TUCSON, ARIZONA

Supp. No. 88 – 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 July 7, 2010. 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. 88" If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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Checklist of Up-to-Date Pages

(This checklist will he 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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***Cross references –** Sign code advisory and appeals board, § 3-121 et seq.; citizen sign code committee, § 3-129 et seq.; community affairs, ch. 10A; housing and community development, § 10B-1 et seq.; permit appeal board for transportation of hazardous materials, § 13-11; administrative hearing office, ch. 28.

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Sec. 2-10. Civil liability of city; notice of defective condition required.

No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, grading, opening, drain, or other public facility or building being defective, out of repair, unsafe, dangerous or obstructed, unless at least seventy-two (72) hours prior to the occurrence resulting in such damage or injuries, written notice of such defective, unsafe, dangerous, obstructed condition of such street, highway, bridge, culvert, sidewalk, crosswalk, grading, opening, drain, sewer, or other public facility such as parks and playgrounds, public buildings or any other city-owned property whatsoever, specifying the particular place and condition existing, shall have been filed in the office of the city clerk and there was a failure or neglect to repair, remedy or remove the defect, danger, or obstruction within a reasonable time after the filing of such notice.
(1953 Code, ch. 24, § 39)

Sec. 2-11. Reserved.

Editor's note – Ord. No. 4825, § 1, adopted June 5, 1978, specifically amended the Code by repealing § 2-11, which had pertained to written notice of claims. Said section had been derived from the 1953 Code, ch. 24, § 40.

Sec. 2-12. Settlement of claims.

Sec. 2-12(1). The city manager is authorized to settle claims against the city, its officers, appointees and employees, subject to the following conditions:

(1) The city manager or the city manager's designated representative has made a thorough investigation regarding questions of liability and damages and has determined the reasonable dollar value of the claim;

(2) The settlement, if involving a matter in litigation, has first been approved by the city attorney;

(3) The settlement, if in excess of twenty thousand dollars ($20,000.00), for a bodily injury or property damage claim or forty thousand dollars ($40,000.00) for a combined bodily injury/property damage claim, has first been approved by the city attorney and by the mayor and council;

(4) The settlement is conditioned upon an appropriate written release by the claimant in favor of the city, its officers, appointees and employees.

Sec. 2-12(2). The city manager shall establish written claims handling, settlement, and accountability procedures, not in conflict with this section, for implementation by the city risk manager, and subject to approval by the city attorney.

Sec. 2-12(3). The city manager shall process workers' compensation claims in accordance with Arizona workers' compensation law, A.R.S. title 23, chapter 6.
(Ord. No. 2405, §§ 1, 2, 1-7-63; Ord. No. 4475, § 1, 5-3-76; Ord. No. 4825, § 2, 6-5-78; Ord. No. 6752, § 1, 8-3-87)

Sec. 2-13. Salary of employee during injury or sickness; salary paid to supplement workers' compensation; lien.

Sec. 2-13(1). Any employee of the city, other than non-permanent employees, who either becomes injured or develops an occupational disease in the scope of employment with the city prior to July 1, 2009, shall be paid unearned salary or wages to supplement the compensation payments to which such employee becomes entitled under the state workers' compensation laws, A.R.S. title 23. Such unearned salary or wages shall:

(1) Be paid for a period of up to one hundred eighty (180) calendar days of disability for each injury or sickness. Upon written application by the department head, the city manager may approve an extension of payments in sixty (60) day segments, not to exceed three hundred sixty (360) calendar days of disability for each injury or sickness;

(2) Be in an amount equal to thirty-three and one-third (33 1/3) percent of such employee's gross salary or wages (excluding overtime) at the base hourly wage rate or salary of commissioned employees of the rank of sergeant and below in an amount, which when added to the employee's workers' compensation payment will equal the employee's base hourly wage rate or salary, including assignment pay;

(3) Be subject to payroll deductions normally withheld and deductions, not to exceed the employee's supplemental pay, for furlough hours in any fiscal year in which mayor and council require employees to take a specified number of days or hours of furlough; however, in the event disability is of insufficient length to qualify the employee for workers' compensation, such employee shall be paid one hundred (100) percent of gross salary or wages, less deductions normally withheld, including furlough, for that period;

(4) Discontinue at the effective date of employment termination with the city. The termination date shall not include additional pay for any accumulated vacation leave.

Sec. 2-13(2). Any employee of the city, other than non-permanent employees, who either becomes injured or develops an occupational disease in the scope of employment with the city on or after July 1, 2009, shall be paid unearned salary or wages to supplement the compensation payments to which such employee becomes entitled under the state workers' compensation laws, A.R.S. title 23. Such unearned salary or wages shall:

(1) Be paid for a period of up to the equivalent of six (6) months for a permanent full-time employees, not to exceed one thousand forty hours (1,040) (or one thousand four hundred fifty-six (1,456) hours for commissioned fire personnel assigned to suppression) of disability for each injury or sickness, with such payments to be prorated to the maximum hourly equivalent of six (6) months for any part-time employees;

(2) Shall supplement the employee's base hourly wage rate or salary in an amount, which when added to the employee's workers' compensation payment will equal the employee's base hourly wage rate or salary, including assignment pay;

(3) Be subject to payroll deductions normally withheld and deductions, not to exceed the employee's supplemental pay, for furlough hours in any fiscal year in which mayor and council require employees to take a specified number of days or hours of furlough; however, in the event disability is of insufficient length to qualify the employee for worker's compensation, such employee shall be paid one hundred (100) percent of gross salary or wages, less deductions normally withheld, including furlough, for that period;

(4) Discontinue at the effective date of employment termination with the city. The termination date shall not include additional pay for any accumulated vacation leave.

Sec. 2-13(3). If a remedy is pursued as allowed by A.R.S. section 23-1023, the city shall have a lien on the amount actually collectible therefrom, to the extent of the moneys paid by the city pursuant to this section. The amount actually collectible shall be the total recovery less the reasonable and necessary expenses, including attorney fees, actually expended in securing such recovery and less the amount to be paid to the city's workers' compensation fund.
(Ord. No. 4204, § 1, 7-1-74; Ord. No. 4829, § 1, 6-12-78; Ord. No. 5799, § 1, 7-5-83; Ord. No. 8753, § 1, 8-5-96; Ord. No. 10679, § 1, 6-9-09, eff. 7-1-09; Ord. No. 10807, § 1, 6-22-10, eff. 7-1-10)

State law references – Workmen's compensation law, A.R.S. 23-901 et seq.; city employees declared subject to workmen's compensation, A R.S. § 23-901(5)(a).

Sec. 2-14. Reserved.

Editor's note – Section 2-14, relating to compensation of unclassified appointive officers, added as 1953 Code, ch. 2, §§ 69, 70, by Ord. No. 2005, § 1, adopted Feb. 3, 1960, was repealed by § 1 of Ord. No. 7383, adopted Mar. 19, 1990. The plan had been amended by the following ordinances:

Ord. No. 2137, § 2, 2-6-61
Ord. No. 2182, §§ 1, 2, 6-5-61
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***Cross references –** Beekeeping regulated, § 11-3; dance halls regulated, § 11-15; drinking establishments regulated, §§ 11-17, 11-18; filling stations prohibited on a portion of Congress Street, § 11-21; sale of fireworks prohibited, § 11-23; guest register required for hotels, rooming houses, motels, § 11-26; license and privilege taxes generally, ch. 19; bond required for transient merchants, § 19-27; planning and zoning generally, ch. 23.

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Sec. 7-85. Rules and regulations governing sales.

A permittee hereunder shall:

Sec. 7-85(1). Post a sign in a prominent location upon the premises for which the permit is issued. The posted sign must meet the specifications set out in section 7-89 of the Tucson Code.

Sec. 7-85(2). State prominently the permit number and the exact closing date of any sale held hereunder in all advertisements, signs and statements regarding such sale. (Ord. No. 3120, § 4, 4-22-68)
(1953 Code, ch. 6, § 8; Ord. No. 8011, § 2, 3-22-93)

Sec. 7-86. Disposal at auction; approval required.

(a) No auction license shall be issued to any person for use on the sale premises of an applicant hereunder and no auction of the inventory stock remaining from a sale conducted pursuant to this article shall be conducted on the premises until and unless the director of finance has approved the application and the proposed sale as complying with all applicable provisions of law, and the provisions of sections 7-9 and 7-10 of the Tucson Code are fulfilled.

(b) The zoning district classification in which the sale premises are located shall not constitute a prohibition of such auction sale, any other provision of the Tucson Code to the contrary notwithstanding.
(Ord. No. 3120, § 6, 4-22-68; Ord. No. 8011, § 2, 3-22-93)

Sec. 7-87. Revocation of permit for violations.

The director of finance may revoke the permit, provided for in this article, of any person violating any of the provisions of this article by giving written notice of the revocation to the permittee, and no such permittee shall thereafter transact any business under the permit so revoked.
(1953 Code, ch. 6, § 9; Ord. No. 3120, § 5, 4-22-68; Ord. No. 8011, § 2, 3-22-93)

Sec. 7-88. Revocation procedure – Appeal.

(a) Before revoking a permit, the director of finance shall give written notice to the permittee, in the manner provided in this article, that a revocation hearing will be held at a place and time specified in the notice, which hearing shall not be sooner than ten (10) days from the date of the notice. The notice shall state the grounds relied upon for the proposed revocation. The director of finance (or designated representative) shall hold the hearing at the time and place specified, unless agreed otherwise by the permittee and other parties concerned, and the permittee shall be allowed to appear in person and by the counsel and offer evidence. A record shall be kept of all proceedings, including proofs offered and an audio tape of testimony. No permit shall be revoked unless grounds therefore are satisfactorily established by the evidence as shown by the record of the hearing. The director of finance shall give the permittee and other parties written notice of the hearing decision, and such decision shall be final. Revocation of a permit shall be effected by the finance director's signing of the written notice of the hearing decision. A permittee's right to do business under authority of the permit shall terminate immediately upon the mailing to the permittee of a copy of the director's signed decision revoking the permit.

(b) Notice required by this article may be served by certified mail addressed to the permittee at the address of the permittee as shown on the business license application or as shown on the going-out-of-business permit application. Such notices may also served by personal service.
(Ord. No. 8011, § 2, 3-22-93)

Sec. 7-89. Requirements for permittee sign.

All signs as required in section 7-85(1) of this article shall conform to the following requirements:

(1) There shall be a sign posted near to and visible from each entrance to the business.

(2) Each sign shall measure 24" × 24".

(3) All information printed on permittee's sign shall be in one-half (1/2) inch letters.

(4) Each sign shall contain the city business license number and the sale permit number.

(5) Each sign shall provide the telephone numbers for the consumer affairs office and the revenue division office for complaint and follow-up information.

(Ord. No. 8011, § 2, 3-22-93)

Secs. 7-90 – 7-96. Reserved.

ARTICLE V. PAWNBROKERS, SECONDHAND DEALERS AND SCRAP METAL DEALERS*

Sec. 7-97. Definitions.

For the purpose of this article:

Sec. 7-97(1). In this article, the following terms shall have the meanings given in A.R.S. § 44-1621: identification document, loan, pawn ticket, pawn transaction, pawnbroker, pawnshop, pledged goods, pledgor, reportable transaction, and transaction date.

Sec. 7-97(2). Jewelry includes gold, platinum, silver, gold-filled or plated ware, diamonds and other precious or semiprecious stones whether mounted or unmounted, cultured pearls, and watches, clocks and goods, wares and merchandise commonly classified as jewelry and commonly offered for sale in jewelry stores.

Sec. 7-97(3). Repeat pawn means a reportable transaction where the transaction involves the same pledgor and the identical item(s) as a previous transaction, provided that the previous transaction occurred within the preceding twelve (12) months and was properly reported.

Sec. 7-97(4). Secondhand dealer.

(a) Secondhand dealer means every person engaged in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares, merchandise or other articles, including:

(1) Coins, gems or semiprecious stones, jewelry, precious metals purchased from any person other than the original manufacturer or authorized distributor selling the same for money, credit or exchange, digital video discs, and all goods and articles that bear a serial number or owner applied number regardless of value; and

(2) All secondhand goods, wares, merchandise, or other articles that have a fair market value in excess of one hundred dollars ($100.00).

(b) The term defined in paragraph (a) includes:

(1) Every person engaged in the described business whether such business be the principal or sole business so carried on, managed or conducted, or be merely incidental to, in connection with or a branch or department of, some other business; and

(2) Any person or entity that conducts such activities at a location that is not that person's or entity's actual business address, such as a hotel, meeting hall, convention center, or other short term leased or rented location.

(c) The term secondhand dealer does not include organizations that are recognized as not for profit under the laws of this state or any other state, dealer to dealer transactions, or individuals or businesses conducting estate sales.

Sec. 7-97(5). Scrap metal includes any ferrous or nonferrous metals as defined in A.R.S. § 44-1641, any insulated or uninsulated metallic cable, and any other materials commonly known as "scrap metal" including iron, copper, brass, lead, zinc, tin, steel, aluminum, metallic cables and wires, and other like materials, except used food and beverage containers.

Sec. 7-97(6). Scrap metal dealer means each person or business entity including all employees of the person or business entity, engaged in the business of purchasing, trading, bartering or otherwise receiving secondhand or castoff material of any kind, except used food and beverage containers, which is defined in this section or commonly known as scrap metal. This term includes automotive recyclers as defined and licensed pursuant to title 28 of the Arizona Revised Statutes

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***Editor's note –** Section 1 of Ord. No. 10254, adopted Feb. 28, 2006, changed the title of this article from "Pawnbrokers, Secondhand Dealers and Junk Dealers" to "Pawnbrokers, Secondhand Dealers and Scrap Metal Dealers."

Cross references – License fee for pawnbrokers, § 19-28(109); license fee for junk collectors, § 19-28(79); license fee for junk dealers, § 19-28(84).

when such recycler engages in the activity defined in this subsection.

Sec. 7-97(7). Transaction includes only those items required to be reported pursuant to section 7-98(b) but does not include compact discs, furniture, and books.
(1953 Code, ch. 19, § 1; Ord. No. 4716, § 2, 11-28-77; Ord. No. 9587, § 1, 8-6-01; Ord. No. 10254, § 2, 2-28-06; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

Sec. 7-98. Duty to report receipt of articles to police.

(a) A pawnbroker shall make and deliver to the chief of police a true, complete, and accurate report of each article the pawnbroker receives through a reportable transaction, as provided by A.R.S. § 44-1625.

(b) It shall be unlawful for any secondhand dealer, or any employee or agent thereof, to fail, neglect, or refuse to deliver to the chief of police, within two (2) business days after the receipt thereof, a full, true, and complete report of the following enumerated goods, wares, merchandise, or other articles received at the secondhand or scrap metal dealer's place of business on deposit or by purchase, trade, consignment or otherwise where the total value of such goods wares, merchandise, or other articles exceeds fifty dollars ($50.00):

(1) Coins;

(2) Gems or semiprecious stones;

(3) Jewelry;

(4) Precious metals purchased from any person other than the original manufacturer or authorized distributor selling the same for money, credit or exchange;

(5) Digital video discs, expanded memory cards, and games;

(6) Bicycles;

(7) Golf clubs;

(8) Ballistic vests, bullet-proof vests, and body armor;

(9) Any good or article that bears a serial number or owner applied number; and

(10) Collectable goods and articles that contain autographs, limited edition designations, or number sequences.

(c) Any good or article that has a fair market value in excess of one hundred dollars ($100.00) shall be reported under section 7-98(b) notwithstanding the fact that such good or article is not enumerated in the provisions of such section. Transactions may not be split into smaller portions for the purpose of avoiding the reporting requirements of this section.
(Ord. No. 1053 Code, ch. 19, § 2; Ord. No. 2819, § 1, 10-11-65; Ord. No. 4716, § 3, 11-28-77; Ord. No. 8176, § 1, 12-13-93; Ord. No. 9587, § 2, 8-6-01; Ord. No. 10254, § 3, 2-28-06; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

Sec. 7-99. Contents of report to police.

The report required by section 7-98 shall include at least all of the following:

(1) The last, first and middle name of the pledgor or seller;

(2) The permanent address and telephone number, if applicable, of the pledgor or seller;

(3) The physical description of the pledgor or seller including height, weight, hair and eye color, sex, race, date of birth, prominent scars and other distinguishing features;

(4) The number and type of the identification document presented by the pledgor or seller;

(5) An accurate, legible description of each item pledged or sold, including the manufacturer's name, model number, serial number, caliber, size, type of item and any owner applied number, inscription or monogram, and for scrap metals, the description and weight of the scrap metal received;

(6) The pawnbroker's or secondhand dealer's name and address and the initials or identifying number of the employee who received the item;

(7) The date and time of the initial pawn or purchase transaction;

(8) The type of transaction and initial pawn ticket number;

(9) The amount loaned or paid in the transaction;

(10) A fingerprint of the pledgor or seller only as required by state law;

(11) Whether the transaction is a repeat pawn as defined in this article, and if so, the date of the initial transaction within the preceding twelve (12) months and the name and address of the pawnbroker involved in that preceding transaction.

(1953 Code, ch. 19, § 3; Ord. No. 4716, § 4, 11-28-77; Ord. No. 9587, § 3, 8-6-01; Ord. No. 10254, § 4, 2-28-06; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

Sec. 7-100. Form of reports; when due; imposition of fee.

(a) All reports required by section 7-98 shall be written or printed entirely in the English language on forms provided by the chief of police in a clear and legible manner and shall be delivered to the chief of police by electronic means as approved by the chief of police. The fingerprint required by section 7-99 shall be affixed in the manner described on the form. All such reports shall be delivered within two (2) business days after the receipt of an item through a reportable transaction or transaction. Such reports may be submitted to the chief by electronic means as determined by the chief.

(b) Each transaction report shall include no more than three (3) items. For the purposes of this subsection, multiple nonserialized items of the same type (e.g. rings) that are delivered in a single transaction and that have no owner assigned numbers, engravings, inscriptions, monograms or other unique identifying characteristics, may be considered as one item on the report (e.g. "six (6) silver rings").

(c) Each pawnbroker and secondhand dealer shall pay to the city a fee in the amount of one dollar ($1.00) for each report required to be prepared pursuant to A.R.S. § 44-1625(A) and section 7-98. This fee shall be due and payable to the city on the 20th day of April, July, October, and January and shall be based on the number of reports submitted to the city during each quarter.

(Ord. No. 4716, § 5, 11-28-77; Ord. No. 9587, § 4, 8-6-01; Ord. No. 10790, § 1, 5-18-10, eff. 7-1-10)

Editor's note – Ord. No. 4716, § 1, adopted Nov. 28, 1977, specifically amended the Code by repealing former §§ 7-100 – 7-106, which had pertained to reports, records of transactions, dealing with minors, doubtful ownership, and violation. The sections had been derived from the 1953 Code, ch. 19, §§ 4 – 10, and Ord. No. 2819, § 2, adopted Oct. 11, 1965. §§ 5 – 8 of Ord. No. 4716 added new §§ 7-100 – 7-103 as herein set out.

Sec. 7-101. Requirements; record of transactions; police department hold on property.

(a) Every secondhand dealer within the city shall keep a permanent record at his place of business, in which a complete record of all transactions required to be reported under this article shall be entered in the English language in a clear and legible manner and at the time when the transaction takes place. Such record shall contain all the information required to be reported to the chief of police under the provisions of sections 7-98 and 7-99 and shall be retained for no less than two (2) years from the date of the last entry.

(b) The record of transactions required by subsection (a) shall be available for inspection by the chief of police or his designated representative during normal business hours.

(c) Whenever there exists probable cause to believe that property in the possession of a pawnbroker, secondhand dealer, or other person is stolen, a police officer or person so designated by the chief of police may place a hold on the property for a period up to ninety (90) days. When a police officer or designee places a hold on the property, the police officer or designee shall initiate such hold by contacting the pawnbroker or secondhand dealer in person or by telephone and informing the pawnbroker or secondhand dealer of the hold and describing the item or items to be held. Within three (3) days of the initial contact, the police officer or designee shall deliver or mail to the pawnbroker or secondhand dealer a written notice of the hold. The written notice shall include a description of the item or items to be held.

(d) Whenever property that is in the possession of a pawnbroker, secondhand dealer, or other person is

subject to a hold and the property is required by a police officer in a criminal investigation or for use as evidence in a criminal proceeding, the pawnbroker, secondhand dealer, or other person upon reasonable notice, shall deliver the property to any police officer.

(e) The police department may extend a hold placed pursuant to this section for the purpose of criminal investigation or for use in any judicial proceeding, including that set forth in this article. Any extended hold shall be no longer than is reasonably necessary.

(f) Whenever property that is in the possession of a pawnbroker, secondhand dealer, or other person is subject to a hold and the property is no longer required for the purpose of criminal investigation or any criminal proceeding, and more than one person can reasonably be anticipated to make a claim for possession of the property, the police department may follow the procedures set forth in this article for disposition of the property within forty-five (45) days of the conclusion of the criminal investigation or criminal proceeding.

(g) Whenever property that is in the possession of the police department pursuant to the procedures set forth in this section is no longer required for the purpose of criminal investigation or for use as evidence in any criminal proceeding, the police department may follow the procedures set forth in this article for disposition of the property within forty-five (45) days of the conclusion of the criminal investigation or proceeding.

(Ord. No. 4716, § 6, 11-18-77; Ord. No. 8680, § 1, 4-22-96; Ord. No. 9587, § 5, 8-6-01)

Note – See editor's note following § 7-100.

Sec. 7-102. Prohibited acts.

(a) No pawnbroker, secondhand dealer, or any employee or agent thereof shall not:

(1) Receive any goods, wares, merchandise or other articles that are required to be reported by this article whether on deposit, in pawn or pledge, or by purchase or otherwise from any person under the age of eighteen (18) years, or from any person who is at the time intoxicated.

(2) Purchase or otherwise take any goods, wares, merchandise or other articles that are required to be reported by this article without first taking reasonable steps, including requiring the pledgor or seller to produce an identification document, to ascertain that such goods, wares, merchandise or other articles are the property of the person offering to deposit, pawn, pledge or sell the same.

(3) Purchase or otherwise take any goods, wares, merchandise or other articles, knowing or having reason to know that such goods, wares, merchandise or other articles are stolen.

(4) Sell, trade, transfer, or dispose of any goods, wares, merchandise, or other articles that are required to be reported under this article until twenty (20) days after filing the report required by section 7-98. For the purposes of this section, the twenty (20) day retention period begins upon receipt of the electronic transmission of the transaction report, as approved by the chief of police.

(5) Sell, trade, transfer or dispose of any goods, wares, merchandise or other articles subject to a police department hold described by section 7-101 except pursuant to a court order, order of a hearing officer issued pursuant to this article, or upon receipt of a written authorization signed by any police officer.

(6) Purchase, receive, sell or transfer any item from which a manufacturer's serial number or model designator has been removed, altered or tampered with. These items shall be reported to the police department.

(7) Refuse to permit the chief of police or a designated representative to enter such business, during normal business hours, for the purpose of inspecting such goods or records.

(8) Fail to pay the transaction fee required to be paid by section 7-100(c) at the time so required.

(b) No secondhand dealer may sell, trade, transfer, purchase, receive, or otherwise take or dispose of any goods, wares, merchandise or other articles that are required to be reported under this article without first obtaining the appropriate licenses from the finance department and paying the tax imposed by section 19-85. In addition, all secondhand dealers and pawnbrokers shall attend any training required by the chief of police regarding the requirements under this article. Each attendee shall be given a copy of this article after completing such training and acknowledging receipt thereof.

(c) In any transaction with a secondhand dealer, no pledgor or seller shall provide false information concerning the pledgor's or seller's: name, address, phone number or rightful ownership.
(Ord. No. 4716, § 7, 11-28-77; Ord. No. 8680, § 2, 4-22-96; Ord. No. 9587, § 6, 8-6-01; Ord. No. 10254, § 5, 2-28-06; Ord. No. 10790, § 2, 5-18-10, eff. 7-1-10)
Note – See editor's note following § 7-100.

Sec. 7-103. Violations, penalties.

Each violation of any provision of this article shall constitute a misdemeanor.
(Ord. No. 4716, § 8, 11-28-77; Ord. No. 9587, § 7, 8-6-01; Ord. No. 10254, § 6, 2-28-06)
Note – See editor's note following § 7-100.

Sec. 7-104. Scope.

Property which is in the possession of pawnbrokers, secondhand dealers, the police department or other person, and which has all of the characteristics set forth in section 7-105, below, shall be disposed of pursuant to this article.
(Ord. No. 8680, § 3, 4-22-96; Ord. No. 9587, § 8, 8-6-01)

Sec. 7-105. Property included.

(a) The city has reason to believe that the property was stolen.

(b) The police department has possession of the property or has placed a hold on the property as set forth in section 7-101.

(c) No state court has before it a petition against a suspect alleged to have stolen the property.

(d) Two (2) or more persons are known or believed to have made, or can reasonably be anticipated to make, a claim for possession of the property.

(e) The city makes no claim to possession of the property.

(f) The property will not be required to be retained for use as evidence in any legal proceeding other than the hearing under this article and the city police department has no other lawful reason for holding the property.
(Ord. No. 8680, § 4, 4-22-96; Ord. No. 9587, § 9, 8-6-01)

Sec. 7-106. Initiation of petition.

The police department shall file a petition with a hearing officer designated by the city manager to determine ownership of the property within forty-five (45) days of the conclusion of the criminal investigation or criminal proceedings involving the property. Such petition shall set forth the following:

(1) The facts establishing compliance with section 7-105.

(2) The name and address of each person described in section 7-105(d).

(3) An accurate description of the property, any identifying marks or serial numbers, the police identification number(s), the location where the property is currently being held, and the person from whom seized, if the property was in fact seized.

(Ord. No. 8680, § 5, 4-22-96)

Sec. 7-107. Service of the petition; notice of hearing.

(a) The police department shall serve the petition by personal service or by first class mail, postage prepaid, return receipt requested, upon all persons known to have an interest in the property, each person described and named in section 7-105(d) and section 7-106(b) above, and, in all cases, the person from whom the property was obtained or who currently possesses the property subject to the police department hold.

(b) A copy of sections 7-104 through 7-113 of this article shall be served with each petition.

(c) There shall be served with the petition a notice of hearing setting forth the date, time and place for the conduct of the hearing to determine the right of possession to the property. The hearing date shall not be sooner than twenty-five (25), nor more than forty-five (45), calendar days after the date of service of the petition and notice.

