TUCSON, ARIZONA

Supp. No. 103 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through June 30, 2014. 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. 103" If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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

Published by Order of the Mayor and Council

Republished 1987

Contains Supplement No. 103
Current through June 30, 2014

Published by:
AMERICAN LEGAL PUBLISHING CORPORATION
432 Walnut Street ✧ Suite 1200 ✧ Cincinnati, Ohio 45202
1-800-445-5588 ✧ www.amlegal.com

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Checklist of Up-to-Date Pages

(This checklist will he updated with the printing of each Supplement)

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

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

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

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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Chapter 2

ADMINISTRATION*

Article I. In General

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

Article II. Mayor and Council

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Article IV. Reserved

Article V. Bonds of Officers and Employees

Article VI. City Clerk Records Management

Article VII. Reserve Police Officer Program

Article VIII. Special Duty Police Services Program

Article IX. Disposition of Property, Money, and Firearms by the Police Department

Sec. 2-15. County health officer to enforce health, sanitation, food regulations; obstructing, resisting health officer.

The county health officer and his deputies shall have authority to enforce any provisions of this Code pertaining to health, sanitation, food and food establishments. Any person who shall obstruct or resist the health officer or his deputies in the legal exercise of his duties shall be deemed guilty of a misdemeanor.
(1953 Code, ch. 15, § 4; Ord. No. 2077, § 3, 8-1-60)

Sec. 2-16. Authority of city manager to execute certain utility rights-of-way.

The city manager may execute licenses or easements to utility companies under, on or over city-owned property for utility rights-of-way when it is a condition to providing utility services to installations on city owned properties; such licenses or easements shall be coterminous with the need of utility services and shall be approved as to form by the city attorney.
(Ord. No. 3000, § 1, 5-8-67)

Sec. 2-16.1. Authority of city manager to administer the city real estate program.

Subject to the control of the mayor and council, the city manager shall have authority to administer the real estate program including the assignment of functions and duties related to real estate and processing leases and property acquisition agreements in accordance with Arizona law and the Tucson Code.
(Ord. No. 10578, § 1, 9-23-08, eff. 7-1-08)

Sec. 2-17. Acceptance of dedications.

The recording in the office of the proper county recorder in the state by the city clerk of any instrument accepted by the city manager, which is a dedication of any type of a right-of-way, such as a street, alley, easement, drainageway, or of a park or other area shall be presumed to be an acceptance thereof by the mayor and council of the city and the city. The city manager is hereby authorized to execute an acceptance on such instruments.
(Ord. No. 3419, § 1, 3-1-70)

Cross references – Parks and recreation, ch. 21; streets and sidewalks, ch. 25.

Sec. 2-18. City fixed route, regularly scheduled bus system called Sun Tran and modern streetcar system called Sun Link; fares; eligibility and prohibited activity.

(a) *Sun Tran system:* The city provides a fixed route, regularly scheduled mass transportation bus system called Sun Tran.

(b) *Sun Link system:* The city provides a fixed rail, regularly scheduled mass transportation system called Sun Link.

(c) *Fares:* The fares for the Sun Tran and Sun Link systems shall be as follows:

(1) *Full fare:* One dollar and fifty cents ($1.50) per ride or three dollars and fifty cents ($3.50) per one (1) day pass or forty-two dollars ($42.00) per thirty (30) day pass.

(2) *Economy fare:* Fifty cents ($0.50) per ride or fifteen dollars ($15.00) per thirty (30) day pass.

(3) *Express fare:* Two dollars ($2.00) per ride or fifty-six dollars ($56.00) per thirty (30) day pass on express routes.

(4) *Transfers to regular routes and streetcar:* Free for passengers paying appropriate fare and accompanied by appropriately issued transfer medium as determined by the director of transportation.

(5) *Transfers to express routes:* Passengers must pay a surcharge equal to the difference between the one-way base fare in the appropriate fare category and the one-way express fare.

(6) *Children:* Free for persons five (5) years of age or under when accompanied by paying adult.

(7) *Ridership incentive programs:* To encourage ridership among specific groups of persons shall be as follows:

a. *University of Arizona pass:* For employees and students of the University of Arizona, as follows:

(i) One hundred seventy-three dollars ($173.00) per fall semester pass, effective August 1 through December 31 of each calendar year.

(ii) Two hundred thirty dollars ($230.00) per fall semester express pass, effective August 1 through December 31 of each calendar year.

(iii) One hundred seventy-three dollars ($173.00) per spring semester pass, effective January 1 through May 31 of each calendar year.

(iv) Two hundred thirty dollars ($230.00) per spring semester express pass, effective January 1 through May 31 of each calendar year.

(v) Four hundred thirteen dollars ($413.00) per annual pass, effective August 1 through July 31.

(vi) Five hundred fifty dollars ($550.00) per annual express pass, effective August 1 through July 31.

b. *Semester pass:* One hundred seventy-three dollars ($173.00) per semester pass, for students of all other local public and private educational institutions registered with Sun Tran as a bulk sales organization.

(i) One hundred seventy-three dollars ($173.00) per fall semester pass, effective August 1 through December 31 of each calendar year.

(ii) Two hundred thirty dollars ($230.00) per fall semester express pass, effective January 1 through May 31 of each calendar year.

(iii) One hundred seventy-three dollars ($173.00) per spring semester pass, effective January 1 through May 31 of each calendar year.

(iv) Two hundred thirty dollars ($230.00) per spring semester express pass, effective January 1 through May 31 of each calendar year.

c. *Shuttle service:* To decrease traffic congestion and parking problems at specific community events. All event shuttles must be self-supporting with the cost off-set by bus advertising and fare revenues. Fares charged are not to exceed the base fare with no premium fares. All event shuttles must be publicized, open to the general public and within the Tucson service area.

(8) *Administrative processing fee:* An administrative processing fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each pass type.

(9) *Product fee:* A product fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each card or ticket to recover the cost of the fare media.

(c) *Seniors, persons with disabilities, Medicare cardholders, and low-income program fare eligibility and prohibited activity:* A special class of riders, referred to as "seniors, persons with disabilities, Medicare cardholders, and qualified low-income individuals" may qualify for the economy fare subject to the following provisions:

(1) *Eligibility criteria determined by the mayor and council:* Only those individuals who qualify under the mayor and council's definition of eligibility shall be eligible for

this special fare; eligibility for the fare shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager.

(2) *Seniors:* Persons sixty-five (65) years of age or over shall be eligible for the economy fare on the Sun Tran and Sun Link systems.

(3) *Persons with disabilities:* Persons with disabilities shall be eligible for the economy fare on the Sun Tran and Sun Link systems.

(4) *Medicare cardholders:* Medicare cardholders shall be eligible for the economy fare on the Sun Tran and Sun Link systems.

(5) *Low-income individuals:* Persons qualified through the City of Tucson's low-income program shall be eligible for the economy fare on the Sun Tran and Sun Link systems.

(6) *Nonprofit program:* Organizations in the nonprofit program shall be eligible to purchase economy fares on behalf of an organization's qualified clients on the Sun Tran and Sun Link systems. The nonprofit program shall be defined and facilitated as determined by the director of transportation.

a. *Discount one (1) day pass:* Organizations in the nonprofit program shall be eligible to purchase a discounted one (1) day pass for one dollar and seventy-five cents ($1.75), for clients not yet qualified for the economy program. The discount one (1) day pass is a short-term product that enables an individual to obtain the appropriate ID required for the purchase of economy fares.

b. *Economy thirty (30) day ticket:* Organizations in the nonprofit program shall be eligible to purchase an economy thirty (30) day ticket for fifteen dollars ($15.00), for those clients who have obtained the appropriate ID required for purchase of economy fares.

(7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for reduced fares on the Sun Tran and Sun Link systems, and to establish reasonable standards of proof for eligibility for seniors, persons with disabilities, Medicare cardholders, and low-income individual. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.

(8) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize benefits of the economy fare program of the Sun Tran and Sun Link systems and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's economy fare program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(9) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city economy fare program.

(Ord. No. 4525, § 1, 6-28-76; Ord. No. 4535, § 1, 7-6-76; Ord. No. 4536, § 1, 7-6-76; Ord. No. 4669, § 1, 6-20-77; Ord. No. 5145, § 2, 5-5-80; Ord. No. 5916, § 1, 12-12-83; Ord. No. 6210, § 1, 4-8-85; Ord. No. 6233, § 1, 5-13-85; Ord. No. 6436, § 1, 5-27-86; Ord. No. 7173, § 1, 4-17-89; Ord. No. 7824, § 1 6-1-92; Ord. No. 8284, § 1, 5-23-94; Ord. No. 8778, § 1, 11-25-96; Ord. No. 8781, § 1, 11-25-96; Ord. No. 9404, § 1, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 1, 5-29-13; Ord. No. 11182, § 1, 6-17-14, eff. 7-17-14)

Sec. 2-19. City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.

(a) *Paratransit service:* The city provides curb-to-curb transportation services to individuals, whose disability prevents them from riding the Sun Tran system. The service is provided by contract providers of the city.

(b) *Fares:* The fares for paratransit service provided by contractors for the city shall be as follows:

(1) *Full fare:* Three dollars ($3.00) per ride.

(2) *Low-income fare:* One dollar ($1.00) per ride.

(3) *Children:* Free for persons five (5) years of age or under when accompanied by a paying adult.

(c) *Eligibility for low-income fare:* Rider eligibility for the paratransit service low-income fare shall be established under the city paratransit service system fare subsidy program for low-income individuals.

(d) *Paratransit service eligibility and prohibited activity:* Individuals may qualify for the paratransit service subject to the following provisions:

(1) *Eligibility:* Eligibility shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager. The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for the paratransit service, and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.

(2) *Revocation of eligibility:* When, in the opinion of the city, a person is continuing to utilize the paratransit service and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's paratransit service. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(3) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city paratransit service.

(Ord. No. 4535, § 2, 7-6-76; Ord. No. 4669, § 2, 6-20-77; Ord. No. 5145, § 3, 5-5-80; Ord. No. 5916, § 2, 12-12-83; Ord. No. 6233, § 2, 5-13-85; Ord. No. 6436, § 2, 5-27-86; Ord. No. 8284, § 2, 5-23-94; Ord. No. 8778, § 2, 11-25-96; Ord. No. 8781, § 2, 11-25-96; Ord. No. 9404, § 2, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 2, 5-29-13)

Sec. 2-20. Transit system rules and regulations.

The city manager, in conjunction with the department of transportation, is hereby authorized by the mayor and council to promulgate rules and regulations for operation of the city transit system, such rules and regulations to be in writing and subject to review by the mayor and council. Rules and regulations promulgated by the city manager shall be for the purpose of safe and efficient operation of the city transit system only.

(Ord. No. 4535, § 3, 7-6-76)

Sec. 2-21. Promotional discount fare program for the Sun Tran fixed route bus and Sun Link modern streetcar systems.

Sec. 2-21(1). A promotional discount fare program, aimed at increasing ridership on the Sun Tran fixed route bus and Sun Link modern streetcar systems, is authorized. This experimental program may consist of, but not be limited to, promotional projects implementing a weekend pass, a free fare day, a discounted fare day and a free ride coupon.

Sec. 2-21(2). The city manager shall have the authority to establish and implement reasonable discount fare projects under the program and shall promulgate reasonable rules and regulations, in writing and on file with the city clerk, for each project implemented. The rules and regulations shall be consistent with state and local law, federal law and specifically the statutes and regulations of the Federal Transit Administration, and the goal of increasing Sun Tran and Sun Link ridership.
(Ord. No. 5247, § 1, 11-3-80; Ord. No. 8284, § 3, 5-23-94; Ord. No. 11182, § 2, 6-17-14, eff. 7-17-14)

Sec. 2-22. City Sun Tran, Sun Link and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.

(a) *Program establishment:* The city manager shall have the authority to establish and implement a city Sun Tran and Sun Link fare subsidy program for low-income individuals, nonprofit program clients that qualify for low-income, and paratransit services for individuals, such program to be administered within the department of transportation and funded exclusively from local city revenues. The city manager shall have further authority to promulgate reasonable rules and regulations, in writing and on file with the city clerk, for the implementation of the fare subsidy program.

(b) *Sun Tran and Sun Link system fare subsidy:* The Sun Tran and Sun Link system fare subsidy for qualified low-income individuals shall be as follows:

(1) *Economy fare subsidy:* For riders who qualify for the Sun Tran and Sun Link system economy fare, the subsidies shall be:

a. One dollar ($1.00) in subsidy per full fare ride;

b. Twenty-seven dollars ($27.00) in subsidy per full fare thirty (30) day pass; or,

c. One dollar and seventy-five cents ($1.75) in subsidy per discounted one (1) day pass purchased through the nonprofit program.

(c) *Sun Van fare subsidy:* The Sun Van service fare subsidy for qualified low-income individuals shall be as follows:

(1) *Low-income fare subsidy:* For riders who qualify for the Sun Van service low-income fare, two dollars ($2.00) in subsidy per full fare.

(d) *Eligibility and prohibited activity:* Low-income individuals and nonprofit program clients may qualify for the fare subsidy program subject to the following provisions:

(1) *Eligibility for Sun Tran, Sun Link and paratransit service low-income fares:* Applicants for eligibility to qualify for the Sun Tran, Sun Link and Sun Van systems low-income fare must demonstrate an income that meets the most recent income guidelines per the Lower Living Standard Income Level (LLSIL) (100%) as established by the United States Department of Labor, published annually, in the Federal Register.

(2) *Definition of "income":* Income shall include any money received by all members of the household. Any form of support or payment in the form of rent, food, automobile or any other assistance shall be counted as income. Wages, public assistance, retirement, disability, pension, veteran's compensation, worker's or unemployment compensation, senior benefits, survivor's benefits, strike benefits, support payments, alimony, scholarships, educational grants, fellowships, veteran's educational benefits, dividends, interest and any other form of income shall be counted to determine eligibility.

(3) *Eligibility requirements for persons under eighteen (18) years of age:* Persons seeking to qualify for the fare subsidy program of the city who are under the age of eighteen (18) must have a parent or guardian signature on the application, or show good cause why such signature is not obtainable. Good cause shall be within the discretion of the city to determine. If the applicant is not living at home and receives more than half of his or her support from his or her family, the

applicant must declare all family income. If the applicant is not living at home and is not receiving more than half of his or her support from his or her family, then only the actual support from the family need be declared.

(4) *Unemployed persons:* Unemployed persons applying for the fare subsidy program must have a current registration card from the state employment office. Such applicant must report an estimated probable income that falls within the income guidelines set forth by the U.S. Department of Labor when added to all other family income. Persons unemployed due to strikes, lockouts and labor disputes must count as probable income their wages and wage level as such existed prior to the strike, lockout or other labor dispute that resulted in their being unemployed.

(5) *Students:* Students not living at home, but who receive more than half of their support from their family must declare all family income. Students not living at home who do not receive more than half their support from their family need only declare the actual amount of support received. Students living at home must declare all family income.

(6) *Residency requirement:* Applicants for the fare subsidy program for low-income individuals must be residents of the region, an area described in the U.S. Census Bureau's Geographic Base File on file with the city clerk.

(7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application to the program and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk. For nonprofit agency clients that qualify, the proof of eligibility requirements stipulating an ID are effective when smart card technology is implemented.

(8) *Term of eligibility:* Persons eligible for the fare subsidy program shall be deemed eligible from the date of issue of the eligibility identification card for a period of twelve (12) months, unless otherwise found ineligible by the city.

(9) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize the benefits of the program and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's fare subsidy program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(10) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the fare subsidy program.

(Ord. No. 6210, § 2, 4-8-85; Ord. No. 6233, § 3, 5-13-85; Ord. No. 7824, § 2, 6-1-92; Ord. No. 8284, § 4, 5-23-94; Ord. No. 8778, § 3, 11-25-96; Ord. No. 8781, § 3, 11-25-96; Ord. No. 9404, § 3, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 3, 5-29-13; Ord. No. 11182, § 3, 6-17-14, eff. 7-17-14)

Sec. 2-22.1. False information or refusal to provide information to obtain or retain low income assistance.

(a) Any person who uses false information, or who refuses to provide information upon request, in order to obtain or retain low income assistance from the City of Tucson is responsible for a civil infraction and shall be fined five hundred dollars ($500.00).

(b) Any person found responsible of a civil infraction as described in paragraph (a) may be deemed ineligible for low income assistance from the City of Tucson for a period up to five (5) years.

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for environmental services fees, Tucson water fees, Sun Tran, Sun Link and Sun Van fares, and parks and recreation fees, and any other discount or assistance provided by the City of Tucson.
(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 11182, § 4, 6-17-14, eff. 7-17-14)

Sec. 2-23. Permits for use of community center.

(a) Notwithstanding any other provision of this Code, permits for use or occupancy of any of the community center facilities may, upon written application therefor, be issued by the community center director if the permits are for less than thirty (30) days; or subject to the approval by resolution of the mayor and council if for thirty (30) days or more.

(b) Competitive bidding is not required for issuance of permits. If two (2) or more persons apply for community center facilities for the same type of use or event or series of uses or events which is considered by the community center director to be mutually exclusive, then the selection shall be made by the governing body, by motion, based upon which application it determines will be most beneficial to the public and will be in the best interest of the city.

4. *Real estate directional sign.* An off-site sign that is intended to direct prospects to the unit (non-subdivision) for sale.

5. *Real estate for sale or lease sign.* An on-site wall or freestanding sign placed upon a property advertising that property for sale, rent or lease.

6. *Real estate project identity entrance sign.* An on-site sign displaying the name of the subdivision or development at the major street entrances to the subdivision or development.

7. *Real estate rental development sign.* An off-site sign placed at a location other than the premises of a new rental or for lease project offering housing for lease or rent.

8. *Real estate subdivision sign.* An on-site sign advertising a subdivision as having lots, townhouses, houses or condominiums for sale.

GGG. *Repair.* To mend, renovate or restore a sign structure to its original existing condition.

HHH. *Scenic route.* A roadway designated as a scenic route in the Major Streets and Routes Plan.

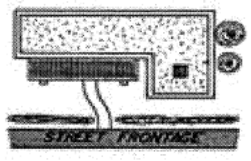
III. *School.* Any public, parochial or private school for teaching accredited courses of instruction as approved by the Arizona Department of Education.

JJJ. *Sign.* Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service. Signs attached to the interior wall of a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a sign permit to ensure compliance with applicable building, fire, electrical and technical codes but are not otherwise subject to this sign code. Signs within individual mall stores or inside individual business establishments are excluded from this definition.

KKK. *Sign code administrator.* The person designated and authorized to enforce and administer the provisions of this sign code, or that person's authorized representative or designee. The sign code administrator is the zoning administrator as described in A.R.S. § 9-462 for the purpose of interpreting this code.

LLL. *Site.* The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity through an approved site plan, plat or development plan.

MMM. *Street frontage.* The length of a lot or development fronting on a public or private street.



Street Frontage

NNN. *Subdivision.* Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property that is divided into two (2) or more lots, tracts or parcels of land, or, if any such property, the boundaries of which have been fixed by a recorded plat, that is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

OOO. *Temporary sign.* Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political

election signs are not included in this definition. The definition includes but is not limited to the following sign types:

1. *Grand opening, sales and civic events banner.* Temporary on-site banner advertising the grand opening, reopening, new management, sales event or civic event at a specific location.

2. *Banner used as temporary signage.* Temporary on-site banner used to advertise events lasting for a limited time. This type of banner may also be used to temporarily advertise a business location while permanent signage is being constructed, or during a change of business name, exterior remodeling of tenant space or entire center, or periods of road construction.

PPP. *Tenant.* The occupant of a portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.

QQQ. *Time, temperature and weather display.* A sign that displays the current time, temperature or current or forecast weather conditions.

RRR. *Total allowable sign area.* The length of a site fronting on a public or private street multiplied by the allowable sign area in each district or as outlined in each district. The total allowable sign area for a site in each district can never be exceeded regardless of the number of lots or tenants in a development.

SSS. *Traffic directional sign.* An on-site sign directing the reader to the location or direction of any place or area.

TTT. *Unoccupied.* A premises or structure:

1. That is not occupied, or

2. That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or

3. Where the public utilities are not in service.

UUU. *Vacant.* A premises or structure:

1. From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or

2. Where the public utilities are not in service.

VVV. *Vehicle signs.* Signs mounted upon, painted upon or otherwise erected on or affixed to trucks, cars, boats, trailers and other motorized vehicles or equipment.

WWW. *Wall.* An exterior building surface thirty (30) degrees or less from vertical including, interior and exterior window and door surfaces.

XXX. *Wall sign.* Any sign that is fastened, attached, connected or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground, with the exposed face of the sign in a plane parallel to the plane of the wall.

YYY. *Window sign.* Any sign affixed to the interior or exterior window surface.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 2, 6-28-11; Ord. No. 11076, § 2, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

Editor's note – Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Secs. 3-12 – 3-15. Reserved.

ARTICLE III. PERMITS, FEES AND INSPECTIONS

Sec. 3-16. Permits required.

A. It shall be a civil infraction for any person to erect, reinstall, alter, change the copy of, repair or relocate a sign within the city limits, or cause

A. *Animated and intensely lighted signs:*

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.

2. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

B. *Electronic message center:* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.

C. *Fixed balloon signs:*

1. Except as allowed as a temporary sign, as provided in this Article V.

2. Prohibition does not apply to manned hot air balloons.

D. *Flags or pennants:*

1. Flags, other than those of any nation, state or political subdivision, except as allowed as a temporary sign, as provided in this Article V.

2. Propellers, hula strips and pennants, except as allowed as a temporary sign, as provided in this Article V.

E. *Miscellaneous signs, posters and satellite disks:* The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of a building, barns or sheds, or on trees, poles, posts, fences or other structures, is prohibited. No signage of any type is permitted on satellite dishes or disks.

F. *Moving signs:*

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.

G. *Roof signs:* Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a canopy sign per Sec. 3-59, or a historic landmark sign (HLS) per Sec. 3-71.

H. *Sound, odor or visible matter:* Any advertising sign or device that emits audible sound, odor or visible matter.

I. *Vehicle signs:* Signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers or other motorized vehicles or equipment are prohibited, except as specifically provided in section 3-51.H.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

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Sec. 3-54. Signs creating traffic hazards.

No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators. No sign shall be located at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device. No sign may make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-55. Signs in public areas.

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public

thoroughfare, except as expressly authorized by this sign code.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-56. Awning signs.

A sign constructed of cloth, plastic or metal and permanently affixed to a structure intended to provide shade.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-57. Banners.

A piece of fabric permanently attached by one or more edges to a pole, rod or cord. Banners may be attached to a building, where permitted, or placed along a curb.

A. Not allowed for nonresidential or home occupation uses.

B. The area of curbside banners shall not be included in the calculation of total allowable sign area.

C. Removal: Faded or tattered banners must be replaced or removed at the direction of the sign code administrator.

D. Right-of-way: Banners may extend or project over a public right-of-way or public property only as provided in section 3-43B.

E. Copy limitation: Banners may include logos and pictographs but shall not contain any other lettered copy, except:

1. They may include festive or seasonal proclamations or may announce cultural or civic events that are open to the public. In such case, the banner may devote up to twenty-five (25) percent of the surface area to the name and/or logo of one public, private or commercial sponsor.

2. A banner meeting the criteria for festive or seasonal proclamations may be displayed for sixty (60) days or less and shall be removed within forty-eight (48) hours after the seasonal, cultural or civic event.

F. Maximum area: Twenty-five (25) square feet.

G. Minimum area: Six (6) square feet.

H. Maximum number: One (1) for every fifteen (15) feet of building length per street frontage. On buildings having more than one street frontage, the maximum allowable number of banners is not transferable from one street frontage to another.

I. Minimum distance from ground level to bottom of banner: Ten (10) feet.

J. Allowable height: May not extend above the facade or eave of the building or structure and shall not exceed forty (40) feet above grade.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-58. Billboards.

A. *Permitted locations:* On undeveloped property in the C-2, C-3, I-1, and I-2 zoned property and only within the general business district and the industrial district as set forth in section 3-77 and section 3-80 of Article VI of this sign code.

B. *Maximum area per face, including embellishments:*

1. Generally: Six (6) feet by twelve (12) feet.

2. Within two hundred fifty (250) feet of a freeway: Three hundred seventy-eight (378) square feet.

3. Limitations:

a. No more than two (2) faces per sign.

b. Vertical or horizontal stacking is not permitted.

C. *Maximum height:*

1. Generally: Sixteen (16) feet from grade to top of sign.

2. Within two hundred fifty (250) feet of freeway: Thirty-five (35) feet from freeway grade to top of sign.

4. Minimum setback from curb to leading edge of sign: See Table 1.

Table 1	
Distance from Curb to Leading Edge of Sign	Maximum Allowable Height
0'0"	0'0"
1'0"	0'6"
2'0"	1'0"
3'0"	1'6"
4'0"	2'0"
5'0"	2'6"
6'0"	3'0"
7'0"	3'6"
8'0"	4'0"
9'0"	4'6"
10'0"	5'0"
11'0"	5'6"
12'0"	6'0"
13'0"	6'6"
14'0"	7'0"
15'0"	7'6"
16'0" or more	8'0"

5. Minimum continuous base (clearance from grade to bottom of sign): Two (2) feet.

C. *Freestanding pole sign requirements:*

1. Maximum faces: Two (2) per sign.

2. Maximum area: Seventy-two (72) square feet per face.

3. Maximum height: Twelve (12) feet.

4. Minimum setback: Thirty (30) feet from curb to leading edge of sign.

5. Pole cover: The sign structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, iron, cables, internal back framing, bracing, etc.). Minimum requirement is eighteen (18) inches by six (6) inches. The pole cover or architectural embellishment shall require a plan check for construction specifications in accordance with applicable technical codes.

6. When allowed: Allowed only when there is a minimum of two hundred twenty-five (225) feet of street frontage, or one hundred twenty-five (125) feet of street frontage and four (4) or more business addresses.

7. Maximum number: Only one (1) freestanding pole sign allowed per street frontage per premises.

8. Allowed only in the general business district; industrial district; medical-business-industrial park district; park district and planned area development district.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-62. Freeway sign.

A. Permitted only in the general business district, the industrial district, and those portions of the planned area development (PAD) district where the permitted uses for such property are consistent with uses permitted in the general business district or the industrial district.

B. *Permitted locations:* Must be within two hundred fifty (250) feet of a freeway right-of-way.

C. *Maximum area:* Three hundred sixty (360) square feet.

D. *Maximum height:* Forty-eight (48) feet from freeway grade to top of sign.

E. *Minimum clearance:* Fourteen (14) feet from grade to bottom of sign.

F. *Maximum number:* Within the PAD district, one (1) per one thousand nine hundred eighty (1,980)

linear feet of freeway frontage measured along the freeway center line, not transferable from one (1) freeway frontage to another. Within the general business district and the industrial district, one (1) per premises.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13; Ord. No. 11175, § 1, 6-3-14, eff. 7-4-14)

Sec. 3-63. Menu boards.

A. *Maximum area:* Forty-eight (48) square feet.

B. *Maximum height:* Seven (7) feet.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-64. Parking signs.

A. *Sign types:* A parking sign may be a wall or freestanding sign.

B. *Permitted locations:* Parking signs are permitted wherever the sign type of which it is a part is permitted.

C. *Sign size:* Parking signs are governed by the same requirements as the sign type of which it is a part.

D. *Parking symbol:* Parking signs must include the standard parking identification symbols:

1. The parking identification symbol must include the letter "P" in 18- to 32-inch tall lettering on a solid-colored background.

2. The letter "P" and the solid background must be enclosed within a one- to two-inch wide rectangular border.

F. The height of any additional lettering shall not exceed fifty (50) percent of the height of the letter "P."
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 3, 5-29-13)

Sec. 3-65. Portable (A-frame) signs.

A. An A-frame or portable sign is an on-site square in shape non-illuminated sign temporarily authorized for one (1) year used to advertise the location, goods or services offered on the premises. The portable or A-frame sign must be made of a durable, rigid material such as, but not limited to, wood, plastic or metal.

B. A-Frames or portable signs are prohibited from any form of illumination, animation, movement and miscellaneous attachments including, but not limited to, balloons, ribbons, speakers etc.

C. A-frame or portable signs are not permitted in the public right-of-way except where a temporary revocable easement has been granted for their placement.

D. *Maximum height and width:* The A-frame or portable sign when placed in an open position must not exceed a height of thirty (30) inches from ground level to the top of the sign and be no more than thirty (30) inches wide.

E. *Maximum number:* One (1) per business. Does not count against maximum allowed sign area. The A-frame or portable sign must be removed from the street at the close of business.

F. *Districts:* A-frames and portable signs are regulated by district: they are permitted in the general business district, industrial business district, planned area development district, pedestrian business district and historic district subject to subsection 3-65(G) below. Subject to the other restrictions under this section, A-frames or portable signs are allowed in all districts to advertise those businesses immediately adjacent to and affected by road or water construction pursuant to section 3-51(F).

G. *Historic district:* An A-frame or portable sign may be permitted in a historic district after review and approval by the development services director, the applicable historic district advisory board and the Tucson Pima County Historical Commission.

H. *Decal required:* A decal issued by the city for placement of any A-frame or portable sign shall be displayed on the upper right hand corner of each visible advertising face. An A-frame or portable sign authorized to be located in the city's public right-of-way shall display a decal of a different color than signs not authorized to be in the public right-of-way.

I. *Permission required:* The permission of the property owner for use of the sign is also required.

J. *Sign maintenance:* The A-frame or portable sign shall be properly maintained as required in Article VII.

K. *Application process:* By signing and submitting the application the applicant verifies the following:

b. Legislative: The planning and development services director will prepare a written recommendation to approve or deny the treatment Plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the mayor and council for a public hearing and decision at the earliest practical date. In granting approval, the mayor and council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.

H. *Review of permits for HLS.* All permits for the installation, repair/restoration, adaptive reuse, relocation, or replication of HLS shall be consistent with an approved HLS treatment plan.

I. *Maintenance.* All maintenance activities relating to HLS shall be consistent with an approved HLS treatment plan.

J. *Demolition.* Demolition of HLS shall be consistent with an approved treatment plan for relocation or subject to a maximum thirty (30) day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities.
(Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

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ARTICLE VI. SIGNS BY DISTRICT

Sec. 3-72. Sign districts.

The regulations in this Article VI establish the number, size, type, location, and other provisions relating to signs as permitted in the various sign districts of the city. No sign shall be allowed unless expressly permitted within a particular district by this Article VI or otherwise permitted or exempt under this sign code. In case of a conflict between the regulations in this article and the regulations in other articles of this sign code, the more restrictive regulation shall apply. The application and interpretation of sign districts shall be in conformance with section 3-4.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 4, 5-29-13)

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 3-73. Single family residential district.

A. *Location:* The single family residential district includes all property in the rural residential zones, the RX-1, RX-2, R-1 and MH-1 zones, Tucson Land Use Code (LUC) Article II, Division 2 and LUC Sec. 2.3.2, 2.3.3, 2.3.4 and 2.3.8. The single family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a single family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. Nonresidential uses: Twenty (20) square feet of total sign area per street frontage. On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.

2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs: For nonresidential and home occupation uses only.

3. Banners, curbside only. Allowed for residential uses only. Not allowed for nonresidential or home occupation uses.

4. Freestanding signs.

   a. Nonresidential and home occupation uses.

   b. Monument and low profile only.

   c. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

5. Real estate signs. Not permitted for home occupation uses.

6. Temporary signs.

   a. Allowed uses: Residential and nonresidential uses only. Not allowed for home occupation uses.

   b. Maximum area: Six (6) square feet.

