvements plan.

2. *Minor amendments to the infrastructure improvements plan.* Notwithstanding the other requirements of this section, the city may update the infrastructure improvements plan and/or its underlying land use assumptions without a public hearing if all of the following apply:

a. The changes in the infrastructure improvements plan and/or the underlying land use assumptions will not add any new category of necessary public services to any service area.

b. The changes in the infrastructure improvements plan and/or the underlying land use assumptions will not increase the level of service to be provided in any service area.

c. Based on an analysis of the fee report and the city's adopted development impact fee schedules, the changes in the infrastructure improvements plan and/or the underlying land use assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this subsection, have caused a development impact fee in any service area to have been increased by more than five percent (5%) above the development impact fee that is provided in the current development impact fee schedule.

d. At least thirty (30) days prior to the date that the amendment pursuant to this section is adopted, the city shall post the proposed amendments on the city website.

B. *Amendments to the fee report.* Any adoption or amendment of a fee report and fee schedule shall occur according to the following schedule:

1. The first public hearing on the fee report must be held at least thirty (30) days after the adoption or approval of an infrastructure improvements plan as provided in section 23A-79(A). The city must give at least thirty (30) days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the infrastructure improvements plan.

2. The city shall make the infrastructure improvements plan and underlying land use assumptions available to the public on the city's website thirty (30) days prior to the public hearing described in section 23A-79(B)(1).

3. The fee report may be adopted by the city no sooner than thirty (30) days, and no later than sixty (60) days, after the hearing described in subparagraph section 23A-79(B)(1).

4. The development fee schedules in the fee report adopted pursuant to this subsection shall become effective seventy-five (75) days after adoption of the fee report by the city.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-80. Timing for the renewal and updating of the infrastructure improvements plan and the land use assumptions.

A. *Renewing the infrastructure improvements plan.* Except as provided in section 23A-80(B), not later than every five (5) years the city shall update the applicable infrastructure improvements plan and fee report related to each category of necessary public services pursuant to section 23A-79. The initial five (5) year period begins on the day the infrastructure improvements plan is adopted. Subsequent five (5) year periods shall be calculated from the date of the adoption of the infrastructure improvements plan or the date of the adoption of the fee report, whichever occurs later.

B. *Determination of no changes.* Notwithstanding section 23A-80(A), if the city determines that no changes to an infrastructure improvements plan, underlying land use assumptions, or fee report are needed, the city may elect to continue the existing infrastructure improvements plan and fee report without amendment by providing notice as follows:

1. Notice of the determination shall be published at least one hundred eighty (180) days prior to the end of the five (5) year period described in section 23A-80(A).

2. The notice shall identify the infrastructure improvements plan and fee report that shall continue in force without amendment.

3. The notice shall provide a map and description of the service areas covered by the infrastructure improvements plan and fee report.

4. The notice shall identify an address to which any resident of the city may submit, within sixty (60) days, a written request that the city update the infrastructure improvements plan, underlying land use assumptions, and/or fee report and the reasons and basis for the request.

C. *Response to comments.* The city shall consider and respond within thirty (30) days to any timely requests submitted pursuant to section 23A-80(B)(4).

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-81. Collection of development impact fees.

A. *Collection.* Development impact fees, together with administrative charges assessed pursuant to section 23A-81(A)(4), shall be calculated and collected prior to and as a condition of the issuance of permission to commence development; specifically:

1. Unless otherwise specified pursuant to a development agreement adopted pursuant to section 23A-83, development impact fees shall be paid prior to and as a condition of the issuance of a building permit according to the current development impact fee schedule for the applicable service area(s) as adopted pursuant to this article, or according to any other development impact fee schedule as authorized in this article.

2. No building permit or certificate of occupancy shall be issued if a development impact fee is not paid as directed in the previous paragraphs.

3. If the building permit is for a change in the type of building use, an increase in square footage, or a change to land use, the development impact fee shall be assessed on the additional service units resulting from the expansion or change, and following the development impact fee schedule applicable to any new use type.

4. For issued permits that expire or are voided, development impact fees and administrative charges shall be as follows:

a. If the original permittee is seeking to renew an expired or voided permit, and the development impact fees paid for such development have not been refunded, the permittee shall pay the difference between any development impact fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit applicant shall pay the full development impact fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit applicant, the new permit applicant shall pay development impact fees as if it were the original permittee.

5. *Administrative charges.* The city shall initially assess a \$50 administrative charge to cover administrative expenses. The administrative charge may not be paid with development impact fee credits. The administrative charge shall be in addition to the amount of the development impact fee that is due and shall be paid at the same time as the fee. The administrative charge may be amended to reflect the actual administrative costs by the development impact fee administrator. Any amendment shall be adopted as a development standard with the approval of the mayor and council.

B. *Exceptions.* Development impact fees shall not be owed under any of the following conditions:

1. Development impact fees have been paid for the development and the permit that triggered the collection of the development impact fees has not expired or been voided.

