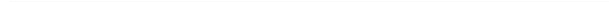
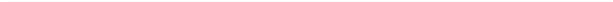


TUCSON, ARIZONA
Supp. No. 89 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through September 8, 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. 89” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON, ARIZONA
Supp. No. 89 – Instruction Sheet

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 be updated with the printing of each Supplement)

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

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

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

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

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ARTICLE I. IN GENERAL

Sec. 2-1. City office hours.

Except on holidays and other days specifically designated by the mayor and council, and furlough days designated by the mayor and council or the city manager, the mayor, manager, clerk, director of finance, magistrate, attorney, director of transportation, director of procurement, director of human resources, planning and zoning commissioner, superintendent of the water department, and director of parks and recreation shall keep their offices open for the transaction of business from 8:00 a.m. until 5:00 p.m. each day on Monday through Friday.

When a holiday falls on a Sunday, the following Monday shall be observed as a holiday, with the exception of Sunday of each week, Mothers' Day, and Fathers' Day.

When a holiday falls on Saturday, the previous Friday shall be observed as a holiday.

All other offices of the city shall be open during such hours as directed by the city manager. (1953 Code, ch. 2, § 9; Ord. No. 3280, § 1, 6-23-69; Ord. No. 10691, § 1, 7-7-09, eff. 8-9-09; Ord. No. 10758, § 1, 2-9-10)

Charter reference—Authority to fix office hours, see ch. VII, § 1(35).

Sec. 2-2. Absences of appointive officers and heads of office and vacancies in appointive officers and heads of office positions.

Sec. 2-2(1). During the absence of an appointive officer or head of an office, with or without leave, or for any cause whatsoever, the senior officer or employee of the department or office, unless another officer or employee is specifically designated to so act by the appointive officer, shall immediately assume charge and direct the functioning of the office or department. The duty to act includes the necessary signature authority to carry on and perform the duties of the position until the appointive officer's return.

Sec. 2-2(2). Pending the filling of a vacancy of an appointive officer or head of an office position, the senior officer or employee of the department or office, unless another officer or employee is specifically designated to so act by the appointing officer, shall

immediately assume charge and direct the functioning of the office or department. The duty to act includes the necessary signature authority to carry on and perform the duties of the position until the vacancy is filled. (1953 Code, ch. 2, § 12; Ord. No. 9811, § 1, 2-10-03)

Sec. 2-3. Compensation of senior officers acting as department heads.

During the period in which any senior officer or employee of any department performs the duties of the head or chief thereof as provided in section 2-2 such officer or employee shall be paid during such period, in the discretion of the city manager, the same rate of pay as is regularly paid to the department head or chief for performing such duties.

(1953 Code, ch. 2, § 13)

Sec. 2-4. Residency requirement for specified city officers and employees.

(a) Except as provided in subsections (c) and (d), beginning May 13, 2008 and continuing thereafter, all notices of recruitments for the hiring of any of the officers and employees specified in subsection (b) shall include, as a condition of employment, a requirement that the officer or employee shall establish residency in the city limits within six (6) months of appointment to that position, and shall maintain residency in the city limits while serving in that position.

(b) The officers and employees subject to the requirements of subsection (a) are: city manager, deputy and assistant city manager, city attorney, city clerk, chief of the Tucson police department, chief of the Tucson fire department, presiding city magistrate, public defender, and the directors of the following departments: housing and community development, planning and development services, environmental services, finance, general services, human resources, information technology, parks and recreation, procurement, transportation, Tucson convention center, and water.

(c) The residency requirements of this section shall not apply to persons employed in the positions listed in subsection (b) on May 13, 2008 so long as they remain in that same position; provided however that the residency requirements shall apply to those persons if they subsequently become employed in a different position listed in subsection (b).

(d) Persons employed by the city on May 13, 2008 in positions other than those listed in subsection (b) are subject to the residency requirements of subsection (a) upon appointment to a position listed in subsection (b), but shall have the following time frames to establish residency after appointment:

- (1) Persons appointed between May 13, 2008 and January 1, 2010 shall have thirty (30) months to establish residency after appointment.
- (2) Persons appointed after January 1, 2010 shall have eighteen (18) months to establish residency after appointment.

(Ord. No. 10536, § 1, 5-20-08, eff. 6-28-08; Ord. No. 10757, § 1, 2-9-10)

Sec. 2-5. Building safety division; chief inspector.

There shall be a building safety division. There shall be chief inspector who shall have supervisory administrative control over the building safety division and all the functions thereof, and over the inspectors and other personnel therein.

(1953 Code, ch. 2, §§ 17a, 17c; Ord. No. 4871, § 1, 9-5-78)

Cross reference – Building, electricity, plumbing, gas, and mechanical regulations, ch. 6.

Sec. 2-6. Sale of property for nonpayment of district assessments.

Whenever the superintendent of streets of the city shall hold a sale of property for nonpayment of assessments under the provisions of A.R.S. section 9-700, as amended, and there is no purchaser other than the municipality who will pay the entire amount of the assessment, penalty and costs, including fifty cents (\$0.50) to the superintendent of streets for a certificate of sale, the superintendent of streets shall sell the lot or portion thereof to the person who will take the least quantity of land and then and there pay the amount of the assessment then delinquent including interest, penalty and costs due, and fifty cents (\$0.50) to the superintendent of streets for a certificate of sale, and deed shall issue to such purchaser subject to redemption as provided in A.R.S. section 48-605, as amended.

The lien on the entire lot, piece or parcel of land assessed, provided for in A.R.S. chapter 4, article 2, title 48, as amended, shall continue to be in effect for the amount of the assessment or portion thereof, including interest, penalties and costs thereafter to become due, and the land may again be sold should the assessment again become delinquent.

(1953 Code, ch. 2, § 17d)

State law reference – Authority, A.R.S. § 9-700.B.

Sec. 2-7. Statute of limitations on unpaid warrants.

No warrant to the director of finance for payment shall be paid from any fund, deposit or account, nor shall any legal action be brought on said warrant, unless it has been presented to said director of finance for payment before the close of the second fiscal year next after the fiscal year in which it shall have been issued.

(1953 Code, ch. 2, § 17e)

Sec. 2-8. Mayor's expense account.

Beginning July 1, 1955, and each year thereafter, the mayor of the city shall have an annual two thousand dollar (\$2,000.00) expense account which may be drawn upon and spent for any public purpose; a public purpose shall include entertainment of public guests, commemorating events of a public interest and advertising the advantages and resources of the city. All demands from this fund shall be accompanied by a statement from the mayor of the purpose for which the money has been or is to be used and that the expenditure was or is for a public purpose.

(1953 Code, ch. 2, § 17f; Ord. No. 3759, § 1, 12-13-71)

Editor's note – Ord. No. 3759, § 1, reenacted the provisions codified as § 2-8. The title of the ordinance provided for the elimination of provisions for entrance passes to Tucson Community Center events for present and former mayors and city councilmen.

Sec. 2-9. Reserved.

Editor's note – Section 2-9, requiring the filing of rules and regulations of commissions, boards and departments, derived from 1953 Code, ch. 2, § 17g, was repealed by § 1 of Ord. No. 7018, adopted Sept. 6, 1988. See § Supp. No. 8910A-136 et seq.

Sec. 2-9.1. Reserved.

Editor's note – Section 2-9.1, specifying that nonattendance by numbers of governmental bodies be grounds for removal, derived from Ord. No. 3570, § 1, adopted Dec. 14, 1970, was repealed by § 1 of Ord. No. 7018, adopted Sept. 6, 1988. See § Supp. No. 8910A-134 et seq.

ordinances providing for and regulating the sale of public lands, owned, claimed or held in trust by the city, shall be guilty of a misdemeanor.
(1953 Code, ch. 18, § 5)

Sec. 11-13. Criminal syndicalism and sabotage – Defined.

The term “criminal syndicalism,” as used in this section, is hereby defined as any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage or unlawful acts of force and violence or unlawful methods of terrorism as a means of accomplishing a change in industrial ownership or control or affecting any political change. The term “sabotage” is hereby defined as meaning willful and malicious physical damage or injury to physical property.
(1953 Code, ch. 18, § 6)

Sec. 11-14. Same – Acts prohibited.

Any person shall be guilty of a misdemeanor who:

Sec. 11-14(1). By spoken or written words or personal conduct advocates, teaches or aids and abets criminal syndicalism or the duty, necessity or propriety of committing crime, sabotage, violence or any unlawful method of terrorism, as a means of accomplishing a change in industrial ownership or control, or affecting any political change; or

Sec. 11-14(2). Willfully and deliberately by spoken or written words justifies or attempts to justify criminal syndicalism or the commission or attempt to commit crime, sabotage, violence or unlawful methods of terrorism with intent to approve, advocate or further the doctrine of criminal syndicalism; or

Sec. 11-14(3). Prints, publishes, edits, issues, circulates or otherwise dispose of, or publicly displays any book, paper, pamphlet, document, poster or written or printed matter in any other form, containing or carrying written or printed advocacy, teaching or in aid and abetment of, or advising, criminal syndicalism; or

Sec. 11-14(4). Organizes, or assists in organizing, or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to advocate, teach or aid and abet criminal syndicalism; or

Sec. 11-14(5). Willfully by personal act or conduct, practices or commits any act advised, advocated, taught or aided and abetted by the doctrine or precept of criminal syndicalism; with intent to accomplish a change in industrial ownership or control, or affecting any political change; or

Sec. 11-14(6). Voluntarily assembles with any society or assembly of persons, which advocates, teaches, aides or abets criminal syndicalism, upon the streets, sidewalks, alleys or other public places in the city or in any place, building, room or structure in the city.
(1953 Code, ch. 18, § 7)

Sec. 11-15. Dance halls; operation near residences.

It shall be unlawful for any person to maintain, conduct, carry on or operate any dance hall within five hundred (500) feet of any private residence in the city. For the purposes of this section, a dance hall is hereby defined to be any hall, room, platform or place where public dances are held.
(1953 Code, ch. 18, § 8)

Sec. 11-16. Disorderly houses or premises; keeping.