7. Wall signs. Nonresidential and home occupation uses only. Not allowed for residential uses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-74. Multiple family residential district.

A. *Location:* The multiple family residential district includes all property in the R-2, R-3 and MH-2 residential zones, Tucson Land Use Code Sec. 2.3.5, 2.3.6 and 2.3.8. The multiple family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a multiple family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. Residential and nonresidential uses: Fifty (50) square feet.

2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, curbside only, for nonresidential uses only.

4. Freestanding signs, monument and low profile only.

   a. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

   b. Low profile type sign. Maximum area: Fifty (50) square feet.

5. Real estate signs. Not permitted for home occupation uses.

6. Temporary signs.

   a. Not permitted for home occupation uses.

   b. Maximum area: Six (6) square feet.

7. Traffic directional signs. Not permitted for home occupation uses.

8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-75. Park district.

The park district is property containing public parks that are either neighborhood parks, district parks or regional parks.

A. *Permitted signs.*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs.

   a. Regional parks, consisting of a public park or parks of at least fifteen (15) acres and serving a region of or the entire city.

      (1) Two (2) per arterial street.

      (2) Maximum height: Fourteen (14) feet.

      (3) Clearance: Zero.

   b. District parks, consisting of a public park or parks of at least fifteen (15) acres but not more than one hundred (100) acres and serving several neighborhoods.

      (1) Two (2) per entrance.

      (2) Maximum height: Ten (10) feet.

      (3) Clearance: Zero.

   c. Neighborhood parks, consisting of a public park or parks of less than fifteen (15) acres and serving the nearby pedestrian population.

      (1) One (1) per entrance.

      (2) Maximum height: Eight (8) feet.

      (3) Clearance: Zero.

5. Special event signs. Allowed only in a regional park.

   a. One (1) per arterial.

   b. Maximum area is ten (10) feet by ten (10) feet.

   c. Maximum height: Seventeen (17) feet.

   d. Clearance: Seven (7) feet.

   e. Erection: No more than 120 days prior to the event.

   f. Removal: Immediately upon termination of the event.

6. Temporary signs.

7. Traffic directional signs.

8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

DIVISION 2. NONRESIDENTIAL DISTRICTS

Sec. 3-76. O-1 zone district.

A. *Location:* The O-1 district is property zoned O-1 office zone under Sec. 2.4.1 of the Land Use Code. The O-1 district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Twenty (20) square feet per site.

C. *Illumination and color:* Signs on arterial and collector streets shall be illuminated only by low pressure sodium lighting and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m. Signs located on a local street frontage shall not be illuminated. Color schemes for all sign components, including copy, shall be compatible with surrounding residential areas.

D. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Freestanding signs, low profile type only.

   a. Maximum number: One (1) per site.

   b. Location: On arterial or collector streets only.

   c. Maximum faces: Two (2) per sign, back to back configuration only.

   d. Maximum area: Twelve (12) square feet per face.

   e. Maximum height: Four (4) feet from grade.

   f. Minimum setback: Twelve (12) feet from curb to leading edge of sign.

   g. Freestanding signs which include or consist of a three-dimensional representation of a figure or object are prohibited.

3. Home occupation signs. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.

4. Real estate signs.

5. Temporary signs. Maximum area six (6) square feet.

6. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-77. General business district.

A. *Location:* The general business district includes property in the O-2, O-3, P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2, MU and U zones as designated on the City of Tucson Zoning Maps. The General Business District does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, the O-1 district or the planned area development (PAD) district.

B. *Maximum on-site total sign area:*

1. Generally: Three (3) square feet per foot of street frontage.

2. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Billboards.

5. Freestanding signs, all types.

   a. Stand-alone premises:

      (1) One (1) freestanding sign for each street frontage.

      (2) One (1) additional freestanding sign on that street frontage for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet.

(3) For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.

(4) A "stand-alone premises" for the purposes of this subsection is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A stand-alone premises must meet the on-site parking requirements under the Tucson Land Use Code without sharing parking with another premises and must provide its own ingress from and egress to the public right-of-way.

b. Strip development:

(1) One freestanding sign per major arterial or collector street to identify the name of the strip development shopping center or for use as an occupant directory. In addition, one freestanding sign will be permitted for each self-contained premises, not to exceed thirty-two (32) square feet in area.

(2) For the purpose of this subsection, a "self-contained premises" is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A self-contained premises must meet the onsite parking requirements under the Tucson Land Use Code without sharing parking with another premises.

(3) For the purpose of this subsection, a "strip development" is a development or group of buildings that meets the definition of "premises" found at section 3-34, but shall not include any area treated as a "stand-alone premises" for purposes of this section.

(4) Malls: One freestanding sign per major arterial or collector street to identify the name of the mall. One freestanding sign not to exceed twenty (20) square feet will be permitted for each detached building included on the same development plan. A "mall" is a shopping center anchored by two (2) or more major department stores with various specialty stores totaling five hundred thousand (500,000) square feet or more of gross building area.

6. Freeway signs.

7. Menu boards.

8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

9. Real estate signs.

10. Temporary signs.

11. Traffic directional signs.

12. Wall signs.

a. Maximum size:

(1) Generally: No more than thirty (30) percent of the area of each wall may be utilized for wall signs.

(2) A wall sign within two hundred fifty (250) feet of a freeway shall be no more than forty (40) percent of the area of each wall.

13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

14. Canopy signs.

D. *Design review:* Within effectuated Urban Overlay Districts (UOD) mapped per the Unified Development Code (i.e. with "U" zoning), any single sign 50 square feet in area or larger, or any site where the total sign area exceeds 50 square feet, shall be reviewed under the design review procedure established by the specific UOD.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11164, § 1, 5-6-14; Ord. No. 11166, § 1, 5-6-14)

Editor's note – Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-78. Planned area development (PAD) district.

A. *Location:* The boundaries of a planned area development (PAD) district are coextensive with each approved PAD, a comprehensively planned development approved by ordinance by mayor and council. The development may combine commercial, administrative, professional, residential, business and other compatible land uses to create an internally oriented, high intensity, mixed use activity center.

B. *PAD compliance:* Sign plans proposed in planned area developments and redevelopment plan areas will be reviewed for consistency with qualitative plan objectives and approved by the city planning director prior to issuance of a sign permit.

C. *Maximum on-site sign area:* Three (3) square feet per foot of street frontage.

D. *Developments with more than one street frontage:* The maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another, except as provided in subsection E.9, below.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Directory signs: One (1) per five (5) acres of complex with one additional directory sign per each additional five (5) acres of complex.

5. Freestanding signs, all types. Maximum number: One (1) per building or cluster of buildings (when located on the same lot) per street frontage to be located at the building's street frontage. The allowance for freestanding signs is not transferable either in whole or in part between street frontages, buildings, or lots within the district.

6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Real estate signs, all types.

   a. Real estate project identity entrance sign, general requirements:

      (1) If integrated with landscaping:

         (a) Maximum number: Two (2).

         (b) Maximum faces: One (1) per sign.

         (c) Maximum size: One hundred (100) square feet per sign.

      (2) If not integrated with landscaping:

         (a) Maximum number: One (1).

         (b) Maximum faces: Two (2) per sign.

(c) Maximum size: One hundred (100) square feet per face.

(d) Maximum height: Ten (10) feet measured from the average top of curb of adjacent streets.

8. Temporary signs.

9. Traffic directional signs.

10. Wall signs:

a. Maximum size: No more than thirty (30) percent of the area of each wall.

b. Any portion of wall sign allowance for a building may be transferred from one street frontage to another for wall sign usage on that specific building.

c. The allowance for wall signs is not transferable between buildings or lots within the district.

d. The total square feet of wall sign area for a building may be allocated by the building owner among the occupants/ tenants of a building.

e. Sign placement:

(1) Tenant identification signage shall be placed only on a sign band as delineated in building elevation drawings approved with the related development plan.

(2) The sign band shall not be located more than three (3) stories above the average finished grade at the building line, except that building and/or tenant signage may be placed within discernible parapets.

11. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

12. Canopy signs.

13. Freeway signs to the extent permitted under section 3-62.

14. Menu boards.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14; Ord. No. 11175, § 2, 6-3-14, eff. 7-4-14)

Editor's note – Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-79. Medical-business-industrial park district.

A. *Location:* The medical-business-industrial park district is property within a planned medical, business, or industrial complex of two (2) or more acres and consisting of multiple buildings and tenants that share parking, private streets and signage.

B. *Maximum total sign area:* Two (2) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Directory signs: One (1) per two (2) acres of development.

5. Freestanding signs, all types.

a. One (1) per street frontage.

b. One freestanding sign per building to be located at the building's parking entrance.

c. The allowance for freestanding signs is not transferable either in whole or in part from one street frontage to another or one building to another.

6. Real estate signs, all types.

7. Temporary signs.

8. Traffic directional signs.

9. Wall signs. Maximum size: Eight (8) square feet.

10. Canopy signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-80. Industrial district.

A. *Location:* The industrial district includes property in the industrial zones, Tucson Land Use Code Sec. 2.7.1, 2.7.2 and 2.7.3. The industrial district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Billboards.

5. Freestanding signs, all types. One (1) per street frontage; except, where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of said parcel.

6. Freeway signs.

7. Menu boards.

8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

9. Real estate signs.

10. Temporary signs.

11. Traffic directional signs.

12. Wall signs. Maximum size: no more than forty (40) percent of the area of each wall.

13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

14. Canopy signs.

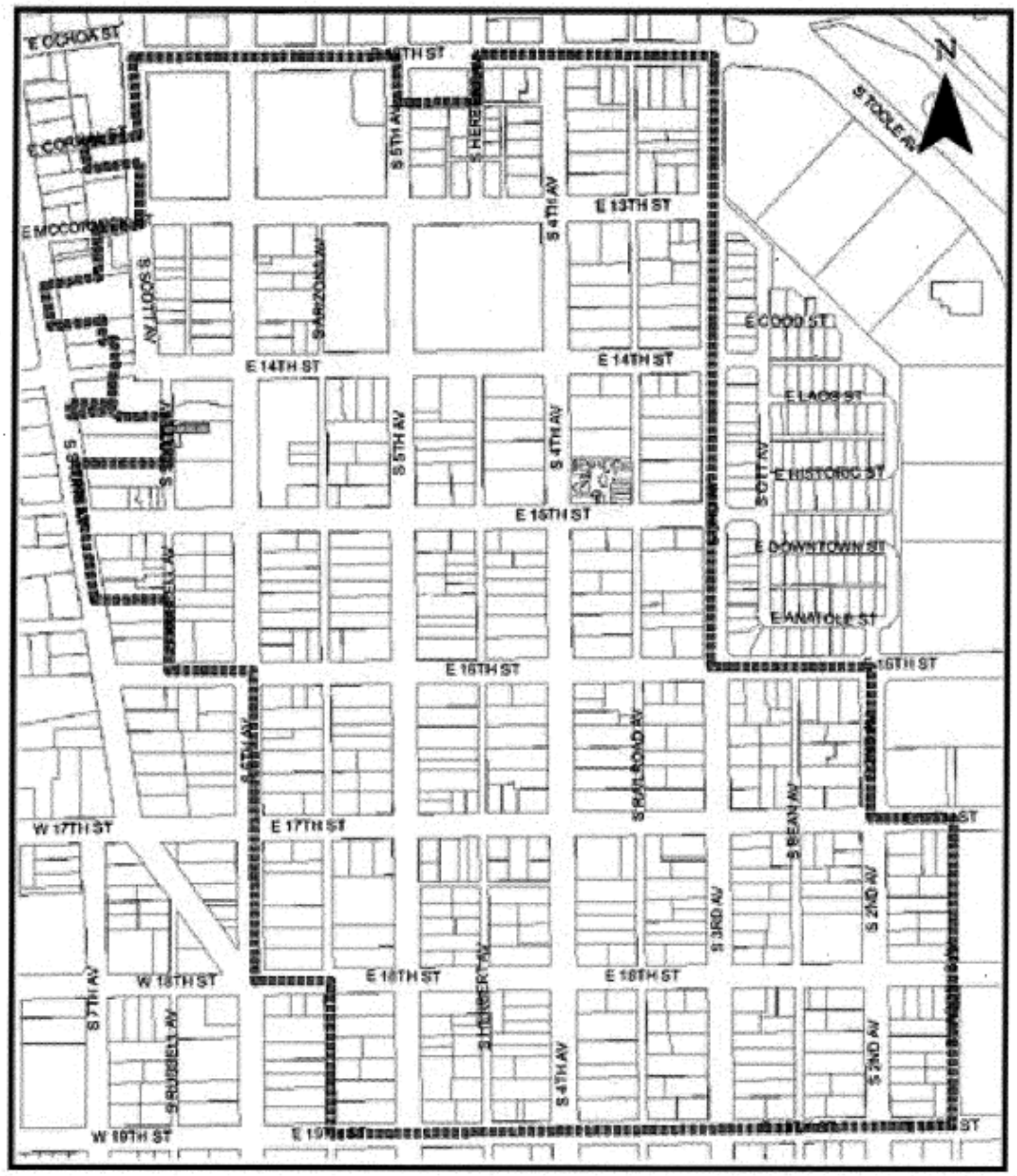
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

Editor's note – Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

DIVISION 3. SPECIAL DISTRICTS

Sec. 3-81. Historic district.

A. *Location:* Historic districts include property established as historic preservation zones pursuant to Sec. 2.8.8 of the Land Use Code and designated with the preface "H" which is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. For purposes of this sign code, historic districts are treated as specific mapped districts and are not treated as overlay zones. The established city historic districts are as follows:



Amory Park Historic District

B. *Intent:* Signs in the pedestrian business district should provide clear and understandable identification for buildings, businesses and parking. Signs on historic buildings should be carefully designed and located to respect the visual integrity of the historic architecture, including building scale, proportions, surface texture and decorative ornamentation.

C. *Maximum total sign area:* Three (3) square feet per foot of street frontage.

D. *Permitted signs.*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs, low profile and monument type only.

   a. Maximum number: One (1) per building per street frontage where a building facade is set back at least ten (10) feet from a public right-of-way, or one (1) per street frontage for a surface parking lot where parking is the primary use of the property.

   b. Maximum area: Twenty (20) square feet per sign.

   c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.

   d. Maximum height: Twelve (12) feet above grade.

5. Parking signs.

6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Projecting signs.

   a. Allowed for commercial uses only.

   b. Maximum area: Twenty (20) square feet.

   c. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.

   d. Minimum clearance: Eight (8) feet between grade and bottom of sign.

   e. Maximum projection from building: Five (5) feet.

8. Real estate signs, all types.

9. Temporary signs.

10. Traffic directional signs.

11. Wall signs. Maximum size: Thirty (30) percent of the area of each wall.

12. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

13. Canopy signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 7, 5-29-13; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

Editor's note – Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-83. Scenic corridor zone (SCZ) district.

A. *Location:* The scenic corridor zone (SCZ) district includes any portion of property or parcels within four hundred (400) feet, measured in any direction, of the future right-of-way lines of a scenic route, as designated on the Major Streets and Routes (MS&R) Plan map. If any portion of a development is within the SCZ district, the entire development will be treated, for sign purposes only, as though it were entirely within the SCZ district.

B. *Maximum total attached sign area:*

1. For commercial or industrial uses: one and one-fourth (1.25) square feet per foot of building frontage with a minimum allowance of not less than twenty-five (25) square feet and a maximum of two hundred fifty (250) square feet per tenant. Signs must be oriented toward a scenic route, arterial street, collector street, or the interior of the premises.

2. For multifamily complexes: Twenty (20) square feet per street frontage.

C. *Land Use Code compliance:* All signs in this District shall comply with applicable provisions of the Land Use Code and must be approved through the applicable review process.

D. *Colors:* All signs shall use colors that are predominant within the surrounding landscape, such as desert and earth tones, as required in the scenic corridor zone provisions of the Land Use Code.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Freestanding signs, monument and low profile only.

   a. Maximum number per premises:

      (1) Scenic route: One (1) for the first four hundred fifty (450) feet of scenic route street frontage with one (1) additional sign for every four hundred (400) feet of additional scenic route street frontage.

      (2) Arterial street: One (1) for the first four hundred fifty (450) feet of arterial street frontage with one (1) additional sign for every two hundred fifty (250) feet of additional arterial street frontage.

      (3) Collector Street: One (1) for the first four hundred fifty (450) feet of collector street frontage within the premises, with one (1) additional sign for every two hundred fifty (250) feet of additional collector street frontage.

   b. Maximum area:

      (1) Multifamily residential uses: Twenty (20) square feet per street frontage.

      (2) Commercial or industrial uses: Thirty-five (35) square feet per sign if located within the SCZ buffer, fifty (50) square feet per sign if located outside the SCZ buffer.

   c. Maximum height: Ten (10) feet.

   d. Location:

      (1) Scenic route: Maximum height signs shall be located no less than seven and one-half (7.5) feet behind the leading edge of the SCZ buffer and within fifty (50) feet of the right-of-way line. Signs may be located one (1) foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.

      (2) All other streets: Within twenty (20) feet of the right-of-way line and at least one hundred fifty (150) feet from the centerline of the scenic route.

   e. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

   f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters and/or symbols only, or individual letters and/or symbols may be halo illuminated.

6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.

7. No part of the relocated sign and/or structure may occupy or overhang public right-of-way.

8. The sign may be relocated, subject to the following:

   a. If the sign is ten (10) feet tall or less, the sign shall be at least twenty (20) feet behind the existing or future curb whichever is greater.

   b. If the sign is greater than ten (10) feet tall, the sign shall be at least thirty (30) feet behind the existing or future curb whichever is greater.

9. The sign has not been declared abandoned, illegal or prohibited.

10. Any nonconforming sign that is relocated, altered, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 5, 6-28-11; Ord. No. 10954, § 1, 1-10-12, eff. 7-10-12; Ord. No. 11131, § 1, 12-2-13; Ord. No. 11166, § 1, 5-6-14)

Editor's note – Section 3 of Ord. No. 10954 provides: "The provisions of the Tucson Code, Chapter 3, Article VIII, Section 3-96(D) shall end and be of no effect on July 10, 2013."

Ord. No. 11166 provides that the provisions of Ord. No. 10903 shall cease to be effective on May 29, 2017, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-97. Change of use.

A. Any nonconforming sign may continue to be utilized as long as the occupancy of the use within the structure remains the same. When a use changes from one occupancy category to another, all signs shall be brought into conformance with the provisions of this chapter.

B. Any occupancy not mentioned specifically or about which there is any question shall be classified by the sign code administrator and included in the group which its use most nearly resembles.

C. Occupancy categories:

1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.

2. Educational uses such as nurseries, child-care and other educational purposes.

3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.

4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.

5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.

6. Wholesale uses.

Sec. 6-83. Same – General duties.

The duties of the electrical inspection supervisor shall be to inspect the installation of, and approve or condemn, all electrical wiring, fixtures, apparatus, appliances, devices or equipment; enforce any and all regulations, control types and classes of material and method, manner and workmanship for the installation of wiring apparatus and other electrical equipment; approve or disapprove the use of electrical materials or devices; inspect public and private premises for electrical wiring, fixtures or other electrical apparatus; give notice of defects in wiring, fixtures, appliances or equipment; receive applications for issuing permits for electrical installations and repairs; examine and approve plans and specifications for proposed electrical installations or alterations, and confer and advise on necessary changes; certify to compliance with plans and specifications on electrical work; make such reports as shall be required from time to time and make any recommendations to the building safety administrator which he may deem practical in connection with this article or its enforcement.
(Ord. No. 5442, § 2, 9-28-81)

Sec. 6-84. Electrical code adopted.

The document entitled "2011 National Electrical Code" with local amendments, a copy of which amendments are attached as Exhibit "E" to Ordinance No. 11042 are hereby adopted.
(Ord. No. 5442, § 2, 9-28-81; Ord. No. 6106, § 1, 10-15-84; Ord. No. 6787, § 1, 9-14-87; Ord. No. 7504, § 1, 9-24-90; Ord. No. 8043, § 1, 5-10-93; Ord. No. 8750, § 1, 8-5-96; Ord. No. 9287, § 1, 9-27-99; Ord. No. 9812, § 1, 2-10-03; Ord. No. 10417, § 5, 6-12-07; Ord. No. 11042, § 5, 12-18-12, eff. 1-2-13)

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

Sec. 6-85. Clerk to keep copies of electrical code.

Three (3) copies of the electrical code adopted in section 6-84 shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.
(Ord. No. 5442, § 2, 9-28-81)

Sec. 6-86. Amendments to the electrical code.

The electrical code adopted in section 6-84 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the electrical code shall be kept available for public use and inspection during regular office hours.
(Ord. No. 5442, § 2, 9-28-81)

Sec. 6-87. Reserved.

Editor's note – Section 6-87, declaring violation of this article unlawful, derived from Ord. No. 5442, § 2, adopted September 28, 1981, was repealed by § 1 of Ord. No. 5717, adopted February 28, 1983. Penalty for violation of this ch. 6 is now given in § 6.5.

Secs. 6-88 – 6-100. Reserved.

DIVISION 2. OUTDOOR LIGHTING CODE*

Sec. 6-101. Outdoor lighting code adopted.

The document entitled "City of Tucson/Pima County Outdoor Lighting Code", a copy of which is attached to Ordinance No. 10963 as Exhibit A is adopted as the Outdoor Lighting Code for the City of Tucson, except for those provisions which are designed for use by Pima County.
(Ord. No. 6344, § 2, 12-2-85; Ord. No. 6786, § 1, 9-14-87; Ord. No. 8210, § 1, 3-21-94; Ord. No. 10135, § 2, 3-22-05; Ord. No. 10963, § 2, 2-7-12)

Sec. 6-102. Clerk to keep copies of outdoor lighting code.

Three (3) copies of the outdoor lighting code adopted in section 6-101 shall be filed in the office of the county clerk and are made public records and shall be available for public use and inspection during regular office hours.
(Ord. No. 6344, § 2, 12-2-85)

***Editor's note –** Section 1 of Ord. No. 6344, adopted December 2, 1985, repealed div. 1, §§ 6-101 – 6-120, derived from § 3 of Ord. No. 5338, adopted April 6, 1981, entitled "Light Pollution Code." Section 2 of Ord. No. 6344 added a new div. 2, entitled "Outdoor lighting code," §§ 6-101 – 6-120. Section 4 adopts "The Tucson/Pima County Outdoor Lighting Code," exhibit A to the ordinance, by reference. The complete text is not set out.

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

Sec. 6-103. Amendments to outdoor lighting code.

The outdoor lighting code adopted in section 6-101 may be amended from time to time by the mayor and council. Three (3) copies of current ordinances amending the outdoor lighting code shall be kept on file by the city clerk as public records and shall be available for public use and inspection during regular office hours.
(Ord. No. 6344, § 2, 12-2-85)

Sec. 6-104. Penalty.

It shall be a civil infraction for any person, firm or corporation to violate any of the provisions of the Outdoor Lighting Code adopted in section 6-101. Each and every day during which any violation continues shall constitute a separate offense. When a violation of this Code is determined, the following penalty shall be imposed:

(1) A fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00) per violation. The imposition of a fine under this Code shall not be suspended.

(2) Any other order deemed necessary in the discretion of the judge, including correction or abatement of the violation.

(Ord. No. 10135, § 3, 3-22-05)

Secs. 6-105 – 6-120. Reserved.

ARTICLE V. PLUMBING CODE*

*__Editor's note –__ Ord. No. 5331, § 1, adopted May 11, 1981, repealed art. V, §§ 6-123 – 6-150; and § 2 enacted a new art. V, §§ 6-121 – 6-126. Formerly, art. V was derived from the 1953 Code, ch. 9, §§ 52, 53, 55 – 59, 61 – 65, 67 – 70, and the following ordinances:

Ord. No.	Date	Section
2127	3-20-60	1, 2
2356	10-15-62	1
2770	5-10-65	1, 2
3609	2-16-71	1, 2
3634	4-12-71	1
4253	10-14-74	1
4830	6-12-78	2, 3, 5
4836	6-26-78	4

Sec. 6-121. Office of plumbing inspector established.

The office of plumbing inspector is established. The plumbing inspector shall be responsible to, and under authority of, the building safety administrator.
(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-122. Qualifications of inspectors.

No person shall be appointed a plumbing inspector for the city who shall not have had a minimum of five (5) years' practical experience. He shall also possess the required minimum qualifications for such a position, as expressed in the position classification plan of the city, as promulgated by the personnel department of the city. He shall be familiar with the codes and ordinances of the city relating to plumbing piping, fixtures and appliances.
(Ord. No. 5331, § 2, 5-11-81; Ord. No. 5775, § 2, 5-23-83)

Sec. 6-123. General duties of inspectors.

The duties of each plumbing inspector are to inspect all plumbing construction work, plumbing installations, and renewals thereof in the city; to enforce rules and regulations concerning plumbing installations of all kinds; and to perform related duties as required by this article and the code adopted herein. The plumbing inspector under the code or this article shall perform the following duties: Inspect the installation of and approve or condemn all plumbing piping, fixtures, apparatus, appliances, devices, equipment and drainage work, for any and all purposes within the jurisdiction of the city; enforce rules and regulations, control types and classes of material and the method, manner and workmanship for the installation of plumbing equipment; approve or disapprove the use of plumbing materials or devices; inspect public and private premises for plumbing fixtures, or other apparatus; give notice of defects in plumbing fixtures, appliances or equipment; receive applications for issuing permits for plumbing installations and repairs; collect and account for fees; examine and approve plans and specifications for

__Cross references –__ Housing regulations, ch. 16; sewage and sewage disposal, ch. 24; water, ch. 27; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of plumbing code, § 28-4(1).

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

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

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

Secs. 10-23 – 10-30. Reserved.

ARTICLE II. COMPENSATION PLAN*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan.
(Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

Sec. 10-31(8). Payment for uniform maintenance. Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance consistent with labor agreements and administrative directives.

(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

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

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

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

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

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

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

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

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

Section 10-31 has been amended by the following ordinances:
Ord. No. 2754, § 3, 4-5-65
Ord. No. 2845, § 4, 2-7-66
Ord. No. 2874, § 1, 5-16-66
Ord. No. 2908, §§ 1, 2, 8-1-66
Ord. No. 2930, §§ 1, 2, 10-24-66
Ord. No. 2940, § 3, 11-28-66
Ord. No. 2973, § 1, 2-6-67
Ord. No. 2974, § 1, 2-6-67
Ord. No. 2986, § 2, 3-20-67
Ord. No. 3009, §§ 1, 2, 6-5-67

Ord. No. 3061, § 1, 12-4-67
Ord. No. 3079, § 1, 1-15-68
Ord. No. 3123, § 1, 5-20-68
Ord. No. 3126, § 2, 5-27-68
Ord. No. 3127, § 1, 6-3-68
Ord. No. 3137, § 1, 7-1-68
Ord. No. 3163, §§ 1, 2, 9-9-68
Ord. No. 3179, § 1, 11-12-68
Ord. No. 3199, § 1, 12-2-68
Ord. No. 3208, § 1, 1-13-69
Ord. No. 3209, §§ 1, 2, 1-13-69
Ord. No. 3214, § 1, 2-3-69
Ord. No. 3215, §§ 1, 2, 2-24-69
Ord. No. 3251, §§ 1, 2, 5-5-69
Ord. No. 3266, § 1, 6-2-69
Ord. No. 3279, § 1, 6-23-69
Ord. No. 3298, § 1, 7-21-69
Ord. No. 3344, § 2, 10-16-69
Ord. No. 3405, § 1, 2-2-70
Ord. No. 3428, § 1, 3-23-70
Ord. No. 3429, § 1, 3-23-70
Ord. No. 3444, § 1, 5-18-70
Ord. No. 3512, § 1, 8-31-70
Ord. No. 3534, § 1, 10-12-70
Ord. No. 3581, § 1, 1-4-71
Ord. No. 3582, § 1, 1-4-71
Ord. No. 3635, §§ 1, 2, 5-12-71
Ord. No. 3648, §§ 1 – 4, 5-10-71
Ord. No. 3710, §§ 1, 2, 9-7-71
Ord. No. 3768, § 1, 12-20-71
Ord. No. 3838, §§ 1 – 4, 5-1-72
Ord. No. 3863, §§ 1 – 4, 6-12-73
Ord. No. 3914, §§ 1, 2, 9-5-72
Ord. No. 3968, § 1, 1-22-73
Ord. No. 4014, § 1, 4-23-73
Ord. No. 4025, § 1, 5-21-73
Ord. No. 4027, § 1, 5-29-73
Ord. No. 4038, § 2, 6-25-73
Ord. No. 4065, § 1, 7-16-73
Ord. No. 4075, § 1, 8-6-73
Ord. No. 4105, § 1, 11-5-73
Ord. No. 4119, § 2, 12-11-73
Ord. No. 4142, § 1, 2-25-74
Ord. No. 4182, § 1, 5-28-74
Ord. No. 4194, § 1, 6-3-74
Ord. No. 4198, § 2, 6-17-74
Ord. No. 4203, § 2, 7-1-74
Ord. No. 4218, § 1, 7-22-74
Ord. No. 4239, § 1, 9-9-74
Ord. No. 4241, § 1, 9-9-74
Ord. No. 4306, § 1, 1-13-75
Ord. No. 4371, § 1, 6-30-75
Ord. No. 4381, § 1, 8-4-75
Ord. No. 4425, § 2, 12-30-75
Ord. No. 4445, § 1, 2-17-76
Ord. No. 4523, § 2, 6-21-76
Ord. No. 4528, § 1, 6-28-76
Ord. No. 4643, § 1, 5-23-77
Ord. No. 4682, § 2, 7-5-77
Ord. No. 4735, § 2, 12-19-77
Ord. No. 4849, §§ 2, 3, 7-3-78
Ord. No. 4859, § 1, 8-7-78
Ord. No. 4872, § 1, 9-5-78
Ord. No. 4896, § 1, 10-23-78
Ord. No. 4905, §§ 1, 2, 11-13-78
Ord. No. 4939, §§ 1, 2, 2-12-79
Ord. No. 4984, § 2, 6-4-79
Ord. No. 5007, §§ 1, 2, 7-2-79
Ord. No. 5032, § 1, 9-4-79
Ord. No. 5061, §§ 1, 2, 11-13-79
Ord. No. 5085, § 1, 1-7-79
Ord. No. 5146, §§ 1, 2, 5-5-80
Ord. No. 5164, § 2, 5-27-80
Ord. No. 5199, § 1, 8-4-80
Ord. No. 5305, §§ 1, 2, 2-9-81
Ord. No. 5365, § 1, 6-8-81
Ord. No. 5399, §§ 2, 3, 7, 6-29-81
Ord. No. 5413, § 1, 8-3-81
Ord. No. 5599, §§ 1, 3 – 5, 9, 6-28-82
Ord. No. 5624, § 1, 8-3-82
Ord. No. 5677, § 1, 11-8-82
Ord. No. 5798, §§ 1, 3, 8, 7-5-83
Ord. No. 5832, § 1, 8-1-83
Ord. No. 5850, §§ 1 – 3, 9-6-83
Ord. No. 5901, § 1, 11-21-83
Ord. No. 5903, § 1, 11-21-83
Ord. No. 5951, § 1, 2-13-84
Ord. No. 6007, § 1, 4-30-84
Ord. No. 6040, §§ 1, 3, 8, 6-25-84
Ord. No. 6071, § 1, 8-6-84
Ord. No. 6114, §§ 1 – 3, 11-5-84
Ord. No. 6169, § 1, 2-11-85
Ord. No. 6264, §§ 1, 3, 8, 6-24-85
Ord. No. 6302, §§ 1, 2, 9-3-85
Ord. No. 6329, § 1, 11-18-85
Ord. No. 6332, § 1, 11-25-85
Ord. No. 6338, § 1, 11-25-85
Ord. No. 6452, § 1, 3, 6-16-86
Ord. No. 6506, § 1, 9-2-86
Ord. No. 6613, § 1, 1-12-87
Ord. No. 6643, § 1, 3-16-87
Ord. No. 6735, §§ 1, 5, 10, 7-6-87
Ord. No. 6772, §§ 1, 2, 9-14-87
Ord. No. 6840, § 1, 11-16-87
Ord. No. 6913, § 1, 3-28-88
Ord. No. 6921, § 1, 4-4-88
Ord. No. 6945, § 1, 5-9-88
Ord. No. 6960, §§ 1, 2, 6-6-88
Ord. No. 7004, §§ 1, 4, 9 – 11, 14, 7-5-88
Ord. No. 7024, § 1, 9-6-88
Ord. No. 7097, § 1, 11-28-88
Ord. No. 7151, §§ 1, 2, 3-6-89
Ord. No. 7196, §§ 1, 2, 5-15-89
Ord. No. 7243, §§ 7, 9, 12, 7-3-89
Ord. No. 7275, §§ 1 – 3, 9-11-89
Ord. No. 7312, §§ 1, 2, 11-13-89
Ord. No. 7350 § 1, 2-5-90
Ord. No. 7383, § 2, 3-19-90
Ord. No. 7439, § 1, 6-25-90
Ord. No. 7466, § 1, 8-6-90
Ord. No. 7497, § 1, 9-17-90
Ord. No. 7518, § 1, 11-19-90
Ord. No. 7549, § 1, 1-14-91
Ord. No. 7566, § 1, 2-25-91

Ord. No. 7599, §§ 1, 2, 4-1-91
Ord. No. 7605, §§ 1, 2, 4-15-91
Ord. No. 7653, §§ 1, 2, 6-24-91
Ord. No. 7691, §§ 1, 2, 9-16-91
Ord. No. 7780, §§ 1, 2, 3-16-92
Ord. No. 7906, § 1, 9-14-92
Ord. No. 7917, §§ 1, 2, 10-5-92
Ord. No. 7970, § 1, 1-4-93
Ord. No. 8022, § 1, 4-12-93
Ord. No. 8067, §§ 1, 2, 6-21-93
Ord. No. 8090, § 1, 7-6-93
Ord. No. 8092, § 1, 8-2-93
Ord. No. 8149, § 1, 11-1-93
Ord. No. 8166, § 1, 11-22-93
Ord. No. 8206, § 1, 2-7-94
Ord. No. 8316, § 1, 7-5-94
Ord. No. 8367, § 1, 9-12-94
Ord. No. 8378, § 1, 10-17-94
Ord. No. 8439, § 2, 1-23-95
Ord. No. 8444, § 1, 2-6-95
Ord. No. 8519, §§ 1, 2, 6-12-95
Ord. No. 8619, § 1, 1-2-96
Ord. No. 8712, § 2, 6-10-96
Ord. No. 8753, § 2, 8-5-96
Ord. No. 8791, § 1, 1-6-97
Ord. No. 8842, § 1, 3-17-97
Ord. No. 8844, § 1, 3-24-97
Ord. No. 8878, § 1, 6-9-97
Ord. No. 8975, § 1, 11-3-97
Ord. No. 9008, § 1, 2-2-98
Ord. No. 9055, § 1, 5-18-98
Ord. No. 9068, § 1, 6-8-98
Ord. No. 9093, § 1, 8-3-98
Ord. No. 9151, § 1, 11-2-98
Ord. No. 9191, § 1, 1-11-99
Ord. No. 9237, § 1, 6-14-99
Ord. No. 9347, § 1, 2-7-00
Ord. No. 9352, § 1, 2-28-00
Ord. No. 9399, § 1, 6-12-00
Ord. No. 9465, § 1, 9-25-00
Ord. No. 9475, § 1, 10-16-00
Ord. No. 9575, § 1, 6-25-01
Ord. No. 9588, § 1, 8-6-01
Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
Ord. No. 9724, §§ 1, 2, 6-17-02
Ord. No. 9727, §§ 1, 2, 6-24-02
Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
Ord. No. 10491, §§ 1, 2, 1-8-08
Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)
Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)
Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)
Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)
Ord. No. 11075, § 5, 5-21-13 (effective July 1, 2013)
Ord. No. 11134, § 2, 12-17-13
Ord. No. 11180, § 1, 6-3-14 (effective June 29, 2014)

Sec. 10-32. Administration of plan.