2. The approval that triggers the collection of development impact fees involves modifications to existing residential or non-residential development that do not:

a. add new SUs,

b. increase the impact of existing SUs on existing or future capital facilities or,

c. change the land-use type of the existing development to a different category of development for which a higher development impact fee would have been due.

To the extent that any modification does not meet the requirements of this paragraph, the development impact fee due shall be the difference between the development impact fee that was or would have been due on the existing development and the development impact fee that is due on the development as modified.

3. A governmental entity controls and directs the development for a governmental purpose on property owned by a governmental entity.

C. *Temporary exemptions from development impact fee schedules.* New developments in the city shall be temporarily exempt from increases in development impact fees that result from the adoption

of new or modified development impact fee schedules as follows:

1. *Residential uses (other than multifamily).* On or after the day that the first building permit is issued for a residential development (other than multifamily), the city shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule, as established by the prior adoption of the fee schedule by the mayor and council, that shall be in force for a period of twenty-four (24) months beginning on the day that the first building permit is issued, and which shall expire at the end of the first business day of the 25th month after the first building permit is issued. During the effective period of the applicable development impact fee schedule, any building permit issued for the same residential development shall not be subject to any new or modified development impact fee schedule.

2. *All other uses.* On or after the city's approval of a site plan or final subdivision plat for a retail, commercial, high traffic retail, industrial, general office, medical facilities, institutional, recreational, or multifamily development, the city shall provide an applicable development impact fee schedule, as established by the prior adoption of the fee schedule by the mayor and council, that shall be in force for a period of twenty-four (24) months beginning on the day the site plan or final subdivision plat was approved, and which shall expire at the end of the first business day of the 25th month after the site plan or final subdivision plat was approved. During the effective period of the applicable development impact fee schedule, any building permit issued for the same development shall not be subject to any new or modified development impact fee schedule.

3. *Changes to development plans and final subdivision plats.* During the twenty-four (24) month period referred to in section 23A-81(C)(1) or (2), if changes are made to a development's site plan or final subdivision plat that will increase the number of service units, the city may assess any new or modified development impact fees against the additional service units. If the city reduces the amount of an applicable development impact fee during the twenty-four (24) month period referred to in section 23A-81(C)(1) or (2), the city shall assess the lower development impact fee.

D. *Option to pursue special fee determination.*

Where a development is of a type that does not closely fit within a particular category of development appearing on an adopted development impact fee schedule, or where a development has unique characteristics such that the actual burdens and costs associated with providing necessary public services to that development will differ substantially from that associated with other developments in a specified category of development, the city may require the applicant to provide the development impact fee administrator with an alternative development impact fee analysis. Based on a projection of the actual burdens and costs that will be associated with the development, the alternative development impact fee analysis may propose a unique fee for the development based on the application of an appropriate SU factor to the applicable plan-based cost per SU, or may propose that the development be covered under the development impact fee schedule governing a different and more analogous category of development. The development impact fee administrator shall review the alternative impact fee analysis and shall make a determination as to the development impact fee to be charged. The decision shall be appealable pursuant to section 23A-84. The development impact fee administrator may require the applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

E. *Waivers.* Development impact fees shall not be waived except in accordance with the provisions set forth in section 23A-81(E)(1) and (2) below. When development impact fees are waived, the city shall transmit non-development impact fee funds to cover the waivers into the appropriate development impact fee account.

1. *Affordable housing:* Development impact fees will be waived for non-profit affordable housing providers whose residential development is certified by the director of the housing and community development department to be affordable to households that earn under one hundred (100) percent of the area median income and that further the goals of the city's affordable housing strategies. The city will transmit funds to cover only that portion of the development impact fee that was waived under this section.

2. *Development agreements:* Through a development agreement between the city and the

developer of a property, partial or full development impact fee waivers may be granted for projects that provide a public benefit to the city and result in a net financial benefit to the city. Development agreements entered into under this section shall comply with the requirements of section 23A-83.

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-82. Development impact fee credits and credit agreements.

A. *Eligibility of capital facility.* All development impact fee credits must meet the following requirements:

1. One of the following is true:

a. The capital facility, or the financial contribution toward a capital facility that will be provided by the developer and for which a credit will be issued, must be identified in an adopted infrastructure improvements plan and fee report as a capital facility for which a development impact fee was assessed; or

b. The applicant must demonstrate to the satisfaction of the city that, given the class and type of improvement, the subject capital facility should have been included in the infrastructure improvements plan in lieu of a different capital facility that was included in the infrastructure improvements plan and for which a development impact fee was assessed. If the subject capital facility is determined to be eligible for a credit in this manner, the city shall amend the infrastructure improvements plan to:

i. include the subject replacement facility, and

ii. delete the capital facility that will be replaced.

2. Credits shall not be available for any infrastructure provided by a developer if the cost of the infrastructure will be repaid to the developer by the city through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the city for any contribution, payment, construction, or dedication from any city funding source including an agreement to reimburse the developer with future collected development impact fees pursuant to section 23A-83, any credits claimed by the developer shall be:

a. deducted from any amounts to be paid or reimbursed by the city, or

b. reduced by the amount of the payment or reimbursement.

