

**TUCSON, ARIZONA**  
Supp. No. 101 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through September 30, 2013. 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. 101” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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**TUCSON, ARIZONA**  
Supp. No. 101 – Instruction Sheet

# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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Adopted, October 19, 1964  
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**(This checklist will be updated with the printing of each Supplement)**

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

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

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

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tion of and approve or condemn all buildings or structures within the jurisdiction of the city, control types and classes of material and the method, manner and workmanship for the construction and repair of buildings and structures, approve or disapprove the use of building materials or devices, inspect public and private premises for violations of the provisions of this chapter 6 and of such other portions of the Tucson Code as the building safety administrator may direct, give notice of defects in construction and repair, alterations or changes of buildings and structures, receive applications for issuing permits or building construction repairs, alterations or changes, collect and account for fees, examine and approve plans and specifications for proposed building construction, repairs, alterations or changes and advise on necessary changes in such plans and specifications, certify to compliance with plans and specifications on building work, make such reports as shall be required from time to time by the building safety administrator, and make any recommendations to the building safety administrator which the building inspection supervisor may deem practical and desirable.  
(Ord. No. 5531, § 2, 3-22-82)

**Sec. 6-34. Building code adopted.**

The document entitled “International Building Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “A” are hereby adopted.  
(Ord. No. 5331, § 2, 3-22-82; Ord. No. 5771, § 1, 5-23-83; Ord. No. 6567, § 1, 11-10-86; Ord. No. 7179, § 1, 4-24-89; Ord. No. 7792, § 1, 4-13-92; Ord. No. 8607, § 1, 1-2-96; Ord. No. 9155, § 1, 11-2-98; Ord. No. 9491, § 1, 11-20-00; Ord. No. 9526, § 4, 3-19-01; Ord. No. 10035, § 1, 9-7-04; Ord. No. 10142, § 2, 4-12-05; Ord. No. 10417, § 2, 6-12-07; Ord. No. 10625, § 1, 1-13-09; Ord. No. 11042, § 1, 12-18-12, eff. 1-2-13)

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

**Sec. 6-35. Clerk to keep copies of building code.**

Three (3) copies of the building code adopted in section 6-34 shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.  
(Ord. No. 5531, § 2, 3-22-82)

**Sec. 6-36. Amendments to building code.**

The building code adopted in section 6-34 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the building code shall be kept on file by the city clerk as public records and shall be kept available for public use and inspection during regular office hours.  
(Ord. No. 5531, § 2, 3-22-82; Ord. No. 10035, § 3, 9-7-04)

**Sec. 6-37. Applicability of administrative and building codes.**

Every new building and structure erected in or moved into the jurisdiction of the city after June 30, 1992, shall conform to the applicable requirements of the Building Safety Administrative Code adopted in section 6-1 and as amended, and to the requirements of the building code adopted in section 6-34 and as amended. All additions, alterations, repairs, changes of use or occupancy in all buildings or structures within the jurisdiction of the city shall conform to the applicable requirements of the Building Safety Administrative Code adopted in section 6-1 and as amended, and to the requirements of the building code adopted in section 6-34 and as amended, applicable to new buildings, except as specifically provided for therein. Every building and structure existing in the city after June 30, 1992, shall conform to the requirements of the building code adopted in section 6-34 and as amended, which expressly or necessarily require that they apply to such existing buildings and structures, and to the requirements of the Building Safety Administrative Code of the city, adopted in section 6-1 and as amended, applicable to existing buildings.  
(Ord. No. 5531, § 2, 5-23-83; Ord. No. 5771, § 2, 5-23-83; Ord. No. 6000, § 1, 4-23-84; Ord. No. 6567, § 2, 11-10-86; Ord. No. 7179, § 2, 4-24-89; Ord. No. 7792, § 2, 4-13-92)

**Sec. 6-38. Residential code adopted.**

The documents entitled “International Residential Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “B” are hereby adopted.  
(Ord. No. 9491, § 2, 11-20-00; Ord. No. 9526, § 5, 3-19-01; Ord. No. 9813, § 2, 2-10-03; Ord. No. 10035, § 2, 9-7-04; Ord. No. 10142, § 1, 4-12-05; Ord. No.

10417, § 3, 6-12-07; Ord. No. 10579, § 2, 9-23-08; Ord. No. 10605, § 1 (Exh. A), 11-25-08; Ord. No. 11042, § 2, 12-18-12, eff. 1-2-13; Ord. No. 11089, § 1 (Exh. A), 7-9-13)

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

**Sec. 6-39. Reserved.**

**Sec. 6-40. Energy conservation code adopted.**

The document entitled the “International Energy Conservation Code, 2012 Edition” with local amendments, a copy of which amendments are attached as Exhibit “C” to Ordinance No. 11042 are hereby adopted.

(Ord. No. 9491, § 3, 11-20-00; Ord. No. 9813, § 4, 2-10-03; Ord. No. 10178, § 1, 7-6-05; Ord. No. 10417, § 4, 6-12-07; Ord. No. 11042, § 3, 12-18-12, eff. 1-2-13)

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

**Secs. 6-41 – 6-65. Reserved.**

**DIVISION 2. EXISTING BUILDING CODE\***

**Sec. 6-66. Existing building code adopted.**

The documents entitled “International Existing Building Code, 2012 Edition” published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit “D” are hereby adopted.