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

(1) That a comprehensive review of departmental work practices has been undertaken. This review shall include the evaluation of work practices, the identification of potential improvements that integrate organization change, new work practices and use of new technologies and,

(2) That benefits and cost savings which will result from the utilization of a skill based pay component for the department have been identified and quantified.

(3) That there has bee a job analysis identifying skill, job description, skill objectives, training program supporting the acquisition of identified skills, and skill based compensation structure.

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

(b) In no event shall a skill based pay component for a department be approved if the proposal results in the compensation of positions in a city classification both under the performance and skill based component of the compensation plan.

(1953 Code, ch. 10, § 21; Ord. No. 7369, § 18, 3-12-90; Ord. No. 10003, § 3, 6-28-04)

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

Sec. 10-33. Language communication compensation.

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

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

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

(Ord. No. 7937, § 1, 10-26-92; Ord. No. 9540, § 1, 4-16-01; Ord. No. 9562, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 3, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 3, 6-17-08, eff. 7-1-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

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

(d) The director of the department of human resources is responsible for establishing and/or adopting certification standards to ensure that bilingual ASL or Spanish proficiency is at a speed and technical level necessary to accomplish all critical aspects of a commissioned law enforcement officer's duties in those languages. The department of human resources is also responsible for the administration of the certified ASL or Spanish proficiency program including but not limited to verification procedures for confirming five (5) percent usage and criteria to be utilized by appointing authorities when designating a position as requiring certified bilingual user proficiency in ASL or Spanish language.

(Ord. No. 10165, § 4, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

In addition to the compensation authorized by Tucson Code section 10-31, compensation in the amount of sixty-nine dollars and twenty-three cents

($69.23) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

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

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

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

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

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

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

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

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

Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

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

(Ord. No. 9399, § 2, 6-12-00; Ord. No. 9522, § 1, 3-5-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10289, § 4, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10948, § 1, 12-5-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

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

Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

Sec. 10-36. Probationary periods.

All original and promotional appointments of eligible persons to permanent positions shall be made subject to a probationary period. Such probationary period shall commence with the date of appointment, except for entrance into the uniformed service of the police or fire department, when the probationary period shall commence when the employee enters the police or fire training academy. The length of probationary periods shall be as established by civil service commission rules and regulations.
(1953 Code, ch. 10, § 23; Ord. No. 1980, § 2, 11-16-59; Ord. No. 5000, § 9, 6-25-79; Ord. No. 5398, § 1, 6-29-81; Ord. No. 5598, § 1, 6-28-82; Ord. No. 6735, § 2, 7-6-87; Ord. No. 7004, § 5, 7-5-88; Ord. No. 7243, §§ 2, 3, 7-3-89)

Sec. 10-37. Reallocation.

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

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

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

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

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

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

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

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

Sec. 10-37.1. Reserved.

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

Sec. 10-37.2. Reserved.

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

Sec. 10-38. Movement within salary ranges.

Movement within salary ranges shall be based upon performance components and or predicated on acquisition of skills set forth in skill based pay components of the compensation plan and also in

accordance with the city managers directives for compensation administration.
(Ord. No. 10003, § 4, 6-28-04)

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

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

Editor's note – Formerly, § 10-38.

Secs. 10-40 – 10-44. Reserved.

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

Sec. 10-45. Computation of hourly rates.

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

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

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

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

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

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

(c) The director of human resources is responsible for the administration of recruiting referral compensation, including, but not limited to, providing for criteria to determine an acceptable referral; establishing methods to match referrals with hiring; and approving referral compensation. Payment of recruiting referral compensation for firefighter referrals will occur upon the applicant's successful completion of the Academy.
(Ord. No. 9349, § 1, 2-7-00; Ord. No. 9405, § 1, 6-19-00; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10558, § 2, 6-25-08, eff. 6-22-08; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11)

Editor's note – Ord. No. 10900, § 2, adopted June 28, 2011, ratified, reaffirmed, and reenacted this section for Fiscal Year 2012. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2011.

Sec. 10-48. Supplement to military pay.

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

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

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

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

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

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

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

(Ord. No. 9641, § 1, 12-10-01; Ord. No. 9709, § 1, 6-3-02; Ord. No. 9866, § 4, 6-23-03; Ord. No. 10003, § 6, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10814, § 1, 7-7-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

(b) In addition to the compensation authorized by section 10-31, commissioned officers of the position of lieutenant and assignment positions of captain and assistant chief shall receive one (1) day of board of inquiry pay when called out to serve on a boards of inquiry. Board of inquiry pay shall be equivalent to one (1) day of pay at the regular rate of pay for the employee who is called out. No more than one (1) day of board of inquiry pay shall be received by any employee for the same board.
(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

Sec. 10-50. Reserved.

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

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

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

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

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

Sec. 10-52. Longevity compensation plan.

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

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

Payment of longevity premium will be subject to the following:

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

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

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

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

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

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

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

(Ord. No. 3345, § 1, 10-16-69; Ord. No. 3597, § 1, 1-25-71; Ord. No. 4077, § 1, 8-6-73; Ord. No. 4330, § 1, 2-24-75; Ord. No. 4642, § 1, 5-2-77; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

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

(d) The director of human resources is responsible for the administration of pipeline protection program compensation, including, but not limited to,

fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a pipeline protection program assignment.
(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

(b) Permanent and probationary city civil service employees and elected officials and appointed employees, working within the downtown boundaries of subparagraph (a) who utilize an assigned marked city vehicle for all or part of their commute, are provided parking by a city department, or receive a vehicle allowance instead of an assigned city vehicle are excepted from the allowance. Additionally, permanent and probationary employees and appointed employees of the Tucson Police Department, Fire Department and the Tucson Convention Center are excepted from the allowance.
(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

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

(d) This section is subject to annual readoption and reenactment by the mayor.
(Ord. No. 9797, § 1, 12-9-02; Ord. No. 10003, § 8, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

(1) Level One, 20 points. $150.00

(2) Level Two, 30 points. $250.00

(3) Level Three, 40 points. $350.00

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

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

(Ord. No. 10136, § 1, 3-22-05; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

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

(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 3, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents ($25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules.

(Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10,

eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

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

Sec. 10-53.7. Reserved.

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

ARTICLE III. RESERVED

Sec. 10-54. Reserved.

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

Secs. 10A-140 – 10A-144. Reserved.

ARTICLE XIV. PARKWISE COMMISSION*

Sec. 10A-145. Declaration of policy.

(a) It is the policy of the city to enhance the quality of life and stimulate economic development within the area defined by the City Center Strategic Vision Plan by creating a partnership between the city and the community that efficiently and creatively utilizes parking resources to improve the overall accessibility and environment of the region. ParkWise will be responsible for focusing, coordinating, and supporting the city's role in parking issues.

(b) The primary funding source for this program is parking revenues. Therefore, the city will establish, upon adoption of this article, a "ParkWise reserve of fund" account within the general fund to enable monies generated by ParkWise to be carried forward from year to year to be reinvested into parking and other related public improvement projects within the city center as approved by the mayor and council.

(c) Although the primary focus of ParkWise will be within the city center, mayor and council may direct ParkWise to implement and manage self-supporting parking programs in other areas of the city should the need arise. The city manager or the manager's designee may enter into agreements with private property owners to operate and manage parking lots and parking structures, so long as ParkWise covers its anticipated costs out of anticipated revenues from the agreements. (Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11)

Sec. 10A-146. ParkWise commission created.

There is hereby created an entity to be called the ParkWise commission for the city center, and beyond if authorized by the mayor and council. The city center is described as the area bounded by the following streets: On the north by the intersection of Grande Avenue and Grant Road, east along Grant Road, south along Country Club Road, west along 22nd Street, and north along Grande Avenue to Grant Road.
(Ord. No. 10418, § 1, 6-12-07)

Sec. 10A-147. Membership composition; appointment; terms.

(a) *Appointment.* The ParkWise Commission shall be composed of sixteen (16) members who shall serve without compensation as follows:

(1) The city manager will make two (2) appointments.

(2) Councilmembers from Wards I, II, III, IV, V, and VI will each appoint one (1) neighborhood representative.

(3) The following organizations will each make one (1) appointment:

a. Fourth Avenue Merchants Association (FAMA).

b. University of Arizona.

c. Downtown Tucson Partnership.

d. Campus Community Relations Commission (CCRC).

e. Citizens Transportation Advisory Committee (CTAC).

f. Marshall Foundation Main Gate.

g. Visit Tucson.

h. Tucson Metro Chamber.

(4) Notwithstanding Section 10A-134 of this Code, individuals appointed to the ParkWise Commission may simultaneously serve on more than one (1) city body.

(b) *Terms.* The commissioners who are first appointed shall be designated to serve for staggered terms, so that the terms of three (3) commissioners shall expire after one (1) year; the terms of three (3) commissioners shall expire after two (2) years; the

*__Editor's note –__ Ord. No. 10418, § 1, adopted June 12, 2007, amended Art. XIV in its entirety to read as herein set out. Former Art. XIV, §§ 10A-145 – 10A-151, pertained to Transportation Enterprise Area Management (TEAM) Oversight Commission, and derived from Ord. No. 8904, § 1, adopted August 4, 1997; Ord. No. 9053, §§ 1, 2, adopted May 4, 1998; Ord. No. 9190, § 1, adopted Jan. 11, 1999.

terms of four (4) commissioners shall expire after three (3) years; and the terms of five (5) commissioners shall expire after four (4) years. Each commissioner's initial term will be determined by drawing lots at the commission's first meeting. All appointments thereafter shall be for four-year terms, except that councilmembers' neighborhood representative appointments shall not serve beyond the term of the councilmember making such appointment.
(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11161, § 1, 4-23-14)

Sec. 10A-148. Functions and purposes.

The functions, purposes, powers, and duties of the ParkWise commission are to:

(a) Advise the ParkWise program manager on matters related to on-street and off-street parking, enhanced pedestrian, bicycle, and transit programs, special events, and capital improvement district projects within the city;

(b) Assist the ParkWise program manager in developing parking enhancement projects for the city;

(c) Review on an ongoing basis existing city and neighborhood parking programs, signage programs, pedestrian, bicycle, and transit programs and make recommendations to the director of transportation for future programs and/or revisions to existing programs;

(d) Monitor the progress of installation, construction, operation, replacement, maintenance, repair, and improvement of the property and improvements used for parking in the city;

(e) Annually review and recommend the proposed annual budget for the ParkWise program;

(f) Recommend revisions to the schedule of user charges for the use of parking facilities provided or furnished by the city, including the placement, times, and rates for on-street, metered parking as well as recommending changes in penalties, interest, collection costs, and other charges for delinquencies in payment of such charges to the ParkWise program manager;

(g) Consult with the mayor and council when requested on specific parking issues which may develop in the future;

(h) Study the city's specialized parking permit programs and recommend expansion, modification, and/or other changes to the ParkWise program manager;

(i) Assist the city in coordinating the efforts of merchants and property owners in promoting common plans of action and facilitation of parking, urban design, communications and quality of life improvements in downtown Tucson. However, the commission shall not engage in any anti-competitive practice or discourage any person from locating any legal business in any particular place;

(j) Work with other city and county commissions on issues of mutual interest and concern relating to transportation and parking enhancement.

(k) Recommend such action as it deems necessary or desirable to accomplish the above functions.
(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11)

Sec. 10A-149. Commission organization.

(a) The commission shall select a chair and a vice-chair from among its members, who shall serve for one-year terms. The vice-chair shall act as chair in the absence or disability of the chair, or in the event of a vacancy in that office.

(b) The commission shall adopt rules and bylaws for its operations that are consistent with this chapter and other legal authority, and shall meet at such times and places as determined by the commission.

(c) The bylaws and all minutes of commission meetings shall be filed with the city clerk.
(Ord. No. 10418, § 1, 6-12-07)

Sec. 10A-150. Commission reports.

The commission shall submit such reports and recommendations as it deems appropriate or as requested by the ParkWise program manager and/or mayor and council.
(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11)

Sec. 10A-151. Limitation of powers.

Neither the commission nor any member thereof may incur city expenses or obligate the city in any way without prior authorization from the mayor and council. (Ord. No. 10418, § 1, 6-12-07)

Secs. 10A-152 – 10A-159. Reserved.

ARTICLE XV. STORMWATER ADVISORY COMMITTEE (SAC) AND STORMWATER TECHNICAL ADVISORY COMMITTEE (STAC)*

Sec. 10A-160. Creation.

(a) The director of the planning and development service department (PDSD director) shall administratively create a stormwater advisory committee (SAC), a stormwater technical advisory committee (STAC), or both, in any specific instance where review, conclusions, recommendations, or any other advice or action by SAC or STAC is authorized or required by any provision of the Tucson Code, including, but not limited to, chapter 23 (Land Use Code), sections 2.8.6.2.D, 2.8.6.4.B, or 2.8.6.8.A; section 23A-62(4); section 26-12; or section 29-19; or by any regulations or policies promulgated under authority of the Tucson Code.

(b) The provisions of Tucson Code chapter 10A, article XIII (sections 10A-133 through 10A-139 inclusive) shall not apply to any SAC or STAC administratively created by the PDSD director under this section. In creating any SAC or STAC under this section, however, the PDSD director shall, as necessary and to the extent practicable in the particular instance, include members with one or more of the following areas of expertise or interest:

(1) Registered professional civil engineers, licensed by the State of Arizona during the term of their membership;

(2) Surface water hydrologists or water quality specialists;

(3) Professional environmental consultants with a degree or expertise in biology or ecology;

(4) Professional land use planners;

(5) Water resources scientists, affiliated with either a local university program or a state or federal government agency which regulates water resources; and

(6) Advocates for the preservation of washes.

(c) The director of the planning and development services department shall cooperate and regularly communicate with the director of the transportation department on matters related to this committee. (Ord. No. 11016, § 3, 9-5-12)

Secs. 10A-161 – 10A-169. Reserved.

***Editor's note** – Ord. No. 11016, § 2, adopted September 5, 2012, repealed former §§ 10A-160 – 10A-164, relating to the stormwater advisory committee and the stormwater technical advisory committee and deriving from Ord. No. 9582, § 1, adopted August 6, 2001.

ARTICLE XVI. RESERVED*

Secs. 10A-170 – 10A-179. Reserved.

*__Editor's note –__ Article XVI, §§ 10A-170 – 10A-174, relating to the Technology Policy Advisory Committee, derived from Ord. No. 10176, § 1, adopted July 6, 2005, as amended by Ord. No. 10315, § 1, adopted September 6, 2006, was repealed by Ord. No. 10843, § 2, adopted October 19, 2010.

Chapter 15

ENVIRONMENTAL SERVICES DEPARTMENT*

Article I. Definitions

Article II. Administration

Article III. Community Standards for Solid Waste Storage and Removal

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***Editor's note –** Ord. No. 10539, §§ 1 – 6, adopted June 3, 2008, effective July 1, 2008, amended Ch. 15 in its entirety to read as herein set out. Former Ch. 15, §§ 15-1 – 15-6, 15-10.1 – 15-24.7, 15-31, 15-31.1, 15-50, 15-51, pertained to similar subject matter, and derived from Ord. No. 9717, § 2, adopted June 10, 2002; Ord. No. 9816, §§ 11 – 13, adopted Feb. 24, 2003; Ord. No. 9861, § 5A – F, adopted June 16, 2003; Ord. No. 9982, §§ 1 – 6, adopted June 14, 2004; Ord. No. 9989, § 1, adopted June 21, 2004; Ord. No. 10099, § 3, adopted Dec. 13, 2004; Ord. No. 10348, §§ 2 – 4, adopted Nov. 28, 2006.

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

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

Article IV. City Residential and Commercial Collection Services

Article V. City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services

Division 1. General Provisions

Division 2. Residential Collection

Division 3. Commercial Collection

Division 4. Disposal Services

Division 5. Groundwater Protection Fee

Article VI. Disposal Facility Management – Reserved

Article VII. Plastic Bag Recycling

Article VIII. Litter Fee

Article IX. Waste Diversion Reporting

ARTICLE I. DEFINITIONS

Sec. 15-1. Definitions.

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

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

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

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

Carryout bag means a bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

(a) bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or

(b) newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

City means the City of Tucson.

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

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

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

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

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

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

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

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

Department means the city's environmental services department.

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

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

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

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

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

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

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

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

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

Household hazardous waste means certain types of solid waste acceptable to the household hazardous waste program and facility in accordance with 40 CFR 261.

Lot means a separate parcel as recorded in county records.

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

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

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

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

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

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

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

Recyclable materials means materials that are diverted from landfill disposal facilities for beneficial use, as part of a public program or private endeavor. The director may list the materials that qualify based on changing markets and practices.

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

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

Residential establishment means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, multi-family complex with up to twenty-four

(24) dwelling units, mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family complexes with twenty-five (25) or more dwelling units, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service.

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

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

Retail establishment means a business making sales at retail, other than a food service establishment, that owns or controls more than ten thousand (10,000) square feet of total retail space, and has more than two (2) locations within the city limits where twenty-five (25) percent or more of gross sales include medicines and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

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

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

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

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

Single use plastic bag means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than 0.75 mil thick.

Single use plastic bags per transaction shall be defined as how many single use plastic bags are given to each customer during a single purchase or transaction. For example, if a store gives out one hundred thousand (100,000) bags during a reporting period and has conducted twenty thousand (20,000) transactions the number reported for that quarter will be five (5) bags per transaction.

Single use plastic bag recycling formula shall be defined as tons of single use plastic bag and plastic film collected by the retail establishments single use plastic bag and film plastic recycling collection program multiplied by thirty percent (30%). For example, if the total single use plastic bag and film plastic collected by retail establishments equals one hundred (100) tons, the amount recorded for recycling will be one hundred (100) tons multiplied by three tenths (0.30), or thirty (30) tons.

Small business waste acceptance program means the program and related facilities that accept certain types of solid waste from conditionally exempt small quantity generators in accordance with 40 CFR 261.

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

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

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

(B) Words, terms, and phrases used in this chapter and not specifically defined in this section shall have the meaning commonly understood in the solid waste industry.
(Ord. No. 10539, § 1, 6-3-08, eff. 7-1-08; Ord. No. 10642, § 1, 3-24-09, eff. 9-24-09; Ord. No. 10674, § 1, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 1, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 2, 5-17-11, eff. 7-1-11; Ord. No. 11056, § 1, 3-19-13, eff. 7-1-13; Ord. No. 11178, § 1, 6-3-14, eff. 7-4-14)

ARTICLE II. ADMINISTRATION

Sec. 15-2. Purpose.

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

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

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

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

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

Sec. 15-2.2. Functions of the director.

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

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

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

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

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

(4) Such rules, procedures and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules, procedures and regulations shall have been filed in the office of the city clerk as a public record and there kept for use

or inspection by any member of the public at any time during the regular office hours of that office. A printed copy of such rules, procedures and regulations shall be furnished any member of the public upon request.

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

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

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

Sec. 15-4. Reserved.

Sec. 15-5. Public nuisances, enforcement.

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

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

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

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

Sec. 15-6. Parties liable.

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

Sec. 15-7. Administrative appeal process.

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

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

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

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

ARTICLE III. COMMUNITY STANDARDS FOR SOLID WASTE STORAGE AND REMOVAL

Sec. 15-10. General applicability.

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

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

(A) Any person, business or other entity that generates refuse or recyclable materials must place the waste materials into the container(s) designated for the property where the waste is generated. Refuse must be removed from the property and transported to a permitted disposal facility frequently enough to maintain sanitary conditions.

(B) Containers shall be rigid, durable, corrosion resistant, nonabsorbent, watertight, rodent-proof, easily cleanable, suitable for handling, and equipped with a tight fitting cover that prevents material from overflowing, spilling, or scattering onto surrounding

premises. All containers and their enclosures shall be maintained in a sanitary and fire-preventive condition.

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

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

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

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

(G) The director or designee may enter any property where waste is generated to inspect containers or stored solid waste for compliance with the requirements of this code.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10986, § 1, 5-22-12, eff. 7-1-12)

Sec. 15-10.2. Prohibited materials.

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

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

Sec. 15-10.3. Scavenging prohibited.

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

Sec. 15-10.4. Hauling of solid waste.

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

Sec. 15-10.5. Commercial recycling facilities.

Property used as a multi-material recycling center, sorting facility, composting facility, materials recovery facility, and the like is exempt from the prohibitions of Tucson Code chapter 16 pertaining to uncontained refuse, debris, recyclable materials or vegetation as long as the materials are kept within the property barriers or fences on the property and the property and business operations are properly zoned and permitted by the city, county or state and in compliance with Tucson Code section 16-13. Refuse, debris, recyclable materials or vegetation are only exempt under this section if they are properly contained or stored for use as a commodity, are not waste materials produced by the enterprise for landfill disposal, are maintained in accordance with applicable sections of Tucson Code chapter 16 (as for composting), and are so maintained as to prevent any fire, health or safety hazard to the occupants of the property or to neighboring inhabitants, structures, or property.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Secs. 15-11 – 15-15. Reserved.

ARTICLE IV. CITY RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES

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

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

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

(A) Residential establishments are required to receive standard residential collection services and pay the commensurate fee in accordance with the requirements of this chapter.

(B) Residential establishments shall use only the containers issued by the city for refuse and recycling collection, unless otherwise authorized by the director, and shall not remove them from the intended establishment. Any customer who removes a container or uses a container removed from a different establishment shall be charged the account reconciliation fee.

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

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

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

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

(G) Shared front load service with a fee charged to individual dwelling units shall be provided only upon the director's determination that it is the most feasible method due to site and/or ownership conditions.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 2, 5-22-12, eff. 7-1-12)

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

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

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

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

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

(C) Commercial establishments may obtain, with director approval, collection service for bulky waste for

the same fees as for special residential brush bulky service as designated in this chapter.

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

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

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

Sec. 15-16.5. Temporary suspension of service.

(A) The director may temporarily suspend residential services and commensurate fees at a residential establishment when the customer requests it and it is feasible. The suspension may last up to eight (8) months, after which time the fees will resume and service will resume when the customer requests it. The department will pick up all containers when the suspension is requested. APC removal and delivery fee shall be charged when the department picks up containers for a temporary suspension.

(B) A customer that attempts to use any residential services during the suspension period will be back billed for entire suspension period and will be charged the account reconciliation fee.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Sec. 15-16.6. Neighborhood cleanup service.

Neighborhood cleanup services can be provided to: registered City of Tucson neighborhood associations (NAs), homeowners associations (HOAs), and neighborhood enhancement programs designated by mayor and council. Outside a NA or an HOA, neighborhood cleanup services can also be provided for cleanup of public property or multiple private properties when requested by at least ten (10) residential establishments paying the standard residential fee and when the director deems that the cleanup improves a significant area of the community. Neighborhood cleanup service consists of temporary roll off collection service. The service can only be provided for no additional fee to approved groups where all residential establishments are paying for standard residential service. Neighborhood cleanup services require advance scheduling, are limited by appropriated funds, and are subject to requirements established in administrative rule.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10986, § 2, 5-22-12, eff. 7-1-12; Ord. No. 11178, § 2, 6-3-14, eff. 7-4-14)

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

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

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

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

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

(1) Third notice. $10.00

(2) Fourth or subsequent notice. 25.00

(C) A responsible party that has been issued three (3) notices for a recycling container contaminated with unacceptable material shall be designated a nonparticipant and charged a ten dollar ($10.00) fee.

ROLL OFF COLLECTION SERVICE FEES	
20, 30, 40 cu. yds.	$165.00 per pull plus disposal fees for services contracted before 7/1/2012 Installation, removal and monthly lease fees also apply for city compactors.
Disposal fees	Weight of contents times the applicable disposal fee from the receiving facility
Initial delivery	$65.00 per container for services contracted on or after 7/1/2012 $80.00 per container for services contracted before 7/1/2012
Relocation	$65.00 per container for services contracted on or after 7/1/2012 $80.00 per container for services contracted before 7/1/2012
Failed service attempt	$65.00 per event per container for services contracted on or after 7/1/2012 $80.00 per event per container for services contracted before 7/1/2012
Container cleaning at customer request	$150.00 per event per container
Container painting at customer request	$200.00 per event per container
Lease of city compactor and receiver box	$310.00 per month per compactor plus box
Lease of city compactor receiver box only	$100.00 per month per box
Base compactor installation	$950.00 per compactor
Base compactor removal	$500.00 per compactor

The following requirements apply to roll off services:

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

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

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

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

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

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

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

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

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

COMMERCIAL APC COLLECTION SERVICE FEES		
Service	Container size (gallons)	Fees
Standard	48	$18.50 per month per container
Standard	65	$19.25 per month per container
Standard	95	$20.00 per month per container
Standard garbage	300	$60.00 per month per container
Standard recycle	300	$53.00 per month per container
Additional service per week	Any	$25.00 per pickup per container
Additional recycle beyond second container	100 or less	$10.00 per month per container
Container delivery	Any	$20.00 for any number per request

The following requirements apply to commercial APC services:

(1) "Standard" means standard commercial APC service consisting of collection once per week (in the selected size).

(2) Each commercial establishment may receive up to two (2) ninety-five (95) gallon recycling containers for each APC or front load refuse container at no additional fee.

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

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

(F) *Volume fee discounts for front load refuse services.* Customers with service agreements for front load refuse service shall be eligible for the following discounts off the standard fees for scheduled monthly front load refuse service:

(1) Customers with one (1) service location are eligible for the standard fee on the first container, a five percent (5%) discount off the standard fee for the second container, and a ten percent (10%) discount off the standard fee for the third and all additional containers.

(2) Customers with two (2) to four (4) service locations are eligible for a five percent (5%) discount off the standard fee for the first container at each location except for the primary location, a five percent (5%) discount off the standard fee for the second container at each location, and a ten percent (10%) discount off the standard fee for the third and all additional containers at each location. The first container at the primary location is charged the standard fee.

(3) Customers with five (5) or more service locations are eligible for a ten percent (10%) discount off the standard fee for each container at each location, except for the first container at the primary location. The first container at the primary location is charged the standard fee.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 5, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 3, 6-18-13, eff. 7-20-13; Ord. No. 11178, § 3, 6-3-14, eff. 7-4-14)

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be 0.20 percent (0.002) for each ten cents ($0.10) of city fuel price above three dollars and thirty cents ($3.30) per gallon. The fuel surcharge shall be the applicable surcharge rate multiplied by the applicable fee, then rounded to the nearest cent ($0.01). The surcharge shall be revised every three (3) months based upon the updated city fuel price.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11; Ord. No. 11178, § 3, 6-3-14, eff. 7-4-14)

DIVISION 4. DISPOSAL SERVICES

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

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

Sec. 15-34.1. Disposal services fee requirements.

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

Sec. 15-34.2. Residential self-haulers.

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

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

Sec. 15-34.3. Commercial haulers.

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

(B) *Special-handling waste disposal.* Special handling fees shall be assessed for the use of personnel, equipment or materials in a manner other than what would ordinarily be required in normal daily landfill operations.