B. *Eligibility of subject development.* To be eligible for a credit, the subject development must be located within the service area of the eligible capital facility.

C. *Calculation of credits.* Credits will be based on that portion of the costs for an eligible capital facility identified in the adopted infrastructure improvements plan for which a development fee was assessed pursuant to the fee report. If the gross impact fee for a particular category of necessary public service is adopted at an amount lower than the plan-based cost per SU, the amount of any credit shall be reduced in proportion to the difference between the plan-based cost per SU and the gross impact fee adopted. A credit shall not exceed the actual costs the applicant incurred in providing the eligible capital facility.

D. *Allocation of credits.* Before credits can be issued to a subject development (or portion of it), credits must be allocated to that development as follows:

1. The developer and the city must execute a credit agreement including all of the following:

a. The total amount of the credits resulting from provision of an eligible capital facility.

b. The estimated number of SUs to be served within the subject development.

c. The method by which the credit values will be distributed within the subject development.

2. It is the responsibility of the developer to request allocation of development impact fee credits through an application for a credit agreement (which may be part of a development agreement entered into pursuant to section 23A-83).

3. If a building permit is issued, and a development impact fee is paid prior to execution of a credit agreement for the subject development, no credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining

permits for the subject development in accordance with this article.

4. If the entity that provides an eligible capital facility sells or relinquishes a development (or portion of it) that it owns or controls prior to execution of a credit agreement or development agreement, credits resulting from the eligible capital facility will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the subject development.

5. If multiple entities jointly provide an eligible capital facility, both entities must enter into a single credit agreement with the city, and any request for the allocation of credit within the subject development must be made jointly by the entities that provided the eligible capital facility.

6. Credits may only be reallocated from or within a subject development with the city's approval of an amendment to an executed credit agreement, subject to the following conditions:

a. The entity that executed the original agreement with the city, or its legal successor in interest and the entity that currently controls the subject development are parties to the request for reallocation.

b. The reallocation proposal does not change the value of any credits already issued for the subject development.

7. A credit agreement may authorize the allocation of credits to a non-contiguous parcel only if all of the following conditions are met:

a. The entity that executed the original agreement with the city or its legal successor in interest, the entity that currently controls the subject development, and the entity that controls the non-contiguous parcel are parties to the request for reallocation.

b. The reallocation proposal does not change the value of any credits already issued for the subject development.

c. The non-contiguous parcel is in the same service area as that served by the eligible capital facility.

d. The non-contiguous parcel receives a necessary public service from the eligible capital facility.

e. The credit agreement specifically states the value of the credits to be allocated to each parcel and/or SU, or establishes a mechanism for future determination of the value of the credits.

f. The credit agreement does not involve the transfer of credits to or from any property subject to a development agreement.

8. *Public funding credits.* Credits for public funding sources shall be provided as follows:

Where all or a portion of the construction of a development is directly funded with appropriated public funds duly authorized by a local, state or federal government, a public funding credit shall be deducted from the development impact fee calculated in the fee schedules contained in section 23A-90, or in the calculation of the fee pursuant to section 23A-81(D), prior to the assessment and payment of the fee. The public funding credit shall be a percentage of the development impact fee and shall apply equally to all development impact fees. The percentage shall be determined based upon the amount of public monies as a percentage of the total cost of the construction of the development project utilizing public funding. The public funding credit shall not apply to guaranteed loans, tax credits or other indirect government financing.

E. *Credit agreement.* Credits shall only be issued pursuant to a credit agreement that conforms to the requirements set forth in section 23A-82(D). The development impact fee administrator is authorized by this article to enter into a credit agreement with the controlling entity of a subject development, subject to the following:

1. The developer requesting the credit agreement shall provide all information requested by the city to allow it to determine the value of the credit to be applied.

2. An application for a credit agreement shall be submitted to the city by the developer within one (1) year of the date on which ownership or control of the capital facility passes to the city.

3. The developer shall submit a draft credit agreement to the development impact fee administrator for review in the form provided to the applicant by the city. The draft credit agreement shall include, at a minimum, all of the following information and supporting documentation:

a. A legal description and map depicting the location of the subject development for which the credits are being applied. The map shall depict the location of the capital facilities that have been or will be provided.

b. An estimate of the total SUs that will be developed within the subject development depicted on the map and described in the legal description.

c. A list of the capital facilities associated physical attributes, and the related costs as stated in the infrastructure improvements plan.

d. Documentation showing the date of acceptance by the city, if the capital facilities have already been provided.

e. The total amount of the credits to be applied within the subject development and the calculations leading to the total amount of the credits.

f. The credits to be applied to each SU within the subject development for each category of necessary public services.

4. The credit agreement shall be approved by the development impact fee administrator prior to its execution. The city's determination of the credits to be allocated is final.