(d) Service shall be made to the last known address of all persons included in subsection (a) of this section.

(e) Service shall be complete upon receipt. If service is made by certified mail, the return receipt shall be prima facie evidence of service.

(f) Proof of service upon each potential claimant shall be delivered to the hearing officer.
(Ord. No. 8680, § 6, 4-22-96)

Sec. 7-108. Claimant's rights.

(a) Any person claiming an interest in the property shall be known as a respondent.

(b) A respondent or any other person claiming any ownership interest of any kind, or possessory right to the property shall have the right to appear at the hearing and to present any and all evidence in support of such person's claim to the property.

(c) Except as provided in section 7-110(b) of this article, the failure of any person to appear at such Hearing shall constitute a waiver of any claim to the property by such person as against the city, and shall authorize the hearing officer to enter a ruling consistent therewith.
(Ord. No. 8680, § 7, 4-22-96)

Sec. 7-109. Hearing officer.

All petitions filed pursuant to this article shall be filed with and considered by a hearing officer appointed by the city manager.
(Ord. No. 8680, § 8, 4-22-96)

Sec. 7-110. Conduct of hearing.

(a) The hearing shall be conducted informally and the technical rules of evidence shall not apply, provided that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties shall have the right to be represented by counsel, to present evidence and testimony in support of their position, and to cross-examine adverse witnesses. All witnesses shall be placed under oath before testifying.

(b) The burden of proof shall be by a preponderance of the evidence, and shall at all times be upon the person or persons challenging the possession of the party from whom the property was taken by the police department, even if the party from whom the property was taken does not appear at the hearing. If the property was not seized by the police department, the burden of proof shall at all times be upon the person or persons challenging the party who currently possesses the property subject to the hold.

(c) The hearing shall be recorded electronically or by other means.

(d) The decision of the hearing officer shall be issued within ten (10) calendar days of the close of the record. The decision shall be in writing, and shall be mailed postage prepaid to each respondent or claimant appearing. A copy of the decision shall also be sent to the city police department.

(e) The decision of the hearing officer shall be final upon issuance.
(Ord. No. 8680, § 9, 4-22-96)

Sec. 7-111. Judicial review.

(a) Any respondent or other party participating in the hearing who is aggrieved by the decision of the hearing officer may seek judicial review by way of special action to the superior court.

(b) A complaint seeking special action review shall be filed within thirty (30) days of a final decision by the hearing officer.
(Ord. No. 8680, § 10, 4-22-96)

Sec. 7-112. Release of property.

(a) Any person prevailing in a hearing or uncontested proceeding administered pursuant to this article shall be entitled to receive the property described in the petition after producing a copy of the decision in their favor and appropriate identification to the property's custodian.

(b) A receipt shall be signed evidencing delivery of the property to the person identified in subsection (a) of this section.

(c) Any person with custody of the property described in the petition who is presented with a copy of the hearing officer's decision and appropriate identification shall release the property to the prevailing party.
(Ord. No. 8680, § 11, 4-22-96)

Sec. 7-113. Limited effect of hearing officer decision.

Nothing in this article shall prevent any person from filing an action in a court of appropriate jurisdiction to establish ownership to the property.
(Ord. No. 8680, § 12, 4-22-96)

Sec. 7-114. Provisions severable.

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. 9587, § 10, 8-6-01)

Sec. 7-115. Grounds for denial and revocation of license.

(a) No license for a secondhand dealer shall be issued or renewed if the applicant or licensee:

(1) Is not eighteen (18) years of age or older;

(2) Made any false statement or failed to answer any question in the application;

(3) While licensed under this article, has had such license revoked within the previous two (2) years;

(4) Has been convicted or found responsible of a violation of this article within one (1) year immediately preceding the application.

(b) No license shall be issued or renewed if the location of the business is not in conformity with applicable zoning regulations.

(c) The director of finance shall revoke a license issued under this article when:

(1) The licensee is convicted of or found responsible for two (2) or more violations of this article committed within a one (1) year period;

(2) An employee of the licensee is convicted or found responsible for two (2) or more violations of this article committed within a one (1) year period. The licensee shall be notified in writing by the police department whenever an employee is cited for a violation of this article. Notice shall be given to the licensee within ten (10) days of the charge being filed. The provisions of this subsection regarding license suspension shall not apply in the absence of such notification;

(3) The applicant or licensee has made false or misleading statements of material fact in the application for the license required by this article, or has entered or given false information in any record or report required by this article to be kept or made by a licensee;

(4) The applicant or licensee has failed to report a transaction using forms required by this article and approved by the chief of police or has failed to pay the transaction fee required to be paid by section 7-100(c) at the time so required.

(Ord. No. 10254, § 7, 2-28-06; Ord. No. 10790, § 3, 5-18-10, eff. 7-1-10)

Sec. 7-116. Revocation hearing.

(a) The director of finance, upon notification by the chief of police that grounds for revocation exist, shall file a written petition for revocation with the city court, requesting that a time and place be set for a hearing and specifying the grounds for revocation. Within five (5) days, the special limited magistrate shall schedule a hearing to be conducted within fifteen (15) days of the receipt of the petition to revoke. The special limited magistrate shall notify the parties in the manner provided in this article and shall state the grounds relied upon for the proposed revocation. Should the licensee fail to appear at the hearing, a default judgment of revocation shall be entered. A record shall be kept of all proceedings, including proofs offered and a transcript of testimony. No license shall be revoked unless grounds therefore are established by a preponderance of the evidence as shown by the record of the hearing. The hearing shall be held in an informal manner as to the order of proceeding and presentation of evidence with a record made by electronic tape recording or stenographic transcription. The Arizona Rules of Evidence shall apply. However, the special limited magistrate shall admit evidence over hearsay objections where the proffered evidence has substantial probative value and reliability. Copies of records and documents prepared in the ordinary course of business shall be admitted, but subject to challenge as to weight and authenticity. The special limited magistrate shall provide the licensee and other parties written notice of the decision within five (5) days, pursuant to subsection (b) of this section. Revocation of a license shall be effected by the special limited magistrate's signing of the written notice of the decision. Appeal of the decision of the special limited magistrate shall be by way of special action to this Superior Court on the record of the hearing. A licensee's right to do business under authority of the license shall terminate immediately upon giving or mailing to the licensee a copy of a signed decision revoking the license; except that the revocation may be stayed by the superior court pending a timely appeal of the decision by special action. Such appeal must be filed within ten (10) days after the decision to revoke is signed unless the decision is mailed, in which case the appeal must be filed no later than fifteen (15) days after entry of the decision. The appellee shall bear the cost of preparing the record of appeal. If an appeal is not timely made, the revocation becomes final and the license is terminated.

(b) Notices required by this article may be served by certified mail to the licensee's attorney, to the licensee at the address as shown on the business license, or by personal service.

(c) Upon revocation of a license, all fees or taxes theretofore paid for or on account of any such license shall be deemed forfeited to the city.
(Ord. No. 10254, § 8, 2-28-06)

ARTICLE VI. ESCORTS AND ESCORT BUREAUS

Sec. 7-117. Definitions.

The following words and phrases, whenever used in this article, shall be constructed as defined in this section unless in context it appears that a different meaning is intended:

(1) *Escort* means a person who for pecuniary compensation or any consideration accompanies others to, from or about social affairs, entertainments, place of public assembly or places of amusement, or who agrees to or does consort socially with others for hire or reward to, in or about any place of public or private resort or any private quarters or business premises.

(2) *Escort bureau* means any business or agency which for pecuniary compensation or any consideration furnishes or offers to furnish escorts or introduction service.

(3) *Introduction service* means a service offered or performed for any pecuniary compensation or any consideration, the principal purpose of which is to aid individuals to become socially acquainted, or which service is generally known by the offering or performing party to be used by the recipient thereof for the purpose of obtaining information about others to be used for social purposes.
(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-118. Licensing of escorts and escort bureaus required; unlawful acts.

(a) It shall be unlawful for any person, selfemployed or employed by another, to act as an escort without first obtaining and maintaining in effect an escort license as provided by this article.

(b) It shall be unlawful for any person, association, partnership, firm or corporation to furnish or offer to furnish escorts or introduction service, or to conduct business as an escort bureau, or to manage an escort bureau, without first obtaining and maintaining in effect an escort bureau license as provided by this article.

(c) It shall be unlawful for any person or other entity doing business as an escort bureau to employ as an escort any person who does not have a current and unrevoked escort license as provided by this article.

(d) It shall be unlawful for any person or entity licensed as provided by this article to act as an escort, or furnish or offer to furnish escorts or introduction service, or manage or conduct business as an escort bureau under any name not specified in such license.

(e) It shall be unlawful for any person, association, partnership, firm or corporation to operate an escort bureau on the same premises whereon is located a cocktail lounge, bar or tavern, photography studio, telephone answering service, theater, bookstore, martial arts studio, physical culture, studio, public bath, motel, hotel, or massage parlor, or for any person to solicit business as an escort while in or on such business premises.
(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-119. License application – Required; fee.

(a) Any person, association, firm, partnership or corporation desiring to obtain an escort bureau license, and any person desiring to obtain an escort license, shall apply to the city director of finance, who shall refer each application to the chief of police for appropriate investigation. A person desiring licenses authorizing activity as both an escort and escort bureau shall submit separate applications.

(b) Each application shall be accompanied by a nonrefundable application fee of three hundred dollars ($300.00) and the bond required by this article. The application fee required by this section and the license required by this article shall be in addition to any business license and fee which may be required by chapter 19 of the Tucson Code. The granting of a license under this article shall not be deemed evidence or proof that the licensee has complied with requirements and provisions of chapter 19 of the Tucson Code.

(c) The chief of police shall investigate an application and the background of the applicant. Based on such investigation, the chief of police shall recommend to the director of finance approval or denial of a license within sixty (60) days of receiving a completed application. The sixty (60) days may be extended for a reasonable time if required by the chief of police to obtain information from other law enforcement agencies.
(Ord. No. 4782, § 1, 4-3-78; Ord. No. 8130, § 1, 10-4-93)

Sec. 7-120. Same – Contents.

(a) An applicant for an escort license or escort bureau license shall submit an application, verified under oath, containing the following information and material:

(1) The applicant's full legal and current residence address;

(2) The applicant's two (2) residence addresses immediately prior to the applicant's present address, and the dates of residence at each;

(3) Any other name by which the applicant has been known during the previous five (5) years;

(4) The address at which the applicant desires to do business, and the name under which the business will be conducted;

(5) Written proof that the applicant is at least twenty-one (21) years of age;

(6) The applicant's height, weight and color of hair and eyes;

(7) Two (2) portrait photographs, at least two (2) inches by two (2) inches in size, taken within the previous six (6) months;

(8) The business, occupation or employment history of the applicant during the previous five (5) years;

(9) All felony and misdemeanor convictions of the applicant, excluding those for traffic offenses;

(10) The applicant's complete fingerprints, recorded by the police department;

(11) The name and current residence address of each person employed or intended to be employed as an escort;

(12) If an application is for an escort bureau license for other than an individual, the full name and current residence address of each of its partners, members, directors, officers and managers;

(13) Such other information and identification as the police department may require in order to discover the truth of the matters above required to be set forth in the application.

(b) If an application for an escort bureau license is for a firm, partnership, association or corporation, the applicant shall be the individual who is to be in actual management of the escort bureau for which a license is requested, and the information and material required about the applicant by subsection (a) of this section shall also be required about the individual in active management of the firm, partnership, association or corporation in whose name the license is to be issued.

(c) An application for a license shall be accompanied by:

(1) The application fee required by section 7-119 of this article; and

(2) A surety bond in the amount of five thousand dollars ($5,000.00). The bond shall be executed and acknowledged by the licensee as principal and by a corporation licensed to transact fidelity and surety business in the state as surety. The bond shall be continuous in form and run concurrently with the license period, and shall be in favor of the city for the benefit of any person injured by any act of the principal or the principal's agent or employee, and shall be subject to claim by any person injured thereby.

(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-121. Grounds for denial of license.

No escort license or escort bureau license shall be issued or renewed if the applicant:

(1) Has been convicted within the previous five (5) years of a felony or of any offense involving moral turpitude, or of any offense involving prostitution or any of the related offenses enumerated in A.R.S. section 13-1401 et seq.; rape, indecent exposure, child molesting, lewd and lascivious acts as enumerated in this Code or defined in the Arizona Revised Statutes, or of any offense involving the unlawful carrying, possession, or use of a dangerous weapon, or of any offense involving the unlawful possession, sale, or use of dangerous or narcotic drugs;

(2) Is not eighteen (18) years of age or older;

(3) Knowingly made any false statement in his application;

(4) While not licensed under the provisions of this article, committed, aided or abetted the commission of any act for which a license is required by this article;

(5) While licensed under this article, has had such license revoked within the previous five (5) years.

(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-122. Place of business; license non-transferable.

(a) A licensee shall conduct business only at the address shown on the license. Each additional place of business shall require a separate license.

(b) All licenses issued under this article shall be nontransferable as to licensee; however, the director of finance, upon receipt of a transfer fee of ten dollars ($10.00), shall authorize the transfer of a license from one location to another provided the licensee remains the same.

(c) No license shall in any manner advertise its services as licensed or bonded by the city.
(Ord. No. 4782, § 1, 4:3-78)

Sec. 7-123. Licensee records and reports required.

(a) Every person licensed as an escort under this article shall maintain a legible written record of every transaction whereby the licensee acted as an escort. The record shall show the date and hours of each transaction and the name, address and telephone number of the person or persons for whom the licensee acted as escort.

(b) Every escort bureau licensee shall maintain:

(1) A current list of all escorts employed by the licensee, showing the name and current address of each.

(2) A legible written record of every transaction whereby any introduction service or escort is furnished to, or arranged for on behalf of, any person, patron or customer. The records shall show the date and hour of each transaction, the name, address and telephone number of the person requesting or arranging for introduction service or escort, and the name of every escort furnished, or other person about whom information is furnished, by the licensee.

(c) The records required by subsections (a) and (b) of this section shall be kept available and open for inspection by the police department at any time or by the director of finance or his authorized representative at any time.

(d) Every escort bureau licensee shall report in writing to the police department the name of any escort employed by the licensee whose employment by the licensee has terminated, within twenty-four (24) hours after such termination.
(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-124. Revocation of license; grounds.

The director of finance shall have the authority to revoke a license issued under this article when:

(1) The licensee is operating in violation of this article or of any other ordinance or regulation relating to or regulating the licensee's business, and has failed or refused to cease and desist from such violation within five (5) days after notice to do so from the director of finance.

(2) The licensee or its managing agent has been convicted, since the license was issued, of any of the offenses described in section 7-121(1) of this article.

(3) The licensee or its managing agent has knowingly made false or misleading statements of material fact in the application for the license required by this article, or has entered or given false information in any record or report required by this article to be kept or made by a licensee.
(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-125. Procedure for revocation.

(a) Before revoking a license, the director of finance shall given written notice to the licensee, in the manner provided in this article, that a revocation hearing will be held at a place and time specified in the notice, which hearing shall not be sooner than ten (10) days from the date of the notice. The notice shall state the grounds relied upon for the proposed revocation. The director of finance shall hold the hearing at the time and place specified, unless agreed otherwise by the licensee and other parties concerned, and the licensee shall be allowed to appear in person and by counsel and offer evidence. A record shall be a kept of all proceedings, including proofs offered and a transcript of testimony. No license shall be revoked unless grounds therefor are satisfactorily established by the evidence as shown by the record of the hearing. The director of finance shall give the licensee and other parties written notice of his decision, and such decision shall be final. Revocation of a license shall be effected by the finance director's signing of the written notice of his decision. A licensee's right to do business under authority of the license shall terminate immediately upon the mailing to the licensee of a copy of the director's signed decision revoking the license.

(b) Notices required by this article may be served by certified mail addressed to the licensee at the address of the licensee as shown on the business license or by personal service.
(Ord. No. 4782, § 1, 4-3-78)

Sec. 7-126. Penalty.

Wherever in this article any act is prohibited or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this article is a misdemeanor punishable by a fine of not more than three hundred dollars ($300.00) or imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. Revocation of a license shall not be a defense against prosecution.
(Ord. No. 4782, § 1, 4-3-78)

Secs. 7-127 – 7-129. Reserved.

ARTICLE VII. MASSAGE ESTABLISHMENTS*

Sec. 7-130. Statement of intent.

It is intended that these provisions shall regulate massage establishments, as that term is defined in this article, that they may serve the health and therapeutic massage needs of the residents of this community. It is further intended that those massage establishments be so regulated so as to provide their services in compliance with standards of safety, hygiene, and professional ethics, to the end that the health and welfare of this community may be maintained.

Hospital service corporations and Medical service corporations certified pursuant to Chapter 4, Article 3 of Title 20 of the Arizona revised statutes (A.R.S. § 20-821 et seq.) shall be exempt from the provisions of this article.
(Ord. No. 9991, § 2, 6-28-04; Ord. No. 10251, § 1, 2-28-06)

Sec. 7-131. Definitions.

The following words and phrases, wherever used in this article, shall be construed as defined in this section, unless from the context a different meaning is intended:

(a) *Massage therapy* means a health care service involving the external manipulation or pressure of soft tissue (muscles, tendons, ligaments), the main characteristic being to create physiological changes in those tissues. Massage therapy includes, but is not limited to, effleurage, petrissage, tapotement, tapping, compression, applications of direct pressure, vibration, friction, nerve strokes, stretches, range of motion or movements by manual or by any electrical, mechanical or vibratory apparatus, and the external applications of heat and cold. Massage therapy does not include the lawful practice of any of the healing arts to the extent authorized by a state-issued license; or the practice of an occupation licensed pursuant to chapter 19, article I of this Code, except massage therapy as defined in this article. Massage therapy does not, as its primary characteristic, attempt to alter or change energy fields or the life forces (as perceived in traditional Chinese, Asian, or Ayervedic medicines) of the human body, including, but not limited to, shiatsu, reflexology, reiki, polarity, and other similar modalities.

(b) *Massage therapist* means a person who is required to be licensed as a massage therapist by the State of Arizona.

(c) *Massage establishment* means a place of business wherein any of the methods listed in subsection (a) are administered or practiced and/or from which is dispatched a person for administering or practicing massage therapy. A massage establishment must comply with city established building and safety codes, fire codes, and health codes. Massage establishments may be located in either business or residential zones, and must comply with all requirements listed in section 7-137, Massage establishment license; inspec-

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***Editor's note –** Ord. No. 9991, § 1, adopted June 28, 2004, repealed the former Art. VII., §§ 7-130 – 7-151, and § 2 enacted a new Art. VII as set out herein. The former Art. VII pertained to massage therapists and establishments and derived from Ord. No. 3779, § 1, 1-17-72; Ord. No. 4597, §§ 1, 2, 12-6-76; Ord. No. 6059, §§ 1 – 9, 8-6-84; Ord. No. 7050, § 2, 9-26-88; Ord. No. 7262, § 1, 8-7-89; Ord. No. 8130, § 2, 10-4-93; Ord. No. 8410, § 2, 4-10-95; Ord. No. 8590, §§ 1 – 3, 10-23-95; Ord. No. 8962, § 1, 10-6-97; Ord. No. 9925, § 1, 1-5-04.

Editor's note – It should be noted that § 3 of Ord. No. 9991 states that the provisions of this article shall become effective July 1, 2004.

Sec. 7-220. Adult care license application; information required.

(a) An application for an adult care license shall be filed by the owner of the adult care home or facility on forms provided by the revenue department. The information required at the time of application shall include but not be limited to the following:

(1) The name, address and signature of the owner of the adult care home or facility.

(2) The address of the adult care home or facility to be licensed.

(3) A copy of the zoning compliance certificate issued by the zoning administrator for the adult care home or facility to be licensed.

(b) The owner of an adult care home or facility shall notify the city revenue department within thirty (30) days of any change in the name or address of the owner.
(Ord. No. 6820, § 1, 10-26-87)

Sec. 7-221. Adult care license; inspection required.

Upon application and before issuance or renewal of an adult care license, the appropriate city departments shall inspect the adult care home or facility to determine compliance with the provisions of chapters 6 and 23 of the Tucson Code. No adult care license shall be issued or renewed unless the adult care home or facility is in compliance with the provisions of chapters 6 and 23 of the Tucson Code. After issuance or renewal of an adult care license, the owner or manager of each adult care home or facility shall submit to unannounced inspections of the premises at least once a year.
(Ord. No. 6820, § 1, 10-26-87)

Sec. 7-222. Adult care license; special requirements.

An adult care home or facility for which an adult care license has been issued must continue to meet the requirements of chapters 6 and 23 of the Tucson Code.
(Ord. No. 6820, § 1, 10-26-87)

Sec. 7-223. Annual fee.

(a) Except as provided in subsection (b), every adult care home or facility licensed by the city shall pay an annual license fee of fifty dollars ($50.00). The license fee shall accompany the application for license. No adult care license shall be renewed unless the annual fee required for such license has been paid. All adult care home licenses will expire on December 31 and must be renewed annually thereafter.

(b) When the adult care home or facility has not previously been licensed by the city, the fee for the first year shall be determined as follows:

(1) For licenses issued on or before March 31, the fee is fifty dollars ($50.00).

(2) For licenses issued between April 1 and June 30, the fee is thirty-seven dollars and fifty cents ($37.50).

(3) For licenses issued between July 1 and September 30, the fee is twenty-five dollars ($25.00).

(4) For licenses issued between October 1 and December 31, the fee is twelve dollars and fifty cents ($12.50).

(Ord. No. 6820, § 1, 10-26-87; Ord. No. 9661, § 1, 1-28-02)

Sec. 7-224. Violations declared a civil infraction.

Any violation of the provisions of this article shall be a civil infraction.

(Ord. No. 6820, § 1, 10-26-87)

Charter reference – Violations of Charter and ordinances, ch. XXV, § 5.

Cross references – General penalty, § 1-8; administrative hearing office to hear and decide violations deemed to be civil infractions, § 28-2(2).

Secs. 7-225 – 7-299. Reserved.

ARTICLE XIII. STREET FAIRS*

Sec. 7-300. Definitions.

For the purposes of this article, unless the context plainly requires otherwise, the following terms or phrases are defined as:

Event animal means an animal that the street fair sponsor has approved or permitted for participation in the street fair event.

Service animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Animals are considered service animals regardless of whether they have been licensed or certified by a state or local government.

Street fair means an open-air marketplace event, having a duration not exceeding five (5) consecutive days, the boundaries of which have been set by the city for use by street fair vendors selected as set forth in section 7-301 and in which:

(1) Public access to the city streets and alleys is curtailed by city action designating the specific portions of streets and alleys to be utilized for a specific time for street fair purposes only; and

(2) Public access to city sidewalks is curtailed by city action limiting use of the sidewalks to pedestrian traffic only and prohibiting vending to, from or upon those sidewalks during the specific time set for the street fair.

Working animal means a horse or a dog that is used by a law enforcement agency, that is trained for law enforcement work and that is under the control of its handler.

(Ord. No. 10789, § 1, 5-18-10)

Sec. 7-301. Street fair vendors.

(a) Street fair vendors of food and beverages shall be selected by the street fair sponsor so as to make available as wide a variety as possible, subject, however, to reasonable limitation in accord with size of the fair and applicable provisions of state law and/or city ordinances; however, the city shall, pursuant to its authority under A.R.S. § 4-203.02, approve no more than one (1) alcoholic beverage booth for each eight hundred (800) linear feet of right-of-way occupied by arts and crafts booths.

***Editor's note** – Section 2 of Ord. No. 7299, adopted Oct. 23, 1989, renumbered former § 7-218 as § 7-300, thus implicitly renumbering former art. XI as art. XIII.

(b) Street fair vendors of products other than food and beverages shall be selected by the street fair sponsor pursuant to a juried system approved by the city which is accepted as customary and usual for selecting vendors on the basis of standards of quality and competence in the creation or production of types of items being sold by the vendors that have applied in a particular category.

(c) No product, goods, merchandise, food or beverage shall be sold at a street fair unless the vendor has been selected by the street fair sponsor as provided in subsections (a) and (b) above and the vendor is licensed as a street fair vendor pursuant to section 19-41(c)(2) or is subject to the exemption of subsection (d) below.

(d) *Exemption.* Every person who is currently licensed by the city under any provision of chapter 19 of the Tucson Code and either (a) is also selected as a street fair vendor by the street fair sponsor and/or (b) has a permanent place of business operating within the street fair boundaries conducting its regular and usual business operations shall not be subject to the prohibitions of subsection (c) above.
(Ord. No. 6131, § 1, 12-3-84; Ord. No. 7299, § 2, 10-23-89; Ord. No. 7932, § 1, 10-26-92; Ord. No. 9693, § 1, 4-15-02; Ord. No. 10448, § 12, 9-5-07, eff. 1-1-08; Ord. No. 10789, § 2, 5-18-10)

Sec. 7-302. Animals prohibited; exceptions.

(a) Except as otherwise provided in this section, no person shall cause or allow any animal under that person's control to enter or remain in the boundaries of a street fair during the time designated for use by the street fair.

(b) The prohibition in subsection (a) only applies when signs providing reasonable notice of the prohibition are in place at each public entrance to the street fair.

(c) The prohibition described in subsection (a) does not apply to event animals, service animals, or working animals.
(Ord. No. 10789, § 3, 5-18-10)

Sec. 7-303. Violation; penalties.

(a) A violation of any of the provisions of this article is a civil infraction.

(b) A violation of section 7-302 is punishable by community service or fines in an amount not to exceed two-hundred and fifty dollars ($250.00). The rate of substitution of community service work for the fine amount shall be calculated at ten dollars ($10.00) per hour.
(Ord. No. 10789, § 4, 5-18-10)

Secs. 7-304 – 7-310. Reserved.

ARTICLE XIV. VENDING MACHINES*

Sec. 7-311. License and registration required.

(a) It is unlawful for any distributor to distribute, lease or rent to another for operation, or to service or maintain for another any machine, or to directly or indirectly retain any legal or equitable interest in a vending machine sold by him without obtaining a distributor's license.

(b) It is unlawful for any distributor to have any vending machine in operation within the city unless the machine has been registered with the city and an identification marker or tag provided by the city placed thereon, in accordance with the provisions of this division.