(C) *Payment.* Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a disposal service agreement and account in good standing.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 7, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12; Ord. No. 11178, § 4, 6-3-14, eff. 7-4-14)

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

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

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

The director may accept for no fee materials suitable for construction or operational purposes where and when the department's cost to acquire needed materials exceeds the waived fee.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

Sec. 15-34.6. Disposal service agreement.

Customers who wish to pay for disposal service pursuant to a credit system shall enter into a service agreement with the city. The service agreement shall be signed by the person responsible for using the disposal services. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the service agreement.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12)

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	$15.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	$32.00 per ton with $15.00 minimum per load
Special-handling waste disposal	$42.00 per ton with $75.00 minimum
Large carcass disposal	$75.00 per ton with $75.00 minimum per load
Tire disposal	$150.00 per ton with $15.00 minimum, no mixed loads, and no off-road tires
Disposal of appliance designed to use refrigerant	$5.00 per appliance in addition to other applicable fees

DISPOSAL SERVICES FEES	
Service	Fees
Uncovered load	$5.00 per load in addition to other applicable fees
Credit account annual fee	$30.00
Disposal account activation fee	$15.00
Identification tag fee	$35.00
Household hazardous waste disposal for non-city residents	$10.00 per load
Purchase of recycled paint (city residents)	$20.00 per 5 gallons for white $15.00 per 5 gallons for non-white
Purchase of recycled paint (non-city residents)	$25.00 per 5 gallons for white $20.00 per 5 gallons for non-white
Disposal of materials under small business waste acceptance program	Published schedule of fees based on most recent disposal costs
Special household hazardous waste collection event fees	Published schedule of fees

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13; Ord. No. 11178, § 4, 6-3-14, eff. 7-4-14)

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

The director shall be authorized to enter into multi-year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a fee specified in the contract disposal services fee schedule. The disposal fee for each vehicle load shall be calculated in accordance with section 15-34.3. The customer is required to pay each year the full amount due to the city at the specified fee and guaranteed annual tonnage, whether or not the waste is delivered. The contract may be renewed annually if the specified fee is not changed. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the contract. Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE

Guaranteed Annual Tonnage	*Fee Per Ton*
140,000..	$17.00
60,000..	21.00
18,000..	24.00
15,000..	25.00
12,500..	26.00
10,000..	26.75
9,000..	27.00
8,000..	27.50
7,000..	28.00
6,000..	28.25
5,000..	28.75
4,000..	29.00
3,000..	29.50
2,000..	30.00
1,000..	31.00

For multi-year contracts, the fee per ton shall be adjusted each year on the anniversary date of the execution of the contract using an appropriate federal consumer price index.
(Ord. No. 10654, § 1, 4-21-09, eff. 5-1-09; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 7, 5-22-12, eff. 5-22-12; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13)

Sec. 15-34.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be five cents ($0.05) per ton for each ten cents ($0.10) of city fuel price above three dollars and thirty cents ($3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.
(Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

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

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

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

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

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

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

(4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;

(5) Does not support religious activities with the recycling activities; and

(6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment's recycling activities.

(C) To obtain the exemption, an organization shall submit an application, established by the director, to demonstrate and certify compliance with these requirements. Upon determination by the director that an organization meets the requirements, the director shall issue a certificate of exemption from fees for collection and disposal services. The director may require annual renewal applications and additional evidence of compliance with requirements.

(D) The director may at any time give notice in writing to an organization of intent to revoke its exemption for cause, which shall consist of failure to adhere to or fulfill the requirements of this section. The organization can appeal the revocation in writing to the director within ten (10) days, and be granted an administrative hearing. The director shall render a decision in writing. The decision of the director is final. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09)

DIVISION 5. GROUNDWATER PROTECTION FEE

Sec. 15-36. Groundwater protection.

(A) The director shall charge a groundwater protection fee to customers of city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the superintendent of water or his or her successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the department.

(D) No penalty fees pursuant to section 15-31.6 shall be charged on groundwater protection fees.

The groundwater protection fee shall be assigned as follows.

GROUNDWATER PROTECTION FEE	
Meter Size (inches)	Fee per Month per Meter
5/8	$1.06
3/4	$1.59
1	$2.65
1-1/2 and larger	$5.30

(Ord. No. 10796, § 9, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 8, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 8, 5-22-12, eff. 7-1-12)

Secs. 15-37 – 15-49. Reserved.

ARTICLE VI. DISPOSAL FACILITY MANAGEMENT – RESERVED*

Secs. 15-50 – 15-59. Reserved.

ARTICLE VII. PLASTIC BAG RECYCLING

Sec. 15-60. Plastic bag recycling.

Retail establishments that provide plastic carry-out bags for their customers shall:

(1) Provide a bin(s) for the collection of single use plastic bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling. At a minimum, these bins shall meet the Arizona Bag Central Station standard for collection bins for signage. The bin(s) shall be located near or at the entrance(s) of the retail establishment and be well maintained.

(2) Recycle returned plastic bags.

(3) Provide reusable carryout bags for purchase at retail locations.

(4) Incorporate a "reduce, reuse, and recycle" message on all carry-out plastic bags distributed as part of the retail business.

(5) Display informational material on the establishment's plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.

(6) Retail establishments shall report to the City of Tucson ES director through an independent auditor the single use plastic bags per transaction, total number of single use plastic bags given out and tons of film plastic collected through the single use plastic bag and film collection program in accordance with the following schedule:

Report	Report Period	Report Date
Report 1	4/1/13 - 6/30/13	7/31/13
Report 2	7/1/13 - 9/30/13	10/31/13
Report 3	10/1/13 - 12/31/13	1/31/14
Report 4	1/1/14 - 3/31/14	4/30/14
Report 5	4/1/14 - 6/30/14	7/31/14
Report 6	7/1/14 - 9/30/14	10/31/14
Report 7	10/1/14 - 12/31/14	1/31/15
Report 8	1/1/15 - 3/31/15	4/30/15

The information reported to the city shall be a cumulative number for all retail establishments and not segregated by each store or chain.

ES staff will calculate the number of single use plastic bags recycled by applying the single use plastic bag recycling formula.

The initial report shall include a list of all retail establishments reporting during the initial reporting period. Subsequent reports shall include an updated list and shall include the names of any retail establishments that are new, out of business or failed to report.

(7) Retail establishments shall provide training for all checkout and bagging clerks upon hire. The training shall include information and instructions to reduce plastic bag consumption. Training shall be reinforced on an ongoing basis.

***Editor's note –** Ord. No. 10796, § 10, adopted May 25, 2010, effective July 1, 2010, repealed this article and § 15-50, which pertained to disposal facility management and prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County, derived from Ord. No. 10539, § 6C., adopted June 3, 2008, effective July 1, 2008.

(8) Retail establishments shall implement a public educational awareness program for Retail establishment employees and the general public. This program shall provide education to school age children and the general public on reducing plastic bag consumption and increasing plastic bag recycling. The program will include the use of contests, in-store promotions, videos and social media.

(9) District managers representing all retail establishments shall meet with the ES director or designee on quarterly basis. The meeting agenda shall include a review of the progress made by retail establishments to reduce the consumption of plastic bags by consumers and increase the in-store recycling of single use plastic bags.

(Ord. No. 10642, § 2, 3-24-09, eff. 9-24-09; Ord. No. 11056, § 2, 3-19-13, eff. 7-1-13; Ord. No. 11178, § 5, 6-3-14, eff. 7-4-14)

Secs. 15-61 – 15-69. Reserved.

ARTICLE VIII. LITTER FEE

Sec. 15-70. Refuse collection permit.

The city manager or his or her designee shall administer and enforce a permit program for all non-exempt commercial haulers as defined in this section.

(A) For purposes of this section, a commercial hauler is anyone who operates a front load, rear load, side load or roll off collection vehicle within the City of Tucson at any time.

(B) Commercial haulers who own or operate three (3) or fewer total collection vehicles, as described above, regardless of where they are stored or operated, are exempt from the permit fee established by this article.

(C) Each commercial hauler required to obtain a permit under this section shall report to the director the weight of refuse and recyclable material, listed separately, that it collected within the City of Tucson. The report shall cover the previous calendar year, and shall comply with the requirements established by the director in administrative rule.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10; Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12; Ord. No. 11178, § 6, 6-3-14, eff. 7-4-14)

Sec. 15-70.1. Proceeds from the refuse collection permit.

Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars ($1,000.00) per vehicle used in the collection of refuse within the City of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the City of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of the current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the City of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle. Commercial haulers in the

permit program will be subject to an annual inspection by the City of Tucson.
(Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12)

Sec. 15-71. Suspension or revocation of permits.

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.
(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

Secs. 15-72 – 15-79. Reserved.

ARTICLE IX. WASTE DIVERSION REPORTING

Sec. 15-80. Refuse and recyclable material collection permit.

Companies engaged in the acceptance, purchase, processing, or sorting of recyclable materials that is the same as collected by the City of Tucson through their recycling program for the purpose of redistribution, including but not limited to sale or donation, shall report to the director the amount, in tons, of the material accepted and redistributed. The amounts reported shall be limited to recyclable materials collected from within the City of Tucson. The report shall cover the previous calendar year.
(Ord. No. 11178, § 7, 6-3-14, eff. 7-4-14)

Chapter 19

LICENSES AND PRIVILEGE TAXES*

Article I. Occupational License Tax

Division 1. General Provisions

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

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

Division 6. Tax on Secondhand Dealers and Pawnbrokers

Article II. Privilege and Excise Taxes

Division 1. General Conditions and Definitions

Division 2. Determination of Gross Income

Division 3. Licensing and Recordkeeping

Division 4. Privilege Taxes

Division 5. Administration

Division 6. Use Tax

Regulations – Privilege and Excise Taxes

Article III. Public Utility Tax

Division 1. General Conditions and Definitions

Division 2. Determination of Gross Income

Division 3. Licensing and Recordkeeping

Division 4. Public Utility Tax

ARTICLE II. PRIVILEGE AND EXCISE TAXES*

DIVISION 1. GENERAL CONDITIONS AND DEFINITIONS

Sec. 19-99. Words of tense, number and gender; Code references.

(a) For the purposes of this article, all words of tense, number and gender shall comply with A.R.S. section 1-214 as amended.

(b) For the purposes of this article, all Code references, unless specified otherwise, shall:

(1) Refer to this City Code;

(2) Be deemed to include all amendments to such code references.

(Ord. No. 6674, § 3, 3-23-87)

***Editor's note –** Section 1 of Ord. No. 6674, adopted Mar. 23, 1987, repealed former art. II, §§ 19-39 – 19-181; and § 3 added a new art. II, §§ 19-99 – 19-602, and Regs. 19-100.1 – 19-571.1. The article was formerly derived from 1953 Code, ch. 29, §§ 1 – 36, 39, and Ord. Nos. 1850, 1923, 1924, 2318, 2384, 2494, 2586, 2878, 2891, 3098, 3238, 3378, 3854, 3869, 3885, 4332, 4396, 4433, 4636, 4710, 4826, 4899, 4918, 5136, 5147, 5170, 5230, 5300, 5337, 5488, 6021, 6064, 6097, 6483, 6538, 6646. Prior to its amendment by Ord. No. 6674, the article was entitled "Business Privilege Licenses (Sales Tax)." Section 2 of Ord. No. 6674, changed the title to "Privilege and Excise Taxes."

Ordinance No. 6969, adopted June 6, 1988, is not included herein, but §§ 1 – 3 of such ordinance provide as follows:

> *Section 1.* The document entitled "Corrective Amendment to the 1988 Amendments to City Tax Code" (which Amendments were adopted in Ordinance No. 6938) three (3) copies of which are on file in the office of the city clerk, is hereby declared to be a public record and said copies are ordered to remain on file with the city clerk.
>
> *Section 2.* The document made a public record in section 1, a copy of which is attached as Exhibit A to this ordinance, is hereby adopted and made a part hereof as though fully set out herein.
>
> *Section 3.* The provisions of this ordinance are effective retroactively to April 25, 1988."

Sec. 19-100. General definitions.

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

Assembler means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

Broker means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this article, and who receives for his principal all or part of the gross income from the taxable activity.

Business includes all activities or acts, personal or corporate, engaged in or caused to be engaged in with the object of gain, benefit or advantage, either directly or indirectly, but does not include either: casual activities or sales; or the transfer of electricity from a solar photovoltaic generation system to an electric utility distribution system.

Business day means any day of the week when the tax collector's office is open for the public to conduct the tax collector's business.

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this article shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

Combined taxes means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this county as authorized by A.R.S. title 42, chapter 6, article III; and all applicable taxes imposed by this chapter.

Commercial property is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging, but used otherwise, such as model homes, apartments used as offices, etc.

Communications channel means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph or any other electromagnetic means of moving a message.

Construction contracting refers to the activity of a construction contractor.

Construction contractor means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction project, except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

Delivery (of notice) by the tax collector means "receipt (of notice) by the taxpayer."

Delivery, installation, or other direct customer services means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property, provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

Engaging, when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

Equivalent excise tax means either:

(1) A privilege or use tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or

(2) An excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or

(3) An excise tax levied by a native american government organized under the laws of the federal government upon the transaction in question, and paid either to such jurisdiction directly or to the vendor.

Federal government means the United States Government, its departments and agencies, but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

Food means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. § 42-5106. Under no circumstances shall "food" include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process. Under no circumstances shall "food" include an edible product, beverage, or ingredient infused, mixed, or in any way combined with medical marijuana or an active ingredient of medical marijuana.

Hotel means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer or other lodging place within the city offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

Jet fuel means jet fuel as defined in A.R.S. § 42-5351.

Job printing means the activity of copying or reproducing an article by any means, process or method. "Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

Lessee includes the equivalent person in a rental or licensing agreement for all purposes of this article.

Lessor includes the equivalent person in a rental or licensing agreement for all purposes of this article.

Licensing (for use) means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's property whereby the licensor receives consideration, where such agreement does not qualify as a "sale" or "lease" or "rental" agreement.

Lodging (lodging space) means any room or apartment in a hotel or any other provider of rooms, trailer spaces, or other residential dwelling spaces; or the furnishings or services and accommodations accompanying the use and possession of said dwelling space, including storage or parking space for the property of said tenant.

Manufactured buildings means a manufactured home, mobile home or factory built building, as defined in A.R.S. section 41-2142.

Manufacturer means a person engaged or continuing in the business of fabricating, producing or manufacturing products, wares, or articles for use from other forms of tangible personal property, imparting to such new forms, qualities, properties, and combinations.

Medical marijuana means "marijuana" used for a "medical use" as those terms are defined in A.R.S. § 36-2801.

Mining and metallurgical supplies means all tangible personal property acquired by persons engaged in activities defined in section 19-432 for such use. This definition shall not include:

(1) Janitorial equipment and supplies;

(2) Office equipment, office furniture, and office supplies;

(3) Motor vehicles licensed for use upon the highways of the state.

Modifier means a person who reworks, changes or adds to products, wares, or articles of manufacture.

Nonprofit entity means any entity organized and operated exclusively for charitable purposes, or operated by the Federal Government, the state, or any political subdivision of the state.

Occupancy (of real property) means any occupancy or use, or any right to occupy or use, real property, including any improvements, rights, or interests in such property.

Out-of-city sale means the sale of tangible personal property and job printing if all of the following occur:

(1) Transference of title and possession occur without the city; and

(2) The stock from which such personal property was taken was not within the corporate limits of the city; and

(3) The order is received at a permanent business location of the seller located outside the city, which location is used for the substantial and regular conduct of such business sales activity. In no event shall the place of business of the buyer be determinative of the situs of the receipt of the order.

For the purpose of this definition, it does not matter that all other indicia of business occur within the city, including, but not limited to, accounting, invoicing, payments, centralized purchasing, and supply to out-of-city storehouses and out-of-city retail branch outlets from a primary storehouse within the city.

Out-of-state sale means the sale of tangible personal property and job printing if all of the following occur:

(1) The order is placed from without the state; and

(2) The property is delivered to the buyer at a location outside the state; and

(3) The property is purchased for use outside the state.

Owner-builder means an owner or lessor of real property who, by himself or by or through others, constructs or has constructed or reconstructs or has reconstructed any improvement to real property.

Person means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, this state, or any political subdivision or agency of this state. For the purposes of this article, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

Prosthetic means any of the following tangible personal property if such items are prescribed or recommended by a licensed podiatrist, chiropractor, dentist, physician or surgeon, naturopath, optometrist, osteopathic physician or surgeon, psychologist, hearing aid dispenser, physician assistant, nurse practitioner, or veterinarian:

(1) Any man-made device for support or replacement of a part of the body, or to increase acuity of one of the senses. Such items include: prescription eyeglasses; contact lenses; hearing aids; artificial limbs or teeth; neck, back, arm, leg, or similar braces.

(2) Insulin, insulin syringes, and glucose test strips sold with or without a prescription.

(3) Hospital beds, crutches, wheelchairs, similar home health aids, or corrective shoes.

(4) Drugs or medicine, including oxygen.

(5) Equipment used to generate, monitor, or provide health support systems, such as respiratory equipment, oxygen concentrator, dialysis machine.

(6) Durable medical equipment which has a Federal Health Care Financing Administration Common Procedure Code, is designated reimbursable by Medicare, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.

(7) Orthodontic devices dispensed by a dental professional who is licensed under Title 32, Chapter 11 to a patient as part of the practice of dentistry.

(8) Under no circumstances shall "prosthetic" include medical marijuana regardless of whether it is sold or dispensed pursuant to a prescription, recommendation, or written certification by any authorized person.

Qualifying community health center means

(1) An entity that is recognized as nonprofit under Section 501(c)(3) of the United States Internal Revenue Code, that is a community-based, primary care clinic that has a community-based board of directors and that is either:

a. The sole provider of primary care in the community.

b. A nonhospital affiliated clinic that is located in a federally designated medically under served area in this state.

(2) Includes clinics that are being constructed as qualifying community health centers.

Qualifying health care organization means an entity that is recognized as nonprofit under Section 501(c) of the United States Internal Revenue Code and that uses, saves or invests at least eighty (80) percent of all monies that it receives from all sources each year only for health and medical related educational and charitable services, as documented by annual financial audits prepared by an independent certified public accountant, performed according to generally accepted accounting standards and filed annually with the Arizona Department of Revenue. Monies that are used, saved or invested to lease, purchase or construct a facility for health and medical related education and charitable services are included in the eighty (80) percent requirement.

Qualifying hospital means any of the following:

(1) A licensed hospital which is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(2) A licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.

(3) A hospital, nursing care institution or residential care institution which is operated by the federal government, this state or a political subdivision of this state.

(4) A facility that is under construction and that on completion will be a facility under subdivision (1), (2), or (3) of this paragraph.

Receipt (of notice) by the taxpayer means the earlier of actual receipt or the first attempted delivery by certified United States mail to the taxpayer's address of record with the tax collector.

Remediation means those actions that are reasonable, necessary, cost-effective and technically feasible in the event of the release or threat of release of hazardous substances into the environment such that the waters of the state are or may be affected, such actions as may be necessary to monitor, assess and evaluate such release or threat or release, actions of remediation, removal or disposal of hazardous substances or taking such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the waters of the state which may otherwise result from a release or threat of release of a hazardous substance that will or may affect the waters of the state. Remediation activities include the use of biostimulation with indigenous microbes and bioaugmentation using microbes that are nonpathogenic, nonopportunistic and that are naturally occurring. Remediation activities may include community information and participation costs and providing an alternative drinking water supply.

Rental equipment means tangible personal property sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license to others; provided that:

(1) The vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and

(2) The item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen (15) percent of its actual use.

Rental supply means an expendable or nonexpendable repair or replacement part sold to become part of "rental equipment", provided that:

(1) The documentation relating to each purchased item so claimed specifically itemizes to the vendor the actual item of "rental equipment" to which the purchased item is intended to be attached as a repair or replacement part; and

(2) The vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and

(3) The item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen (15) percent of its actual use.

Repairer means a person who restores or renews products, wares, or articles of manufacture.

Resides within the city means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing, or conducting of regular business activity within the city.

Restaurant means any business activity where articles of food, drink or condiment are customarily prepared or served to patrons for consumption on or off the premises, also including bars, cocktail lounges, the dining rooms of hotels, and all caterers. For the purposes of this article, a "fast food" business, which includes street vendors and mobile vendors selling in public areas or at entertainment or sports or similar events, who prepares or sells food or drink for consumption on or off the premises is considered a "restaurant" and not a "retailer."

Retail sale (sale at retail) means the sale of tangible personal property, except the sale of tangible personal property to a person regularly engaged in the business of selling such property.

Retailer means any person engaged or continuing in the business of sales of tangible personal property at retail.

Sale means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred, but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

Solar daylighting means a device that is specifically designed to capture and redirect the visible portion of the solar beam, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar energy device means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting, or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means, including wind generator systems that produce electricity. Solar energy systems may also have the capability of storing solar energy for future use. Passive systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely as a part of a normal structure, such as a window.

Speculative builder means either:

(1) An owner-builder who sells or contracts to sell, at any time, improved real property (as provided in section 19-416) consisting of:

   a. Custom, model, or inventory homes, regardless of the stage of completion of such homes; or

   b. Improved residential or commercial lots without a structure; or

(2) An owner-builder who sells or contracts to sell improved real property, other than improved real property specified in subsection (1) above:

   a. Prior to completion; or

   b. Before the expiration of twenty-four (24) months after the improvements of the real property sold are substantially complete.

Substantially complete means the construction contracting or reconstruction contracting:

(1) Has passed final inspection or its equivalent; or

(2) Certificate of occupancy or its equivalent has been issued; or

(3) Is ready for immediate occupancy or use.

Supplier means any person who rents, leases, licenses, or makes sales of tangible personal property within the city, either directly to the consumer or customer or to wholesalers, jobbers, fabricators, manufacturers, modifiers, assemblers, repairers, or those engaged in the business of providing services which involve the use, sale, rental, lease, or license of tangible personal property.

Tax collector means the finance director or his/her designee or agent for all purposes under this article.

Taxpayer means any person liable for any tax under this article.

Taxpayer problem resolution officer means the individual designated by the city to perform the duties identified in sections 19-515 and 19-516. In cities with a population of fifty thousand (50,000) or more, the taxpayer problem resolution officer shall be an employee of the city. In cities with a population of less than fifty thousand (50,000), the taxpayer problem resolution officer need not be an employee of the city. Regardless of whether the taxpayer problem resolution officer is or is not an employee of the city, the taxpayer problem resolution officer shall have substantive knowledge of taxation. The identity of and telephone number for the taxpayer problem resolution officer can be obtained from the tax collector.

Telecommunication service means any service or activity connected with the transmission or relay of sound, visual image, data, information, images, or material over a communications channel or any combination of communications channels.

Transient means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

Utility service means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, §§ 1 – 3, 4-25-88; Ord. No. 7446, § 2.1, 7-2-90; Ord. No. 8440, § 1, 1-23-95; Ord. No. 8784, § 1, 12-2-96; Ord. No. 8793, § 1, 1-6-97; Ord. No. 8794, § 1, 1-6-97; Ord. No. 9004, § 1(1), 1-5-98; Ord. No. 9069, § 1(1), 6-15-98; Ord. No. 9841, § 1, 5-12-03; Ord. No. 10361, § 1, 12-19-06; Ord. No. 10524, § 1, 5-13-08, eff. 7-1-08; Ord. No. 10911, § 1, 8-9-11, eff. 6-1-11; Ord. No. 10949, § 1, 12-13-11; Ord. No. 11183, § 2, 6-17-14*)

***Editor's note** – Ord. No. 11183, § 18, adopted June 17, 2014, provides that the amendments made to Sec. 19-100 relating to the definition of "Business" shall be effective from and after January 1, 2007.

Sec. 19-110. Definitions: Income-producing capital equipment.

(a) The following tangible personal property, other than items excluded in subsection (d) below, shall be deemed "income-producing capital equipment" for the purposes of this article:

(1) Machinery or equipment used directly in manufacturing, processing, fabricating, job printing, refining or metallurgical operations. The terms manufacturing, processing, fabricating, job printing, refining, and metallurgical, as used in this paragraph, refer to and include those operations commonly understood within their ordinary meaning. "Metallurgical Operations" includes leaching, milling, precipitating, smelting and refining.

(2) Mining machinery, or equipment, used directly in the process of extracting ores or minerals from the earth for commercial purposes, including equipment required to prepare the materials for extraction and handling, loading or transporting such extracted material to the surface. "Mining" includes underground, surface and open pit operations for extracting ores and minerals.

(3) Tangible personal property, sold to persons engaged in business classified under the telecommunications classification, consisting of central office switching equipment; switchboards; private branch exchange equipment; microwave radio equipment, and carrier equipment, including optical fiber, coaxial cable, and other transmission media which are components of carrier systems.

(4) Machinery, equipment, or transmission lines used directly in producing or transmitting electrical power, but not including distribution. Transformers and control equipment used at transmission substation sites constitute equipment used in producing or transmitting electrical power.

(5) Pipes or valves four (4) inches in diameter or larger and related equipment, used to transport oil, natural gas, artificial gas, water, or coal slurry. For the purpose of this section, related equipment includes: compressor units, regulators, machinery and equipment, fittings, seals and any other parts that are used in operating the pipes or valves.

(6) Aircraft, navigational and communication instruments, and other accessories and related equipment sold to:

a. A person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation for use as or in conjunction with or becoming a part of aircraft to be used to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

b. Any foreign government for use by such government outside of this state.

c. Persons who are not residents of this state and who will not use such property in this state other than in removing such property from this state. This subdivision also applies to corporations that are not incorporated in this state, regardless of maintaining a place of business in this state, if the principal corporate office is located outside this state and the property will not be used in this state other than in removing the property from this state.

(7) Machinery, tools, equipment, and related supplies used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts by or on behalf of a certificated or licensed carrier of persons or property.

(8) Railroad rolling stock, rails, ties and signal control equipment used directly to transport persons or property.

(9) Machinery or equipment used directly to drill for oil or gas or used directly in the process of extracting oil or gas from the earth for commercial purposes.

(10) Buses or other urban mass transit vehicles which are used directly to transport persons or property for hire or pursuant to a governmentally adopted and controlled urban mass transportation program and which are sold to bus companies holding a federal certificate of convenience and necessity or operated by a city, town or other governmental entity or by any person contracting with such a governmental entity as part of a governmentally adopted and controlled program to provide urban mass transportation.

(11) Metering, monitoring, receiving, and transmitting equipment acquired by persons engaged in the business of providing utility services or telecommunications services; but only to the extent that such equipment is to be used by the customers of such persons and such persons separately charge or bill their customers for use of such equipment.

(12) Groundwater measuring devices required under A.R.S. section 45-604.

(13) Machinery or equipment used in research and development. In this paragraph, "research and development" means basic and applied research in the sciences and engineering, and designing, developing or testing prototypes, processes or new products, including research and development of computer software that is embedded in or an integral part of the prototype or new product or that is required for machinery or equipment otherwise exempt under this section to function effectively. Research and development do not include manufacturing quality control, routine consumer product testing, market research, sales promotion, sales service, research in social sciences or psychology, computer software research that is not included in the definition of research and development or other nontechnological activities or technical services.

(14) New machinery and equipment consisting of tractors, tractor-drawn implements, self-powered implements, and drip irrigation lines, acquired by persons engaged or continuing in business for use in the commercial production of agricultural, horticultural, viticultural, or floricultural crops in this State. For the purposes of this paragraph, "new machinery and equipment" means machinery or equipment which has never been sold at retail, except pursuant to leases or rentals which do not total two years or more.

(15) Included in income producing capital equipment are liquid, solid or gaseous chemicals used in manufacturing, processing, fabricating, mining, refining, metallurgical operations, research and development or job printing, if using or consuming the chemicals, alone or as part of an integrated system of chemicals, involving direct contact with the materials from which the product is produced for the purpose of causing or permitting a chemical or physical change to occur in the materials as part of the production process. This subsection does not include chemicals that are used or consumed in activities such as packaging, storage or transportation but does not affect any deduction for such chemicals that is otherwise provided by this Code. Chemicals meeting the requirements of this subsection are deemed not to be expendable under subsection (d) of this section.

(16) Cleanrooms that are used for manufacturing, processing, fabrication or research and development, as defined in paragraph (13) of this subsection, of semiconductor products. For purposes of this paragraph, "cleanroom" means all property that comprises or creates an environment where humidity, temperature, particulate matter and contamination are precisely controlled within specified parameters, without regard to whether the property is actually contained within that environment or whether any of the property is affixed to or incorporated into real property. Cleanroom:

a. Includes the integrated systems, fixtures, piping, movable partitions, lighting and all property that is necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity or other environmental conditions or manufacturing tolerances, as well as the production machinery and equipment operating in conjunction with the cleanroom environment.

b. Does not include the building or other permanent, nonremovable component of the building that houses the cleanroom environment.

(17) Machinery and equipment that are purchased by or on behalf of the owners of a soundstage complex and primarily used for motion picture, multimedia or interactive video production in the complex. This paragraph applies only if the initial construction of the soundstage complex begins after June 30, 1996 and before January 1, 2002 and the machinery and equipment are purchased before the expiration of five (5) years after the start of initial construction. For purposes of this paragraph:

a. "Motion picture, multimedia or interactive video production includes products for theatrical and television release, educational presentations, electronic retailing, documentaries, music videos, industrial films, cd-rom, video game production, commercial advertising and television episode production and other genres that are introduced through developing technology.

b. "Soundstage complex" means a facility of multiple stages including production offices, construction shops and related areas, prop and costume shops, storage areas, parking for production vehicles and areas that are leased to businesses that complement the production needs and orientation of the overall facility.

(18) Tangible personal property that is used by either of the following to receive, store, convert, produce, generate, decode encode, control or transmit telecommunications information:

a. Any direct broadcast satellite television or data transmission service that operates pursuant to 47 Code of Federal Regulations Parts 25 and 100.

b. Any satellite television or data transmission facility, if both of the following conditions are met:

i. Over two-thirds (2/3) of the transmissions, measured in megabytes, transmitted by the facility during the test period were transmitted to or on behalf of one (1) or more direct broadcast satellite television or data transmission services that operate pursuant to 47 Code of Federal Regulations Parts 25 and 100.

ii. Over two-thirds (2/3) of the transmissions, measured in megabytes, transmitted by or on behalf of those direct broadcast television or data transmission services during the test period were transmitted by the facility to or on behalf of those services.

For purposes of subdivision (b) of this paragraph, "test period" means the three hundred sixty-five (365) day period beginning on the later of the date on which the tangible personal property is purchased or the date on which the direct broadcast satellite television or data transmission service first transmits information to its customers.

(19) Machinery and equipment that is used directly in the feeding of poultry, the environmental control of housing for poultry, the movement of eggs within a production and packaging facility or the sorting or cooling of eggs. This exemption does not apply to vehicles used for transporting eggs.

(20) Machinery or equipment, including related structural components, that is employed in connection with manufacturing, processing, fabricating, job printing, refining, mining, natural gas pipelines, metallurgical operations, telecommunications, producing or transmitting electricity or research and development that is used directly to meet or exceed rules or regulations adopted by the Federal Energy Regulatory Commission, the United States Environmental Protection Agency, the United States Nuclear Regulatory Commission, the Arizona Department of Environmental Quality or a political subdivision of this state to prevent, monitor, control or reduce land, water or air pollution.

(21) Machinery or equipment that enables a television station to originate and broadcast or to receive and broadcast digital television signals and that was purchased to facilitate compliance with the Telecommunications Act of 1996 (P.I. 104-104; 110 Stat. 56; 47 United States Code Section 336) and the Federal Communications Commission Order issued April 21, 1997, 47 Code of Federal Regulations Part 73. this paragraph does not exempt any of the following:

(A) Repair or replacement parts purchased for the machinery or equipment described in this paragraph.