Any person who shall keep any common ill-governed or disorderly house, or who shall suffer any drunkenness, quarreling, fighting and unlawful games, or riotous or disorderly conduct whatever on his premises, shall be guilty of a misdemeanor.
(1953 Code, ch. 18, § 9)

Sec. 11-17. Drinking establishments – Loitering in, frequenting during hours closed.

It shall be unlawful for any person other than a licensee or an employee of the licensee engaged in job-related activity to be present on the premises of licensed liquor establishments as defined in A.R.S. § 4-209.B(6), (7), (8) or (14) or subsequent definition of such establishments by state law between the hours of 2:30 a.m. and 6:00 a.m. daily. It shall be an affirmative defense for a licensee or an employee of the licensee to allow an intoxicated person to remain on the premises for a period of time not to exceed thirty (30)

minutes after the state of intoxication is known or should be known to the licensee in order that a non-intoxicated person may transport the intoxicated person from the premises.

(1953 Code, ch. 18, § 10; Ord. No. 4034, § 1, 2-19-74; Ord. No. 6076, § 1, 9-4-84; Ord. No. 7100, § 1, 12-12-88; Ord. No. 10007, § 1, 8-2-04; Ord. No. 10825, § 1, 8-4-10)

Sec. 11-18. Same – Allowing frequenting during hours closed.

It shall be unlawful for any person owning, operating, managing or employed in any of the places designated in section 11-17 to allow any person of the general public to be present at such places between the hours designated in section 11-17. It shall be an affirmative defense for a licensee or an employee of the licensee to allow an intoxicated person to remain on the premises for a period of time not to exceed thirty (30) minutes after the state of intoxication is known or should be known to the licensee in order that a nonintoxicated person may transport the intoxicated person from the premises.

(1953 Code, ch. 18, § 11; Ord. No. 6076, § 2, 9-4-84)

Sec. 11-19. Reserved.

Editor's note – Ord. No. 10421, § 1, adopted June 19, 2007, repealed § 11-19, which pertained to regulation of smoking in restaurants; definitions; civil infractions; phase-in; hardship exceptions; penalties and derived from Ord. No. 9220, § 1, adopted April 12, 1999; Ord. No. 9302, § 1, adopted Oct. 11, 1999.

Cross reference – Smoke-Free Arizona Act.

Sec. 11-20. False information; furnishing to police.

It is unlawful for any person to knowingly and willfully give false information to a police officer while he is acting in his official capacity, with intent to hinder, delay, impede or mislead the officer in the prosecution of his official work, or with the intent to obstruct justice.

(1953 Code, ch. 18, § 11a; Ord. No. 2671, § 1, 9-28-64)

Sec. 11-21. Filling stations prohibited on portion of Congress Street.

It shall be unlawful for any person to maintain or conduct the business of a filling or service station where automobiles, motorcars or other gasoline-burning vehicles are furnished with gasoline or motor oil, in any building or on any premises or lot fronting upon or abutting on or having a vehicle entrance or exit from or on to Congress Street between the east property line of Main Street on the west and the intersection of Toole Avenue with Congress Street on the east.

(1953 Code, ch. 18, § 12)

Sec. 11-22. Fireworks – Discharging.

Except as provided for by the Tucson Fire Code, it is unlawful for any person to fire, explode or set off any squib, torpedo, firecracker, cracker, sky-rocket, Roman candle, bomb, sparkler, crackerball, snapper, popper or other thing containing powder or other combustible or explosive material, except autoflares, starter pistol blanks, or paper caps which contain not in excess of twenty-five one-hundredths grain of explosive content and which are designed to be used in conjunction with toy pistols, toy canes and toy guns. Notwithstanding Tucson Fire Code section 109.3, any person violating the provisions of this section is guilty of a class 3 misdemeanor.

(1953 Code, ch. 18, § 13; Ord. No. 6048, § 1, 6-25-84; Ord. No. 9803, § 1, 1-6-03)

State law reference – Regulations concerning fireworks, A.R.S. § 36-1601 et seq.

Sec. 11-23. Same – Sale prohibited.

It is unlawful and a misdemeanor for any person to sell or expose for sale in the city any squib, firecracker, Roman candle, skyrocket, bomb, pinwheel, torpedo, sparkler, crackerball, snapper, popper or any other thing containing powder or other combustible or explosive material or other like things the sale of which is prohibited by state law, except autoflares, starter pistol blanks, or paper caps which contain not in excess of twenty-five one-hundreds grain of explosive content and which are designed to be used in conjunction with toy pistols, toy canes and toy guns.

(1953 Code, ch. 18, § 14; Ord. No. 6048, § 2, 6-25-84)

State law reference – Sale of fireworks prohibited, A.R.S. § 36-1602.

ARTICLE I. GENERAL PROVISIONS**Sec. 16-1. Title.**

This chapter shall be known as the “Neighborhood Preservation Ordinance of the City of Tucson,” and may be cited as such, and will be referred to hereinafter as “chapter.”

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-2. Purpose and scope; application of other codes.

(a) The purpose of this chapter is to promote and preserve the health, safety and welfare of the citizens of Tucson, Arizona, and to protect residents and neighborhoods against hazardous, blighting and deteriorating influences or conditions that diminish quality of life and contribute to the downgrading of neighborhood property values. This chapter serves these purposes by establishing minimum standards for the condition of the interior of residential buildings; by establishing requirements for maintenance of all residential and nonresidential buildings, structures of whatever kind, and vacant and improved land; and by prohibiting acts and conduct that diminish quality of life. Unless specifically provided otherwise, this chapter shall apply to all buildings, structures and lands within the city without regard to the use or the date of construction, improvement or alteration.

(b) This chapter shall be applied fairly, sensibly, consistently, and reasonably to promote the maintenance of all existing buildings and land in the city. The intent is to ensure that individuals and families do not suffer undue hardship.

(c) This chapter shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the building code in effect at the time of construction or alteration of the subject building or utilities. This subsection does not apply when the building has been determined to be an imminent hazard, unsafe, unhealthy, or deteriorated, when the building has been moved to another location, or in connection with the requirements of section 16-11.

(d) Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, administrative and technical codes adopted by

this jurisdiction and in effect at the time of such repair, addition or alteration.

(e) To the extent that any provision of this chapter conflicts with or is preempted by any state or federal law, including state and federal laws concerning the construction and maintenance of manufactured homes and mobile homes, the provision of this chapter shall not apply.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-3. Definitions.

[For the purpose of this chapter, and unless the context plainly requires otherwise, the following terms, phrases, and words shall have the meaning given herein:]

Acceptable evidence of age is limited to the following:

- (1) An unexpired driver’s license issued by any state or Canada, provided such license includes a picture of the licensee;
- (2) A nonoperating identification license issued pursuant to A.R.S. Tit. 28;
- (3) An armed forces identification card; or
- (4) A valid unexpired passport or border crossing identification card which is issued by a government or voter card issued by the government of Mexico and which contains a photograph of the person and the date of birth.

Addressing official means the official(s) designated and authorized by the city manager to make determinations regarding the address display requirements set forth in this chapter; or any authorized representative or designee of that official.

Attractive nuisance means a condition that may reasonably be expected to attract children and that is dangerous to children because of their inability to appreciate the hazard.

Broad-tipped indelible marker means any felt-tip marker or similar implement which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half (1/2) inch or greater.

Building means a structure having a roof supported by columns, posts, or walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

Building code means the code adopted by this jurisdiction regulating the design and construction of buildings and structures.

Building official means an officer or other person designated and authorized by the city manager to enforce and administer the provisions of this chapter; or the building official's authorized representative.

Code official means the official(s) designated and authorized by the city manager to administer and enforce this chapter, or any duly authorized representative or designee of that official. Code official includes any peace officer, fire code official, city code enforcement officer or designated refuse officer. In the context of violations that are classified exclusively as criminal offenses in this chapter, the code official is the chief of police or the chief's designee.

Commercial property means any property occupied by a business or businesses which sell, rent, trade or store goods, or which provide a service.

Contain or *contained* means to hold, store, bundle, stack or offer for collection in a manner, receptacle or location authorized by the Tucson Code or by rules and regulations promulgated under the Code.

Contiguous means, relating to property or residences, property that shares or abuts the boundary line or edge of the immediately adjacent property.

dB(A) means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale, which most closely approximates the auditory sensitivity of the human ear.

dB(C) means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the C-level weighing scale, which is more sensitive to low frequency sound than the A-level weighing scale.

Debris means a substance of little or no apparent economic value, including but not limited to, deteriorated lumber, old newspapers, furniture parts, appliance parts, discarded sinks, cabinets, discarded household fixtures, car parts, tires, discarded clothing, abandoned, broken or neglected equipment, or the scattered remains of items.

Dilapidated means a condition relating to a structure and consisting of multiple violations of the Tucson Code such that the structure is in an obvious and serious state of disrepair.

Dwelling means the same meaning as "dwelling unit."

Dwelling unit means any building or a portion thereof that is designed, occupied, or intended for occupancy as living quarters exclusively for a single household.

Etch means to permanently alter a surface by use of an etching solution.

Etching solution means any product or compound manufactured for the purpose of permanently altering a glass or other surface.

Excavation means any well, shaft, basement, pit, tunnel, trench, hole or other like or similar removal of earth material.

Garbage means all animal and vegetable and food wastes resulting from the handling, preparation, cooking or consumption of foods, or refuse or recyclables that have been contaminated by garbage, or other such matter the accumulation of which may create a nuisance or be deleterious to public health or offensive to sight or smell.

Graffiti means initials, slogans, figures, inscriptions, marks, designs or drawings written, spray-painted, etched, sketched or otherwise applied on a sidewalk, wall, building, fence, sign, windows or any other structure or surface without consent of the owner.

Graffiti abatement official means the city official designated by the city manager to abate graffiti and otherwise enforce the provisions of section 16-30 of this chapter.

Greenwaste means wastes consisting solely of vegetative materials, including but not limited to, tree trimmings, tree limbs, yard clippings, leaves, grass, weeds, branches, brush, and shrubs. Palm fronds and cactus are not greenwaste.

