# TUCSON, ARIZONA

Supp. No. 127 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through September 22, 2020. 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. 127". If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

| *Remove from Code. . . . . .* | *Add to Code* |
|---|---|
| Title Page, ii. . . . . | Title Page, ii |
| **TABLE OF CONTENTS** | |
| xxiii, xxiv. . . . . | xxiii, xxiv |
| xxvii, xxviii. . . . . | xxvii, xxviii |
| **CHECKLIST OF UP-TO-DATE PAGES** | |
| [1] – [6]. . . . . | [1] – [6] |
| **CHAPTER 5: BICYCLES AND SHARED MOBILITY DEVICES** | |
| 399 – 402. . . . . | 399 – 402 |
| **CHAPTER 7: BUSINESSES REGULATED** | |
| 511, 512. . . . . | 511, 512 |
| 517, 518. . . . . | 517, 518 |
| 591, 592. . . . . | 591 – 594 |
| **CHAPTER 10: CIVIL SERVICE - HUMAN RESOURCES** | |
| 783, 784. . . . . | 783, 784 |
| 803, 804. . . . . | 803 – 804.2 |

| *Remove from Code. . . . . .* | *Add to Code* |
|---|---|
| **CHAPTER 10A: COMMUNITY AFFAIRS** | |
| 845, 846. . . . . | 845, 846 |
| 857 – 860. . . . . | 857 – 860 |
| 862.1, 862.2. . . . . | 862.1 – 862.6 |
| **CHAPTER 22: PENSIONS, RETIREMENT** | |
| 1953, 1954. . . . . | 1953, 1954 |
| 1991, 1992. . . . . | 1991, 1992 |
| **CHAPTER 23A: DEVELOPMENT COMPLIANCE CODE** | |
| 2233 – 2254. . . . . | 2233 – 2256 |
| **CODE COMPARATIVE TABLE** | |
| 3802.23, 3802.24. . . . . | 3802.23, 3802.24 |
| 3802.31 – 3802.34. . . . . | 3802.31 – 3802.34 |
| **CODE INDEX** | |
| 3821, 3822. . . . . | 3821, 3822 |
| 3839 – 3842. . . . . | 3839 – 3842 |
| 3865, 3866. . . . . | 3865, 3866 |
| 3871, 3872. . . . . | 3871, 3872 |

# TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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Chapter Page

Art. III. Buildings. . . . 454
Div. 1. Building Code. . . . 454
Div. 2. Existing Building Code. . . . 456
Div. 3. Reserved. . . . 456
Art. IV. Electricity. . . . 456
Div. 1. Electrical Code. . . . 456
Div. 2. Outdoor Lighting Code. . . . 457
Art. V. Plumbing Code. . . . 458
Art. VI. Mechanical Code. . . . 459
Art. VII. Solar System Code. . . . 461
Art. VIII. Rainwater Collection and Distribution Requirements. . . . 461
Art. IX. Swimming Pool and Spa Code. . . . 463

7. Businesses Regulated. . . . 511
Art. I. Auctions and Auctioneers. . . . 519
Art. II. Peddlers. . . . 521
Art. III. Fortunetellers. . . . 524
Art. IV. Going-Out-of-Business, Fire, Etc., Sales. . . . 525
Art. V. Pawnbrokers and Secondhand Dealers. . . . 528
Art. VI. Escorts and Escort Bureaus. . . . 532.3
Art. VII. Massage Establishments. . . . 532.6
Art. VIII. Drive-In Restaurants. . . . 536.1
Art. IX. Swap Meets. . . . 540
Art. X. Adult Entertainment Enterprises and Establishments. . . . 543
Art. XI. Reserved. . . . 550.2
Art. XII. Adult Care Homes and Facilities. . . . 550.2
Art. XIII. Street Fairs. . . . 551
Art. XIV. Vending Machines. . . . 552
Art. XV. Dance Halls. . . . 554
Art. XVI. Community Special Events. . . . 562
Art. XVII. Late Night Retail Establishments. . . . 562.1
Art. XVIII. General Provisions. . . . 563
Art. XIX. Tobacco Retail Establishments. . . . 563
Art. XX. Hotels. . . . 568
Art. XXI. Alarm Companies and Users. . . . 570
Div. 1. Alarm Company Licenses. . . . 570
Div. 2. Alarm User Registration and Fees. . . . 579
Art. XXII. Merchants' Disclosure Requirements. . . . 587
Art. XXIII. Ice Cream Truck Vendors. . . . 588
Art. XXIV. Lessors of Commercial Real Property Disclosure Requirements. . . . 590
Art. XXV. Pet Stores and Pet Dealers. . . . 591

7A. Cable Communications. . . . 597

7B. Competitive Telecommunications. . . . 651

| Chapter | | | Page |
|---|---|---|---|
| 7C. | Reserved. | | 673 |
| 7D. | Location and Relocation of Facilities in Rights-of-Way. | | 674.25 |
| 8. | City Court. | | 675 |
| | Art. I. | In General. | 677 |
| | Art. II. | Reserved. | 686 |
| 9. | Public Safety Communications. | | 731 |
| 10. | Civil Service – Human Resources. | | 783 |
| | Art. I. | In General. | 785 |
| | Art. II. | Compensation Plan. | 795 |
| | Art. III. | Reserved. | 812 |
| 10A. | Community Affairs. | | 845 |
| | Art. I. | Historical Commission. | 851 |
| | Art. II. | Tucson Youth and Delinquency Prevention Council. | 853 |
| | Art. III. | Veterans' Affairs Committee. | 856 |
| | Art. IV. | Founding Date of City of Tucson. | 857 |
| | Art. V. | Redistricting Advisory Committee. | 857 |
| | Art. VI. | Reserved. | 858 |
| | Art. VII. | Commission on Disability Issues. | 858 |
| | Art. VIII. | Community Police Advisory Review Board. | 860 |
| | Art. IX. | Commemorations and Observances. | 862.1 |
| | Art. X. | Commission on Equitable Housing and Development. | 862.1 |
| | Art. XI. | Independent Audit and Performance Commission. | 862.5 |
| | Art. XII. | Tucson-Pima County Bicycle Advisory Committee. | 863 |
| | Art. XIII. | Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules. | 864 |
| | Art. XIV. | Park Tucson Commission. | 869 |
| | Art. XV. | Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC). | 871 |
| | Art. XVI. | Reserved. | 872 |
| | Art. XVII. | Landscape Advisory Committee. | 875 |
| | Art. XVIII. | Small, Minority and Women-Owned Business Commission. | 875 |
| | Art. XIX. | Reserved. | 877 |
| | Art. XX. | Commission on Climate, Energy, and Sustainability (CCES). | 879 |
| | Art. XXI. | Reserved. | 879 |
| | Art. XXII. | Reserved. | 879 |
| | Art. XXIII. | Complete Streets Coordinating Council. | 879 |
| | Art. XXIV. | Commission on Food Security, Heritage, and Economy (CFSHE). | 884 |

Chapter Page

Div. 4. Liquor and Vending Machine License Tax. . . . . 1709
Div. 5. Tax on Hotels Renting to Transients. . . . . 1711
Div. 6. Tax on Secondhand Dealers and Pawnbrokers. . . . . 1712.4
Art. II. Privilege and Excise Taxes. . . . . 1713
Div. 1. General Conditions and Definitions. . . . . 1713
Div. 2. Determination of Gross Income. . . . . 1724
Div. 3. Licensing and Recordkeeping. . . . . 1730
Div. 4. Privilege Taxes. . . . . 1732.4
Div. 5. Administration. . . . . 1747
Div. 6. Use Tax. . . . . 1758
Regulations – Privilege and Excise Taxes. . . . . 1763
Art. III. Public Utility Tax. . . . . 1778
Div. 1. General Conditions and Definitions. . . . . 1778
Div. 2. Determination of Gross Income. . . . . 1778.1
Div. 3. Licensing and Recordkeeping. . . . . 1782
Div. 4. Public Utility Tax. . . . . 1785
Div. 5. Administration. . . . . 1786
Art. IV. Access to Care Program. . . . . 1788

20. Motor Vehicles and Traffic. . . . . 1791
Art. I. In General. . . . . 1799
Art. II. Administration. . . . . 1802.8
Div. 1. Generally. . . . . 1802.8
Div. 2. Violations. . . . . 1805
Art. III. Pedestrians. . . . . 1805
Art. IV. Traffic-Control Devices. . . . . 1806
Art. V. Operation. . . . . 1808
Art. VI. One-Way Streets and Stop Streets. . . . . 1816.1
Art. VII. Stopping, Standing and Parking. . . . . 1819
Div. 1. Generally. . . . . 1819
Div. 2. Administration. . . . . 1826
Div. 3. Parking for Individuals with Physical Disabilities. . . . . 1826
Div. 4. Basic Parking Controls. . . . . 1827
Div. 5. Nuisance Parking Controls. . . . . 1831
Div. 6. Safety Issues. . . . . 1835
Art. VIII. Taxicab Regulations. . . . . 1838
Art. IX. Trolleys. . . . . 1841
Art. X. Soliciting Employment, Business or Contributions From Occupants of Vehicles. . . . . 1841

21. Parks and Recreation. . . . . 1877
Art. I. Operation and Regulation of Parks. . . . . 1879
Art. II. City Municipal Golf Courses. . . . . 1896.1
Art. III. Reserved. . . . . 1903
Art. IV. Gene Reid Park Zoo Admittance Fees. . . . . 1903
Art. V. Gene Reid Park Zoo Improvement Fund. . . . . 1903

Chapter Page

22. Pensions, Retirement, Group Insurance, Leave Benefits and Other Insurance Benefits. . . . 1953
Art. I. In General. . . . 1957
Art. II. Social Security. . . . 1957
Art. III. Tucson Supplemental Retirement System. . . . 1960
Div. 1. Types of Retirement and Benefits. . . . 1960
Div. 2. Administration of the System. . . . 1980.4
Art. IV. Group Insurance and Medical Health Plans. . . . 1984
Art. V. Leave Benefit Plan. . . . 1986
Art. VI. Other Insurance Benefits. . . . 1993

23. Land Use Code. . . . 2025

23A. Development Compliance Code. . . . 2203
Art. I. General Provisions. . . . 2207
Div. 1. Introduction. . . . 2207
Div. 2. Mapping. . . . 2208
Art. II. Review Procedures. . . . 2208
Div. 1. General Zoning Review Procedure. . . . 2208
Div. 2. Special Zoning Review – Limited Notice Procedure. . . . 2220
Div. 3. Special Zoning Review – Full Notice Procedure. . . . 2222
Div. 4. Appeal Procedures. . . . 2228
Art. III. Development Impact Fee Regulations. . . . 2233
Div. 1. Applicability and Intent. . . . 2233
Div. 2. Fee Calculation. . . . 2238
Div. 3. General Provisions. . . . 2250
Div. 4. Development Impact Fee Schedules and Effective Dates. . . . 2250
Art. IV. Definitions. . . . 2255
Div. 1. General Provisions. . . . 2255
Div. 2. (Reserved). . . . 2255

23B. Unified Development Code. . . . 2301

24. Sewerage and Sewage Disposal. . . . 2383
Art. I. General and Administrative. . . . 2384.1
Art. II. Connection Fees. . . . 2386
Art. III. User Fees. . . . 2388
Art. IV. Industrial Waste Control and Industrial Cost Recovery Program. . . . 2393

25. Streets and Sidewalks. . . . 2453
Art. I. Repairs and Improvements in Public Rights-of-Way. . . . 2455
Art. II. Duties and Prohibitions. . . . 2463
Art. III. Address Numbering. . . . 2471
Art. IV. Underground Utility Districts. . . . 2473
Art. V. Temporary Work Zone Traffic Management. . . . 2475

## Checklist of Up-to-Date Pages

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

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

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

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

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

| Page No. | Supp. No. | Page No. | Supp. No. |
|---|---|---|---|
| Title page, ii | 127 | 115, 116 | OC |
| iii – xiv | OC | 117, 118 | 77 |
| xv | 3 | 119, 120 | 105 |
| xvii – xix | 30 | 167, 168 | 126 |
| xxi, xxii | 122 | 169, 170 | 116 |
| xxiii, xxiv | 127 | 171, 172 | 121 |
| xxv, xxvi | 118 | 173, 174 | 92 |
| xxvii, xxviii | 127 | 175, 176 | 115 |
| xxix, xxx | 112 | 177 – 180 | 120 |
| 1, 2 | 118 | 180.1, 180.2 | 120 |
| 3 – 7 | 25 | 181, 182 | 126 |
| 8.1, 8.2 | 18 | 183, 184 | 105 |
| 9, 10 | 106 | 185 – 188 | 116 |
| 11, 12 | 116 | 229, 230 | 118 |
| 12.1, 12.2 | 118 | 329, 330 | 80 |
| 13 – 26.1 | 110 | 331 – 334 | 98 |
| 27, 28 | OC | 335 – 338.2 | 105 |
| 29, 30 | 18 | 339 – 340.3 | 71 |
| 31, 32 | 25 | 341 – 344 | 109 |
| 33, 34 | 45 | 345 – 348 | 92 |
| 35 – 38.1 | 18 | 349, 350 | 111 |
| 39 – 44 | OC | 395 – 398 | 122 |
| 45 – 48 | 110 | 399 – 402 | 127 |
| 49, 50 | OC | 447, 448 | 121 |
| 51 – 54 | 110 | 449, 450 | 121 |
| 105, 106 | 118 | 450.1 – 450.4 | 94 |

| Page No. | Supp. No. | Page No. | Supp. No. |
|---|---|---|---|
| 451, 452 | OC | 783, 784 | 127 |
| 453, 454 | 25 | 785 – 790 | 81 |
| 455, 456 | 121 | 791 – 794 | 83 |
| 457, 458 | 121 | 795, 796 | 121 |
| 459, 460 | 121 | 797 – 800 | 126 |
| 461, 462 | 81 | 801, 802 | 123 |
| 463, 464 | 121 | 803, 804 | 127 |
| 511, 512 | 127 | 804.1, 804.2 | 127 |
| 513, 514 | 95 | 805 – 810 | 123 |
| 515, 516 | 125 | 811, 812 | 125 |
| 517, 518 | 127 | 845, 846 | 127 |
| 519, 520 | 24 | 847, 848 | 124 |
| 521 – 522.2 | 69 | 851, 852 | 33 |
| 523, 524 | 79 | 853 | 8 |
| 525, 526 | 73 | 855, 856 | 119 |
| 527, 528 | 90 | 857 – 860 | 127 |
| 529, 530 | 91 | 861, 862 | 119 |
| 531, 532 | 90 | 862.1 – 862.6 | 127 |
| 532.1 – 532.8 | 88 | 863, 864 | 117 |
| 533 – 536.2 | 66 | 867, 868 | 121 |
| 537 – 540 | OC | 869, 870 | 126 |
| 541, 542 | 19 | 871, 872 | 112 |
| 543, 544 | 26 | 875, 876 | 90 |
| 545, 546 | 90 | 877, 878 | 117 |
| 547, 548 | 93 | 879, 880 | 124 |
| 548.1 | 74 | 881, 882 | 126 |
| 549, 550 | 26 | 883, 884 | 124 |
| 550.1, 550.2 | 81 | 885, 886 | 124 |
| 550.3 – 552 | 88 | 917, 918 | 83 |
| 553 – 562.2 | 81 | 919, 920 | 105 |
| 562.3 | 125 | 967 | 39 |
| 563 – 568 | 125 | 1063, 1064 | 126 |
| 567, 568 | 46 | 1065, 1066 | 109 |
| 569 – 590 | 95 | 1067, 1068 | 95 |
| 591 – 594 | 127 | 1069, 1070 | 67 |
| 597 – 618 | 39 | 1071 – 1074.2 | 90 |
| 619, 620 | 99 | 1074.3, 1074.4 | 44 |
| 621 – 634 | 39 | 1074.5 – 1074.9 | 114 |
| 651 | 63 | 1075, 1076 | 109 |
| 653 – 664 | 31 | 1077, 1078 | 111 |
| 665, 666 | 64 | 1078.1 | 109 |
| 667 – 672 | 75 | 1079 – 1080.4 | 62 |
| 673 | 42 | 1081, 1082 | 110 |
| 674.25 – 674.30 | 40 | 1083 – 1084.2 | 100 |
| 675, 676 | 123 | 1085, 1086 | 80 |
| 677, 678 | 122 | 1087 – 1090 | 126 |
| 679, 680 | 123 | 1090.1, 1090.2 | 126 |
| 681 – 684 | 122 | 1091, 1092 | 125 |
| 685 – 686 | 92 | 1093, 1094 | 67 |
| 731, 732 | 117 | 1095, 1096 | 86 |