(c) It is unlawful for any owner-operator to place, install, keep or operate any vending machine in the city unless the machine has been registered with the city and an identification marker or tag supplied by the city placed thereon in accordance with the provisions of this division.
(Ord. No. 2650, § 1, 8-13-64; Ord. No. 7885, § 4, 8-3-92)

Sec. 7-312. Gambling devices not permitted.

Nothing in this division shall be construed to authorize, license, or permit any gambling device

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***Editor's note** – Ord. No. 7885, § 1, adopted August 3, 1992, repealed ch. 19, div. 2, §§ 19-31 – 19-38.3, relating to vending machines, and § 4 of this ordinance amended ch. 7 by adding a new art. XIV, relating to vending machines to replace them. The sections have been renumbered at the discretion of the editor to preserve continuity of the codification.

chapter. Such subpoenas may be personally served by the human resources department or by any process server recognized in the state.
(1953 Code, ch. 10, § 19; Ord. No. 7369, § 16, 3-12-90; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

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

Commissioners shall receive a salary of twenty-four hundred dollars ($2,400.00) per annum. The chairperson of the commission shall, for the performance of those additional duties required of the position, receive an additional six hundred dollars ($600.00) per annum.
(Ord. No. 6839, § 1, 11-23-87; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

Secs. 10-23 – 10-30. Reserved.

ARTICLE II. COMPENSATION PLAN*

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

Sec. 10-31(1). Compensation policy. The city's compensation system provides equitable and consistent treatment of employees commensurate with internal and external values of classifications and the objective of attracting, retaining and motivating employees. Key measures of employee compensation shall be labor market information and job performance. In addition, for classifications subject to Tucson Code section 10-7, a key measure will be job evaluation grades assigned to classifications based on compensable factors. Job evaluation grades shall be correlated with compensation ranges set forth in salary schedules. Classifications not subject to Tucson Code section 10-7 shall be assigned a range or rate set forth in a salary schedule. Other pay provisions such as commission, shift differential, overtime, standby, weekend premium pay for regularly schedule hours, incentive, special skills, education, and other certification and special duty pays for designated employee groups may be provided for when adopted and/or reenacted by the mayor and council as part of the annual compensation plan.
(Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

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

Sec. 10-31(3). Amendments. Subject to the prior approval of the city manager, amendments to the annual compensation plan may from time to time be initiated, formulated and recommended to the mayor and council.
(Ord. No. 4411, § 1, 11-17-75; Ord. No. 4418, § 1, 12-8-75; Ord. No. 9675, § 3, 2-25-02)

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

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

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

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

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

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

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

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

(2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to maximum) for principle assistant city attorney.

(3) Fire fighter, trainee, eighty-five (85) percent of range 401, step 1.

(4) Water treatment plan operator, trainee, ninety (90) percent of range 916, step 1.

(5) Utility service worker, trainee, ninety (90) percent of range 915, step 1.

(6) Code inspector trainee, ninety-five (95) percent of range 918, step 1.

(7) Emergency 911 operator, police service operator and public safety dispatcher will receive temporary assignment pay for five (5) percent of the employees base hourly rate for all hours when employee is assigned to train and evaluate an operator-trainee or dispatcher-trainee as part of the departments formal training program.

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan.
(Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-31(8). Payment for uniform maintenance. Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance consistent with labor agreements and administrative directives.
(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

1957 Supp. to 1953 Code, Ch. 10, § 36 – Amended by:
Ord. No. 1826, § 2, 5-5-58
Ord. No. 1853, § 1, 8-18-58
Ord. No. 1855, § 2, 9-2-58
Ord. No. 1870, § 1, 12-8-58
Ord. No. 1899, § 1, 4-20-59
Ord. No. 1960, §§ 1, 2, 9-28-59
Ord. No. 1980, § 6, 11-16-59
Ord. No. 1981, § 1, 11-16-59
Ord. No. 2004, § 1, 2-3-60
Ord. No. 2030, § 1, 5-2-60
Ord. No. 2129, § 1, 1-3-61
Ord. No. 2187, § 1, 6-19-61
Ord. No. 2212, § 3, 9-18-61
Ord. No. 2329, § 1, 8-13-62
Ord. No. 2390, § 3, 12-17-62
Ord. No. 2496, § 1, 7-22-63
Ord. No. 2574, § 1, 1-20-64
Ord. No. 2651, § 1, 8-13-64
Ord. No. 2658, § 1, 9-8-64
Ord. No. 2693, § 1, 11-2-64

Ch. 10, § 36a of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:
Ord. No. 2004, § 2, 2-3-60
Ord. No. 2105, § 1, 11-7-60
Ord. No. 2129, § 2, 1-3-61
Ord. No. 2212, § 4, 9-18-61
Ord. No. 2390, § 4, 12-17-62
Ord. No. 2608, § 1, 5-4-64
Ord. No. 2709, § 1, 12-7-64

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

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

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

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

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

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

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

Section 10-31 has been amended by the following ordinances:
Ord. No. 2754, § 3, 4-5-65
Ord. No. 2845, § 4, 2-7-66
Ord. No. 2874, § 1, 5-16-66
Ord. No. 2908, §§ 1, 2, 8-1-66
Ord. No. 2930, §§ 1, 2, 10-24-66
Ord. No. 2940, § 3, 11-28-66
Ord. No. 2973, § 1, 2-6-67
Ord. No. 2974, § 1, 2-6-67
Ord. No. 2986, § 2, 3-20-67
Ord. No. 3009, §§ 1, 2, 6-5-67
Ord. No. 3061, § 1, 12-4-67
Ord. No. 3079, § 1, 1-15-68
Ord. No. 3123, § 1, 5-20-68
Ord. No. 3126, § 2, 5-27-68
Ord. No. 3127, § 1, 6-3-68
Ord. No. 3137, § 1, 7-1-68
Ord. No. 3163, §§ 1, 2, 9-9-68
Ord. No. 3179, § 1, 11-12-68
Ord. No. 3199, § 1, 12-2-68
Ord. No. 3208, § 1, 1-13-69
Ord. No. 3209, §§ 1, 2, 1-13-69
Ord. No. 3214, § 1, 2-3-69
Ord. No. 3215, §§ 1, 2, 2-24-69

Ord. No. 3251, §§ 1, 2, 5-5-69
Ord. No. 3266, § 1, 6-2-69
Ord. No. 3279, § 1, 6-23-69
Ord. No. 3298, § 1, 7-21-69
Ord. No. 3344, § 2, 10-16-69
Ord. No. 3405, § 1, 2-2-70
Ord. No. 3428, § 1, 3-23-70
Ord. No. 3429, § 1, 3-23-70
Ord. No. 3444, § 1, 5-18-70
Ord. No. 3512, § 1, 8-31-70
Ord. No. 3534, § 1, 10-12-70
Ord. No. 3581, § 1, 1-4-71
Ord. No. 3582, § 1, 1-4-71
Ord. No. 3635, §§ 1, 2, 5-12-71
Ord. No. 3648, §§ 1 – 4, 5-10-71
Ord. No. 3710, §§ 1, 2, 9-7-71
Ord. No. 3768, § 1, 12-20-71
Ord. No. 3838, §§ 1 – 4, 5-1-72
Ord. No. 3863, §§ 1 – 4, 6-12-73
Ord. No. 3914, §§ 1, 2, 9-5-72
Ord. No. 3968, § 1, 1-22-73
Ord. No. 4014, § 1, 4-23-73
Ord. No. 4025, § 1, 5-21-73
Ord. No. 4027, § 1, 5-29-73
Ord. No. 4038, § 2, 6-25-73
Ord. No. 4065, § 1, 7-16-73
Ord. No. 4075, § 1, 8-6-73
Ord. No. 4105, § 1, 11-5-73
Ord. No. 4119, § 2, 12-11-73
Ord. No. 4142, § 1, 2-25-74
Ord. No. 4182, § 1, 5-28-74
Ord. No. 4194, § 1, 6-3-74
Ord. No. 4198, § 2, 6-17-74
Ord. No. 4203, § 2, 7-1-74
Ord. No. 4218, § 1, 7-22-74
Ord. No. 4239, § 1, 9-9-74
Ord. No. 4241, § 1, 9-9-74
Ord. No. 4306, § 1, 1-13-75
Ord. No. 4371, § 1, 6-30-75
Ord. No. 4381, § 1, 8-4-75
Ord. No. 4425, § 2, 12-30-75
Ord. No. 4445, § 1, 2-17-76
Ord. No. 4523, § 2, 6-21-76
Ord. No. 4528, § 1, 6-28-76
Ord. No. 4643, § 1, 5-23-77
Ord. No. 4682, § 2, 7-5-77
Ord. No. 4735, § 2, 12-19-77
Ord. No. 4849, §§ 2, 3, 7-3-78
Ord. No. 4859, § 1, 8-7-78
Ord. No. 4872, § 1, 9-5-78
Ord. No. 4896, § 1, 10-23-78
Ord. No. 4905, §§ 1, 2, 11-13-78
Ord. No. 4939, §§ 1, 2, 2-12-79
Ord. No. 4984, § 2, 6-4-79
Ord. No. 5007, §§ 1, 2, 7-2-79
Ord. No. 5032, § 1, 9-4-79
Ord. No. 5061, §§ 1, 2, 11-13-79
Ord. No. 5085, § 1, 1-7-79
Ord. No. 5146, §§ 1, 2, 5-5-80
Ord. No. 5164, § 2, 5-27-80
Ord. No. 5199, § 1, 8-4-80
Ord. No. 5305, §§ 1, 2, 2-9-81
Ord. No. 5365, § 1, 6-8-81
Ord. No. 5399, §§ 2, 3, 7, 6-29-81
Ord. No. 5413, § 1, 8-3-81
Ord. No. 5599, §§ 1, 3 – 5, 9, 6-28-82
Ord. No. 5624, § 1, 8-3-82
Ord. No. 5677, § 1, 11-8-82
Ord. No. 5798, §§ 1, 3, 8, 7-5-83
Ord. No. 5832, § 1, 8-1-83
Ord. No. 5850, §§ 1 – 3, 9-6-83
Ord. No. 5901, § 1, 11-21-83
Ord. No. 5903, § 1, 11-21-83
Ord. No. 5951, § 1, 2-13-84
Ord. No. 6007, § 1, 4-30-84
Ord. No. 6040, §§ 1, 3, 8, 6-25-84
Ord. No. 6071, § 1, 8-6-84
Ord. No. 6114, §§ 1 – 3, 11-5-84
Ord. No. 6169, § 1, 2-11-85
Ord. No. 6264, §§ 1, 3, 8, 6-24-85
Ord. No. 6302, §§ 1, 2, 9-3-85
Ord. No. 6329, § 1, 11-18-85
Ord. No. 6332, § 1, 11-25-85
Ord. No. 6338, § 1, 11-25-85
Ord. No. 6452, § 1, 3, 6-16-86
Ord. No. 6506, § 1, 9-2-86
Ord. No. 6613, § 1, 1-12-87
Ord. No. 6643, § 1, 3-16-87
Ord. No. 6735, §§ 1, 5, 10, 7-6-87
Ord. No. 6772, §§ 1, 2, 9-14-87
Ord. No. 6840, § 1, 11-16-87
Ord. No. 6913, § 1, 3-28-88
Ord. No. 6921, § 1, 4-4-88
Ord. No. 6945, § 1, 5-9-88
Ord. No. 6960, §§ 1, 2, 6-6-88
Ord. No. 7004, §§ 1, 4, 9 – 11, 14, 7-5-88
Ord. No. 7024, § 1, 9-6-88
Ord. No. 7097, § 1, 11-28-88
Ord. No. 7151, §§ 1, 2, 3-6-89
Ord. No. 7196, §§ 1, 2, 5-15-89
Ord. No. 7243, §§ 7, 9, 12, 7-3-89
Ord. No. 7275, §§ 1 – 3, 9-11-89
Ord. No. 7312, §§ 1, 2, 11-13-89
Ord. No. 7350 § 1, 2-5-90
Ord. No. 7383, § 2, 3-19-90
Ord. No. 7439, § 1, 6-25-90
Ord. No. 7466, § 1, 8-6-90
Ord. No. 7497, § 1, 9-17-90
Ord. No. 7518, § 1, 11-19-90
Ord. No. 7549, § 1, 1-14-91
Ord. No. 7566, § 1, 2-25-91
Ord. No. 7599, §§ 1, 2, 4-1-91
Ord. No. 7605, §§ 1, 2, 4-15-91
Ord. No. 7653, §§ 1, 2, 6-24-91
Ord. No. 7691, §§ 1, 2, 9-16-91
Ord. No. 7780, §§ 1, 2, 3-16-92
Ord. No. 7906, § 1, 9-14-92
Ord. No. 7917, §§ 1, 2, 10-5-92
Ord. No. 7970, § 1, 1-4-93
Ord. No. 8022, § 1, 4-12-93
Ord. No. 8067, §§ 1, 2, 6-21-93
Ord. No. 8090, § 1, 7-6-93
Ord. No. 8092, § 1, 8-2-93
Ord. No. 8149, § 1, 11-1-93
Ord. No. 8166, § 1, 11-22-93
Ord. No. 8206, § 1, 2-7-94

Ord. No. 8316, § 1, 7-5-94
Ord. No. 8367, § 1, 9-12-94
Ord. No. 8378, § 1, 10-17-94
Ord. No. 8439, § 2, 1-23-95
Ord. No. 8444, § 1, 2-6-95
Ord. No. 8519, §§ 1, 2, 6-12-95
Ord. No. 8619, § 1, 1-2-96
Ord. No. 8712, § 2, 6-10-96
Ord. No. 8753, § 2, 8-5-96
Ord. No. 8791, § 1, 1-6-97
Ord. No. 8842, § 1, 3-17-97
Ord. No. 8844, § 1, 3-24-97
Ord. No. 8878, § 1, 6-9-97
Ord. No. 8975, § 1, 11-3-97
Ord. No. 9008, § 1, 2-2-98
Ord. No. 9055, § 1, 5-18-98
Ord. No. 9068, § 1, 6-8-98
Ord. No. 9093, § 1, 8-3-98
Ord. No. 9151, § 1, 11-2-98
Ord. No. 9191, § 1, 1-11-99
Ord. No. 9237, § 1, 6-14-99
Ord. No. 9347, § 1, 2-7-00
Ord. No. 9352, § 1, 2-28-00
Ord. No. 9399, § 1, 6-12-00
Ord. No. 9465, § 1, 9-25-00
Ord. No. 9475, § 1, 10-16-00
Ord. No. 9575, § 1, 6-25-01
Ord. No. 9588, § 1, 8-6-01
Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
Ord. No. 9724, §§ 1, 2, 6-17-02
Ord. No. 9727, §§ 1, 2, 6-24-02
Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
Ord. No. 10491, §§ 1, 2, 1-8-08
Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
Ord. No. 10619, §§ 1, 2(Exh. A), 1-6-09 (effective January 1, 2009)
Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)

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 bee 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. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

(a) Effective January 1, 2006, 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 seventy-five dollars ($75.00) per pay period.

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

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

(d) The director of the department of human resources is responsible for establishing and/or adopting certification standards to ensure that bilingual ASL or Spanish proficiency is at a speed and technical level necessary to accomplish all critical aspects of a commissioned law enforcement officer's duties in those languages. The department of human resources is also responsible for the administration of the certified ASL or Spanish proficiency program including but not limited to verification procedures for confirming five (5) percent usage and criteria to be utilized by appointing authorities when designating a position as requiring certified bilingual user proficiency in ASL or Spanish language.
(Ord. No. 10165, § 4, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

In addition to the compensation authorized by Tucson Code section 10-31, compensation in the amount of sixty-nine dollars and twenty-three cents ($69.23) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

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

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

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

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

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

Compensation under this section will be awarded for only one certified designation regardless of the number of certified designations held.
(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

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

Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

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

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

(Ord. No. 9399, § 2, 6-12-00; Ord. No. 9522, § 1, 3-5-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10289, § 4, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 3, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

In addition to the compensation authorized by Tucson Code Section 10-31, compensation in the amount of two hundred fifty dollars ($250.00) for each twelve-hour shift worked outside of a normally scheduled shift shall be paid to full time employees assigned to suppression duties who hold positions in the Fire Battalion Chief Classification, Class Code 6440.

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

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

Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-36. Probationary periods.

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

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

Sec. 10-37. Reallocation.

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

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

(b) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's skill level is equal to the incumbent's current pay level or falls between two (2)

points within the skill level band the incumbent shall move to the higher level in the range. The anniversary date shall not change. The incumbent must attain the assigned skill level within the next six (6) months to retain the assigned pay level.

(c) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's current salary is higher than the incumbent's skill pay level the incumbent shall enter the structure with no change to current salary. The anniversary date shall not change. The incumbents shall not receive any further salary increases until the skill level for the assigned salary has been reached.

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

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

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

(c) When a position is reallocated to a classification assigned a lower salary range an incumbent's salary shall not change if it is greater than the maximum for the classification. The incumbent shall not receive any further salary increases until salary ranges for the classification increase, permitting salary increases under regular administration of the compensation plan.
(Ord. No. 9399, § 3, 6-12-00; Ord. No. 9866, § 3, 6-23-03; Ord. No. 10003, § 3, 6-28-04; Ord. No. 10550, § 4, 6-17-08, eff. 7-1-08)

Sec. 10-37.1. Reserved.

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

Sec. 10-37.2. Reserved.

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

Sec. 10-38. Movement within salary ranges.

Movement within salary ranges shall be based upon performance components and or predicated on acquisition of skills set forth in skill based pay components of the compensation plan and also in accordance with the city managers directives for compensation administration.
(Ord. No. 10003, § 4, 6-28-04)

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

Notwithstanding any other provision of article II of chapter 10, no person compensated under a performance based component of the compensation plan may receive more than one (1) performance based compensation increase within a year, except for exceptionally meritorious service and then only upon the recommendation of the department head and with the approval of the city manager. Performance pay increases for exceptionally meritorious service will not exceed five (5) percent in addition to the basic performance based pay of five (5) percent or a total maximum of ten (10) percent in any twelve (12) month time period. Persons compensated under a skill based component of the compensation plan shall not receive increases for meritorious service but may receive up to three (3) skill based pay level increases per year as provided for by the structure of the skill based component of the compensation plan.
(Ord. No. 8519, § 8, 6-12-95; Ord. No. 10003, § 5, 6-28-04; Ord. No. 10550, § 5, 6-17-08, eff. 7-1-08)
Editor's note – Formerly, § 10-38.

Secs. 10-40 – 10-44. Reserved.

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

Sec. 10-45. Computation of hourly rates.

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

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

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

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

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

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

(c) The director of human resources is responsible for the administration of recruiting referral compensation, including, but not limited to, providing for criteria to determine an acceptable referral; establishing methods to match referrals with hiring; and approving referral compensation. Payment of recruiting referral compensation for firefighter referrals will occur upon the applicant's successful completion of the Academy.
(Ord. No. 9349, § 1, 2-7-00; Ord. No. 9405, § 1, 6-19-00; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10558, § 2, 6-25-08, eff. 6-22-08)

Editor's note – Ord. No. 10426, § 2, adopted June 19, 2007, ratified, reaffirmed, and reenacted § 10-47 for Fiscal Year 2008. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 24, 2007.

Sec. 10-48. Supplement to military pay.

City employees, who pursuant to state law are entitled to military leave without loss of pay for a period not to exceed thirty (30) days in any two (2) consecutive years and fire commissioned personnel who are entitled by section 22-94 to military leave not to exceed thirty (30) days in one (1) year, will, when called to active duty which exceeds either of the preceding thirty (30) day periods for a period that exceeds thirty (30) consecutive days, receive pay to supplement their military base pay and allowances to the equivalent of their regular rate of city pay during the following time period and pursuant to the conditions hereafter provided:

(1) The supplemental pay will commence July 1, 2002, but pursuant to Tucson Code section 10-31(1), shall expire annually subject to readoption and reenactment as part of the annual compensation plan for the succeeding fiscal year. Notwithstanding, supplemental military pay will not be paid for any period of service if both military operations, Enduring Freedom and Iraqi Freedom, have ended.

(2) Supplemental military pay is an amount calculated to make the employee's military base pay and allowances equivalent to the monthly amount of the employee's regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.

(3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days, while either military operations Enduring Freedom and Iraqi Freedom are in existence.

(4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-94 during military service has been or becomes exhausted during the period of military service.

(5) The employee's base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.

(6) The employee provides proof of military service, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee's base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

(Ord. No. 9641, § 1, 12-10-01; Ord. No. 9709, § 1, 6-3-02; Ord. No. 9866, § 4, 6-23-03; Ord. No. 10003, § 6, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. 10814, § 1, 7-7-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

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

(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-50. Reserved.

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

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

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

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

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

Sec. 10-52. Longevity compensation plan.

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

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

Payment of longevity premium will be subject to the following:

(1) *Years of service.* These are considered as years of full-time service as a city employee of any class beginning with the starting date of the employee's first appointment. Any time served as a part-time employee (working less than twenty-one (21) hours per week or less than forty-two (42) hours per pay period) will not count toward eligibility for longevity pay. Any time in a leave-without-pay status in excess of ten (10) continuous working days will not count as time of service for longevity eligibility, but also will not be considered as a break in service. Military leave will fully count toward eligibility for longevity pay.

(2) *Method of payment.* The longevity premium will be paid in two (2) semi-annual installments: Half of the annual amount on the payday for the pay period in which June 1 falls, and half on the payday for the pay period in which December 1 falls. This is done so as to provide additional funds when needed most: around June 1 for vacation expenses, and around December 1 for holiday expenses. Employees becoming eligible for longevity compensation for the first time or becoming eligible for an increased increment will receive the first longevity premiums or increment increase amount on a pro rata basis for the period of eligibility in a method to be determined by the finance department.

(3) *Percentage of annual pay.* The amount of longevity pay will be based on the stated fixed percentage of the salary actually received by the employee during the six-month period immediately preceding the dates upon which longevity payments shall be made, as set forth in subsection (2) hereof. For purposes of this section the term "salary actually received by the employee" shall not include salary received in excess of the base pay.

(4) *Deductions.* Longevity pay will be subject to all applicable taxes and pension deductions. Such deductions will be made from longevity pay for amounts withheld.

(5) *Table.* A table of longevity payments will be established by the finance department showing semiannual longevity payment amounts at each pay step for each "percentage of annual pay" and will be available for use of all concerned.

(6) *Determination of eligibility.* The personnel department will be responsible for the accurate determination twice each year of each employee's length of service, including approved prior service credit, if any, and the resulting eligibility for the proper annual percentage of longevity pay.

(7) *Eligibility for benefits.* The provisions of this section shall not be applicable to any individual entering into employment with the city on or after May 1, 1977.

(Ord. No. 3345, § 1, 10-16-69; Ord. No. 3597, § 1, 1-25-71; Ord. No. 4077, § 1, 8-6-73; Ord. No. 4330, § 1, 2-24-75; Ord. No. 4642, § 1, 5-2-77; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-53. Pipeline protection program; compensation.

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

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

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

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

(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

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

(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

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

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

(d) This section is subject to annual readoption and reenactment by the mayor.

(Ord. No. 9797, § 1, 12-9-02; Ord. No. 10003, § 8, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

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

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

(1) Level One, 20 points. $150.00

(2) Level Two, 30 points. $250.00

(3) Level Three, 40 points. $350.00

(c) Commissioned police personnel through rank of captain participating in the CEP will receive CEP biannual incentive compensation dependent on CEP points attained. Compensation will be paid biannually on the second payday in March and September, except for the first payment after commencement of the program, which shall be paid on the second payday of June, 2005. To be eligible for the biannual payments, points must be attained prior to the cutoff date for submitting the form for processing payment. The form must be correctly submitted no later than February 28, for the March payment and August 31 for the September payment, except that the form for the first payment after commencement of the program must be submitted no later than April 1, of 2005.

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

(Ord. No. 10136, § 1, 3-22-05; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-53.4. Additional compensation for certain public safety command staff.

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

The classifications to receive this additional compensation are police lieutenant, police lieutenant-assignments to captain and assistant police chief, fire battalion chief, and fire battalion chief-assignments to staff and assistant fire chief.
(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

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

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents ($25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules.
(Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10)

Editor's note – Ord. No. 10806, § 2, adopted June 15, 2010, ratified, reaffirmed, and reenacted this section for Fiscal Year 2011. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2010.

Sec. 10-53.6. Additional compensation to defray housekeeping costs for commissioned fire personnel.

Commissioned fire personnel shall receive twenty-nine dollars and eighteen cents ($29.18) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules to defray housekeeping costs.
(Ord. No. 10426, § 5, 6-19-07, eff. 6-24-07; Ord. No. 10558, § 3, 6-25-08, eff. 6-22-08)

Sec. 10-53.7. Reserved.

Editor's note – Ord. No. 10675, § 5, adopted June 2, 2009, effective July 1, 2009, repealed § 10-53.7, which pertained to additional compensation in place of clothing allowance and derived from Ord. No. 10558, § 4, adopted June 25, 2008.

ARTICLE III. RESERVED

Sec. 10-54. Reserved.

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

Chapter 10A

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tion unless specifically exempted from the provisions hereof, or except when they conflict with the Charter, Arizona Revised Statutes, intergovernmental agreements, or corporate articles or bylaws of instrumentalities of the city. Where there is a conflict, the applicable provisions of the Charter, Arizona Revised Statutes, intergovernmental agreement, or corporate articles or bylaws shall prevail.
(Ord. No. 7018, § 2, 9-6-88)

Sec. 10A-134. Terms and removal.

(a) The terms of members of a body shall be coterminous with the terms of office of the mayor or members of the city council who appointed them, or until their successors on the body are appointed, except such members may be removed with or without cause prior to the expiration of their term by the mayor or members of the city council who appointed them or by such mayor's or member of the city council's successor in office.

(b) Members of such bodies shall be eligible for reappointment; but in no event may any individual serve more than a total of eight (8) continuous years on the same body, except members of bodies whose terms are more than four (4) years may serve two (2) complete coterminous terms. Once a member has served eight (8) years on a body, he may not be reappointed to that body until he has had a break in service of at least one (1) continuous year. Whenever a body is dissolved and reconstituted, time previously spent in office shall count towards the eight-year limitation. The following technical code committees are exempt from the eight-year service limitation: the Citizens Sign Code Committee, the Uniform Building Code Committee, the Electrical Code Committee, the Uniform Fire Code Committee, the Light Pollution Code Committee, the Mechanical Code Committee, the Plumbing Code Committee, the Spa/Pool Code Committee.