Handbill includes any sign, notice, placard, poster, paper, advertising circular, sticker, card, leaflet, or other similar item calculated to attract the attention of the public.

Health hazard means the presence of any conditions or item(s) that adversely impact or jeopardize the well being or health of an individual. Such conditions or items include evidence of occupancy without adequate water and sanitation facilities, or may include the presence of human or animal waste, medical or biological waste, drug paraphernalia, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal and decay matter.

Imminent hazard means a condition that places a person's life, health, or property in immediate, impending peril, or could cause serious or life-threatening injury or death at any time.

Industrial property means any property occupied by land uses whose primary operation involves manufacturing, assembling, processing or otherwise treating raw materials, semifinished products, or finished products, for packaging and distribution to either wholesale or retail markets.

Infestation means the apparent presence of unpleasant, damaging, or unhealthful insects, rodents, reptiles or pests.

Junked or inoperable vehicle means any vehicle, including any motor vehicle and any other device in, upon or by which a person or property may be transported or drawn on a street, including but not limited to trailers and camper shells but excluding devices moved by human power, that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, inoperative, inoperable, scrapped, or unable to be safely operated.

Litter means to cause a condition of uncontained refuse, debris or trash.

Manufactured home shall have the same meaning as defined in A.R.S. § 41-2142(24) or its successor provision.

Mobile home shall have the same meaning as defined in A.R.S. § 41-2142(26) or its successor provision.

Motor vehicle means any self-propelled land vehicle which can be used for transporting persons or property.

Outdoor storage means any small machinery, appliances, neatly stored building material, landscaping materials or equipment, junk motor vehicles (storage must meet restrictions outlined in section 16-15), personal property including household goods, boxes or furniture which is not placed for outdoor use and neatly stacked fire wood. Outdoor storage items do not include garbage, refuse or debris.

Owner means, as applied to a building, structure, or land, any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building, structure or land.

Person means any natural person, firm, partnership, association, corporation, company or organization of any kind, but not the federal government, state, county, city or political subdivision of the state.

Plainly audible means any sound that a person can detect using his or her unaided hearing faculties.

Private property means any real property not owned by the federal government, state, county, city or political subdivision of the state.

Property line means the line that represents the boundary of property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

Recyclable materials (also *recyclables*) means those materials that are listed in the rules, procedures and regulations promulgated by the director of utility services as having recycle value.

Refuse means all waste materials, including but not limited to greenwaste, garbage, waste generated by animals or pets, or recyclables.

Resident means a person that lives in a residence, or a responsible party. Unless specifically used in another context, resident assumes the premises owner, occupant, tenant, lessor, lessee, resident, manager, or licensee to whom a garbage or recycling container has been assigned.

Residential property means a property where the dominant use is nontransient occupancy of residential dwelling units.

Responsible party means an occupant, lessor, lessee, manager, licensee, or person having control over a structure or parcel of land; and in any case where the demolition of a structure is proposed as a means of abatement, any lienholder whose lien is recorded in the official records of the Pima County Recorder's Office.

Sidewalk area means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, whether identified on the ground as a pedestrian walkway or not.

Solidified paint marker means a device that contains paint or other substance in a solid or semi-solid form and releases the paint or other substance in a manner capable of marking surfaces.

Sound amplification system means any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

Sound level meter means an instrument used to measure the intensity of sound that satisfies American National Standards Institute (ANSI) standard S1.4 for type 1 or type 2 sound level meters, or an instrument that will provide equivalent data.

Store means to park, leave, locate, keep, maintain, deposit, allow to remain or allow to have a physical presence.

Structure means a physical element that is erected or constructed with a fixed location on the ground, or is attached to another physical element having a fixed location at, below, or above grade. The term includes, but is not limited to, buildings, walls, fences, posts, patios, improvements and other structures that are constructed or placed on the land.

Uncontained refuse means any refuse that is not contained according to the provisions of this chapter or authorized by the rules, procedures and regulations promulgated by the director of utility services.

Vacant and unsecured building or structure means any vacant or abandoned building or structure, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall, that is: (1) a fire or health hazard because of the accumulation of weeds, debris, or flammable or combustible waste or refuse; or (2) an attractive nuisance or hazard to the public because unsecured doorways or window openings or holes in the exterior of the building or structure permit entry of unauthorized persons.

Vacant structure means any unoccupied or illegally occupied structure.

Weeds includes but is not limited to untended or uncultivated plants, invasive plants, aggressively seeding plants, Russian thistle, ragweed, and plants generally accepted as having no value and frequently of uncontrolled growth.

Yard, front means the area extending the full lot width and situated between the front property lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

Yard, rear means the area extending the full lot width and situated between the rear lot property line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

Yard, side means the area extending between the front yard and rear yard and situated between the side lot property line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 1, 3-1-05; Ord. No. 10393, § 1, 4-24-07; Ord. No. 10638, § 1, 3-3-09; Ord. No. 10833, § 1, 8-4-10)

Sec. 16-4. Permits required.

Unless otherwise exempt pursuant to section 301 of the Administrative Code, as adopted by reference per section 6-1 of this Code, or pursuant to any other ordinance or statute, no building, structure or building service equipment regulated by this chapter or by the technical codes adopted by the city shall be built, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a permit first has been obtained from the building official in the manner provided in the administrative and building codes adopted by the city. (Ord. No. 9816, § 15, 2-24-03)

Secs. 16-5 – 16-9. Reserved.**ARTICLE II. MAINTENANCE STANDARDS****Sec. 16-10. Scope.**

In this article, unless otherwise provided, the “building interior” section applies to the interior, utility service, plumbing and mechanical equipment of all residential dwellings and dwelling units. The “building and structure exteriors” section applies to all structures and buildings in the city. The “exterior premises and vacant land” section applies to all land, vacant or improved, in the city. The provisions related to dilapidated, vacant, and nuisance structures apply to all structures and buildings in the city. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-11. Building interior.(a) *Fire safety.*

- (1) The presence and operations of window openings, size and condition of exits, bars, grills, grates covering windows and openings shall allow for safe and rapid egress in emergency situations. At least one (1) window and all doors in living/sleeping rooms in dwelling units must have an operable release mechanism that allows safe and rapid egress without the use of separate tools.

- (2) Every dwelling unit or guest room shall have unobstructed access directly to the outside, or to a public corridor. Every door, stairway, passageway or other means of exit shall be of sufficient size, width and arrangement so as to provide safe and rapid egress in the event of fire. Every walking surface of any means of exit shall be maintained free of warping, rotting, or other damage or obstructions so as to provide safe and rapid egress in the event of fire.

- (3) Every existing dwelling unit shall be provided with smoke detectors in good operating condition as required by the Tucson Fire Code of the City of Tucson.

(b) *Heating, cooling and ventilation systems.*

- (1) *Heating.* Every habitable room within a dwelling unit, guest room, and congregate residence shall be provided with safe heating facilities which are properly installed and maintained in a sound condition and are capable of providing adequate heating, appropriate for the climate, to assure a safe living environment. All heating facilities shall be free from health hazards associated with ventilation, mounting, electrical and gas connections and other defects. Unvented fuel-burning heaters must be of a listed and approved type, and are prohibited as the sole source of heating. Ovens, stoves or ranges, or other cooking appliances cannot be used for the purpose of heating any portion of a dwelling. Listed, portable space heaters may only be used as the sole source of heating on a temporary basis when the permanent heating system is being repaired or replaced.

- (2) *Cooling.* Every dwelling unit, guest room, and congregate residence shall be provided, in at least one (1) habitable room, with either mechanical cooling or an alternate cooling method. Cooling facilities shall be installed and maintained in a safe condition and in accordance with the manufacturer’s recommendations, and shall be capable of providing adequate cooling, appropriate for the climate, to assure a safe living environment. Evaporative cooling shall be

maintained to be free of excessive rust, corrosion or mineral deposits that limit proper operation. Any mounting apparatus for a cooling facility must be structurally sound. Mechanical fans or portable evaporative cooling devices may only be used on a temporary basis as the sole source of cooling when the permanent cooling system is being repaired or replaced.

(3) *Ventilation.*

- a. Habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than five (5) square feet. A mechanical ventilating system may be provided in lieu of required exterior openings for natural ventilation, so long as such system is capable of providing thirty-five one-hundredths (0.35) air changes per hour and so long as the air supply is taken from the outside.
- b. Bathrooms, laundry rooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one and one-half (1 1/2) square feet. A mechanical ventilation system connected directly to the outside may be provided in lieu of these required exterior openings for natural ventilation in bathrooms that contain a bathtub, shower or combination thereof; laundry rooms; and similar rooms. Such a system must be capable of providing five (5) air changes at the rate of fifty (50) cubic feet per minute if the system operation is intermittent; or twenty (20) cubic feet per minute if the operation is constant. The point of discharge of exhaust air shall be at least three (3) feet from any opening into the building. In bathrooms containing only a water closet, lavatory or combination thereof; or in similar rooms, ventilation may be provided with an approved mechanical recirculating fan or a similar device designed to remove odors from the room.

(c) *Electrical system.*

- (1) All dwellings and dwelling units shall be provided with electrical service. Electrical facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. The electrical system shall be free from such hazards as bare wiring; overloaded circuits or services; equipment not properly grounded; over-fused circuits; misuse of wiring, including the use of extension cords in lieu of permanent wiring; non-approved wiring; and wiring exposed to moisture or extreme heat. Broken, loose, frayed, inoperable, defective or missing portions of the electrical service, lines, switches, outlets, fixtures and fixture coverings shall be repaired or replaced.
- (2) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner and in accordance with all applicable laws.
- (3) Every habitable room must have at least two (2) electrical receptacle outlets, or one (1) outlet and one (1) electric light fixture. Every bathroom, water closet compartment, and laundry room must have at least one (1) electric light fixture.

(d) *Mechanical equipment.* All mechanical equipment and appliances shall be properly installed, maintained in a safe, working, operating condition, and shall be free of any defect that impairs operability.