| Page No. | Supp. No. | Page No. | Supp. No. |
|---|---|---|---|
| 1097, 1098 | 109 | 1737 – 1744.8 | 118 |
| 1145 – 1147 | 65 | 1744.9 – 1744.14 | 118 |
| 1167, 1168 | 83 | 1745, 1746 | 118 |
| 1169, 1170 | 117 | 1746.1, 1746.2 | 118 |
| 1189 – 1252 | 118 | 1747, 1748 | 103 |
| 1259 – 1262 | 118 | 1749 – 1752.2.4 | 74 |
| 1307, 1308 | 98 | 1752.2.5, 1752.2.6 | 77 |
| 1309, 1310 | 119 | 1752.3, 1752.4 | 87 |
| 1311 – 1313 | 78 | 1752.5, 1752.6 | 54 |
| 1361, 1362 | 115 | 1753 – 1756 | 93 |
| 1363, 1364 | 126 | 1757 – 1760 | 118 |
| 1365, 1366 | 126 | 1761, 1762 | 118 |
| 1367, 1368 | 118 | 1763 – 1766 | 103 |
| 1369 – 1374 | 118 | 1766.1, 1766.2 | 105 |
| 1459 – 1466.2 | 111 | 1766.7 – 1766.10 | 103 |
| 1467, 1468 | 103 | 1767, 1768 | 37 |
| 1469 – 1472.2 | 107 | 1769, 1770 | 36 |
| 1473, 1474 | 118 | 1771 – 1772.2 | 103 |
| 1475 – 1480 | 111 | 1773, 1774 | 36 |
| 1481, 1482 | 121 | 1775 – 1778 | 67 |
| 1483 – 1486 | 111 | 1778.1, 1778.2 | 103 |
| 1527, 1528 | 102 | 1779, 1780 | 5 |
| 1529, 1530 | 95 | 1781 – 1784 | 79 |
| 1531, 1532 | 89 | 1785, 1786 | 111 |
| 1533 – 1548.2 | 102 | 1787, 1788 | 105 |
| 1549 – 1552 | 98 | 1791, 1792 | 93 |
| 1553 – 1556.4 | 114 | 1793, 1794 | 115 |
| 1557, 1558 | 83 | 1795, 1796 | 117 |
| 1559 – 1562 | 89 | 1799, 1800 | 99 |
| 1563 – 1568 | 95 | 1801, 1802 | 112 |
| 1579, 1580 | 100 | 1802.1, 1802.2 | 115 |
| 1581 – 1588.1 | 77 | 1802.3 – 1802.8 | 78 |
| 1589 – 1592 | 46 | 1803, 1804 | 22 |
| 1593 – 1598 | 100 | 1805, 1806 | 40 |
| 1643 – 1648 | 92 | 1806.1 | 63 |
| 1691 – 1698 | 105 | 1807, 1808 | 89 |
| 1699 – 1702.2 | 115 | 1809, 1810 | 125 |
| 1703, 1704 | 88 | 1811, 1812 | 126 |
| 1705 – 1708 | 79 | 1813, 1814 | 126 |
| 1708.1, 1708.2 | 105 | 1815, 1816 | 118 |
| 1709, 1710 | 116 | 1816.1, 1816.2 | 115 |
| 1711, 1712 | 120 | 1817, 1818 | 126 |
| 1712.1 – 1712.4 | 116 | 1819, 1820 | 126 |
| 1713 – 1724 | 103 | 1825, 1826 | 117 |
| 1725 – 1728 | 79 | 1827 – 1832 | 112 |
| 1729 – 1732.2 | 105 | 1833 – 1834.2 | 117 |
| 1732.3, 1732.4 | 118 | 1835, 1836 | 112 |
| 1733, 1734 | 118 | 1837, 1838 | 93 |
| 1734.1, 1734.2 | 117 | 1839, 1840 | 112 |
| 1735, 1736 | 93 | 1841, 1842 | 80 |

| Page No. | Supp. No. | Page No. | Supp. No. |
|---|---|---|---|
| 1877, 1878 | 118 | 2615, 2616 | 126 |
| 1879, 1880 | 109 | 2617, 2618 | 90 |
| 1881, 1882 | 77 | 2619, 2620 | 107 |
| 1883, 1884 | 109 | 2621 – 2626 | 100 |
| 1885, 1886 | 113 | 2627 – 2630.6 | 119 |
| 1886.1 – 1888 | 126 | 2631, 2632 | 103 |
| 1889 – 1896.2 | 96 | 2633 – 2638 | 100 |
| 1897 – 1900 | 67 | 2639, 2640 | 126 |
| 1901, 1902 | 87 | 2640.1, 2640.2 | 126 |
| 1903, 1904 | 118 | 2641, 2642 | 107 |
| 1953, 1954 | 127 | 2643 – 2652 | 92 |
| 1955 – 1958 | 87 | 2652.1, 2652.2 | 100 |
| 1959, 1960 | 97 | 2653 – 2658 | 90 |
| 1961 – 1964 | 121 | 2695 – 2724 | 108 |
| 1965, 1966 | 126 | 2725, 2726 | 110 |
| 1966.1, 1966.2 | 126 | 2727 – 2744 | 108 |
| 1967, 1968 | 126 | 2749, 2750 | 67 |
| 1969 – 1980.2 | 121 | 2751 – 2754 | 16 |
| 1980.3, 1980.4 | 126 | 2755 – 2758 | 68 |
| 1980.5, 1980.6 | 121 | 2759 – 2762 | 103 |
| 1981, 1982 | 126 | 2763 – 2767 | 67 |
| 1983 – 1986.2 | 122 | 2801, 2802 | 103 |
| 1987, 1988 | 116 | 2803, 2804 | 112 |
| 1989, 1990 | 121 | 2805 – 2808 | 103 |
| 1991, 1992 | 127 | 3699 – 3752 | OC |
| 1993, 1994 | 123 | 3753 – 3758 | 4 |
| 2025, 2026 | 99 | 3759, 3760 | 6 |
| 2203 – 2206 | 118 | 3761, 3762 | 9 |
| 2207 – 2208.2 | 99 | 3763, 3764 | 11 |
| 2209 – 2212 | 83 | 3765, 3766 | 14 |
| 2213 – 2214.1 | 86 | 3767, 3768 | 18 |
| 2215 – 2226 | 83 | 3769, 3770 | 16 |
| 2227 – 2232.1 | 86 | 3771, 3772 | 18 |
| 2233 – 2256 | 127 | 3773, 3774 | 19 |
| 2301, 2302 | 99 | 3775, 3776 | 23 |
| 2383 – 2384.1 | 43 | 3777 – 3780 | 27 |
| 2385 – 2402 | OC | 3781, 3782 | 31 |
| 2403, 2404 | 35 | 3783, 3784 | 36 |
| 2453, 2454 | 118 | 3785, 3786 | 39 |
| 2455, 2456 | 35 | 3787, 3788 | 44 |
| 2457 – 2460 | 69 | 3789, 3790 | 51 |
| 2461 – 2464 | 109 | 3791, 3792 | 54 |
| 2465 – 2466.2 | 34 | 3793 – 3796 | 69 |
| 2467, 2468 | OC | 3797, 3798 | 105 |
| 2469, 2470 | 26 | 3799, 3800 | 69 |
| 2471 – 2472.1 | 51 | 3801, 3802 | 70 |
| 2473, 2474 | 27 | 3802.1, 3802.2 | 75 |
| 2475 – 2477 | 69 | 3802.3 – 3802.8 | 81 |
| 2525 – 2550.8 | 112 | 3802.9, 3802.10 | 83 |
| 2551 – 2558 | 71 | 3802.11, 3802.12 | 116 |

| Page No. | Supp. No. | Page No. | Supp. No. |
|---|---|---|---|
| 3802.13, 3802.14 | 92 | 3885, 3886 | 125 |
| 3802.15, 3802.16 | 103 | 3887, 3888 | 126 |
| 3802.17, 3802.18 | 99 | 3889, 3890 | 126 |
| 3802.19, 3802.20 | 102 | 3891, 3892 | 118 |
| 3802.21, 3802.22 | 103 | | |
| 3802.23, 3802.24 | 127 | | |
| 3802.25, 3802.26 | 121 | | |
| 3802.27, 3802.28 | 115 | | |
| 3802.29, 3802.30 | 122 | | |
| 3802.31, 3802.32 | 127 | | |
| 3802.33, 3802.34 | 127 | | |
| 3803, 3804 | 106 | | |
| 3805, 3806 | 45 | | |
| 3807 – 3808.2 | 118 | | |
| 3809, 3810 | 45 | | |
| 3811, 3812 | 110 | | |
| 3813, 3814 | 45 | | |
| 3815, 3816 | 116 | | |
| 3817, 3818 | 106 | | |
| 3819, 3820 | 118 | | |
| 3821, 3822 | 127 | | |
| 3823, 3824 | 118 | | |
| 3825 – 3828 | 125 | | |
| 3829, 3830 | 124 | | |
| 3831, 3832 | 126 | | |
| 3833, 3834 | 125 | | |
| 3835 – 3838 | 118 | | |
| 3839 – 3842 | 127 | | |
| 3843, 3844 | 126 | | |
| 3845 – 3848 | 118 | | |
| 3849, 3850 | 126 | | |
| 3850.1, 3850.2 | 125 | | |
| 3851, 3852 | 125 | | |
| 3853, 3854 | 105 | | |
| 3855, 3856 | 118 | | |
| 3857, 3858 | 126 | | |
| 3859, 3860 | 120 | | |
| 3861, 3862 | 117 | | |
| 3863, 3864 | 118 | | |
| 3864.1, 3864.2 | 118 | | |
| 3865, 3866 | 127 | | |
| 3867, 3868 | 126 | | |
| 3869, 3870 | 122 | | |
| 3871, 3872 | 127 | | |
| 3873, 3874 | 118 | | |
| 3875, 3876 | 125 | | |
| 3877 – 3880 | 126 | | |
| 3880.1, 3880.2 | 112 | | |
| 3881, 3882 | 92 | | |
| 3883, 3884 | 121 | | |

## ARTICLE III. ELECTRIC BICYCLES

### Sec. 5-12. Definition.

An *"electric bicycle"* is defined as a bicycle or tricycle equipped with fully operable pedals and an electric motor and that meets the requirements of one of the following classes:

(a) A "Class 1 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.

(b) A "Class 2 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.

(c) A "Class 3 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight (28) miles per hour.
(Ord. No. 11582, § 3, 9-5-18)

### Sec. 5-13. Applicability of traffic laws; specific rules for electric bicycles.

(a) In the City of Tucson, a person riding an electric bicycle is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, including Article I of this Chapter 5, except as otherwise provided herein.

(b) Electric bicycles are permitted on bicycle, shared and multiuse paths under the jurisdiction of the City of Tucson, in the same manner as any other bicycle and when operated at posted or regulated speeds, or under twenty (20) miles per hour, whichever is lower.

(c) No person under the age of sixteen (16) may operate an electric bicycle. A person under the age of sixteen (16) may ride as a passenger on an electric bicycle designed to accommodate passengers.

(d) All electric bicycles shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part 1512).

(e) All electric bicycles must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.
(Ord. No. 11582, § 3, 9-5-18)

### Sec. 5-14. Violation declared a civil traffic violation.

(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of twenty-five dollars ($25.00).

(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations, as they may from time to time be amended or replaced.
(Ord. No. 11582, § 3, 9-5-18)

## ARTICLE IV. SHARED MOBILITY DEVICES

### Sec. 5-15. Purpose and intent.

It is the purpose and intent of this article to provide for the regulation of bicycles, electric scooters and other "shared mobility devices" to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of shared mobility devices. The mayor and council find it is in the public interest to regulate the operation of shared mobility devices by prohibiting their use unless authorized and permitted by the director of the department of transportation and by imposing age restrictions and safety requirements for the users of shared mobility services.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

### Sec. 5-16. Definitions.

In this article, unless the context otherwise requires:

(a) *Applicant* means an entity or person authorized to apply for a Mobility Share Permit.

(b) *Director* means the director of the department of transportation or the director's designee.

(c) *Electric scooter* means a self-propelled device that has an electric motor, a deck on which a person may ride, at least two (2) tandem wheels in contact with the ground and is designed to be operated in a standup mode.

(d) *Mobility share entity* means any person, corporate or otherwise, offering a shared mobility device for hire for use in the City of Tucson right of way (ROW), whether the use in the ROW is intended or not, pursuant to a Mobility Share Permit.

(e) *Mobility Share Permit* means a non-exclusive license to offer shared mobility devices for hire within the City of Tucson or a portion thereof.

(f) *Permittee* means any entity or person granted a Mobility Share Permit.

(g) *Shared mobility device* means any motorized or non-motorized wheeled device, including, but not limited to, an electric scooter:

(1) offered for hire on a short-term use basis (typically for a half hour or less, or one (1) or two (2) trips);

(2) designed for moving one (1) or more persons by means of human or electric power, or any combination thereof; and

(3) not required to be returned to a specific origin point. This may include, but is not limited to, bicycles, electric bicycles, and electric scooters.

(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-17. Shared mobility prohibition without permit.**

(a) It is unlawful for a mobility share entity to operate within the corporate limits of the City of Tucson unless they hold a valid Mobility Share Permit through a mobility share program authorized by the director.

(b) A mobility share entity operating pursuant to a valid Mobility Share Permit as described in paragraph (a) shall comply with all permit requirements and regulations promulgated by the director.

(c) The director is authorized to develop and adopt a mobility share pilot program with reasonable and necessary rules to carry out the purposes of this article. Such rules shall, at a minimum, address the following areas:

(1) Minimum safety requirements;

(2) Parking of shared mobility devices;

(3) Operations and rebalancing;

(4) Data sharing and privacy;

(5) Fees;

(6) Application requirements;

(7) Indemnification, bond and insurance requirements.

(d) The director shall provide three (3) copies of the above rules to the city clerk for a public review. In addition, the rules shall be posted on a City website in a timely manner.

(e) The rules for the mobility share pilot program shall be effective only upon the approval of the mayor and council.

(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-18. Rules and regulations.**

(a) Notwithstanding Tucson Code Chapter 20, Article I, Sec. 30(C)(1), an electric scooter, when operated as a shared mobility device as part of an authorized mobility share program, is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, except as provided herein.

(b) It is unlawful for a person under the age of sixteen (16) to operate an electric scooter pursuant to this article.

(c) It is unlawful for a person under the age of eighteen (18) to operate an electric scooter pursuant to this article unless the person is wearing a properly fitted and fastened helmet which meets the current standards of the American National Standards Institute for protective headgear.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-19. Violations and penalties.**

(a) The penalty for a violation of this article shall be as follows:

(1) Any mobility share entity or an employee of a mobility share entity who commits, causes, permits, facilitates, or aids or abets any violation of, or who fails to perform any act or duty required by, this article is responsible for a civil infraction and is subject to a civil sanction of not less than one hundred dollars ($100.00) nor more than two thousand five hundred dollars ($2,500.00).

(2) Any user of a shared mobility device who commits a violation of, or who fails to perform any act or duty required by, this article is responsible for a civil traffic violation punishable by a mandatory minimum fine of twenty-five dollars ($25.00).

(3) Each day any violation of any provision of this article or the failure to perform any act or duty required by this article exists shall constitute a separate violation or offense.

(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-20. Enforcement authority.**

(a) Any law enforcement officer or any other employee of the city with the authority to issue civil infraction or civil traffic citations may enforce the provisions of this article. This section is not intended to create or expand the authority of any department to perform acts that are otherwise prohibited by law.

(b) Any shared mobility device operated in violation of this article may be seized and impounded under the direction of the police department. Upon impound, TDOT shall cause the mobility share entity having ownership of the shared mobility device, if known, to be notified in writing of the removal, the reason therefor, and the place to which the shared mobility device is removed to, within a period of three (3) days of the impound date. If the mobility share entity is not known or not readily ascertainable, TDOT shall make available to the public a written report of the complete description of the shared mobility device, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the shared mobility device is stored. The shared mobility device may be recovered upon compliance with this article and payment of all costs of removal, storage and any assessments provided for pursuant to the applicable mobility share program rules, provided this is done within sixty (60) days following date of impoundment. The city, upon order of the city magistrate, may dispose of or destroy any shared mobility device not claimed nor made to comply with the provisions of this article within a period of sixty (60) days.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-21. Jurisdiction of court.**

(a) Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in the city court of the city.

(b) Civil infraction proceedings to enforce this chapter may be adjudicated by a magistrate or a special limited magistrate.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-22. Commencement of proceedings.**

(a) 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.

(b) All complaints for civil traffic violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in Civil Traffic Violation Cases and applicable state and local law.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

**Sec. 5-23. Appeal of court decision.**

Any party may appeal the judgment of city court to the superior court. Appeals from civil infraction proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure - Civil.
(Ord. No. 11583, § 2, 9-5-18; Ord. No. 11779, § 1, 9-9-20)

Chapter 7

# BUSINESSES REGULATED*


**Art. I. Auctions and Auctioneers, §§ 7-1 – 7-25**
**Art. II. Peddlers, §§ 7-26 – 7-61**
**Art. III. Fortunetellers, §§ 7-62 – 7-79**
**Art. IV. Going-Out-of-Business, Fire, Etc., Sales, §§ 7-80 – 7-96**
**Art. V. Pawnbrokers and Secondhand Dealers, §§ 7-97 – 7-116**
**Art. VI. Escorts and Escort Bureaus, §§ 7-117 – 7-129**
**Art. VII. Massage Establishments, §§ 7-130 – 7-159**
**Art. VIII. Drive-In Restaurants, §§ 7-160 – 7-200**
**Art. IX. Swap Meets, §§ 7-201 – 7-205.1**
**Art. X. Adult Entertainment Enterprises and Establishments, §§ 7-206 – 7-218**
**Art. XI. Reserved**
**Art. XII. Adult Care Homes and Facilities, §§ 7-219 – 7-299**
**Art. XIII. Street Fairs, §§ 7-300 – 7-310**
**Art. XIV. Vending Machines, §§ 7-311 – 7-349**
**Art. XV. Dance Halls, §§ 7-350 – 7-385**
**Art. XVI. Community Special Event, §§ 7-386 – 7-409**
**Art. XVII. Late Night Retail Establishments, §§ 7-410 – 7-424**
**Art. XVIII. General Provisions, § 7-425**
**Art. XIX. Tobacco Retail Establishments, §§ 7-426 – 7-434**
**Art. XX. Hotels, §§ 7-440 – 7-448**
**Art. XXI. Alarm Companies and Users, §§ 7-449 – 7-479**
Div. 1. Alarm Company Licenses, §§ 7-449 – 7-464
Div. 2. Alarm User Registration and Fees, §§ 7-465 – 7-479
**Art. XXII. Merchants' Disclosure Requirements, §§ 7-480 – 7-489**
**Art. XXIII. Ice Cream Truck Vendors, §§ 7-490 – 7-500**
**Art. XXIV. Lessors of Commercial Real Property Disclosure Requirements, §§ 7-501 – 7-504**
**Art. XXV. Pet Stores and Pet Dealers, § 7-505**


## Article I. Auctions and Auctioneers


Sec. 7-1. Definitions.
Sec. 7-2. Exemptions from article.
Sec. 7-3. Application for auction house license.
Sec. 7-4. Application for class B license.
Sec. 7-5. Bond required for class B and auction house license.
Sec. 7-6. Investigation of applications; issuance of licenses.
Sec. 7-7. Notification to fire chief required of possession of hazardous substances; duty to update; hazardous substances defined.
Sec. 7-8. Auction house or auction prohibited in connection with or on premises of wholesale or retail businesses; exception.
Sec. 7-9. Sales of merchant's stock on hand – Duration; to be bona fide.
Sec. 7-10. Same – Application.
Sec. 7-11. "Capping", "boosting", false bidding prohibited.
Secs. 7-12 – 7-15. Reserved.
Sec. 7-16. Advertising.
Secs. 7-17 – 7-25. Reserved.