5. Upon execution of the credit agreement by the city and the applicant, credits shall be deemed allocated to the subject development.

6. Any amendment to a previously approved credit agreement must be initiated within two (2) years of the city's final acceptance of the eligible capital facility for which the amendment is requested.

7. Any credit agreement approved as part of a development agreement shall be amended in accordance with the terms of the development agreement and section 23A-83.

F. *Issuance of credits.* Credits allocated pursuant to section 23A-82(D) may be issued and applied toward the gross impact fees due from a development, subject to the following conditions:

1. Credits issued for an eligible capital facility may only be applied to the development impact fee due for the applicable category of necessary public services, and may not be applied to any fee due for another category of necessary public services.

2. Credits shall only be issued when the eligible capital facility from which the credits were derived has been accepted by the city or when adequate security for the completion of the eligible capital facility has been provided in accordance with all terms of an executed development agreement.

3. Where credits have been issued pursuant to section 23A-82(F)(2), an impact fee due at the time a building permit is issued shall be reduced by the credits stated in or calculated from the executed credit agreement. Where credits have not yet been issued, the gross impact fee shall be paid in full, and a refund of the credits shall be due when the developer demonstrates compliance with section 23A-82(F)(2) in a written request to the city.

4. Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that credits may be released for reuse on the same subject development if a building permit for which the credits were issued has expired or been voided and is otherwise eligible for a refund under section 23A-85(A)(2)(a).

5. Notwithstanding the other provisions of this section, credits issued prior to January 1, 2012, may only be used for the subject development for which they were issued. The credits may be transferred to a new owner of all or part of the subject development in proportion to the percentage of ownership in the subject development to be held by the new owner. (Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-83. Development agreements.

A. *General.* Development agreements containing provisions regarding development impact fees, development impact fee credits, and/or disbursement of revenues from development impact fee accounts shall comply with the requirements of this section.

B. *Development agreement required.* A development agreement is required to authorize any of the following:

1. To issue credits prior to the city's acceptance of an eligible capital facility.

2. To allocate credits to a parcel that is not contiguous with the subject development and that does not meet the requirements of section 23A-82(D)(7).

3. To reimburse the developer of an eligible capital facility using funds from development impact fee accounts.

4. To allocate different credit amounts per SU to different parcels within a subject development.

5. For a single family residential dwelling unit, to allow development impact fees to be paid at a later time than the issuance of a building permit as provided in section 23A-83(H).

C. *General requirements.* All development agreements shall be prepared and executed in accordance with A.R.S. § 9-500.05 and any applicable requirements of the City Code. Except where specifically modified by this section, all provisions of section 23A-82 shall apply to any credit agreement that is authorized as part of a development agreement.

D. *Early issuance of credits.* A development agreement may authorize the issuance of credits prior to acceptance of an eligible capital facility by the city when the development agreement specifically states the form and value of the security (i.e. bond, letter of credit, etc.) to be provided to the city prior to issuance of any credits. The city shall determine the acceptable form and value of the security to be provided.

E. *Non-contiguous allocation of credits.* A development agreement may authorize the allocation of credits to a non-contiguous parcel only if all of the following conditions are met:

1. The non-contiguous parcel is in the same service area as that served by the eligible capital facility.

2. The non-contiguous parcel receives a necessary public service from the eligible capital facility.

3. The development agreement specifically states the value of the credits to be allocated to each parcel and/or SU, or establishes a mechanism for future determination of the credits.

F. *Uneven allocation of credits.* The development agreement must specify how credits will be allocated amongst different parcels on a per-SU basis, if the credits are not to be allocated evenly. If the development agreement is silent on this topic, all credits will be allocated evenly amongst all parcels on a per-SU basis.

G. *Use of reimbursements.* Funds reimbursed to developers from impact fee accounts for construction of an eligible capital facility must be utilized in accordance with applicable law for the use of city funds in construction or acquisition of capital facilities, including A.R.S. § 34-201, et seq.

H. *Deferral of fees.* A development agreement may provide for the deferral of payment of development impact fees for a residential development beyond the issuance of a building permit; provided that a development impact fee may not be paid later than fifteen (15) days after the issuance of the certificate of occupancy for that dwelling unit. The development agreement shall provide for the value of any deferred development impact fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.

I. *Waiver of fees.* If the city agrees to waive any development impact fees assessed on development in a development agreement, the city shall reimburse the appropriate development impact fee account for the amount that was waived.

J. *No obligation.* Nothing in this section obligates the city to enter into any development agreement or to authorize any type of credit agreement permitted by this section.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-84. Appeals.

A. *Mayor and council appeal.* A development impact fee or credit determination by the development impact fee administrator may be appealed in accordance with the mayor and council appeal procedure set forth in the Unified Development Code

(UDC), Chapter 23B, Section 3.9.2, and in conformance with the procedures set forth in this section.

B. *Limited scope.* An appeal shall be limited to disputes regarding the calculation of the development impact fees or credits for a specific development and/or permit and calculation of SU's for the development.