(Ord. No. 10436, § 2, 7-10-07; Ord. No. 11042, § 4, 12-18-12, eff. 1-2-13)

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

**Secs. 6-67 – 6-70. Reserved.**

\***Editor’s note** – Prior to the reenactment of Div. 2 by Ord. No. 10436, Ord. No. 9816, § 1, adopted February 24, 2003, repealed Div. 2, §§ 6-66 – 6-68, and enacted similar provisions set out in §§ 16-12, 16-14 and 16-20 – 16-28. Former Div. 2 pertained to the dangerous buildings code. See the Code Comparative Table.

**DIVISION 3. RESERVED†**

**Secs. 6-71 – 6-80. Reserved.**

**ARTICLE IV. ELECTRICITY‡**

**DIVISION 1. ELECTRICAL CODE\*\***

**Sec. 6-81. Electrical inspection supervisor – Office created.**

The office of electrical inspection supervisor is established. The electrical inspection supervisor shall be responsible to an under the authority of the building safety administrator.

(Ord. No. 5442, § 2, 9-28-81)

**Sec. 6-82. Same – Qualifications; assistants.**

No person shall be appointed electrical inspection supervisor who shall not possess the required minimum qualifications for that position as expressed in the position classification plan of the city. The electrical inspection supervisor shall be assisted by electrical inspectors who possess the required minimum qualifications for their respective positions as are expressed in the position classification plan of the city. The electrical inspection supervisor may from time to time delegate to his assistants such of his authority as is necessary or desirable.

(Ord. No. 5442, § 2, 9-28-81)

†**Editor’s note** – Ord. No. 9816, § 2, adopted February 24, 2003, repealed Div. 3, §§ 6-71 – 6-73, and enacted similar provisions set out in new §§ 16-11 and 16-12. Former Div. 3 pertained to the housing safety code. See the Code Comparative Table.

‡**Editor’s note** – Ord. No. 5155, § 1, adopted May 27, 1980, repealed ch. 6, art. IV, §§ 6-82 – 6-111, derived from Ord. No. 4688, § 2, adopted August 1, 1977; Ord. No. 4836, § 3, adopted June 26, 1978; § 2 enacted a new art. IV, §§ 6-81 – 6-98. Subsequently, § 2 of Ord. No. 5338, adopted April 6, 1981, designated §§ 6-81 – 6-100 as "Division 1. Electrical Code" of art. VI. Section 3 added new §§ 6-101 – 6-113 as div. 2. Subsequently, § 1 of Ord. No. 5442, adopted September 28, 1981, repealed div. 1, §§ 6-81 – 6-98; and § 2 added a new div. 1, §§ 6-81 – 6-87.

\*\***Cross reference** – Technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of electrical code, § 28-4(1).

## ARTICLE I. IN GENERAL\*

### Sec. 8-1. Jurisdiction, powers, duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

construction law to hear and decide cases arising under Tucson Code section 11-38. The compensation for such construction special magistrates shall be as set forth in subsection (b) above.

(Ord. No. 7887, § 3, 8-3-92; Ord. No. 8835, § 1, 3-3-97; Ord. No. 8943, § 1, 9-8-97; Ord. No. 9158, § 3, 11-9-98; Ord. No. 9973, § 1, 5-17-04; Ord. No. 10063, § 1, 10-11-04; Ord. No. 10952, § 2, 12-20-11, eff. 1-1-12; Ord. No. 11111, § 1, 9-24-13, eff. 10-1-13)

**Sec. 8-2.3. Appointment of limited special magistrates; term; powers; duties; qualifications; compensation.**

(a) Subject to the appointment procedures set forth in section 8-2.1, the mayor and council may appoint limited special magistrates to provide for the expeditious enforcement of civil violations and civil infractions of the Tucson Code and civil traffic violations under state law. Limited special magistrates shall be full time, shall serve a four-year term of office, and may be reappointed.

(b) Limited special magistrates shall have concurrent jurisdiction with regular and special magistrates to hear and decide actions alleging civil violations or civil infractions of the Tucson Code and civil traffic violations under state law, and shall assume all duties referenced in the Tucson Code as being the responsibility of an administrative hearing officer.

(c) At the time of appointment, limited special magistrates must have demonstrated experience or familiarity with administrative proceedings, technical codes or traffic law.

(d) The compensation to be received by limited special magistrates shall be as set from time to time by the mayor and council and shall include the same fringe benefits as provided to regular magistrates.  
(Ord. No. 7887, § 4, 8-3-92; Ord. No. 8179, § 1, 1-3-94; Ord. No. 9398, § 1, 6-12-00; Ord. No. 10063, § 2, 10-11-04)

**Sec. 8-2.4. Criminal history records check prior to appointment of city magistrates.**

(a) Pursuant to A.R.S. § 41-1750, the City of Tucson is hereby authorized to receive criminal history record information for the purpose of evaluating the fitness of current and prospective city court magistrates.

(b) Each person who seeks to be appointed as a regular, special, or limited special city court magistrate shall, as part of such appointment application process, furnish a full set of fingerprints to the city.