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***Cross references –** Beekeeping regulated, § 11-3; dance halls regulated, § 11-15; drinking establishments regulated, §§ 11-17, 11-18; filling stations prohibited on a portion of Congress Street, § 11-21; guest register required for hotels, rooming houses, motels, § 11-26; license and privilege taxes generally, ch. 19; bond required for transient merchants, § 19-27; planning and zoning generally, ch. 23.

### Article II. Peddlers

Sec. 7-26. Definitions.
Sec. 7-27. License requirements.
Sec. 7-28. Insurance.
Sec. 7-29. Unlawful activities.
Sec. 7-30. Setback requirements.
Sec. 7-31. Operating before or after required closing time.
Sec. 7-32. License revocation.
Sec. 7-33. Violations and penalties.
Sec. 7-34. Enforcement authority.
Sec. 7-35. Jurisdiction of court.
Sec. 7-36. Commencement of civil infraction proceedings.
Sec. 7-37. Appeal of court decision.
Secs. 7-38 – 7-61. Reserved.

### Article III. Fortunetellers

Sec. 7-62. Definitions.
Sec. 7-63. Approval and license required.
Sec. 7-64. Investigation of applicants; application for license; fee; issuance of license.
Sec. 7-65. Revocation of license.
Sec. 7-66. Persons regulated.
Sec. 7-67. License required for each place of business; scope of licenses.
Sec. 7-68. Transferability of licenses; fee.
Sec. 7-69. Reserved.
Secs. 7-70 – 7-79. Reserved.

### Article IV. Going-Out-of-Business, Fire, Etc., Sales

Sec. 7-80. Definitions.
Sec. 7-81. Exemptions from article.
Sec. 7-82. Permit required.
Sec. 7-83. Application for permit; fee required.
Sec. 7-84. Issuance, renewal, effect of permit.
Sec. 7-85. Rules and regulations governing sales.
Sec. 7-86. Disposal at auction; approval required.
Sec. 7-87. Revocation of permit for violations.
Sec. 7-88. Revocation procedure – Appeal.
Sec. 7-89. Requirements for permittee sign.
Secs. 7-90 – 7-96. Reserved.

### Article V. Pawnbrokers and Secondhand Dealers

Sec. 7-97. Definitions.
Sec. 7-98. Duty to report receipt of articles to police.
Sec. 7-99. Contents of report to police.
Sec. 7-100. Form of reports; when due; imposition of fee.
Sec. 7-101. Requirements; record of transactions; police department hold on property.
Sec. 7-102. Prohibited acts.
Sec. 7-103. Violations, penalties.
Sec. 7-104. Scope.
Sec. 7-105. Property included.
Sec. 7-106. Initiation of petition.
Sec. 7-107. Service of the petition; notice of hearing.
Sec. 7-108. Claimant's rights.
Sec. 7-109. Hearing officer.
Sec. 7-110. Conduct of hearing.

Sec. 7-469. Shutting off after sounding alarm.
Sec. 7-470. Automatic or prerecorded messages or signals.
Sec. 7-471. Confidentiality.
Sec. 7-472. Government immunity.
Sec. 7-473. Grace period.
Sec. 7-474. Alarm user registration.
Sec. 7-475. Excessive false alarms/failure to register.
Sec. 7-476. Assessment petition.
Sec. 7-477. Suspension of response.
Sec. 7-478. Reinstatement.
Sec. 7-479. Alarm user awareness class.

**Article XXII. Merchants' Disclosure Requirements**

Sec. 7-480. Requiring merchants to make certain disclosures related to the sale of motorized skateboards and motorized play vehicles; penalty.
Sec. 7-481. Requiring merchants to make certain disclosures related to the sale of motorized bicycles or tricycles; penalty.
Secs. 7-482 – 7-489. Reserved.

**Article XXIII. Ice Cream Truck Vendors**

Sec. 7-490. Definitions.
Sec. 7-491. License requirements and application procedures.
Sec. 7-492. Appeal procedures.
Sec. 7-493. Display of license.
Sec. 7-494. Penalties.
Sec. 7-495. Separate license required to operate in city parks and other city property.
Secs. 7-496 – 7-500. Reserved.

**Article XXIV. Lessors of Commercial Real Property Disclosure Requirements**

Sec. 7-501. Definitions.
Sec. 7-502. Disclosure required.
Sec. 7-503. Exemptions.
Sec. 7-504. Violation declared a civil infraction.

**Article XXV. Pet Stores and Pet Dealers**

Sec. 7-505. Pet stores and pet dealers; definitions; prohibitions on dog and cat purchases; recordkeeping; and penalties.

(2) A lease pursuant to which the lessor performs the construction work for lessee's initial occupancy.

(3) A lease of the storage spaces at a self-service storage facility, which is defined as any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis.

(4) A lease for a space within a building where the building or the space already has a certificate of occupancy and the lessee's intended use of the space is identical according to the Tucson Land Use Code and the building code to the use permitted by the certificate of occupancy.

(Ord. No. 10562, § 1, 7-8-08, eff. 10-15-08)

**Sec. 7-504. Violation declared a civil infraction.**

Unless otherwise specifically stated in this chapter, any violation of this article is punishable as a civil infraction pursuant to chapter 8 of this Code.

(Ord. No. 10562, § 1, 7-8-08, eff. 10-15-08)

## ARTICLE XXV. PET STORES AND PET DEALERS

**Sec. 7-505. Pet stores and pet dealers; definitions; prohibitions on dog and cat purchases; recordkeeping; and penalties.**

(a) *Definitions:* For the purposes of this article:

(1) *"Pet dealer"* means a person who owns or operates a pet store.

(2) *"Pet store"* means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs or other animals, but does not include commercial livestock operations and commercial livestock auction markets. Pet store does not mean a publicly operated pound or a private, charitable not-for-profit humane society or any animal adoption activity that a pound or humane society conducts off site at any pet store or other commercial enterprise.

(b) A pet store or pet dealer may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who is required to be licensed by the pet dealer regulations of the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159) if any of the following applies:

(1) The person is not currently licensed by the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).

(2) Within two (2) years before obtaining the dog or cat the person commits a direct violation of any of the pet dealer regulations of the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).

(3) The person receives an indirect no access violation on each of the two (2) most recent inspection reports issued by the United States department of agriculture under the animal welfare act (7 United States Code §§ 2131 through 2159).

(4) The person commits three (3) or more indirect violations of the pet dealer regulations of the United States department of agriculture during the two (2) year period before obtaining the dog or cat for violations relating to the health or welfare of the animal and the violations were not administrative in nature. The indirect violations described in this paragraph do not include a violation described in paragraph (3) of this subsection.

(c) A pet store or pet dealer may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who directly or indirectly obtained a dog or cat from a person described in subsection (b) of this section. A pet store or pet dealer is presumed to have acted in good faith and to have satisfied its obligation to ascertain whether a person meets the criteria described in subsection (b) of this section if, when placing an order to obtain a dog or cat

for sale or resale, the pet store or pet dealer conducts a search for inspection reports of the breeder on the animal care information system search tool maintained by the United States department of agriculture.

(d) Notwithstanding subsections (b) and (c) of this section, a pet store or pet dealer may obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a publicly operated pound or a private, charitable nonprofit humane society or from any animal adoption activity conducted by a pound or humane society.

(e) A pet dealer shall maintain records verifying its compliance with this section and with A.R.S. Section 44-1799.10 for at least two (2) years after obtaining the dog or cat to be sold or offered for sale. Records maintained pursuant to this subsection shall be open to inspection on request by a municipal or county peace officer or enforcement official.

(f) A pet dealer shall display the source of any dog or cat offered for sale by providing the name of the breeder of the animal, the United States department of agriculture license number of the breeder if the animal is from a breeder that is licensed by the United States department of agriculture and the United States department of agriculture website where information about the breeder may be obtained. The pet dealer shall display the information described in this subsection on both of the following:

(1) The cage or enclosure for each animal.

(2) All printed or electronic marketing materials about a specific dog or cat that has been obtained by the pet dealer and that is being offered for sale.

(g) *Penalties:* Violations of this article shall be a civil infraction. In an action brought by the City of Tucson or by its enforcement agent to enforce the provisions of subsections (e) and/or (f) of this Section, the pet dealer or pet store is subject to a civil penalty of not more than one thousand dollars ($1,000) per violation. In an action brought by the City of Tucson or by its enforcement agent to enforce the provisions of subsections (b) and/or (c) of this section, a pet store or pet dealer who knowingly obtains a dog or cat for sale or resale in violation of Arizona Revised Statutes § 44-1799.10, subsection A or B or the provisions of subsections (b) and/or (c) of this section; or who should have known the dog or cat was obtained for sale or resale in violation of § 44-1799.10, subsection A or B or subsections (b) and/or (c) of this section, the pet store or pet dealer is subject to the following penalties:

(1) For a first violation, a civil penalty of not more than one thousand dollars ($1,000) per violation.

(2) For a second violation within a five (5) year period, a civil penalty of not more than two thousand five hundred dollars ($2,500) per violation.

(3) For a third or subsequent violation within a five (5) year period:

a. A civil penalty of not more than five thousand dollars ($5,000) per violation.

b. An order entered by the court enjoining the pet store or pet dealer from selling or offering for sale, for up to three (3) years, a dog or cat obtained from any person other than a publicly operated pound or a private, charitable nonprofit humane society or from any animal adoption activity conducted by a pound or humane society.

(h) In an action brought to enforce Arizona Revised Statutes § 44-1799.10, subsection A or B, or subsections (b) and/or (c) of this section:

(1) A violation is a subsequent violation if it occurs within a five (5) year period after a final judgment or order that the pet store or pet dealer knowingly violated Arizona Revised Statutes § 44-1799.10, subsection A or B, or subsections (b) and/or (c) of this section, or should have known of the violation.

(2) In addition to any other defense that may be raised, a pet store or pet dealer is presumed to have acted in good faith and to have satisfied its obligation to ascertain whether a person meets the criteria described in § 44-1799.10, subsection A and subsection B or subsections (b) and/or (c) of this section if,

when placing an order to obtain a dog or cat for sale or resale, the pet store or pet dealer conducts a search for inspection on the animal care information system search tool maintained by the United States department of agriculture.

(3) Each order placed by a pet store or pet dealer to obtain a dog or cat for sale or resale shall be considered a single act, regardless of the number of dogs or cats obtained in the order.

(Ord. No. 11741, § 1, 3-17-20)

Chapter 10

# CIVIL SERVICE – HUMAN RESOURCES*


**Art. I. In General, §§ 10-1 – 10-30**
**Art. II. Compensation Plan, §§ 10-31 – 10-53.7**
**Art. III. Reserved, § 10-54**


## Article I. In General


Sec. 10-1. Short title.
Sec. 10-2. General purpose.
Sec. 10-3. Definitions.
Sec. 10-4. Officers, employees in classified service; exceptions.
Sec. 10-5. Reserved.
Sec. 10-6. Adoption, construction of classification plan.
Sec. 10-7. Job evaluation grades.
Sec. 10-8. Procedures for classification review.
Sec. 10-9. Allocation of positions to appropriate classes.
Sec. 10-10. Changes in classification.
Sec. 10-11. Use of class titles.
Sec. 10-12. Commission rules authorized.
Sec. 10-13. Payrolls to be certified.
Sec. 10-14. Recovery of money improperly paid out.
Sec. 10-15. Retirement ages.
Sec. 10-16. Officers and employees to comply with, carry out civil service provisions.
Sec. 10-17. Commission to cooperate with other governmental and private agencies.
Sec. 10-18. Discrimination prohibited; political activities.
Sec. 10-19. Unlawful acts.
Sec. 10-20. Commission's authority to investigate.
Sec. 10-21. Power to administer oaths, require production of evidence, subpoena witnesses.
Sec. 10-22. Salaries of civil service commissioners.
Secs. 10-23 – 10-30. Reserved.


## Article II. Compensation Plan


Sec. 10-31. Establishment and adoption of compensation plan; payment of employees.
Sec. 10-32. Administration of plan.
Sec. 10-33. Language communication compensation.
Sec. 10-33.1. Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish.
Sec. 10-34. Incentive pay for fire prevention inspectors.
Sec. 10-34.1. Assignment and incentive pay for maintaining paramedic certification and working as paramedics.
Sec. 10-35. Fire battalion chief call back shift pay.
Sec. 10-36. Probationary periods.
Sec. 10-37. Reallocation.
Sec. 10-37.1. Reserved.
Sec. 10-37.2. Reserved.
Sec. 10-38. Movement within salary ranges.
Sec. 10-39. Increases for exceptionally meritorious service.


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***Editor's note –** The editor added "Human Resources" to the title in order to more accurately reflect the contents of the chapter as expressed in § 10-1.

**Charter references –** Civil service generally, ch. XXII; department of human resources, ch. XXX.

**Cross reference –** Civil service statutes of reserve police officers, § 2-122(a).

Sec. 10-40. Reserved.
Sec. 10-41. Premium pay.
Secs. 10-42 – 10-44. Reserved.
Sec. 10-45. Computation of hourly rates.
Sec. 10-46. Part-time employees to be paid by the hour.
Sec. 10-47. Recruiting referral compensation for commissioned personnel.
Sec. 10-48. Supplement to military pay.
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.
Sec. 10-50. Reserved.
Sec. 10-51. Basic working hours; alternate work schedules for city employees are authorized subject to city manager approval.
Sec. 10-52. Longevity compensation plan.
Sec. 10-53. Pipeline protection program; compensation.
Sec. 10-53.1. Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.
Sec. 10-53.2. Maintenance management program, assignment and incentive pay compensation.
Sec. 10-53.3. Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain.
Sec. 10-53.4. Additional compensation for certain public safety command staff.
Sec. 10-53.5. Honor guard assignment pay for fire commissioned personnel.
Sec. 10-53.6. Reserved.
Sec. 10-53.7. Certified crane operator assignment and incentive pay program.
Sec. 10-53.8. Certified compressed natural gas inspector assignment and incentive pay program.
Sec. 10-53.9. Tool enhancement allowance.

**Article III. Reserved**

Sec. 10-54. Reserved.

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.

**Sec. 10-40. Reserved.**

**Sec. 10-41. Premium pay.**

(a) In addition to the compensation authorized by section 10-31, eligible employees as defined below shall receive compensation as premium pay, as provided in this Section.

(b) Premium pay will only become activated during the time period commencing the first day of the pay period following an officially declared local health emergency or officially declared local disaster and will end on the last day of the pay period of the date the local emergency or local disaster has been officially declared substantially eliminated. Premium pay is not activated by a local health emergency or local disaster that was declared on a date prior to September 9, 2020, even if that emergency continues in effect on and after September 9, 2020.

(c) The director of human resources is responsible for the administration of premium pay, including but not limited to establishing additional eligibility criteria and designation of eligible positions, as deemed necessary during an officially declared local health emergency or an officially declared local disaster. Employees may be required to perform emergency work, in addition to their regular assignments, depending on the nature of the emergency or disaster and the need for additional personnel.

(d) City employees who are eligible to receive premium pay are limited to employees for whom both of the following are true:

(1) The employee is required to report to the workplace to perform functions the appointing authority has determined are essential for departmental operations during an officially declared local health emergency or officially declared local disaster; and

(2) performing this work during the declared emergency or disaster presents greater risk or physical hardship than what is normally considered in the classification of the position.

(e) Premium pay shall be paid at the rate of one hundred sixty dollars ($160) per pay period when the full pay period is worked under an officially declared local health emergency or officially declared local disaster; OR sixteen dollars ($16) per day when only certain days are worked under an officially declared local health emergency or officially declared local disaster.
(Ord. No. 11780, § 1, 9-9-20)

**Secs. 10-42 – 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16; Ord. No. 11558, § 2, 6-5-18, eff. 6-24-18; Ord. No. 11611, § 3, 12-18-18)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are

Chapter 10A

# COMMUNITY AFFAIRS


**Art. I. Historical Commission, §§ 10A-1 – 10A-9**
**Art. II. Tucson Youth and Delinquency Prevention Council, §§ 10A-10 – 10A-20**
**Art. III. Veterans' Affairs Committee, §§ 10A-21 – 10A-30**
**Art. IV. Founding Date of City of Tucson, §§ 10A-31 – 10A-40**
**Art. V. Redistricting Advisory Committee, §§ 10A-41 – 10A-50**
**Art. VI. Reserved, §§ 10A-51 – 10A-74**
**Art. VII. Commission on Disability Issues, §§ 10A-75 – 10A-85**
**Art. VIII. Community Police Advisory Review Board, §§ 10A-86 – 10A-99**
**Art. IX. Commemorations and Observances, §§ 10A-100 – 10A-109**
**Art. X. Commission on Equitable Housing and Development, §§ 10A-110 – 10A-119**
**Art. XI. Independent Audit and Performance Commission, §§ 10A-120 – 10A-129**
**Art. XII. Tucson-Pima County Bicycle Advisory Committee, §§ 10A-130 – 10A-132**
**Art. XIII. Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules, §§ 10A-133 – 10A-144**
**Art. XIV. Park Tucson Commission, §§ 10A-145 – 10A-159**
**Art. XV. Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC), §§ 10A-160 – 10A-169**
**Art. XVI. Reserved, §§ 10A-170 – 10A-179**
**Art. XVII. Landscape Advisory Committee, §§ 10A-180 – 10A-189**
**Art. XVIII. Small, Minority and Women-Owned Business Commission, §§ 10A-190 – 10A-199**
**Art. XIX. Reserved, §§ 10A-200 – 10A-209**
**Art. XX. Commission on Climate, Energy, and Sustainability (CCES), §§ 10A-210 – 10A-219**
**Art. XXI. Reserved, §§ 10A-220 – 10A-229**
**Art. XXII. Reserved, §§ 10A-230 – 10A-239**
**Art. XXIII. Complete Streets Coordinating Council, §§ 10A-240 – 10A-247**
**Art. XXIV. Commission on Food Security, Heritage, and Economy (CFSHE), §§ 10A-250 – 10A-255**


## Article I. Historical Commission


Sec. 10A-1. Tucson-Pima County Historical Commission: Created; membership; vacancies; officers; quorum; terms; compensation; rules and regulations.
Sec. 10A-2. Commission expenses and expenditures.
Sec. 10A-3. Functions and purposes of the commission.
Secs. 10A-4 – 10A-9. Reserved.