(e) *Plumbing systems.*

- (1) Dwelling units shall be provided with one (1) or more bathrooms equipped with a water closet, lavatory, and either a bathtub or shower. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two (2) separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one (1) water closet. Additional water closets shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests or fractional part thereof, in excess of ten (10). Each sink, bathtub and shower shall have hot and cold running water as necessary for its normal operation and use.

- (2) All dwellings or dwelling units shall have a kitchen, which shall include an indoor cooking area. The cooking area must be provided with a sink separate and apart from any bathroom sink or lavatory. Each kitchen sink shall have hot and cold running water necessary for its normal operation and use.
- (3) All plumbing systems are to be maintained safe and hazard free and in a state of good repair. Every dwelling or dwelling unit shall have an adequate potable water supply. Every plumbing fixture, water and waste-pipe, and gas connection shall be properly installed in accordance with all applicable laws and maintained in good and sanitary working condition so as to prevent structural deterioration or health hazards, and are to be free from leaks and obstructions.
- (4) All plumbing fixtures shall be connected to a public sewer system or to an approved private sewage disposal system, with the connections free from leaks, blockages, or other defects. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.
- (5) When a structure is equipped with a gas supply system, it must be installed and maintained in a safe, hazard-free condition.
- (f) *Interior surfaces and features.*
- (1) Every wall or vertical support must be sufficient to carry imposed loads safely, and must not lean, buckle, or split due to defect or lack of maintenance.
- (2) Every ceiling, roof, and ceiling and roof support must be sufficient to carry imposed loads safely, and must not buckle, sag or split due to defective material or deterioration.
- (3) Every floor and floor support shall be maintained in a safe and structurally sound condition, and every existing floor covering shall be maintained in safe condition that is free of defect or deterioration that creates an unsafe or unsanitary condition.
- (4) Every interior door, cabinet, and other feature shall be maintained in a safe and structurally sound condition.
- (5) All interior coverings, finishes, surfaces including walls, ceilings and floors shall be maintained in a good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. All walls, ceilings or floors shall be free from holes, breaks and loose or rotting materials. Cracked or loose plaster, wallboard, decayed wood or other defective surface conditions shall be corrected.
- (6) All repair work shall be done in a workman like manner.
- (g) *Interior sanitation.*
- (1) The interior of every building or structure shall be maintained free from any unsafe or unsanitary accumulation of refuse.
- (2) All sanitary facilities shall be installed and maintained in a safe and sanitary condition.
- (3) Every dwelling unit must have a kitchen, which shall include a sink. Sinks, drain boards and countertops adjacent to the kitchen sink shall be made of non-absorbent materials, or must be covered by a non-absorbent material.
- (h) *Interior insect and rodent control.* The interior of all buildings and structures shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.
- (i) *Ceiling heights.* Habitable space, kitchens, halls, bathrooms and toilet compartments must have a ceiling height of not less than seven (7) feet measured to the lowest projection of the ceiling. If any room has a sloping ceiling, at least one-half (1/2) of the room area must have the prescribed minimum ceiling height.

(j) *Access control.*

(1) Exterior doors, including sliding glass doors, must have an operable locking mechanism. Double cylinder dead bolt locks or other mechanisms that prevent rapid egress in case of fire or other emergency are prohibited.

(2) All windows must have an operable locking mechanism.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 2, 3-1-05; Ord. No. 10833, § 2, 8-4-10)

Sec. 16-12. Building and structure exteriors.

(a) *Exterior surfaces*

(1) *Weather protection.* All weather-exposed exterior surfaces of every building, including windows and doors, shall provide weather protection. Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude moisture and dampness.

(2) *Protective treatment.* All exterior wood surfaces, except for decay-resistant woods, must be protected from deterioration and from the elements by paint or other protective treatment or covering. Any exterior wood surface that has paint that is peeling, flaking, cracked, blistered or chipped, resulting in bare, unprotected surfaces, must be repainted. All metal surfaces subject to corrosion or rust must be treated or coated to inhibit corrosion and rust, unless corrosion or rust is a design element.

(3) *Boarded window or door openings.*

a. No occupied structure may have boarded window or door openings, except as necessary on a temporary basis to keep the structure secure while under repair.

b. While vacant structures may temporarily be secured by boarding up window and door openings in

accordance with section 16-14(b), having or maintaining boarded window or door openings on a vacant structure for one hundred eighty (180) days or more in any one-year period is prohibited.

(b) *Foundations, walls and roofs, chimneys.*

Every foundation, wall, roof and all exterior surfaces of buildings and structures shall be maintained in structurally sound condition and shall provide weather protection. All wood showing evidence of termite damage or decay, where structural or functional integrity is impaired, shall be replaced.

(1) *Foundations.* All foundations shall be maintained in a safe condition and shall be capable of supporting the load placed thereon by normal use. Foundations shall have effective waterproofing.

(2) *Walls.* Exterior walls shall be maintained in a sound condition that is substantially weathertight and weatherproof, and shall be protected from the elements by paint or other approved protective covering. Exterior walls must be free of loose, crumbling or deteriorated plaster or rotted, split or buckled exterior wall coverings.

(3) *Roofs.* The roof of every building or structure shall be maintained in a safe condition and shall provide weather protection for that building or structure. Roof coverings shall not be rotted, broken, split, buckled or otherwise deteriorated.

(4) *Chimneys.* All chimneys must be maintained to be structurally safe and in sound condition.

(c) *Stairways, decks, and porches.* All stairways, decks and porches shall be maintained in a safe condition and shall be capable of supporting the load and resisting all forces placed thereon by normal use.

(d) *Coolers.* Evaporative coolers, cooler stands, and any cooler mounting apparatus must be maintained in a safe condition. Cooler stands and any mounting apparatus must be structurally sound.

(e) *Accessory structures.* All accessory structures, including but not limited to detached garages, fences and walls, must be structurally sound and free of disrepair. Examples of disrepair include missing slats, posts or blocks, or damage, deterioration, or rot. Fences and walls cannot be constructed or covered with materials not designed or commonly used for that purpose, such as pallets and tarps. Fences and walls must be properly anchored so as not to be in danger of failure or collapse.

(f) *Address display.*

(1) *General requirements:*

- a. All structures, whether new or existing, designed for human occupancy or use which have an assigned address shall display the address in a manner to be plainly legible and visible from the street or road fronting the property.
- b. Upon commencement of construction, the assigned address shall be displayed at the primary access of the subject lot parcel or structure. The address display may be temporary signage during construction.
- c. Permanent address display shall be installed on all buildings, tenant spaces and entrance signage, or as otherwise required by this section, prior to building inspection final approval, certificate of occupancy or occupancy of any building or structure. Display shall be required at all times thereafter, conforming to this section.
- d. More than one (1) address or number display may be required for each building or site.
- e. The complete address shall be displayed on all corner buildings at a street intersection, for each side of the building facing any street.
- f. Addresses shall be displayed and visible from both directions of approaching vehicular travel.

g. Numbers and letters shall be made of durable and clearly visible material. Paint shall not be considered durable for building addresses.

h. Numbers and letters shall be of colors contrasting with the background of the sign or wall to which they are attached.

i. Numbers and letters shall have a minimum proportion ratio of height to width of six to one (6:1). The formula is $w = h/6$, where w is width and h is height in inches.

j. Numbers shall not be spelled.

k. All height requirements stated in this section are minimum sizes.

(2) *Residential requirements:* The address numbers assigned shall be conspicuously placed immediately at the appropriate location on each building, structure entrance or at the property access point.

a. For properties containing multiple addresses, addresses shall be placed near the primary entrance in addition to the structure placement.

b. A building or structure set back fifty (50) feet or more from the curb line or edge of pavement shall permanently display the address a minimum of thirty-six (36) inches from ground level at the primary access point of the property. Structure display may also be required by the addressing official.

c. Minimum number height shall be three (3) inches.

(3) *Apartments:* The address numbers assigned shall be conspicuously placed immediately at the property access points, appropriate locations on each building, and structure entrances.

a. Building numbers shall be a minimum of fifteen (15) inches in height.

- b. Apartment number ranges shall be placed below building numbers or on signage near the building. Apartment number ranges shall be a minimum of eight (8) inches in height.
 - c. Individual apartment numbers shall be a minimum of three (3) inches in height for exterior entrances and a minimum of one (1) inch in height for interior (hallway) entrances.
 - d. Both exterior signage and interior numbering may be required by the addressing official on specific development types.
- (4) *Apartment complex with multiple buildings:*
- a. All buildings shall have pedestrian directional signage visible from both directions of pedestrian travel, with numbers a minimum of two (2) inches in height.
 - b. All interior accessory buildings, structures and pool areas shall be identified and have directional signage.
 - c. The apartment complex shall have entrance signage at all access points addressed.
 - d. For access points that enter the complex from other than the addressed street, the complete address shall be displayed on entrance signage.
 - e. Site and building addresses shall be visible at all times.
- (5) *Commercial:* The address number assigned shall be conspicuously placed immediately at each property access point, and the appropriate locations on each building, and each structure entrance.
- a. Buildings or structures set back no more than fifty (50) feet from the curb line or edge of pavement shall display a twelve-inch minimum height number.
 - b. Buildings or structures set back more than fifty (50) feet from the curb line or edge of pavement shall display a fifteen-inch minimum height number.
 - c. Individual addresses shall be placed near the primary entrance, a minimum of three (3) inches in height.
 - d. The low and high number range may be displayed on buildings with multiple addresses, a minimum of twelve (12) inches in height.
 - e. Site and building addresses shall be visible at all times.
- (6) *RV and mobile home park:* The address numbers assigned shall be conspicuously placed immediately at each property access point, and at the appropriate locations for each building, structure, and property rental space.
- a. Number height:
 - 1. Space, directional signage and internal street signage numbers shall be a minimum of three inches; and
 - 2. Building numbers shall be a minimum of six (6) inches.
 - b. Park owners shall provide current maps of the park, describing the locations of structures, buildings and spaces, to the fire code official upon request.
- (7) *Entrance signage:* Where this section requires entrance signage, the address or address numbers assigned shall be placed at primary access points immediately and shall be permanently installed prior to first occupancy of any internal structure or building.
- a. Numbers or address shall be a minimum of twelve (12) inches in height on all entrance signage.

b. Complete address display shall be required at all street access points in addition to the primary access street. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 3, 3-1-05; Ord. No. 10833, § 3, 8-4-10)

Sec. 16-13. Exterior premises and vacant land.