(B) Machinery or equipment purchased to replace machinery or equipment for which an exemption was previously claimed and taken under this paragraph.

(C) Any machinery or equipment purchased after the television station has ceased analog broadcasting, or purchased after November 1, 2009, whichever occurs first.

(b) The term "income-producing capital equipment" shall further include ancillary machinery and equipment used for the treatment of waste products created by the business activities which are allowed to purchase "income-producing capital equipment" defined in subsection (a) above.

(c) The term "income-producing capital equipment" shall further include repair and replacement parts, other than the items in subsection (d) below, where the property is acquired to become an integral part of another item itemized in subsection (a) or (b) above.

(d) The tangible personal property defined as income-producing capital equipment in this section shall not include:

(1) Expendable materials. For purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsections (a), (b) or (c) of this section regardless of the cost or useful life of that property.

(2) Janitorial equipment and hand tools.

(3) Office equipment, furniture, and supplies.

(4) Tangible personal property used in selling or distributing activities.

(5) Motor vehicles required to be licensed by the state, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection (a)(10) above without regard to the use of such motor vehicles.

(6) Shops, buildings, docks, depots, and all other materials of whatever kind or character not specifically included as exempt.

(7) Motors and pumps used in drip irrigation systems.

(e) For the purposes of this section:

(1) "Aircraft" includes:

a. An airplane flight simulator that is approved by the federal aviation administration for use as a phase II or higher flight simulator under Appendix H, 14 Code of Federal Regulations Part 121.

b. Tangible personal property that is permanently affixed or attached as a component part of an aircraft that is owned or operated by a certificated or licensed carrier of persons or property.

(2) "Other accessories and related equipment" includes aircraft accessories and equipment such as ground service equipment that physically contact aircraft at some point during the overall carrier operation.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 2, 1-23-95; Ord. No. 9069, § 3, 6-15-98; Ord. No. 9069, § 1(2), 6-15-98; Ord. No. 9322, § 1, 11-22-99)

Sec. 19-115. Definitions: Computer software; custom computer programming. (Reg. 115.1)

(a) *Computer software* means any computer program, part of such a program, or any sequence of instructions for automatic data processing equipment. Computer software which is not "custom computer programming" is deemed to be tangible personal property for the purposes of this article, regardless of the method by which title, possession, or right to use the software is transferred to the user.

(b) *Custom computer programming* means any computer software which is written or prepared exclusively for a customer and includes those services represented by separately stated charges for the modification of existing prewritten programs when the modifications are written or prepared exclusively for a customer.

(1) The term does not include a prewritten program which is held or existing for general or repeated sale, lease or license, even if the program was initially developed on a custom basis for in-house, or for a single customer's, use.

(2) Modification to an existing prewritten program to meet the customer's needs is custom computer programming only to the extent of the modification, and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents supplied to the customer.

(Ord. No. 6674, § 3, 3-23-87)

Sec. 19-120. Reserved.

Editor's note – Ord. No. 11183, § 7, adopted June 17, 2014 and effective January 1, 2013, repealed § 19-120, which pertained to definitions relating to food for home consumption.

Sec. 19-130. Reserved.

Editor's note – Ord. No. 10949, § 2, adopted December 13, 2011, repealed § 19-130, which pertained to persons paying privilege tax not being liable for occupational tax under article I.

DIVISION 2. DETERMINATION OF GROSS INCOME

Sec. 19-200. Determination of gross income: In general.

(a) Gross income includes:

(1) The value proceeding or accruing from the sale of property, the providing of service, or both.

(2) The total amount of the sale, lease, license for use or rental price at the time of such sale, rental, lease or license.

(3) All receipts, cash, credits, barter, exchange, reduction of or forgiveness of indebtedness, and property of every kind or nature derived from a sale, lease, license for use, rental or other taxable activity.

(4) All other receipts whether payment is advanced prior to, contemporaneous with, or deferred in whole or in part subsequent to the activity or transaction. (Reg. 200.1)

(b) Barter, exchange, trade-outs or similar transactions are includable in gross income at the fair market value of the service rendered or property transferred, whichever is higher, as they represent consideration given for consideration received.

(c) No deduction or exclusion is allowed from gross income on account of the cost of the property sold, the time value of money, expense of any kind or nature, losses, materials used, labor or service performed, interest paid, or credits granted.

(d) For the purposes of this chapter the total amount of gross income, gross receipts or gross proceeds of sales for nuclear fuel shall be deemed to be the value of the purchase price of uranium oxide used in producing the fuel. The tax imposed by this chapter may be imposed only once for any one quantity or batch of nuclear fuel regardless of the number of transactions or financing arrangements which may occur with respect to that nuclear fuel.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11183, § 6, 6-17-14, eff. 1-1-13)

Sec. 19-210. Determination of gross income: Transactions between affiliated companies or persons.

In transactions between affiliated companies or persons, or in other circumstances where the relationship between the parties is such that the gross income from the transaction is not indicative of the market value of the subject matter of the transaction, the tax collector shall determine the "market value" upon which the city privilege and use taxes shall be levied. "Market value" shall correspond as nearly as possible to the gross income from similar transactions of like quality or character by other taxpayers where no common interest exists between the parties, but otherwise under similar circumstances and conditions.
(Ord. No. 6674, § 3, 3-23-87)

Sec. 19-220. Determination of gross income: Artificially contrived transactions.

The tax collector may examine any transaction, reported or unreported, if, in his opinion, there has been or may be an evasion of the taxes imposed by this article and to estimate the amount subject to tax in cases where such evasion has

(2) Out-of-city sales.

(3) Out-of-state sales.

(4) Job printing of newspapers, magazines, or other periodicals or publications for a person who is subject to the tax imposed by subsection 19-435(a) or an equivalent excise tax; provided further, that the person is properly licensed by the taxing jurisdiction at the location of publication.

(5) Sales of job printing to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(6) Reserved.

(7) Sales of postage and freight except that the amount deducted shall not exceed the actual postage and freight expense that is paid to the United States Postal Service or a commercial delivery service and that is separately itemized by the taxpayer on the customer's invoice and in the taxpayer's records.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 10, 4-25-88; Ord. No. 8440, § 10, 1-23-95; Ord. No. 9069, § 1(5), 6-15-98; Ord. No. 11183, § 14, 6-17-14, eff. 9-21-06)

Sec. 19-427. Manufactured buildings.

(a) The tax rate shall be at an amount equal to two (2) percent of the gross income, including site preparation, moving to the site, and/or setup, upon every person engaging or continuing in the business activity of selling manufactured buildings within the city. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.

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

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

(d) Under this section, a trade-in will not be allowed for the purpose of reducing the tax liability.
(Ord. No. 8440, § 11, 1-23-95)

Sec. 19-430. Timbering and other extraction.

(a) The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the following businesses:

(1) Felling, producing, or preparing timber or any product of the forest for sale, profit, or commercial use.

(2) Extracting, refining, or producing any oil or natural gas for sale, profit, or commercial use.

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

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

(d) Reserved.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 12, 1-23-95)

Sec. 19-432. Mining.

(a) The tax rate shall be at an amount equal to one-tenth (1/10) of one (1) percent not to exceed one-tenth (1/10) of one (1) percent, of the gross income from the business activity upon every person engaging or continuing in the business of mining, smelting, or producing for sale, profit, or commercial use any copper, gold, silver, or other mineral product, compound, or combination of mineral products, but not including the extraction, removal, or production of sand, gravel, or rock from the ground for sale, profit, or commercial use.

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

(c) If any person engaging in any business classified in this section ships or transports products, or any part thereof, out of the state without making sale of such products, or ships his products outside of the state in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-state and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this section.
(Ord. No. 8440, § 13, 1-23-95)

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

(a) *Tax Rate.* The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business activity of:

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

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

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

(1) Location of the editorial offices of the publisher, when the physical printing is not performed by the publisher; or

(2) Location of either the editorial offices or the printing facilities, if the publisher performs his own physical printing.

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

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

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

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

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

(f) The tax imposed by this section shall not apply to sales of newspapers, magazines or other periodicals to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 11, 4-25-88; Ord. No. 9069, § 1(6), 6-15-98)

Sec. 19-444. Hotels.

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

(1) Person.

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

(1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this state or any other state or a political subdivision of this state or of any other state in a privately operated prison, jail or detention facility.

(2) Gross proceeds of sales or gross income that is properly included in another business activity under this article and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity.

(3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this article.

(4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under section 19-410 or section 19-475 due to an exclusion, exemption or deduction.

(5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel. However, such commissions may be subject to tax under section 19-445 or section 19-450 as rental, leasing or licensing for use of real or tangible personal property.

(6) Income from providing telephone, fax, or Internet services to customers at an additional charge that is separately stated to the customer and is separately maintained in the hotel's books and records. However, such gross proceeds of sales or gross income may be subject to tax under section 19-470 as telecommunication services.
(Ord. No. 7446, § 2.7, 7-2-90; Ord. No. 9322, § 6, 11-22-99; Ord. No. 10361, § 7, 12-19-06, eff. 1-1-07)

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

(a) The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the city for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the city for a consideration including any improvements, rights, or interest in such property; provided further that:

(1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.

(2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.

(3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under section 19-470.

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

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

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

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

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

(g) (Reserved).

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

(i) (Reserved).

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

(k) (Reserved).

(l) (Reserved).

(m) (Reserved).

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

(o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this state or any other state or a political subdivision of this state or of any other state in a privately operated prison, jail or detention facility is exempt from the tax imposed by this section.

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

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

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

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

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

(2) "Controlling interest" means direct or indirect ownership of at least eighty percent (80%) of the voting shares of a corporation or of the interests in a company, business, or person other than a corporation.

(3) "Reciprocal insurer" has the same meaning as prescribed in A.R.S. § 20-762.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7446, § 7.2, 7-2-90; Ord. No. 8440, § 14, 1-23-95; Ord. No. 9069, § 1(7), 6-15-98; Ord. No. 9322, § 7, 11-22-99; Ord. No. 9652, § 4, 1-14-02; Ord. No. 10287, § 5, 6-13-06; Ord. No. 10911, § 5, 8-9-11, eff. 7-29-10; Ord. No. 11183, § 13, 6-17-14, eff. 7-20-11)

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

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

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

(a) *Tax rate*. The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the city as provided by regulation.

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

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

(1) Rental, leasing, or licensing for use of tangible personal property to persons engaged or continuing in the business of leasing, licensing for use, or rental of such property.

(2) Rental, leasing, or licensing for use of tangible personal property that is semi-permanently or permanently installed within another city or town that levies an equivalent excise tax on the transaction.

(3) Rental, leasing, or licensing for use of film, tape, or slides to a theater or other person taxed under section 19-410, or to a radio station, television station, or subscription television system.

(4) Rental, leasing, or licensing for use of the following:

a. Prosthetics.

b. Income-producing capital equipment.

c. Mining and metallurgical supplies.

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

(5) Rental, leasing, or licensing for use of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or rental, leasing, or licensing for use of tangible personal property in this state by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.

(6) Separately billed charges for delivery, installation, repair, and/or maintenance as provided by regulation.

(7) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services.

(8) The gross income from coin-operated washing, drying, and dry cleaning machines, or from coin-operated car washing machines. This exemption shall not apply to suppliers or distributors renting, leasing, or licensing for use of such equipment to persons engaged in the operation of coin-operated washing, drying, dry cleaning, or car washing establishments.

(9) Rental, leasing, or licensing of aircraft that would qualify as aircraft acquired for use outside the state, as prescribed by regulation, if such rental, leasing, or licensing had been a sale.

(10) Rental, leasing or licensing for use of an alternative fuel vehicle if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.

(11) Rental, leasing, and licensing for use of solar energy devices, for taxable periods beginning from and after July 1, 2008. The lessor shall register with the department of revenue as a solar energy retailer. By registering, the lessor acknowledges that it will make its books and records relating to leases of solar energy devices available to the department of revenue and city, as applicable, for examination.

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

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

Sec. 19-452. Reserved.

(Ord. No. 7446, § 2.10, 7-2-90)

Sec. 19-455. Restaurants and bars.

(a) The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity. (Reg. 445.1)

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

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

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

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

(f) For the purposes of this section, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 13, 4-25-88; Ord. No. 9069, § 1(9), 6-15-98; Ord. No. 10361, § 9, 12-19-06)

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

(a) *Tax Rate.* The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail. (Regs. 460.2, 460.3, 460.6)

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

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

(1) Sales of stocks, bonds, options or other similar materials.

(2) Sales of lottery tickets or shares pursuant to A.R.S. article I, chapter 5, title 5.

(3) Sales of platinum, bullion or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by regulation. (Reg. 460.5)

(4) Gross income derived from the transfer of tangible personal property which is specifically included as the gross income of a business activity upon which another section of this division imposes a tax shall be considered gross income of that business activity and are not includable as gross income subject to the tax imposed by this section. (Reg. 460.1)

(5) Sales by professional or personal service occupations where such sales are inconsequential elements of the service provided. (Reg. 460.4)

(6) Sales of cash equivalents. The gross proceeds of sales or gross income derived from the redemption of any cash equivalent by the holder as means of payment for goods or services that are taxable under this article is subject to the tax. "Cash equivalents" means items or intangibles, whether or not negotiable, that are sold to one or more persons, through which a value denominated in money is purchased in advance and may be redeemed in full or in part for tangible personal property, intangibles or services. Cash equivalents include gift cards, stored value cards, gift certificates, vouchers, traveler's checks, money orders or other instruments, orders or electronic mechanisms, such as an electronic code, personal identification number or digital payment mechanism, or any other prepaid intangible right to acquire tangible personal property, intangibles or services in the future, whether from the seller of the cash equivalent or from another person. Cash equivalents do not include either of the following:

a. Items or intangibles that are sold to one (1) or more persons, through which a value is not denominated in money.

b. Prepaid calling cards or prepaid authorization numbers for telecommunications services made taxable by subsection (g) of this section.

(d) Reserved.

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

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

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

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8784, § 6, 12-2-96; Ord. No. 9322, § 9, 11-22-99; Ord. No. 11183, § 16, 6-17-14, eff. 10-1-07)

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

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

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

(1) *Eligible grocery business* means an establishment whose sales of food are such that it is eligible to participate in the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 Stat. 958, 7 U.S.C. § 2011, et seq.), according to regulations in effect on January 1, 1979. An establishment is deemed eligible to participate in the food stamp program if it is authorized to participate in the program by the United States Department of Agriculture Food and Nutrition Service Field Office on the effective date of this section [March 23, 1987], or if, prior to a reporting period for which the return is filed, such retailer proves to the satisfaction of the tax collector that the establishment, based on the nature of the retailer's food sales, could be eligible to participate in the food stamp program established by the Food Stamp Act of 1977 according to regulations in effect on January 1, 1979.

(2) *Facilities for the consumption of food* means tables, chairs, benches, booths, stools, counters, and similar conveniences, trays, glasses, dishes, or other tableware and parking areas for the convenience of in-car consumption of food in or on the premises on which the retailer conducts business.

(3) *Food for consumption on the premises* means any of the following:

a. "Hot prepared food" as defined below [in paragraph (4)].

b. Hot or cold sandwiches.

c. Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters, and similar conveniences, and within parking areas for the convenience of in-car consumption of food.

d. Food served with trays, glasses, dishes, or other tableware.

e. Beverages sold in cups, glasses, or open containers.

f. Food sold by caterers.

g. Food sold within the premises of theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, fairs, races, contests, games, athletic events, rodeos, billiard and pool parlors, bowling alleys, public dances, dance halls, boxing, wrestling and other matches, and any business which charges admission, entrance, or cover fees for exhibition, amusement, entertainment, or instruction.

h. Any items contained in subsections (b)(3)a. through (b)(3)g. above even though they are sold on a take-out or to go basis, and whether or not the item is packaged, wrapped, or is actually taken from the premises.

(4) *Hot prepared food* means those products, items, or ingredients of food which are prepared and intended for consumption in a heated condition. "Hot prepared food" includes a combination of hot and cold food items or ingredients if a single price has been established.

(5) *Premises* means the total space and facilities in or on which a vendor conducts business and which are owned or controlled, in whole or in part, by a vendor or which are made available for the use of customers of the vendor or group of vendors, including any building or part of a building, parking lot, or grounds.

(6) *Food for home consumption* means all food, except food for consumption on the premises, if sold by any of the following:

a. An eligible grocery business.

b. A person who conducts a business whose primary business is not the sale of food but who sells food which is displayed, packaged, and sold in a similar manner as an eligible grocery business.

c. A person who sells food and does not provide or make available any facilities for the consumption of food on the premises.

d. A person who conducts a delicatessen business either from a counter which is separate from the place and cash register where taxable sales are made or from a counter which has two (2) cash registers and which are used to record taxable and tax exempt sales, or a retailer who conducts a delicatessen business who uses a cash register which has at least two tax (2) computing keys which are used to record taxable and tax exempt sales.

e. Vending machines and other types of automatic retailers.

f. A person's sales of food, drink and condiment for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff.

(c) Income derived from the following sources is exempt from the tax imposed by this section:

(1) Sales of food for home consumption to a person regularly engaged in the business of selling such property.

(2) Out-of-city sales of out-of-state sales.

(3) Charges for delivery or other "direct customer services" as prescribed by regulation.

(4) Food purchased with food stamps provided through the food stamp program established by the Food Stamp Act of 1977 (P.L. 95-113; 91 Stat. 958, 7 U.S.C. § 2011, et seq.) or purchased with food instruments issued under Section 17 of the Child Nutrition Act (P.L. 95-627; 92 Stat. 3603; and P.L. 99-669; Section 4302; 42 U.S.C. § 1786), but only to the extent that food stamps or food instruments were actually used to purchase such food.

(5) Sales of food products by producers as provided for by A.R.S. §§ 3-561, 3-562 and 3-563.

(6) Sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of A.R.S. Title 15, including a regularly organized private or parochial school that offers an educational program for grade twelve (12) or under which may be attended in substitution for a public school pursuant to A.R.S. § 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(7) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C § 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(d) *Reporting.* Such persons who sell food for home consumption shall, in conjunction with the return required pursuant to section 19-520, report to the tax collector in a manner prescribed by the tax collector all sales of food for home consumption exempted from taxes imposed by this article.

(e) *Recordkeeping.*

(1) Retailers shall maintain accurate, verifiable, and complete records of all purchases and sales of tangible personal property in order to verify exemptions from taxes imposed by this article. A retailer may use any method of reporting that properly reflects all purchases and sales of food for home consumption, as well as all purchases and sales of items subject to taxes imposed by this article, provided that such records are maintained in accordance with division 3, and regulations of the tax collector.

Any person who fails to maintain records as provided herein shall be deemed to have had no sales of food for home consumption, and if upon request by the tax collector, a person cannot demonstrate to the tax collector that such records and reports do properly reflect all sales of food for home consumption, the tax collector may recompute the amount of tax to be paid as provided in sections 19-370 and 19-545(b).

(Ord. No. 11183, § 8, 6-17-14, eff. 1-1-13)

Sec. 19-465. Retail sales: Exemptions.

Income derived from the following sources is exempt from the tax imposed by section 19-460:

(1) Sales of tangible personal property to a person regularly engaged in the business of selling such property.

(2) Out-of-city sales or out-of-state sales.

(3) Charges for delivery, installation, or other direct customer services as prescribed by regulation.

(4) Charges for repair services as prescribed by regulation, when separately charged and separately maintained in the books and records of the taxpayer.

(5) Sales of warranty, maintenance, and service contracts, when separately charged and separately maintained in the books and records of the taxpayer.

(6) Sales of prosthetics.

(7) Sales of income-producing capital equipment.

(8) Sales of rental equipment and rental supplies.

(9) Sales of mining and metallurgical supplies.

(10) Sales of motor vehicle fuel and use fuel which are subject to a tax imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes; or sales of use fuel to a holder of a valid single trip use fuel tax permit issued under A.R.S. Section 28-5739, or sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

(11) Sales of tangible personal property to a construction contractor who holds a valid privilege tax license for engaging or continuing in the business of construction contracting where the tangible personal property sold is incorporated into any structure or improvement to real property as part of construction contracting activity.

(12) Sales of motor vehicles to nonresidents of this state for use outside this state if the vendor ships or delivers the motor vehicle to a destination outside this state.

(13) Sales of tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines, or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.

(14) Sales made directly to the federal government to the extent of:

a. One hundred (100) percent of the gross income derived from retail sales made by a manufacturer, modifier, assembler, or repairer.

b. Fifty (50) percent of the gross income derived from retail sales made by any other person.

(15) Sales to hotels, bars, restaurants, dining cars, lunchrooms, boardinghouses, or similar establishments of articles consumed as food, drink, or condiment, whether simple, mixed, or compounded, where such articles are customarily prepared or served to patrons for consumption on or off the premises, where the purchaser is properly licensed and paying a tax under section 19-455 or the equivalent excise tax upon such income.

(16) Sales of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or sales of tangible personal property purchased in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.

(17) Sales of food for home consumption.

(18) Sales of the following to persons engaging or continuing in the business of farming, ranching, or feeding livestock, poultry or ratites:

a. Seed, fertilizer, fungicides, seed treating chemicals, and other similar chemicals.

b. Feed for livestock, poultry or ratites, including salt, vitamins, and other additives to such feed.

c. Livestock, poultry or ratites purchased or raised for slaughter, but not including livestock purchased or raised for production or use, such as milch cows, breeding bulls, laying hens, riding or work horses.

d. Neat animals, horses, asses, sheep, swine, or goats for the purpose of becoming breeding or production stock, including sales of breedings or ownership shares in such animals.

This exemption shall not be construed to include machinery, equipment, fuels, lubricants, pharmaceuticals, repair and replacement parts, or other items used or consumed in the running, maintenance, or repair of machinery, equipment, buildings, or structures used or consumed in the business of farming, ranching, or feeding of livestock, poultry or ratites.

(19) Sales of groundwater measuring devices required by A.R.S. Section 45-604.

(20) Sales of paintings, sculptures or similar works of fine art, provided that such works of fine art are sold by the original artist; and provided further that sales of "art creations", such as jewelry, macrame, glasswork, pottery, woodwork, metalwork, furniture, and clothing, when such "art creations" have a dual purpose, both aesthetic and utilitarian, are not exempt, whether sold by the artist or by another.

(21) Sales of aircraft acquired for use outside the state, as prescribed by regulation.

(22) Sales of food products by producers as provided for by A.R.S. sections 3-561, 3-562 and 3-563.

(23) (Reserved).

(24) Sales of food and drink to a person who is engaged in business that is classified under the restaurant classification and that provides such food and drink without monetary charge to its employees for their own consumption on the premises during such employees' hours of employment.

(25) (Reserved).

(26) (Reserved).

(27) The sale of tangible personal property used in remediation contracting as defined in section 19-100 and regulation 19-100.5.

(28) Sales of materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:

a. Printed or photographic materials.

b. Electronic or digital media materials.

(29) Sales of food, beverages, condiments, and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, 'accessories' means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(30) In computing the tax base in the case of the sale or transfer of wireless telecommunication equipment as an inducement to a customer to enter into or continue a contract for telecommunication services that are taxable under section 19-470, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.

(31) For the purposes of this section, a sale of wireless telecommunication equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under section 19-470 is considered to be a sale for resale in the regular course of business.

(32) Sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a department of environmental quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.

(33) Sales of food, beverages, condiments and accessories to a public educational entity pursuant to any of the provisions of A.R.S. Title 15, including a regularly organized private or parochial school that offers an educational program for grade twelve (12) or under which may be attended in substitution for a public school pursuant to A.R.S. § 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(34) Sales of personal hygiene items to a person engaged in the business of and subject to tax under section 19-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.

(35) For the purposes of this section, the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.

(36) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C. Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(37) (Reserved).

(38) Sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.

(39) Sales of solar energy devices for taxable periods beginning from and after July 1, 2008. The retailer shall register with the Department of Revenue as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the Department of Revenue and city, as applicable, for examination.

(40) Sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the Corporation Commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(41) Sales of magazines or other periodicals or other publications by this state to encourage tourist travel.

(42) Sales of paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.

(43) Sales of overhead materials or other tangible personal property that is used in performing a contract between the United States Government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contractor or subcontract.

(44) Sales of coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in A.R.S. § 41-1514.02 and directly used or consumed in the generation or provision of on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph shall apply for twenty (20) full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor who does not manufacture paper, the time period shall begin with the date the first manufacturing, processing or production equipment is placed in service.

(45) Sales or gross income derived from sales of machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in A.R.S. § 41-1514.02. This subsection applies for ten (10) full consecutive calendar or fiscal years after the start of initial construction.

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

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

Sec. 19-470. Telecommunication services.

(a) *Tax rate.* The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing telecommunication services to consumers within this city.

(1) Telecommunication services shall include:

a. Two-way voice, sound, and/or video communication over a communications channel.

b. One-way voice, sound, and/or video transmission or relay over a communications channel.

c. Facsimile transmissions.

d. Providing relay or repeater service.

e. Providing computer interface services over a communications channel.

f. Time-sharing activities with a computer accomplished through the use of a communications channel.

(2) Gross income from the business activity of providing telecommunication services to consumers within this city shall include:

a. All fees for connection to a telecommunication system.

b. Toll charges, charges for transmissions, and charges for other telecommunications services; provided that such charges relate to transmissions originating in the city and terminating in this state.

c. Fees charged for access to or subscription to or membership in a telecommunication system or network.

d. Charges for monitoring services relating to a security or burglar alarm system located within the city where such system transmits or receives signals or data over a communications channel.

e. Charges for telephone, fax, or Internet access services provided at an additional charge by a hotel business subject to taxation under section 19-444.

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

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

(d) *(Reserved).*

(e) *(Reserved).*

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

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

(1) "Internet" means the computer and telecommunications facilities that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocol, to communicate information of all kinds by wire or radio.

(2) "Internet access" means a service that enables users to access content, information, electronic mail or other services over the internet. Internet access does not include telecommunication services provided by a common carrier.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8783, § 1, 12-2-96; Ord. No. 9322, § 11, 11-22-99; Ord. No. 9652, § 7, 1-14-02; Ord. No. 10361, § 11, 12-19-06, eff. 1-1-07)

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

(a) The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing the following forms of transportation for hire from this city to another point within the state:

(1) Transporting of persons or property by railroad; provided, however, that the tax imposed by this subsection shall not apply to transporting freight or property for hire by a railroad operating exclusively in this state if the transportation comprises a portion of a single shipment of freight or property, involving more than one railroad, either from a point in this state to a point outside this state or from a point outside this state to a

point in this state. for purposes of this paragraph, "a single shipment" means the transportation that begins at the point at which one of the railroads first takes possession of the freight or property and continues until the point at which one (1) of the railroads relinquishes possession of the freight or property to a party other than one (1) of the railroads.

(2) Transporting of oil or natural or artificial gas through pipe or conduit.

(3) Transporting of property by aircraft.

(4) Transporting of persons or property by motor vehicle, including towing and the operation of private car lines, as such are defined in Article VII, Chapter 14, Title 42, Arizona Revised Statutes; provided, however, that the tax imposed by this subsection shall not apply to:

a. Gross income subject to the tax imposed by Article IV, Chapter 16, A.R.S. Title 28.

b. Gross income derived from the operation of a governmentally adopted and controlled program to provide urban mass transportation.

c. Reserved.

d. Reserved.

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

(1) Income that is specifically included as the gross income of a business activity upon which another section of Article II imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.

(2) Income from arranging amusement or transportation when the amusement or transportation is conducted by another person not to exceed consideration paid to the amusement or transportation business.

(c) The tax imposed by this section shall not include arranging transportation as a convenience to a person's customers if that person is not otherwise engaged in the business of transporting persons, freight or property for hire. This exception does not apply to businesses that dispatch vehicles pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the transportation is performed by third party independent contractors. For the purposes of this Subsection, 'arranging' includes billing for or collecting transportation charges from a person's customers on behalf of the persons providing the transportation.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8958, § 6, 9-22-97; Ord. No. 9322, § 12, 11-22-99; Ord. No. 10361, § 12, 12-19-06, eff. 1-1-07)

Sec. 19-480. Utility services.

(a) *Tax Rate.* The tax rate shall be at an amount equal to two (2) percent of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:

(1) Consumers or ratepayers who reside within the city.

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

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

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

(d) *Reserved.*

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

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

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

(1) Revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.

(2) Revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.

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

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

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

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

Sec. 19-485. Wastewater removal services.

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

(1) Consumers or ratepayers who reside within the city.

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

(b) The tax imposed by this section shall not apply to gross income relating to the providing of wastewater removal services from a qualifying hospital, qualifying community health center or a qualifying health care organization.
(Ord. No. 11183, § 11, 6-17-14, eff. 1-1-13)

DIVISION 5. ADMINISTRATION

Sec. 19-500. Administration of this article; rule making.

(a) The administration of this article is vested in the tax collector, except as otherwise specifically provided, and all payments shall be made to the tax collector.

(b) The tax collector shall prescribe the forms and procedures necessary for the administration of the taxes imposed by this article.

(c) Except as provided in this section, no rule or regulation shall be adopted until approved by formal action of the city council.

(d) (Reserved).

(e) The unified audit committee shall publish uniform guidelines that interpret the Model City Tax Code and that apply to all cities and towns that have adopted the Model City Tax Code as provided by A.R.S. Section 42-6005.

(1) Prior to finalization of uniform guidelines that interpret the Model City Tax Code, the unified audit committee shall disseminate draft guidelines for public comment.

(2) Pursuant to A.R.S. Section 42-6005(d), when the state statutes and the Model City Tax Code are the same and where the Arizona department of revenue has issued written guidance, the department's interpretation is binding on cities and towns.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 17, 1-23-95; Ord. No. 8784, § 9, 12-2-96; Ord. No. 9652, § 8, 1-14-02)

Editor's note – It should be noted that the provisions of Ord. No. 9641 become effective retroactive to January 1, 2002.

Sec. 19-510. Divulging of information prohibited; exceptions allowing disclosure.

(a) Except as specifically provided, it shall be unlawful for any official or employee of the city to make known information obtained pursuant to this article concerning the business financial affairs or operations of any person.

(b) The city council may authorize an examination of any return or audit of a specific taxpayer made pursuant to this article by authorized agents of the federal government, the State of Arizona, or any political subdivisions.

(c) The tax collector may provide to an Arizona county, city, or town any information concerning any taxes imposed in this article relative to the taxing ordinances of that county, city, or town.

(d) Successors, receivers, trustees, personal representatives, executors, guardians, administrators, and assignees, if directly interested, may be given information by the tax collector as to the items included in the measure and amounts of any unpaid tax, interest, and penalties required to be paid.

(e) Upon a written direction by the city attorney or other legal advisor to the city designated by the city council, officials or employees of the city may divulge the amount and source of income, profits, leases, or expenditures disclosed in any return or report, and the amount of such delinquent and unpaid tax, penalty, or interest, to a private collection agency having a written collection agreement with the city.

(f) The tax collector shall provide information to appropriate representatives of any Arizona city or town to comply with the provisions of A.R.S. Section 42-6003, A.R.S. Section 42-6005, and A.R.S. Section 42-6056.

(g) The tax collector may provide information to authorized agents of any other Arizona governmental agency involving the allocation of taxes imposed by section 19-435 upon publishing and distribution of periodicals.

(h) The tax collector may provide information regarding the enforcement and collection of taxes imposed by this article to any governmental agency with which the city has an agreement.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 9569, § 1, 6-18-01)

Sec. 19-515. Duties of the taxpayer problem resolution officer.