## Article II. Tucson Youth and Delinquency Prevention Council


Sec. 10A-10. Created.
Sec. 10A-11. Membership.
Sec. 10A-12. Organization.
Sec. 10A-13. Reports.
Sec. 10A-14. Limitation of powers.
Sec. 10A-15. Functions and purposes.
Secs. 10A-16 – 10A-20. Reserved.


## Article III. Veterans' Affairs Committee


Sec. 10A-21. Created.
Sec. 10A-22. Membership.
Sec. 10A-23. Committee organization.
Sec. 10A-24. Reports.
Sec. 10A-25. Limitation of power.
Sec. 10A-26. Functions and purposes.
Secs. 10A-27 – 10A-30. Reserved.

**Article IV. Founding Date of City of Tucson**

Sec. 10A-31. Founding date established.
Sec. 10A-32. Bicentennial anniversary celebration.
Secs. 10A-33 – 10A-40. Reserved.

**Article V. Redistricting Advisory Committee**

Sec. 10A-41. Potential redistricting year.
Sec. 10A-42. Redistricting Advisory Committee established.
Sec. 10A-43. Membership composition; qualifications and terms.
Sec. 10A-44. City clerk attendance, committee duties and functions.
Sec. 10A-45. Committee recommendation submitted.
Secs. 10A-46 – 10A-50. Reserved.

**Article VI. Reserved**

Secs. 10A-51 – 10A-74. Reserved.

**Article VII. Commission on Disability Issues**

Sec. 10A-75. Creation.
Sec. 10A-76. Functions and purposes.
Sec. 10A-77. Membership composition, terms and qualifications.
Sec. 10A-78. Commission organization.
Sec. 10A-79. Limitation of powers.
Secs. 10A-80 – 10A-85. Reserved.

**Article VIII. Community Police Advisory Review Board**

Sec. 10A-86. Declaration of policy.
Sec. 10A-87. Creation.
Sec. 10A-88. Citizen complaints and concerns: powers and duties.
Sec. 10A-89. Community-police partnership: powers and duties.
Sec. 10A-90. Composition, appointment, terms, and attendance.
Sec. 10A-91. Board organization.
Sec. 10A-92. Reports.
Sec. 10A-93. Limitations of powers.
Sec. 10A-94. Training.
Sec. 10A-95. Cooperation.
Secs. 10A-96 – 10A-99. Reserved.

**Article IX. Commemorations and Observances**

Sec. 10A-100. American Indian Awareness Days.
Sec. 10A-101. Martin Luther King, Jr. Day.
Secs. 10A-102 – 10A-109. Reserved.

**Article X. Commission on Equitable Housing and Development**

Sec. 10A-110. Creation.
Sec. 10A-111. Declaration of purpose.
Sec. 10A-112. Membership composition; nomination and appointment; qualifications; terms of office and reappointment; removal; concurrent service not permitted; applicability of Tucson Code Chapter 10A, Article XIII.
Sec. 10A-113. Functions, purposes, powers, and duties.
Sec. 10A-114. Staff support.
Sec. 10A-115. Commission organization and rules.
Sec. 10A-116. Limitation of powers.
Sec. 10A-117. Sunset clause.
Secs. 10A-118, 10A-119. Reserved.

(6) To accept donations and use them in support of activities such as Operation Exodus, the Four Chaplains Memorial Ceremony, and other veterans' ceremonies, activities, and causes, all under the following conditions:

(A) Neither the city, nor any member of city staff, shall be involved in any way in the committee's financial activities.

(B) The committee must coordinate its own fundraising; be responsible for the accounting, administration, and expenditure of funds that are raised; and maintain an account at a financial institution to facilitate the receipt, preservation, and expenditure of the funds resulting from donations.

(C) The committee must designate its treasurer or a third-party fiscal agent to handle the funds.

(D) The committee's treasurer is responsible for providing accounting documentation regarding the funds whenever it is requested by the members of the committee or the city clerk.

(E) Tucson Code Section 10A-25 is unaffected by this authorization and remains in full force and effect.

(Ord. No. 3180, § 1, 11-12-68; Ord. No. 8517, § 1, 6-12-95; Ord. No. 11544, § 1, 5-8-18)

**Secs. 10A-27 – 10A-30. Reserved.**

## ARTICLE IV. FOUNDING DATE OF CITY OF TUCSON

### Sec. 10A-31. Founding date established.

The founding date of the City of Tucson is established as August 20, 1775.
(Ord. No. 3986, § 1, 2-5-73)

### Sec. 10A-32. Bicentennial anniversary celebration.

A bicentennial anniversary celebration of the founding of the city is hereby authorized to be prepared and carried forward by the city manager, with the assistance of the Tucson Historical Committee, who shall submit to the mayor and council a report on the proposed project and estimated budget therefor.
(Ord. No. 3986, § 1, 2-5-73)

**Secs. 10A-33 – 10A-40. Reserved.**

## ARTICLE V. REDISTRICTING ADVISORY COMMITTEE *

### Sec. 10A-41. Potential redistricting year.

As used in this article, "potential redistricting year" means a year in which the redistricting of wards is permitted under the Charter, or whenever redistricting is otherwise mandated by law.
(Ord. No. 11354, § 1, 5-3-16)

### Sec. 10A-42. Redistricting Advisory Committee established.

In each potential redistricting year, the mayor and council shall by resolution naming its members, establish a Redistricting Advisory Committee (the "Committee").
(Ord. No. 11354, § 1, 5-3-16)

**Editor's note** – For the 2020 Redistricting Advisory Committee, the provisions of this section are superseded by Ord. No. 11785, adopted Sept. 22, 2020.

### Sec. 10A-43. Membership composition; qualifications and terms.

(a) *Appointment.* The Committee shall consist of one (1) voting member appointed by the mayor and one (1) voting member appointed by each councilmember.

(b) *Qualifications.* All members of the Committee shall be qualified city electors, and none shall hold any elective public office, either by election or by appointment, at any time during their membership on the Committee.

(c) *Precinct committeeperson allowed.* For purposes of this article, the office of precinct committeeperson shall not be considered an elective public office.

(d) *Terms.* The provisions of Tucson Code Chapter 10A, Article XIII shall govern the Committee, except as otherwise provided in this article.

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***Editor's note** – Former Article V, §§ 10A-41 – 10A-43, relating to the Tucson Commission of the Arts and Culture, derived from Ord. No. 4357, § 1, adopted May 27, 1975, and Ord. No. 5933, § 1, adopted Dec. 19, 1983, was repealed by Ord. No. 6024, effective June 25, 1984.

(e) *Exemption.* The Committee shall be exempt from the provisions of Tucson Code Section 10A-134(c).

(f) *Expiration of terms.* The terms of the Committee and its members shall automatically expire on December 31st of the potential redistricting year in which the Committee is appointed; except that the mayor and council may by resolution extend the Committee's term in the event that they deem such extension beneficial to the city.

(g) *Disqualification from election to office.* Committee members shall be disqualified from election to the office of councilmember for a period of four (4) years from December 31st of the potential redistricting year in which the Committee is appointed.
(Ord. No. 11354, § 1, 5-3-16)

**Sec. 10A-44. City clerk attendance, committee duties and functions.**

(a) *City clerk to attend meetings.* The city clerk or the city clerk's designee(s), shall attend all Committee meetings, and shall provide the Committee with relevant and necessary information.

(b) *Duties and functions of the Committee.* The duties and functions of the Committee shall be as follows:

(1) To review all relevant data, including but not limited to U.S. Census data, and recommended in writing to the mayor and council whether redistricting is necessary in the potential redistricting year in which the committee is appointed. The review shall consider the following factors.

(A) Maintain a Maximum Population Deviation (MPD) across the city's six (6) wards no greater than 10%.

(B) Maintain established and recognizable ward boundaries with a minimum of disruption.

(C) Sustain the compactness and contiguity of the wards as they presently exist.

(D) Maintain ethnic balance so as to not dilute the Hispanic vote.

(E) Where possible, realign precincts having populations represented by more than one ward.

(2) If it finds, pursuant to subsection (1) above, that redistricting is necessary, then to review all relevant data, hold at least one (1) public hearing, and such other public hearings as it deems necessary, gather information and opinions from the public, and thereafter make recommendations in writing to the mayor and council concerning the manner in which redistricting should occur in order to best comply with the Charter.

(3) To make such other recommendation(s) relating to redistricting as deemed necessary or desirable.
(Ord. No. 11354, § 1, 5-3-16)

**Sec. 10A-45. Committee recommendation submitted.**

The Committee's written recommendation(s) shall be submitted to the mayor and council no later than October 1st of the potential redistricting year in which the Committee is appointed.
(Ord. No. 11354, § 1, 5-3-16)

**Editor's note –** For the 2020 Redistricting Advisory Committee, the provisions of this section are superseded by Ord. No. 11785, adopted Sept. 22, 2020.

**Secs. 10A-46 – 10A-50. Reserved.**

## ARTICLE VI. RESERVED†

**Secs. 10A-51 – 10A-74. Reserved.**

## ARTICLE VII. COMMISSION ON DISABILITY ISSUES‡

**Sec. 10A-75. Creation.**

There is hereby established an entity to be called the "commission on disability issues."
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

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†**Editor's note –** Article VI, §§ 10A-51 – 10A-64, relating to the Tucson Women's Commission, derived from Ord. No. 4416, §§ 1 – 9, adopted December 8, 1975; Ord. No. 4770, § 1, adopted March 13, 1978; Ord. No. 7021, § 1, adopted September 6, 1988; and Ord. No. 7266, § 1, adopted August 7, 1989; was repealed by Ord. No. 7845, § 1, adopted June 22, 1992.

‡**Editor's note –** Section 1 of Ord. No. 7174, adopted Apr. 17, 1989, changed the title of art. VII from "Commission on the Handicapped" to "Commission on Disability Issues"; and § 2 made the same change in the text.

**Sec. 10A-76. Functions and purposes.**

The functions and purposes, powers and duties of the commission on disability issues shall be to:

(a) Act as the official advisory body to the mayor and council on the priority of concerns faced by individuals with disabilities within the Tucson community.

(b) Work to formulate policies and recommend activities that address the needs and concerns of individuals with disabilities.

(c) Work with city departments and outside agencies and organizations to ensure equitable delivery of services and initiate new ones that benefit individuals with disabilities.

(d) Support and sponsor community programs and projects that promote public awareness of the problems of individuals with disabilities.

(e) Serve as a liaison between the city and other community agencies serving individuals with disabilities.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 10871, § 1, 1-19-11)

**Sec. 10A-77. Membership composition, terms and qualifications.**

(a) *Appointment.* The commission on disability issues shall be composed of eleven (11) members, who shall serve without compensation as follows: The mayor and each council member shall individually appoint one (1) member of the commission. In addition, the city manager shall appoint four (4) members of the commission.

(b) *Terms.*

(1) The term of those commission members appointed by the mayor and council individually shall be coterminous with that of the appointing elected official.

(2) The term of those commission members appointed by the city manager shall be for a term of four (4) years.

(c) *Qualifications.*

(1) The seven (7) members of the commission on disability issues appointed individually by the mayor and council shall be individuals with disabilities; that is, persons who have a physical or mental impairment which substantially limits one (1) or more of their major life activities.

(2) The four (4) members of the commission on disability issues appointed by the city manager shall be representatives of agencies and employers dedicated to serving the needs of individuals with disabilities or persons possessing special expertise in dealing with the problems of individuals with disabilities.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 7264, § 1, 8-7-89; Ord. No. 7820, § 1, 5-18-92; Ord. No. 10871, § 1, 1-19-11; Ord. No. 11355, § 1, 5-3-16)

**Editor's note –** Section 1 of Ord. No. 7264, adopted Aug. 7, 1989, increased the term of office in subsection (b)(2) from 3 to 4 years. Section 2 specified that these members who were serving 3-year terms prior to the enactment of the ordinance would have their terms extended to 4 years.

**Sec. 10A-78. Commission organization.**

The commission on disability issues chairperson shall be elected by a majority of the commissioners. The commissioners shall adopt rules and regulations in relation to the commission's powers and duties. Procedural matters shall be governed by Robert's Rules of Order.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Sec. 10A-79. Limitation of powers.**

Neither the commission on disability issues nor any member thereof may incur city expenses or obligate the city in any way without prior authorization by the mayor and council.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Secs. 10A-80 – 10A-85. Reserved.**

## ARTICLE VIII. COMMUNITY POLICE ADVISORY REVIEW BOARD*

### Sec. 10A-86. Declaration of policy.

It is the policy of the city to foster and encourage a citizen police partnership in the prevention of crime and to develop and maintain positive communications and mutual understanding and trust between the police and the community. The mayor and council find that the partnership between police and citizens is strongest when citizens are confident that the internal investigation of citizen complaints against the police department is fair and just. The mayor and council further find that such confidence is best achieved by opening the internal investigative process to public review and comment.
(Ord. No. 8843, § 1, 3-24-97)

### Sec. 10A-87. Creation.

In order to promote the goals and objectives of the above-stated policy, there is hereby established an entity to be called the "community police advisory review board."
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 11537, § 2, 4-3-18)

### Sec. 10A-88. Citizen complaints and concerns: powers and duties.

The community police advisory review board is authorized to:

(a) Refer citizens who wish to file complaints against the city police department to the department's office of professional standards or to the office of the independent police auditor.

(b) Conduct public outreach to educate the community of the role of the office of professional standards and the office of the independent police auditor in the investigation of complaints against the city police department or one of its officers.

(c) Request that the independent police auditor monitor a particular citizen complaint being investigated by the city police department.

(d) Request from the city police department a review of completed action taken by the department on a citizen complaint or a review of incidents which create community concern or controversy.

(e) Request from the independent police auditor a review of completed action taken by the independent police auditor on a citizen complaint.

(f) Review completed investigations of citizen complaints alleging police officer misconduct in order to comment on the fairness and thoroughness of an investigation and to report any concerns regarding the investigation to the chief of police, the independent police auditor, the city manager and/or the mayor and council.

(g) Provide comments and recommendations to the chief of police, the independent police auditor, the city manager and/or the mayor and council on the citizen complaint review process.

(h) Provide comments and recommendations to the chief of police, the independent police auditor, the city manager and/or mayor and council on police department policy, procedure, and practice.
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 11537, § 2, 4-3-18)

### Sec. 10A-89. Community-police partnership: powers and duties.

The community police advisory review board shall have the authority to:

(a) Consult with the governing body from time to time as may be required by the mayor and council.

(b) Assist the police in achieving a greater understanding of the nature and causes of complex community problems in the area of human relations, with special emphasis on the advancement and improvement of relations between police and community minority groups.

(c) Study, examine, and recommend methods, approaches, and techniques to encourage and develop an active citizen police partnership in the prevention of crime.

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***Editor's note** – Ordinance No. 8843, § 1, adopted March 24, 1997, repealed §§ 10A-86 – 10A-93 and added new §§ 10A-86 – 10A-95. Formerly, such sections pertained to similar provisions and derived from Ord. No. 5123, § 2, 3-24-80; Ord. No. 7935, § 1, 11-2-92.

reasonably needed to support the community police advisory review board's activities.
(Ord. No. 8843, § 1, 3-24-97; Ord. No. 11537, § 2, 4-3-18)

**Secs. 10A-96 – 10A-99. Reserved.**

## ARTICLE IX. COMMEMORATIONS AND OBSERVANCES*

### Sec. 10A-100. American Indian Awareness Days.

The mayor shall annually issue a proclamation designating the week commencing with the fourth Monday in September as American Indian Awareness Days, recommending that the citizens of the community hold appropriate exercises commemorative of the American Indians.
(Ord. No. 5027, § 1, 9-4-79)

### Sec. 10A-101. Martin Luther King, Jr., Day.

The mayor shall annually issue, on or before the third Monday in January of each year, a proclamation designating this day as Martin Luther King, Jr., Day, and recommending that the citizens of the community hold appropriate exercises commemorative of Dr. Martin Luther King, Jr.
(Ord. No. 5699, § 1, 1-17-83; Ord. No. 7469, § 1, 9-4-90)

**Secs. 10A-102 – 10A-109. Reserved.**

## ARTICLE X. COMMISSION ON EQUITABLE HOUSING AND DEVELOPMENT. **

### Sec. 10A-110. Creation.

Pursuant to Tucson Charter Chapter XXIV, § 1 and Tucson Code § 10A-139(a), the commission on equitable housing and development ("CEHD") is created as an on-going mayor and council advisory commission.
(Ord. No. 11769, passed 7-7-20)

### Sec. 10A-111. Declaration of Purpose.

The City of Tucson envisions "A Home for Everyone" in the Tucson region. Tucson, like other cities across the U.S., must contend with an inadequate number of affordable housing units and high rates of poverty. With the input of community values, we will identify solutions that will promote affordability and prevent displacement; as well as, promote social responsibility from both developers and landlords within the City of Tucson in order to assist those in vulnerable housing situations. In addition, with the ongoing revitalization of the downtown area, there has been a variety of housing related impacts that concern neighborhoods and long-time residents.