C. *Form of appeal.* Appeals shall be filed in writing with the city clerk's office with a copy to the development impact fee administrator, within fourteen (14) days of a decision and no later than fourteen (14) days after the determination of the final development impact fee to be charged or credit to be issued for a project.

D. *Final decision.* The mayor and council's decision regarding the appeal is final.

E. *Fees during pendency.* Notwithstanding UDC, Chapter 23B, Section 3.9.2.B, building permits may be issued during the pendency of an appeal if the applicant pays the full development impact fee at the time the appeal is filed.

Upon final disposition of an appeal, the development impact fee shall be adjusted in accordance with the decision rendered and a refund shall be made, if applicable.

F. *Takings appeal.* Any assertion that the assessment of the development impact fee on an individual development constitutes an unconstitutional taking may be appealed in accordance with the takings appeal procedure pursuant to UDC, Chapter 23B, Section 3.9.3. Building permits may be issued during the pendency of a takings appeal as set forth under section 23A-84(E) above.

G. *Interpretations.* Any dispute or challenge to the interpretation of this article shall be determined by the development impact fee administrator.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-85. Refunds of development impact fees.

A. *Refunds.* A refund (or partial refund) will be paid to any current owner of property within the city who submits a written request to the development impact fee administrator and demonstrates that:

1. The permit that triggered the collection of the development impact fee has expired or been voided prior to the commencement of the development for which the permit was issued and the development impact fees collected have not been expended, encumbered, or pledged for the repayment of financing or debt; or

2. The owner of the subject real property or its predecessor in interest paid a development impact fee for the applicable capital facility on or after August 1, 2014, and one of the following conditions exists:

a. The capital facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that capital facility has not been provided to the subject real property from that capital facility or from any other infrastructure.

b. After collecting the fee to construct a capital facility the city fails to complete construction of the capital facility within the time period identified in the infrastructure improvements plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that capital facility or any other infrastructure.

c. For a category of necessary public services, any part of a development impact fee is not spent within ten (10) years of the city's receipt of the development impact fee.

d. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific capital facility serving the subject real property and the actual construction costs for the capital facility are less than the construction costs projected in the infrastructure improvements plan by a factor of ten percent (10%) or more. In such event, the current owner of the subject real property shall, upon request as set forth in this section, be entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the actual construction cost had been included in the fee report. The refund contemplated by this subsection shall relate only to the costs specific to the construction of the applicable capital facility and shall not include any related design, administrative, or other costs not

directly incurred for construction of the capital facility that are included in the development impact fee as permitted by A.R.S. § 9-463.05.

B. *Earned interest.* A refund of a development impact fee shall include any interest actually earned on the refunded portion of the development impact fee by the city from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.

C. *Refund to government.* If a development impact fee was paid by a governmental entity, any refund shall be paid to that governmental entity. (Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-86. Oversight of development impact fee program.

A. *Annual report.* Within ninety (90) days of the end of each fiscal year, the city shall file with the city clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. § 9-463.05 (N) and (O).

B. *Biennial audit.* In addition to the annual report described in section 23A-86(A), the city shall provide for a biennial, certified audit of the city's land use assumptions, infrastructure improvements plan and development impact fees.

1. An audit pursuant to this subsection shall be conducted by one (1) or more qualified professionals who are not employees or officials of the city and who did not prepare the infrastructure improvements plan.

2. The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on capital facilities.

3. The audit shall describe the level of service in each service area, and evaluate any inequities in implementing the infrastructure improvements plan or imposing the development impact fee.

4. The city shall post the findings of the audit on the city's website and shall conduct a public hearing on the audit within sixty (60) days of the release of the audit to the public.

5. For purposes of this section a certified audit shall mean any audit authenticated by one (1) or more of the qualified professionals conducting the audit pursuant to section 23A-86(B)(1).
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

DIVISION 3. GENERAL PROVISIONS

Sec. 23A-87. Miscellaneous provisions.

A. *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 improvements are of a type for which credits are available under section 23A-82 above.

B. *Record keeping.* The development impact fee administrator shall maintain accurate records of the development 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 shall be maintained for a minimum of ten (10) years from the date the development impact fee is paid or credits are issued, or for three (3) years after the completion of the development, whichever is later.

C. *Amendment of development impact fee assessments.* A development 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 credits. Any amounts overpaid by an applicant shall be refunded by the development 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 development impact fee administrator within thirty (30) days after the acceptance of the recalculated amount. In the case of an underpayment to the development 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 (30) day period, the city may also rescind any permits issued in reliance on the previous payment of such impact fee.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-88. 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. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-89. 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. 11203, § 1, 10-9-14, eff. 12-23-14)

DIVISION 4. DEVELOPMENT IMPACT FEE SCHEDULES AND EFFECTIVE DATES

Sec. 23A-90. Effective dates.