(c) Pursuant to A.R.S. § 41-1750 and Public Law 92-544, the city shall submit such fingerprints accompanied by the appropriate fees, which will be paid by the city, to the Arizona Department of Public Safety and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information on all individuals identified in Section 1, subpart B. Such information shall be used only for the purpose of evaluating the fitness of such current and prospective city court magistrates.

(d) The city shall comply with any relevant State and Federal rules and regulations that may relate to the dissemination of such criminal history record information.  
(Ord. No. 9085, § 1, 7-6-98)

**Sec. 8-2.5. Justices of the peace, weekend arraignments, initial appearances and conflict cases.**

Any justice of the peace, upon assuming office, is appointed as a special magistrate of the city for the specific purpose of presiding over arraignments, initial appearances and any conflict case(s) designated by the presiding magistrate of the Tucson city court involving any state law or city ordinance.  
(Ord. No. 9971, § 1, 5-17-04; Ord. No. 10155, § 1, 5-24-05; Ord. No. 10996, § 1, 6-19-12, eff. 7-1-12)

**Sec. 8-3. Conducting business on nonjuridical days.**

City court shall always be open except on nonjuridical days. On such nonjuridical days, it may transact business within its jurisdiction.  
(1953 Code, ch. 9A, §§ 2, 3; Ord. No. 1956, § 2, 9-8-59; Ord. No. 4679, § 3, 6-27-77; Ord. No. 7733, § 3, 12-9-91)

**Sec. 8-4. Magistrates; powers and duties.**

Each magistrate of the city court, in addition to exercising such judicial authority as provided in the Charter and Code of the city and the laws of the state shall:

- (1) Devote his or her entire time to the duties of being a magistrate and shall not engage in the private practice of law.
- (2) Observe, be available, and be present in attendance upon the court for the transaction of business every juridical day between the hours of 8:00 a.m. and 5:00 p.m. In addition to such hours, a magistrate may open court and be in attendance at the court during such additional hours of any juridical or nonjuridical day as may be necessary for the discharge or disposition of business properly coming before the court.
- (3) Dispose with all reasonable promptness all matters taken under advisement and, in any event, issue a decision no later than twenty (20) days thereafter.
- (4) Issue a minute entry of the court's judgment in all matters wherein disposition was based upon legal grounds rather than upon the factual merits of the matter, specifying therein the legal conclusion underlying the court's judgment.
- (5) Follow and adhere to supervision by the presiding judge of the superior court as provided for in Arizona Supreme Court Administrative Order 93-30, and any amendment or successor to this provision.
- (6) Follow and adhere to the city's rules of conduct and code of ethics contained in administrative directive 2.02-5 and 2.02-14 and any amendments or successors to these provisions to the extent adherence to these provisions does not affect judicial independence or is not inconsistent with the Code of Judicial Conduct.

(Ord. No. 4679, § 12, 6-27-77; Ord. No. 5169, § 3, 6-16-80; Ord. No. 7733, § 4, 12-9-91; Ord. No. 10062, § 3, 10-11-04)

**Editor's note** – Ord. No. 4679, § 1, adopted June 27, 1977, specifically amended the Code by repealing former § 8-5, which had pertained to office hours and had been derived from the 1953 Code, ch. 9A, § 5. Section 12 of Ord. No. 4679 added a new § 8-5 as hereinabove set out. The section was renumbered § 8-4 and the text amended by § 4 of Ord. No. 7733.

**Sec. 8-4.1. Authorizing assignment of an associate presiding magistrate, term, compensation, duties.**

(a) There is hereby created one administrative assignment position of Presiding Magistrate of the City Court of the City of Tucson whose function it is to assist the presiding judge of the superior court in performing administrative duties associated with the judicial and non-judicial functions of the city court.

(b) The presiding judge of the superior court is hereby authorized to appoint, in his or her sole discretion, any sitting city magistrate to the administrative assignment position of presiding magistrate.

(c) Any sitting city magistrate selected for assignment to the position of presiding magistrate shall serve at the pleasure of the presiding judge of the superior court, and may be removed from the administrative assignment of presiding magistrate at any time, for any reason, without cause and without right of appeal by the presiding judge of the superior court.

(d) While performing the administrative assignment of presiding magistrate, a city magistrate shall receive additional compensation in the amount of ten (10) percent of his or her annual salary, payable on a biweekly basis, pro-rated.

(e) The presiding magistrate shall perform those duties as required by law and this chapter and as assigned by the presiding judge of the superior court. (Ord. No. 9042, § 1, 4-13-98; Ord. No. 10062, § 4, 10-11-04; Ord. No. 10454, § 1, 9-25-07)

**Sec. 8-5. Duty to fix bond, bail, fines, penalties, fees and assessments.**

The city magistrates shall fix all bonds, bail, fines, penalties, fees and other assessments which are now or hereafter may be provided by law.