Challenges such as homelessness, the preservation of neighborhood cultural assets, the number of "housing cost burdened" households paying more than 30% of their income for housing and historical racial inequities are linked to housing affordability, poverty, and involuntary displacement. Therefore, on June 9, 2020, the City of Tucson mayor and council provided direction to establish a commission to develop strategies to address these pressing issues.
(Ord. No. 11769, passed 7-7-20)

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***Editor's note –** Ord. No. 5027, § 1, adopted Sept. 4, 1979, amended the Code by adding art. VII, § 10A-70. Inasmuch as Ord. No. 4960, § 1, adopted Apr. 9, 1979, had previously added art. VII, and Ord. No. 5123, § 2, adopted Mar. 24, 1980, subsequently added art. VIII, the provisions of Ord. No. 5027, at the direction of the city, have been designated as art. IX, 10A-100.

****Editor's note –** Ord. No. 11496, § 3, adopted Oct. 24, 2017, repealed Art. X, §§ 10A-110 – 10A-113, which pertained to the Tucson-Pima County Metropolitan Energy Commission and derived from Ord. No. 5218, § 1, adopted Sept. 8, 1980. Ord. No. 11769, passed 7-7-20, created a new Art. X, §§ 10A110 – 10A-117, Commission on Equitable Housing and Development.

**Sec. 10A-112. Membership composition; nomination and appointment; qualifications; terms of office and reappointment; removal; concurrent service not permitted; applicability of Tucson Code Chapter 10A, Article XIII.**

(a) *Composition.* The CEHD shall consist of nine (9) voting members and nine (9) non-voting ex-officio members, who shall serve without compensation.

All members must be qualified to represent one or more focus areas as more particularly described in subsection (c)(4) below:

(1) Housing

(2) Neighborhoods

(3) Equity, diversity, and inclusivity

(4) Economic vitality

(5) Cultural vitality

(b) *Nomination and appointment:*

(1) Seven (7) voting members shall be appointed through: (a) recommendation by at least two (2) members of mayor and council; and (b) appointment by the full mayor and council acting as a body.

(2) Two (2) voting members shall be appointed by the director of housing and community development (HCD).

(3) Ex-officio (non-voting) members of the CEHD: The following shall be invited to attend CEHD meetings, and assist the CEHD, as ex-officio, non-voting members who shall not count toward creating or meeting any quorum requirement:

(A) Pima County Housing Center;

(B) City of South Tucson;

(C) Direct Center for Independence;

(D) Pima Council on Aging;

(E) A nonprofit partner, knowledgeable regarding nonprofit development and fair housing policy;

(F) A developer, knowledgeable regarding the housing development process generally and with a proven track record of completed (i.e., built) affordable housing projects;

(G) City of Tucson planning and development services department;

(H) City of Tucson housing and community development department;

(I) Pima County Community Land Trust.

(c) *Qualifications:*

(1) Members should, to the extent possible, represent the geographic, demographic, and economic diversity of the community.

(2) Desired qualifications include relevant background, knowledge, and/or expertise in one or more of the following focus areas that relate to the commission's functions and purposes.

(3) All members shall reside or have a place of business within the City of Tucson.

(4) Every focus area shall be represented by one or more members of the CEHD, based on the information provided in the application:

(A) Housing: affordable housing developers and/or property managers; nonprofit housing providers that provide services like: home repair, tenant based rental assistance, homeownership counseling; organizations that support and advocate for tenants like: fair housing, legal aid, tenant organizations, advocacy agencies; former employees of housing and community development agencies or similar organizations.

(B) Neighborhoods: individuals with expertise in planning, creative place-making, historic preservation, mixed-use development, infill development, strategies to combat gentrification/displacement; member of a neighborhood association or other neighborhood-based organization.

(C) Equity, diversity, and inclusivity: low-income individuals, members of communities of color, LGBTQ communities, refugees, immigrants, non-English speakers, formerly incarcerated people, residents without a home, seniors, veterans, and persons with disabilities.

(D) Economic vitality: local business owners, professionals in the fields of finance, real estate, development, homebuilding, business districts, economic development, or workforce development.

(E) Cultural vitality is the practice of creating, disseminating, validating, and supporting arts and culture as a dimension of everyday community life.

(d) *Terms of office and reappointment.* Members appointed by the mayor and council shall serve four (4) year terms. Members appointed by the housing and community development director shall serve four (4) year terms from the time of appointment, in accordance with Tucson City Code, Chapter 10A. Members may serve no more than two (2) consecutive four (4) year terms (eight (8) years in total).

(e) *Replacement and removal.* All replacement appointments shall be made by the appointing authority using an application process with consideration of the focus areas.

(f) *Concurrent service.* Consistent with Tucson Code § 10A-134(c), members of the CEHD can serve concurrently on up to two (2) city boards, committees, or commissions.

(g) *Applicability of Tucson Code Chapter 10A, Article XIII.* Except as otherwise specifically provided in this article, all provisions of Tucson Code Chapter 10A, Article XIII apply to the CEHD.
(Ord. No. 11769, passed 7-7-20)

**Sec. 10A-113. Functions, purposes, powers, and duties.**

(a) The mission of the CEHD shall be to provide advice to the mayor and council regarding how the city can best:

(1) Focus on increasing city investment in housing.

(A) potential bonding

(B) land/ housing acquisition

(C) land banking

(D) CDBG, HOME, Section 8, public housing

(E) Cultural vitality

(2) Preserve affordability while increasing housing production/ stock

(A) Development

(B) Policy

(C) CDBG focus

(D) Land trust

(E) County owned tax lien properties

(3) Protect our barrios and communities from rapid change and displacement as well as structural disinvestment and substandard housing through the promotion of equitable housing models.

(A) Community education about homebuyer programs/ rental assistance/ anti-eviction programs

(B) Using city owned land to retain affordability

(C) City funded estate acquisitions

(D) Property tax home buying

(E) Revisiting existing policy and procedure for implicit or explicit bias

(F) Housing coop

(G) Potential public oversight committee

(4) Facilitate equitable conversations and solutions that will incorporate voices in a collaborative environment. These voices include the following and facilitated by the commission:

(A) Community members

(B) Nonprofits

(C) Former/currently homeless

(D) Developers

(E) Potential public oversight committee

(F) Higher education

(5) Provide measurable and well-defined goals to address housing shortfalls for those who have, currently and will experience housing insecurity. The goals will be informed by:

(A) City housing study

(B) Homeless count

(C) Census data

(D) HCD yearly reporting-eviction data

(E) Manufactured housing study with Habitat for Humanity

(F) Landlord/ Pima County Court eviction info

(G) Poverty and urban stress report

(H) Opportunity indexing

(I) Planning and development services equity audit

(J) School district information about students (moving/relocating)

(b) In performing its mission as described in subsection (a) above, the CEHD shall focus on carrying out the following functions:

(1) Review data (quantitative and qualitative), needs assessments, and additional information to explore strategies and develop recommendations for mayor and council consideration for the five (5) focus areas:

(A) Housing

(B) Neighborhoods

(C) Equity, diversity, and inclusivity

(D) Economic vitality

(E) Cultural vitality

(2) Identify innovative best practices or new ideas for developing low-cost and more affordable housing, preventing and mitigating involuntary displacement.

(3) Identify new capital resources and make them available for affordable housing and homelessness programs.

(4) Identify and work toward eliminating institutional and regulatory barriers to affordable housing and job security.

(5) Provide recommendations on the priorities for the use of HUD entitlement programs included in the HUD five (5) year consolidated plan and HUD annual action plan as well as the Tucson public housing authority administrative plan.
(Ord. No. 11769, passed 7-7-20)

**Sec. 10A-114. Staff support.**

The City of Tucson housing and community development department shall provide staff support to the CEHD.
(Ord. No. 11769, passed 7-7-20)

**Sec. 10A-115. Commission organization and rules.**

(a) *Chairperson.* The chairperson of the CEHD will be voted by the commission, and the chairperson will also be in charge of facilitating conversation and meetings.

The structure of the housing and community development commission:

(1) follows best practices in collaborative decision making and centering the conversation around equity

(2) includes representation from key stakeholder groups mentioned above

(3) brings accountability to the City of Tucson

(4) empowers community decision making

(b) *Bylaws.* It is recommended that within one year from the first meeting, that the CEHD adopt bylaws for its operations. These shall be consistent

with the Tucson Charter, Tucson Code, and other legal authority. Consistent with Tucson Code § 10A-136, any bylaws adopted by the CEHD shall be filed with the city clerk. Once adopted, the bylaws may be reviewed periodically to determine whether revisions may be warranted.

(c) *Meetings.* The CEHD shall choose its own meeting dates, times, and places. Legal action reports and minutes of committee meetings shall be filed with the city clerk.

(d) *Quorum.* A quorum shall consist of five (5) voting members.

(e) *Quarterly reports.* The CEHD shall produce, in partnership with staff, minutes of all meetings for public distribution. Updates and recommendations will be presented to the mayor and council quarterly or four (4) times a year.
(Ord. No. 11769, passed 7-7-20)

**Sec. 10A-116. Limitation of powers.**

Neither the CEHD nor any of its members may incur governmental expenses, or obligate the city in any way, without prior authorization of the mayor and council.
(Ord. No. 11769, passed 7-7-20)

**Sec. 10A-117. Sunset clause.**

As specified in Sec. 10A-139 of the Tucson City Code, the CEHD shall cease to exist twenty-four (24) months after the effective date of this ordinance. The term of the CEHD may be extended by an ordinance of the mayor and council. If extended, the mayor and council should review and revise, as appropriate, the composition, nomination and appointment, and the functions, purposes, powers, and duties of the CEHD to ensure that the body continues to operate effectively.
(Ord. No. 11769, passed 7-7-20)

**Secs. 10A-118, 10A-119. Reserved.**

## ARTICLE XI. INDEPENDENT AUDIT AND PERFORMANCE COMMISSION

**Sec. 10A-120. Creation of independent audit and performance commission.**

The Independent Audit and Performance Commission ("commission") is established.
(Ord. No. 10598, § 1, 10-21-08)

**Sec. 10A-121. Membership composition; appointment and terms; compensation; removal.**

(a) *Composition.* The commission shall be composed of seven (7) members ("commissioners"), with one member appointed by the mayor and each councilmember.

(b) *Qualifications.* All members of the commission shall reside in the City of Tucson. Notwithstanding section 10A-134(c), persons that serve on another city board, committee or commission are not disqualified from serving as members of the commission. Each member shall have not less than ten (10) years of financial or executive experience; or not less than five (5) years of such experience plus another five (5) years of experience in a comparable field such as project management, grant administration, compliance reporting or data analysis.

(c) *Appointments.* The mayor and each councilmember shall appoint one member of the Commission.

(d) *Terms.* Each commissioner shall serve for a term of four (4) years and may be re-appointed for one additional term of four (4) years.

(e) *Compensation.* The commissioners shall serve without compensation.

(f) *Removal.* The commissioners are subject to section 10A-134(e). In addition, the commissioners may be removed prior to the expiration of their terms by the mayor and council.
(Ord. No. 10598, § 1, 10-21-08)

**Sec. 10A-122. Functions and duties.**

The commission shall have the following authority, functions and duties:

(1) To review and provide comment to the city manager and to the mayor and council relating to the city's annual audit plan.

(2) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to provide independent appraisal of city programs, policies and functions in order to help management perform more efficiently and effectively, and/or to recommend that the mayor and council commission an independent firm to perform such an appraisal.

(3) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to examine financial reports, various records and procedures to determine compliance with applicable ordinances, regulations, policies and contractual provisions; and/or to recommend that the mayor and council commission an independent firm to perform such examination.

(4) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to evaluate the city's internal control structure and recommend improvements that will help to safeguard the city's assets.

(5) To perform other functions upon express direction by the mayor and council.

(Ord. No. 10598, § 1, 10-21-08; Ord. No. 11232, § 1, 12-16-14)

Chapter 22

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


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


## Article I. In General


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


## Article II. Social Security


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


## Article III. Tucson Supplemental Retirement System

### Division 1. Types of Retirement and Benefits


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


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

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

**Charter reference –** Civil service generally, ch. XXII.

**Cross reference –** Civil service generally, ch. 10.

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

Division 2. Administration of the System

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

**Article IV. Group Insurance and Medical Health Plans**

Sec. 22-78. Short title.
Sec. 22-79. Purpose.
Sec. 22-80. Coverage authorized; coverage optional.
Sec. 22-81. Establishment of Self-Insured Health Benefits Trust.
Sec. 22-82. Board of trustees for Self-Insured Health Benefits Trust.
Sec. 22-83. Manner of financing Self-Insured Health Benefits Trust.
Sec. 22-84. City's premium costs; finance director to pay premiums.
Sec. 22-85. Duties of human resources director; employees' premium costs.
Sec. 22-86. Expenditure of funds held in Self-Insured Health Benefits Trust.
Sec. 22-87. Effective date of Self-Insured Health Benefits Trust.
Sec. 22-88. Medical insurance incentive allowance.
Sec. 22-89. Reserved.

**Article V. Leave Benefit Plan**

Sec. 22-90. Providing for leave benefit plan.
Sec. 22-91. Duties of the human resources director and city manager.
Sec. 22-92. Peace officer recruitment incentive.
Sec. 22-93. Conditions for annual sick leave payment to fire department commissioned personnel.
Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.
Sec. 22-95. Reserved.
Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.
Sec. 22-97. Living donor leave.
Sec. 22-98. Public safety bridge leave.
Sec. 22-99. Reserved.

**Article VI. Other Insurance Benefits**

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

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. Reserved.**

**Editor's note –** Ord. No. 11782, § 2, adopted September 22, 2020, repealed § 22-95, which pertained to wellness attendance incentive and derived from Ord. No. 9719, § 3, adopted June 10, 2002; Ord. No. 10004, § 3, adopted June 28, 2004; Ord. No. 10019, § 1, adopted August 2, 2004; Ord. No. 10163, § 2, adopted June 14, 2005; Ord. No. 10294, § 2, adopted June 27, 2006; Ord. No. 10425, § 4, adopted June 19, 2007; Ord. No. 10557, § 3, adopted June 25, 2008; Ord. No. 10678, § 4, adopted June 9, 2009; Ord. No. 10812, § 1, adopted June 22, 2010; Ord. No. 10899, § 1, adopted June 7, 2011; Ord. No. 10991, § 2, adopted June 12, 2012; Ord. No. 11071, § 1, adopted May 21, 2013; Ord. No. 11176, § 1, adopted June 3, 2014; Ord. No. 11292, § 1, adopted August 5, 2015.

**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)

## ARTICLE III. DEVELOPMENT IMPACT FEE REGULATIONS*

## DIVISION 1. APPLICABILITY AND INTENT

### Sec. 23A-71. Title.

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

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

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

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

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

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

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

### Sec. 23A-73. Definitions.

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

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

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

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

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

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

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

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

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

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

9. *Commercial/Retail:* General land use category: Commercial/Retail: General includes general retail as well as shopping center type establishments, which are an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. General retail/shopping center composition is related to its market area in terms of size, location, and type of store. General retail/ shopping center also provides onsite parking facilities sufficient to serve its own parking demands. This category includes outparcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, or restaurants. See ITE code 820. Other uses may be assessed as Commercial/Retail: General as determined by the development impact fee administrator.

10. *Commercial/Retail:* Free Standing Discount Store land use category: A discount store is similar to a free-standing discount superstore. It is also similar to a department store with the exception that it generally offers centralized cashiering and sells products that are advertised at discount prices. Discount stores offer a variety of customer services and typically maintain long store hours seven (7) days a week. The stores included in this land use are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center and/or service station. Free-standing discount stores are also sometimes found as separate parcels within a retail complex, with or without their own dedicated parking (e.g., Costco, Walmart). See ITE Code 815. Other uses may be assessed as Commercial/Retail: Free Standing Discount Store as determined by the development impact fee administrator.

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

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

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

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

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

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

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

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

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

(b) meets either of the following criteria:

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

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

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

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

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

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

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

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

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

26. *General office land use category:* A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services, such as a bank or savings and loan institution, a restaurant, or cafeteria and service retail facilities. See ITE code 710. Other uses may be assessed as general office as determined by the development impact fee administrator.

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

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

29. *Hotel land use category:* A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and/or other retail and service shops. All suites hotel, business hotel, motel, and resort hotel are related uses. See ITE code 310. Other uses may be assessed as hotel as determined by the development impact fee administrator.

30. *Industrial: light industrial land use category:* A light industrial facility is a free-standing facility devoted to a single use. The facility has an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment. See ITE code 110. Other uses may be assessed as industrial: light industrial as determined by the development impact fee administrator.

31. *Industrial: manufacturing land use category:* A manufacturing facility is an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to

the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions (e.g., Raytheon Company). See ITE code 150. Other uses may be assessed as industrial: manufacturing as determined by the development impact fee administrator.

32. *Industrial: warehousing land use category:* A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas (ex. Amazon Fulfillment Center). See ITE code 140. Other uses may be assessed as industrial: warehousing as determined by the development impact fee administrator.

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

34. *Institutional: schools land use category:* This land use consists of schools where bus service may be provided to students living beyond a specified distance from the school. Public, charter and private schools are included in this land use. See ITE code 520. Other uses may be assessed as institutional: schools as determined by the development impact fee administrator.

35. *Institutional: religious facilities land use category:* Proxy land use is a church. A church is a building in which public worship services are held. A church typically houses an assembly hall or sanctuary; it may also house meeting rooms, classrooms, and, occasionally, dining, catering, or party facilities. Synagogue and mosque are related uses. See ITE code 560. Other uses may be assessed as institutional: religious as determined by the development impact fee administrator.

36. *Institutional medical (nursing home/ assisted living) land use category:* Nursing home is the proxy land use. A nursing home is any facility whose primary function is to provide care for persons who are unable to care for themselves. Skilled nurses and nursing aides are present twenty-four (24) hours a day at these sites. Nursing homes are occupied by residents who do little or no driving; traffic is primarily generated by employees, visitors, and deliveries. Assisted living and continuing care retirement community are related uses. See ITE code 620. Other uses may be assessed as institutional: medical (nursing home/assisted living) as determined by the development impact fee administrator.

37. *Institutional: medical (clinic, hospital):* A clinic is any facility that provides limited diagnostic and outpatient care but is unable to provide prolonged in-house medical and surgical care. Clinics commonly have lab facilities, supporting pharmacies, and a wide range of services (compared to the medical office, which may only have specialized or individual physicians). Hospital, free-standing emergency room, and medical-dental office building are related uses. See ITE code 630. Other uses may be assessed as institutional: medical (clinic, hospital) as determined by the development impact fee administrator.