For the period from December 23, 2014 through and including June 30, 2016, development impact fees shall be assessed and paid at the "phase-in fee" rates represented in Table 1 of section 23A-91. Commencing July 1, 2016, development impact fees shall be fully assessed and paid thereafter at the "full adopted fee" rates represented in Table 2 of section 23A-91. 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-91.

Notwithstanding the provisions of this section, the collection and payment of development impact fees shall comply with all other provisions of this article.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-91. Fee schedule tables.

CITY OF TUCSON - Development Impact Fee Schedules

Note 1: For the residential land use categories (single-family residential, condo/townhomes, multi-family residential/apartments), fees shown are per residential unit. For the non-residential land use categories (retail, office, industrial), fees shown are per one thousand (1,000) square feet of building area.

Note 2: The tables do not include an administrative fee.

TABLE 1 - "PHASE-IN FEE" RATES*

*Assessed Beginning December 23, 2014 Through and Including June 30, 2016 Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

"PHASE-IN FEE" TABLES

RESIDENTIAL LAND USES*

*Fees are per residential unit

SINGLE-FAMILY RESIDENTIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,838	\$4,838	\$4,838	\$4,838	\$4,838
PARKS	\$1,935	\$1,935	\$1,826	\$1,935	\$218
POLICE	\$379	\$379	\$379	\$379	\$379
FIRE	\$303	\$303	\$303	\$303	\$303
TOTAL	\$7,455	\$7,455	\$7,346	\$7,455	\$5,738

CONDO/TOWNHOMES

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,978	\$3,978	\$3,978	\$3,978	\$3,978
PARKS	\$1,591	\$1,591	\$1,239	\$1,591	\$148
POLICE	\$257	\$257	\$257	\$257	\$257
FIRE	\$206	\$206	\$206	\$206	\$206
TOTAL	\$6,032	\$6,032	\$5,680	\$6,032	\$4,589

MULTI-FAMILY/APARTMENTS

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$2,580	\$2,580	\$2,580	\$2,580	\$2,580
PARKS	\$1,032	\$1,032	\$1,032	\$1,032	\$132
POLICE	\$230	\$230	\$230	\$230	\$230
FIRE	\$183	\$183	\$183	\$183	\$183
TOTAL	\$4,025	\$4,025	\$4,025	\$4,025	\$3,125

NON-RESIDENTIAL LAND USES**

** Fees are per 1000 square feet of building area

RETAIL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,282	\$4,282	\$4,282	\$4,282	\$4,282
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,798	\$4,811	\$4,783	\$4,796	\$4,763

OFFICE

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,797	\$3,797	\$3,797	\$3,797	\$3,797
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,313	\$4,326	\$4,298	\$4,311	\$4,278

INDUSTRIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$806	\$806	\$806	\$806	\$806
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$1,322	\$1,335	\$1,307	\$1,320	\$1,287

TABLE 2 - "FULL ADOPTED FEE" RATES*

*Assessed Commencing July 1, 2016 and Thereafter Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

"FULL ADOPTED FEE" TABLES

RESIDENTIAL LAND USES*

*Fees are per residential unit

SINGLE-FAMILY RESIDENTIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$5,691	\$5,691	\$5,691	\$5,691	\$5,691
PARKS	\$2,945	\$3,953	\$1,826	\$2,775	\$218
POLICE	\$379	\$379	\$379	\$379	\$379
FIRE	\$303	\$303	\$303	\$303	\$303
TOTAL	\$9,318	\$10,326	\$8,199	\$9,148	\$6,591

CONDOS/TOWNHOMES

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,059	\$4,059	\$4,059	\$4,059	\$4,059
PARKS	\$1,998	\$2,683	\$1,239	\$1,883	\$148
POLICE	\$257	\$257	\$257	\$257	\$257
FIRE	\$206	\$206	\$206	\$206	\$206
TOTAL	\$6,520	\$7,205	\$5,761	\$6,405	\$4,670

MULTI-FAMILY/APARTMENTS

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,457	\$3,457	\$3,457	\$3,457	\$3,457
PARKS	\$1,788	\$2,400	\$1,108	\$1,685	\$132
POLICE	\$230	\$230	\$230	\$230	\$230
FIRE	\$183	\$183	\$183	\$183	\$183
TOTAL	\$5,658	\$6,270	\$4,978	\$5,555	\$4,002

NON-RESIDENTIAL LAND USES**
 ** Fees are per 1000 square feet of building area

RETAIL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$6,507	\$6,507	\$6,507	\$6,507	\$6,507
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$7,023	\$7,036	\$7,008	\$7,021	\$6,988

OFFICE

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,797	\$3,797	\$3,797	\$3,797	\$3,797
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,313	\$4,326	\$4,298	\$4,311	\$4,278

INDUSTRIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$806	\$806	\$806	\$806	\$806
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$1,322	\$1,335	\$1,307	\$1,320	\$1,287

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

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.

DIVISION 2. (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.

‡**Editor’s note** – Division 2, "Listing of Words and Terms," of Article IV, Definitions, is repealed by Ord. No. 11203, effective December 23, 2014.