(c) Appointees, except for advisory members and members of the technical code committees named herein, may not serve on more than one (1) body at a time.

(d) The terms of office of members of a body serving unspecified terms shall be four (4) years commencing December 31, 1988, subject to the eight-year continuous service limitation.

(e) A member of a body, except for advisory members, who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40) percent of the meetings called in a calendar year is automatically and immediately removed as a member of the body.

(f) No city employee may serve on a body except in a nonvoting, ex officio capacity.

(g) Except as provided in subsection (h), should the appointment of a member of a body authorized to be appointed by the mayor, a member of the council, or the city manager (hereafter referred to as the "appointing authority") fail to be made within thirty (30) days after the expiration of the term of the member or thirty (30) days after a vacancy occurs, the appointment may be made by the mayor and council.

(h) Prior to the expiration of the term of members of bodies referred to in subsection (g), or within thirty (30) days after a vacancy on such a body occurs, the appointing authority may request an extension of time from the mayor and council to make the appointment.
(Ord. No. 7018, § 2, 9-6-88; Ord. No. 7260, § 1, 8-7-89; Ord. No. 10064, § 1, 10-18-04)

Sec. 10A-135. Effective date.

(a) The term of office for those members of a body who will have served eight (8) or more years continuously on a body as of December 31, 1988, will end on December 31, 1988, regardless of whether the member is serving a specified or unspecified term.

(b) The term of office for those voting members of a body who are city employees will end on December 31, 1988.
(Ord. No. 7018, § 2, 9-6-88)

Sec. 10A-136. Rules and regulations of commissions, boards, departments to be filed.

Two (2) copies of all rules and regulations of general application and future effect of every commission, board or department of the city, affecting the rights or procedure available to the public, including amendments and repeals thereof, shall be filed with the city clerk. All such rules and regulations, including amendments or repeals thereof, not so filed shall be of no force or effect.

It is hereby made the duty of the chairman of each commission or board of the city or the head of each department of the city to file such copies of such rules and regulations and of all repeals and amendments thereof in true and correct form with the city clerk.
(Ord. No. 7018, § 2, 9-6-88)

Cross reference – Filing of regulations of building board of appeals required, § 6-13.

Sec. 10A-137. Nonvoting, advisory members.

(a) Except as provided in section 10A-138, the chairperson of a body may, with the consent of a majority of the regular members of the body, appoint no more than four (4) advisory members to the body. Advisory members may be appointed for a period not to exceed two (2) years.

(b) Such advisory members shall have the right to be present at all meetings and to take part in the deliberations, but shall be nonvoting and shall not be counted in determining whether a quorum is present.
(Ord. No. 7079, § 1, 10-24-88; Ord. No. 8023, § 1, 4-12-93)

Sec. 10A-138. Citizens Advisory Planning Committee zoning code revision subcommittee.

The Citizens Advisory Planning Committee (CAPC) zoning code revision subcommittee is hereby established. The members of the CAPC zoning code revision subcommittee shall:

(1) Be appointed by and serve at the pleasure of a concurring vote of a simple majority of the CAPC;

(2) Not be subject to the number, term, quorum or voting restrictions of sections 10A-134 and 10A-137.

(Ord. No. 8023, § 2, 4-12-93)

Sec. 10A-139. Requirements for creation of boards, committees, and commissions; annual reports.

(a) *Boards established by ordinance or resolution.* All city boards, committees, and commissions (hereinafter collectively referred to in this section as "board") that serve an on-going advisory or quasi-judicial function shall be established by ordinance adopted by the mayor and council. All other city boards that are intended to serve for a limited time for the purpose of advising the mayor and council on a specific issue shall be established by a resolution adopted by the mayor and council.

(b) *Resolution contents.* Except as provided in subsection (d), the resolution referred to in subsection (a) shall contain the following provisions:

(1) *Sunset clause.* Unless mandated by the resolution to have a longer term, the board shall automatically terminate twenty-four (24) months after the effective date of the resolution.

(2) *Staff support.* Unless otherwise specified and budgeted, support for all boards shall be limited to complying with the requirements of the open meeting law.

(3) *Strategic plan.* The mission, responsibilities, and functions of the board shall be specified and consistent with the city's strategic plan.

(4) *Outside financial support.* The mayor and council shall approve any application for financial support outside of the city, and the county for joint city-Pima County boards, before the board may apply for the same. Any such financial support shall include funds for administrative assistance.

(c) *Annual report.* Each board shall file an annual report with the city clerk by March 1st of each year summarizing the board's previous year's activities.

(d) *Exceptions.* The mayor and council may exempt a board from any of the provisions of subsections (b) or (c) above by specifically designating the provision to be exempted in the ordinance or resolution creating the board and specifying the alternative, if any, to the provision.
(Ord. No. 9943, § 1, 3-22-04; Ord. No. 10810, § 1, 6-22-10)

Editor's note – It should be noted that § 2 of Ord. No. 9943 states that the provisions of § 10A-139 shall not apply to boards, committees, or commissions existing on the effective date of this ordinance (March 22, 2004).

moved as appropriate. In the event of a conflict on a specific issue, that member shall recuse himself or herself from discussion and voting on that issue. For purposes of this section, conflicts of interest shall be determined consistent with A.R.S. § 38-501, et seq.
(Ord. No. 10176, § 1, 7-6-05)

Secs. 10A-175 – 10A-179. Reserved.

ARTICLE XVII. LANDSCAPE ADVISORY COMMITTEE

Sec. 10A-180. Creation.

The landscape advisory committee (hereafter referred to as the "committee") is created. The committee shall consist of eleven (11) members appointed as provided in this article and subject to the provisions of this chapter.
(Ord. No. 10180, § 1, 7-6-05)

Sec. 10A-181. Membership composition, appointment, officers, and terms.

(a) *Composition.* The committee shall be composed of eleven (11) members. Of the eleven (11) members, one (1) member shall be chosen to represent each of the following areas or occupations: business community, ecologist, educator, landscape contractor, landscape architect, horticulturist/arborist, urban planner/architect, water conservation specialist, and neighborhood representatives (two (2) members). The remaining member shall be chosen from representatives from related non-profit corporations, other jurisdictions or agencies to fulfill the need to broaden representation and to ensure better coordination. Members must reside or work within Pima County and shall serve without compensation.

(b) *Nomination and appointment.* The mayor and council shall appoint the members of the committee based on recommendations from the city manager.

(c) *Terms.* Each member shall serve a term of four (4) years and may be reappointed by the mayor and council for one (1) additional four-year term. An appointment to fill a vacancy resulting other than from expiration of a term shall be for the unexpired term only.

(d) *Officers.* The committee shall elect from its membership a chairperson, vice-chairperson, and secretary who shall serve for terms of one (1) year. The vice-chairperson shall act as chairperson in the absence or disability of the chairperson or in the event a vacancy occurs in that office.

(e) *Bylaws.* The committee shall adopt bylaws for its operations that are consistent with this article and other legal authority. The bylaws and minutes of committee meetings shall be filed with the city clerk.
(Ord. No. 10180, § 1, 7-6-05)

Sec. 10A-182. Purpose of the committee.

The purpose of the committee shall be to advise the mayor and council on issues pertaining to the policies, planning, design, management, and promotion of public education of the city's landscape and vegetation resources.
(Ord. No. 10180, § 1, 7-6-05)

Sec. 10A-183. Limitation of powers.

Neither the committee nor any member thereof shall incur expenses or obligate the city in any way without prior authorization from the mayor and council.
(Ord. No. 10180, § 1, 7-6-05)

Secs. 10A-184 – 10A-189. Reserved.

ARTICLE XVIII. SMALL, MINORITY AND WOMEN-OWNED BUSINESS COMMISSION*

Sec. 10A-190. Creation.

There is established the small, minority and women-owned business commission ("commission"). The commission shall consist of fourteen (14) members. All members of the commission shall serve without compensation.
(Ord. No. 10785, § 5, 5-11-10)

***Editor's note:** Former Article XVIII, §§ 10A-190 – 10A-192, relating to the Small Business Commission, derived from Ord. No. 10207, § 2, adopted October 18, 2005, was repealed by Ord. No. 10765, § 2, adopted May 11, 2010.

Sec. 10A-191. Membership composition, appointment, officers, and terms.

(a) *Appointment, qualifications, and term.*

(1) *Appointment.* The mayor shall appoint two (2) at-large members. Each member of the council shall appoint two (2) members: one (1) at-large and one (1) by ward. The commission members should represent different segments of the business community, with broad and culturally diverse representation essential. Consideration should be given to appointing members who are certified small, minority, or women-owned business enterprise firms.

(2) *Qualifications.*

(A) At-large members must be: (i) business owners or managers from companies located within the City of Tucson having no more than one hundred (100) full-time employees; or (ii) representatives from an organization located within the City of Tucson that represents the interests of small business (e.g., chambers of commerce, trade associations, economic and business development organizations).

(B) Members appointed by ward must be business owners or managers from companies with no more than one hundred (100) full-time employees, where either (i) the company is located within the geographical boundaries of the ward, or (ii) the member resides in the ward.

(3) *Terms.* The terms of the members appointed by the mayor and council as a whole shall be coterminous with the elected official making the appointment, or until their successors are appointed. Members of the commission shall be eligible for reappointment; but in no event may an individual serve more than a total of eight (8) continuous years.

(4) *Vacancies.* Vacancies on the commission shall be filled by appointment in the same manner in which the members are initially appointed. Appointments to a vacant position shall be for the unexpired portion of the term.

(5) *Removal.* A member of the commission who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40) percent of the meetings called in a calendar year shall be automatically removed from the commission.

(6) *Quorum.* A majority of the fourteen (14) authorized members of the commission shall constitute a quorum.

(7) *Ex officio member.* A member of the Pima County Small Business Commission shall be an ex officio member of the commission.

(b) *Commission officers and rules.* The commission shall elect its own officers and may adopt rules and regulations in relation to its functioning consistent with this chapter and other legal authority and file them with the city clerk. The commission shall meet at such times and places as it determines.

(c) *Subcommittees.* The commission may form subcommittees as may be necessary to carry out its duties and functions.

(d) *Purposes of the commission.* The purposes of the commission shall be to:

(1) Monitor the effectiveness of the city's small, minority and women-owned business enterprise program in increasing small, minority and women-owned business participation in city contracts.

(2) Monitor local practices and policies, which may have discriminatory impact on minority and women-owned businesses in the contracting and procurement of construction, goods, general services, and professional services with the City of Tucson.

(3) Facilitate communication between the city and small businesses.

(4) Evaluate city policies and regulations for their impact on small businesses and to make recommendations to streamline and/or modify such regulations as deemed necessary.

(5) Sponsor and conduct educational forums, hearings, and workshops on topics of concern to small, minority and women-owned businesses.

(6) Recommend to mayor and council for consideration alternative measures or legislation to encourage small, minority and women-owned business participation.

(7) Request of any city department information and or other assistance for the purpose of furthering the objectives of the commission.

(8) At the discretion and express direction of the mayor and council, assume and undertake such other tasks or duties as would facilitate the goals and objectives of the commission.

(Ord. No. 10785, § 5, 5-11-10)

Sec. 10A-192. Reports.

The commission shall report to the mayor and council annually, and shall submit such additional reports as it deems necessary or as requested by the mayor and council. The board's annual report shall be filed with the city clerk's office on or before March 1st.
(Ord. No. 10785, § 5, 5-11-10)

Sec. 10A-193. Limitation of powers.

Neither the commission nor any member thereof may incur city expenses or obligate the city in any way without prior authorization of mayor and council.
(Ord. No. 10785, § 5, 5-11-10)

Sec. 10A-194. Staff support.

The city manager's office, department of finance and office of equal opportunity programs shall provide staff to support the functions of the commission and to maintain minutes of its meetings. Minutes of meetings are to be filed with the city clerk.
(Ord. No. 10785, § 5, 5-11-10)

Secs. 10A-195 – 10A-199. Reserved.

ARTICLE XIX. RESOURCE PLANNING ADVISORY COMMITTEE

Sec. 10A-200. Creation.

There is established the Resource Planning Advisory Committee (RPAC).
(Ord. No. 10310, § 1, 8-8-06)

Sec. 10A-201. Membership composition; appointment and terms; purpose.

(a) *Composition.* RPAC shall be composed of thirteen (13) members who shall serve without compensation.

(b) *Qualifications.* The thirteen (13) members shall be appointed as follows:

(1) Eight (8) members shall be selected, one (1) from each of the following organizations:

a. Coalition for Sonoran Desert Protection.

b. Southern Arizona Home Builders Association.

c. Sonoran Institute.

d. Metropolitan Pima Alliance.

e. Arizona Native Plant Society.

f. Santa Cruz River Alliance.

g. Tucson Association of Realtors.

h. An environmental conservation organization such as the Sierra Club or Audubon Society.

(2) One (1) member shall be selected from a non-governmental entity that is a significant landowner within the HCP Planning Area. A significant landowner is a group or individual that owns at least six hundred forty (640) acres of contiguous or non-contiguous land.

(3) Four (4) at-large members shall be selected from non-profit and private sectors representing a balanced range of interests and shall have a professional affiliation with, or

expertise in, one or more of the following areas:

a. Natural resource conservation.

b. Civil or environmental engineering.

c. Environmental planning and resource management.

d. Land use planning and development.

e. Transportation planning.

f. Building and construction.

g. Economic development.

(c) *Ex officio members.* Nine (9) ex officio members may be selected, one (1) from each of the following entities:

(1) United States Fish and Wildlife Service.

(2) Arizona Game and Fish Department.

(3) Arizona Department of Transportation.

(4) Pima Association of Governments.

(5) Pima County.

(6) Town of Marana.

(7) Town of Sahuarita.

(8) Arizona State Land Department.

(9) Town of Oro Valley.

(d) *Nomination and appointment.* Members shall be appointed by the mayor and council from nominations made by the city manager as provided in this section.

(e) *Terms and removal.*

(1) The members specified in section 10A-201(b)(1) shall serve for a term of four (4) years and may be re-appointed for one additional term of four (4) years.

(2) The members specified in sections 10A-201(b)(2) and (3) shall serve for a term of two (2) years and may be re-appointed for three (3) additional terms of two (2) years.

(3) Notwithstanding section 10A-134(a), members may only be removed prior to the expiration of their term by the mayor and council.

(Ord. No. 10310, § 1, 8-8-06; Ord. No. 10507, § 1, 3-4-08; Ord. No. 10541, § 1, 6-10-08; Ord. No. 10570, § 1, 9-9-08)

Sec. 10A-202. Functions and duties.

The RPAC shall have the following functions, purpose, powers, and duties:

(1) Advise the mayor and council on a preferred conservation reserve design alternative and associated implementation measures to comply with section 10(a)(1)(B) of the Endangered Species Act relating to permit requirements and other resource planning duties.

(2) Provide comments and recommendations to the mayor and council on matters relating to long-term protection of wildlife and plant species, habitats, and other important or sensitive natural resource.

(3) Coordinate and collaborate with government agencies, citizens, community groups, academic institutions, and other entities on matters relating to regional natural resource planning and management.

(4) Solicit and review recommendations from other city advisory committees regarding natural resource planning and/or management issues.

(5) Provide specific recommendations to the mayor and council on matters relating to a habitat conservation plan (HCP), including, but not limited to:

a. The location and configuration of conservation lands, mechanisms for natural resource protection, and management strategies that:

(i) Meet requirements for compliance with the Endangered Species Act;

(ii) Provide for the long-term protection of critical or sensitive natural resources within the HCP area;

(iii) Recognize regional economic objectives, including orderly and efficient development within the HCP area, property rights, and legal and physical land-use constraints;

(iv) Are consistent with the city's general plan and other city plans and policies; and

(v) Complement other regional conservation, restoration, and natural resource management plans and efforts.

b. A framework for monitoring and managing conservation lands and for protection of these lands in perpetuity;

c. Habitat conservation plan implementation strategies, including funding sources for habitat acquisition, monitoring, and management;

d. The process of maintaining and submitting annual reports to the U.S. Fish and Wildlife Services in demonstration of the adequate implementation of the HCP; and

e. Opportunities for coordinated, multi-jurisdictional conservation efforts.

(Ord. No. 10310, § 1, 8-8-06)

Sec. 10A-203. Committee organization.

(a) *Co-chairs.* The RPAC shall elect from among its members two co-chairs who shall each serve simultaneous one-year terms, unless a different term is provided for in its bylaws. The co-chairs shall conduct all required RPAC functions together except in the absence or disability of one co-chair or in the event of a vacancy in that office, in which case the remaining co-chair shall conduct required RPAC functions alone. No member shall serve as a co-chair for more than one term during any consecutive four (4) years.

(b) *Bylaws and meetings.* The RPAC shall adopt bylaws for its operations that are consistent with this chapter and other legal authority and file them with the city clerk.

(c) The RPAC may form subcommittees as may be necessary.

(Ord. No. 10310, § 1, 8-8-06; Ord. No. 10541, § 2, 6-10-08)

Sec. 10A-204. Limitation of powers.

Neither the RPAC nor any member thereof may incur governmental expenses without prior authorization of the mayor and council nor may they obligate the city in any form.

(Ord. No. 10310, § 1, 8-8-06)

Secs. 10A-205 – 10A-209. Reserved.

ARTICLE XX. CLIMATE CHANGE COMMITTEE (CCC)

Sec. 10A-210. Creation.

Pursuant to Tucson Code [section] 10A-139(a), the Climate Change Committee (CCC) is created as an on-going mayor and council advisory committee.

(Ord. No. 10591, § 1, 10-7-08)

Sec. 10A-211. Membership composition; principal and alternate members; nomination and appointment; qualifications; terms and reappointment; removal; concurrent service permitted; advisory members.

(a) *Composition.* The CCC shall be composed of thirteen (13) voting members, who shall serve without compensation.

(b) *Principal and alternate members.* In order to plan quickly and effectively and also to facilitate broader stakeholder involvement, principal and alternate members will be assigned for each seat on the CCC. If the principal member holding a given seat is present at a CCC meeting, then only the principal member counts toward the quorum and can vote, but the alternate member may also attend and, at the discretion of the co-chairs, sit with the CCC and participate in discussions of some or all of the items on the agenda. If the Principal Member holding a given seat is not present at a CCC meeting, or must leave a CCC meeting before it is adjourned, then the alternate member, if present, counts toward forming or maintaining the quorum and can vote in place of the principal member. If a principal member serving as a co-chair (section 10A-214(a) below) is absent from a CCC meeting, or must leave a CCC meeting before it is adjourned, the corresponding Alternate member for that seat does not automatically take the principal member's place as co-chair for that meeting, but may do so upon specific vote of the CCC. Alternate members will preferably come from the same or a similar organization as the principal member and shall, at a minimum, represent the same broad area of expertise as the principal member. If the principal member assigned to a seat on the CCC resigns, is removed, or can no longer serve, the alternate member assigned for that seat will receive first consideration for nomination and appointment as the new principal member.

(c) *Nomination and appointment.* The city manager, in consultation with the office of conservation and sustainable development, shall nominate qualified persons for consideration and appointment by the mayor and council.

(d) *Qualifications.* Members should represent a balanced range of interests including non-profit, academic and private sectors and shall have a professional affiliation with, or expertise in, one or more of the following areas:

(1) Climate change.

(2) Sustainable land use and transportation.

(3) Architecture and sustainable design.

(4) Community, grass-roots climate change efforts.

(5) Urban green space, urban heat island mitigation.

(6) Low-income representation.

(7) Local economy.

(8) Small and/or local business.

(9) Workforce advocacy and training.

(10) Neighborhood advocacy/support.

(11) Social services.

(12) Human health.

(13) Food security.

(e) *Terms and reappointment.* Both principal and alternate members shall serve for a term of two (2) years and may be re-appointed for up to three (3) additional terms of two (2) years.

(f) *Removal.* Tucson Code section 10A-134(e) applies to the CCC. Otherwise, notwithstanding Tucson Code section 10A-134(a), a member may be removed prior to the expiration of the member's term only by the mayor and council.

(g) *Concurrent service permitted.* Tucson Code section 10A-134(c) does not apply to the CCC or its subcommittees. Members of the CCC or its subcommittees may serve concurrently on other city committees, boards, or commissions.

(h) *Advisory members.* The co-chairs, acting by agreement, may appoint representatives from city advisory committees and departments and from other governmental jurisdictions with environmental or resource interests to serve as advisory, non-voting members.
(Ord. No. 10591, § 1, 10-7-08)

Sec. 10A-212. Functions, purposes, powers, and duties.

The CCC shall have the following functions, purposes, powers, and duties:

(1) Develop a climate change mitigation and adaptation plan including recommendations to achieve the city's greenhouse gas reduction commitments along with strategies and steps needed to prepare for the direct and indirect effects of climate change on the city's infrastructure and operations, as well as its ecological, economic and social capital.

(2) Identify and prioritize concerns and issues relating to long-term environmental, social and economic sustainability of the Tucson community.

(3) Annually review the city's sustainability strategic plan, provide a written report on the status of implementation of the plan, and recommend revisions to the mayor and council that reflect new information or priorities for pursuing a more sustainable community.

(4) Review and report to the mayor and council on progress toward achieving adopted sustainability goals and objectives, including those adopted in the mayor's climate protection agreement, utilizing staff of the city manager's office of conservation and sustainable development and other sources for the information necessary for such review.

(5) Frame priorities for sustainability that balance environmental protection, judicious use of resources, economic vitality, healthy communities, and social equity and that are appropriate to the specific challenges and constraints of the Sonoran Desert, and develop and propose a comprehensive set of sustainability principles to inform city policies, including the general plan.

(6) Establish methods and indicators to measure success in meeting established sustainability goals.

(7) Solicit and review recommendations from other city advisory committees regarding indicators, implementation, and/or other aspects of the city's sustainability strategic plan.

(8) Support and sponsor community programs and projects to provide information and education to the community on ways to improve individual, business, or organizational sustainability.

(9) Develop and encourage community efforts and resources for community action on sustainability.

(10) Consult and cooperate with federal, state, county, city, town, or other governmental or public agencies, commissions, and committees, citizens, community groups, academic institutions, and other entities on matters relating to sustainability.

(11) Consult with the mayor and council as requested relative to specific sustainability issues and needs that may arise.

(Ord. No. 10591, § 1, 10-7-08)

Sec. 10A-213. Staff support; minutes.

The city manager, acting through the office of conservation and sustainable development, shall provide staff to support the functions of the CCC and to maintain minutes of its meetings.

(Ord. No. 10591, § 1, 10-7-08)

Sec. 10A-214. Committee organization; sub-committees.

(a) *Co-chairs.* The CCC shall select from among its principal members two (2) co-chairs who shall serve two-year terms. The co-chairs shall share responsibility for scheduling, presiding at, and directing the conduct of business at all CCC meetings. No principal member shall serve as a co-chair for more than one term during any consecutive four (4) years. If a principal member serving as a co-chair is absent from a CCC meeting, or must leave a CCC meeting before it is adjourned, the corresponding alternate member for that seat does not automatically take the principal member's place as co-chair for that meeting, but may do so upon specific vote of the CCC.

(b) *By-laws.* The CCC shall adopt bylaws for its operations that are consistent with this Charter and other legal authority and file them with the city clerk.

(c) *Meetings.* The CCC shall choose its own meeting dates, times, and places.

(d) *Subcommittees.* The CCC is empowered to create subcommittees that bring in additional expertise from outside the committee. Subcommittees will have at least three (3) members and no more than seven (7) members, and must have at least one member who is also appointed to the CCC as a principal member. If a principal member assigned to a subcommittee is present at a subcommittee's meeting, then only the principal member counts toward the quorum and can vote, but the alternate member for that CCC seat may also attend and, at the discretion of the subcommittee chair, sit with the subcommittee and participate in discussions of some or all of the items on the agenda. If a principal member assigned to a subcommittee is not present at a subcommittee's meeting, or must leave a subcommittee meeting before it is adjourned, then the alternate member for that CCC seat, if present, counts toward forming or maintaining the quorum and can vote in place of the principal member. No more than three (3) subcommittees can be active at any one point in time. This structure is intended to provide for broader inclusion of technical experts and various affected constituencies in the CCC's decision-making process. All members appointed to subcommittees shall meet the same qualifications listed in section 10A-211(d) for members of the CCC.
(Ord. No. 10591, § 1, 10-7-08)

Sec. 10A-215. Limitation of powers.

Neither the CCC nor any of its members may incur governmental expenses without prior authorization of the mayor and council, nor may the CCC or its members obligate the city in any way.
(Ord. No. 10591, § 1, 10-7-08)

Secs. 10A-216 – 10A-219. Reserved.

ARTICLE XXI. TUCSON HOUSING TRUST FUND CITIZENS ADVISORY COMMITTEE (THTFCAC)

Sec. 10A-220. Creation.

The Tucson Housing Trust Fund Citizens Advisory Committee (THTFCAC) is established.
(Ord. No. 10337, § 1, 11-14-06)

Sec. 10A-221. Membership composition; appointment and terms.

(a) *Composition.* The THTFCAC shall be composed of fourteen (14) members and one (1) ex officio member who shall serve without compensation.

(b) *Appointments.* Members shall be appointed by the mayor and council as follows:

(1) One (1) member recommended by the mayor and one (1) member recommended by each council member.

(2) One (1) member from each of the following professions or entities:

a. Lending institutions.

b. Real estate sales.

c. Land development and/or building construction.

d. Multi-family housing industry.

e. Manufactured housing industry.

f. Major employer.

g. Public sector.

(3) One (1) ex officio member selected from the membership of the Tucson Housing Commission.

(c) *Terms.* Members shall serve for a term of four (4) years and may be re-appointed for one additional term of four (4) years.
(Ord. No. 10337, § 1, 11-14-06)

Sec. 10A-222. Functions and duties.

The THTFCAC shall have the following functions, purpose, powers, and duties:

(1) Review the goals and policies of the Tucson Housing Trust Fund and make recommendations to the mayor and council.

(2) Provide advice relating to the goals and policies of the Tucson Housing Trust Fund to the staff managing the trust fund .

(3) Promote resource development and funding alternatives for the trust fund.

(Ord. No. 10337, § 1, 11-14-06)

Sec. 10A-223. Minutes.