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

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

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

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

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

42. *Offset:* An amount which is subtracted from the overall costs of providing necessary public services to account for those capital components of

infrastructure or associated debt that have been or will be paid for by a development through taxes, fees (except for development impact fees), and other revenue sources, as determined by the city pursuant to section 23A-78.

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

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

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

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

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

48. *Residential land use category:* Includes all uses which are described as single unit, single-family, mobile home, 2+ unit, duplex, multi-family, as well as other types (boats, RVs, vans, etc., occupied as a housing unit or units that do not fit into the other categories). (Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.) Other uses may be assessed as residential as determined by the development impact fee administrator.

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

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

(b) within which:

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

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

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

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

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

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

53. *Substantial nexus:* A substantial nexus exists where the demand for necessary public services that will be generated by an SU can be reasonably quantified in terms of the burden it will impose on the available capacity of existing capital facilities, the need it will create for new or expanded capital facilities, and/or the benefit to the development from those capital facilities.

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

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

56. *Vehicle:* Any device, structure, or conveyance utilized for transportation in the course of providing a particular category of necessary public services at a specified level of service, excluding helicopters and other aircraft.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11759, § 1, 6-9-20, eff. 8-23-20)

**Sec. 23A-74. Applicability.**

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

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

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

## DIVISION 2. FEE CALCULATION

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

A. *Fee report and implementation.* The city may assess and collect a development impact fee for costs of necessary public services, including all professional services required for the preparation or revision of an infrastructure improvements plan, fee report, development impact fee, and required reports or audits conducted pursuant to this article. Development impact fees shall be subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 23A-77. Land use assumptions.**

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

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

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

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

**Sec. 23A-78. Infrastructure improvements plan.**

A. *Infrastructure improvements plan contents.* The infrastructure improvements plan shall be developed by qualified professionals and may be based

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. *Response to comments.* The city shall consider and respond within thirty (30) days to any timely requests submitted pursuant to section 23A-80(B)(4).
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

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

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

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

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

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

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

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

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

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

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

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

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

a. add new SUs,

b. add square footage to existing residential development in existence for at least ten (10) years and which does not constitute a new dwelling unit or,

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

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

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

3. The approval that triggers the collection of development impact fees involves construction of residential or nonresidential development on a site with a previously approved demolition permit in final status within five (5) years prior to application. The development impact fee due shall be the difference between the development impact fee that was or would have been due on the demolished structures and the development fee that is due on the new or modified development.

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

C. *Temporary exemptions from development impact fee schedules.* New developments in the city shall be temporarily exempt from increases in development impact fees that result from the adoption of new or modified development impact fee schedules as follows:

1. *Residential uses (other than multifamily).* On or after the day that the first building permit is issued for a residential development (other than multifamily), the city shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule, as established by the prior adoption of the fee schedule by the mayor and council, that shall be in force for a period of twenty-four (24) months beginning on the day that the first building permit is issued, and which shall expire at the end of the first business day of the 25th month after the first building permit is issued. During the effective period of the applicable development impact fee schedule, any building permit

issued for the same residential development shall not be subject to any new or modified development impact fee schedule.

2. *All other uses.* On or after the city's approval of a site plan or final subdivision plat for an industrial: light industrial, industrial: warehousing, industrial: manufacturing, commercial/retail: general, commercial/retail: free standing discount store, general office, institutional: schools, institutional: religious facilities, institutional: medical (nursing home/assisted living), institutional: medical (clinic, hospital), hotel or multifamily development, the city shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule, as established by the prior adoption of the fee schedule by the mayor and council, that shall be in force for a period of twenty-four (24) months beginning on the day the site plan or final subdivision plat was approved, and which shall expire at the end of the first business day of the 25th month after the site plan or final subdivision plat was approved. During the effective period of the applicable development impact fee schedule, any building permit issued for the same development shall not be subject to any new or modified development impact fee schedule.

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

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

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

1. *Affordable housing:* Any waiver of development impact fees for non-profit affordable housing providers, including any waiver pursuant to an affordable housing program approved by the Mayor and Council under which the city provides a subsidy for eligible affordable housing projects, requires the prior approval of the Mayor and Council.

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

F. *Mixed use incentive.* New developments in the city shall be eligible for reduced streets facilities development impact fees if in compliance with the criteria below, as determined by the Impact Fee Administrator or their designee during the development package review process. Developments which utilize this incentive shall be subject to the fees in Section 23A-91 Table 3 - "Mixed Use Incentive Fee" Rates. The purpose of this incentive is to encourage

development that increases commuting by transit, bicycle, and walking. This incentive applies to development that meets the criteria below, which will result in fewer vehicle trips and less demand on the street facilities system.

1. Transit access (required): Development must be located close to transit. The development boundary must be within one-quarter mile walking distance to a transit stop.

2. Residential proximity (one of the following two is required):

a. Development must contain a mix of uses, including both residential and nonresidential. A minimum ratio of one (1) dwelling unit per 500 square feet of nonresidential development must be provided.

b. Development must be located close to high-density residential. A minimum of 2,000 units must be located within one-half mile of the development boundary.

3. Multimodal options (one of the following two is required):

a. Development must be located close to planned or constructed publicly-designated bicycle boulevard or multi-use path. The development boundary must be within one-quarter mile walking distance to said boulevard or path.

b. Development must provide additional bicycle parking spaces, bicycle connections and car share facilities. Bicycle parking must be provided at three (3) times the standard rate. Internal bicycle circulation connections must be provided from every public street to the buildings and bicycle parking areas on the development site. Car share spaces must be provided at the following rates:

| Number of Residential Units | Number of Required Car Share Spaces |
|---|---|
| 0-24 | 0 |
| 25-99 | 1 |
| 100+ | 2, plus 1 for every 100 dwelling units over 100 |

| Number of Parking Spaces for Nonresidential Uses | Number of Required Car Share Spaces |
|---|---|
| 0-49 | 0 |
| 50-99 | 1 |
| 100+ | 2, plus 1 for every 100 parking spaces over 100 |

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11624, § 1, 2-20-19, eff. 3-22-19; Ord. No. 11759, § 1, 6-9-20, eff. 8-23-20)

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

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

1. One of the following is true:

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

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

i. include the subject replacement facility, and

ii. delete the capital facility that will be replaced.

2. Credits shall not be available for any infrastructure provided by a developer if the cost of the infrastructure will be repaid to the developer by the city

through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the city for any contribution, payment, construction, or dedication from any city funding source including an agreement to reimburse the developer with future collected development impact fees pursuant to section 23A-83, any credits claimed by the developer shall be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 23A-83. Development agreements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 23A-84. Appeals.**

A. *Mayor and council appeal.* A development impact fee or credit determination by the development impact fee administrator may be appealed in accordance with the mayor and council appeal procedure set forth in the Unified Development Code (UDC), Chapter 23B, Section 3.9.2, and in conformance with the procedures set forth in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific capital facility serving the subject real property and the actual construction costs for the capital facility are less than the construction costs projected in the infrastructure improvements plan by a factor of ten percent (10%) or more. In such event, the current owner of the subject real property shall, upon request as set forth in this section, be entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the actual construction cost had been included in the fee report. The refund contemplated by this subsection shall relate only to the costs specific to the construction of the applicable capital facility and shall not include any related design, administrative, or other costs not directly incurred for construction of the capital facility that are included in the development impact fee as permitted by A.R.S. § 9-463.05.

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

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

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

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

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

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

2. The audit shall review the collection and expenditures of development fees for each project in

the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on capital facilities.

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

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

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

## DIVISION 3. GENERAL PROVISIONS

### Sec. 23A-87. Miscellaneous provisions.

A. *Other development requirements.* Nothing in this article shall restrict the city from requiring the construction of reasonable project improvements required to serve the development project, whether or not such improvements are of a type for which credits are available under section 23A-82 above.

B. *Record keeping.* The development impact fee administrator shall maintain accurate records of the development impact fees paid and any other matters that the city deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice. Records pertaining to individual developments shall be maintained for a minimum of ten (10) years from the date the development impact fee is paid or credits are issued, or for three (3) years after the completion of the development, whichever is later.

C. *Amendment of development impact fee assessments.* A development impact fee may be amended after it has been assessed and paid where there is an error or mistake in the calculation of the fee or applicable credits, or where the actual cost of credits changes after the calculation of credits. Any amounts overpaid by an applicant shall be refunded by the development impact fee administrator to the applicant within thirty (30) days after the acceptance of the recalculated amount. Any amounts underpaid by the applicant shall be paid to the development impact fee administrator within thirty (30) days after the acceptance of the recalculated amount. In the case of an underpayment to the development impact fee administrator, the city may not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the city are not paid within such thirty (30) day period, the city may also rescind any permits issued in reliance on the previous payment of such impact fee.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

### Sec. 23A-88. Severability.

If a provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

### Sec. 23A-89. Violation.

Furnishing false information on any matter relating to the administration of this article, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this article.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

## DIVISION 4. DEVELOPMENT IMPACT FEE SCHEDULES AND EFFECTIVE DATES

### Sec. 23A-90. Effective dates.

For the period from August 23, 2020 through and including June 30, 2022, development impact fees shall be assessed and paid at the "emergency relief fee" rates represented in Tables 1 and 3 of Section 23A-91. Commencing July 1, 2022, development impact fees shall be fully assessed and paid thereafter at the "full adopted fee" rates represented in Tables 2 and 3 of Section 23A-91. Nothing in this section or any other provision of this article shall prohibit the mayor and council from moving the implementation date of the

"full adopted fee" rates to an earlier or later effective date. Any such amendment to the implementation date shall not be deemed to be an increase to the development impact fees as provided in this article, as mayor and council expressly adopt and approve the "full fee" rates represented in Tables 2 and 3 of Section 23A-91.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17; Ord. No. 11565, § 1, 6-19-18; Ord. No. 11632, § 1, 3-19-19; Ord. 11717, § 1, 12-17-19; Ord. No. 11759, § 1, 6-9-20, eff. 8-23-20)

**Sec. 23A-91. Fee schedule tables.**

CITY OF TUCSON - Development Impact Fee Schedules

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

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

**TABLE 1 - "EMERGENCY RELIEF FEE" RATES***

*Assessed Beginning August 23, 2020 Through and Including June 30, 2022 Unless the Emergency Relief Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

**"EMERGENCY RELIEF FEE" TABLES**

**RESIDENTIAL LAND USES***
*Fees are per residential unit

| Size of Housing Unit (Sq. Ft.) | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| 750 or Less | $924 | $216 | $146 | $1,412 | $2,698 |
| 751 to 1,250 | $1,393 | $348 | $235 | $2,049 | $4,025 |
| 1,251 to 1,750 | $1,324 | $464 | $314 | $1,923 | $4,025 |
| 1,751 to 2,250 | $2,093 | $551 | $372 | $3,017 | $6,032 |
| 2,251 to 2,750 | $2,635 | $618 | $418 | $3,785 | $7,455 |
| 2,751 to 3,250 | $2,600 | $674 | $456 | $3,725 | $7,455 |
| 3,251 to 3,750 | $2,570 | $722 | $488 | $3,675 | $7,455 |
| 3,751 or More | $2,543 | $763 | $516 | $3,633 | $7,455 |

**NON-RESIDENTIAL LAND USES****

** Fees are per 1000 square feet of building area or per Hotel room for the Hotel land use category only

| Type | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| Industrial: Light Industrial | $131 | $108 | $73 | $1,023 | $1,335 |
| Industrial: Manufacturing | $141 | $85 | $58 | $895 | $1,179 |
| Industrial: Warehousing | $30 | $38 | $25 | $395 | $488 |
| Commercial/Retail: General | $135 | $544 | $367 | $3,766 | $4,811 |
| Commercial/Retail: Free Standing Discount Store | $80 | $766 | $517 | $3,448 | $4,811 |
| General Office | $264 | $213 | $143 | $2,218 | $2,838 |
| Institutional: Schools | $82 | $281 | $190 | $2,934 | $3,487 |
| Institutional: Religious Facilities | $123 | $100 | $67 | $1,044 | $1,334 |
| Institutional: Medical (Nursing Hm./Asstd Living) | $202 | $95 | $64 | $997 | $1,358 |
| Institutional: Medical (Clinic, Hospital) | $204 | $550 | $371 | $3,201 | $4,326 |
| Hotel | $51 | $182 | $123 | $1,953 | $2,309 |

**TABLE 2 - "FULL ADOPTED FEE" RATES***

*Assessed Commencing July 1, 2022, and Thereafter Unless the Emergency Relief Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

**"FULL ADOPTED FEE" TABLES**

**RESIDENTIAL LAND USES***

*Fees are per residential unit

| Size of Housing Unit (Sq. Ft.) | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| 750 or Less | $924 | $216 | $146 | $1,412 | $2,698 |
| 751 to 1,250 | $1,488 | $348 | $235 | $2,189 | $4,260 |
| 1,251 to 1,750 | $1,987 | $464 | $314 | $2,887 | $5,652 |
| 1,751 to 2,250 | $2,357 | $551 | $372 | $3,397 | $6,677 |
| 2,251 to 2,750 | $2,644 | $618 | $418 | $3,798 | $7,478 |
| 2,751 to 3,250 | $2,884 | $674 | $456 | $4,132 | $8,146 |
| 3,251 to 3,750 | $3,088 | $722 | $488 | $4,415 | $8,713 |
| 3,751 or More | $3,263 | $763 | $516 | $4,661 | $9,203 |

**NON-RESIDENTIAL LAND USES****

** Fees are per 1000 square feet of building area or per Hotel room for the Hotel land use category only

| Type | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| Industrial: Light Industrial | $144 | $108 | $73 | $1,129 | $1,454 |
| Industrial: Manufacturing | $141 | $85 | $58 | $895 | $1,179 |
| Industrial: Warehousing | $30 | $38 | $25 | $395 | $488 |
| Commercial/Retail: General | $208 | $544 | $367 | $5,822 | $6,941 |
| Commercial/Retail: Free Standing Discount Store | $191 | $766 | $517 | $8,192 | $9,666 |
| General Office | $264 | $213 | $143 | $2,218 | $2,838 |
| Institutional: Schools | $82 | $281 | $190 | $2,934 | $3,487 |
| Institutional: Religious Facilities | $123 | $100 | $67 | $1,044 | $1,334 |
| Institutional: Medical (Nursing Hm./Asstd Living) | $202 | $95 | $64 | $997 | $1,358 |
| Institutional: Medical (Clinic, Hospital) | $366 | $550 | $371 | $5,736 | $7,023 |
| Hotel | $51 | $182 | $123 | $1,953 | $2,309 |

**TABLE 3 - "MIXED USE INCENTIVE FEE" RATES***

*Assessed, for Eligible Projects Pursuant to Section 23A-81.F, Commencing August 23, 2020 and Thereafter During Both the Emergency Relief and Full Fee Periods.

**"MIXED USE INCENTIVE FEE" TABLES**

**RESIDENTIAL LAND USES***

*Fees are per residential unit

| Size of Housing Unit (Sq. Ft.) | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| 750 or Less | $924 | $216 | $146 | $1,200 | $2,486 |
| 751 to 1,250 | $1,488 | $348 | $235 | $1,860 | $3,931 |
| 1,251 to 1,750 | $1,987 | $464 | $314 | $2,454 | $5,219 |
| 1,751 to 2,250 | $2,357 | $551 | $372 | $2,887 | $6,167 |
| 2,251 to 2,750 | $2,644 | $618 | $418 | $3,229 | $6,909 |
| 2,751 to 3,250 | $2,884 | $674 | $456 | $3,512 | $7,526 |
| 3,251 to 3,750 | $3,088 | $722 | $488 | $3,753 | $8,051 |
| 3,751 or More | $3,263 | $763 | $516 | $3,962 | $8,504 |

**NON-RESIDENTIAL LAND USES****

** Fees are per 1000 square feet of building area or per Hotel room for the Hotel land use category only

| Type | Parks & Recreation | Police | Fire | Streets | Total Fee |
|---|---|---|---|---|---|
| Industrial: Light Industrial | $144 | $108 | $73 | $960 | $1,285 |
| Industrial: Manufacturing | $141 | $85 | $58 | $760 | $1,044 |
| Industrial: Warehousing | $30 | $38 | $25 | $336 | $429 |
| Commercial/Retail: General | $208 | $544 | $367 | $4,948 | $6,067 |
| Commercial/Retail: Free Standing Discount Store | $191 | $766 | $517 | $6,963 | $8,437 |
| General Office | $264 | $213 | $143 | $1,886 | $2,506 |
| Institutional: Schools | $82 | $281 | $190 | $2,494 | $3,047 |
| Institutional: Religious Facilities | $123 | $100 | $67 | $888 | $1,178 |
| Institutional: Medical (Nursing Hm./Asstd Living) | $202 | $95 | $64 | $847 | $1,208 |
| Institutional: Medical (Clinic, Hospital) | $366 | $550 | $371 | $4,875 | $6,162 |
| Hotel | $51 | $182 | $123 | $1,660 | $2,016 |

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17; Ord. No. 11565, § 1, 6-19-18; Ord. No. 11632, § 1, 3-19-19; Ord. 11717, § 1, 12-17-19; Ord. No. 11759, § 1, 6-9-20, eff. 8-23-20)

## ARTICLE IV. DEFINITIONS*

### DIVISION 1. GENERAL PROVISIONS†

**Sec. 23A-101. Purpose.**

The purpose of this article is to promote consistency and precision in the interpretation of this chapter.
(Ord. No. 9392, § 2(3.1.1), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

**Sec. 23A-102. General rules of application.**

(a) *Meaning and construction.* The meaning and construction of words and phrases as set forth apply throughout the chapter, except where the context of such words or phrases clearly indicates a different meaning or construction.

(b) *Land Use Code (LUC).* Where the word or term is applicable to the Land Use Code (LUC), the definition in the LUC applies.
(Ord. No. 9392, § 2(3.1.2), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

**Sec. 23A-103. General rules for construction of language.**

The following general rules of construction apply to the textual provisions of the chapter.