Chapter 25

STREETS AND SIDEWALKS*

Art. I.	Repairs and Improvements in Public Rights-of-way, §§ 25-1--25-44
Art. II.	Duties and Prohibitions, §§ 25-45--25-62
Art. III.	Address Numbering, §§ 25-63--25-79
Art. IV.	Underground Utility Districts, §§ 25-80--25-100
Art. V.	Temporary Work Zone Traffic Management, §§ 25-101--25-105

Article I. Repairs and Improvements in Public Rights-of-way

Sec. 25-1.	Permits required.
Sec. 25-2.	Application forms.
Sec. 25-3.	Conditions for obtaining permit.
Sec. 25-4.	Public right-of-way improvement permit fees.
Sec. 25-5.	Permit expiration.
Sec. 25-6.	Grade and alignment standards.
Sec. 25-7.	Variance from standards.
Sec. 25-8.	Grade and line required.
Sec. 25-9.	Construction standards.
Sec. 25-10.	Inspection of work.
Sec. 25-11.	Conformance to rules and regulations.
Sec. 25-12.	Repair of sidewalk by abutting owners; failure to repair; no permit fee required.
Sec. 25-13.	Permit required.
Sec. 25-14.	Unimproved portions of public right-of-way may be improved.
Sec. 25-15.	Guards required separating private property from improved right-of-way.
Sec. 25-16.	Additional requirements for improved portions of right-of-way.
Sec. 25-17.	Exceptions to permit requirement.
Sec. 25-18.	Application forms.
Sec. 25-19.	Reserved.
Sec. 25-20.	Conditions for obtaining permit.
Sec. 25-21.	Permits required from other city departments or governmental agencies.
Sec. 25-22.	Conformance to rules and regulations.
Sec. 25-23.	Inspection of work.
Sec. 25-24.	Barricades; notice.
Sec. 25-25.	Resurfacing.
Sec. 25-26.	Permit expiration.
Sec. 25-27.	Backfilling and filling.
Sec. 25-28.	Variance from standards.
Sec. 25-29.	"Driveway" defined.
Sec. 25-30.	Permit required.
Sec. 25-31.	Application forms.
Sec. 25-32.	Reserved.
Sec. 25-33.	Conditions for obtaining permit.
Sec. 25-34.	Variance from standards.
Sec. 25-35.	Permit expiration.
Sec. 25-36.	Conformance to rules and regulations.
Sec. 25-37.	Inspection of work.
Sec. 25-38.	Special requirements in residential districts.
Sec. 25-39.	Special requirements in business districts.
Sec. 25-40.	Special requirements in industrial districts.
Sec. 25-41.	Variances from curb cuts and driveway requirements.
Sec. 25-42.	Driveways may be denied.
Sec. 25-43.	Curb cut replacements.
Sec. 25-44.	Permit and fee curb cut replacements.

* **Editor's note**—See editor's footnotes, articles I, II and III. Ordinance No. 8727, § 3, adopted September 9, 1996, repealed division 1--3 titles.

Cross references—Operating bicycles on sidewalks, pedestrian paths, or through underpasses prohibited, § 5-2; motor vehicles and traffic, ch. 20

TUCSON CODE

Article II. Duties and Prohibitions

- Sec. 25-45. Destroying grade or line stakes; trespassing on closed streets.
- Sec. 25-45.1. Violation declared civil infraction.
- Sec. 25-46. Obstructing streets prohibited.
- Sec. 25-47. Duty to remove street obstruction after notice.
- Sec. 25-48. Injuring, tearing up pavement or sidewalks.
- Sec. 25-49. Digging, removing earth from streets, public places.
- Sec. 25-50. Selling, displaying merchandise on streets near schools.
- Sec. 25-51. Obstructing sidewalks prohibited; placing benches on sidewalks.
- Sec. 25-52. Obstructing water flow in streets, gutters, conduits.
- Sec. 25-52.1. Planting within pedestrian area right-of-way.
- Sec. 25-53. Duty to trim.
- Sec. 25-54. Notice to trim.
- Sec. 25-55. Notice to remove; duty to keep area between curb and property line free from grass and weeds.
- Sec. 25-56. Owners, occupants of building to keep gutters and sidewalks clean.
- Sec. 25-57. Placing flower pots, tree pots, planters on sidewalks.
- Sec. 25-57.1. Attaching newspaper vending machines to public right-of-way.
- Sec. 25-58. Under-sidewalk elevators--Where permitted.
- Sec. 25-59. Same--Permit required; application; insurance.
- Sec. 25-60. Same--Issuance of permit; terms and conditions.
- Sec. 25-61. Sale of abandoned streets, alleys; cost of moving nonconforming improvements; installing conforming improvements.
- Sec. 25-62. Changes in street names.