(1953 Code, ch. 9A, § 6; Ord. No. 4679, § 4, 6-27-77; Ord. No. 7733, § 7, 12-9-91)

**Note** – Formerly, § 8-6. Renumbered § 8-5 by § 7 of Ord. No. 7733.



Chapter 19

**LICENSES AND PRIVILEGE TAXES\***

- Art. I. Occupational License Tax, §§ 19-1 – 19-98**
  - Div. 1. General Provisions, §§ 19-1 – 19-38
  - Div. 2. Employee Based Occupational License Tax, §§ 19-39 – 19-41
  - Div. 3. Swap Meet Proprietors, Outdoor Vendors, and Special Event Occupational License Tax, §§ 19-42 – 19-50
  - Div. 4. Liquor and Vending Machines License Tax, §§ 19-51 – 19-65
  - Div. 5. Tax on Hotels Renting to Transients, §§ 19-66 – 19-98
- Art. II. Privilege and Excise Taxes, §§ 19-99 – 19-660**
  - Div. 1. General Conditions and Definitions, §§ 19-99 – 19-130
  - Div. 2. Determination of Gross Income, §§ 19-200 – 19-290
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- Art. III. Public Utility Tax, §§ 19-699 – 19-1120**
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**Article I. Occupational License Tax**

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- Sec. 19-20. Application for license; information required.

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\***Cross references** – Licensing of fortunetellers, § 7-62 et seq.; regulation and licensing of going-out-of-business, fire, etc., sales, § 7-80 et seq.

**State law references** – License taxes generally, A.R.S. § 42-1101 et seq.; luxury privilege taxes, § 42-1201 et seq.; transaction privilege taxes, § 42-1301 et seq.

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- Reg. 19-460.6. Retail sales: Consignment sales.
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- (6) Fail or refuse to remit any tax collected by such person from his customer to the tax collector before the delinquency date next following such collection.
- (7) Advertise or hold out to the public in any manner, directly or indirectly, that any tax imposed by this article, as provided in this article, is not considered as an element in the price to the consumer.
- (8) Fail or refuse to obtain a public utility license or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
- (9) Reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this article.

(b) The violation of any provision of subsection (a) above shall constitute a class two misdemeanor.

(c) In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and on conviction thereof shall be punished in the manner provided by law.

(Ord. No. 6926, § 1.B, 4-18-88)

**Sec. 19-1120. Civil actions.**

- (a) *Liens.*
  - (1) Any tax, penalty or interest imposed under this article which has become final, as provided in this article, shall become a lien when the city perfects a notice and claim of lien setting forth the name of the taxpayer, the amount of the tax, penalty and interest, the period or periods for which due, the date of accrual thereof, and stating that the city claims a lien therefor.
  - (2) The notice of claim of lien shall be signed by the tax collector under his official seal of the city, and, with respect to real property, shall be recorded in the office of the county recorder of any county in which the taxpayer

owns real property, and, with respect to personal property, shall be filed in the office of the secretary of state. After the notice and claim of lien is recorded or filed, the taxes, penalties and interest in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the state, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.

(3) Every tax imposed by this article, and all increases, interest and penalties thereof, shall become from the time the same is due and payable a personal debt from the person liable to the city, but shall be payable to and recoverable by the tax collector and which may be collected in the manner set forth in subsection (b) below.

(4) Any lien perfected pursuant to this section shall, upon payment of the taxes, penalties and interest affected thereby, be released by the tax collector in the same manner as mortgages and judgments are released. The tax collector may, at his sole discretion, release a lien in part, that is, against only specified property, for partial payment of moneys due the city.

(b) *Actions To Recover Tax.* An action may be brought by the city attorney or other legal advisory to the city designated by the city council, at the request of the tax collector, in the name of the city, to recover the amount of any taxes, penalties and interest due under this article; provided that:

- (1) No action or proceeding may be taken or commenced to collect any taxes levied by this article until the amount thereof has been established by assessment, correction or reassessment; and
- (2) Such collection effort is made or the proceedings begun:
  - a. Within six (6) years after the assessment of the tax; or

- b. Prior to the expiration of any period of collection agreed upon in writing by the tax collector and the taxpayer before the expiration of such six-year period, or any extensions thereof; or
- c. At any time for the collection of tax arising by reason of a tax lien perfected, recorded or possessed by the city under this section.

(Ord. No. 6926, § 1.B, 4-18-88)

**ARTICLE IV. ACCESS TO CARE PROGRAM**

**Sec. 19-1200. Legislative intent.**

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

- (a) establishing a funding source for the non-federal share of Arizona Health Care Cost Containment System (AHCCCS) payments to acute care hospitals within the city of Tucson that provide significant amounts of uncompensated care to uninsured and low income patients;
- (b) establishing a funding source for the non-federal share of the cost of an expansion of coverage through the AHCCCS program;
- (c) promoting access to health care for residents of the city of Tucson, including low-income, uninsured and otherwise vulnerable populations, by ensuring the financial stability and viability of acute care hospital systems in the city; and
- (d) promoting economic development and protecting and expanding jobs in the health sector and related fields within the city of Tucson.

(Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1201. Definitions.**

For the purposes of this article only, the following definitions shall apply:

*Access to care fund* means the fund established pursuant to section 19-1205.

*Access to care fund remainder (ATC fund remainder)* means the amount remaining in the access to care fund after reservation of the administrative costs pursuant to section 19-1225(a).