(a) *Accumulation of vegetation prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of the accumulation or untended growth of vegetation. The accumulation or untended growth of vegetation means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:

- (1) Any lawn grass that exceeds six (6) inches in height.
- (2) All weeds that exceed six (6) inches in height.
- (3) Dead trees or dead shrubs.
- (4) Dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown;
- (5) Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space or roadway in a manner that may interfere with the reasonable use of the street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of forty eight (48) inches in width and eighty (80) inches in height from grade.

(b) *Accumulation of refuse and debris prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of accumulated refuse and debris. Accumulated refuse and debris means contained or uncontained refuse and debris that is

present on the property in a manner not authorized by the Tucson Code. Material recycling facilities meeting the requirements of section 15-24.7 are exempt from this prohibition.

(c) *Composting permitted on residential property; standards and procedures; violation.* The provisions of subsections (a) and (b) of this section do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

- (1) Contained;
- (2) Maintained so as not to produce offensive odors or attract flies or vermin;
- (3) Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
- (4) Maintained in compliance with all rules, regulations and procedures that may be promulgated by the code official.

A compost pile not in compliance with all the provisions of this section is in violation of this chapter.

(d) *Duty to remove weeds, debris and refuse from abutting sidewalks, streets and alleys upon notice.* Upon receipt of notice served pursuant to section 16-45, the owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse which may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.

(e) *Exterior insect, rodent and animal control.* All premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.

(f) *Burning of refuse prohibited.* Except as specifically permitted by this or other adopted codes, the open burning or incineration of refuse is prohibited.

(g) *Exterior hazard or attractive nuisance.* All premises shall be kept free of any condition that constitutes a health hazard, imminent hazard, or attractive nuisance. Such prohibited conditions include, but are not limited to, the following:

- (1) *Abandoned refrigerators.* All premises shall be kept free of iceboxes, refrigerators or other containers with a capacity of one and one-half (1 1/2) cubic feet or greater that have an attached door or lid, snaplock or other locking device that may not be released from the inside and that are abandoned, discarded or no longer used for refrigeration and are in any place accessible to children. In addition to any other remedy provided under this chapter, a code official may immediately and without prior notice remove an attached door, lid or other locking device or take other similar action to abate the hazard presented.
- (2) *Hazardous excavations.* All premises shall be kept free of abandoned or unsecured excavations; or any excavation that creates a hazard to public safety or an attractive nuisance. An excavation made under permit and secured and maintained in a manner that complies with the applicable permit requirements is not considered a violation of this section.
- (3) *Hazardous pools.* Any swimming pool or other contained body of water that contains water eighteen (18) inches or more in depth at any point and that is wider than four (4) feet at any point and is intended for swimming must be properly secured and maintained so as not to create a hazard to public safety, a health hazard or attractive nuisance, and shall be entirely enclosed by a wall, fence or other barrier that is adequate to prevent access by children. Water shall not be allowed to stagnate or to harbor insect infestation.

(h) *Outdoor storage.* Outdoor storage on residential properties is prohibited under the following conditions:

- (1) When stored in the front yard.

- (2) When stored in the side yard or rear yard and is not screened by a minimum five (5) foot high solid wall or opaque fence.
- (3) When exceeds twenty five (25) percent of the total lot area.
- (4) When stored in an open covered porch that is visible from beyond the boundaries of the lot.
- (5) When stored in an open carport that is visible from beyond the boundaries of the lot where the amount of storage restricts an automobile from being properly stored within the carport. A double carport will require enough space to store two (2) automobiles.
- (6) When storage items include garbage, refuse or debris.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 4, 3-1-05; Ord. No. 10348, § 5, 11-28-06; Ord. No. 10833, § 4, 8-4-10)

Sec. 16-14. Dilapidated structures; vacant and unsecured structures; buildings and structures constituting a nuisance.

(a) *Dilapidated structures.* Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Article VI of this chapter.

(b) *Vacant and unsecured buildings or structures.* Vacant and unsecured buildings or structures are unlawful and are prohibited by this chapter. The requirements of this subsection (b) shall apply to all vacant and unsecured buildings or structures, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall.

- (1) *Duty to clean, secure and prohibit trespass.* The owner or responsible party of a vacant building or structure shall remove any accumulation of weeds, combustible waste, or refuse from the interior of the building or structure and the surrounding yards; and shall secure all doors, windows, and other

openings to prevent unauthorized entry. The owner or responsible party also shall post both the structure and the exterior premises with signs to provide conspicuous and reasonable notice prohibiting entry (i.e., “No Trespassing” signs).

(2) *Reinspection of secured buildings and structures.* The code official shall periodically reinspect a building or structure that was cleaned or secured pursuant to an administrative or judicial order to ensure continued compliance with the order and this chapter. The code official may assess a reinspection fee for actual costs of each inspection in those instances where the building or structure is again found to be vacant and unsecured or in need of debris or weed removal.

(3) *Abatement of vacant and unsecured buildings or structures.* When ordered abated, a vacant and unsecured building or structure shall be cleaned and secured as follows:

- a. All accumulated refuse that poses a fire or health hazard within or upon the property or premises shall be removed; and
- b. All unsecured doorway, windows, or exterior openings shall be barricaded in accordance with standards established by the code official, which shall be kept on file with the city clerk, and in accordance with section 16-12(A)(3) of this chapter; and
- c. Both the structure and the exterior premises shall be posted with signs that provide reasonable notice prohibiting entry (i.e., “No Trespassing” signs).

(c) *Buildings and structures constituting a nuisance.* All buildings and structures are to be maintained so as not to pose a threat to the health and safety of any person or persons. The condition of a building or structure that meets any or all of the following is a public nuisance, is a violation of this

chapter, and subjects the building or structure to abatement as provided in Article VI of this chapter, including demolition as provided in section 16-65:

- (1) The building or structure lacks safe and adequate means of exit in case of fire or panic.
- (2) The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- (3) The building, structure or any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the damage and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (4) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children; or
 - b. A harbor for trespassers or persons committing unlawful acts.
- (5) The building, structure, or any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to partially or completely collapse and thereby injure persons or damage property.
- (6) Any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the building code for new buildings of similar structure,

- purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (7) Any portion of a building or structure that has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
 - (8) The walls or other vertical structural members of the building or structure list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - (9) The building or structure, excluding the foundation, has thirty-three (33) percent or more damage or deterioration to the supporting member or members or structural assembly, or fifty (50) percent damage or deterioration to the nonsupporting members, enclosing or outside walls or coverings.
 - (10) The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.
 - (11) The building or structure exhibits conditions that present actual or imminent hazards or dangers, or is otherwise unsafe for the purpose for which it is being used.
 - (12) The building or structure, whether or not erected in accordance with all applicable laws, has in any nonsupporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
 - (13) A dwelling is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 - (14) The building or structure, because of obsolescence, dilapidated condition, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.
 - (15) The building or structure has been found, upon reinspection, to be vacant and unsecured, and either:
 - a. The code official has issued at least one (1) previous abatement order to secure within the preceding twelve (12) months, or more than three (3) abatement orders to secure over any time frame; or
 - b. The code official has secured the building or structure on at least one (1) previous occasion within the preceding twelve (12) months, or more than three (3) times over any time frame.
 - (16) A building or structure or portion thereof remains for any period of time on a site after the demolition or destruction of the building or structure; or normal construction of an unfinished or incomplete building or structure has ceased for a period of more than twelve (12) months.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 5, 3-1-05; Ord. No. 10638, § 2, 3-3-09; Ord. No. 10833, § 5, 8-4-10)

Sec. 16-15. Junked or inoperable vehicles.

- (a) *Prohibited storage.*
 - (1) No person owning or having custody of any junked or inoperable vehicle may store such vehicle on private property, or on any sidewalks, streets or alleys, within the city, except as otherwise permitted under this section;
 - (2) No person owning, occupying or in control of any private property within the city may store any junked or inoperable vehicle on the owned or occupied property, or on any abutting sidewalks, streets or alleys, except as otherwise permitted under this section;

(b) *Permitted storage.* This section shall not apply to any junked or inoperable vehicle stored on private property if the vehicle:

- (1) Is on the premises of a business enterprise operated in a lawful place and manner and licensed by the city under chapter 19 of the Tucson Code, and the storage of the vehicle is necessary to the operation of the business enterprise; or
- (2) Is lawfully enclosed within:
 - a. An enclosed garage or other permanent building lawfully constructed of opaque materials without openings, holes or gaps other than doors and windows;
 - b. A carport, and an opaque car cover designed for that purpose (and not including tarps, bed sheets, plastic sheeting, or similar materials) completely covers the body of the vehicle; or
 - c. Any fence, wall or barrier, not less than five (5) feet in height, constructed of opaque materials without openings, holes or gaps other than gates or doors, completely enclosing the vehicle and screening it from view from any adjacent properties, and equipped with self-latching gates or doors. Such fence, wall or barrier must comply with section 16-12(e).

(c) *Persons responsible.* Whenever the city finds that any junked or inoperable vehicle is stored on private property or on any abutting sidewalks, streets or alleys in violation of this section, the persons responsible for the violation include the recorded owner, occupant or person in control of the private property, as well as the registered owner or custodian of the vehicle.

(d) *Authorization to enter private property for vehicle removal pursuant to court order.* Any code official or persons as may be directed by such code official may enter private property to remove or cause the removal of a vehicle upon order of the court pursuant to section 16-60.

(e) *Penalty; violation declared a nuisance.*

- (1) A violation of this section is punishable in accordance with section 16-48 of this chapter.
- (2) The unlawful storage of any junked or inoperable vehicle within the city in violation of this section is declared dangerous to the public safety and a public nuisance.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 6, 3-1-05; Ord. No. 10638, § 3, 3-3-09)

Secs. 16-16 – 16-19. Reserved.