Article III. Address Numbering

- Sec. 25-63. System established; compliance required.
- Sec. 25-64. East-west base line.
- Sec. 25-65. North-south base line.
- Sec. 25-66. Assignment of numbers--Generally.
- Sec. 25-67. Same--Ways not extending through to base line.
- Sec. 25-68. Display of numbers; size, material.
- Sec. 25-69. Plat book required; public inspection; assignment of numbers.
- Sec. 25-70. Numbers to be furnished upon application; determination of proper number in case of conflict; appeal.
- Sec. 25-71. Duty to procure and display numbers; violation; withholding of permit or approval.
- Sec. 25-72. Address numbering code.
- Secs. 25-73--25-79. Reserved.

Article IV. Underground Utility Districts

- Sec. 25-80. Establishment of districts.
- Sec. 25-81. Definitions.
- Sec. 25-82. Procedure to establish district.
- Sec. 25-83. Notice.
- Sec. 25-84. Findings required.
- Sec. 25-85. Provisions of ordinance.
- Sec. 25-86. Exceptions.
- Sec. 25-87. Publicly owned equipment.

Article V. Temporary Work Zone Traffic Management

- Sec. 25-88. Temporary work zone traffic management program established.
- Sec. 25-89. Definitions.
- Sec. 25-90. Temporary work zone traffic management.
- Sec. 25-91. Fee schedule.
- Sec. 25-92. Violations and civil sanctions.

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

Ordinance Number	Date	Section	Disposition
11183 (Cont.)		14 (eff. 9-21-06)	19-425
		15 (eff. 9-1-04)	19-450
		16 (eff. 10-1-07)	19-460
		17 (eff. 8-1-14)	19-700
11188	8-5-14	2 (eff. 9-5-14)	3-82
11198	9-9-14	1 (eff. 1-1-15)	19-39
		2 (eff. 1-1-15)	19-310
		3 (eff. 1-1-15)	Rpld 19-310.1
11203	10-9-14	1	Rpld ch. 23A, art. III (23A-71 – 23A-100)
			Added ch. 23A, art. III (23A-71 – 23A-91)
		3	Rpld ch. 23A, art. IV, div. 2 (23A-111 – 23A-136)
11204	10-9-14	1	4-12
11209	11-5-14	1	1-19
11219	12-9-14	1 (eff. 1-1-15)	19-300 – 19-380
		2 (eff. 1-1-15)	Rpld Reg. 19-300.1 – 19-360.2
		3 (eff. 1-1-15)	19-480
		5	Rpld 19-1200 – 19-1255
11220	12-9-14	1, 2	20-140 (note)
11221	12-9-14	1, 2	20-141 (note)
11222	12-9-14	1, 2	20-142 (note)
11223	12-9-14	1, 2	20-143 (note)
11224	12-9-14	1, 2	20-144 (note)
11225	12-9-14	1, 2	20-145 (note)
11226	12-9-14	1	10B-2
		2	10B-3
		3	10B-4
11227	12-9-14	1	11B-3
		2	11B-4
11228	12-9-14	1	Added 2-45 – 2-47
11232	12-16-14	1	10A-122
11233	12-16-14	1	10-31
11240	2-4-15	1	10-53.7
11243	2-18-15	1 (eff. 7-1-15)	22-34
11245	2-18-15	1	Rpld ch. 12 (12-1 – 12-110)
		2	Added ch. 12 (12-1 – 12-175)
11266	5-5-15	1	Added 10A-250 – 10A-255
11269	5-19-15	1 (eff. 7-6-15)	27-9
		2	27-63
11270	5-19-15	1 (eff. 7-6-15)	27-32.1, 27-33, 27-34
11272	6-9-15	1 (eff. 7-1-15)	15-1
		2 (eff. 7-1-15)	15-16.1
		3 (eff. 7-1-15)	15-31
		4 (eff. 7-1-15)	15-32.2
		5 (eff. 7-1-15)	15-33.2
		6 (eff. 7-1-15)	15-34.2, 15-34.7, 15-34.8
		7 (eff. 7-1-15)	15-60

TUCSON CODE

Ordinance Number	Date	Section	Disposition
11273	6-9-15 (eff. 6-28-15)	1	10-31
		2	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
			10-53.3
			10-53.4
	10-53.5		
	10-53.6		
	10-53.7		
11280	6-23-15 (eff. 7-1-15)	1	Added 10-53.8
11291	8-5-15	3	10-31(8)
		4	Rpld 10-53.6
11292	8-5-15	1	22-95
11295	8-5-15	1	20-221
		2	20-246
		3	20-271
11296	8-5-15	1	28-1
			28-2
			28-5
			28-11
			28-15 – 28-18
			Rpld 28-20
			28-21 – 28-27
			Rpld 28-29, 28-30
			28-31
			28-33
			28-35, 28-36
			Rpld 28-39
			Rpld 28-41
			28-42
			28-44, 28-45
			28-47 – 28-50
			28-62
	28-67 – 28-70		
	28-77		
	28-79, 28-80		

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

Ordinance Number	Date	Section	Disposition
11464 (Contd.)			10-53.3 10-53.4 10-53.5 10-53.7
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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