(a) The taxpayer problem resolution officer shall assist taxpayers in:

(1) Obtaining easily understandable tax information and information on audits, corrections and appeals procedures of the city.

(2) Answering questions regarding preparing and filing the returns required under this article.

(3) Locating documents filed with or payments submitted to the tax collector by the taxpayer.

(b) The taxpayer problem resolution officer shall also:

(1) Receive and evaluate complaints of improper, abusive or inefficient service by the tax collector or any of his designees, employees or agents and recommend to the city manager or, for a city without a city manager, the chief administrative officer appropriate action to correct such service.

(2) Identify policies and practices of the tax collector or any of his designees, employees or agents that might be barriers to the equitable treatment of taxpayers and recommend alternatives to the city manager or, for a city without a city manager, the chief administrative officer.

(3) Provide expeditious service to taxpayers whose problems are not resolved through normal channels.

(4) Negotiate with the tax collector, his designees, employees or agents to resolve the most complex and sensitive taxpayer problems.

(5) Take action to stop or prohibit the tax collector from taking an action against a taxpayer.

(6) Participate and present taxpayers' interests and concerns in meetings formulating the city's policies and procedures under and interpretation of this article.

(7) Compile data each year on the number and type of taxpayer complaints and evaluate the actions taken to resolve those complaints.

(8) Survey taxpayers each year to obtain their evaluation of the quality of service provided by the tax collector, his designees, employees and agents.

(9) Perform other functions which relate to taxpayer assistance as prescribed by the city manager or, for a city without a city manager, the chief administrative officer.

(c) Actions taken by the taxpayer problem resolution officer may be reviewed and/or modified only by the city manager or, for a city without a city manager, the chief administrative officer upon request of the tax collector or a taxpayer.

(d) The mayor and council of the city shall be provided with a report quarterly which identifies:

(1) Any complaints of improper, abusive or inefficient service received by the taxpayer problem resolution officer since the date of the last report.

(2) Any recommendations made, action taken or surveys obtained by the taxpayer problem resolution officer pursuant to subsection (b)(1) – (9) above, since the date of the last report.

(Ord. No. 8784, § 10, 12-2-96)

Sec. 19-516. Taxpayer assistance orders.

(a) The taxpayer problem resolution officer, with or without a formal written request from a taxpayer, may issue a taxpayer assistance order that suspends or stays an action or proposed action by the tax collector if, in the problem resolution officer's determination, a taxpayer is

b. Feed for livestock, poultry or ratites, including salt, vitamins, and other additives to such feed.

c. Livestock, poultry or ratites purchased or raised for slaughter, but not including livestock purchased or raised for production or use, such as milk cows, breeding bulls, laying hens, riding or work horses.

d. Neat animals, horses, asses, sheep, swine, or goats acquired for the purpose of becoming breeding or production stock, including the acquisition of breeding or ownership shares in such animals.

This exemption shall not be construed to include machinery, equipment, fuels, lubricants, pharmaceuticals, repair and replacement parts, or other items used or consumed in the running, maintenance, or repair of machinery, equipment, buildings, or structures used or consumed in the business of farming, ranching, or feeding of livestock, poultry or ratites.

(19) Groundwater measuring devices required by A.R.S. section 45-604.

(20) Paintings, sculptures, or similar works of fine art, provided that such works of fine art are purchased from the original artist; and provided further that "art creations", such as jewelry, macrame, glasswork, pottery, woodwork, metalwork, furniture, and clothing, when such "art creations" have a dual purpose, both aesthetic and utilitarian, are not exempt, whether purchased from the artist or from another.

(21) Aircraft acquired for use outside the state, as prescribed by regulation.

(22) Sales of food products by producers as provided for by A.R.S. sections 3-561, 3-562, and 3-563.

(23) (Reserved).

(24) Sales of food and drink to a person who is engaged in business that is classified under the restaurant classification and that provides such food and drink without monetary charge to its employees for their own consumption on the premises during such employees' hours of employment.

(25) (Reserved).

(26) (Reserved).

(27) Tangible personal property used in remediation contracting as defined in section 19-100 and regulation 19-100.5.

(28) Materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:

a. Printed or photographic materials.

b. Electronic or digital media materials.

(29) Food, beverages, condiments, and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(30) Wireless telecommunication equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under section 19-470.

(31) (Reserved).

(32) Alternative fuel as defined in A.R.S. section 1-215, by a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. section 49-426 or section 49-480.

(33) Food, beverages, condiments and accessories purchased by or for a public educational entity pursuant to any of the provisions of A.R.S. Title 15; including a regularly organized private or parochial school that offers an educational program for grade twelve (12) or under which may be attended in substitution for a public school pursuant to A.R.S. § 15-802; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(34) Personal hygiene items purchased by a person engaged in the business of and subject to tax under sections 19-66 or 19-444 if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.

(35) The diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.

(36) Food, beverages, condiments, and accessories purchased by or for a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(37) (Reserved).

(38) Sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.

(39) The storage, use, or consumption of tangible personal property in the city by a school district or charter school.

(40) Renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the Corporation Commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(41) Magazines or other periodicals or other publications by this state to encourage tourist travel.

(42) Paper machine clothing, such as forming fabrics and dryer felts, sold to a paper manufacturer and directly used or consumed in paper manufacturing.

(43) Overhead materials or other tangible personal property that is used in performing a contract between the United States Government and a manufacturer, modifier, assembler or repairer, including property used in performing a subcontract with a government contractor who is a manufacturer, modifier, assembler or repairer, to which title passes to the government under the terms of the contractor or subcontract.

(44) Coal, petroleum, coke, natural gas, virgin fuel oil and electricity sold to a qualified environmental technology manufacturer, producer or processor as defined in A.R.S. § 41-1514.02 and directly used or consumed in the generation or provision of on-site power or energy solely for environmental technology manufacturing, producing or processing or environmental protection. This paragraph shall apply for twenty (20) full consecutive calendar or fiscal years from the date the first paper manufacturing machine is placed in service. In the case of an environmental technology manufacturer, producer or processor who does not manufacture paper, the time period shall begin with the date the first manufacturing, processing or production equipment is placed in service.

(45) Machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in A.R.S. § 41-1514.02. This subsection applies for ten (10) full consecutive calendar or fiscal years after the start of initial construction.

(Ord. No. 9840, § 5, 5-5-03; Ord. No. 10361, § 15, 12-19-06; Ord. No. 10911, § 7, 8-9-11, eff. 9-30-09; Ord. No. 11183, § 5, 6-17-14, eff. 1-1-13*)

***Editor's note** – Ord. No. 11183, § 18, adopted June 17, 2014, provides that the amendments made to Sec. 19-660(40) shall be effective from and after January 1, 2007.

REGULATIONS – PRIVILEGE AND EXCISE TAXES

Reg. 19-100.1. Brokers.

(a) *Return required.* For the purposes of proper administration of this article and to prevent evasion of taxes imposed, brokers shall be wherever necessary treated as taxpayers for all purposes, and shall file a return and remit the tax imposed on the activity on behalf of the principal. No deduction shall be allowed for any commissions or fees retained by such broker, except as provided in section 19-405, relating to advertising commissions.

(b) *Brokers for Vendors.* A broker acting for a seller, lessor or other similar person deriving gross income in a category upon which this article imposes a tax shall be liable for such tax, even if his principal would not be subject to the tax if he conducted such activity in his own behalf, by reason of the activity being deemed a "casual" one. For example:

(1) An auctioneer or other sales agent of tangible personal property is subject to the tax imposed upon retail sales, even if such sales would be deemed "casual" if his principal had sold such items himself.

(2) A property manager is subject to the tax imposed upon rental, leasing or licensing of real property, even if such rental, leasing or licensing would be deemed "casual" if his principal managed such real property himself.

(c) *Brokers for Vendees.* A broker acting solely for a buyer, lessee, tenant or other similar person who is a party to a transaction which may be subject to the tax, shall be liable for such tax and for filing a return in connection with such tax only to the extent his principal is subject to the tax.

(d) *Liability of Broker and Principal.* The liability of a broker does not relieve the principal of liability except upon presentation to the tax collector of proof of payment of the tax, and only to the extent of the correct payment. The broker shall be relieved of the responsibility to file and pay taxes upon the filing and correct payment of such taxes by the principal.

(e) *Reserved.*

(f) *Location of Business.* Retail sales by brokers acting for another person shall be deemed to have occurred at the regular business location of the broker, in a manner similar to that used to determine "out-of-city sales", provided an auctioneer is deemed to be engaged in business at the site of each auction.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 19, 4-25-88)

Reg. 19-100.2. Delivery, installation, or other direct customer services.

(a) *Delivery Charges.* Delivery charges exist only when the total charges to the ultimate customer or consumer include, as separately charged to the ultimate customer, charges for delivery to the ultimate consumer, whether the place of delivery is within or without the city, and when the taxpayer's books and records show the separate delivery charges.

(1) *Separate statement required.* Identification to the customer or consumer that the listed price has "delivery included" or other similar expression is insufficient to show the delivery as a separate charge. Only the separately stated charge for the delivery shall be deemed a "delivery charge."

(2) *Freight in.* Charges for delivery from place of production or the manufacturer to the vendor either directly or through a chain of wholesalers or jobbers or other middlemen are deemed "freight in" and are not considered delivery.

(b) *Installation.* "Installation," as used in this definition, relates only to tangible personal property. Installation to real property is deemed construction contracting in this article. Examples of installation relating to tangible personal property are installing a radio in an automobile; applying sun screens on the windows of a boat; installing cabinets, carpeting or built-in appliances to a camper or motorized recreational vehicle.

(c) *Exclusion.* Repair of tangible personal property is not included in this definition. See regulation 19-465.1.

(d) *Direct Customer Services.* "Direct customer services" means services other than repair rendered directly to the customer. Services or labor provided by any person prior to the transfer of tangible personal property to the customer or consumer are not included in this definition. In the following examples, the requirements of subsection (e) below are referred to by the words "identify" or "identification":

(1) A retailer sells a customer a one hundred dollar ($100.00) "plug-in" appliance, with a twenty-five dollar ($25.00) delivery and installation charge. If the retailer identifies the twenty-five dollar ($25.00) delivery and installation charge, it is a charge for direct customer services.

(2) A caterer charges his customer one thousand dollars ($1,000.00) for the food and drink served, three hundred dollars ($300.00) for setup and site cleanup, and five hundred dollars ($500.00) for bartender and waiters. If all charges are properly identified, only the three hundred dollars ($300.00) for setup and cleanup is a charge for direct customer services, and the one thousand five hundred dollars ($1,500.00) for food and service is restauranting gross income.

(3) Persons engaged in engraving on wood metal, stone, etc., or persons engaged in retouching photographs or paintings may consider such charges for labor as direct customer services.

(4) All charges by a photographer resulting in the sale of a photograph (sitting charges, developing, making enlargements, retouching, etc.) for services that occur prior to transfer of tangible personal property are not direct customer services.

(5) An equipment rental company charging twenty-five dollars ($25.00) for delivery may consider such delivery charge as a charge for direct customer service only if such charge is properly identified.

(6) Even if identified, charges for labor incurred in the production of any manufactured article or of a custom-made article (jewelry, artwork, tailoring, draperies, etc.) are not included in this definition, as such labor occurs prior to the transfer of property.

(e) *Recordkeeping Requirements.*

(1) Any person who engages in transactions involving these services must:

a. Separately bill, invoice or charge the customer for such services in a manner by which the customer or consumer may readily identify the specific dollar amount of the service charge; and

b. Maintain business books and records in a manner in which the separate charge for such services can be clearly identified, to the satisfaction of the tax collector.

(2) Rendering a statement to a customer for a transaction involving such services and the transfer of tangible personal property which only indicates the total amount of the charges with words such as "services included" or, "charge includes labor and parts" or similar a expression does not satisfy the requirements of this subsection.

(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-100.3. Retailers.

When in the opinion of the tax collector it is necessary for efficient administration of this article, he may regard any salesman, representative, peddler, canvasser or agent of any dealer, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property for sale, rental, lease or license as a retailer for the purposes of this article, irrespective of whether he is making sales, rentals, leases or licenses on his own behalf or on behalf of others. The tax collector may also regard such dealer, distributor, supervisor or employer as a retailer for the purposes of this article.

(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-100.4. Out-of-city/out-of-state sales: Sales to Native Americans.

Sales to Native Americans or tribal councils by vendors located within the city shall be deemed sales within the city, unless all of the following conditions exist:

(1) The vendor has properly accounted for such sales, in a manner similar to the recordkeeping requirements for out-of-city sales; and

(2) All of the following elements of the sale exist:

a. Solicitation and placement of the order occurs on the reservation; and

b. Delivery is made to the reservation; and

c. Payment originates from the reservation.

(Ord. No. 6938, § 20, 4-25-88; Ord. No. 9322, § 14, 11-22-99)

Reg. 19-100.5. Remediation contracting.

The following activities are considered remediation contracting and are exempt:

(1) Excavation, transportation, treatment, and/or disposal of contaminated soil for purposes of site remediation (rather than characterization);

(2) Installation of groundwater extraction and/or injection wells for purposes of groundwater remediation;

(3) Installation of pumps and piping into groundwater extraction wells for remediation purposes;

(4) Installation of vapor extraction wells for the purpose of soil or groundwater remediation;

(5) Construction of remediation systems, such as groundwater treatment plants, vapor extraction systems, or air injection systems;

(6) Connection of remediation systems to utilities;

(7) Abandonment of groundwater or vapor extraction wells;

(8) Removal/demolition of remediation systems;

(9) Capping/closure construction activities; and

(10) Service or handling charges for subcontracted remediation contracting activities.

(Ord. No. 9004, § 1(3), 1-5-98)

Editor's note – Ordinance No. 8794, § 2, adopted January 6, 1997, repealed regulation 19-100.5 in its entirety. Formerly, such regulation pertained to remediation contracting and derived from Ord. No. 8793, § 2, 1-6-97. Subsequently, Ord. No. 9004, § 1, adopted January 5, 1998, added a new regulation to read as herein set out.

Reg. 19-110.1. Reserved.

Editor's note – Ordinance No. 8440, § 21, adopted January 23, 1995, repealed regulation 19-110.1. Formerly, such regulation pertained to income-producing capital equipment in general and derived from Ord. No. 6674, § 3, 3-23-87 and Ord. No. 7446, § 2.15, 7-2-90.

Reg. 19-110.2. Reserved.

Editor's note – Ordinance No. 8440, § 22, adopted January 23, 1995, repealed regulation 19-110.2. Formerly, such regulation pertained to income-producing capital: manufacturing equipment; job printing equipment and derived from Ord. No. 6674, § 3, 3-23-87 and Ord. No. 6938, § 21, 4-25-88.

Reg. 19-115.1. Computer hardware, software, and data services.

(a) *Definitions.*

(1) "Computer hardware" (also called "computer equipment" or "peripherals") is the components and accessories which constitute the physical computer assembly, including but not limited to: central processing unit, keyboard, console, monitor, memory unit, disk drive, tape drive or reader, terminal, printer, plotter, modem, document sorter, optical reader and/or digitizer, network.

(2) "Computer software" (also called "computer program") is tangible personal property, and includes:

a. "Operating program (software)" (also called "executive program (software)"), which is the programming system or technical language upon which or by means of which the basic operating procedures of the computer are recorded. The operating program serves as an interface with user applied programs and allows the user to access the computer's processing capabilities.

b. "Applied program (software)", which is the programming system or technical language (including the tape, disk, cards, or other medium upon which such language or program is recorded) designed either for application in a specialized use, or upon which or by means of which a plan for the solution of a particular problem is based. Typically, applied programs can be transferred from one (1) computer to another via storage media. Examples of applied programs include: payroll processing, general ledger, sales data, spreadsheet, word processing, and data management programs.

(3) "Storage medium" is any hard disk, compact disk, floppy disk, diskette, diskpack, magnetic tape, cards, or other medium used for storage of information in a form readable by a computer, but not including the memory of the computer itself.

(4) A "terminal arrangement" (also called "'on-line' arrangement") is any agreement allowing access to a remote central processing unit through telecommunications via hardware.

(5) A "computer services agreement" (also called "data services agreement") is an agreement allowing access to a computer through a third-party operator.

(b) For the purposes of this article, transfer of title and possession of the following are deemed sales of tangible personal property and any other transfer of title, possession, or right to use for a consideration of the following is deemed rental, leasing, or licensing of tangible personal property:

(1) Computer hardware or storage media. Rental, leasing, or licensing for use of computer hardware or storage media includes the lessee's use of such hardware or storage media on the lessor's premises.

(2) Computer software which is not custom computer programming. Such prewritten ("canned") programs may be transferred to a customer in the form of punched cards, magnetic tape, or other storage medium, or by listing the program instructions on coding sheets. Transfer is deemed to have occurred whether title to the storage medium upon which the program is recorded, coded, or punched passes to the customer or the program is recorded, coded, or punched on storage medium furnished by the customer. Gross income from the transfer of such prewritten programs includes:

a. The entire amount charged to the customer for the sale, rental, lease, or license for use of the storage medium or coding sheets on which or into which the prewritten program has been recorded, coded, or punched.

b. The entire amount charged for the temporary transfer or possession of a prewritten program to be directly used or to be recorded, coded, or punched by the customer on the customer's premises.

c. License fees, royalty fees, or program design fees; any fee present or future, whether for a period of minimum use or of use for extended periods, relating to the use of a prewritten program.

d. The entire amount charged for transfer of a prewritten ("canned") program by remote telecommunications from the transferor's place of business to or through the customer's computer.

e. Any charge for the purchase of a maintenance contract which entitles the customer to receive storage media on which prewritten program improvements or error corrections have been recorded or to receive telephone or on-site consultation services, provided that:

i. If such maintenance contract is not optional with the customer, then the charges for the maintenance contract, including the consultation services, are deemed gross income from the transfer of the prewritten program.

ii. If such maintenance contract is optional with the customer but the customer does not have the option to purchase the consultation services separately from the storage media containing the improvements or error corrections, then the charges for the maintenance contract, including the consultation services, are deemed gross income from the transfer of the prewritten program.

iii. If such maintenance contract is optional with the customer and the customer may purchase the consultation services separately from the storage media containing the improvements or error corrections, then only the charges for such improvements or error corrections are deemed gross income from the transfer of a prewritten program and charges for consultation are deemed to be charges for professional services.

(c) Producing the following by means of computer hardware is deemed to be the activity of job printing for the purposes of this article:

(1) Statistical reports, graphs, diagrams, microfilm, microfiche, photorecordings, or any other information produced or compiled by a computer; except as provided in subsection (e) below.

(2) Additional copies of records, reports, manuals, tabulations, etc. "Additional copies" are any copies in excess to those produced simultaneously with the production of the original and on the same printer,

whether such copies are prepared by running the same program, by using multiple printers, by looping the program, by using different programs to produce the same output, or by other means.

(d) Charges for the use of communications channel in conjunction with a terminal arrangement or data services agreement are deemed gross income from the activity of providing telecommunication services.

(e) The following transactions are deemed direct customer services, provided that charges for such services are separately stated and maintained as provided by regulation 19-100.2(e):

(1) "Custom (computer) programming", which is any computer software which is written or prepared for a single customer, including those services represented by separately stated charges for the modification of existing prewritten programs.

a. Custom computer programming is deemed a professional service regardless of the form in which the programming is transferred.

b. Custom programming includes such programming performed in connection with the sale, rental, lease, or license for use of computer hardware, provided that the charges for such are separately stated from the charges for the hardware.

c. Custom computer programming includes a program prepared to the special order of a customer who will use the program to produce copies of the program for sale, rental, lease, or license. The subsequent sale, rental, lease, or license of such a program is deemed the sale, rental, lease, or license of a prewritten program.

(2) Training services related to computer hardware or software, provided further that:

a. The provider of such training services is deemed the ultimate consumer of all tangible personal property used in training others or provided to such trainees without separately itemized charge for the materials provided.

b. Training deemed a direct customer service does not include:

i. Training materials, books, manuals, etc. furnished to customers for a charge separate from the charge for training services.

ii. Training provided to customers without separate charge as part of the sale, rental, lease, or license of computer hardware or software, or as part of a terminal arrangement or data services agreement.

(3) The use of computer time through the use of a terminal arrangement or a data service agreement, but not charges for computer hardware located at the customer's place of business (for example, the terminal, a printer attached to the terminal, a modem used to communicate with the remote central processing unit over a telephone line).

(4) Compiling and producing, as part of a terminal arrangement or computer services agreement, original copies of statistical reports, graphs, diagrams, microfilm, microfiche, photorecordings, or other information for the same person who supplied the raw data used to create such reports.

(f) The purchase, rental, lease, or license for use of computer hardware, storage media, or computer software which is not deemed custom programming is deemed the use or storage of tangible personal property for the purpose of this chapter, and the amount which may be subject to use tax shall be determined in the same manner as the determination of the gross income from the sale, rental, lease, or license for use of such. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 9652, § 10, 1-14-02; Ord. No. 9840, § 6, 5-5-03)

Editor's note – It should be noted that the provisions of Ord. No. 9641 become effective retroactive to January 1, 2002.

Reg. 19-120.1. Reserved.

Editor's note – Ord. No. 11183, § 9, adopted June 17, 2014 and effective January 1, 2013, repealed Reg. 19-120.1, which pertained to food for home consumption, recordkeeping and reporting requirements.

Reg. 19-200.1. When refundable deposits are includable in gross income.

(a) Refundable deposits shall be includable as gross income of the taxpayer for the month in which the deposits are forfeited by the lessee.

(b) Reserved.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 22, 4-25-88; Ord. No. 8440, § 23, 1-23-95)

Reg. 19-250.1. Excess tax collected.

If a taxpayer collects taxes in excess of the combined tax rate from any customer in any transaction, all such excess tax shall be paid to the taxing jurisdictions in proportion to their effective rates. The right of the taxpayer to charge his customer for his own liability for tax does not allow the taxpayer to enrich himself at the cost of his customers. Tax paid on an activity that is not subject to tax or that qualifies for an exemption, deduction, exclusion or credit is not excess tax collected.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 10287, § 4, 6-13-06)

Reg. 19-270.1. Proprietary activities of municipalities are not considered activities of a governmental entity.

The following activities, when performed by a municipality, are considered to be activities of a person engaged in business for the purposes of this article, and not excludable by reason of section 19-270:

(1) Rental, leasing or licensing for use of real property to other than another department or agency of the municipality.

(2) Procuring, providing or furnishing electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

(3) Sale of tangible personal property to the public, when similar tangible personal property is available for sale by other persons, as, for example, at police or surplus auctions.

(4) Providing wastewater removal services to consumers or ratepayers by means of sewer lines or similar pipelines.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11183, § 12, 6-17-14, eff. 1-1-13)

Reg. 19-270.2. Proprietary clubs.

(a) *Equity Requirements.* In order to qualify for exclusion under section 19-270, a proprietary club must actually be owned by the members. For the purposes of qualification, a club will be deemed to be member-owned if at least eighty-five (85) percent of the equity of the total amount of club-owned property is owned by bona fide individual members whose membership is represented in the form of shares, certificates, bonds or other indicia of capital interest. A corporation may be considered an individual owner provided that it owns a membership solely for the benefit of one (1) or more of its employees and is not engaged in any business activity connected with the operation of the club.

(b) *Gross Revenue Requirements.* In computing gross revenue for the computation of this fifteen (15) percent rule of subsection 19-270(c)(1).

(1) The following shall be excluded:

a. Membership dues.

b. Membership fees which relate to the general admission to the club on a periodic (or perpetual) basis.

c. Assessments.

d. Special fund-raising events, raffles, etc.

e. Donations, gifts or bequests.

f. Gate receipts, admissions and program advertising for not more than one (1) tournament in any calendar year.

(2) The following must be included:

a. Green fees, court use fees, and similar charges for the actual use of a facility or part thereof.

b. Pro shop sales if the shop is owned by the club.

c. Golf cart rental if the carts are owned by the club.

d. Rentals, percentages or commissions received for permitting the use of the premises or any portion thereof by a caterer, concessionaire, professional or any other person for sales, rental, leasing, licensing, catering, food or beverage service, or instruction.

e. All receipts from food or beverage sales, room use or rental charge, corkage and catering charges, and similar receipts.

f. Locker and locker room fees and attendants charges if paid to the club.

g. Tournament entry fees other than entry fees for the one (1) annual tournament exempt under subsection (b)(1)(f) above.

(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-300.1. Who must apply for a license.

(a) For the purposes of determining whether a license is required under section 19-300, a person shall be deemed to be "engaged in or continuing in business" within the city if he meets any of the following conditions:

(1) He is engaged in any activity subject to the city's privilege taxes as principal or broker.

(2) He has or maintains within the city directly, or if a corporation by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this city under the authority of such person or if a corporation its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily or whether such person or subsidiary is authorized or licensed to do business in this state or this city.

(3) He is soliciting sales, orders, contracts, leases and other similar forms of business relationships, within the city from customers, consumers or users located within the city, by means of salesmen, solicitors,

Reg. 19-405.1. Local advertising examples.

For purposes of illustration only, and not by way of limitation, the following are provided as examples of local advertising subject to the tax:

(1) Retail sales and rental establishments doing business within the state when only one commonly designated business entity is identified by name in the advertisement.

(2) Financial institutions doing business within the state whether part of a national chain or local business only.

(3) Sales of real estate located within the state.

(4) Health care facilities located within the state.

(5) Hotels, motels, and apartments, whether a national chain or local so long as the advertisement identifies any location within the state.

(6) Brokers doing business within the state whether stockbrokers, real estate brokers, insurance brokers, etc.

(7) Nonprofit organizations, which even though tax exempt, have an office, whether national, local, or branch, within the state.

(8) Political activity, except United States Presidential and Vice Presidential candidates.

(9) Restaurants or food service establishments which have one or more branches, outlets, or franchises within the state even though the local franchisee or licensee may not be responsible for the placement of the advertisement.

(10) Services provided by individuals or entities within the state such as doctors, lawyers, architects, hairdressers, auto repair shops, counseling services, utilities, contractors, auction houses, etc.

(11) Coupons redeemable only at a single commonly designated business entity within the state.

(12) Theater, sports, and other entertainment events held at locations within the state.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7436, § 2, 6-18-90; Ord. No. 11183, § 1, 6-17-14, eff. 12-13-11)

Reg. 19-405.2. Advertising activity within the city.

(a) *In General.* Except as provided elsewhere in this regulation, a person engaged in advertising activity shall be considered to be doing business entirely within the city if all or a major portion of the dissemination facilities such as broadcasting studios, printing plants or distribution centers are located within the city limits. Remote studios patched to an in-city studio and subject to engineering modulation or control at the in-city studio are considered studios doing business in the city.

(b) *Billboards, Outdoor Advertising Companies.* Billboards and other outdoor advertising companies shall be considered to be doing business within the city to the extent they have billboards or similar displays within the city.

(c) *Publishers, Distributors of Newspapers, Periodicals.* Publishers and distributors of newspaper and other periodicals shall be subject to the tax upon advertising imposed by section 19-405, and such tax shall be allocated in the manner prescribed by subsection (e) of section 19-435.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 24, 4-25-88)

Reg. 19-407.1. Reserved.

(Ord. No. 6938, § 25, 4-25-88)

Reg. 19-415.1. Distinction between the categories of construction contracting.

For the purposes of this article, transactions involving improvements to, or sales of, real property are designated into one of the following categories; and these categorizations shall apply, whether or not a person designates himself as a contractor, construction manager, developer or otherwise:

(1) A person performing improvements to real property is one of the following:

a. An "owner-builder" when the work is performed by the owner or lessor or lessee-in-possession. An "owner-builder" may also be a "speculative builder."

b. A "construction contractor" when performing work for the owner or lessor or lessee-in-possession of the real property, unless that person has provided a written declaration stating that:

(i) The owner-builder is improving the property for sale; and

(ii) The owner-builder is liable for the tax for such construction contracting activity; and

(iii) The owner-builder has provided the contractor his city privilege license number.

c. A "subcontractor" as provided in section 19-415(c).

(2) An owner or lessor ("owner-builder") of improved real property is one of the following:

a. A "speculative builder" as provided in section 19-100; or

b. An "owner-builder who is not a speculative builder" in all other cases.

(3) The terms "owner," "lessor" and "lessee-in-possession" shall be deemed to include any authorized agent for such person.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7446, § 2.5, 7-2-90)

Reg. 19-415.2. Distinction between construction contracting and certain related activities.

(a) *Certain rentals, leases and licenses for use in connection with construction contracting.* Rental, leasing, or licensing of earth-moving equipment with an operator shall be deemed construction contracting activity. Rental, leasing, or licensing of any other tangible personal property (with or without an operator) or of earthmoving equipment without an operator shall be deemed rental, leasing, or licensing of tangible personal property. For example:

(1) Rental of a backhoe, bulldozer, or similar earthmoving equipment with operator is construction contracting. Rental of these items without an operator is rental of tangible personal property.

(2) Rental of scaffolding, temporary fences, or barricades is rental of tangible personal property.

(3) Rental of pumps or cranes is rental of tangible personal property, whether or not an operator is provided with the equipment rented.

(b) *Distinction between construction, contracting, retail, and certain direct customer service activities.*

(1) When an item is attached or installed on real property, it is a construction contracting activity, and any subsequent repair, removal, or replacement of that item is construction contracting.

(2) Items attached or installed on tangible personal property are retail sales.

(3) Transactions where no tangible personal property is attached or installed are considered direct customer service activities (for example: carpet cleaning, lawn mowing, landscaping maintenance).

(4) Demolition, earthmoving, and wrecking activities are considered construction contracting.

(c) *Sale of consumable goods incorporated into or applied to real property* is considered a retail sale and not construction contracting. Examples of consumable goods are lubricants, faucet washers, and air conditioning coolant, but not paint.

(d) *Installation or removal of tangible personal property which has independent functional utility* is considered a retail activity.

(1) "Tangible personal property which has independent functional utility" must be able to substantially perform its function(s) without attachment to real property. "Attachment to real property" must include more than connection to water, power, gas, communication, or other service.

(2) Examples of tangible personal property which has independent functional utility include artwork, furnishings, "plug-in" kitchen equipment, or similar items installed by bolts or similar fastenings.

(3) Examples of tangible personal property which does not have independent functional utility include wall-to-wall carpeting, flooring, wallpaper, kitchen cabinets, or "built- in" dishwashers or ranges.

(4) The installation of window coverings (drapes, mini-blinds, etc.) is always a retail activity.

(e) *Sale and installation of interior window coverings.* Notwithstanding any other provision of this code and regulations pertaining thereto, the sale of interior window coverings is always a retail activity, except when sold and installed by the vendor, in which case it shall be construction contracting.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 24, 1-23-95; Ord. No. 8766, §§ 1, 2, 10-21-96; Ord. No. 8794, § 3, 1-6-97; Ord. No. 8856, § 3, 4-7-97; Ord. No. 10949, § 4, 12-13-11)

Reg. 19-415.3. Construction contracting; tax rate effective date.

(a) In the event of a tax rate change, the rate imposed on gross income from construction contracting shall be computed based upon the rate in effect when the contract was executed, subject to the "enactment date" as defined in this section. Gross income from a contract executed prior to the enactment date shall not be subject to the tax rate change, provided the contract contains no provision that entitles the construction contractor to recover the amount of the tax.

(b) In the event of a rate increase, in order to qualify for the lower rate, the construction contractor shall, upon request, provide sufficient documentation, in a manner and form prescribed by the tax collector, to verify that a contract was entered into before the enactment date.

(c) For purposes of this section, "enactment date" shall be:

(1) In the event an election is held, the date of election.