ARTICLE III. SLUM PROPERTY

Sec. 16-20. Slum property; definitions.

For the purpose of this article, and unless the context otherwise requires:

Managing agent means a person, corporation, partnership or limited liability company that is authorized by the owner to operate and manage the property.

Residential rental property means property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, residential rental property includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

Slum property means residential rental property that has deteriorated or is in a state of disrepair and that manifests one (1) or more of the following conditions that are a danger to the health or safety of the public:

- (1) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches or railings.
- (2) Lack of potable water, adequate sanitation facilities, adequate water or waste pipe connections.

- (3) Hazardous electrical systems or gas connections.
- (4) Lack of safe, rapid egress.
- (5) Accumulations of human or animal waste, medical or biological waste, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials or drug paraphernalia.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-21. Registration of residential rental property.

(a) An owner of residential rental property shall maintain with the assessor in the county where the property is located information required by this section in a manner to be determined by the assessor. The owner shall update any information required by this section within ten (10) days after a change in the information occurs. The following information shall be maintained:

- (1) The name, address and telephone number of the property owner.
- (2) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address and telephone number of the statutory agent, if applicable, and the name, address and telephone number of any of the following:
 - a. For a corporation, a corporate officer.
 - b. For a partnership, a general partner.
 - c. For a limited liability company, the managing or administrative member.
 - d. For a limited partnership, a general partner.
 - e. For a trust, a trustee.
 - f. For real estate investment trust, a general partner or an officer.

(3) The street address and parcel number of the property.

(4) The year the building was built.

(b) An owner of residential rental property who lives outside this state shall designate and record with the assessor a statutory agent who lives in this state and who will accept legal service on behalf of the owner. The owner shall designate the agent in a manner to be determined by the assessor. The information shall include the name, address and telephone number of the agent.

(c) Residential rental property shall not be occupied if the information required by this section is not on file with the county assessor. This subsection does not affect any lease existing on August 6, 1999.

(d) All records, files and documents that are required by this section are public records.

(e) A person who fails to comply with any provision of this subsection is responsible for a civil infraction and shall be assessed a civil penalty of one thousand dollars (\$1,000.00), plus an additional one hundred dollars (\$100.00) for each month after the date of the original violation until compliance occurs. The court shall not suspend any portion of the civil penalty provided by this subsection.

(f) Notwithstanding subsection (e) of this section, if a person complies within ten (10) days after receiving the complaint that notices the violation, the court shall dismiss the complaint and shall not impose a civil penalty.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-22. Inspection of residential rental property.

The code official is hereby authorized to inspect residential rental property under the following circumstances.

- (1) The property owner fails to comply with the provisions of A.R.S. §33-1902 or successor provision. If the property is occupied, consent of the tenant shall be requested before entering the interior of the structure.

Except as otherwise provided by law, the right of inspection does not extend to the interior of the dwelling unit in a space rental mobile home park or recreational vehicle park if it is not owned by a landlord unless the tenant is in possession of the dwelling unit, or if the dwelling unit is vacant or abandoned, the owner consents to the inspection. If a tenant refuses to consent to entry, inspection may be obtained by any means provided by law.

- (2) The property has been designated as a slum property, in which case it may be inspected annually for three (3) consecutive years.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-23. Abatement of slum property.

All buildings or portions thereof which are determined after inspection by the code official to be slum properties as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in this chapter.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-24. Designation of slum property; recordation.

(a) A residential rental property may be designated as a slum property if it meets all of the following:

- (1) The definition of slum property;
- (2) Has three (3) or more of the conditions or defects described in Article II of this chapter at the time of the inspection;
- (3) The conditions or defects set forth in a notice of violation provided per section 16-45 of this chapter have not been remedied within the time set forth in the notice of violation; and
- (4) No proper and timely appeal of the notice of violation has been filed.

(b) Where designation of a property as a slum is appropriate pursuant to subsection (a), the code official shall designate a slum property by filing in the office of the county recorder a certificate describing the property and certifying that the property is a slum property and that the owner has been so notified. Whenever the corrections ordered thereafter have been completed or the building demolished so that it no longer exists as a slum property, the code official shall file a new certificate with the county recorder certifying that all required corrections have been made and that the property is no longer a slum property.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-25. Notice of designation.

In addition to any notice provided pursuant to section 16-45 of this chapter, a designation of slum property shall contain a warning stating that any residential rental property designated as a slum property is subject to the provisions of A.R.S. Tit. 33, Ch. 17 providing for penalties, the appointment of a temporary receiver, annual inspections, and payment of costs for inspections.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-26. Appointment of temporary receiver and recovery of costs.

In addition to other remedies provided in this Code for the abatement of slum property, the code official is authorized to seek the appointment of a temporary receiver and recover costs associated with such appointment including the filing of liens as provided by law.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-27. Recovery of inspection costs.

In addition to any other remedy providing for recovery of costs either by law or otherwise specified by this Code, the code official is authorized to file costs as provided by law associated with inspections of slum properties in accordance with A.R.S. § 33-1904 or its successor sections in the recorder's office and upon such filing such costs shall be a lien on the property.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-28. Appeal from designation as slum property.

A property owner may appeal the designation of the owner’s property as a slum property pursuant to the procedures set forth in Article VII of this chapter. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-29. Licensed property management company; crime free multihousing program; required training.

As provided in section 33-1906 of the Arizona Revised Statutes, the code official may require a residential rental property owner whose property has been designated as a slum or exhibits the criteria prescribed in section 16-14(c), relating to violations that materially affect the health and safety of the occupants of the property, to hire a property management firm that is regulated pursuant to Arizona Revised Statutes title 32, chapter 20, article 3.1 to manage the property, participate in the city’s crime free multihousing program, and attend city-approved landlord tenant training classes if available from the city. The code official may also require the property owner to participate in comparable training provided by a nonprofit corporation that is designated as a § 501(c)(3), 501(c)(4), 501(c)(5) or 501(c)(6) corporation and that is certified by the city to provide that training. (Ord. No. 10512, § 1, 3-25-08)

ARTICLE IV. UNLAWFUL ACTS

Sec. 16-30. Graffiti prevention, prohibition and removal.

(a) *Graffiti prohibited, abatement procedures, penalty.* No person who owns or is in control of any real property within the city shall maintain, permit or allow graffiti to remain on any building, fence, structure or otherwise on such property where the graffiti is visible from the street or other public or private property.

(1) *Notice of violation and abatement.* Upon the receipt of notice requiring abatement from the graffiti abatement official, any person owning or otherwise being in control of the property shall remove or abate all graffiti

within the time frame specified in such notice. The graffiti abatement official shall give notice utilizing the procedures set forth in section 16-45 of this chapter, except that the notice need not include a statement describing the right to an administrative appeal, since none exists. The graffiti abatement official may cause the removal of graffiti from private property should the property owner or person in control fail to remove graffiti after the required notice. The city or its authorized representative is expressly authorized to enter private property and abate graffiti.

- (2) *Penalty.* A violation of this subsection constitutes a civil infraction.
- (b) *Prohibited conduct, penalties.*
 - (1) No person may write, paint, etch, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property unless permission of the owner or operator of the property has been obtained.
 - (2) No person may possess an aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, or etching solution on any private property unless the owner, agent, manager, or other person having control of the property consented to the presence of the aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, etching implement or etching solution.
 - (3) No person under the age of eighteen (18) may possess an aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, or etching solution container on any public property unless the possession is for a lawful purpose and the person is accompanied by a parent, guardian, teacher or other person in a similar relationship over the age of eighteen (18).
 - (4) No person under the age of eighteen (18) may buy any aerosol spray paint container or etching solution from any person or firm.

(5) *Penalties.* A violation of this subsection shall constitute a class one (1) misdemeanor and shall be punished as provided below. No judge shall suspend the imposition of any of the mandatory minimum penalties required by this section.

- a. A person convicted of violating subsection (1) shall be punished by a term of not less than forty-eight (48) hours in jail, a fine of not less than two hundred fifty dollars (\$250.00) and not less than eighty (80) hours community service. In addition to any other punishment, the court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in an amount to be determined by the court. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.
- b. A person convicted of violating subsection (2) or (3) shall be punished by a term of not less than twenty-four (24) hours in jail, a fine of not less than one hundred (\$100.00) dollars and not less than forty (40) hours of community service. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.
- c. A person convicted of violating subsection (4) shall be punished as provided for in A.R.S. Tit. 8.

(c) *Sale, storage and display of spray paint containers or etching solution.*

- (1) No person shall sell, deliver, transfer or give spray paint containers or etching solution to persons under age eighteen (18). Evidence that a person examined acceptable evidence of age and acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this subsection. This subsection does not apply to the transfer of an aerosol spray paint container or etching

solution from a parent to child, guardian to ward, employer to employee, teacher to student or in any other similar relationship when such transfer is for a lawful purpose.

- (2) Spray paint containers or etching solutions sold at retail establishments shall be stored or displayed either (a) in an area that is inaccessible to the public without employee assistance in the regular course of business or (b) within fifteen (15) feet of a cash register and within the line of sight of a cashier at all times.
- (3) Identification shall be required of purchasers of spray paint containers or etching solution appearing to be under the age of twenty-six (26). A retailer shall not be found responsible for violation of this subsection unless the failure to require identification resulted in a sale of spray paint or etching solution to a person under age eighteen (18).
- (4) No person shall sell, deliver, transfer or display spray paint containers or etching solution at swap meets, yard sales, garage sales, or other like events.
- (5) A retailer shall be responsible for the violation of any provision of this section by its employees.
- (6) *Penalty.* A violation of any provision of this subsection constitutes a civil infraction. A person found responsible for a violation of any provision of this subsection shall be fined not less than two hundred dollars (\$200.00). The fine amount of each subsequent violation of any provision of this subsection within a consecutive 365-day period shall increase by increments of three hundred dollars (\$300.00) for each violation. No magistrate, special magistrate or limited special magistrate may suspend the imposition of the minimum fines prescribed herein.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 7, 3-1-05; Ord. No. 10393, §§ 2, 3, 4-24-07; Ord. No. 10833, § 6, 8-4-10)

Sec. 16-31. Excessive noise.