The city manager shall maintain minutes of the meetings of THTFCAC.

(Ord. No. 10337, § 1, 11-14-06)

Sec. 10A-224. Committee organization.

(a) *Chair and vice chair.* The THTFCAC shall select from among its members a chair and a vice-chair who shall serve one-year terms. The vice-chair shall act as chair in the absence or disability of the chair or in the event of a vacancy in that office. No member shall serve as the chair or vice-chair for more than one (1) term in each office during any consecutive four (4) years.

(b) *Bylaws and meetings.* The THTFCAC shall adopt bylaws for its operations that are consistent with this chapter and other legal authority and file them with the city clerk.

(c) The THTFCAC may form subcommittees as may be necessary.

(Ord. No. 10337, § 1, 11-14-06)

Sec. 10A-225. Limitation of powers.

Neither the THTFCAC nor any member thereof may incur governmental expenses without prior authorization of the mayor and council nor may they obligate the city in any form.

(Ord. No. 10337, § 1, 11-14-06)

Secs. 10A-226 – 10A-229. Reserved.

ARTICLE XXII. RESERVED*

Secs. 10A-230 – 10A-239. Reserved.

ARTICLE XXIII. CITIZEN TRANSPORTATION ADVISORY COMMITTEE

Sec. 10A-240. Creation.

The citizen transportation advisory committee (CTAC) is established.

(Ord. No. 10374, § 2, 2-13-07)

Sec. 10A-241. Membership composition; appointment and terms.

(a) *Membership composition.* The CTAC shall be composed of twelve (12) members who shall serve without compensation.

(b) *Appointment and terms.*

(1) *Appointment.*

(A) Each member of the Mayor and Council shall appoint one (1) member to CTAC.

(B) One (1) member shall be selected by the Commission on Disability Issues (CODI) and may be a member of CODI, notwithstanding Tucson Code § 10A-134(c).

(C) The remaining four (4) positions shall be filled using an application process, as follows:

Editor's note – Ord. No. 10591, § 3, adopted Oct. 7, 2008, repealed Art. XXII, §§ 10A-230 – 10A-234, which pertained to environmental accords/green cities declaration and sustainability committee and derived from Ord. No. 10367, § 1, adopted Dec. 19, 2006.

(i) Selection of members shall be made by a screening committee after publicly announcing and publishing in appropriate media the availability of membership on the committee and inviting residents of the city to apply.

(ii) There shall be a screening committee consisting of the Director of the Department of Transportation or the Director's designated staff person, the chairperson of the CTAC, and a CTAC member selected by the Director of the Department of Transportation.

(iii) Applicants for membership shall be residents of the City of Tucson, shall be of voting age, and shall comply with other reasonable criteria as established by the screening.

(iv) Members, to the extent possible, shall be selected to broadly represent different segments of the community. Members shall represent various user groups such as elderly and student as well as community organizations. Members shall be selected to represent different ethnic backgrounds and occupational groups.

(2) *Terms.*

(A) The terms of those members appointed by the mayor and council shall be coterminous with the terms of office of the mayor or member of the council who appointed them.

(B) The terms of those members not appointed by the mayor and council shall be four (4) years.

(Ord. No. 10374, § 2, 2-13-07; Ord. No. 10767, § 1, 3-9-10)

Sec. 10A-242. Functions and purposes.

CTAC shall have the following functions and purposes:

(a) Advising the mayor and council on matters relating to transportation.

(b) Acting as the official advisory body to the department of transportation in the development of its Capital Improvement Program for the city.

(c) Annually reviewing the proposed Transportation Capital Improvement Program and recommending to the mayor and council both an annual and five (5) year Capital Improvement Budget.

(d) Reviewing and reporting to the mayor and council on major transportation improvements such as traffic engineering and safety programs, roadway projects, and transit service changes;

(e) Reviewing and making recommendations to the mayor and council on proposed state and federal legislation relating to transportation.

(f) Consulting with the mayor and council as required by the mayor and council relative to specific transportation issues and needs which may develop in the future.

(g) Reviewing and reporting to the mayor and council on the Regional Transportation Plan as developed by the Pima Association of Governments.

(h) Annually reviewing the proposed Transportation Operating Budget and recommending to the mayor and council an annual operating budget.

(Ord. No. 10374, § 2, 2-13-07)

Sec. 10A-243. Committee organization and rules.

The CTAC chairperson shall be elected by a majority of the members of CTAC. CTAC shall adopt rules and regulations in relation to their functions and purposes and file them with the city clerk. Procedural matters shall be governed by Robert's Rules of Order.
(Ord. No. 10374, § 2, 2-13-07)

Sec. 10A-244. Limitation of powers.

Neither CTAC nor any member thereof may incur city expenses or obligate the city in any way without prior authorization of mayor and council.
(Ord. No. 10374, § 2, 2-13-07)

Chapter 15

ENVIRONMENTAL SERVICES DEPARTMENT*

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Art. III. **Community Standards for Solid Waste Storage and Removal, §§ 15-10 – 15-15**
Art. IV. **City Residential and Commercial Collection Services, §§ 15-16 – 15-30**
Art. V. **City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services, §§ 15-31 – 15-49**
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Div. 5. Groundwater Protection Fee, §§ 15-36 – 15-49
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***Editor's note –** Ord. No. 10539, §§ 1 – 6, adopted June 3, 2008, effective July 1, 2008, amended Ch. 15 in its entirety to read as herein set out. Former Ch. 15, §§ 15-1 – 15-6, 15-10.1 – 15-24.7, 15-31, 15-31.1, 15-50, 15-51, pertained to similar subject matter, and derived from Ord. No. 9717, § 2, adopted June 10, 2002; Ord. No. 9816, §§ 11 – 13, adopted Feb. 24, 2003; Ord. No. 9861, § 5A – F, adopted June 16, 2003; Ord. No. 9982, §§ 1 – 6, adopted June 14, 2004; Ord. No. 9989, § 1, adopted June 21, 2004; Ord. No. 10099, § 3, adopted Dec. 13, 2004; Ord. No. 10348, §§ 2 – 4, adopted Nov. 28, 2006.

Charter reference – Authority to provide for garbage disposal, ch. IV, § 1(6).

Cross references – Disposal of manure, animal bedding and body waste of domestic animals and pets, § 4-28; burning trash and other articles, § 11-5 et seq.; depositing offensive matter in water ditches and natural drainage channels, § 11-58; department of public works, ch. 11A; disposal of trash in parks, § 21-3(3)(2).

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Article VIII. Litter Fee

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ARTICLE I. DEFINITIONS

Sec. 15-1. Definitions.

(A) The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where a different meaning is specified:

APC (Automated Plastic Containers) collection service means collection of refuse or recyclable materials in APCs.

Brush bulky service means collection of bulky wastes, not containing garbage, placed in piles at the location designated by the director and in accordance with requirements set by the director.

Bulky waste means large items of solid waste such as ovens, washers, dryers, freezers, water heaters, refrigerators, other household or commercial appliances, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

City means the City of Tucson.

City fuel price means the price the city pays for equipment fuel and shall be adjusted quarterly to the average fuel price over the prior three (3) months.

Collection agency means the person, company, or governmental agency responsible for collection of solid waste from a residential or commercial establishment.

Collection services means services the city provides to collect any type of solid waste from residential and commercial establishments.

Commercial establishment means any building, lot, or complex that is not a residential establishment.

Commercial fees means fees the city charges for front load and roll off collection service to any type of customer, fees for APC collection service to commercial establishments, and fees for any other collection service provided to commercial establishments.

Commercial hauler means a person who transports solid waste to a disposal facility or who collects, transports, or disposes of solid waste for pecuniary or proprietary gain, benefit, or advantage, or who transports solid waste that was generated by any commercial activity, whether the commercial activity occurred on a commercial or residential establishment.

Container means any receptacle built to hold refuse and to be emptied by solid waste collection equipment.

Customer means any person or business entity that receives or utilizes services or programs offered by the department.

Department means the city's environmental services department.

Director means the director of the city's environmental services department, or the director's authorized designee(s).

Disposal facility means any active landfill, inactive landfill, debris fill, transfer station, temporary drop off site for any solid waste, waste storage site, or waste processing facility.

Disposal services means the operation and remediation of city disposal facilities for public use or benefit. Disposal services include landfilling or other processing of waste materials accepted at city disposal facilities.

Dwelling unit means an independent living space with its own permanent provisions for entrance/exit, living, sleeping, eating, cooking and sanitation.

Environmental services fee means the fee or fees charged for standard residential collection services provided to residential establishments.

Front load collection service means collection of solid waste in metal containers emptied with front loading trucks.

Garbage means all animal and vegetable or food wastes resulting from the processing, handling, preparation, cooking or consumption of food or food materials, or other such matter the accumulation of which may create a nuisance or be deleterious to public health or offensive to sight or smell.

Green waste means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material. Green waste does not include processed lumber, paper, cardboard and other manufactured products that are derived from plant material.

Guesthouse means a single dwelling unit on a lot with a conventional house.

Lot means a separate parcel as recorded in county records.

Material recovery facility (MRF) means a lawfully zoned and operated site used for the processing and storage of recyclable materials.

Mobile home means a nonmotorized dwelling, transportable in one or more sections, constructed on a permanent chassis with wheels, suitable for year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. This term does not include a recreational vehicle or a trailer with provisions for living.

Mobile home park means five (5) or more mobile homes or active spaces for mobile homes on a lot where each mobile home does not have an individual city water meter.

Multi-family complex means any building or buildings, on abutting lots, that have two (2) or more dwelling units and are commonly owned or commonly managed. This term is intended to apply to a duplex, triplex, four-plex or apartment complex.

Owner means one (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership of property. By way of illustration, and not limitation, the term includes any person who is a mortgagee in possession, a trustee, a trustor, or a general or limited partner in a partnership.

Person includes a corporation, company, partnership, firm, association, society, or other legal entity, as well as a natural person.

Recreational vehicle park means land that is designated "RV" (Land Use Code, § 2.5.7) with "Traveler's Accommodation" as its principal Permitted Land Use.

Recyclable materials means those materials that the director designates to be part of a program that diverts material from disposal facilities for beneficial use.

Refuse means solid waste that contains garbage and is suitable for collection with standard containers and municipal waste collection equipment.

Resident means a person that lives in a dwelling unit and controls the generation and placement of solid waste.

Residential establishment means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, multi-family complex with up to twenty-four (24) dwelling units, mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family complexes with twenty-five (25) or more dwelling units, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service.

Residential self-hauler means any person delivering refuse or other solid waste to a city-operated solid waste disposal facility who is not a commercial hauler.

Responsible party means an owner, occupant, tenant, lessor, lessee, resident, manager, licensee, or other person, corporation, company, partnership, association or society residing on, owning or having control over a building, lot or complex, or who possesses, handles, stores or disposes of solid waste.

Retail establishment means a business making sales at retail, other than a food service establishment, that owns or controls more than ten thousand (10,000) square feet of total retail space, and has more than two (2) locations within the city limits where twenty-five (25) percent or more of gross sales include medicines

and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

Roll off collection service means collection of solid waste in metal containers that are loaded onto a truck and transported to a disposal facility to be emptied.

Salvaging means the removal of solid waste from a disposal facility, collection site, collection container, or collection equipment with the permission of the owner or collection agency and in accordance with requirements set by the owner or collection agency.

Scavenging means the removal of solid waste from a disposal facility, collection site, collection container, or collection equipment without the permission of the owner or collection agency, or not in accordance with requirements set by the owner or collection agency.

Single family residence means: (a) a "single family dwelling, detached" as defined in the city land use code, or (b) a "single family dwelling, detached" plus one guesthouse.

Solid waste means discarded materials resulting from common activities in a municipal community. This term includes refuse, garbage, recyclable materials, construction debris, demolition debris, green waste, and food waste.

Standard residential collection services means APC collection service once per week for refuse and recyclable materials, and brush bulky service twice per year. The director may designate the volume collected under standard residential collection service.

Town home means a dwelling unit that is designated for separate ownership on property commonly owned solely by the owners of the separate dwelling units. This term does not include separately owned dwelling units that are operated as a multi-family rental complex or apartment complex, however designated. The terms condominium and townhouse have the same meaning.

(B) Words, terms, and phrases used in this chapter and not specifically defined in this section shall have the meaning commonly understood in the solid waste industry.
(Ord. No. 10539, § 1, 6-3-08, eff. 7-1-08; Ord. No. 10642, § 1, 3-24-09, eff. 9-24-09; Ord. No. 10674, § 1, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 1, 5-25-10, eff. 7-1-10)

ARTICLE II. ADMINISTRATION

Sec. 15-2. Purpose.

(A) The purpose of this chapter is to preserve the health, safety and welfare of the citizens of the city through the management of solid waste. This purpose shall be achieved through the establishment of minimum standards for the safe and sanitary collection, storage, transportation, beneficial use and disposal of solid waste managed by the city or within the city.

(B) Whenever this chapter conflicts with any other portion of this Code, this chapter shall prevail with respect to any matters relating to solid waste management. The mayor and council for the city hereby determines that the regulations contained in this chapter are necessary and appropriate to protect the health, safety and welfare of the citizens of the city.

(C) Nothing in this chapter is intended or shall be construed to impinge upon or supplant the authority of the Pima County Health Department, Arizona Department of Health Services or other public agency with jurisdiction.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-2.1. Department of environmental services established; director of environmental services as head of department.

The department of environmental services is established. The head of the department shall be the director of environmental services whose appointment, compensation and removal shall be in accordance with sections 2, 6, and 11 of chapter V of the Charter.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-2.2. Functions of the director.

(A) The director shall implement and enforce the provisions of this chapter for the promotion of the public health and safety; to regulate and control the storage, collection, disposal, and salvaging of solid waste within the city; to provide a public disposal site or sites for solid waste originating within the City of Tucson; and to remediate environmental problems resulting from solid waste. The director shall direct the establishment, maintenance and operation of such disposal site or sites. The director is further authorized to provide and/or approve of recyclable material collection sites, so that approved recyclable materials may be safely and expeditiously handled, and to direct the development, construction, maintenance, and operation of such sites. The director shall have the responsibility for environmental assessments of city acquisitions and dispositions of interest in real property.

(B) The director is hereby authorized and directed to make and impose administrative and operational rules, procedures and regulations necessary to the efficient implementation and enforcement of the provisions of this chapter including, but not limited to:

(1) The collection, recycling, disposal, storage, salvaging, hauling and accumulation of solid waste by the city, residents, contractors, or any other person engaged in those activities or processes;

(2) The operation of a transfer station(s), disposal site(s), recycling site(s), transfer site(s), temporary collection site(s), waste collection program(s), recycling or waste reduction program(s) or similar activities or other similar facilities as approved by the mayor and council;

(3) The formulation of administrative policies and procedures regarding the collection of fees and applicable charges;

(4) Such rules, procedures and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules, procedures and regulations shall have been filed in the office of the city clerk as a public record and there kept for use or inspection by any member of the public at any time during the regular office hours of that office. A printed copy of such rules, procedures and regulations shall be furnished any member of the public upon request.

(C) It is a civil infraction to violate standards established in the rules, procedures and regulations.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-3. Suspension or revocation of services.

In addition to the sanctions provided herein, the city may suspend or revoke any collection, recycling or disposal services and related facilities provided by the city, or by a contractor to the city, whenever it is found that the user of such collection, recycling, or disposal services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules, procedures and regulations promulgated hereunder, or fails to fully pay charges lawfully due the city or reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-4. Reserved.

Sec. 15-5. Public nuisances, enforcement.

(A) *Civil infraction declared.* Unless otherwise specifically stated in this chapter, a violation of any provision of this chapter shall be deemed a public nuisance and is punishable as a civil infraction pursuant to chapter 8 of this Code.

(B) *Authority to enforce.* Any police or peace officer or city code enforcement officer or designated refuse official (herein, citing official) who observes a violation of any provision of this chapter or of any civil infraction in other chapters of this Code relating to the management and maintenance of private property or waste collection within the city is empowered to issue a citation or seek a complaint. This includes, but is not limited to, sections in this Code where notices of violation may be issued by any department. Prior to issuing a citation or seeking a complaint, the officer or official may, in his or her discretion, issue a written notice of violation allowing the alleged violator to remedy the complaint. An officer or official may issue a citation without first issuing a notice of violation.

(C) *Service.* Service of a written notice of violation shall be deemed effective on the date when written notice is hand delivered or on the date when written notice is mailed by first class mail. Any notice served by first class mail shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. If the premises are unoccupied, service may be made by posting the notice in a conspicuous place on the property such as a front door, entrance gate, or wall. Service of a notice of violation to a commercial hauler in violation of the litter fee shall be mailed to the commercial hauler's business address.

(D) *Proceedings.* Any civil infraction proceedings to enforce the provisions of this chapter shall be commenced, and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, city ordinance or as provided in the Local Rules of Practice and Procedure - City Court - City of Tucson. If the city is unable to personally serve the complaint, the complaint may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure or by certified or registered mail, return receipt requested.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 2, 5-25-10, eff. 7-1-10)

Sec. 15-6. Parties liable.

Any resident or responsible party is jointly and individually liable for complying with the provisions of this chapter and for any violations thereof which may occur on or about or issue from the property upon which the solid waste, refuse, garbage, debris or recyclable material is kept, accumulated, stored, salvaged or disposed from. Multiple residents sharing a refuse container or containers shall be jointly and individually strictly liable for complying with all the provisions of this chapter with regard to the placement and use of refuse containers.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-7. Administrative appeal process.

(A) Customers objecting to the actions, policies, or decisions of the department may informally appeal by contacting the billing office supervisor or administrator. If the problem is not resolved, the customer may request a formal administrative hearing as described in subsection (B) below by completing the request form established by the director.

(B) The director shall appoint a hearing officer to resolve customer disputes on billing or other issues. For any particular dispute, the hearing officer shall have had no previous involvement with the customer's case. In the event that such involvement exists, the director shall designate another hearing officer. This hearing officer shall be authorized to make a decision as to the validity of the customer's dispute, and, if the customer's dispute is found to be valid, make the appropriate corrections to the customer's account, including the potential removal of delinquent service charges. If the hearing officer requires a more complete set of facts than can be gathered at the time of the hearing, the officer shall make whatever investigation is necessary before rendering a decision. The hearing officer's determination is final.

(C) The customer's service(s) shall not be terminated until and unless the hearing officer completes the investigation and finds the customer's dispute to be without merit. However, as to any matters not in dispute, the hearing process does not relieve the customer of the obligation to pay bills for services rendered. The customer must continue to pay, in a timely manner, all bills received or be subject to delinquent service charges when applicable.
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Secs. 15-8, 15-9. Reserved.

ARTICLE III. COMMUNITY STANDARDS FOR SOLID WASTE STORAGE AND REMOVAL

Sec. 15-10. General applicability.

Unless otherwise specifically stated in this section, the standards set forth in this article apply to any person, business or other entity that generates, stores, transports, or processes solid waste.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.1. Standards for storage and removal of solid waste.

(A) Any person, business or other entity that generates refuse or recyclable materials must place the

waste materials into the container(s) designated for the property where the waste is generated.

(B) Containers shall be rigid, durable, corrosion resistant, nonabsorbent, watertight, rodent-proof, easily cleanable, suitable for handling, and equipped with a tight fitting cover that prevents material from overflowing, spilling, or scattering onto surrounding premises. All containers and their enclosures shall be maintained in a sanitary and fire-preventive condition.

(C) Each residential or commercial establishment that generates waste must have sufficient capacity in a sufficient number of containers to contain all waste with the lid closed. Except in the case of bulky material collection, storage of solid waste outside a container at the point of collection is prohibited.

(D) Each residential or commercial establishment where the volume of solid waste generated cannot be conveniently contained in APC containers with capacity of three hundred (300) gallons or less shall obtain collection service in metal containers.

(E) Each dwelling unit must have a minimum of forty-five (45) gallons of refuse container capacity available for use during the period between scheduled collection services. The director may waive capacity standards on a case-by-case basis.

(F) Garbage must be placed in plastic bags that are tightly closed.

(G) The director or designee may enter any property where waste is generated to inspect containers or stored solid waste for compliance with the requirements of this code.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 2, 6-2-09, eff. 7-1-09)

Sec. 15-10.2. Prohibited materials.

(A) Prohibited materials may not be placed in refuse or recycling containers, in bulky material piles, in collection equipment, or in disposal facilities. Prohibited material is any waste which because of its amount, size, concentration, physical, chemical or infectious characteristics may pose a threat to human health or the environment as determined by the director.

(B) Prohibited materials include but are not limited to materials prohibited by state or federal law and materials that the director designates in administrative rule.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.3. Scavenging prohibited.

No person shall scavenge or otherwise disturb solid waste placed out for collection by a collection agency. Once placed out for collection solid waste becomes the property of the collection agency.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.4. Hauling of solid waste.

It is a civil infraction for any person to haul or cause to be hauled on or along any public street or alley any refuse unless it shall be contained in vehicles or receptacles so constructed and maintained to prevent the contents from falling, leaking, spilling or being otherwise lost or ejected from such vehicle or receptacle, and to prevent flies, insects or rodents from having access to contents. Each such vehicle or receptacle shall have securely fastened thereto a cover, which may be a tarpaulin, netting or similar material, of sufficient density and strength as to prevent ejection or loss of any refuse from the vehicle or receptacle. Every person hauling any refuse on or along any street or alley shall replace immediately in the conveyance used for such hauling any of the contents which fall into or upon any street, alley or public or private property.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.5. Commercial recycling facilities.

Property used as a multi-material recycling center, sorting facility, composting facility, materials recovery facility, and the like is exempt from the prohibitions of Tucson Code chapter 16 pertaining to uncontained refuse, debris, recyclable materials or vegetation as long as the materials are kept within the property barriers or fences on the property and the property and business operations are properly zoned and permitted by the city, county or state and in compliance with Tucson Code section 16-13. Refuse, debris, recyclable materials or vegetation are only exempt under this section if they are properly contained or stored for use as a commodity, are not waste materials produced by the enterprise for landfill disposal, are maintained in

accordance with applicable sections of Tucson Code chapter 16 (as for composting), and are so maintained as to prevent any fire, health or safety hazard to the occupants of the property or to neighboring inhabitants, structures, or property.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Secs. 15-11 – 15-15. Reserved.

ARTICLE IV. CITY RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES

Sec. 15-16. Collection from residential establishments by persons or entities other than the city prohibited.

The collection of refuse or recyclable materials from any residential establishment by any person, business, corporation or firm other than the city is prohibited.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.1. City collection services at residential establishments.

(A) Residential establishments are eligible to receive standard residential collection services in accordance with the requirements of this chapter.

(B) Residential establishments shall use only the containers issued by the city for refuse and recycling collection, unless otherwise authorized by the director.

(C) The director shall determine the point of collection, the method of collection, the volume, the frequency of service, and the number of containers issued to each residential establishment.

(D) The point of collection shall be immediately adjacent to or in a public right-of-way wherever feasible, as determined by the director. A customer may request the point of collection be moved from the location determined by the director to where collection vehicles must enter private property. Where the director approves a request, a permission agreement is required and the customer is charged the private driveway fee in addition to other fees, unless waived.

(E) The director may issue additional containers, and charge commensurate fees, to residential establishments that consistently demonstrate inadequate refuse container capacity to maintain sanitary conditions.

(F) Any residential establishment with an assisted living home license shall have a minimum of one hundred eighty (180) gallons of weekly-serviced refuse container capacity unless the director determines that less capacity is adequate to maintain sanitary conditions.

(G) Shared front load service with a fee charged to individual dwelling units shall be provided only upon the director's determination that it is the most feasible method due to site and/or ownership conditions.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Sec. 15-16.2. Customer responsibilities regarding recycling collection service.

Customers at residential and commercial establishments shall place in city recycling containers only those recyclable materials designated as acceptable by the director in this chapter and in administrative rules. Customers shall handle specific types of recyclable materials in accordance with this chapter and administrative rules.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.3. Parameters for brush bulky collection service.

(A) Residential establishments will be provided brush bulky collection service two (2) times each calendar year according to a schedule established by the director. Up to ten (10) cubic yards of material requiring no more than fifteen (15) minutes of collection effort will be collected from each residential establishment at each scheduled service as part of standard residential collection services.

(B) Commercial establishments primarily used for dwelling units will be provided brush bulky service as part of standard commercial APC collection service.

(C) Commercial establishments may obtain, with director approval, collection service for bulky waste for the same fees as for special residential brush bulky service as designated in this chapter.

(D) Vacant lots are not eligible to receive brush bulky service.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Sec. 15-16.4. Assisted collection service to residential establishments.

A resident who has a qualified disability, under the Americans with Disabilities Act, that prevents him/her using normal refuse or recycling collection services at a residential establishment may request assisted collection service. The requirements for assisted collection service shall be established in administrative rule. Assisted collection service is provided without additional fee.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 3, 5-25-10, eff. 7-1-10)

Sec. 15-16.5. Temporary suspension of service.

Residential customers may suspend city collection services by requesting the city to turn off both water and residential collection service. The collection services will be suspended, containers may be removed, and no fees will be billed until the customer requests restoration of both city water and collection services.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.6. Neighborhood cleanup service.

Neighborhood associations and neighborhood enhancement programs designated by mayor and council may, with advance approval from the director, obtain temporary roll off collection service or disposal services for neighborhood cleanups for no additional fee, subject to limitations established in administrative rule.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Sec. 15-16.7. City collection service at commercial establishments.

Each commercial establishment shall arrange for an adequate level of collection service from the city, or shall demonstrate other adequate management of refuse, as determined by the director.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-16.8. Violations of city collection service requirements.

(A) The director may issue notices to responsible parties at residential or commercial establishments when the director identifies violations of the requirements contained in this chapter or in an administrative rule or regulation under this chapter.

(B) If three (3) or more notices for the same or related violation are issued in any twelve (12) month period, then beginning with the third notice, the director shall impose the following fees for processing the violation notices the director issues:

(1) Third notice. $10.00

(2) Fourth or subsequent notice. 25.00

(C) A responsible party that has been issued three (3) notices for a recycling container contaminated with unacceptable material shall be designated a nonparticipant and charged a ten dollar ($10.00) fee. The director will remove the recycling container, deliver a substitute refuse container, and impose the fee for an additional refuse container. Recycling service will be restored and the additional refuse container removed with director approval.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

Secs. 15-17 – 15-30. Reserved.