(2) In the event no election is held, the date of final adoption by the mayor and council.

(3) Notwithstanding the above, nothing in this section shall be construed to prevent the city from establishing a later enactment date.
(Ord. No. 9841, § 2, 5-12-03)

Reg. 19-416.1. Speculative builders: Homeowner's bona fide nonbusiness sale of a family residence.

(a) A sale of a custom home, regardless of the stage of completion of such home shall be considered a "homeowner's bona fide nonbusiness sale" and not subject to the tax on speculative builders if:

(1) The property was actually used as the principal place of family residence or vacation residence by the immediate family of the seller for the six (6) months next prior to the offer for sale; and

(2) The seller has not sold more than two (2) such residences (or, if the residence is a vacation residence, two (2) such vacation residences) within the thirty-six (36) months immediately prior to the offer for sale; and

(3) The seller has not licensed, leased or rented the sold premises for any period within twenty-four (24) months prior to the offer for sale.

(b) In the event that a homeowner of a family residence contracts with a licensed construction contractor for improvements to a residence, the construction contracting on a family residence shall be presumed to be for an owner's bona fide

cause it has become worn out or has become obsolete or the person ceases to have the right to possession of the property.

(b) An item of tangible personal property is deemed permanently installed if its installation requires alterations to the premises.

(c) Examples of "semi-permanently or permanently installed tangible personal property" include but are not limited to computers, duplicating machines, furniture not of portable design, major appliances, store fixtures.

(d) The term does not include mobile transportation equipment or tangible personal property designed for regular use at different locations, as under numerous short-term rental, lease or license agreements, whether or not such property is in fact so used.

(1) For example, use of a mobile crane, trencher, automobile or other similar equipment shall be considered a rental, lease or license transaction subject to taxation only by the city or town in which such business office of the lessor is based.

(2) Other similar examples include but are not limited to camping equipment, contracting equipment, chain saw, forklift, household items, invalid needs, janitorial equipment, reducing equipment, furniture of portable design, trucks or trailers, tools, towbars, sump pumps, arc welders.

(e) A rental, lease or license agreement which specifies that the item in question shall remain, under the terms of the agreement, located within the same city or town for more than one hundred eighty (180) consecutive days shall be sufficient evidence that such rented, leased or licensed item is "permanently or semi-permanently installed" in the city or town, except when the item is mobile transportation equipment or one of the other types of portable equipment or property described in subsection (d) above.
(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-450.5. Rental, leasing, and licensing for use of tangible personal property: Delivery, installation, repair, and maintenance charges.

(a) Delivery and installation charges in connection with the rental, leasing and licensing of tangible personal property are exempt from the tax imposed by section 19-450; provided that the provisions of regulation 19-100.2 have been met.

(b) Gross income from the sale of a warranty, maintenance or similar service contract in connection with the rental, leasing and licensing of tangible personal property shall be exempt.

(c) Separately stated charges for repair not included as part of a warranty, maintenance or similar service contract relating to the rental, leasing or licensing of tangible personal property are exempt from the tax imposed by section 19-450; however, such income is subject to the provisions of sections 19-460 and 19-465, and the provisions of regulation 19-465.1.
(Ord. No. 6938, § 27, 4-25-88; Ord. No. 8784, § 30, 12-2-96)

Reg. 19-455.1. Gratuities related to restaurant activity.

Gratuities charged by or collected by persons subject to the tax imposed by section 19-455 may be excluded from gross income if:

(1) Such charge is separately stated upon the bill, invoice, etc., provided the customer, and such amounts are maintained separately in the books and records of the taxpayer; and

(2) Such gratuities are distributed in total to employees of the taxpayer in addition to customary and regular wages.
(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-460.1. Distinction between retail sales and certain other transfers of tangible personal property.

(a) *Distinction Between Transfer of Tangible Personal Property and Sales at Retail.* Charges for transfer of tangible personal property included in the gross income of the business activity of persons

engaged in the following business activities shall be deemed only as gross income from such business activity and not sales at retail taxed by section 19-460:

(1) Tangible personal property incorporated into real property as part of reconstruction or construction contracting, per sections 19-415 through 19-418.

(2) Reserved.

(3) Job printing, per section 19-425.

(4) Mining, timbering and other extraction, but not sales of sand, gravel or rock extracted from the ground, per section 19-430.

(5) Publication of newspapers, magazines and other periodicals, per section 19-435.

(6) Rental, leasing and licensing of real or tangible personal property, per section 19-445 or 19-450.

(7) Restaurants and bars, per section 19-455.

(8) Food for home consumption, per section 19-462.

(9) Telecommunications services, per section 19-470.

(10) Utility services, per section 19-480.

(11) Wastewater removal services, per section 19-485.

(b) *Distinction Between Construction Contracting, Retail and Certain Direct Customer Service Activities.*

(1) When an item is attached or installed on real property, it is a construction contracting activity, and any subsequent repair, removal or replacement of that item is construction contracting.

(2) Items attached or installed on tangible personal property are retail sales.

(3) Transactions where no tangible personal property is attached or installed are considered direct customer service activities (for example: carpet cleaning, lawn mowing, landscape maintenance).

(4) Demolition, earth moving, and wrecking activities are considered construction contracting.

(c) The sale of sand, rock and gravel extracted from the ground shall be deemed a sale of tangible personal property and not mining or metallurgical activity.

(d) Sale of consumable goods incorporated into or applied to real property is considered a retail sale and not construction contracting. Examples of consumable goods are lubricants, faucet washers, and air conditioning coolant, but not paint.

(e) Installation or removal of tangible personal property which has independent functional utility is considered a retail activity.

(1) "Tangible personal property which has independent functional utility" must be able to substantially perform its function(s) without attachment to real property. "Attachment to real property" must include more than connection to water, power, gas, communication or other service.

(2) Examples of tangible personal property which has independent functional utility include artwork, furnishings, "plug-in" kitchen equipment, or similar items installed by bolts or similar fastenings.

(3) Examples of tangible personal property which does not have independent functional utility include wall-to-wall carpeting, flooring, wallpaper, kitchen cabinets, or "built- in" dishwashers or ranges.

(4) The installation of window coverings (drapes, mini-blinds, etc.) is always a retail activity.

(f) Sale and installation of interior window coverings. Notwithstanding any other provision of this code and regulations pertaining thereto, the sale of interior window coverings is always a retail activity, except when sold and installed by the vendor, in which case it shall be construction contracting.
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8766, §§ 3, 4, 10-21-96; Ord. No. 10949, § 5, 12-13-11; Ord. No. 11183, § 10, 6-17-14, eff. 1-1-13)

Reg. 19-460.2. Retail sales: Trading stamp company transactions.

A trading stamp transaction is defined as follows: the trading stamp company issues stamps to a vendor; the vendor then provides them to its customers; and the customer then exchanges the stamps for merchandise from the trading stamp company.

The exchange transaction for the merchandise shall be deemed a retail sale and the trading stamp company a retailer. All taxes imposed by this article applicable to retail transactions are therefore applicable to such exchange transactions.

The rate of tax shall be the retail rate based upon the retail dollar value of the redeemed

poration shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

Providing telecommunication services means providing transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video, or data), without change in content of information are sent and received, where such transmissions are accomplished through a telecommunication network. Telecommunications services shall include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes interstate long distance transmissions. Telecommunications services also include all content or value-added services rendered in conjunction with transmission services. Providing telecommunication services means:

a. Two-way voice, sound, and/or video communication over a communications channel.

b. One-way voice, sound, and/or video transmission or relay over a communications channel.

c. Facsimile transmissions.

d. Relay or repeater service.

e. Computer interface services over a communications channel.

f. Time-sharing activities with a computer accomplished through the use of a communications channel.

Public utility means a person carrying on a utility service or telecommunication service.

Public utility business activity includes only those activities of a public utility which comprise utility services or telecommunication services.

Resides within the city means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing or conducting of regular business activity within the city.

Sale means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whosoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

Tax collector means the finance director or his/her designee or agent for all purposes under this article.

Telecommunication service means any service or activity connected with the transmission or relay of sound, visual image, data, information, images or material over a communications channel or any combination of communications channels.

Utility service means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.
(Ord. No. 6926, § 1.B, 4-18-88; Ord. No. 8998, § 1, 12-8-97; Ord. No. 9870, § 1, 6-30-03; Ord. No. 11183, § 17, 6-17-14, eff. 8-1-14)

DIVISION 2. DETERMINATION OF GROSS INCOME

Sec. 19-800. Determination of gross income in general.

(a) Gross income includes:

(1) The value proceeding or accruing from the sale of property, the provision of service, or both.

(2) The total amount of the sale, lease, license for use, or rental price at the time of such sale, rental, lease or license.

(3) All receipts, cash, credits, barter, exchange, reduction of or forgiveness of indebtedness, and property of every kind or nature derived from a sale, lease, license for use, rental or other taxable activity.

(4) All other receipts whether payment is advanced prior to, contemporaneous with, or deferred in whole or in part subsequent to the activity or transaction.

Sec. 20-230. Designation of parking meter zones; authority to create, alter, eliminate.

For the purposes of this division, the term "parking meter zones" means zones, areas, or streets established or designated by the where parking meters may be installed by the program manager of ParkWise. The program manager of ParkWise may convert existing time limit parking zones into parking meter zones. The mayor and council may create, expand, change, or eliminate any such zones.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11)

Sec. 20-230.1. ParkWise program manager shall install within designated zones.

The program manager of ParkWise may cause parking meters to be installed in such parking meter zones established by mayor and council for the purpose of and in such numbers and at such places as may be necessary to regulate and control the parking of vehicles therein.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11)

Sec. 20-230.2. Temporary suspension of operation – When granted.

The program manager of ParkWise may temporarily suspend the operation of parking meters upon request by contractors, merchants, or others, for bona fide reasons if such suspension shall be in the interest of public safety, traffic control, health, or the general welfare.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10918, § 3, 8-9-11)

Sec. 20-230.3. Same – Fees.

Request for suspension of parking meters shall be made upon forms supplied by the city and filed with the director of transportation. Before meters are suspended, the following fees shall be paid in full:

For each day, or part thereof: The full parking fee that would otherwise be charged within a twenty-four-hour time period.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.4. Location; legend.

Parking meters installed in parking meter zones shall be placed at the curb immediately adjacent to the individual parking spaces hereinafter described, and each parking meter shall be so constructed and adjusted as to show or display a signal that the space adjacent to which it is established is or is not legally in use.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.5. Spaces to be marked; parking in spaces.

(a) It shall be unlawful to park any vehicle across any line or marking designating the parking space for which a parking meter is used, or to park a vehicle in such a position that the same shall not be entirely within the space designated by such lines or markings.

(b) It shall be unlawful to park any vehicle at a metered space in such a way as to prevent another vehicle from parking in any adjacent space.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 2, 8-7-00)

Sec. 20-230.6. Overtime parking prohibited; "feeding" meters prohibited.

(a) It is unlawful to park a vehicle in any space upon any street within a parking meter zone adjacent to which a parking meter is established for more than the length of time indicated on signs or meters maintained on the street pursuant to this chapter, or for any time during which the meter is displaying a signal indicating that such space is illegally in use, except during the time necessary to set the meter to show legal parking.

(b) Overtime parking prohibited; "feeding" meters prohibited. It is unlawful to add additional time to a parking meter beyond the maximum length of time indicated on signs. It shall be unlawful to park a vehicle in the same time restricted space for any portion of two (2) consecutive time periods.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 3, 8-7-00; Ord. No. 10418, § 3, 6-12-07)

Sec. 20-230.7. Effective days and hours.

Time limit parking restrictions in metered zones, including effective days and hours, shall be clearly posted on meters and/or signs.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.8. Prima facie evidence of overtime parking.

The parking or standing of any motor vehicle in a parking meter space at which zone the parking meter is displaying the flag, sign or signal showing that such space is not legally in use shall constitute prima facie evidence that the vehicle has been parked or allowed to stand in such zone for a period longer than permitted by the provisions of this division.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.9. Meters to show parking compliance.

Parking meters, when installed, shall be so adjusted as to show legal parking upon the deposit of United States coins or other legal payment method in the amounts indicated on such meters, during the periods of time stated on such meters.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.10. Deposit of slugs prohibited.

It shall be unlawful to deposit, or cause to be deposited, in any parking meter, any slug, device or metallic substitute for coins of the United States.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.11. Residential parking permit meter exemption.

The holder of a valid residential parking permit issued pursuant to §§ 20-255 et seq. shall be authorized to park at any parking meter located in the designated area for which the residential parking permit is issued, without having to pay the metered rate and without being found in violation of any time limitations otherwise imposed. This exemption shall not apply to parking at any meters located outside of the designated area for which the permit has been issued, including other residential parking permit areas.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-230.12. Parking rates; city manager authorized to set rates within specific range; infraction.

(a) The City Manager may establish initial parking rates subject to Mayor and Council approval.

(b) Thereafter, subject to the advisory recommendations of the ParkWise commission and the ParkWise program manager, the city manager may set parking meter rates within the range of five cents ($0.05) to one dollar and fifty cents ($1.50) per hour for any location within an established parking meter zone.

(c) Three (3) copies of the current parking rate schedules and all future rate schedules established by the director of transportation under this section shall be filed with the city clerk.

(d) It shall be unlawful for persons occupying parking meter spaces not to deposit proper coins in meters in accordance with the rates posted on the meters and on file with the city clerk.
(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 10918, § 3, 8-9-11)

Sec. 20-231. Police/fire vehicle parking.

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle, other than a marked police or fire vehicle.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-232. Government plated vehicles.

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle not bearing government plates.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-233. Specific vehicle type restrictions (RV, motorcycle, etc.).

Where signs are erected, giving notice thereof, it shall be unlawful to park a vehicle of body style, or type, different than that body style, or type of which the signs(s) indicate.
(Ord. No. 9196, § 1, 1-25-99)

not be carried forward or accrued. In addition to the usage provided in this subparagraph b, this additional leave may be used to perform inactive duty drills provided that the member establishes that the military leave was required to perform those drills.

Sec. 22-90(5). Supplement to military leave. Excepting the provisions of [sections] 22-90(1)f and 22-90(2)e, city employees who have been called or are called to active military duty during operation "Enduring Freedom" and "Iraqi Freedom", will accrue sick leave and vacation leave as though they were on paid leave. Notwithstanding, these supplemental leave benefits shall not accrue for any period of service after both operation "Enduring Freedom" and "Iraqi Freedom" have ended nor accrue beyond June 30, 2004, unless this section is reenacted for the next succeeding fiscal year. These supplemental leave benefits are to be governed by city directive for leave administration.

Note – Ord. No. 10004, § 2, adopted June 28, 2004, reenacted section 22-90(5) for Fiscal Year 2005.

(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 1, 6-18-01; Ord. No. 95-90, § 1, 8-6-01; Ord. No. 9719, §§ 1, 2, 6-10-02; Ord. No. 9831, § 1, 4-14-03; Ord. No. 9864, § 1, 6-16-03; Ord. No. 10004, §§ 1, 2, 6-28-04; Ord. No. 10057, § 8, 10-11-04; Ord. No. 10163, § 1, 6-14-05; Ord. No. 10425, § 1, 6-19-07; Ord. No. 10557, § 1, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 3, 6-9-09, eff. 7-1-09)

Editor's note – Due to a scrivener's error, § 22-90(1) should read effective FY 03.

Note – Section 22-90(1)e. is effective July 1, 2007.

Sec. 22-91. Duties of the human resources director and city manager.

The human resources director, subject to the supervision and approval of the city manager, is charged with the responsibility for establishing rules and procedures regulating employee leaves, both with and without pay, for other paid and unpaid time off work and for the administration, establishment, and amendment, of those rules and procedures as from time to time may be required in accordance with the preceding provisions and as hereafter set forth. Rules and regulations for paid and unpaid leave shall not exceed the authorizations provided by ordinance.

a. The human resources director, with the approval of the city manager shall also establish administrative policies and procedures to provide for:

1. Paid time off not to exceed five (5) days annually to exempt employees in recognition of exceptional performance requiring expenditure of numerous hours beyond the hours normally worked. Such time off must be used when granted and will not be accumulated or otherwise compensated.

2. Paid time off not to exceed two (2) hours to vote in primary and general elections.

3. Paid time off not to exceed two (2) hours for the purposes of blood donations.

4. Paid time off to employees on jury duty.

5. Paid time off to permanent employees on witness duty unassociated with their employment. (Employee attendance as a witness on behalf of the city is an employment duty).

6. Paid time for holidays, which are as follows: New Year's day, Martin Luther King, Jr. Day, Presidents Day, César E. Chávez Day (to be observed on the Monday that is closest in time to March 31), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day and excepting commissioned public safety employees who shall have a birthday day holiday, one (1) employee floating holiday per year.

7. Unpaid or paid time off for a period of bereavement for loss of immediate family not to exceed one workweek annually.

8. Unpaid leave, consistent with the needs of the city, not to exceed one year, but always in conformance with applicable state and federal law.

b. The city manager, when recruiting department directors, deputy or assistant city managers, may as an employment incentive:

1. Grant on commencement of employment up to an additional thirty (30) days of paid vacation leave which shall be in addition to any leave entitlement provided in section 22-90 preceding.

2. Waive any of the time in service requirements for accrual of vacation leave to permit up to the maximum rate of vacation accrual for such employees immediately on commencement of employment.

(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 2, 6-18-01; Ord. No. 9864, § 2, 6-16-03; Ord. No. 9878, § 1, 8-4-03; Ord. No. 10557, § 2, 6-25-08, eff. 7-1-08; Ord. No. 11146, § 1, 3-4-14)

Note – Section 22-91(a)7. is effective July 1, 2008.

Sec. 22-92. Peace officer recruitment incentive.

The human resources director, with the approval of the city manager, when recruiting lateral entry commissioned peace officers may, as an employment incentive:

(1) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of vacation leave.

(2) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of sick leave.

(Ord. No. 9348, § 2, 2-7-00)

Sec. 22-93. Conditions for annual sick leave payment to fire department commissioned personnel.

Sec. 22-93(a). Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

Sec. 22-93(b). Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the annual sick leave hours for which payment is not requested remains subject to the sick leave transfer provisions of city administrative directive 2.01-7.

Sec. 22-93(c). Conditions for annual sick leave payment to fire department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

Sec. 22-93(d). Employees with five (5) or more years of service as of July 1 of the year of their request for sick leave payment who have three hundred sixty (360) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, or any part of those hours as set forth in the employee's request, in approximately two (2) equal installments during the pay period in which July 1 falls and the next subsequent pay period.

Sec. 22-93(e). Employees with ten (10) or more years of service as of July 1 of the year of their request for sick leave payment who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-93(f). Employees with seventeen (17) or more years of service as of July 1 of the year of their request for sick leave payment who have five hundred twenty (520) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred four (104) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred sixty (160) hours per year, in

approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-93(g). Employees with twenty-two (22) or more years of service as of July 1 of the year of their request for sick leave payment who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty-two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

(Ord. No. 9382, § 1, 5-15-00; Ord. No. 9523, § 1, 3-5-01; Ord. No. 9561, § 1, 6-11-01; Ord. No. 9720, § 1, 6-10-02; Ord. No. 10425, § 2, 6-19-07, eff. 7-1-07)

Editor's note – Ord. No. 9382, § 1, adopted May 15, 2000, amended the Code by adding provisions designated as § 22-92. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 9382 have been included herein as § 22-93 at the discretion of the editor.

Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.

Sec. 22-94(a). Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

Sec. 22-94(b). Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the remaining annual sick leave hours for which payment is not requested remain subject to the sick leave transfer provisions of city administrative directive 2.01-7.

Sec. 22-94(c). Conditions for annual sick leave payment to police department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

Sec. 22-94(d). Employees with fifteen (15) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(e). Employees with seventeen (17) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have five hundred forty-four (544) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred (100) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of hundred fifty-six (156) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(f). Employee with twenty (20) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(g). Year(s) of prior active duty military service or prior commissioned police service from other jurisdictions shall be included in calculating the years of qualifying service applicable to any payments made under the preceding subparagraphs (d) through (f) of § 22-94.

(Ord. No. 9560, § 1, 6-11-01; Ord. No. 95-90, § 2, 8-6-01; Ord. No. 9864, § 3, 6-16-03; Ord. No. 9878, § 2, 8-4-03; Ord. No. 10425, § 3, 6-19-07, eff. 7-1-07, eff. 7-1-07)

Sec. 22-95. Sick leave incentive program providing for incentive payment and personal leave days.

Sec. 22-95(a). The employee group eligible for representation by the Communication Workers of America Local 7000 – Tucson Association of City Employees, (CWA/TACE), may earn eight (8) hours of personal leave, three (3) times in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including Family Medical Leave (FML). The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 29 through November 1, November 2 through March 7, and March 8 through June 27. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited by the employee. Personal leave carries no entitlement to compensation, and if not used prior to separation from city service, is forfeited without any credit to the member or to any other city or state pension or benefit program.

Sec. 22-95(b). The employee group eligible for representation by the American Federation of State, County and Municipal Employees, (AFSCME), shall be entitled to receive a cash incentive of one hundred fifty dollars ($150.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including FML, in the six (6) month period preceding the date of payment. The sick leave incentive payment will be included in the first paycheck in February for the first six (6) month period and in the first paycheck in August for the second six (6) month period.

Sec. 22-95(c). The employee group eligible for representation by the Tucson Police Officers Association, (TPOA), may earn three (3) personal leave days in each fiscal year, and bank up to three (3) personal leave days, provided they do not use sick leave or leave without pay, including FML. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 29 through November 1, November 2 through March 7, and March 8 through June 27. In no event shall any personal leave days accrued be exchanged for any type of compensation, and if not used prior to separation from city service are forfeited without any credit to the member or to any other city or state pension or benefit plan.

Sec. 22-95(d). The employee group eligible for representation by Tucson Fire Fighters Association, (TFFA): commissioned firefighters who have not used in excess of one (1) twenty-four (24) hour shift, or two (2) consecutive work days for non-twenty-four (24) hour shift personnel, due to lost time or unscheduled vacation over a four (4) month period, and each four (4) months thereafter, will be entitled to one (1) personal leave day. Employees may earn three (3) personal leave days in each fiscal year and bank up to three (3) personal leave days. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning June 29 through November 1, November 2 through March 7, and March 8 through June 27. Personal leave carries no entitlement to compensation, and if not used prior to separation from city service, is forfeited without any credit to the member or to any other city or state pension or benefit program. For the purpose of this subsection, for commissioned firefighters assigned to fire suppression, one workday equals one (1) twenty-four (24) hour shift.

Sec. 22-95(e). Employees who are not eligible to be represented by any labor organization may earn eight (8) hours of personal leave for each four (4) month period during which the employee did not use sick leave or leave without pay, including FML. The accrual period shall be every four (4) months. The reporting period will be for the pay periods beginning June 29 through November 1, November 2 through March 7, and March 8 through June 27. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited. Personal leave carries no entitlement to compensation, and if not used prior to separation from city service, is forfeited without any credit to the member or to any other city or state pension or benefit program.

(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord.

No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11; Ord. No. 10991, § 2, 6-12-12, eff. 7-1-12; Ord. No. 11071, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11176, § 1, 6-3-14, eff. 7-1-14)

Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.

(a) Each City of Tucson/Pima County Household Hazardous Waste Program employee who is leaving Pima County employment and beginning employment with the City of Tucson under section 13 of the intergovernmental agreement with Pima County approved by mayor and council resolution on March 1, 2005 shall have his or her accrued sick and vacation leave balances transferred with the employee.

(b) These employees shall thereafter accrue city sick and vacation leave at a rate commensurate with the employees combined length of service with the county and city. This special length of service provision shall not otherwise affect the status of these employees, who will begin employment with the city as new civil service employees.

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time.
(Ord. No. 10125, § 1, 3-1-05)

Secs. 22-97 – 22-99. Reserved.

ARTICLE VI. OTHER INSURANCE BENEFITS

Sec. 22-100. Reserved.

Editor's note – Ord. No. 10425, § 5, adopted June 19, 2007, effective July 1, 2007, repealed § 22-100, which pertained to providing for other insurance benefits and derived from Ord. No. 9383, § 1, adopted May 15, 2000; Ord. No. 10005, § 1, adopted June 28, 2004; Ord. No. 10163, § 4, June 14, 2005.

Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.

The city shall provide a twenty-five thousand dollar ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by IAFF who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as a commissioned fire employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10005, § 1, 6-28-04; Ord. No. 10294, § 3, 6-27-06; Ord. No. 10557, § 5, 6-25-08, eff. 7-1-08)

Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.

The city shall provide a two thousand five hundred dollar ($2,500.00) special death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by AFSCME and dies while in the employ of the City of Tucson. Although the benefit will be paid without restriction, it is intended that it should be used for purposes of the employees funeral expenses. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.
(Ord. No. 10020, § 1, 8-2-04; Ord. No. 10557, § 6, 6-25-08, eff. 7-1-08)

Sec. 22-104. Death benefit for employee group eligible for representation by CWA/ TACE.

The city shall provide twenty-five thousand dollars ($25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by CWA/TACE who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as an employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10557, § 7, 6-25-08, eff. 7-1-08)

conservation charge and summer surcharges where applicable.
(Ord. No. 4489, § 4, 5-24-76; Ord. No. 4550, § 2, 8-10-76; Ord. No. 4626, § 5, 3-3-77; Ord. No. 6222, § 1, 4-22-85; Ord. No. 8024, § 2, 4-12-93; Ord. No. 9477, § 1, 10-23-00; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09)

Sec. 27-32.1. Monthly reclaimed water service charges.

For the purposes of computing reclaimed water charges:

(1) The service charge shall be levied whether or not any water is provided and is hereby fixed at the following per month per connection:

MONTHLY SERVICE CHARGE

Service Size (inches)	*Monthly Service Charge*
5/8	$8.89
1	16.64
1 1/2	29.55
2	45.05
2 1/2	65.72
3	86.39
4	145.81
6	294.61
8	442.90
10	675.40
12	1,114.58

(2) In addition to the applicable service charge, the charge for reclaimed water shall be:

$1.87 per Ccf ($815.00 per acre-foot).

The foregoing service charges and rates may be adjusted every year during and as a part of the annual water rate adjustment.
(Ord. No. 6327, § 2, 11-4-85; Ord. No. 6411, § 1, 4-28-86; Ord. No. 6692, § 1, 4-13-87; Ord. No. 6925, § 1, 4-11-88; Ord. No. 7171, § 2, 4-17-89; Ord. No. 7391, § 1, 4-16-90; Ord. No. 8024, § 3, 4-12-93; Ord. No. 9156, § 2, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11177, § 1, 6-3-14, eff. 7-4-14)

Sec. 27-33. Monthly potable water service charges.

For the purposes of computing monthly water charges:

(1) The monthly service charge shown in the following table applies to all customer classes. The fee shall be charged whether or not any water is provided.

Service Size (inches)	*Monthly Service Charge*
5/8	$11.00
3/4	14.64
1	21.91
1 1/2	40.10
2	61.93
2 1/2	91.04
3	120.15
4	203.83
6	413.40
8	622.25
10	949.70
12	1,568.23

(2) Monthly water use charges in addition to the service charge shall be applicable to each service connection and shall be per Ccf and vary with customer classification and volumes used according to the following table:

RATE SCHEDULES BY CUSTOMER CLASSES

Residential Single-Family	*$/Ccf*
1 – 10 Ccf	$1.38
11 – 15 Ccf	3.00
16 – 30 Ccf	7.00
Over 30 Ccf	11.25

Residential Duplex-Triplex	*$/Ccf*
1 – 15 Ccf.	$1.38
16 – 20 Ccf.	3.00
21 – 35 Ccf.	7.00
Over 35 Ccf.	11.25

Multi-Family	*$/Ccf*
Basic Volume Charge.	$2.38

Mobile Home Park with Sub-Meters	*$/Ccf*
Basic Volume Charge.	$1.80

Commercial	*$/Ccf*
Basic Volume Charge.	$2.35
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average.	1.00
Tier 2 Summer Sucharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.	0.27

Industrial (more than 5 Mg per month & Tucson Unified School District by contract)	*$/Ccf*
Basic Volume Charge.	$2.09
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average.	1.00
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.	0.27

Construction Water	*$/Ccf*
Basic Volume Charge.	$2.70

(3) The Central Arizona Project surcharge shall be in addition to the service charge and water use charges for all customer classes and apply to all monthly water use at the rate of fifty-six cents ($0.56) per Ccf.

(4) The conservation charge shall be in addition to the service charge and water use charges for all potable water customer classes and apply to all monthly water use at the rate of seven cents ($0.07) per Ccf.

(5) Reserved.

(Ord. No. 4497, § 1, 6-7-76; Ord. No. 4549, § 1, 8-10-76; Ord. No. 4550, § 3, 8-10-76; Ord. No. 4626, § 6, 3-3-77; Ord. No. 4763, § 2, 2-27-78; Ord. No. 4928, § 1, 1-8-79; Ord. No. 5137, § 1, 4-21-80; Ord. No. 5355, § 2, 4-20-81; Ord. No. 5557, § 1, 5-3-82; Ord. No. 5756, § 2, 5-2-83; Ord. No. 6001, § 1, 4-23-84; Ord. No. 6222, § 2, 4-22-85; Ord. No. 6411, § 2, 4-28-86; Ord. No. 6692, § 2, 4-13-87; Ord. No. 6925, § 2, 4-11-88; Ord. No. 7171, § 3, 4-17-89; Ord. No. 7391, § 2, 4-16-90; Ord. No. 7607, § 1, 4-15-91; Ord. No. 7804, § 1, 4-20-92; Ord. No. 8024, §, 4-12-93; Ord. No. 8120, § 3, 9-7-93; Ord. No. 8480, § 1, 4-10-95; Ord. No. 8483, § 2, 5-15-95; Ord. No. 8768, § 3, 10-28-96; Ord. No. 9156, § 3, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11177, § 1, 6-3-14, eff. 7-4-14)

Sec. 27-34. Charges for fire protection service.

Charges for fire protection service shall be made monthly and according to the following table:

2", with detector check valve.	$10.15
3", with detector check valve.	16.58
4", with detector check valve.	25.58
6", with detector check valve.	48.72
8", with detector check valve.	71.86
10", with detector check valve.	108.50
12", with detector check valve.	176.65

(Ord. No. 4489, § 6, 5-24-76; Ord. No. 4626, § 7, 3-3-77; Ord. No. 4656, § 1, 5-23-77; Ord. No. 4763, § 3, 2-27-78; Ord. No. 4928, § 2, 1-8-79; Ord. No. 5137, § 2, 4-21-80; Ord. No. 5355, § 3, 5-2-83; Ord. No. 5557, § 2, 5-3-82; Ord. No. 5756, § 3, 5-2-83; Ord. No. 6001, § 2, 4-23-84; Ord. No. 6222, § 3, 4-22-85; Ord. No. 6411, § 3, 4-2-86; Ord. No. 6692, § 3, 4-13-87; Ord. No. 6925, § 3, 4-11-88; Ord. No. 7171,

§ 4, 4-17-89; Ord. No. 7391, § 3, 4-16-90; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12; Ord. No. 11073, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11177, § 1, 6-3-14, eff. 7-4-14)

Sec. 27-35. Charges for installation of water service connections.

There shall be an installation charge for all water service connections.