(a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

civil sanction of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00).

- (3) Any owner or responsible party who commits, causes, permits, facilitates or aids or abets any violation of any provision of this chapter or who fails to perform any act or duty required by this chapter is guilty of a class one (1) misdemeanor.
- (4) Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this chapter exists shall constitute a separate violation or offense.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-49. Jurisdiction of court.

(a) Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in the City Court of the City of Tucson.

(b) Civil infraction proceedings to enforce this chapter may be adjudicated by a magistrate or a special limited magistrate.

(c) The City Court of the City of Tucson shall have jurisdiction to issue orders pursuant to this chapter permitting the city to abate conditions that constitute a violation of the provisions of this chapter. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-50. Commencement of civil infraction 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. 9816, § 15, 2-24-03)

Sec. 16-51. Appeal of court decision.

Any party may appeal the judgment of the court to the Superior Court. Appeals from civil infraction proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure-Civil. Appeals from criminal proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure-Criminal.

(Ord. No. 9816, § 15, 2-24-03)

Secs. 16-52 – 16-59. Reserved.

ARTICLE VI. ABATEMENT

Sec. 16-60. Court ordered abatement.

(a) Upon finding a person guilty or responsible for a violation of any provision of this chapter, the court shall order such person to perform whatever action is reasonably necessary to correct and abate the violations, including clean-up, board-up, extermination, repair, rehabilitation, vacation of the building or structure, permanently securing or filling the excavation, compliance with section 16-29, and/or demolition. An abatement order shall be effective for one (1) year unless stayed on appeal. If stayed on appeal, the order shall be effective for one (1) year from the end of the appeal if the judgement and sentence are upheld. If more than one (1) person is guilty or responsible for a violation, such persons shall be jointly and severally responsible for completing the abatement.

(b) For violations of section 16-15 of this chapter, upon a finding of responsibility, the court shall order the abatement of the offending vehicle within thirty (30) days of judgment, unless additional time is requested by the defendant and granted by the court. Upon expiration of the time for abatement, and upon request by the city, the court shall order the city to abate a violation of section 16-15 by towing and impounding the vehicle; and the city shall dispose of the vehicle pursuant to the procedures for such disposal as set forth in sections 20-13 and 20-14 of the Code.

(c) When the court orders abatement pursuant to this section, the court shall advise a violator that additional fines will be imposed for failure to abate a

violation, and that the city may bring criminal charges for failure to obey an order to abate a violation. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 13, 3-1-05; Ord. No. 10512, § 3, 3-25-08)

Sec. 16-61. Abatement by the city.

(a) In addition to ordering abatement of a violation as provided in section 16-60, upon finding a person guilty or responsible for a violation of any provision of this chapter, the court may issue an order authorizing the city to perform whatever action is reasonably necessary to correct and abate the violation, including clean-up, board-up, extermination, repair, rehabilitation, vacation of the building or structure, disconnection of utilities, permanently securing or filling the excavation, and/or demolition.

(b) The reasonable costs of any such abatement shall be the responsibility of the person found guilty or responsible of the violation. If more than one (1) person is guilty or responsible for a violation, such persons shall be jointly and severally responsible for the costs of the abatement. The city shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall certify a statement of account to the finance director who shall collect the amount due, together with interest at the rate established by law.

(c) Any and all charges and costs arising from the city taking action to abate a violation pursuant to a court order shall be a lien filed against the real property that is the subject of the violation.

(d) The city may make the costs of an abatement an assessment on the property that is the subject of the violation where all of the following are true:

- (1) The case was initiated by the service of a notice of violation pursuant to section 16-45 of this chapter;
- (2) The owner or responsible party failed to comply with such notice within thirty (30) days; and
- (3) The notice included the estimated cost of such abatement to the city if the owner or responsible party did not comply.

Upon commencement of action on the property or after mailing the statement of account to the owner or responsible party, the city shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for associated legal costs for abatement or injunction, and may pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the city shall remove the assessment. In the event it is necessary to enforce the assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The city shall have the right to enforce the assessment in the Superior Court of Pima County, at any time after recording, but failure to enforce the assessment shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording. Prior assessment or assessments for the purposes provided for in this chapter shall not be a bar to a subsequent assessment or assessments and any number of liens or assessments on the same parcel may be enforced in the same action.

(e) An assessment made pursuant to this section is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

(f) Any liens or assessments filed with the county recorder pursuant to previous provisions of this chapter or any similar chapter shall remain in effect under the same terms and conditions that existed at the time of recording.

(g) If the code official observes a violation of sections 16-13(a), (b), (c), (d), (e) or 16-33 and serves a written notice of violation pursuant to section 16-45 and the violation has not been completely abated within thirty (30) days, then the violation is presumed to constitute a health or fire hazard. The code official may then go upon the property and abate the violation at the expense of the owner or responsible party. Any and all costs arising from the city's action to abate the violation shall be a lien filed against the real property that is the subject of the violation. A verified statement of the costs or expenses shall be prepared and charged pursuant to rules, procedures and regulations promulgated by the appropriate code official to the last known address of the responsible person. In determining costs, the city may charge twice the rate

established by mayor and council resolution for the collection of trash and refuse. If the charged person has a utility services account with the city, the costs may be charged to that account. If more than one (1) person is responsible for the violation, such persons shall be jointly and severally responsible for the payment of costs or expenses of the abatement. The payment may be in addition to any civil or criminal penalty imposed pursuant to this Code.

(h) The purpose of charging costs to a utility services account per subsection (g) is to provide a means of billing and collecting costs, rather than to create a means of discontinuing utility services. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 14, 3-1-05; Ord. No. 10348, § 6, 11-28-06; Ord. No. 10833, § 7, 8-4-10)

Sec. 16-62. Temporary abatement.

If it is determined that a nuisance as provided in section 16-14 is a hazard to the public safety and health, the code official may declare such structure a hazard. After notice is communicated to any owner of record to secure the structure and the owner does not secure the structure to city specifications, the hazard may be summarily abated by the city through boarding. The city may also post both the structure and the exterior premises with signs to provide reasonable notice prohibiting entry (i.e., "No Trespassing" signs). Any and all charges and costs arising from the city taking action to secure the structure shall be a lien filed against the real property containing such a structure. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 15, 3-1-05)

Sec. 16-63. Emergency abatement.

(a) Notwithstanding any other provision of this chapter if, in the opinion of the code official, the conditions at a property constitute an imminent hazard, the code official may order immediate abatement of the hazard without notice. Such abatement of an imminent hazard shall be limited to the minimum work necessary to remove the hazard, and may include disconnection of utilities.

(b) The city shall pay the cost and expense of such abatement from any appropriation made available for that purpose.

(c) A lien shall be recorded with the Pima County Recorder's Office and shall address the same costs and procedures identified in section 16-61, entitled abatement by the city.

(d) Whenever the code official finds that any structure contains an imminent hazard or health hazard, the code official may declare such structure unfit for human occupancy and order it to be vacated or to remain vacant. A structure declared unfit for occupancy and ordered vacated or to remain vacant under the provisions of this section shall not be leased, rented or occupied, and the utilities cannot be reconnected, until it has been inspected and deemed fit for occupancy by the city. The city shall reinspect, for the purpose of reoccupancy, within three (3) business days of the receipt of a written request by the owner.

(e) Fire department suppression forces are responsible for emergency operations related to fire conditions. In any case involving fire conditions at a building or structure, fire suppression forces shall be responsible for fire suppression and structure control until such time as the fire is fully extinguished. After fire conditions are fully extinguished, and after any necessary fire cause investigation, fire suppression forces shall transfer control and responsibility for the building or structure to the building official or other appropriate code official. After this transfer, all subsequent enforcement actions, such as securing the structure, restoring utilities, or ordering demolition, as well as all follow up actions such as cost recovery, shall be the responsibility of the building official or code official. After the transfer of responsibility, fire cause investigators shall retain authority over and responsibility for investigation of fire causation. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-64. Structures posted as hazardous.

(a) Whenever the code official has determined that a structure is unfit for occupancy and orders the structure to be vacated, the code official shall post a written notice at or upon each exit of the structure. The notice shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is unlawful to occupy this structure, or to remove or deface this notice.

(b) No person shall remain in or enter any structure that has been so posted, except to make repairs, demolish or remove such structure under permit. No person shall remove or deface such notice after it is posted until the required repairs, demolition or removal of the structure is completed and the property is reinspected and found to be in compliance.

(c) Whenever a notice is posted pursuant to subsection (b) of this section, the code official shall provide notice of such posting to the property owner using the procedures and provisions set forth in section 16-45 of this chapter. This notice shall recite the emergency and describe the hazardous condition(s) that necessitate the posting.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-65. Abatement by demolition.

Abatement by demolition shall be ordered only where repair of the structure is unreasonable or impracticable, and demolition and removal of a structure or building is necessary to correct and abate a violation. Any action involving the demolition of a building or structure shall be commenced by issuing a notice of violation to the owner and any responsible parties in accordance with the provisions of section 16-45.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-66. Historic structures.

(a) *Purpose.* In order to promote the preservation and rehabilitation of significant historic structures that may have become structurally unsound, the following demolition procedures have been established to provide for adequate notification, analysis, stabilization, or demolition and documentation of such structures without jeopardizing the safety and welfare of the public.

(b) *Applicability.* These provisions apply to all historic structures within a City of Tucson Historic District or to designated national, state, or City of Tucson historic landmarks.

(c) *Definitions.* For the purpose of these procedures, an historic structure shall be defined as any structure more than fifty (50) years old.

(d) *Organization.* The appropriate historic district advisory board shall be responsible for providing a list of architects familiar with the types of construction in its district to the Tucson-Pima County Historical Commission. At least one (1) architect from the list should be available to advise the structural engineer and/or building official when an emergency situation exists. The Tucson-Pima County Historical Commission shall file a list each January 30th with the planning department of five (5) qualified architects who are not city employees.