*Access to care program* means the program consisting of the ATC tax, the uncompensated care payments, and related expanded AHCCCS coverage, to be established by AHCCCS and approved by CMS.

*Access to care tax (ATC tax)* means the tax imposed pursuant to section 19-1210.

*Administrative costs* means the costs to the tax collector of collecting, administering, enforcing and transferring the ATC tax, which may include: time, materials, overhead, and litigation costs.

*AHCCCS* means the Arizona health care cost containment system, an agency of the state, which administers the Medicaid program in Arizona under Title XIX of the Social Security Act in Arizona.

*CFR* means the Code of Federal Regulations.

*CMS* means the Centers for Medicare and Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

*Coverage amount* means an amount specified by AHCCCS to pay for the non-federal share of the expanded coverage that is part of the access to care program.

*Delinquency date* means the day after the due date.

*Due date* means that day that is thirty (30) days prior to the end of each quarter during the UC payment period, unless otherwise specified pursuant to section 19-1215(e).

*Effective date* means thirty (30) days after the date of passage of this article.

*Gross patient revenue* means gross charges for inpatient and outpatient hospital services calculated pursuant to section 19-1210.



*Medicare cost report* means the hospital cost report required for hospitals participating in the Medicare program under title XVIII of the SSA, using CMS form 2552-96.

*Non-federal share* means the portion of AHCCCS expenditures that are not reimbursed by the federal government pursuant to section 1903 of the SSA and are required to be paid for from state or local sources, pursuant to section 1902(a)(2) of the SSA.

*Participating hospital* means a health care institution located in the city of Tucson that is licensed as a hospital by the Arizona department of health services under A.R.S. title 36, chapter 4, article 2.

*Quarter* means a three (3) month period from January to March, April to June, July to September, or October to December.

*Safety net care pool* means the funding pool established pursuant to the AHCCCS demonstration project authorized under section 1115 of the SSA.

*Shortfall amount* means the amount of any ATC tax payment that a participating hospital owes but does not pay by the due date.

*SSA* means the Social Security Act.

*Transfer date* means the date that is fifteen (15) days prior to the end of each quarter during the UC payment period, unless AHCCCS specifies a different date, for transfer of funds from the city to AHCCCS pursuant to section 19-1225.

*Transfer funds* means the funds to be transferred to AHCCCS as specified in section 19-1225(b).

*Uncompensated care payments* means payments, to be administered by AHCCCS and approved by CMS, to participating hospitals to reimburse some or all of their uncompensated care costs of treating AHCCCS and uninsured patients.

*UC payment period* means the period beginning on the first day of the period for which CMS approves uncompensated care payments for participating hospitals and ending on the last day of the period for which AHCCCS is authorized under state law and by CMS to make uncompensated care payments to participating hospitals.

*UC payment transfer amount* means the ATC fund remainder minus the coverage amount, to be used to pay for the non-federal share of uncompensated care payments to participating hospitals for the current quarter, except that the UC payment transfer amount shall not exceed the amount specified by AHCCCS as required to fund uncompensated care payments for the quarter.

(Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1205. Creation of access to care fund.**

(a) An access to care fund is created as a restricted subfund within the city. The fund shall be used to account for the access to care program monies and shall contain only the following:

- (1) proceeds from ATC tax payments;
- (2) penalties and interest for late ATC tax payments; and
- (3) monies repaid to the city by AHCCCS in connection with the ATC tax or the uncompensated care payments.

(b) No monies in the access to care fund shall transfer to, revert to, or lapse into any other fund, including the city general fund, except the amounts for administrative costs as provided for in section 19-1220(a) and amounts from penalties and interest as provided for in section 19-1220(e).

(Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1210. Imposition of access to care tax and rate.**

(a) As of the effective date, there is hereby levied and imposed an ATC tax of not more than two percent (2.0%) of the gross patient revenue on participating hospitals. If the maximum allowable tax rate under federal law is reduced such that the ATC tax exceeds such maximum rate, the rate shall be automatically reduced to the maximum allowable rate.

(b) Gross patient revenue is calculated from Medicare cost report as the sum of: worksheet g-2 column 1, lines 1, 2, 3, 4, 16, 18, and 19 and worksheet g-2 column 2, lines 18 and 19.

(c) All data required to calculate the ATC tax and its application shall be derived from the hospital Medicare cost reports for the hospital fiscal year ending between January 1, 2011 and December 31, 2011. (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1215. Collection of tax.**

(a) Except as specified in subsection (e) and section 19-1235, the ATC tax shall be due and payable on the due date on a quarterly basis with a tax payment for each quarter within the UC payment period. Each tax payment shall equal one-fourth (1/4) of the total amount calculated pursuant to section 19-1210(a), except that the tax payment amount shall be prorated if the UC payment period begins on a day other than the first day of a quarter or ends on a day other than the last day of a quarter, based on the number of days in such quarter that are within the UC payment period.

(b) If the UC payment period is longer than one (1) year, additional quarterly tax payments shall be due, calculated in the manner specified in subsection (a).

(c) Each participating hospital shall file an ATC tax form with the city in such form and on such date as the tax collector shall specify, providing the data required to determine the amount of the ATC tax payment due. The tax collector may require the tax form to be submitted prior to the date on which all conditions specified in section 19-1235 have occurred.