(1) *Headings.* Section and subsection headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the chapter.

(2) *Illustration.* In case of any difference of meaning or implication between the text of any provision and any illustration, the text prevails.

(3) *Tenses and numbers.* Words used in the present tense include the future, and words used in the singular include the plural and the plural the singular, unless the context clearly indicates contrary.

(4) *Conjunctions.* Unless the context clearly indicates contrary, the following conjunctions will be interpreted as follows:

a. "And" indicates that all connected items or provisions apply.

b. "Or" indicates that the connected items or provisions may apply individually or in any combination.

c. "Either . . . or" indicates that the connected items or provisions apply individually but not in combination.

(Ord. No. 9392, § 2(3.1.3), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

**Secs. 23A-104 – 23A-110. Reserved.**

### DIVISION 2. (RESERVED) ‡

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*__Editor's note –__ Formerly Art. III. See editor's note at Art. III.

†__Editor's note –__ Section 3 of Ord. No. 10053 renumbered Art. IV, Div. 1, §§ 23A-71 – 23A-73 as Art. IV, Div. 1, §§ 23A-101 – 23A-103, respectively.

‡__Editor's note –__ Division 2, "Listing of Words and Terms," of Article IV, Definitions, is repealed by Ord. No. 11203, effective December 23, 2014.

[The next page is 2301]

| Ordinance Number | Date | Section | | Disposition |
|---|---|---|---|---|
| 11183 (Cont.) | | 14 (eff. 9-21-06) | | 19-425 |
| | | 15 (eff. 9-1-04) | | 19-450 |
| | | 16 (eff. 10-1-07) | | 19-460 |
| | | 17 (eff. 8-1-14) | | 19-700 |
| 11188 | 8-5-14 | 2 (eff. 9-5-14) | | 3-82 |
| 11198 | 9-9-14 | 1 (eff. 1-1-15) | | 19-39 |
| | | 2 (eff. 1-1-15) | | 19-310 |
| | | 3 (eff. 1-1-15) | Rpld | 19-310.1 |
| 11203 | 10-9-14 | 1 | Rpld | ch. 23A, art. III (23A-71 – 23A-100) |
| | | | Added | ch. 23A, art. III (23A-71 – 23A-91) |
| | | 3 | Rpld | ch. 23A, art. IV, div. 2 (23A-111 – 23A-136) |
| 11204 | 10-9-14 | 1 | | 4-12 |
| 11209 | 11-5-14 | 1 | | 1-19 |
| 11219 | 12-9-14 | 1 (eff. 1-1-15) | | 19-300 – 19-380 |
| | | 2 (eff. 1-1-15) | Rpld | Reg. 19-300.1 – 19-360.2 |
| | | 3 (eff. 1-1-15) | | 19-480 |
| | | 5 | Rpld | 19-1200 – 19-1255 |
| 11220 | 12-9-14 | 1, 2 | | 20-140 (note) |
| 11221 | 12-9-14 | 1, 2 | | 20-141 (note) |
| 11222 | 12-9-14 | 1, 2 | | 20-142 (note) |
| 11223 | 12-9-14 | 1, 2 | | 20-143 (note) |
| 11224 | 12-9-14 | 1, 2 | | 20-144 (note) |
| 11225 | 12-9-14 | 1, 2 | | 20-145 (note) |
| 11226 | 12-9-14 | 1 | | 10B-2 |
| | | 2 | | 10B-3 |
| | | 3 | | 10B-4 |
| 11227 | 12-9-14 | 1 | | 11B-3 |
| | | 2 | | 11B-4 |
| 11228 | 12-9-14 | 1 | Added | 2-45 – 2-47 |
| 11232 | 12-16-14 | 1 | | 10A-122 |
| 11233 | 12-16-14 | 1 | | 10-31 |
| 11240 | 2-4-15 | 1 | | 10-53.7 |
| 11243 | 2-18-15 | 1 (eff. 7-1-15) | | 22-34 |
| 11245 | 2-18-15 | 1 | Rpld | ch. 12 (12-1 – 12-110) |
| | | 2 | Added | ch. 12 (12-1 – 12-175) |
| 11266 | 5-5-15 | 1 | Added | 10A-250 – 10A-255 |
| 11269 | 5-19-15 | 1 (eff. 7-6-15) | | 27-9 |
| | | 2 | | 27-63 |
| 11270 | 5-19-15 | 1 (eff. 7-6-15) | | 27-32.1, 27-33, 27-34 |
| 11272 | 6-9-15 | 1 (eff. 7-1-15) | | 15-1 |
| | | 2 (eff. 7-1-15) | | 15-16.1 |
| | | 3 (eff. 7-1-15) | | 15-31 |
| | | 4 (eff. 7-1-15) | | 15-32.2 |
| | | 5 (eff. 7-1-15) | | 15-33.2 |
| | | 6 (eff. 7-1-15) | | 15-34.2, 15-34.7, 15-34.8 |
| | | 7 (eff. 7-1-15) | | 15-60 |

| Ordinance Number | Date | Section | Disposition |
|---|---|---|---|
| 11273 | 6-9-15 (eff. 6-28-15) | 1 | 10-31 |
| | | 2 | 10-31(7) |
| | | | 10-31(8) |
| | | | 10-33 |
| | | | 10-33.1 |
| | | | 10-34 |
| | | | 10-34.1 |
| | | | 10-35 |
| | | | 10-47 |
| | | | 10-48 |
| | | | 10-49 |
| | | | 10-52 |
| | | | 10-53 |
| | | | 10-53.1 |
| | | | 10-53.2 |
| | | | 10-53.3 |
| | | | 10-53.4 |
| | | | 10-53.5 |
| | | | 10-53.6 |
| | | | 10-53.7 |
| 11280 | 6-23-15 (eff. 7-1-15) | 1 | Added 10-53.8 |
| 11291 | 8-5-15 | 3 | 10-31(8) |
| | | 4 | Rpld 10-53.6 |
| 11292 (repealed by 11782) | 8-5-15 | 1 | 22-95 |
| 11295 | 8-5-15 | 1 | 20-221 |
| | | 2 | 20-246 |
| | | 3 | 20-271 |
| 11296 | 8-5-15 | 1 | 28-1 |
| | | | 28-2 |
| | | | 28-5 |
| | | | 28-11 |
| | | | 28-15 – 28-18 |
| | | | Rpld 28-20 |
| | | | 28-21 – 28-27 |
| | | | Rpld 28-29, 28-30 |
| | | | 28-31 |
| | | | 28-33 |
| | | | 28-35, 28-36 |
| | | | Rpld 28-39 |
| | | | Rpld 28-41 |
| | | | 28-42 |
| | | | 28-44, 28-45 |
| | | | 28-47 – 28-50 |
| | | | 28-62 |
| | | | 28-67 – 28-70 |
| | | | 28-77 |
| | | | 28-79, 28-80 |

| Ordinance Number | Date | Section | Disposition |
|---|---|---|---|
| 11606 | 12-4-18 | 2 | 20-179 |
| 11607 | 12-4-18 | 1 | 10A-134 |
| 11611 | 12-18-18 | 1 | 10-31 |
| | | | 10-31(7) |
| | | | 10-31(8) |
| | | 3 | 10-33 |
| | | | 10-33.1 |
| | | | 10-34 |
| | | | 10-34.1 |
| | | | 10-35 |
| | | | 10-47 |
| | | | 10-48 |
| | | | 10-49 |
| | | | 10-52 |
| | | | 10-53 |
| | | | 10-53.1 |
| | | | 10-53.2 |
| | | | 10-53.3 |
| | | | 10-53.4 |
| | | | 10-53.5 |
| | | | 10-53.7 |
| 11624 | 2-20-19 (eff. 3-22-19) | 1 | 23A-81 |
| 11626 | 2-20-19 | | 8-2.1, 8-2.2 |
| 11628 | 3-5-19 | 1 | 22-79 |
| | | 2 | 22-80 |
| | | 3 | Added 22-81 |
| | | 4 | Added 22-82 |
| | | 5 | Added 22-83 |
| | | 6 | Added 22-84 |
| | | 7 | Added 22-85 |
| | | 8 | Added 22-86 |
| | | 9 | Added 22-87 |
| | | 10 | Rnbd 22-86 as 22-88 |
| 11632 | 3-19-19 | 1 | 23A-90, 23A-91 |
| 11642 | 4-23-19 | 1 | Added 22-98 |
| 11649 | 5-21-19 | 1 | 10A-251 |
| 11653 | 5-21-19 | 1 | 8-2.5 |
| 11659 | 6-18-19 | 1 | 10-31 |
| | | 2 | 10-31(7) |
| | | | 10-31(8) |
| | | | 10-33 |
| | | | 10-33.1 |
| | | | 10-34 |
| | | | 10-34.1 |
| | | | 10-35 |
| | | | 10-47 |
| | | | 10-48 |
| | | | 10-49 |
| | | | 10-52 |

| Ordinance Number | Date | Section | | Disposition |
|---|---|---|---|---|
| 11659 (Contd.) | | | | 10-53 |
| | | | | 10-53.1 |
| | | | | 10-53.2 |
| | | | | 10-53.3 |
| | | | | 10-53.4 |
| | | | | 10-53.5 |
| | | | | 10-53.7 |
| 11675 | 8-6-19 | 2 | Rpld | 10A-240 – 10A-244 |
| | | 3 | Added | 10A-240 – 10A-247 |
| 11678 | 9-4-19 | 2 | | 20-140 (note) |
| 11679 | 9-4-19 | 2 | | 20-141 (note) |
| 11692 | 10-10-19 | 2 | | 20-140 (note) |
| 11693 | 10-10-19 | 2 | | 20-141 (note) |
| 11694 | 10-10-19 | 2 | | 20-142 (note) |
| 11695 | 10-10-19 | 2 | | 20-143 (note) |
| 11696 | 10-10-19 | 2 | | 20-144 (note) |
| 11697 | 10-10-19 | 2 | | 20-145 (note) |
| 11703 | 10-22-19 (eff. 1-1-20) | 1 | Rpld | 7-426 – 7-437 |
| | | 2 | Added | 7-426 – 7-434 |
| | | 3 | | 11-89 |
| 11709 | 11-6-19 (eff. 10-17-19) | 1 | Added | 10-53.9 |
| 11717 | 12-17-19 | 1 | | 23A-90, 23A-91 |
| 11720 | 1-7-20 | 1 | | 7-428 |
| 11725 | 2-4-20 | 1 | | 10A-147 |
| 11726 | 2-4-20 | 1 | Added | 27-55 |
| 11728 | 2-19-20 | 2 | | 20-179 |
| 11733 | 3-3-20 | 1 | | 14-3 |
| 11734 | 3-3-20 | 1, 2 | | 20-141 (note) |
| 11735 | 3-3-20 | 1, 2 | | 20-142 (note) |
| 11736 | 3-3-20 | 1, 2 | | 20-143 (note) |
| 11737 | 3-3-20 | 1, 2 | | 20-144 (note) |
| 11738 | 3-3-20 | 2 | | 20-179 |
| 11741 | 3-17-20 | 1 | Added | 7-505 |
| 11743 | 4-14-20 (eff. 7-1-20) | 1 | | 22-44 |
| 11746 | 4-21-20 | 1 | Added | 11-70.3, 11-70.4 |
| 11749 | 5-5-20 (eff. 6-4-20) | 1 | | 21-8 |
| 11752 | 5-19-20 (eff. 7-1-20) | 1 | | 22-34 |
| 11753 | 5-19-20 | 1 | | 10A-242 |
| 11756 | 6-9-20 (eff. 7-9-20) | 1 | Rpld | 2-25, 2-25.1 |
| | | | Added | 2-25 – 2-25.6 |
| 11759 | 6-9-20 (eff. 8-23-20) | 1 | | 23A-73, 23A-81, 23A-90, 23A-91 |
| 11761 | 6-30-20 | 1 | | 10-31 |
| | | 2 | | 10-31(7) |
| | | | | 10-31(8) |
| | | | | 10-33 |
| | | | | 10-33.1 |
| | | | | 10-34 |
| | | | | 10-34.1 |
| | | | | 10-35 |

| Ordinance Number | Date | Section | Disposition |
|---|---|---|---|
| 11761 (Contd.) | | | 10-47 |
| | | | 10-48 |
| | | | 10-49 |
| | | | 10-52 |
| | | | 10-53 |
| | | | 10-53.1 |
| | | | 10-53.2 |
| | | | 10-53.3 |
| | | | 10-53.4 |
| | | | 10-53.5 |
| | | | 10-53.7 |
| | | | 10-53.9 |
| 11765 | 6-30-20 | 1 | 11-70.3, 11-70.4 |
| 11769 | 7-7-20 | 3 | Added 10A-110 – 10A-117 |
| 11770 | 7-7-20 | 2 | Rpld 11-70.3, 11-70.4 |
| 11779 | 9-9-20 | 1 | 5-15–5-23 |
| 11780 | 9-9-20 | 1 | Added 10-41 |
| 11782 | 9-22-20 | 2 | Rpld 22-95 |
| 11785 | 9-22-20 | 2 | Note 10A-42, 10A-45 |

| | Section |
|---|---|
| ANIMALS AND FOWL (Cont'd.) | |
| Refusal to deliver to enforcement officer. | 4-43 |
| Report required. | 4-42 |
| Destruction authorized. | 4-40 |
| Duty of owner to produce; penalties. | 4-14 |
| Impounding or confinement enforcement. | 4-41 |
| Keeping prohibited. | 4-40 |
| Running at large prohibited. | 4-41 |
| Violations, penalties. | 4-45 |
| Disposition of animals. | 4-12 |
| Dogs | |
| Authority of city manager. | 4-72 |
| Dangerous animals, provisions re. | 4-13 |
| Impounding | |
| Being at large prohibited; impoundment. | 4-97 |
| Time, notice and cost of. | 4-99 |
| Unlicensed dogs, impounding. | 4-98 |
| Unvaccinated dogs, impounding. | 4-95 |
| License | |
| Application for license. | 4-85 |
| Blind persons, exemption from fees. | 4-83 |
| Counterfeiting or transferring tags prohibited. | 4-93 |
| Deaf persons, exemptions from fees. | 4-83 |
| Enforcement officer to keep records. | 4-86 |
| Fees | |
| Altered dog fee. | 4-82.1 |
| Certain dogs exempt from fee. | 4-83 |
| Generally. | 4-82 |
| Licensed breeder fee. | 4-82.4 |
| Rebates. | 4-82.3 |
| Senior citizen fee. | 4-82.2 |
| When delinquent; penalty. | 4-87 |
| Issuance. | 4-88 |
| Records, keeping. | 4-86 |
| Required. | 4-81 |
| Tags, contents of | |
| Counterfeiting of transferring tax prohibited. | 4-93 |
| Duplicate license tags. | 4-90 |
| Issuance, contents. | 4-88 |
| Not transferable to other dogs. | 4-92 |
| Wearing. | 4-89 |
| When tags need not be worn. | 4-94 |
| Transfer of licenses. | 4-91 |
| School grounds, dogs prohibited on; exceptions. | 4-103 |
| Vaccinations | |
| Certificate | |
| Contents. | 4-79 |
| Prerequisite to license. | 4-77 |
| Required. | 4-79 |
| License, certificate prerequisite to. | 4-77 |
| Regulations governing. | 4-78 |
| Required. | 4-76 |
| Vaccinations other than Pima County. | 4-80 |

| | Section |
|---|---|
| ANIMALS AND FOWL (Cont'd.) | |
| Violations | |
| Issuance of citations for. | 4-74 |
| Penalties. | 4-73 |
| Waste removal; exceptions. | 4-102 |
| Domestic animals and pets. See also herein: Dogs | |
| Disposal and accumulation of manure, animal bedding and body waste of. | 4-28 |
| Ducklings. See herein: Baby Chickens, Ducklings or Young Rabbits | |
| Enforcement. | 4-1 |
| Enforcement officers | |
| Interfering with. | 4-2 |
| Fights prohibited. | 4-4 |
| Fowl. See also herein: Baby Chickens, Ducklings or Young Rabbits | |
| Coops or places | |
| Keeping clean or sanitary. | 4-58 |
| Proximity to dwellings. | 4-57 |
| Fights prohibited. | 4-4 |
| Guinea fowl | |
| Keeping prohibited. | 4-59 |
| Limit on number kept. | 4-56 |
| Male fowl | |
| Keeping prohibited. | 4-59 |
| Penalties. | 4-61 |
| Proximity of coop or place kept to dwellings. | 4-57 |
| Running at large prohibited. | 4-55 |
| Gene Reid Park zoo admittance fees. | 21-51, 21-52 |
| Gene Reid Park Zoo improvement fund. | 21-60 |
| Grazing or pasturing of livestock, large or dangerous animals in city. | 4-22 |
| Guinea fowl. See herein: Fowl | |
| Harboring lost animals. | 4-6 |
| Hogs, pigs | |
| Keeping prohibited; exception; maximum of three miniature pigs allowed per household. | 4-26 |
| Impounded animals | |
| Releasing. | 4-2 |
| Impoundment | |
| Animal suspected of rabies | |
| Impounding biting animals, disposition. | 4-44 |
| Authority to remove and impound animals. | 4-10 |
| Procedure to remove and forfeit animals; notice; order to show cause hearing; disclosure; appeal. | 4-11 |
| Diseased animals running at large | |
| Impounding or confining enforced. | 4-41 |
| Dogs, impoundment of. See herein: Dogs | |
| Livestock, large and dangerous animals | |
| Impounding or confining at large or grazing. | 4-23 |
| Licenses | |
| Dog licenses. See herein: Dogs | |