ARTICLE V. CITY FEES AND CHARGES FOR RESIDENTIAL COLLECTION, COMMERCIAL COLLECTION, AND DISPOSAL SERVICES

DIVISION 1. GENERAL PROVISIONS

Sec. 15-31. Declaration of purpose; intent of mayor and council.

This article is enacted for the purpose of equitably securing funds with which to pay the expenses arising from collection and disposal services the city provides to residential and commercial establishments. It is the intent of the mayor and council that the provisions of this article shall be construed and interpreted, where necessary, to achieve such purpose.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-31.1. Deposits and refunds.

The director may require a deposit as a condition of providing service from a customer with a history of delinquency in payment of utility charges. The deposit shall not exceed twice the average monthly bill for past accounts or twice the estimated monthly bill of a new account. The director may require receipt of a deposit prior to beginning service. When the account is terminated the adjusted value of the deposit shall be computed by adding interest actually accrued on the deposit, with the interest rate set at the average market rate earned by the City of Tucson's Investment Pool during the past twelve (12) months. The adjusted value of the deposit will be applied against any unpaid balance, and the remainder will be refunded to the customer.
(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09)

Sec. 15-31.2. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for fees from this chapter, when such checks are returned for nonpayment for any reason.
(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09)

DIVISION 2. RESIDENTIAL COLLECTION

Sec. 15-32. Basis for residential fees.

(A) Fees for APC collection, brush bulky collection, and special collection services to residential establishments are based on the number of dwelling units using the containers, and the volume and frequency of service. A single family residence shall be counted as one dwelling unit. Fees for front load or roll off services to residential establishments are based on the type, volume, and frequency of service, and shall be the same as commercial fees for these services.

(B) Individual fee for shared front load service. The fee for shared front load service may be charged to customers at individual dwelling units when 1) a complex has no common owner or manager to be billed for front load service, and 2) front load collection service is the only feasible method of refuse and recycling service for the complex.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09)

Sec. 15-32.1. Responsibility for residential fee.

(A) The fees specified in this chapter for services provided to residential establishments are imposed on the customer of record of each residential establishment, as indicated in the department's records. The customer of record is responsible for paying all charges for the provision of services to a residential establishment, regardless of whether the customer of record or another person has actually used the services. Where the establishment receives city water service, the customer of record for services from this chapter shall be the same person as the customer of record for city water services, unless the director accepts an alternate person designated by the owner.

(B) The director may elect to pursue collection of any outstanding charges from the owner of the property if the customer of record does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pima County Recorder's Office.
(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)

Sec. 15-32.2. Requirements for payment of residential fees.

(A) *Initiation.* Initiation of billing for services to a residential establishment shall coincide with initiation of billing for city water service when both are provided. Where new collection service is provided to an establishment, the charges for the new service shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter 27.

(B) *Deposit for accounts without city water service.* Any residential establishment with an account that does not include fees for city water service shall pay a deposit when the account 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. At any residential establishment with an account that does not include fees for city water service, billing for fees herein will continue until the customer notifies the department to discontinue services.

(D) *Change of address.* Customers shall notify the department of any change in mailing address, and/or change in ownership/responsible party within fifteen (15) days of the date of change.

(E) *Due dates.* Charges for fees are due and payable upon delivery of the bill. Charges for fees established in this chapter are late if not paid within twenty (20) days of bill date shown on the bill.

(F) *Delinquency.* Accounts with charges established in this chapter are considered delinquent when a balance over seventy-five dollars ($75.00) remains unpaid more than forty-two (42) days after the bill date shown on a bill. Where charges for collection services are combined on the same bill with charges for city water services, the collection of unpaid charges shall primarily follow the procedures set forth in chapter 27 of Tucson Code, and shall secondarily follow the complimentary procedures set forth in this chapter and administrative rule.

(G) *Denial of service for nonpayment.* The director may remove containers from a residential establishment fifteen (15) days after other actions to collect unpaid charges have been completed and the account for the residential establishment remains delinquent.

(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)

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 with an income at or below one hundred percent (100%) of the U.S. Department of Labor western region lower living standard, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the city general fund if they meet the requirements herein.

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

(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 on an annual basis with the credit expiring at the end of each twelve (12) month period. At least thirty (30) days prior to the expiration of a customer's credit, the director will

notify the customer in writing of the need to submit a new application to continue the credit.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. 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)

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 container delivery fee	Any	$20.00 per delivery event

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)

Sec. 15-32.6. APC collection fuel surcharge.

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be thirty-seven cents ($0.37) per month for each ten cents ($0.10) of city fuel price above three dollars and thirty-nine cents ($3.39) per gallon.
(Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

DIVISION 3. COMMERCIAL COLLECTION

Sec. 15-33. Basis for commercial fees.

Fees for any commercial collection service are based on the type, volume, and frequency of service.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.1. Commercial fee requirements.

(A) Commercial fees are subject to the requirements of this section and of administrative rules and regulations under this chapter.

(B) *Service agreements.* Commercial establishments must obtain city collection services by entering into a service agreement with the city. The person responsible for paying fees at any establishment must sign the service agreement. The director is authorized to prepare, enter into, implement, and administer service agreements. The service agreement shall specify the terms and conditions upon which service shall be provided and payment shall be remitted. The service agreement shall include the commercial fees established pursuant to this chapter. The service agreement may contain such additional provisions as are within the custom and practice of the industry, or are deemed necessary by the director.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.2. Commercial fee schedules.

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	$85.00	$142.00	$199.00	$256.00	$313.00	$370.00
4 cu. yds.	$90.00	$151.00	$213.00	$274.00	$336.00	$398.00
6 cu. yds.	$99.00	$170.00	$240.00	$311.00	$382.00	$452.00
8 cu. yds.	$108.00	$188.00	$268.00	$348.00	$427.00	$508.00
Recycling	$50.00	$75.00	$100.00			
Container delivery: $50.00 for any number per request						
Additional recycling container onsite any size: $15.00						
Additional service per week: $30.00 per pickup per 2 to 4 cubic yard container, $35.00 per 6 cubic yard, $40.00 per 8 cubic yard						
Additional recycle service per week: $30.00 per pickup all sizes						
Container cleaning at customer request: $100.00 per event per container						
Container painting at customer request: $150.00 per event per container						

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	$126.00	$225.00	$323.00	$421.00	$519.00	$618.00
4 cu. yds.	$145.00	$261.00	$378.00	$495.00	$611.00	$728.00
6 cu. yds.	$182.00	$335.00	$488.00	$641.00	$795.00	$948.00
8 cu. yds.	$218.00	$408.00	$598.00	$788.00	$978.00	$1,168.00
Additional fee for leasing city compactor: $300.00 per month per compactor						
Container delivery: $50.00 for any number per request						
Additional service per week: $45.00 per pickup per container						
Container cleaning at customer request: $100.00 per event per container						
Container painting at customer request: $150.00 per event per container						

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES	
Refuse open top service 20, 30, 40 cu. yds.	$165.00 per pull plus landfill disposal fees plus landfill processing surcharge
Recycle open top service 20, 30, 40 cu. yds.	$130.00 per pull
Roll off compactor service 20, 30, 40 cu. yds.	$165.00 per pull plus landfill disposal fees plus landfill processing surcharge. Installation, removal, and monthly lease fees also apply for city compactors.
Landfill disposal fees	Weight of contents times current solid waste disposal fee
Landfill processing surcharge	$10.00 per landfill transaction
Initial delivery	$80.00 per container
Relocation	$80.00 per container
Failed service attempt	$80.00 per event per container
Container cleaning at customer request	$150.00 per event per container
Container painting at customer request	$200.00 per event per container
Lease of city compactor and receiver box	$310.00 per month per compactor plus box
Lease of city compactor receiver box only	$100.00 per month per box
Base compactor installation	$950.00 per compactor
Base compactor removal	$500.00 per compactor

The following requirements apply to roll off services:

(1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.

(2) Unscheduled/temporary roll off container service agreements are required when a customer has a roll off at the same location for less than ninety (90) days. Customers must contact the department when the container needs to be emptied. At a minimum one roll off pull fee will be charged every fifteen (15) days for unscheduled/temporary service.

(3) For purposes of this section, the terms are defined as follows:

(a) *"Pull"* means emptying a roll off container and returning it to the site if needed.

(b) *"Initial delivery"* means the first time each container is delivered to a site.

(c) *"Relocation"* means moving a container on the same site without emptying it.

(d) *"Failed service attempt"* means a truck arrived at a container site but a problem caused by the customer prevented service (also called a "dry run").

(e) *"Base installation"* means the installation of guides, power unit, and power hook-up only. Customer request requiring additional materials and modifications will be charged at direct cost for labor and materials. Removal applies to disconnecting and removing city equipment whenever needed.

(D) *Commercial APC collection service fees.* The fees for APC collection service to commercial establishments are as follows:

COMMERCIAL APC COLLECTION SERVICE FEES		
Service	Container size (gallons)	Fees
Standard	48	$18.50 per month per container
Standard	65	$19.25 per month per container
Standard	95	$20.00 per month per container
Standard	300	$60.00 per month per container
Additional service per week	Any	$25.00 per pickup per container
Additional recycle beyond second container	100 or less	$10.00 per month per container
Container delivery	Any	$20.00 for any number per request

The following requirements apply to commercial APC services:

(1) "Standard" means standard commercial APC service consisting of refuse collection once per week (in the selected size) and recycling collection in ninety-five (95) gallon container once per week.

(2) Each commercial establishment may receive up to two (2) ninety-five (95) gallon recycling containers (or the equivalent recycling volume in three hundred (300) gallon recycling containers) for each APC or front load refuse container.

(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES		
Service	Container size	Fees
Temporary APC refuse	48, 65 or 95 gallons	$50.00 per service per container
Temporary APC refuse	300 gallons	$75.00 per service per container
Temporary front load refuse	2 – 8 cubic yards	$100.00 per container for delivery/removal plus $30.00 per pickup per 2 to 4 cubic yard container, $35.00 per 6 cubic yard, $40.00 per 8 cubic yard
Temporary APC recycle	95 gallons	$20.00 per delivery truck load for delivery/removal plus $10.00 per pickup
Temporary use of small recycling containers for customers with city refuse	Less than 95 gallons	$20.00 per delivery truck load for delivery/removal
Temporary front load recycle	2 – 8 cubic yards	$100.00 per container for delivery/removal and one pickup, plus $30.00 per additional pickup.
Delinquent retrieval fee	2 – 8 cubic yards	$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 5, 5-25-10, eff. 7-1-10)

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be based on the city fuel price above three dollars and twenty cents ($3.20) per gallon, according to the table below. The applicable surcharge rate shall be multiplied by the applicable fee and the resulting amount added to that fee.

3 Month Average Price per Gallon	Front Load and Roll Off Fuel Surcharge Rate
$3.21 – $3.30	0.50%
$3.31 – $3.40	1.00%
$3.41 – $3.50	1.50%
$3.51 – $3.60	2.00%
$3.61 – $3.70	2.25%
$3.71 – $3.80	2.50%
$3.81 – $3.90	2.75%
$3.91 – $4.00	3.00%
$4.01 – $4.10	3.25%
$4.11 – $4.20	3.50%
$4.21 – $4.30	3.75%
$4.31 – $4.40	4.00%
$4.41 – $4.50	4.25%
$4.51 – $4.60	4.50%
$4.61 – $4.70	4.75%
$4.71 – $4.80	5.00%
$4.81 – $4.90	5.25%
$4.91 – $5.00	5.50%
$5.01 – $5.10	5.75%
$5.11 – $5.20	6.00%
$5.21 – $5.30	6.25%
$5.31 – $5.40	6.50%
$5.41 – $5.50	6.75%
Each additional $0.10 increment	Additional 0.25%

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10)

DIVISION 4. DISPOSAL SERVICES

Sec. 15-34. Basis for disposal services fees.

Fees for disposal services are based on the type of waste, the amount of waste, the type of customer, and the type of service.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.1. Disposal services fee requirements.

Disposal services fees are subject to the requirements of this section and of administrative rules and regulations under this chapter. The disposal fees collected shall be used for the construction, operation, remediation, closure, and post closure maintenance of city disposal facilities.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.2. Residential self-haulers.

(A) The fee for each load carried in a residential self-haulers vehicle, trailer, or vehicle and trailer combined, and weighing two thousand (2,000) pounds or less shall be the residential self-haul waste disposal fee. For each load weighing more than two thousand (2,000) pounds, the fee shall be an amount equal to the applicable commercial waste disposal fee applied to the weight of the load, prorated and rounded to the nearest dollar. Residential self-haulers shall also be subject to the special handling fee set forth in this chapter, and shall be subject to the unrestrained or uncovered load fee set forth in this chapter in addition to any other fees charged. A deposit may be required upon entry for residential self-haul vehicle loads that, in the judgment of ES staff, may exceed one ton (two thousand (2,000) pounds) in accordance with guidelines established by the director. All fees from residential self-haulers shall be due in cash, or in other form of payment as established by the director, at the time the load is accepted. Loads over one ton may be paid by check at the time the load is accepted.

(B) Recyclable materials and household hazardous waste, as determined by the director, are exempt from disposal fees.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

Sec. 15-34.3. Commercial haulers.

(A) *Calculation of disposal fee.* The per vehicle fee for disposal shall be the greater of the minimum fee or an amount equal to the applicable disposal fee in section 15-34.7 applied to the weight of the load, or the number of items in the load, as appropriate, prorated and rounded to the nearest dollar. Where the term "minimum fee" is used in this section, it shall mean fifteen dollars ($15.00) or another minimum designated for the applicable fee in section 15-34.7.

(B) *Special-handling waste disposal.* Special handling fees shall be assessed for the use of personnel, equipment or materials in a manner other than what would ordinarily be required in normal daily landfill operations. For waste that requires review or inspection to determine acceptability for disposal, the review fee shall be fifty dollars ($50.00) per load.

(C) Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a valid landfill charge account in good standing. A commercial hauler may purchase a vehicle identification tag for use at the scale.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 7, 5-25-10, eff. 7-1-10)

Sec. 15-34.4. Unrestrained or uncovered load fee.

In addition to all other charges set forth above, a five dollar ($5.00) per load fee shall be imposed for any solid waste that, as determined by the director, is not contained within an enclosed vehicle or is not covered and secured.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-34.5. Waiver of fee for landfill construction materials.

Materials suitable for use as soil cover or roadway surfaces, and meeting minimum quantity requirement, as designated in administrative rule, shall be accepted for no fee.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

Sec. 15-34.6. Credit system.

Customers who wish to pay for disposal services pursuant to a credit system shall execute and comply with a written credit agreement prepared by the city and pay an annual credit fee. The director is authorized to prepare, enter into, implement and administer landfill credit agreements. The landfill credit agreement shall specify the terms and conditions upon which landfill use shall be provided and for payment of fees, and may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director in any particular case(s). The rates charged under any landfill credit agreement shall be consistent with these requirements and schedules.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	$10.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	$32.00 per ton with $15.00 minimum per load
Special-handling waste disposal	$75.00 per ton with $75.00 minimum
Tire disposal	$150.00 per ton with $15.00 minimum, no mixed loads, no off-road tires
Disposal of appliance designed to use refrigerant	$5.00 per appliance in addition to other applicable fees
Uncovered load	$5.00 per load in addition to other applicable fees
Credit account annual fee	$30.00
Identification tag fee	$35.00

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-34.8. Disposal services contract fee schedule.

The director shall be authorized to enter into one (1) year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a fee specified in the contract disposal services fee schedule. The fee shall be calculated in accordance with section 15-34.3. The customer is required to pay the full amount due to the city at the specified fee, whether or not the waste is delivered. The contract may be renewed annually if the specified fee is not changed. The agreements may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director.

Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE	
Guaranteed Tonnage	Rate Per Ton
60,000	$21.00
18,000	$24.00
8,000	$27.50
2,000	$30.00
1,000	$31.00

(Ord. No. 10654, § 1, 4-21-09, eff. 5-1-09; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-34.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be sixty-three cents ($0.63) per ton for each ten cents ($0.10) of city fuel price above three dollars and thirty-nine cents ($3.39) per gallon.
(Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10)

Sec. 15-35. Exemption of fees for waste residue from nonprofit recycling establishments.

(A) Any nonprofit recycling establishment may apply to the director for an exemption from payment of fees for city collection or disposal services for residual solid waste resulting directly from the establishment's recycling activities. The exemption for each establishment, regardless of the number of locations, shall be limited to ten thousand dollars ($10,000.00) per calendar year.

(B) To qualify as a nonprofit recycling establishment, an organization shall:

(1) Hold tax-exempt status under 206 U.S.C. Sec. 501(c)3:

(2) Engage in active and continual operation of a program of acceptance or collection of goods and materials, that would otherwise be discarded as solid waste, for recycling, whether through resale or other redistribution by the organization, which program results in accumulations of non-reusable goods or materials that must be disposed of at city disposal facilities;

(3) Does not have and will not enter into a recycling franchise agreement or similar arrangement with any non-profit or for-profit organization, the beneficiaries of which are other than the organization applying for exemption;

(4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;

(5) Does not support religious activities with the recycling activities; and

(6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment's recycling activities.

(C) To obtain the exemption, an organization shall submit an application, established by the director, to demonstrate and certify compliance with these

requirements. Upon determination by the director that an organization meets the requirements, the director shall issue a certificate of exemption from fees for collection and disposal services. The director may require annual renewal applications and additional evidence of compliance with requirements.

(D) The director may at any time give notice in writing to an organization of intent to revoke its exemption for cause, which shall consist of failure to adhere to or fulfill the requirements of this section. The organization can appeal the revocation in writing to the director within ten (10) days, and be granted an administrative hearing. The director shall render a decision in writing. The decision of the director is final. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

DIVISION 5. GROUNDWATER PROTECTION FEE

Sec. 15-36. Groundwater protection.

(A) The director shall charge a groundwater protection fee to customers of the city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the superintendent of water or his or her successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the department.

The groundwater protection fee shall be assigned as follows.

GROUNDWATER PROTECTION FEE	
Meter Size (inches)	Fee per Month per Meter
5/8	$0.72
3/4	$1.09
1	$1.09
1-1/2	$3.62
2 and larger	$5.00

(Ord. No. 10796, § 9, 5-25-10, eff. 7-1-10)

Secs. 15-37 – 15-49. Reserved.

ARTICLE VI. DISPOSAL FACILITY MANAGEMENT – RESERVED*

Secs. 15-50 – 15-59. Reserved.

ARTICLE VII. PLASTIC BAG RECYCLING

Sec. 15-60. Plastic bag recycling.

Retail establishments that provide plastic carry-out bags for their customers shall:

(1) Provide a bin for the collection of plastic carryout bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling.

(2) Recycle returned plastic bags.

(3) Provide reusable carryout bags for purchase at retail locations.

(4) Incorporate a "reduce, reuse, and recycle" message on all carry-out plastic bags distributed as part of the retail business.

***Editor's note –** Ord. No. 10796, § 10, adopted May 25, 2010, effective July 1, 2010, repealed this article and § 15-50, which pertained to disposal facility management and prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County, derived from Ord. No. 10539, § 6C., adopted June 3, 2008, effective July 1, 2008.

(5) Display informational material on the establishment's plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.

(6) Report to the director on a semiannual basis the total amount of carryout plastic bags and other film plastic by weight that is recycled.

(Ord. No. 10642, § 2, 3-24-09, eff. 9-24-09)

Secs. 15-61 – 15-69. Reserved.

ARTICLE VIII. LITTER FEE

Sec. 15-70. Refuse collection permit.

The city manager or his or her designee shall administer and enforce a permit program for all commercial haulers. For the purpose of this article, commercial haulers are defined as those commercial haulers who operate front load, rear load, side load and roll-off collection vehicles. The permit fee shall not apply to commercial haulers with three (3) or fewer collection vehicles as described above. Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars ($1,000.00) per vehicle used in the collection of refuse within the city of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the city of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the city of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle.

(E) Commercial haulers, except from units of local government or tribal entities, must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars ($1,000,000.00) for personal injury or death to any one (1) person, one million dollars ($1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars ($500,000.00) for property damage arising from any single occurrence, arising from any error, omission or act, negligent or intentional, by the commercial hauler or its employees or agents in collection, hauling and/or disposal activities within the city. The city shall be named a co-insured. A certificate of insurance shall be furnished to the city at the time of permit application, and at any time during a permit year when requested by the city. The form and coverage shall be subject to city approval.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10)

Sec. 15-71. Suspension or revocation of permits.

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder

of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.
(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

Chapter 19

LICENSES AND PRIVILEGE TAXES*

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Article I. Occupational License Tax

Division 1. General Provisions

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Sec. 19-19. Suspension and revocation.
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ARTICLE I. OCCUPATIONAL LICENSE TAX

DIVISION 1. GENERAL PROVISIONS

Sec. 19-1. Definitions.

As used in this article:

Broker means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this article, and who receives for his principal all or part of the gross income from the taxable activity.

Business includes all activities or acts including professions, trades and occupations, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, but not casual activities or sales.

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article; and which is wholly unrelated to that person's normal business transaction and which transaction occurs no more than once per calendar year.

Cigarette vending machine means any automatic vending machine used for the sale of cigarettes and controlled by the insertion of a coin, slug, token, plate or disc.

City means the City of Tucson, Arizona, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form.

Combined taxes means the sum of all applicable state transaction privilege and use taxes, all applicable transportation taxes imposed upon gross income by Pima County as authorized by A.R.S. Chapter 8.3, title 42, and all applicable taxes imposed by article I of this chapter.

Dealer trade show means an event having a duration not exceeding twenty (20) consecutive days, whereby dealers are engaged in sales to other dealers; however, such sales activity need not be limited exclusively to sales between dealers.

Employee means any individual who performs services for an employing unit and who is subject to the direction, rule, or control of the employing unit as to both the method of performing or executing the services and the results to be effected or accomplished; or who directs, rules or controls the employing unit, except employee does not include:

(1) An individual who performs services as an independent contractor, business person, agent or consultant, or in a capacity characteristic of an independent profession, trade, skill or occupation.

(2) An individual subject to the direction, rule, control or subject to the right of direction, rule or control of an employing unit solely because of a provision of law regulating the organization, trade or business of the employing unit.

Employing unit means an individual or type of organization, including a sole proprietorship, partnership, association, trust estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, who directs, rules or controls activity of one or more employees toward a purpose or objective.

Federally exempt organization means an organization which has received a determination of exemption under 26 U.S.C. section 501(c) and rules and regulations of the Commissioner of Internal Revenue pertaining to same, but not including a "governmental entity", "non-licensed business" or "public educational entity".

Finance director means the finance director of the city.

Hotel means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer, at a fixed location or other similar

structure or portion thereof, and also means any space, lot or slab which is occupied or intended or designed for occupancy by transients in a mobile home or house trailer furnished by them for such occupancy. It includes any building or group of buildings containing sleeping accommodations for more than five (5) persons which are open to the transient public. It does not mean any convalescent home or facility, home for the aged, hospital, jail, military installation, fraternity or sorority house, nor does it mean a structure operated exclusively by an association, institution, governmental agency or corporation for religious, charitable or educational purpose or purposes, no part of the earnings of which association or corporation inures to the benefit of any private shareholder or individual.

Hotel operator means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agency of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this section and shall have the same duties and liabilities as his principal.

Jukebox means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

Liquor sale means the sale of all alcoholic beverages as regulated by the Arizona Department of Liquor License and Control.

Mechanical amusement device includes any machine, except any machine in or upon which children may ride, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally or used as a game, entertainment or amusement, excepting pay television, whether or not registering a score, as well as such devices as marble machines, pinball machines, skill ball, mechanical grab machines, miniature or mechanical billiard or snooker tables, or bumper pool, and all games, operation or transactions similar thereto.

Occupancy means the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or, sleeping purposes and includes furnishings or services and accommodations accompanying the use or possession of said dwelling space, including storage for the property of the tenant and mandatory valet parking services.

Pawnbroker has the same meaning it does in A.R.S. § 44-1621.

Person means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the federal government, this state or any political subdivision or agency of this state. For the purposes of this chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

Promoter means an individual who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public for periods of twenty-one (21) consecutive days or less.

Receipt (of notice) by the taxpayer means the earlier of actual receipt or first attempted delivery by certified United States mail to the taxpayer's address of record with the tax collector.

Rent means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

Secondhand dealer has the same meaning it has in section 7-97(4) of this Code.

Street fair means an open-air marketplace event, having a duration not exceeding five (5) consecutive days, the boundaries of which have been set by the city

for use by street fair vendors selected as set forth in section 7-300(b) and (c) of this Code and in which:

(1) Public access to the city streets and alleys is curtained by city action designating the specific portions of streets and alleys to be utilized for a specific time for street fair purposes only; and

(2) Public access to city sidewalks is curtained by city action limiting use of the sidewalks to pedestrian traffic only and prohibiting vending to, from, or upon those sidewalks during the specific time set for the street fair.

Street fair vendor means anyone who sells a product or renders a service at a street fair as defined in this article.

Successor in interest means any person who acquires a business interest by any means whatsoever.

Swap meet means a place of commercial activity, popularly known as a swap meet, flea market, park-and-swap, which is:

(1) Open to the general public for the purchase of merchandise on the premises;

(2) Available to the general public who wish to sell merchandise on the premises, whether such sellers or vendors are in the business of vending or are making casual sales or some combination thereof;

(3) Composed of stalls, stands or spaces allotted to vendors, at least one (1) of whom does not occupy the same allotted space or spaces on an uninterrupted continuous daily basis.

Swap meet premises means any building, structure, lot or other area at which a swap meet sale is conducted.

Swap meet proprietor means any person who rents, sells, donates or otherwise makes available to swap meet vendors any space within premises owned or controlled by the swap meet proprietor for the purpose of making sales.

Swap meet vendor means any person upon the swap meet premises for the purpose of causing the advertisement of or making a sale at a swap meet.

Tax collector means the finance director or his/her designee or agent.

Transient means any person who exercises occupancy or is entitled to occupancy of a hotel as defined in this section by reason of concession, permit, right of access, license, or other agreement on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient unless there is an agreement in writing between the operator and the occupant providing for a period of occupancy of thirty (30) days or more. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this section may be considered.

Vending machine or *machine* means cigarette vending machine, jukebox or mechanical amusement machine.