(d) If any participating hospital fails to remit the full amount of the tax payment owed by the due date, the tax collector shall promptly notify the participating hospital of the shortfall amount. The participating hospital shall remit to the tax collector forthwith the shortfall amount along with penalties and interest due pursuant to section 19-1250.

(e) The tax collector shall adjust the due date(s) for any ATC tax payments due within the UC payment period prior to CMS approval as necessary to implement the access to care program as soon as practicable after CMS approval described in section 19-1235 and as agreed to with AHCCCS. Such adjustment may include collecting amounts accrued for quarters prior to CMS approval in more than one installment, allowing for AHCCCS to make uncompensated care payments to the hospitals prior to collecting subsequent installments. The tax collector

shall provide written notice to the participating hospitals indicating the due date(s) for the applicable tax payments at least five (5) days prior to such due date(s). To the extent permitted by the transfer schedule agreed to with AHCCCS, the tax collector shall not require payment for more than two (2) quarters within one (1) two (2) week period.

(f) The tax collector shall account for all ATC tax payments and all shortfall amounts remitted pursuant to subsection (d) in the access to care fund. (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1220. Use of access to care tax fund.**

Monies in the access to care fund may be utilized for the following purposes:

- (a) up to seven thousand six hundred and fifty dollars (\$7,650.00) of the collected tax payments each quarter may be used by the city to cover the administrative costs. Such amount may be increased by the city upon written notice to the participating hospitals thirty (30) days prior to the next transfer date if the city incurs unanticipated costs including costs for administration, litigation or bankruptcy proceedings related to the tax.
- (b) to transfer funds to AHCCCS pursuant to section 19-1225 and an intergovernmental agreement for the purpose of providing local funding for the non-federal share of:
  - (1) uncompensated care payments to participating hospitals; and
  - (2) expanded health care coverage to individuals through AHCCCS.
- (c) to refund to participating hospitals any ATC tax overpayment or amounts otherwise collected in error;
- (d) to refund to participating hospitals pursuant to section 19-1245 any amounts repaid by AHCCCS to the tax collector after recoupment of uncompensated care payments funded by tax proceeds transferred by the city, including tax proceeds transferred as for coverage amounts pursuant to section

19-1225(b) but not used for such purposes; and

- (e) with respect only to penalties and interest collected pursuant to section 19-1250, to transfer to the city’s general fund to be used for any city-authorized purpose or any budgeted purpose consistent with the general fund rules.

(Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1225. Transfer to AHCCCS.**

(a) From the ATC tax payments collected each quarter, the tax collector shall retain the administrative costs.

(b) From the ATC fund remainder, the tax collector shall transfer to AHCCCS each quarter on the transfer date the transfer funds, except as provided under subsections (c) or (d). The transfer funds are equal to the sum of the coverage amount plus the UC payment transfer amount.

- (1) The coverage amount means an amount specified by AHCCCS to pay for the non-federal share of the expanded coverage that is part of the access to care program; and
- (2) The UC payment transfer amount is defined under section 19-1201.

(c) Under no circumstances shall the tax collector be required to transfer a total amount of transfer funds greater than the ATC fund remainder. If the transfer funds required under subsection (b) exceed the fund remainder, the UC payment transfer amount shall be reduced such that the amount of the transfer funds equals the ATC fund remainder.

(d) In the event that the ATC fund remainder is greater than the transfer funds such that there are amounts remaining in the fund after a quarterly transfer, the tax collector shall return to the participating hospitals within fifteen (15) days after the transfer date their pro rata share of the ATC fund remainder based on the ATC quarterly tax amounts paid under section 19-1215(a). The pro-rata share shall be based on the prior quarter. Additionally, in the event a participating hospital owes the tax collector monies

for the previous or current quarter, the tax collector shall offset that participating hospital’s pro-rata share by the amount owed.

(e) In the event that a participating hospital owes a shortfall amount pursuant to section 19-1215(d), the tax collector shall not transfer to AHCCCS any such shortfall amounts paid until ninety-five (95) business days after receipt of the shortfall amount from the participating hospital. The tax collector shall transfer shortfall amounts to AHCCCS on the next transfer date after the ninety-five (95) day period along with the transfer funds for the then-applicable quarter. In the case of shortfall amounts from the last ATC tax payment owed before the ATC tax terminates, the tax collector shall transfer the shortfall amounts within fifteen (15) days after the ninety-five (95) day period. (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1230. No impact on patients or payers.**

Participating hospitals shall not pass the cost of the tax on to patients or third party payers liable to pay for the care on a patient’s behalf. (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1235. Requirements for implementation.**

The tax shall not be due or payable unless and until all of the following occurs:

- (a) CMS approves the uncompensated care payments and the ATC tax; and
- (b) AHCCCS agrees to return to the city the non-federal share of any uncompensated care payments recouped by AHCCCS from participating hospitals, unless such recouped payments are required for coverage amounts, and funds transferred for coverage as specified under the ordinance but unused for this purpose;
- (c) the city enters into an intergovernmental agreement with AHCCCS.
- (d) the municipal tax code commission approves the ATC tax.

(Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1240. Termination.**

- (a) The ATC tax shall terminate on the earliest of:
- (1) the date on which AHCCCS' authorization to make uncompensated care payments to participating hospitals ends; or
  - (2) the date on which AHCCCS' authorization to accept city funds for the non-federal share of AHCCCS payments expires; or
  - (3) December 31, 2013.
- (b) The ATC tax shall terminate prior to the date in subsection (a) upon any of the following conditions:
- (1) the ATC tax is determined not to be a permissible source of non-federal share funding; or
  - (2) the ATC tax is otherwise determined to be unlawful under city, state or federal law; or
  - (3) a statewide hospital tax or other assessment is adopted and takes effect.
- (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1245. Impact of termination or recoupment.**

- (a) In the event that AHCCCS refunds all or part of any transfers made to it pursuant to section 19-1225(b), the city shall return to the participating hospitals, within fifteen (15) days of return of the funds from AHCCCS, their pro rata share of the returned funds based on ATC tax amounts paid under section 19-1210.
- (b) In event that the ATC tax terminates under section 19-1240, the tax collector shall refund to each participating hospital within fifteen (15) days of termination the pro rata portion of any monies remaining in the ATC fund that have not been spent or irrevocably allocated for their designated purposes.
- (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1250. Interest and penalties.**

- (a) In the event a participating hospital owes a shortfall amount to the tax collector pursuant to section 19-1215(d), the participating hospital must pay interest on such shortfall amount from the delinquency date until it is remitted to the tax collector. The interest rate shall be determined pursuant to section 19-540.
- (b) In addition to interest being assessed under subsection (a), any participating hospital that fails to pay any of the ATC tax imposed by this article which were due or found to be due before the delinquency date shall be subject to and shall pay two percent (2%) civil penalties on the shortfall amount.
- (c) Penalties provided for under section 19-540 are not applicable.
- (d) Penalties and interest imposed by this section are due and payable upon notice by the tax collector. (Ord. No. 11104, § 1, 8-6-13)

**Sec. 19-1255. Examination of books and records; failure to provide records.**

- (a) The tax collector and the participating hospitals shall have all the rights and obligations as stated in section 19-555.
- (b) Nothing in this article may be read as a waiver of any rights the tax collector may have under the code or by city charter with regards to the ability to enforce and/or collect all monies owed by the participating hospitals except where expressly stated.
- (c) All other provisions in the code or city charter are applicable unless expressly stated otherwise.
- (Ord. No. 11104, § 1, 8-6-13)

**Sec. 20-175. Stop sign required at each intersection with through street.**

Whenever any provision of this Code or any ordinance of the city designates and describes a through street, it shall be the duty of the traffic engineer to place and maintain a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance of the city. (1953 Code, ch. 17, § 94)

**Sec. 20-176. Traffic engineer to designate hazardous intersections for “stop.”**

The traffic engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersections, and shall erect a “stop” sign at every such place where a stop is required. (1953 Code, ch. 17, § 95; Ord. No. 1941, § 1, 8-17-59)

**Sec. 20-176.1. Traffic to stop at intersection when traffic signals are out of service.**

When an intersection traffic signal is out of service for any reason, all vehicles shall come to a complete stop upon any approaching roadway at any such intersection and shall proceed only when safe to do so after yielding to any vehicle on the right, or to any vehicle or pedestrian lawfully within the intersection. This procedure shall be in effect until a traffic or police officer establishes intersection point control. (Ord. No. 7332, § 1, 1-2-90)

**Sec. 20-177. Traffic engineer to designate hazardous intersections for “yield”.**

The traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists and to determine whether vehicles on one of the intersecting streets shall yield the right-of-way to vehicles on the other street or streets and to erect a “yield right-of-way” sign at every place where such a sign is needed. (1953 Code, ch. 17, § 95; Ord. No. 1941, § 1, 8-17-59)

**State law reference** – Location, specifications for stop signs. A.R.S. § 28-855.

**Sec. 20-178. Reserved.**

**Editor’s note** – Section 20-178, requiring obedience to yield right-of-way signs, derived from the 1953 Code, ch. 17, § 96, and Ord. No. 1941, § 2, adopted Aug. 17, 1959, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-179. One-way streets and alleys.**

Upon those streets and parts of streets and in those alleys described by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Three (3) copies of current ordinances designating the streets and alleys governed by this section shall be kept on file by the city clerk.

- (1) West on the east-west alley immediately north of the Mission Village apartments at 7001 East Golf Links Road and between the drainageway east to the western property line of the shopping center.
- (2) East on the east-west alley between Chantilly Avenue and Van Buren Avenue and between Broadway Boulevard and Twelfth Street.
- (3) North on the alley immediately east of Alamo Wash between the Monterey Village Shopping Center and Hawthorne Street.
- (4) East on the alley immediately south of the Monterey Village Shopping Center between the Alamo Wash and Rook Avenue.
- (5) East on the east-west alley between Congress Street and Pennington Street, connecting Sixth Avenue and Scott Avenue.
- (6) West on the east-west alley between Congress Street and Broadway Boulevard, connecting Sixth Avenue and Scott Avenue.
- (7) West on the east-west alley between 3rd and 4th Avenues and between 24th and 25th Streets.
- (8) Northeast on the northeast-southwest alley between Princeton Drive and Rutgers Place from Lehigh Drive east to the north-south alleyway.