(e) *Notification.* When, either during or after business hours, the building official is informed that a structure is in imminent danger of collapse so as to endanger its occupants, other person, or neighboring structures, the building official shall at all times immediately notify the designated member of the planning department and the owner of the property in question and request the owner or the owner’s agent to meet with the building official at the premises or other appropriate place concerning the course of action to be taken with regard to the subject structure. Planning department staff shall immediately notify the:

- (1) Advisory board chairperson of the historic district in which the site is located;
- (2) Tucson-Pima County Historical Commission Chairperson;
- (3) State historic preservation officer if the structure is listed in the national historic register as being historically significant;

DIVISION 4. LIQUOR AND VENDING MACHINE LICENSE TAX*

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

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

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

Series 1.	Distiller’s License	\$225.00
Series 2.	Brewer’s License	2 02.50
Series 3.	Winer’s License	1 03.50
Series 5.	Government License	3 42.00
Series 6.	Bar License – All Spirituous Liquor	274.50
Series 7.	Bar License Beer and Wine	1 17.00
Series 9.	Liquor Store License Packaged Goods	94.50
Series 10.	Beer and Wine Store License – Packaged Beer and Wine	90.00
Series 11.	Hotel/Motel License – All Spirituous Liquor Consumed on Premises	342.00
Series 12.	Restaurant License – All Spirituous Liquor Consumed on Premises	342.00
Series 14.	Club License	61.20
Series 17.	Governmental License to Serve and Sell Spirituous Liquor on Special Premises	405.00
Series 18.	Daily On-Sale Special Event License	None

(Ord. No. 7885, § 2, 8-3-92)

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

Sec. 19-53. Applications.

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

- (1) Application shall first be made with the State of Arizona Department of Liquor Licenses and Control in such form and manner as required by the director.
- (2) A copy of the state application will be sent to the city clerk by the State of Arizona Department of Liquor Licenses and Control.
- (3) An application for a special event license and an extension of premises shall be filed with the city clerk forty-five (45) days before the date of its proposed use.
- (4) Upon receipt of a copy of the state application by the city for a license, the applicant shall pay a nonrefundable application fee to the city conforming to the following schedule:

<i>License Type</i>	<i>Applicable Fee</i>
<i>Regular</i>	
Original License	\$1,636.00
Location Transfer	1,636.00
Person Transfer	1,636.00
Person/Location Transfer	1,636.00
Continuation of Restaurant License	1,636.00
Liquor Store Sampling Privilege (independent application)	1,636.00
Agent Change – Acquisition of Control – Restructure	463.00

<i>License Type</i>	<i>Applicable Fee</i>
<i>Special Event/Wine Festival/Wine Fair</i>	
0 – 500 Attendees	125.00
501 – 2,500 Attendees	240.00
2,501 – 5,000 Attendees	297.00
Over 5,000 Attendees	480.00
<i>Permanent Extension of Premises</i>	
Initial Application	\$60.00 per 100 square feet, up to a maximum of \$1,344.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$35.00 per 100 square feet, up to a maximum of \$1,344.00
<i>Temporary Extension of Premises</i>	
Initial Application	\$25.00 per 100 square feet, up to a maximum of \$526.00
Subsequent applications for the same type extension of premises as the initial, made within 12 months of the initial application	\$15.00 per 100 square feet, up to a maximum of \$526.00

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9839, §§ 1 – 3, 5-5-03; Ord. No. 10402, § 1, 5-15-07; Ord. No. 10554, § 1, 6-25-08, eff. 8-1-08; Ord. No. 10836, § 1, eff. 9-8-10)

Sec. 19-54. Vending machines license fees.

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

the city, listed in the application. For each machine placed in operation by a new licensee and for each additional machine placed in operation by existing licensees on and after July 1 of each calendar year, the six dollars (\$6.00) tax shall be reduced to three dollars (\$3.00) for the calendar year remainder.

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

Sec. 19-55. Business privilege license tax.

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

Secs. 19-56 – 19-65. Reserved.

DIVISION 5. TAX ON HOTELS RENTING TO TRANSIENTS*

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

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

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

fectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways, streets or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Sec. 20-114(2). Declared Nuisance; Removal.

Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the traffic engineer is hereby empowered to remove the same or cause it to be removed without notice.

(Ord. No. 6148, § 1, 1-7-85)

(1953 Code, ch. 17, § 66)

State law reference – Similar provisions, A.R.S. § 28-648.

Sec. 20-115. Authority to prohibit or require turns; obedience to signs; public transit buses exempted from same.

(a) The city traffic engineer is hereby authorized to determine those intersections and lanes at which drivers of vehicles shall or shall not make a right turn, left turn or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited or required between certain hours of any day and not so controlled at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when such turns are not prohibited or required.

(b) Whenever authorized signs are erected indicating that right turns, left turns or U-turns are prohibited or required, no driver of a vehicle shall disobey the directions of any such sign except as set out in this section.

(c) It shall be lawful for operators of public transit buses to proceed through mandatory right-turn lanes designated as such and such public transit buses shall be exempt from the requirement that all vehicles in the mandatory right-turn lane must turn right where lanes are marked “public buses exempted” in conformance with subsection (d) below:

(1) “Mandatory right-turn lanes” means those lanes to the far right of any street, road, roadway or highway which are designated by appropriate lane-stripping and/or which are marked “right lane must turn right” on the surface of such lane and/or are so marked by use of similar signs on the adjacent curbing.

(d) The city traffic engineer or chief of police is hereby authorized to exempt public transit buses from “right turn only” requirements only in those intersections where a prolongation of the subject right lane continues past the intersection without meeting any traffic obstructions and where a prolongation of the lateral curbline adjacent to the subject lane coincides with the lateral curbline adjacent to the right lane on the opposite side of the intersection. At all intersections to which subsection (c) is applicable, there shall be a sign posted prominently at the entrance to such mandatory right turn lanes and/or painted on the lane surface of the entrance thereto, the warning “right lane must turn right – public buses exempted.”

(e) Vehicle operators other than operators of public transit buses using an intersection marked in accordance with subsection (d) are deemed to be on notice that right turns are mandatory notwithstanding the exemption for public transit buses. It shall be no defense that operators of nonexempt vehicles relied upon the actions of a public transit bus operator continuing through a mandatory right-turn lane. (1953 Code, ch. 17, § 69; Ord. No. 4487, § 1, 5-24-76; Ord. No. 4521, § 1, 6-21-76; Ord. No. 5931, § 1, 12-19-83; Ord. No. 6148, § 2, 1-7-85)

Sec. 20-115.1. Authority to exempt bicyclists from required or prohibited turns.

The city traffic engineer hereby is authorized to determine those intersections and lanes at which bicyclists shall be exempt from compliance with posted traffic-control signs signifying any of the following: Do Not Enter; No Turns; No Left Turns; No Right Turns; Right Lane Must Turn Right; or Left Lane Must Turn Left. Where he deems such exemption necessary, he shall cause to be erected a “bicyclist exempted” sign immediately below the existing traffic-control sign. (Ord. No. 4754, § 1, 2-6-78)

Sec. 20-116. Authority to designate crosswalks.

The city traffic engineer is hereby authorized to designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
(1953 Code, ch. 17, § 58)

Sec. 20-117. Authority to designate safety zones.

The city traffic engineer is hereby authorized to establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
(1953 Code, ch. 17, § 58)

Sec. 20-118. Authority to mark lanes.

The city traffic engineer is hereby authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the traffic ordinances of the city.
(1953 Code, ch. 17, § 58)

Sec. 20-119. Traffic engineer authorized to establish school crossings.

The city traffic engineer is hereby authorized to establish abutting and nonabutting school crossings, consistent with guidelines prescribed by the Arizona Department of Transportation as specified in the Arizona Revised Statutes. The school district shall operate such crossings in conformance with the guidelines and operating agreement.
(Ord. No. 4503, § 1, 6-21-76; Ord. No. 6148, § 3, 1-7-85)

Sec. 20-120. Authority to prohibit entry onto streets and alleys from intersections; obedience to “do not enter” signs; authority to exempt bicyclists.

Sec. 20-120(1). The city traffic engineer is hereby authorized to determine those intersections at which the driver of a vehicle shall not leave the intersection by way of a particular public street or alley adjoining such

intersection, and to cause “do not enter” signs to be erected where appropriate at such intersections. When an official “do not enter” sign has been erected as authorized herein, no driver of a vehicle shall leave the intersection in violation of any such sign. All “do not enter signs now in place hereby are ratified and approved.

Sec. 20-120(2). The city traffic engineer hereby is authorized to exempt bicyclists from the prohibition of minor section (1) above. At any such intersection where he deems such exemption appropriate, he shall cause to be erected a “bicyclist exempted” sign immediately below the “do not enter” sign.
(Ord. No. 4754, § 2, 2-6-78; Ord. No. 5931, § 1, 12-19-83)

Secs. 20-121 – 20-134. Reserved.

ARTICLE V. OPERATION*

Sec. 20-135. Reserved.

Editor’s note – Ord. No. 3219, § 1, adopted and effective Feb. 17, 1969, repealed § 20-135, formerly pertaining to passing near school crossings, and derived from the 1953 Code, ch. 17, § 70a, and Ord. No. 2173, § 1, enacted Apr. 17, 1961.

Sec. 20-136. State speed laws applicable generally.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except as otherwise provided by ordinance upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets in certain areas. Any speed in excess of the speed so declared by ordinance, when signs are in place giving notice thereof, is *prima facie* evidence that the speed is too great and therefore unreasonable.
(1953 Code, ch. 17, § 71; Ord. No. 5931, § 11, 12-19-83)

State law references – State speed limits, A.R.S. § 28-701; authority to alter state limits. A.R.S. § 28-703.

***Cross reference** – Operation of motor vehicles carrying hazardous materials, § 13-13.

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

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
10825	8-4-10	1	11-17
10833	8-4-10	1	16-3
		2	16-11
		3	16-12
		4	16-13
		5	16-14
		6	16-30
		7	16-61
100836	9-8-10	1	19-53

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