Vending machine distributor means any person having his principal place of business in the city, or who conducts any portion of his business in the city, who sells, leases or rents for operation in the city under any kind of an agreement, or has an interest in by agreement or contract or otherwise, or services and maintains, one (1) or more of the machines defined in this section.

Vending machine owner-operator means any person who owns and operates or maintains one (1) or more "vending machines" as defined in this section, upon premises owned, operated, controlled or leased by him.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 1, 9-27-93; Ord. No. 10360, § 1, 12-19-06, eff. 1-1-07; Ord. No. 10790, § 4, 5-18-10, eff. 1-1-11)

Sec. 19-2. License required.

(a) It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or an officer of any corporation, or as a member of any firm or copartnership, or otherwise, to:

(1) Commence, practice, transact or carry on any trade, calling, profession, occupation or business, subject to the imposition of a license tax under this article without first having procured a license from the city to do so, or without complying with any and all relations of such trade, calling, profession, occupation or business designated in this article.

(2) Fail or refuse to make any return required by this article.

(3) Fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.

(4) Make or cause to be made a false or fraudulent return.

(5) Make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion or credit or to entitle the person to an allocation or apportionment or receipts subject to tax.

(6) Fail or refuse to permit any lawful examination of any book, account, record or other memorandum by the tax collector.

(7) Fail or refuse to obtain a quarterly business license or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.

(8) Reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this article.

(b) The violation of any provision of subsection (a) above shall constitute class 2 misdemeanor. Such violation shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, transacted or carried on. The granting of a license is not to be deemed as evidence or proof that the licensee has complied with the provisions of this chapter or other provisions of this Code, nor shall it estop the prosecution by the city for any violation of this Code.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-3. Issuance by tax collector; contents.

The tax collector, or such other person to whom may be assigned the duty, shall prepare and issue a license under this article for every person required to pay a license tax hereunder and to state the period of time covered thereby, and the location or place of business where such trade or business is to be practiced or carried on.
(Ord. No. 7885, § 2, 8-3-92; Ord. No. 10448, § 1, 9-5-07, eff. 1-1-08)

Sec. 19-4. When taxes due.

(a) The quarterly license tax provided for in divisions 2 and 3, of this article shall be due and payable on the first day of January, April, July and October of each year.

(b) Annual licenses taxes as set out in divisions 2 and 3, of this article shall become due on the first day of January, April, July, or October, according to date of original application.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-5. Prorating quarterly taxes.

License taxes prescribed by this article shall be diminished by one-third (1/3) of a full quarterly fee for each month of the tax period which has fully lapsed at the date of the license application.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-6. When taxes delinquent; penalty and interest applied.

(a) Any quarterly license tax provided for herein shall become delinquent if not received by the city within twenty (20) days after becoming due. The tax collector shall, on the day the same becomes delinquent, add thereto an amount equal to ten (10) percent of the total amount of any tax unpaid and delinquent as a penalty. No license shall be issued by the tax collector until the delinquent license taxes and penalties have been paid in full.

(b) Annual license taxes shall become delinquent if not received by the tax collector within twenty (20) days after becoming due. The tax collector shall, on the day such tax becomes delinquent, add thereto a penalty in the amount equal of ten (10) percent of the amount owed. No license shall be issued by the tax collector until the delinquent license taxes and penalty have been paid in full.

(c) It shall be the taxpayer's responsibility to cause his return and remittance to be timely received. Mailing the return or remittance on or before the due day or delinquency date does not relieve the taxpayer of the responsibility of causing his report and remittance to be received on or before the twentieth (20th) day of the month in which the [license tax] becomes due.
(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 2, 9-27-93; Ord. No. 10790, § 5, 5-18-10, eff. 1-1-11)

Sec. 19-7. Time, place of payment generally.

All taxes required by this article shall be paid in advance to the tax collector at city hall.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-8. Mistake not to prevent collecting correct amount.

In no case shall any mistake made by the tax collector in stating, fixing or collecting the amount of any license tax prevent, prejudice or estop the city from collecting the correct amount due as provided by this article.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-9. Notice of termination of business required.

The holder of any license required by this article shall notify the city, in writing, of the termination of his business, occupational or professional activity either before the termination date or within ten (10) days thereafter.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-10. Imposition of license tax; evidence of engaging in business.

(a) There is imposed upon any person, engaged in carrying on any and all professions, trades, callings, occupations, and kinds of business within the city, license taxes in the amounts prescribed by this article. No person shall engage in any business in the city without first having procured a license from the city and paid the tax prescribed or without having complied with the applicable provisions of this article.

(b) This section shall not be construed to require any person to obtain a license prior to engaging in business within the city if such requirement conflicts with applicable statutes of the United States or of the state. Persons not so required to obtain a license prior to engaging in business within the city nevertheless shall be liable for payment of the tax imposed by this article.

(c) Every person who shall conduct a business, profession, trade or calling outside the city and who solicits, canvasses or advertises within the city and delivers his products or performs a service within the city shall pay a license tax.

(d) When any person shall by use of signs, circulars, cards, telephone book or newspapers, advertise, hold out, or represent that said person is engaged in business in the city, or when any person holds an active license or permit issued by a governmental agency for conducting business in the city, after being requested to do so by the collector, then these facts shall be considered prima facie evidence that business is being conducted in the city.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-11. Right of entry of tax collector, revenue investigators, police; arrest authority.

The tax collector, revenue investigators, and police officers shall have and exercise the power to enter, free of charge, at any time, any place of business for which a license is required by this article, and to demand the exhibition of his license for the current term from any person engaged or employed in the transaction of such business. Denial of right of entry by the licensee or his agents or employees shall be a misdemeanor. Police officers may make arrests in the

discharge of their duties for violations of any provisions of this chapter.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-12. Appointment of revenue investigators; general duties.

There shall be appointed revenue investigators under the civil service rules and regulations. It shall be the duty of the revenue investigators to inspect all places of business subject to the provisions of this article and the books and records thereof, and report all violations to the tax collector.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-13. Tax collector, revenue investigators to file complaints.

It shall be the duty of the tax collector, revenue investigators, or others to whom the duty is given to cause complaints to be filed against all persons violating any of the provisions of this article.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-14. Separate licenses required for separate places of business.

A separate license must be obtained for each branch establishment or separate place of business in which any trade, calling, profession, occupation or business is practiced, transacted or carried on.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-15. Licenses to be displayed; exhibition upon demand.

Every person having a license under the provisions of this article and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep such license posted and exhibited, while in force, in some conspicuous part of such place of business. Every person having such a license and not having a fixed place of business shall carry such license with him at all times while carrying on the trade, calling, profession, occupation or business for which the license was granted. Every person having a license under the provisions of this article shall produce and exhibit such license when applying for a renewal thereof, and whenever requested to do so by any police officer or by any officer authorized to issue, inspect or collect licenses.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-16. When certificate or permit from health department required.

Where any trade, occupation, profession or calling as set out in this article is subjected to a certificate of health or sanitary examination, before any license is issued, the applicant must produce such certificate or permit from the county health department.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-17. Exemption for business engaged in interstate commerce or whom conduct business solely with the United States Government.

No license levied under this article upon practice, transaction or carrying on of any profession, trade, calling, occupation or business licensed by the city shall be presumed to apply to any part of such practice, transaction or carrying on of any profession, trade, calling, occupation or business which is a part of interstate commerce; or in which such practice, transaction, calling, occupation or business is conducted as an agency or department of the United States Government for which such government has failed to make provisions allowing states and municipalities to so tax.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-18. Conviction, punishment for failing to have license not to excuse non-payment of tax.

The conviction and punishment of any person for transacting any trade, calling, profession, occupation or business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction.
(Ord. No. 7885, § 2, 8-3-92)

Sec. 19-19. Suspension and revocation.

Any license issued under the provisions of this article may, for good cause, be suspended or revoked. The determination of suspension or revocation is subject to the provisions of section 19-23, relating to hearings or to the provisions of Chapter 7, relating to businesses regulated.
(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9240, § 3, 6-21-99)

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

(1) Only for future reporting periods; and

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

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

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

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

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

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

Sec. 19-78. Inadequate or unsuitable records.

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

(1) Provide such other records as required by this division or regulation; or

(2) Correct or reconstruct the taxpayer's records to the satisfaction of the tax collector.

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

Sec. 19-79. Administration.

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

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

Secs. 19-80 – 19-84. Reserved.

DIVISION 6. TAX ON SECONDHAND DEALERS AND PAWNBROKERS

Sec. 19-85. Tax imposed.

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

(b) *Out of city dealers.*

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

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

(B) If the dealer conducts three (3) or more shows in a calendar year, a tax of one thousand dollars ($1,000.00).

(2) A secondhand dealer liable for the tax imposed by subsection (b)(1) is one who:

(A) Has not already paid the tax imposed by subsection (a) in that year; and

(B) Conducts business at a location that is not that person's or entity's actual business address, such as a hotel, meeting hall, convention center, or other short term leased or rented location

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

Sec. 19-86. Due date of tax.

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

Sec 19-87. Administration.

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

Secs. 19-88 – 19-98. Reserved.

ARTICLE II. PRIVILEGE AND EXCISE TAXES*

DIVISION 1. GENERAL CONDITIONS AND DEFINITIONS

Sec. 19-99. Words of tense, number and gender; Code references.

(a) For the purposes of this article, all words of tense, number and gender shall comply with A.R.S. section 1-214 as amended.

(b) For the purposes of this article, all Code references, unless specified otherwise, shall:

(1) Refer to this City Code;

(2) Be deemed to include all amendments to such code references.

(Ord. No. 6674, § 3, 3-23-87)

***Editor's note –** Section 1 of Ord. No. 6674, adopted Mar. 23, 1987, repealed former art. II, §§ 19-39 – 19-181; and § 3 added a new art. II, §§ 19-99 – 19-602, and Regs. 19-100.1 – 19-571.1. The article was formerly derived from 1953 Code, ch. 29, §§ 1 – 36, 39, and Ord. Nos. 1850, 1923, 1924, 2318, 2384, 2494, 2586, 2878, 2891, 3098, 3238, 3378, 3854, 3869, 3885, 4332, 4396, 4433, 4636, 4710, 4826, 4899, 4918, 5136, 5147, 5170, 5230, 5300, 5337, 5488, 6021, 6064, 6097, 6483, 6538, 6646. Prior to its amendment by Ord. No. 6674, the article was entitled "Business Privilege Licenses (Sales Tax)." Section 2 of Ord. No. 6674, changed the title to "Privilege and Excise Taxes."

Ordinance No. 6969, adopted June 6, 1988, is not included herein, but §§ 1 – 3 of such ordinance provide as follows:

> *Section 1.* The document entitled "Corrective Amendment to the 1988 Amendments to City Tax Code" (which Amendments were adopted in Ordinance No. 6938) three (3) copies of which are on file in the office of the city clerk, is hereby declared to be a public record and said copies are ordered to remain on file with the city clerk.
>
> *Section 2.* The document made a public record in section 1, a copy of which is attached as Exhibit A to this ordinance, is hereby adopted and made a part hereof as though fully set out herein.
>
> *Section 3.* The provisions of this ordinance are effective retroactively to April 25, 1988."

Sec. 19-100. General definitions.

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

Assembler means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

Broker means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this article, and who receives for his principal all or part of the gross income from the taxable activity.

Business means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, but not casual activities or sales.

Business day means any day of the week when the tax collector's office is open for the public to conduct the tax collector's business.

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this article shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

Combined taxes means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this county as authorized by A.R.S. chapter 8.3, title 42; all applicable taxes imposed by this chapter; and all other taxes and fees imposed by this city which are measured by gross income.

Commercial property is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging, but used otherwise, such as model homes, apartments used as offices, etc.

Communications channel means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph or any other electromagnetic means of moving a message.

Construction contracting refers to the activity of a construction contractor.

Construction contractor means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction project, except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

Delivery (of notice) by the tax collector means "receipt (of notice) by the taxpayer."

Delivery, installation, or other direct customer services means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property, provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

Engaging, when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

Equivalent excise tax means either:

(1) A privilege or use tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or

(2) An excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or

(3) An excise tax levied by a native american government organized under the laws of the federal government upon the transaction in question, and paid either to such jurisdiction directly or to the vendor.

Federal government means the United States Government, its departments and agencies, but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

Food means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. Section 42-5106. Under no circumstances shall 'food' include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process.

Hotel means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer or other lodging place within the city offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

Jet fuel means jet fuel as defined in A.R.S. § 42-5351.

Job printing means the activity of copying or reproducing an article by any means, process or method. "Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

Lessee includes the equivalent person in a rental or licensing agreement for all purposes of this article.

Lessor includes the equivalent person in a rental or licensing agreement for all purposes of this article.

Licensing (for use) means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's

service and is timely reemployed by the city and meets all other applicable requirements for benefits following qualified military serrvice 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 reemployed 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 serrvice, calculated at the compensation rate in effect for the member immediately preceding the commencement of the qualified military serrvice and the member contribution rate in effect during the qualified military serrvice, 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 reemployment and ends on the earliest of (1) the date that is five (5) years from the date of reemployment, (2) the date that marks the end of a period which is three times the length of the member's most recent period of qualified military serrvice, 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 serrvice covered by the missed member contributions.

Sec. 22-34(f). Accrued vacation cash out. All hours of accumulated vacation earned by a 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. The member contributions applicable to accumulated vacation shall be calculated using the member's compensation and member contribution rate as in effect immediately preceding the 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.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

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 contribution and member contribution rates to the total compensation of members for such period and shall transfer this amount to the trust fund.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-36. Accumulation of credited service.

Sec. 22-36(a). Credited service generally. A member will receive credited service for purposes of determining the benefits to which the member or the member's beneficiary(ies) will be entitled. Credited service is the total of the member's accrued service and

additional service. Accrued service shall be used to determine whether a member is vested, as well as to determine the member's accrued benefit. Additional service shall be considered for benefit accrual purposes only.

Sec. 22-36(b). Accrued service for city employment.

(1) *Employment periods.* A member shall earn 1/2080 of one (1) year of accrued service credit for each hour of regular time compensation, including authorized periods of absence for which the member receives compensation. A member who is compensated for two thousand eighty (2,080) or more hours of regular time during twelve (12) consecutive calendar months shall receive one (1) year of accrued service. A member who is compensated on less than a full-time basis shall receive credit for a proportionate part of a full year of accrued service.

(2) *Periods of leave.* All service and periods of leave with pay, accrued and unused vacation and sick leave at the date of retirement, workers compensation and qualified military service shall be used in calculating a member's total accrued service. special rules regarding qualified military service are set forth in subparagraph three (3) below. Notwithstanding the foregoing, accumulated vacation earned by a member and cashed out by the city as of the member's termination date shall be treated as accrued service only if the member makes member contributions on the value of the leave that is cashed out by the city as set forth in section 22-34(f).

(3) *Military leave during active employment.* An active city employee who leaves employment to complete qualified military serrvice, makes a timely return to the city following an honorable discharge (as defined below), and who makes up missed member contributions in accordance with section 22-43(e) may receive accrued service for periods of qualified military service. Accrued service credited to a member who satisfies the conditions of this section and section 22-43(e) shall not exceed sixty (60) months of accrued service for qualified military service, plus accrued service for reasonable periods of absence from employment which are necessitated by the qualified military service, except as provided by applicable federal law. The member's return to city service shall be deemed to be timely if the member is re-employed or requests re-employment in accordance with the following time frames: (A) The first full regularly scheduled work period on the first full calendar day following completion of the qualified military service for periods of qualified military service of less than thirty-one (31) days, (B) Not later than fourteen (14) days after completing qualified military serrvice for periods of qualified military serrvice of at least thirty (30) days and not more than one hundred eighty (180) days, or (C) Not later than ninety (90) days after completing qualified military serrvice for periods of qualified military serrvice of more than one hundred eighty (180) days. If the member is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of qualified military serrvice, the member's return to city service shall be deemed to be timely if the member returns as of the earlier of the end of the period of recovery or the date which is two (2) years after the completion of qualified military serrvice.

(4) *Furlough.* An active city employee who is subject to a city mandated furlough during the period beginning on July 1, 2009, and ending on June 30, 2010, shall be credited with accrued service for the furlough period(s), up to a maximum of seventy-two (72) hours of accrued service credit. This shall include reductions in pay which correlate with furlough hours.

Sec. 22-36(c). Transfers from other Arizona Systems.

(1) *ASRS.* A contributing member who has service credits in the Arizona State Retirement System may have such retirement service credits transferred to the system in

accordance with Arizona Revised Statute Sections 38-730, as amended. In no event shall any transfer of service credit processed in accordance with this section create a significant detriment to the funded status of the system. Any service credit transferred pursuant to this section shall be accrued service hereunder.

(2) *Other systems.* A contributing member who has service credits in a public retirement system maintained by the State of Arizona (other than ASRS) or any municipality of the State of Arizona may have such retirement service credits transferred to the system in accordance with Arizona Revised Statute Sections 38-923 and 38-924, as amended. In no event shall any transfer of service credit processed in accordance with this section cause the system to incur any unfunded accrued liabilities as a result of the transfer. Any service credit transferred pursuant to this section shall be additional service hereunder.

Sec. 22-36(d). Additional service – Unpaid authorized leave from city employment. A member who has not requested a refund from the system in accordance with section 22-41 may purchase up to one (1) year of additional service for any period of unpaid authorized leave from city employment (excluding furloughs). To purchase such additional service, a member shall pay to the system the contribution cost associated with the leave period, determined based on the compensation imputed in accordance with section 22-43(c) and the member and employer contribution rates in effect during the leave period. Any election to purchase additional service pursuant to this section must be completed within six (6) months of the termination of the leave period. A member may pay the costs associated with a purchase of additional service under this section by any method described in section 22-36(g) below.

Sec. 22-36(e). Additional service – Prior government or military service. Subject to the provisions of section 22-36(g), a contributing member may elect to purchase additional service in the system for periods of prior government or military service. Additional service will be used for benefit accrued purposes only, and will not be considered in the determination of whether a member is vested. Any member wishing to purchase additional service shall furnish all documentation required by the system administrator, in its discretion, to substantiate the prior service at the time of making an application to purchase the additional service. This provision shall govern the repurchase of prior city service credit forfeited upon receipt of a refund pursuant to section 22-41, subject to the special redeposit rules of section 22-36(h). It is the stated and declared purpose of this section to allow for the purchase of all prior government or military service for which a member is not entitled to receive, presently or in the future, a benefit from another retirement system. To this end, the provisions of this section shall be liberally construed.

Sec. 22-36(f). Additional service – Non-qualified permissive service credit. Subject to the provisions of section 22-36(g), any vested member who is actively contributing to the system may purchase additional service for non-qualified service in accordance with Code Section 415(n)(3). Effective January 1, 2011, the purchase of non-qualified permissive service shall be limited to a total of five (5) years, regardless of the member's payment method and notwithstanding the special rules set for in Code Section 415(n) regarding direct rollovers and transfers from Code Section 403(b) and 457 plans.

Sec. 22-36(g). Purchase terms for additional service. The cost and method of purchasing any additional service in accordance with section 22-36(e) or section 22-36(f) above shall be determined pursuant to this section.

(1) *Cost to purchase.* Purchases of additional service are designed and administered in a manner intended to prevent the system from incurring any unfunded accrued liability as a result of the purchase. The cost for each year of additional service purchased shall equal a percentage of the member's highest annual salary, as determined in accordance with a purchase of service credit table designed by the system's actuary and approved by the board. An administrative fee as determined by the board shall be imposed for the processing of purchase of service requests. The date of purchase shall be the day the member delivers to the system administrator an executed irrevocable purchase of service agreement.

(2) *Payment for time purchased.* A member may fund the purchase of additional service with one or a combination of the following payment methods: (A) payment of after-tax cash lump sum; (B) tax-deferred rollover contribution from a tax-qualified retirement plan or individual retirement account(s) as authorized by the Code; (C) after-tax payroll deduction agreement; or (D) irrevocable pre-tax payroll deduction agreement designed to comply with the employer pick-up arrangement requirements of Code Section 414(h)

Sec. 22-36(h). Reentry into service. A former member who reenters service shall become a member of the system in accordance with section 22-33(a). If the member's accumulated contributions account has not been refunded in accordance with section 22-41, credited service shall be given for all prior accrued and additional service. A former member who reenters service within twenty-four (24) months and who received a refund of his accumulated contributions account pursuant to section 22-41 shall, upon redeposit of the amount withdrawn plus applicable interest, as determined by the system administrator, be credited with all prior credited service. Any redeposit made in accordance with this provision must be completed within six (6) months of the former member's reentry into service.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 2, 8-5-09, eff. 7-1-09; Ord. No. 10775, § 1, 4-6-10)

Sec. 22-37. Retirements.

Sec. 22-37(a). Retirements generally. There are three (3) types of service retirements available under the system:

(1) *Normal retirement.* Members are eligible for normal retirement upon reaching the rule of eighty (80) or upon the attainment of age sixty-two (62). The rule of eighty (80) is defined as the sum of the member's age and years of credited service equaling at least eighty (80). Notwithstanding the foregoing and effective with regard to members hired by the city on or after July 1, 2009, members also must complete at least five (5) years of accrued service before reaching normal retirement eligibility.

(2) *Early retirement.* Members are eligible for early retirement after completing twenty (20) years of credited service and attaining age fifty-five (55). Notwithstanding the foregoing and effective with regard to members hired by the city on or after July 1, 2009, members also must complete at least five (5) years of accrued service before reaching early retirement eligibility.

(3) *Deferred retirement.* Vested members who experience a termination date before reaching normal or early retirement eligibility are eligible for deferred retirement and the member's accrued benefit is paid when the member later becomes eligible for normal or early retirement.

Sec. 22-37(b). Early retirement. The early retirement pension shall be calculated in the same manner as the normal retirement benefit and shall be reduced in accordance with this paragraph to reflect the earlier and longer benefit payment period. The early retirement reduction shall equal one-half (1/2) of one (1) percent for each month prior to the date the member would have attained the rule of eighty (80).

Sec. 22-37(c). Deferred retirement. As of a termination date, a vested member shall be deemed to have elected a deferred retirement calculated in the same manner as the Normal retirement benefit or the early retirement benefit and payable upon the member's satisfaction of the conditions for normal or early retirement. A member who is in deferred retirement status and who has not reentered city service may request a refund of his accumulated contributions account any time before the payment of retirement benefits commence.

Sec. 22-37(d). Payment of benefits; deferred commencement. Retirement benefits are paid monthly, in arrears. A member may elect to defer the date payments begin as permitted by law provided, however, that no actuarial adjustment or retroactive adjustment shall be made to the retirement benefit as a result of the delayed commencement.

Sec. 22-37(e). Retirement application; withdrawal of retirement application. A member may submit an application for retirement benefits within ninety (90) days of the member's proposed termination date or, if applicable, the member's proposed end of service participation date, subject to the system administrator's discretion to make nondiscriminatory timing exceptions as necessary. Except as required by law, no retirement benefits shall commence under the system until a member files a retirement application with the system administrator and the retirement application is ratified by the board. The board's ratification of any retirement benefit application may be based on a reasonable estimate of the member's retirement benefit, as prepared by the system administrator. In the event that a member's actual retirement benefit varies significantly from an estimate presented to the board for ratification, the system administrator shall present the actual retirement benefit calculation to the board for its reconsideration as soon as administratively feasible. Any application for an early, normal, deferred or disability retirement may be withdrawn at any time prior to ratification by the board.

Sec. 22-37(f). Post retirement benefit payments. The board shall determine, pursuant to its formal policy and in its discretion, whether the system shall fund an annual supplemental post retirement benefit payment to retired members and beneficiaries. The board's formal policy shall include the methods and procedures to be followed by the board in making its annual determination. The policy shall include the requirements that allocations to a post retirement benefits reserve shall not occur in years where any of the following conditions occur: the actuarial target funded ratio for that year is not achieved, there are no excess returns (based on the rolling average), or the allocation to a post retirement benefits reserve would directly cause an increase in the annual required contribution for that year.

Sec. 22-37(g) Suspension of pension benefits upon reemployment. Retirement benefits payable to a retired member shall be suspended during the retired member's period of reemployment with the city unless (1) the retired member has terminated employment at least twelve (12) months before returning to work, and (2) the retired member is engaged to work in a non-permanent employment classification. In no event shall any re-employed retired member acquire credited service or credited compensation or contribute to the system.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-38. End of service program.

Sec. 22-38(a). Purpose. The end of service program allows retirement eligible members to earn lump sum benefits in addition to the members' retirement benefit, in exchange for a waiver of up to twelve (12) months of additional benefit accruals under the system. The end of service program is entirely voluntary.

Sec. 22-38(b). Eligibility for end of service program. Any member eligible for normal retirement may elect to participate in the end of service program by entering into a participation agreement in accordance with section 22-38(c) and accepting the terms and conditions of the end of service program. Participation in the end of service program shall remain open only until December 31, 2010, and no members shall be permitted to enroll in the end of service program after that date.

Sec. 22-38(c). Irrevocable agreement to participate. A member's agreement to participate in the end of service program is (1) a voluntary agreement to forego benefit accruals under the retirement provisions of the system, (2) a voluntary election to terminate from employment with the city before or upon completion of the end of service program participation period and (3) a retirement application for purposes of section 22-37(e). The member's participation election shall be evidenced by the member's execution of the board's end of service program agreement and shall include the member's proposed effective date of participation. The member's effective date of participation in the end of service program shall be the later of the first day of the month following the board's ratification of the member's end of service participation agreement or the participation date selected by the member and approved by the system administrator. The system administrator may, in its discretion, adopt reasonable and uniform procedures governing the deadlines for submission of end of service participation agreements and the acceleration of end of service participation dates. A member's agreement to participate in the end of service program shall be irrevocable upon ratification by the board.

Sec. 22-38(d). Cessation of benefit accrual. On the date the member begins to participate in the end of service program, mandatory member contributions to the system cease and all benefit accruals under the system terminate. A member's final average monthly compensation and credited service are determined as of the member's end of service participation date and shall not increase or decrease thereafter. The member also is not entitled to receive any retirement benefit increases implemented during the end of service participation period.

Sec. 22-38(e). Accumulation of end of service benefits. End of service program benefits will be credited to an end of service program account established under the system and shall be paid to the member following the member's termination date at the same time and in the same manner as otherwise prescribed in this article. A member's end of service program participation account shall be credited with the following:

(1) An amount, credited monthly, that is computed in the same manner as a normal retirement benefit using the member's credited service, average final monthly compensation and retirement benefit payment elections as of the member's effective date of end of service program participation.