- (9) West on Alameda Street from Toole Avenue-Sixth Avenue intersection to Church Avenue.
- (10) South on Arizona Avenue from Thirteenth Street to Fourteenth Street.
- (11) East on Broadway Boulevard between the west line of the Broadway Boulevard underpass and the east line of the intersection of Granada Avenue and Broadway Boulevard.
- (12) West on Adams Street from approximately 150 feet west of Camilla Boulevard to Camilla Boulevard.
- (13) West on Congress Street from Herbert Avenue-Toole Avenue intersection to Broadway Boulevard-Granada Avenue intersection.
- (14) West on Eighth Street from Euclid Avenue to Third Avenue. City of Tucson Solid Waste vehicles exempt between the hours of 5:30 a.m. to 7:30 a.m.
- (15) North on El Paso Avenue from Cushing Street to Simpson Street.
- (16) North on Fifth Avenue from Twelfth Street to Thirteenth Street.
- (17) North on Forgeus Avenue from Thirty-Sixth Street to Forgeus Stravenue.
- (18) South on Herbert Avenue from Sixth Street to Eighth Street.
- (19) South on Herbert Avenue from Fifth Street to 215 feet south of Fifth Street.
- (20) North on Hoff Avenue from Eighth Street to Fifth Street.
- (21) South on the southbound Kino Parkway on-ramp (Ramp A) from Twenty-Second Street.
- (22) North on the northbound Kino Parkway off-ramp (Ramp B) to Twenty-Second Street.
- (23) South on the southbound Kino Parkway off-ramp (Ramp C) to Twenty-Second Street.
- (24) North on the northbound Kino Parkway on-ramp (Ramp D) from Twenty-Second Street.
- (25) South on Meyer Avenue from Eighteenth Street to Twenty-Second Street.
- (26) East on Pennington Street from Congress Street to Scott Avenue.
- (27) North on Rubio Avenue from Nineteenth Street to Eighteenth Street.
- (28) South on Scott Avenue from McCormick Street to Fourteenth Street.
- (29) East on Sequoyah Street between Forgeus Avenue and Treat Avenue.
- (30) West on Simpson Street from Stone Avenue to Meyer Avenue.
- (31) East on Sixth Street between Country Club Road and the west end of Fifth-Sixth Street transition.
- (32) Speedway Boulevard underpass frontage roads: East of Union Pacific Railroad, westbound on north frontage road to road connecting north frontage road with south frontage road, south on this connecting road to south frontage road, east on south frontage road to end of frontage road; west of Union Pacific Railroad, east on south frontage road to road connecting south frontage road with north frontage road, north on this connecting road to north frontage road, west on north frontage road to end of frontage road.
- (33) South on Stone Avenue from the south line of the intersection of Stone Avenue, Toole Avenue and Franklin Street to the north line of Broadway Boulevard.
- (34) Northwest on Toole Avenue from Broadway to its intersection with Fourth Avenue.

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

**Secs. 20-180 – 20-199. Reserved.**

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

### DIVISION 1. GENERALLY

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

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

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

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

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

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

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

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

(g) *Community service.* Community service work may be substituted for fines and fees in accordance with section 1-8(4) of this Code. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

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

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

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

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

(Ord. No. 9196, § 1, 1-25-99)

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

booted or impounded may post a bond in the amount of the booting and/or impound fees, damages or replacement cost of the boot if any, and

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

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

(c) *Foreign registered vehicles.* If the owner or operator of the vehicle, registered in a state or jurisdiction other than Arizona, involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a default fee pursuant to section 8-6.7 shall be assessed.

(d) *[Booting, impoundment.]* In addition to actions taken under section 20-203(b) or (c) above, the citing authority may boot, impound or cause to be booted or impounded any motor vehicle owned by a person who has three (3) or more unpaid civil parking infractions or has failed to respond to the civil parking infractions as set forth in section 20-203(b) or (c), giving notice that there shall be a hearing before a limited special magistrate within forty-eight (48) hours of the booting or impoundment, excluding weekends and holidays. The owner of the vehicle which was



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		3	6-40		
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		11073	5-21-13 (eff. 7-1-13)	1	27-32.1
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			10-31(8) (note)		
			10-33 (note)		
			10-33.1 (note)		
			10-34 (note)		
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			10-35 (note)		
			10-48 (note)		
			10-49 (note)		
			10-52 (note)		
			10-53 (note)		
			10-53.1 (note)		

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		5	Rnbd 3-72 – 3-74 as 3-73 – 3-75
		6	Rnbd 3-75 – 3-79 as 3-76 – 3-80 3-77 3-78 3-79 3-80
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11082	5-29-13	1	2-18
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		3	2-22
11087	6-18-13 (eff. 7-20-13)	1	15-16.8
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		3	15-33.2
		4	15-34.7 15-34.8
11088	6-18-13 (eff. 7-19-13)	1	17-70 17-71 17-72 17-73 17-74 17-75 17-76 17-77
		2	Added 17-78
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11091	7-9-13	2	20-179
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