(1) Charges for the installation of a metered water service connection, including the service line, the meter, an automatic meter reading device and pavement replacement, shall vary with the size of the meter installed according to the following table:

Size of Meter (inches)	*Charge*
5/8	$2,333.68
3/4	2,325.69
1	2,469.08
1 1/2	3,073.56
2	3,444.53

(2) Charges for the installation of a metered water service connection, including the service line, the meter and an automatic meter reading device, which does not require pavement replacement, shall vary with the size of the meter installed according to the following table:

Size of Meter (inches)	*Charge*
5/8	$1,454.68
3/4	1,446.69
1	1,590.08
1 1/2	2,194.56
2	2,565.53

(3) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the automated read meters, with pavement replacement, shall vary with the number of connections according to the following table:

No. of Meters	*Charge*
2	$2,939.60
3	3,611.73
4	4,178.63
5	4,988.95
6	5,469.26
7	6,969.41
8	7,536.81
9	8,708.21
10	9,275.13
11	10,430.79
12	10,997.68

(4) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the meters, which do not require pavement replacement shall vary with the number of connections according to the following table:

No. of Meters	*Charge*
2	$2,060.60
3	2,715.48
4	3,282.38
5	3,851.20
6	4,331.51
7	4,986.41
8	5,553.81
9	6,213.71
10	6,780.63
11	7,436.04
12	8,002.93

(5) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines, the meters, and pavement replacement, shall be three thousand two hundred twenty-nine dollars and eighty-five cents ($3,229.85).

(6) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines and the meters, which do not require pavement replacement, shall be two thousand three hundred fifty dollars and eighty-five cents ($2,350.85).

(7) Meter installation with an automatic meter reading device including all materials to be installed by Tucson Water, charges shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$475.76
3/4	467.77
1	533.57
1 1/2	785.29
2	918.23

Charges for meter installations with an automated reading device where the developer will install the box and bricks on an existing water service line shall be in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$393.66
3/4	385.67
1	432.84
1 1/2	642.36
2	775.30

(8) Charges for the installation of an additional metered water connection at the same time and in the same trench as the installation of fire protection service shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. No administrative fee in addition to that referenced in section 27-35(9) shall be charged to the applicant. Charges for installation of a meter on such a service line connection shall be in accordance with the tables in section 27-35(7).

(9) Charges for the installation of unmetered fire protection service, including any required service lines or piping, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for fire protection service shall pay an administrative fee of three hundred seventeen dollars ($317.00) for each such service request.

(10) Charges for the installation of a fire hydrant, including the installation of service lines necessary to provide fire hydrants, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for a fire hydrant shall pay an administrative fee of three hundred seventeen dollars ($317.00) for each service request.

(11) Charges for the installation of a consumer requested ball valve on the property side of the meter shall be based upon the cost of material in accordance with the following table:

Size of Meter (inches)	*Charge*
5/8	$33.16
3/4	33.16
1	70.67
1 1/2	123.85
2	192.18

(12) Charges for relocating an existing meter at the customer's request shall be in accordance with the following table:

Size of Meter (inches)	*Change in Location of Up to 10 Feet*	*Change in Location of 11 to 20 Feet*
5/8	$608.39	$754.93
3/4	608.39	754.93
1	665.44	819.67
1 1/2	898.42	1,109.34
2	1,071.60	1,328.94

Meter relocations of greater than twenty (20) feet shall be charged according to section 27-35(1) or 27-35(2).

(13) When the customer has not exposed the dead at curb for meter installation Tucson Water will perform the service and the customer will pay a fee of two hundred forty-six dollars and twenty-eight cents ($246.28).

(14) A customer who cancels any new service installation will be charged a fee of twenty-five dollars and fifty-six cents ($25.56).

(15) Whenever reclaimed water signs and poles are needed after initial installation, the customer will be charged a fee of forty-eight dollars and twenty-nine cents ($48.29).

(16) When a customer needs to have Tucson Water close the valves in the water system in order to isolate the fire service connection to their property so a licensed contractor can inspect the fire service, a fee of one hundred thirty-one dollars and twenty-seven cents ($131.27) will be charged.

(17) Charges for uncommon service installations or rare aspects of common installations shall be based on estimated actual costs and provided in a written quotation to the applicant.

(18) When a major component of an installation must be replaced with a more costly version of the component (such as a concrete meter box being replaced with a cast iron meter box), the applicant shall be informed of the replacement and charged for the more costly version.

(19) Unusual actual construction costs in excess of ten (10) percent of the installation charges established in section 27-35 may be assessed and collected prior to the activation of service.

(20) All applicable "pass-through" fees, such as special paving required for moratorium streets, permit fees, rights-of-way costs, recording fees and taxes, shall be added to the installation charges in section 27-35.

(21) *Contractor non-compliant.* A new water meter installation that violates the water department's standards will be brought into compliance and a fee of seventy-nine dollars and seventy-three cents ($79.73) will be charged to the contractor.

(Ord. No. 4489, § 7, 5-24-76; Ord. No. 4763, § 4, 2-27-78; Ord. No. 5137, § 3, 4-21-80; Ord. No. 5235, § 2, 10-6-80; Ord. No. 5355, 4, 4-20-81; Ord. No. 5557, § 3, 5-3-82; Ord. No. 5756, § 4, 5-2-83; Ord. No. 6222, § 4, 4-22-85; Ord. No. 6692, § 4, 4-13-87; Ord. No. 6925, § 4, 4-11-88; Ord. No. 7171, § 5, 4-17-89; Ord. No. 7391, § 4, 4-16-90; Ord. No. 7607, § 2, 4-15-91; Ord. No. 7797, § 2, 4-13-92; Ord. No. 8121, § 2, 9-7-93; Ord. No. 8446, § 2, 2-13-95; Ord. No. 8747, § 2, 8-5-96; Ord. No. 8768, § 4, 10-28-96; Ord. No. 9018, § 1, 2-23-98; Ord. No. 9043, §§ 2, 3, 4-13-98; Ord. No. 9238, § 3, 6-14-99; Ord. No. 9377, § 1, 4-17-00; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13; Ord. No. 11177, § 1, 6-3-14, eff. 7-4-14)

Sec. 27-36. System equity, Central Arizona Project, and areas-specific fees.

(a) A system equity fee shall be charged for connections to the potable system.

(1) The system equity fee recovers the infrastructure costs incurred to provide capacity to serve new users. The fee has been calculated by multiplying the cost for one gallon of capacity (cost of capacity-generating infrastructure divided by the gallons of capacity provided by that infrastructure) by the capacity required by a new connection (as determined by meter size).

The system equity fee will be used to pay principal and interest on outstanding water revenue bond debt. Separate recording of fee proceeds and uses will be maintained.

(2) A system equity fee shall be charged for potable metered connections to the water system, except for (1) construction water meter connections, (2) connections within isolated systems and, (3) connections within the Peppertree Plan and Santa Rita Bel Air Plan areas; connections within these two areas will be charged fees per Section 27-36(b) and Section 27-36(c).

Meter Size (inches)	*Charge*
5/8	$1,311.00
3/4	1,967.00
1	3,278.00
1 1/2	6,555.00
2	10,488.00
3	20,976.00
4	36,053.00
6	73,809.00
8	111,435.00
10	170,430.00
12	281,865.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the system equity fee for the respective meters at the time of filing the application for meter change-out. No refunds will be credited for replacement of an existing meter with a meter of smaller size.

(b) A Central Arizona Project ("CAP") Water Resource Fee shall be charged for connections to the potable system.

(1) The CAP water resource fee recovers costs incurred for acquisition of CAP water rights from new connections, by determining the cost per acre-foot of CAP water rights available for new connections divided by the connection's capacity requirement (as determined by meter size).

(2) The CAP water resource fee will be used to pay for payments made to the Central Arizona Water Conservation District for back CAP capital/water right costs, administrative fees resulting from the city's CAP allocation, and payments for future CAP capital/water right payments made to the Central Arizona Water Conservation District.

If revenues in a given year from the CAP water resource fee exceed the above uses related to CAP capital/water right payments, the revenues will be used as reimbursement for monies previously spent on back capital/water right payments: these revenues may be used to fund various requirements, including the establishment of a reserve for future water right acquisitions.

A separate recording of fee proceeds and uses will be maintained.

(3) The CAP water resource fee shall be charged for potable metered connections to the water system, except for (i) construction water meter connections, (ii) connections within isolated systems, including Santa Rita Bel Air, until such time as this isolated system is interconnected to the central water system, (iii) connections within the Peppertree Ranch area, and (iv) connections within the Dove Mountain Area which are subject to a pre-existing development agreement.

5. Riprap, whether exposed or buried.

6. Gabions.

b. The following wash treatments may be used only if the city engineer determines that an existing safety hazard warrants such treatment, and the wash treatment method is approved by the mayor and council.

1. Rock veneer.

2. Soil cement.

3. Reinforced concrete, including textured, tinted, or colored concrete.

c. *Preservation/revegetation plan.* The preservation/revegetation plan must demonstrate that any vegetation removed from the resource area is replaced as closely as possible to the predisturbance condition in terms of plant type, density, and diversity. Plant types not currently existing on the site may be included in the preservation/revegetation plan if they are listed on the low water use/drought tolerant plant list in development standard 2-16. The preservation/revegetation plan shall contain the following information:

1. A preservation plan for native vegetation in the resource area.

2. The proposed location of vegetation after development, including the location of salvaged materials.

3. An access plan and maintenance schedule for the vegetation in the resource area.

(2) A copy of the preservation /revegetation plan shall be submitted to the development services department for review.

(Ord. No. 7579, § 1, 3-25-91; Ord. No. 9967, § 11, 5-17-04)

Sec. 29-17. Review and approval.

(a) *Plant, habitat and preservation review.* The PDSD director shall review the plant/habitat inventory and the preservation/revegetation plan in accordance with Chapter 23B, Unified Development Code (UDC), Section 3.3.3, PDSD Director Approval Procedure, or, when the applicant who was the landowner of record prior to the effective date of the UDC (i.e. January 2, 2013) chooses to be governed by the provisions of the Land Use Code (LUC), Development Compliance Code, Chapter 23A, Section 23A-51, PDSD Full Notice Procedure. Applications under this subsection shall be reviewed by the stormwater advisory commission (SAC), which shall make recommendations on the application to the PDSD director.

In making a decision, the PDSD director will consider the preservation/revegetation plan as it relates to the following:

1. The existing condition of the site.

2. The existing character of vegetation upstream and downstream in the channel, on the banks, and fifty (50) feet from the banks of any parcels immediately adjacent to the site.

3. The amount, type, and characteristics of the vegetation upstream and downstream of the site, any proposed open space linkages or facilities recommended by parks, recreation, open space, and trails plan, and any applicable findings of the critical and sensitive wildlife habitat map and study.

4. The density, diversity, location, and selection of plan materials.

5. Other landscaping required by the UDC or the LUC, whichever is applicable as described above.

(b) *Hydrology/hydraulic review.* The PDSD director shall review the hydrology/hydraulic study and the preservation/mitigation plan showing the proposed treatment of the resource area in accordance with Unified Development Code (UDC) Section 3.3.3, PDSD Director Approval Procedure, or, when the applicant who was the landowner of record prior to the effective date of the UDC (i.e. January 2, 2013)

chooses to be governed by the provisions of the Land Use Code, Development Compliance Review, Chapter 23A, Section 23A-51, PDSD Full Notice Procedure.

In making decisions on the type and manner in which drainage improvements or other uses may be located in the resource area, the PDSD director shall consider the following:

1. Whether drainage improvements are necessary to prevent erosion or flooding hazards.

2. Whether reasonable alternative locations for utility lines and roadway improvements are available.

3. Whether erosion setbacks greater than the resource area are required by Chapter 26, Floodplain, Stormwater, and Erosion Hazard Management, if the resource area is left unimproved.

4. Whether the development proposed within the resource area is compatible with the purpose and intent of these regulations.

5. Whether the resource area is restored as closely as possible to its predisturbance condition.

(Ord. No. 7579, § 1, 3-25-91; Ord. No. 9967, § 11, 5-17-04; Ord. No. 11173, § 1, 5-20-14, eff. 6-20-14)

Sec. 29-18. Violation declared a civil infraction.

It shall be a civil infraction for any person, firm or corporation to violate, disobey, omit, neglect or refuse to comply with, or to resist the enforcement of any of the provisions of this article.

If any property or improvement thereon is used in violation of the provisions of this article, the city attorney, in addition to other remedies, may institute any appropriate action or proceeding to restrain, correct or abate such violation.

The Planning and Development Services Department Director shall either proceed to issue a citation for violation of this article pursuant to Chapter 23B, Unified Development Code (UDC) Article 10, Enforcement and Penalties, or Chapter 23, Land Use Code (LUC) Section 5.5, Compliance and Enforcement, whichever is applicable, or report such violations to the city attorney. Violations for which citations are issued shall be heard under the procedures set forth in the aforementioned section of the UDC or LUC, whichever is applicable.

(Ord. No. 7579, § 1, 3-25-91; Ord. No. 9967, § 11, 5-17-04; Ord. No. 11173, § 2, 5-20-14, eff. 6-20-14)

Sec. 29-19. Appeals and variances.

(a) *Appeals.* The decision of the director may be appealed to the Mayor and Council in accordance with Unified Development Code (UDC) Section 3.9.2, Mayor and Council Appeal Procedure, or, when the applicant who was the landowner of record prior to the effective date of the UDC (i.e. January 2, 2013) chooses to be governed by the provisions of the Land Use Code, Development Compliance Review, Chapter 23A, Section 23A-62, Mayor and Council Appeal Procedure. Appeals must be filed with the City Clerk no later than fourteen (14) days after the date of the decision. A copy of the appeal shall be filed with the director.

(b) *Variances.* A request for a variance from the provisions of this Article shall be reviewed and considered for approval by the Board of Adjustment in accordance with Unified Development Code (UDC) Section 3.10.1 and 3.10.3, Board of Adjustment Variance Procedure, or, when the applicant who was the landowner of record prior to the effective date of the UDC (i.e. January 2, 2013) chooses to be governed by the provisions of the Land Use Code (LUC), Development Compliance Review, Chapter 23A, Section 23A-52, Board of Adjustment Full Notice Procedure. The variance must comply with the findings for granting a variance in accordance with UDC Section 3.10.3.K or LUC Section 5.1.7.3.B, whichever is applicable.

(c) *Stormwater technical advisory committee (STAC).* STAC may make recommendations to the director of the department of transportation to be forwarded to the mayor and council on technical issues and questions raised by appeals and variance requests and proposed amendments to these regulations.

(d) *Stormwater advisory committee (SAC).* The SAC may review all proposed amendments to the Tucson Code, Chapter 29, Article VIII, and may

provide written conclusions and recommendations to the director of the department of transportation to be forwarded to the mayor and council and, as applicable, to the planning commission, prior to a public hearing on the proposed amendments.
(Ord. No. 11173, § 3, 5-20-14, eff. 6-20-14)

TABLE 1

WASHES SUBJECT TO THE WATERCOURSE AMENITIES, SAFETY, AND HABITAT REGULATIONS

Airport Wash, Santa Cruz River to Los Reales Road

Alamo Wash, Ft. Lowell Road to Escalante Road

Arcadia Wash, Glenn Street to 22nd Street

Arroyo Chico, Park Avenue to Alvernon Way

Arroyo Chico, 10th Street to First Avenue

Atterbury Wash, Pantano Wash to Irvington Road

Cholla Wash, West Branch Santa Cruz River to city limits

Christmas Wash, Rillito Creek to Tucson Boulevard

Citation Wash, Arroyo Chico to Alvernon Way

Civano Wash, Pantano Wash to Poorman Road

Earp Wash, Julian Wash to Valencia Road

Este Wash, Tanque Verde Wash to Broadway Boulevard

Fahringer Wash, between Sabino Creek and Tanque Verde Road

Globeberry Wash, Silvercroft Wash to headwaters

Hidden Hills Wash, Tanque Verde Creek to Houghton Road

High School Wash, Tucson Arroyo to Plumer Avenue

Julian Wash, Tucson Diversion Channel to Country Club Road

Kinnison Wash, Atterbury Wash to Irvington Road

Maxwell Wash, Silvercroft Wash to Anklam Road

Naylor Wash, Arroyo Chico to Columbus Boulevard

Nebraska Wash, Airport Wash to 12th Avenue

Pima Wash, Rillito Creek to Oracle Road

Powerhorn Wash, Anklam Road to Tumamoc Hill

Racetrack Wash, Rillito Creek to River Road

Railroad Wash, Arroyo Chico to County Club Road

Robb Wash, Tanque Verde to about one thousand (1,000) feet east to Bonanza Avenue

Rodeo Wash, Santa Cruz River to Alvernon Way

Rolling Hills Wash, Pantano Wash to Harrison Road

Rose Hill Wash, Pantano Wash to 22nd Street

Sabino Creek, Tanque Verde Creek to city limits

Sentinel Wash, Cedar Street to Sentinel Peak

Spanish Trail Wash, Pantano Wash to Houghton Road

Tucson Park Wash, Silvercroft Wash to Greasewood Road

Valencia Wash, Santa Cruz River to I-19

West branch of Santa Cruz River, Santa Cruz River to Valencia Road

Wyoming Wash, Santa Cruz River to 17th Avenue

(Ord. No. 8310, § 1, 6-20-94; Ord. No. 8303, § 1, 9-26-94; Ord. No. 8779, § 1, 12-2-96; Ord. No. 9427, § 1, 7-10-00; Ord. No. 9582, §§ 6--8, 8-6-01; Ord. No. 9967, § 11, 5-17-04)

ARTICLE IX. DEVELOPMENT REGULATIONS AND PUBLIC NOTICE IN THE PROXIMITY OF DESIGNATED LANDFILLS*

Sec. 29-20. Purpose.

The purpose of this article is to provide reasonable measures to protect the public's health and safety from potential adverse effects of methane gas.
(Ord. No. 10037, § 1, 9-13-04)

Sec. 29-21. Definitions.

A. "*Landfill*" means either:

1. Any area designated by the director of utility services (director) to be a known landfill; or

2. Any area outside the boundaries designated in section 29-21.A.1. known or discovered to contain significant sub-surface biodegradable solid waste.

Maps showing the boundaries of the landfills designated in section 29-21.A.1. shall be maintained at utility services and a legal description shall be recorded with the Pima County Recorder. The director may modify designated landfill boundaries whenever the director determines that the facts warrant modifications. Whenever the director modifies the boundaries of a designated landfill, notice shall be given to owners of affected properties by first class mail and a modified legal description shall be recorded.

B. "*Developer*" means the person(s) or entities responsible for development subject to this section, including but not limited to, the owner of the property being developed, the lessee of the property being developed, the manager of the property being developed and the builder.

C. "*Responsible party*" means any natural person, corporation, trust, partnership, or other entity that leases the property at issue or holds legal

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***Editor's note –** Ord. No. 10037, § 1, adopted September 13, 2004, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 29-20 – 29-27, pertained to similar subject matter, and derived from Ord. No. 8852, §§ 1, 2, adopted April 7, 1997.

Chapter 30

DEPARTMENT OF TRANSPORTATION*

Cross references – Administration, ch. 2; motor vehicles and traffic, ch. 20.

ARTICLE I. IN GENERAL

Sec. 30-1. Department of transportation established.

There is hereby established a department of transportation, the head of which shall be the director of transportation. The director's appointment and removal shall be in accordance with sections 2, 6 and 11 of Chapter V of the Charter.
(Ord. No. 8070, § 2, 6-21-93)

Sec. 30-2. Powers and duties of the department of transportation.

The department of transportation shall perform such work and duties as the city manager may designate, and the director of transportation shall carry out such assigned duties and functions, including the supervision of functional units established within the department of transportation, as deemed advisable.
(Ord. No. 8070, § 2, 6-21-93)

Sec. 30-3. Functional units established under the department of transportation.

(a) The following functional units are hereby established under the department of transportation:

Administrative and Programming Services
Engineering
Public Transportation
Streets Maintenance
Traffic Engineering
Transportation Planning

(b) Such units shall have such functions and duties as may be assigned to them by the director of transportation, together with such additional functions, powers, duties and organizational framework as may be designated by the city manager.
(Ord. No. 8070, § 2, 6-21-93; Ord. No. 10578, § 2, 9-23-08, eff. 7-1-08)

Sec. 30-4. Environmental property access privilege program (EPAPP); fees; monitor wells.

(a) Upon application, the department of transportation may allow a private party to use public rights-of-way and/or city property for purposes of characterizing and ameliorating subsurface environmental contamination originating from the applicant's property. That use shall be limited to soil borings in the public right-of-way and soil borings and monitor wells on city property.

(b) Fees for soil borings in the public right-of-way and on city property are as follows:

Public rights-of-way:

Application fee. $200.00

Boring fee (per borehole). $100.00

Permit fee. $10.00

City property:

Application fee. $200.00

Boring fee (per borehole). $100.00

Right-of-entry permit fee (minimum). $250.00

(c) Monitor wells may be located on city property if the requested property is available for sale and the applicant agrees to purchase that property through the city's remnant sales program.
(Ord. No. 8695, § 1, 5-6-96)

ARTICLE II. GENERAL PROVISIONS RELATING TO CITY TRANSIT SYSTEM

Sec. 30-5. Definitions.

Fare: A fee established by the City to ride on public transit as specified in section 2-18 of this Code.

Identification: Any government issued document that contains a photograph, date of birth, and physical description.

Overhead catenary system (OCS): A system of poles, overhead wires including contact wire, which supply traction power to the Sun Link streetcar system.

Paid zone: The inside of a transit vehicle or other areas as designated by appropriate signage or markings.

Passenger: Any person occupying, riding or using any transit vehicle, boarding or alighting from such a vehicle, or waiting within a designated paid zone area.

Proof of fare payment: A valid pass or transit fare media valid for the time and day of use.

Sun Link: The streetcar transit system.

Sun Link operational right-of-way (SLROW): The area including all tracks (single and double) and the space extending four (4) feet beyond the outer edge of the streetcar tracks, and ten (10) feet from the overhead catenary system (OCS). The SLROW also includes the substations and the poles and wires that make up the OCS.

Sun Shuttle: The public neighborhood circulator connecting to Sun Tran's fixed route or express service.

Sun Tran: The public fixed route and express bus system.

Sun Van: The public Americans with Disabilities Act (ADA) paratransit system.

Transit enforcement agent: A person authorized by the city manager or the manager's designee to enforce all or part of the provisions of this article. The city manager or the manager's designee may designate an employee of the city or an employee of a private entity that has entered into a contract with either the city or the city's transit provider as a transit enforcement agent.

Transit facility: Any real property used for, or in connection with, the provision of transit services, including transit stops and centers.

Transit stop: An area designated for boarding and alighting from any transit vehicle, including a bus stop, bus shelter, streetcar stop, or platform.

Transit vehicle: A streetcar, public bus, public van or shuttle, or other vehicle used to transport passengers in public transportation service.
(Ord. No. 11174, § 1, 5-20-14)

Sec. 30-6. Powers and duties of enforcement agents.

Sec. 30-6(1). A peace officer or transit enforcement agent as designated by the director of transportation is authorized to enforce all or part of the provisions of this article.

Sec. 30-6(2). The presentment of any citation to the violator shall be considered sufficient and appropriate service.

Sec. 30-6 (3). Nothing in this article is intended to limit the authority of the city or its peace officers from enforcing concurrently, or in the alternative, other remedies applicable at law, including those related to the crimes of theft of services and/or trespass.

Sec. 30-6 (4). A person who refuses to provide proof of fare payment when required, or otherwise violates any lawful regulation of this article, may be removed from the transit vehicle or transit facility by a transit enforcement agent at any transit stop or usual stopping place.
(Ord. No. 11174, § 1, 5-20-14)

Sec. 30-7. Specified unlawful activities.

It is unlawful for any person to:

Sec. 30-7(1). Fare violations.

(a) Occupy or ride in any transit vehicle that requires a fare without payment of the applicable fare;

(b) Fail to exhibit proof of fare payment upon request of a transit enforcement agent when occupying or disembarking from a transit vehicle;

(c) Refuse to disembark a transit vehicle or transit facility upon demand of a transit enforcement agent;

(d) Fail to provide his or her true name and address or identification to a transit enforcement agent when being served with a citation, or;

(e) Fail to exhibit proof of fare payment upon request of a transit enforcement agent while waiting in a designated paid zone area;

(f) Possess or sell stolen or counterfeit proof of fare payment.

Sec. 30-7(2). Conduct violations.

(a) Transport any item that blocks the aisle or the areas of the transit vehicle reserved for passengers in mobility devices or who use mobility aids;

(b) Possess an open container of alcohol or consume an alcoholic beverage in a transit vehicle or transit facility;

(c) Carry onto or aboard a transit vehicle or transit facility any flammable or explosive substance or hazardous materials;

(d) Hang onto or attach his or her body in any manner to any exterior part of a transit vehicle or touch a moving transit vehicle;

(e) Walk between coupled transit vehicles;

(f) Enter upon, occupy or remain upon the SLROW except as necessary to lawfully travel the roadway or sidewalk or board or alight a transit vehicle unless authorized by a valid permit;

(g) Climb the OCS poles or throw items at or attempt to touch the OCS wires;

(h) Throw an object at or from any transit vehicle or at any person or thing on or in any transit vehicle, or on any transit facility;

(i) Except for pedestrians and persons in wheelchairs, travel in any mode, including but not limited to, motor vehicle, bicycle, equestrian, skateboard, roller skate, rollerblade, upon or across any transit stop;

(j) Place any object on any portion of the SLROW;

(k) Interfere with the operation of a transit vehicle, transit facility or ticket vending machine;

(l) Interfere with the ingress or egress of any passenger on a transit vehicle or transit facility;

(m) Use tobacco products, or carry any burning or smoldering substance, in any form, including an electronic cigarette, aboard a transit vehicle or within any space where posted signage prohibits smoking;

(n) Operate a sound-emitting device, unless the only sound produced by such item is emitted by a personal-listening attachment (earphone or headphone) audible only to the person carrying the device producing the sound, except a peace officer, firefighter, transit employee, or emergency response professional, in the course of employment;

(o) Light a flashlight, scope light, laser light or object that projects a flashing light or beams of light while inside a transit vehicle or towards a transit vehicle, except in an emergency;

(p) Place feet on or lie down on the seat of a transit vehicle or place any article on the seat which would leave grease, oil, paint, dirt, blood, feces, urine or any other substance on the seat;

(q) Expectorate, defecate, urinate in or upon a transit vehicle or transit facility except in a designated restroom;

(r) Discard litter in or upon a transit vehicle or transit facility, other than in a designated receptacle;

(s) Light or detonate sparklers, firecrackers or other types of pyrotechnic devices in or upon a transit vehicle, or transit facility;

(t) Injure, mutilate, deface, alter, change, displace, remove or destroy any sign, notice or advertisement on or in any transit vehicle or transit facility;

(u) Disobey the instructions of any traffic signal, security notice, sign or marker unless otherwise directed by a transit enforcement agent or peace officer;

(v) Recklessly damage, deface, mutilate or tamper with a transit vehicle or transit facility so as to impair its function or value;

(w) Post signs, notices or drawings or inscribe a message, slogan, sign, mark or symbol on a transit vehicle or transit facility without written permission from the transit company, or;

(x) Activate an emergency stop device or mechanism, except in an emergency;

(y) Knowingly abandon any type of package or container on a transit vehicle or transit facility where the abandonment of such package or container is likely to cause suspicion or alarm about the contents, or require the dispatch of emergency response personnel to remove and inspect;

(z) Remain at a transit stop or within a designated paid zone for more than one (1) hour.

(aa) Engage in loud, raucous, unruly, harmful, or harassing behavior that disturbs the peace, comfort, or repose of a reasonable person of normal sensibilities; or engage in conduct not described in subsections (a) through (z) which is inconsistent with the intended use and purpose of a transit vehicle or transit facility and refuse to obey the lawful command(s) of a transit enforcement agent or peace officer to cease such conduct.

Sec. 30-7(3). No person shall transport animals in a transit vehicle unless:

(a) The animal is a guide or service animal as defined by law, including a service animal in training, that has been specially trained to assist persons with disabilities, or;

(b) The animal is in a completely enclosed and secured cage or carrying case that is small enough to fit on the passenger's lap, and the animal does not otherwise endanger or disturb the comfort or health of other passengers.

Sec. 30-7(4). Parking and boarding.

(a) A person shall not park a vehicle in an area designated for vehicle parking unless the person complies with posted parking regulations.

(b) If intending to pick up or drop off a transit passenger, a person shall park in the area designated for vehicle parking or briefly stop his or her vehicle in areas designated for passenger loading or unloading, while remaining with the vehicle, and then remove the vehicle from the transit stop without delay after the transit passenger is dropped off or picked up.

(c) No person shall stop or park a vehicle at a transit parking facility in a manner that blocks access to a marked pedestrian walkway, designated traffic lane, parking space, fire lane, boarding zone or SLROW.

(d) No person shall park a vehicle so that any part of the vehicle including any equipment or apparatus in or on the vehicle, extends beyond the vertical plane of the marked parking space on the SLROW.

(Ord. No. 11174, § 1, 5-20-14)

Sec. 30-8. Use restrictions.

(a) Any person adjudicated responsible for violating any provision of this article resulting in a fine may be prohibited from riding a transit vehicle until the sanction is fully paid.

(b) Any person adjudicated responsible for violating any provision of this article more than two (2) times within a twelve (12) month period may be prohibited from riding a transit vehicle or entering upon a transit facility for ninety (90) calendar days.

(c) Any person who poses a serious continuing risk to the public or transit facility may be immediately removed from a transit vehicle or transit facility and the person may be prohibited from using transit vehicles or entering upon a transit facility for a period not to exceed ninety (90) calendar days.

(d) Any person guilty of assaulting a transit enforcement agent or transit employee acting in the scope of his or her employment may be prohibited from using a transit vehicle for a minimum of one (1) year.

(e) A person shall not ride a transit vehicle in violation of a court order or finding that the person may be prohibited from riding a transit vehicle.
(Ord. No. 11174, § 1, 5-20-14)

Sec. 30-9. Violation declared a civil infraction; penalties.

(a) Violations of this article shall be a civil infraction. A person found responsible for a civil violation or civil infraction for the first time shall be fined not less than one hundred dollars ($100.00) nor more than twenty-five hundred dollars ($2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a second time within a one (1) year period shall be fined not less than two hundred dollars ($200.00) nor more than twenty-five hundred dollars ($2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a third or subsequent time within a one (1) year period of the first offense shall be fined not less than three hundred dollars ($300.00) nor more than twenty-five hundred dollars ($2,500.00) per civil violation or civil infraction. The imposition of a fine for civil violations or civil infractions shall not be suspended.

(b) Violations of Sec. 30-7(4) shall be subject to fines under Chapter 20, Article VII, Division 6, which regulates the time, place or method of parking a vehicle.

(c) In addition to any fines imposed by this article, a city magistrate or a civil hearing officer may issue an abatement order prohibiting a person from riding a transit vehicle for a specified period of time not to exceed twelve (12) months.
(Ord. No. 11174, § 1, 5-20-14)

Sec. 30-10. Impeding a transit vehicle; towing.

A transit enforcement agent may order a vehicle towed when the vehicle is impeding the operation of a transit vehicle or is otherwise parked in violation of any provision of this article or Chapter 20, Article VII.
(Ord. No. 11174, § 1, 5-20-14)

Ordinance Number	Date	Section	Disposition
10897	5-24-11	1	27-9
			27-16
			27-16.1
			27-16.2
			27-18
		2	27-35
			27-37
			27-43
			27-50
		3	27-86
10899	6-7-11	1	22-95
10900	6-28-11	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)
			10-47 (note)
			10-48 (note)
			10-49 (note)
			10-52 (note)
			10-53 (note)
			10-53.1 (note)
			10-53.2 (note)
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