(2) An amount, credited monthly, that represents assumed earnings at a rate determined by the board, annually at the beginning of the plan year. As of the effective date of the end of service program, the earnings rate credited pursuant to this section is the ninety-day treasury bill rate.

Sec. 22-38(f). Termination of end of service program participation. Participation in the end of service program terminates on the first occurrence of either of the following: (1) twelve (12) months from the date of entry; or (2) the member's termination date. If a member's participation in the end of service program is terminated as a result of the city's just cause termination of the member's employment and such just cause is later reversed, a member's participation in the end of service program, minus any benefits previously distributed pursuant to this article, shall be reinstated for the duration of the original end of service program participation period designated by the member on the appropriate end of service program participation form. Upon termination of the member's end of service program participation, the retirement benefit payable to any member who fails to terminate in connection with the end of service program shall commence in accordance with the retirement provisions of this article. Notwithstanding the foregoing, if a member fails to terminate from employment with the city at the end of the member's end of service program participation period, the member shall forfeit all rights to any end of service benefits and assumed earnings and shall not accrue any additional credited service during the end of service participation period.

Sec. 22-38(g) Payment of end of service program benefits. Following termination of the member's participation, a member is entitled to receive a lump sum distribution of all amounts credited to the member's end of service program participation account. The end of service program distribution shall be processed in accordance with section 22-43(g). The member also shall commence receipt of retirement benefits, calculated and paid in accordance with the retirement provisions of the system. If a member dies during the end of service program participation period, all amounts in the member's end of service program participation account shall be paid to the member's beneficiary. If the beneficiary(ies) predecease the member, all distributions pursuant to the end of service program shall be paid to the member's spouse, if the member was married at death, or to the legal representative of the member's estate, if the member is not married at death.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-39. Disability retirement.

Sec. 22-39(a). Qualification. If a member is not yet eligible for normal retirement, the member may apply for disability retirement benefits if the member has ten (10) or more years of accrued service and the member is determined, in accordance with applicable rules, to have a total and permanent disability.

Sec. 22-39(b). Application process. An application for disability retirement benefits may be filed by the member in accordance with the policies and procedures of the system administrator. The board's physician shall examine the member and certify in a written report to the board whether the member suffers from a total and permanent disability. The report shall also state when the member should be reexamined. If the board determines that the member should receive

disability retirement benefits, the board shall determine the date on which the disability retirement benefit shall commence. Disability retirement benefits shall not be paid for periods the member elects to receive sick and vacation leave pay.

Sec. 22-39(c). Disability benefit. Disability retirement benefits are calculated in the same manner as normal retirement benefits, with no reduction for early commencement.

Sec. 22-39(d). Termination of disability benefit. A disability retirement benefit shall be terminated by the board upon a determination that the member no longer suffers from a total and permanent disability or upon the member's reemployment with the city. If the member reenters city service, any credited service included in the calculation of the disability retirement benefit shall be restored to the member's credit; but the member's accrued benefit shall be subject to an actuarial reduction at the time of retirement based on the number of months that the member received disability retirement benefits. The excess, if any, of the member's accumulated contributions as of the date of total and permanent disability over the aggregate of the disability retirement benefits received by the member shall be credited to the member's accumulated contributions account.

Sec. 22-39(e). Requirements to maintain disability benefit. The member shall provide to the system administrator no later than May 31 of each calendar year all information requested by the system administrator regarding the member's total and permanent disability. The board may suspend disability retirement benefits if the member fails to provide any of the required information. Following the retirement of a member as the result of a total and permanent disability, the board may require the member, prior to the member's eligibility for normal retirement and no more frequently than annually, to undergo a medical examination by a licensed physician, as directed by the system administrator. Should the member refuse, the member's disability retirement benefit shall be discontinued until such time as they submit to the required examination. Should the refusal continue for one (1) year, all rights to any further disability retirement benefits shall cease. Upon the member attaining the age required for a normal retirement, no further medical exams will be required.

Sec. 22-39(f). Prior requirements to maintain disability benefit. Any member who qualified for a disability retirement prior to July 1, 2009, is subject to the benefit limitations and disability verification requirements of this subsection, as well as the nondiscriminatory policies and procedures of the system administrator.

(1) *Disability verification requirements.* Not later than May 31 of each calendar year, the member shall provide to the system administrator all information requested by the system administrator regarding the member's earned income (wages and self-employment income) for the previous calendar year. The board may suspend disability retirement benefits if the member fails to provide any of the required information. Following the disability retirement of a member, the board may require the member to undergo a medical examination by a licensed physician. Should the member refuse, the disability retirement benefit shall be discontinued until such time as the member submits to the required examination. Should the refusal continue for one (1) year, all rights to any further disability retirement benefits shall cease. Upon the member's attainment of the age required for receipt of a normal retirement benefit, no further medical exams or information relating to earned income will be required.

(2) *Disability benefit adjustments.*

(A) *Earned income based adjustment.* Based on the verification procedures described above, the disability retirement benefit may be subject to annual adjustment in accordance with this section. If the member's earned income for the preceding calendar year exceeded fifty (50) percent of the member's adjusted income base for that calendar year, then the member's disability retirement benefit will be reduced during the twelve-month period commencing on the effective date of the system administrator's adjustment (the

"adjustment period") as follows. The monthly disability retirement benefit payable in the adjustment period will be reduced by one-twelfth (1/12) of the excess of the member's earned income for the preceding calendar year over fifty (50) percent of the member's adjusted income base. If the adjustment required by the preceding sentence would reduce the monthly disability retirement benefit to a negative amount, the disability retirement benefit shall be suspended for the adjustment period and any excess amount not offset by the disability retirement benefit suspension shall be taken into account in the next annual adjustment procedure. From time to time, the board also may increase or decrease the member's disability retirement benefit to recapture overpayments or to restore any deficiencies in payments to the member which may have accrued prior to the board's receipt of information under the disability verification procedures. When a member becomes eligible for a normal retirement benefit, no further adjustments shall be made.

(B) *Earned income and/or worker's compensation benefits.* In the event a disabled member receives earned income and/or worker's compensation benefits during the calendar year, that member's disability retirement benefit may be adjusted so that the member's total income received from employer provided benefits does not exceed 100% of the members' adjusted income base. Any adjustment made shall only be up to the amount of the full disability retirement benefit paid by TSRS. For purposes of this paragraph, employer provided benefits means social security benefits, worker's compensation payments, TSRS pension benefits or long term disability payments.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 3, 8-5-09, eff. 7-1-09; Ord. No. 10775, § 2, 4-6-10, eff. 7-1-10)

Sec. 22-40. Death benefits.

Sec. 22-40(a). Generally.

(1) If the member dies prior to the board's ratification of the member's application for retirement benefits, if any, the death benefit or survivor annuity payable as the result of the member's death shall be determined in accordance with this section. If the member dies after the board has ratified the member's application for retirement benefits, including an end of service participation agreement, any survivor benefits payable as a result of the death of the member shall be determined in accordance with the member's retirement benefit payment election. Notwithstanding any other provision herein to the contrary, a member who satisfied the conditions for normal or early retirement and filed the appropriate paperwork with the system administrator to pre-select retirement benefits prior to July 1, 2009, shall be treated as a member whose application for retirement benefits has been ratified by the board for purposes of this paragraph.

(2) If a member dies while performing qualified military service on or after January 1, 2007, the member shall be treated as if he returned to employment with the city on the day before the date of death.

Sec. 22-40(b). Spouse as beneficiary. If the spouse is the member's beneficiary and the spouse dies before the death benefit is paid, the available death benefit shall be paid to the beneficiary of the spouse, and if none, then to the legal representative of the spouse's estate.

Sec. 22-40(c). Death before vested interest. Should a member with less than five (5) years of accrued service die, the member's accumulated contributions account balance, determined as of the member's date of death, shall be paid in a lump sum to the member's beneficiary. If the beneficiary(ies) predeceases the member, the member's accumulated contributions account balance shall be paid to the member's spouse, if the

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. Sick leave incentive program providing for incentive payment and personal leave days.

Sec. 22-95(a). The employee group eligible for representation by the Communication Workers of America Local 7000 - Tucson Association of City Employees, (CWA/TACE), shall be entitled to eight (8) hours of personal leave, three (3) times in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, in the four (4) month period preceding the granting of the eight (8) hours of personal leave. The first eight (8) hours shall be granted to the employee in the pay period in which November 1 of the fiscal year occurs, with the second eight (8) hours being granted to the employee in the pay period in which March 1 of the fiscal year occurs, and the third eight (8) hours being granted in the pay period in which July 1 of the following fiscal year occurs. If the employee does not utilize the earned eight (8) hours of personal leave by the end of the following four calendar months, the eight (8) hours will not be carried forward to accumulate.

Sec. 22-95(b). The employee group eligible for representation by the American Federation of State, County and Municipal Employees, (AFSCME), shall be entitled to receive a cash incentive of one hundred fifty dollars ($150.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, in the six (6) month period preceding the date of payment. The first one hundred fifty dollars ($150.00) shall be paid to the employee in the pay period in which January 1 of the fiscal year occurs, with the second one hundred fifty dollars ($150.00) being paid to the employee in the pay period in which July 1 of the following fiscal year occurs.

Sec. 22-95(c). The employee group eligible for representation by the Tucson Police Officers Association, (TPOA) shall earn one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between July 1 and October 31, one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between November 1 and February 28, and one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between March 1 and June 30 of each fiscal year. Employees may accumulate three (3) personal leave days. For purposes of this section, accident compensation (AC) shall not be considered as sick leave. In no event shall any personal leave days accrued be exchanged for any type of compensation.

Sec. 22-95(d). Commissioned firefighters who have not used in excess of one (1) twenty-four (24) hour shift, or two (2) consecutive work days for non-twenty-four (24) hour shift personnel, due to lost time or unscheduled vacation over a four (4) month period, and each four (4) months thereafter, will be entitled to one (1) personal leave day (PL leave) at city expense. No more than three (3) such workdays may be accumulated at any time. Time off for PL leave will be scheduled in the same manner as regular vacation but will not be charged to the members accrued vacation leave. PL leave carries no entitlement to compensation and if not used prior to separation from city service is lost without any credit whatsoever to the member or to any other city or state pension or benefit program. For the purpose of this subsection, for commissioned firefighters assigned to fire suppression, one workday equals one (1) twenty-four (24) hour shift.

Lost time includes usage of sick leave, leave without pay and workers compensation. Unscheduled vacation occurs when the employee requests leave less than twenty-four (24) hours in advance.

Sec. 22-95(e). Employees who are not eligible to be represented by any labor organization will receive one (1) day of personal leave for each four (4) month period during which the employee did not use sick leave or leave without pay. Employees shall earn one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between July 1 and October 31, one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between November 1 and February 28; and one (1) day of personal leave provided they do not use sick leave or leave without pay for the time between March 1 and June 30 of each fiscal year. Employees may accumulate three (3) personal leave days. Personal leave days accrued may not be exchanged for any type of compensation.

(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)

Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.

(a) Each City of Tucson/Pima County Household Hazardous Waste Program employee who is leaving Pima County employment and beginning employment with the City of Tucson under section 13 of the intergovernmental agreement with Pima County approved by mayor and council resolution on March 1, 2005 shall have his or her accrued sick and vacation leave balances transferred with the employee.

(b) These employees shall thereafter accrue city sick and vacation leave at a rate commensurate with the employees combined length of service with the county and city. This special length of service provision shall not otherwise affect the status of these employees, who will begin employment with the city as new civil service employees.

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time.
(Ord. No. 10125, § 1, 3-1-05)

Secs. 22-97 – 22-99. Reserved.

ARTICLE VI. OTHER INSURANCE BENEFITS

Sec. 22-100. Reserved.

Editor's note – Ord. No. 10425, § 5, adopted June 19, 2007, effective July 1, 2007, repealed § 22-100, which pertained to providing for other insurance benefits and derived from Ord. No. 9383, § 1, adopted May 15, 2000; Ord. No. 10005, § 1, adopted June 28, 2004; Ord. No. 10163, § 4, June 14, 2005.

Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.

The city shall provide a twenty-five thousand dollar ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by IAFF who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as a commissioned fire employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10005, § 1, 6-28-04; Ord. No. 10294, § 3, 6-27-06; Ord. No. 10557, § 5, 6-25-08, eff. 7-1-08)

Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.

The city shall provide a two thousand five hundred dollar ($2,500.00) special death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by AFSCME and dies while in the employ of the City of Tucson. Although the benefit will be paid without restriction, it is intended that it should be used for purposes of the employees funeral expenses. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10020, § 1, 8-2-04; Ord. No. 10557, § 6, 6-25-08, eff. 7-1-08)

Sec. 22-104. Death benefit for employee group eligible for representation by CWA/TACE.

The city shall provide twenty-five thousand dollars ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by CWA/TACE who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as an employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10557, § 7, 6-25-08, eff. 7-1-08)

possible, be consistent with the policy for charging for water in direct proportion to the cost of securing, developing and delivering water to the customers of the city water system. Water charges will be computed through the summation of service charge, the monthly water use charge, the Central Arizona Project surcharge, the conservation charge and summer surcharges where applicable.
(Ord. No. 4489, § 4, 5-24-76; Ord. No. 4550, § 2, 8-10-76; Ord. No. 4626, § 5, 3-3-77; Ord. No. 6222, § 1, 4-22-85; Ord. No. 8024, § 2, 4-12-93; Ord. No. 9477, § 1, 10-23-00; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09)

Sec. 27-32.1. Monthly reclaimed water service charges.

For the purposes of computing reclaimed water charges:

(1) The service charge shall be levied whether or not any water is provided and is hereby fixed at the following per month per connection:

MONTHLY SERVICE CHARGE

Service Size (inches)	*Monthly Service Charge*
5/8	$ 5.87
1	10.70
1 1/2	18.75
2	28.41
2 1/2	41.29
3	54.17
4	91.20
6	183.93
8	276.34
10	421.23
12	694.92

(2) In addition to the applicable service charge, the charge for reclaimed water shall be:

$1.83 per Ccf ($797.00 per acre-foot).

The foregoing service charges and rates may be adjusted every year during and as a part of the annual water rate adjustment.

(Ord. No. 6327, § 2, 11-4-85; Ord. No. 6411, § 1, 4-28-86; Ord. No. 6692, § 1, 4-13-87; Ord. No. 6925, § 1, 4-11-88; Ord. No. 7171, § 2, 4-17-89; Ord. No. 7391, § 1, 4-16-90; Ord. No. 8024, § 3, 4-12-93; Ord. No. 9156, § 2, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10)

Sec. 27-33. Monthly potable water service charges.

For the purposes of computing monthly water charges:

(1) The monthly service charge shown in the following table applies to all customer classes. The fee shall be charged whether or not any water is provided.

Service Size (inches)	*Monthly Service Charge*
5/8	$ 5.87
1	10.70
1 1/2	18.75
2	28.41
2 1/2	41.29
3	54.17
4	91.20
6	183.93
8	276.34
10	421.23
12	694.92

(2) Monthly water use charges in addition to the service charge shall be applicable to each service connection and shall be per Ccf and vary with customer classification and volumes used according to the following table:

RATE SCHEDULES BY CUSTOMER CLASSES

Residential Single-Family	*Winter $/Ccf*	*Summer $/Ccf*
1 – 15	$1.54	$1.54
16 – 30	5.75	5.75
31 – 45	8.14	8.14
Over 45	11.13	11.13

Residential Duplex-Triplex	*Winter $/Ccf*	*Summer $/Ccf*
1 – 20	$1.54	$1.54
21 – 35	5.75	5.75
36 – 50	8.14	8.14
Over 50	11.13	11.13

Multi-Family	*Winter $/Ccf*	*Summer $/Ccf*
Basic Volume Charge	$2.29	$2.29

Mobile Home Park with Sub-Meters	*Winter $/Ccf*	*Summer $/Ccf*
Basic Volume Charge	$1.80	$1.80

Commercial	*Winter $/Ccf*	*Summer $/Ccf*
Basic Volume Charge	$2.20	$2.20
Summer Surcharge - Tier 1	–	$0.95
Summer Surcharge - Tier 2	–	$0.25

Industrial (more than 5 Mg per month & Tucson Unified School District by contract)	*Winter $/Ccf*	*Summer $/Ccf*
Basic Volume Charge	$2.02	$2.02
Summer Surcharge - Tier 1	–	$0.95
Summer Surcharge - Tier 2	–	$0.25

Construction Water	*Winter $/Ccf*	*Summer $/Ccf*
Basic Volume Charge	$2.47	$2.47

(3) The Central Arizona Project surcharge shall be in addition to the service charge and water use charges for all customer classes and apply to all monthly water use at the rate of five cents ($0.05) per Ccf.

(4) The conservation charge shall be in addition to the service charge and water use charges for all potable water customer classes and apply to all monthly water use at the rate of five cents ($0.05) per Ccf.

(5) Reserved.

(Ord. No. 4497, § 1, 6-7-76; Ord. No. 4549, § 1, 8-10-76; Ord. No. 4550, § 3, 8-10-76; Ord. No. 4626, § 6, 3-3-77; Ord. No. 4763, § 2, 2-27-78; Ord. No. 4928, § 1, 1-8-79; Ord. No. 5137, § 1, 4-21-80; Ord. No. 5355, § 2, 4-20-81; Ord. No. 5557, § 1, 5-3-82; Ord. No. 5756, § 2, 5-2-83; Ord. No. 6001, § 1, 4-23-84; Ord. No. 6222, § 2, 4-22-85; Ord. No. 6411, § 2, 4-28-86; Ord. No. 6692, § 2, 4-13-87; Ord. No. 6925, § 2, 4-11-88; Ord. No. 7171, § 3, 4-17-89; Ord. No. 7391, § 2, 4-16-90; Ord. No. 7607, § 1, 4-15-91; Ord. No. 7804, § 1, 4-20-92; Ord. No. 8024, §, 4-12-93; Ord. No. 8120, § 3, 9-7-93; Ord. No. 8480, § 1, 4-10-95; Ord. No. 8483, § 2, 5-15-95; Ord. No. 8768, § 3, 10-28-96; Ord. No. 9156, § 3, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10)

Sec. 27-34. Charges for fire protection service.

Charges for fire protection service shall be made monthly and according to the following table:

2", with detector check valve.	$ 6.81
3", with detector check valve.	10.97
4", with detector check valve.	16.80
6", with detector check valve.	31.77

8", with detector check valve..... 46.75
10", with detector check valve..... 70.46
12", with detector check valve..... 114.55

(Ord. No. 4489, § 6, 5-24-76; Ord. No. 4626, § 7, 3-3-77; Ord. No. 4656, § 1, 5-23-77; Ord. No. 4763, § 3, 2-27-78; Ord. No. 4928, § 2, 1-8-79; Ord. No. 5137, § 2, 4-21-80; Ord. No. 5355, § 3, 5-2-83; Ord. No. 5557, § 2, 5-3-82; Ord. No. 5756, § 3, 5-2-83; Ord. No. 6001, § 2, 4-23-84; Ord. No. 6222, § 3, 4-22-85; Ord. No. 6411, § 3, 4-2-86; Ord. No. 6692, § 3, 4-13-87; Ord. No. 6925, § 3, 4-11-88; Ord. No. 7171, § 4, 4-17-89; Ord. No. 7391, § 3, 4-16-90; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10)

Sec. 27-35. Charges for installation of water service connections.

There shall be an installation charge for all water service connections.

(1) Charges for the installation of a metered water service connection, including the service line, the meter, and pavement replacement, shall vary with the size of the meter installed according to the following table:

Size of Meter (inches)	*Charge*
5/8	$2,105.00
1	2,243.00
1 1/2	2,594.00
2	2,959.00

(2) Charges for the installation of a metered water service connection, including the service line and meter, which does not require pavement replacement shall vary with the size of the meter installed according to the following table:

Size of Meter (inches)	*Charge*
5/8	$1,505.00
1	1,643.00
1 1/2	1,994.00
2	2,359.00

(3) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines, the meters, and pavement replacement, shall vary with the number of connections according to the following table:

No. of Meters	*Charge*
2	$2,448.00
3	2,908.00
4	3,316.00
5	3,833.00
6	4,178.00
7	5,214.00
8	5,622.00
9	6,427.00
10	6,835.00
11	7,631.00
12	8,039.00

(4) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the meters, which do not require pavement replacement shall vary with the number of connections according to the following table:

No. of Meters	*Charge*
2	$1,848.00
3	2,296.00
4	2,704.00
5	3,053.00
6	3,398.00
7	3,846.00
8	4,254.00
9	4,707.00
10	5,115.00
11	5,563.00
12	5,971.00

(5) Charges for the installation of multiple 1" metered water service connections at the same location, including the service lines, the meters, and pavement replacement, shall be two thousand nine hundred twenty-six dollars ($2,926.00).

(6) Charges for the installation of multiple 1" metered water service connections at the same location, including the service lines and the meters, which do not require pavement replacement, shall be two thousand three hundred twenty-six dollars ($2,326.00).

(7) Meter installations including all materials performed by Tucson Water on an existing water service connection line shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$299.00
1	436.00
1 1/2	663.00
2	748.00

Should an automatic meter reading device including all materials be installed by Tucson Water, charges shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$439.00
1	562.00
1 1/2	815.00
2	897.00

Charges for meter installations where the developer will install the box and bricks on an existing water service line shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$239.00
1	295.00
1 1/2	452.00
2	537.00

Should an automatic meter reading device be installed with the developer installing the box and bricks charges shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$379.00
1	421.00
1 1/2	604.00
2	686.00

(8) Charges for the installation of an additional metered water connection at the same time and in the same trench as the installation of fire protection service shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. No administrative fee in addition to that referenced in section 27-35(9) shall be charged to the applicant. Charges for installation of a meter on such a service line connection shall be in accordance with the tables in section 27-35(7).

(9) Charges for the installation of unmetered fire protection service, including any required service lines or piping, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for fire protection service shall pay an administrative fee of three hundred seventy-five dollars ($375.00) for each such service request.

(10) Charges for the installation of a fire hydrant, including the installation of service lines necessary to provide fire hydrants, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for a fire hydrant shall pay an administrative fee of three hundred seventy-five dollars ($375.00) for each service request.

(11) Charges for the installation of a consumer requested ball valve on the property side of the meter shall be based upon the cost of material in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$35.00
1	57.00
1 1/2	101.00
2	138.00

(12) Charges for relocating an existing meter at the customer's request shall be in accordance with the following table:

Ordinance Number	Date	Section		Disposition
10683	6-16-09	1		4-82
		2		4-87
		3		4-90
		4		4-91(a)
10685	6-16-09	1		19-1070(a)(1)(i)
		2		19-1080(a)
		3		19-410(a)(2)
		4		19-66(b)
10687	6-23-09	1		16-42
		2		16-42(b)
		3		16-71, 16-73
10691	7- 7-09	1		2-1
10692	7- 7-09	2	Rpld	12A-3, 12A-4
10696	8- 5-09	1		22-30(i)
		2		22-36(b)(2)
				22-36(b)(4)
		3		22-39(f)(1)
		4		22-40(a)(1)
				22-40(d)
10703	8- 5-09	1		28-147
		2		28-149(1)
		3		28-150(5)(2), (3)
				28-150(7)(2), (3)
				28-150(8)(4)
			Added	28-150(10), (11)
		4		28-151(2)
				28-151(4)
10711	9- 9-09	1		22-30(u)
		2		22-33(f)
		3		22-40(a)
				22-40(d) – (f)
		4		22-42(a)
				22-42(e)
10712	9- 9-09	1		22-30(u)
		2		22-33(f)
		3		22-40(a)
				22-40(d) – (f)
		4		22-42(a)
				22-42(e)
10723	10-27-09	1	Added	12-1.4
10726	11-24-09	1		23A-32.1
		2		23A-61
		3	Added	23A-64
10728	11-17-09	1, 2		20-140(note)
10729	11-17-09	1, 2		20-141(note)
10730	11-17-09	1, 2		20-142(note)
10731	11-17-09	1, 2		20-143(note)

Ordinance Number	Date	Section		Disposition
10732	11-17-09	1, 2		20-144(note)
10733	11-17-09	1, 2		20-145(note)
10735	11-24-09	1	Added	11-130 – 11-132
10748	1-5-10	1		21-9
				21-12
				21-13.1
				21-14
				21-14.1
				21-14.2
				21-14.3
				21-16
				21-51
10751	1-5-10	1	Added	22-21
10754	1-20-10	1		19-415
		2		19-416
		3		19-417
		4		19-450
		5		19-570
		6		Reg. 19-350.3
10757	2-9-10	1		2-4
10758	2-9-10	1		2-1
10767	3-9-10	1		10A-241
10775	4-6-10	1		22-36
		2		22-39
10785	5-11-10	2	Rpld	10A-190 – 10A-192
		5	Added	10A-190 – 10A-194
10789	5-18-10	1	Added	7-300
		2	Rnbd	7-300 as 7-301
		3	Added	7-302
		4	Added	7-303
10790	5-18-10	1		7-97 – 7-100
		2		7-102
		3		7-115
		4		19-1
		5		19-6
		6	Added	19-85 – 19-87
10795	5-25-10	1		27-32.1
				27-33
				27-34
10796	5-25-10	1		15-1
		2		15-5
		3		15-16.4
		4		15-32.1 – 15-32.5
			Added	15-32.6
		5		15-33.2
		6		15-33.3
		7		15-34.3

Ordinance Number	Date	Section		Disposition
10796 (cont.)		8		15-34.6 – 15-34.8
			Added	15-34.9
		9	Added	15-36
		10	Rpld	15-50
		11	Added	15-70, 15-71
10800	6-8-10	1		15-70
10806	6-15-10	1		10-31 (note)
		2		10-31(7) (note)
				10-31(8) (note)
				10-33 (note)
				10-33.1 (note)
				10-34 (note)
				10-34.1 (note)
				10-35 (note)
				10-48 (note)
				10-49 (note)
				10-52 (note)
				10-53 (note)
				10-53.1 (note)
				10-53.2 (note)
				10-53.3 (note)
				10-53.4 (note)
				10-53.5 (note)
		3		10-48
10807	6-22-10	1		2-13
10810	6-22-10	1		10A-139
10812	6-22-10	1		22-95
10814	7-7-10	1		10-85

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