| | Section |
|---|---|
| ANIMALS AND FOWL (Cont'd.) | |
| Livestock, large and dangerous animals | |
| Bedding of animals, disposal and accumulation of. | 4-28 |
| Corrals, barns, etc., Proximity of to dwellings. | 4-27 |
| Dangerous animals, generally. | 4-13 |
| Disposal and accumulation of manure, animal bedding and body waste of domestic animals and pets. | 4-28 |
| Grazing or pasturing in city. | 4-22 |
| Hitching animal attached to vehicles. | 4-29 |
| Penalties. | 4-30 |
| Impounding, disposal of animals running at large or grazing. | 4-23 |
| Open range exception. | 4-24 |
| Pigs, hogs, keeping prohibited; exception; maximum of three miniature pigs allowed per household. | 4-26 |
| Running at large prohibited. | 4-21 |
| Vicious or destructive animals. | 4-7 |
| Wild animals, keeping. | 4-25 |
| Lost animals, harboring. | 4-6 |
| Duty to produce; penalties. | 4-14 |
| Male fowl. See herein: Fowl | |
| Motor vehicles and traffic. See also that subject | |
| Pushcarts, animals, animal-drawn vehicles, applicability to. | 20-5 |
| Parks and recreation. See also that subject | |
| Domestic animals in park. | 21-3(7) |
| Gene Reid Park zoo park admittance fees. | 21-51, 21-52 |
| Horses and livestock, regulations regarding. | 21-3(7) |
| Regulations relating to wild animal. | 4-7(2) |
| Pet stores, pet dealers. | 7-505 |
| Pigeons. See herein: Fowl | |
| Rabbits. See herein: Baby Chickens, Ducklings or Young Rabbits | |
| Rabies | |
| Animal suspected of rabies. See herein: Diseased Animals | |
| Releasing impounded animals. | 4-2 |
| Rodeo parade, loss of control of animals | |
| Prohibition of certain items and activities and other parade events. | 11-69 |
| Running at large | |
| Diseased animals running at large prohibited. | 4-41 |
| Fowl, running at large prohibited. | 4-55 |
| See also herein: Fowl | |
| Impounding, disposal of animals running at large or grazing. | 4-23 |
| Livestock, large and dangerous animals | |
| Running at large prohibited. | 4-21 |
| Sale of animals at swap meets and public property prohibited; sale of baby chickens, ducklings or young rabbits forbidden; exceptions; penalties. | 4-8 |

| | Section |
|---|---|
| ANIMALS AND FOWL (Cont'd.) | |
| Sanitation | |
| Fowl coops or places kept to be clean. | 4-58 |
| School grounds | |
| Dogs prohibited on, exceptions. | 4-103 |
| Tags | |
| Dogs, license tags for. See herein: Dogs | |
| Vaccination | |
| Dogs, vaccination, licensing. See herein: Dogs | |
| Vicious or destructive animals. | 4-7 |
| Dangerous animals, generally. | 4-13 |
| Duty to produce; penalties. | 4-14 |
| Wild animals | |
| Keeping. | 4-25 |
| Protection of wildlife habitat. | 29-12 et seq. |
| See: WATERCOURSES | |
| ANNEXATION | |
| Addition to wards upon annexation. | 1-20 |
| ANNIVERSARY | |
| Bicentennial anniversary celebration. | 10A-32 |
| APIARIES | |
| Beekeeping regulations. | 11-3 |
| APPEALS, BOARD OF. See: BUILDINGS | |
| APPROPRIATIONS | |
| Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume | |
| ARCHITECTURE | |
| General services department | |
| Divisions within. | 11A-3 |
| Established. | 11A-1 |
| Powers and duties of. | 11A-2 |
| ARROYO | |
| Water ditches, natural drainage channels. | 11-58 et seq. |
| See: DITCHES, NATURAL DRAINAGE CHANNELS | |
| ART STUDIOS | |
| Massage establishments, unlawful activities. | 7-144 |
| ARTS, CRAFTS AND CULTURE | |
| Street fairs regulated. | 7-300 |

Section

ELECTRICITY (Cont'd.)
Building codes adopted, listing of. . . . . 6-34 et seq.
See: BUILDING CODE
Electrical code
Adopted. . . . . 6-84
Amendments. . . . . 6-86
Office of electrical inspection supervisor
Created. . . . . 6-81
General duties. . . . . 6-83
Qualifications, assistants. . . . . 6-82
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume
Outdoor lighting code
Adopted. . . . . 6-101
Amendments. . . . . 6-103
Copies. . . . . 6-102
Privilege and excise taxes
Utility services. . . . . 19-480

ELEVATORS
Streets and sidewalks, under-sidewalk elevators, requirements. . . . . 25-58 et seq.
See: STREETS AND SIDEWALKS

EMBOSSING
Privilege and excise taxes
Job printing. . . . . 19-425

EMERGENCIES
Adopting ordinance, emergency measures. See the adopting ordinance in the preliminary pages at beginning of this volume
Emergency procurements. . . . . 28-22
Motor vehicles and traffic
Directing traffic, emergency authority. . . . . 20-9

EMERGENCY WATER CONSERVATION RESPONSE
Generally. . . . . 27-90 et seq.
See: WATER AND SEWERS

EMPLOYEE ASSOCIATIONS. See: LABOR ORGANIZATIONS AND EMPLOYEE ASSOCIATIONS

EMERGENCY WATER CONSERVATION RESPONSE
Generally. . . . . 27-90 et seq.
See: WATER AND SEWERS

EMPLOYEE ASSOCIATIONS. See: LABOR ORGANIZATIONS AND EMPLOYEE ASSOCIATIONS

Section

EMPLOYEES OF CITY. See: OFFICERS AND EMPLOYEES

EMPLOYERS
Energy and environment. See also that subject
Provisions re major employers. . . . . 29-6, 29-8

ENERGY AND ENVIRONMENT
Abbreviations. . . . . 29-4
Appeals. . . . . 29-10
Applicability
Major employers, applicability to. . . . . 29-6
Voluntary participation. . . . . 29-7
Definitions. . . . . 29-3
Department of transportation as lead agency
Powers and duties. . . . . 29-5
Enforcement
Violations. . . . . 29-11
Environmental services department. . . . . 15-1 et seq.
See: ENVIRONMENTAL SERVICES DEPARTMENT
Landfills; development, public notice in proximity of. . . . . 29-20 et seq.
See: GARBAGE, REFUSE AND TRASH
Major employers
Applicability to. . . . . 29-6
Requirements for. . . . . 29-8
Purpose. . . . . 29-2
Requirements for major employers. . . . . 29-8
Short title. . . . . 29-1
Variances. . . . . 29-9
Violations. . . . . 29-11
Voluntary participation. . . . . 29-7
Watercourse amenities, safety and habitat. . . . . 29-12 et seq.
See: WATERCOURSES

ENGINEERING
General services department
Divisions within. . . . . 11A-3
Established. . . . . 11A-1
Powers and duties of. . . . . 11A-2

ENGLISH/SPANISH BILINGUAL SIGNS
Establishment selling vapor releasing substances containing toxic substances, sign requirements. . . . . 11-35(4)

ENGRAVING
Privilege and excise taxes
Job printing. . . . . 19-425

| | Section |
|---|---|
| ENTERTAINMENT | |
| Adult entertainment enterprises and establishments | 7-206 et seq. |
| See: ADULT ENTERTAINMENT ENTERPRISES AND ESTABLISHMENTS | |
| Clothing requirements of certain female entertainers, dancers | 11-25.1 et seq. |
| See: CLOTHING REQUIREMENTS | |
| Escorts and escort bureaus | 7-117 et seq. |
| See: ESCORTS AND ESCORT BUREAUS | |
| ENVIRONMENT | |
| Climate change committee | 10A-210 et seq. |
| See: CLIMATE CHANGE COMMITTEE | |
| Energy and environment | 29-1 et seq. |
| See: ENERGY AND ENVIRONMENT | |
| Environmental services department | 15-1 et seq. |
| See: ENVIRONMENTAL SERVICES DEPARTMENT | |
| ENVIRONMENTAL PROPERTY ACCESS PRIVILEGE PROGRAM (EPAPP) | |
| Department of transportation re; fees; monitor wells | 30-4 |
| ENVIRONMENTAL SERVICES DEPARTMENT | |
| Administration | |
| Administrative appeal process | 15-7 |
| Department of environmental services Established; director of environmental services as head of department | 15-2.1 |
| Functions of director | 15-2.2 |
| Parties liable | 15-6 |
| Public nuisances, enforcement | 15-5 |
| Purpose | 15-2 |
| Suspension or revocation of services | 15-3 |
| Burning trash, other articles; prohibited generally, permit requirements, nuisance provisions | 11-5 et seq. |
| See: FIRE PROTECTION AND PREVENTION | |
| Community standards for solid waste storage and removal | |
| Commercial recycling facilities | 15-10.5 |
| General applicability | 15-10 |
| Hauling of solid waste | 15-10.4 |
| Prohibited materials | 15-10.2 |
| Scavenging prohibited | 15-10.3 |
| Storage and removal of solid waste | 15-10.1 |
| Definitions | 15-1 |
| Drive-in restaurants. See also that subject | |
| Disposal of refuse by licensee | 7-172 |
| General cleanliness of premises | 7-172 |
| Littering prohibited | 7-171 |
| Refuse containers required | 7-172 |
| Refuse, waste to be placed in containers | 7-171 |

| | Section |
|---|---|
| ENVIRONMENTAL SERVICES DEPARTMENT (Cont'd.) | |
| Illegal littering or dumping prohibited; persons responsible | 16-33 |
| Landfills | |
| Development, public notice in proximity of landfills | |
| City access | 29-28 |
| Cooperation of landfill owners, operators | 29-27 |
| Definitions | 29-21 |
| Development between one hundred and five hundred feet from landfill | 29-24 |
| Development on or within one hundred feet of landfill | 29-23 |
| Public notice | 29-26 |
| Purpose | 29-20 |
| Reporting obligations | 29-25 |
| Scope of application | 29-22 |
| Violation declared a civil infraction | 29-29 |
| Parks and recreation, regulations regarding park use | |
| Refuse and trash | 21-3(3) |
| Peddlers, trash receptacle | 7-29 |
| Placing refuse upon the property of another or public property | 16-33 |
| Plastic bag recycling | 15-60 |
| Public nuisances; dangerous off-site waste | 11-46.1 |
| Residential and commercial collection services | |
| Assisted collection service to residential establishments | 15-16.4 |
| City collection service at commercial establishments | 15-16.7 |
| City collection services at residential establishments | 15-16.1 |
| City fees and charges for residential collection, commercial collection, and disposal services | |
| Commercial collection | |
| Basis for commercial fees | 15-33 |
| Commercial fee requirements | 15-33.1 |
| Commercial fee schedules | 15-33.2 |
| Commercial fuel surcharge | 15-33.3 |
| Commercial haulers | 15-34.3 |
| Disposal services | |
| Agreement | 15-34.6 |
| Basis for disposal services fees | 15-34 |
| Contract fee schedule | 5-34.8 |
| Fee requirements | 15-34.1 |
| Fee schedule | 15-34.7 |
| Fuel surcharge | 15-34.9 |

| | Section |
|---|---|
| ENVIRONMENTAL SERVICES DEPARTMENT (Cont'd.) | |
| General provisions | |
| Billing account activation | 15-31.3 |
| Change of address | 15.31.8 |
| Declaration of purpose; intent | 15-31 |
| Deposits and refunds | 15-31.1 |
| Discontinuance of service for non-payment | 15.31.5 |
| Disposal services contract fee schedule | 15-34.8 |
| Payment terms | 15.31.4 |
| Penalty fees for non-payment | 15.31.6 |
| Pilot program and fees | 15.31.9 |
| Returned checks | 15-31.2 |
| Service agreements | 15.31.7 |
| Waiver of fee for landfill construction materials | 15-34.5 |
| Groundwater protection fee | 15-36 |
| Litter fee | |
| Refuse collection permit | 15-70 |
| Proceeds from | 15-70.1 |
| Suspension or revocation of permits | 15-71 |
| Residential collection | |
| APC collection fuel surcharge | 15-32.6 |
| APC collection recycling surcharge | 15-32.7 |
| Basis for residential fees | 15-32 |
| Environmental services low income assistance program | 15-32.4 |
| Fees for level of service | 15-32.3 |
| Requirements for payment of residential fees | 15-32.2 |
| Residential fee schedules | 15-32.5 |
| Responsibility for residential fee | 15-32.1 |
| Residential self-haulers | 15-34.2 |
| Unrestrained or uncovered load fee | 15-34.4 |
| Waiver of fee for landfill construction materials | 15-34.5 |
| Waste residue from nonprofit recycling, exemption of fees | 15-35 |
| Collection from residential establishments by other than city prohibited | 15-16 |
| Customer responsibilities regarding recycling collection service | 15-16.2 |
| Neighborhood cleanup service | 15-16.6 |
| Parameters for brush bulky collection | 15-16.3 |
| Temporary suspension of service | 15-16.5 |
| Violations of city collection service requirements | 15-16.8 |
| Waste diversion reporting, refuse and recyclable material collection permit | 15-80 |
| Water ditches, natural drainage channels | |
| Deposit of offensive matter, obstructions; regulations regarding | 11-58 et seq. |
| See: DITCHES, NATURAL DRAINAGE CHANNELS | |

| | Section |
|---|---|
| EQUAL OPPORTUNITY | |
| Cable communications | |
| Nondiscrimination and equal employment opportunity | 7A-36 |
| Small business enterprise program | |
| Duties of the equal opportunity office | 28-148(1) |
| Telecommunications services, competitive | |
| Nondiscrimination and equal employment opportunities | 7B-28 |
| EQUITABLE HOUSING AND DEVELOPMENT, COMMISSION ON | 10A-110 et seq. |
| Creation | 10A-110 |
| Declaration of purpose | 10A-111 |
| Functions, purposes, powers, and duties | 10A-113 |
| Limitation of powers | 10A-116 |
| Membership composition | 10A-112 |
| Nomination and appointment | 10A-112 |
| Organization and rules | 10A-115 |
| Staff support | 10A-114 |
| Sunset clause | 10A-117 |
| EROSION | |
| Floodplain, stormwater, and erosion hazard management | 26-1 et seq. |
| See: FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT | |
| ESCAPE | |
| Prisoners, escape of | 1-15 |
| ESCORTS AND ESCORT BUREAUS | |
| Definitions | 7-117 |
| Licensing | |
| Application | |
| Contents | 7-120 |
| Required; fee | 7-119 |
| Grounds for denial of | 7-121 |
| Nontransferability | 7-122 |
| Records and reports required | 7-123 |
| Required | 7-118 |
| Revocation of | 7-124 |
| Procedures | 7-125 |
| Violations, penalties | 7-126 |
| Place of business | 7-122 |
| Unlawful acts | 7-118 |
| Violations, penalty | 7-126 |
| EXCAVATIONS | |
| Floodplain use permit, extraction of sand, gravel and other earth products, re | 26-6 |
| Street excavations and right-of-way improvements | 25-13 et seq. |
| See: STREETS AND SIDEWALKS | |
| Water, charge for water used in flooding excavations | 27-46 |

| | Section |
|---|---|
| EXCHANGES | |
| Swap meets | 7-201 et seq. |
| See: SWAP MEETS | |
| EXCISE TAXES. See: LICENSES AND PRIVILEGE TAXES | |
| EXCRETA. See: DEFECATING | |
| EXPLOSIVES | |
| Blasting, use of dynamite, nitro, etc. | 11-4 |
| Fireworks | 11-22 |
| Parks and recreation, regulations relating to explosives and pyrotechnics | 21-3(5) |
| Solid waste collection; recycling, etc. | |
| Environmental services department | 15-10.1 et seq. |
| See: ENVIRONMENTAL SERVICES DEPARTMENT | |
| **F** | |
| FAIR HOUSING | |
| Application | 17-51 |
| Definitions | 17-50 |
| Enforcement | 17-54 |
| Exemption for religious organization or private club | 17-53 |
| Posting requirement | 17-55 |
| Powers of commission or EOO | 17-55 |
| Record-keeping | 17-55 |
| Sale or rental of housing, discrimination in | 17-52 |
| Violation a civil infraction | 17-56 |
| FAIRS | |
| Street fairs regulated | 7-300 |
| FALSE BIDDING | |
| Auctions and auctioneers, false bidding prohibited | 7-11 |
| FALSE INFORMATION | |
| Elections, financial disclosure, unlawful acts | 12-92 |
| Furnishing to police | 11-20 |
| Hotels, rooming houses, motels | |
| False entries on register | 11-27 |
| Refusal to provide information to obtain or retain low income assistance | 2-22.1 |
| FEES | |
| City court, case processing fee, exemption for indigent persons | 8-6.5 |
| Development compliance impact fees | 23A-71 et seq. |
| FEMALE ENTERTAINERS | |
| Clothing requirements of certain female entertainers and waitresses | 11-25.1 et seq. |
| See: CLOTHING REQUIREMENTS | |
| FEMALE GENDER. See also: WOMEN | |
| Definitions and rules of construction | 1-2(7) |
| FENCES, WALLS, HEDGES, ENCLOSURES | |
| Drive-in restaurants, barriers or walls required | 7-177 |
| FIGHTING | |
| Animal and fowl fights prohibited | 4-4 |
| Disorderly houses or premises, keeping | 11-16 |
| FILLING STATIONS, GASOLINE STATIONS | |
| Civil emergencies, powers of mayor re closing certain establishments | 11-103 |
| Prohibited on portion of Congress Street | 11-21 |
| FINANCES | |
| Accounts receivable; interest on past due accounts | 12A-5 |
| Business services department | |
| Dishonored check fee | 12A-7 |
| Established | 12A-1 |
| Checks | |
| Director to execute and endorse | 12A-6 |
| Environmental services department, residential and commercial collection services, city fees for collection and disposal services, returned checks | 15-31.2 |
| Director of business services | |
| Assignment, powers | 12A-2 |
| Checks; execution and endorsement | 12A-6 |
| City court; powers and duties in relation to | 8-14 |
| City office hours | 2-1 |
| Collection fee | 12A-8 |
| Massage establishments, finance director may formulate rules | 7-150 |
| Social security, paying city contributions by director | 22-17 |
| Disposition of property and money taken in by police department | 2-140 et seq. |
| See: POLICE DEPARTMENT | |
| District assessments; sale of property for nonpayment of | 2-6 |
| Elections, financial disclosure | 12-81 et seq. |
| See: ELECTIONS | |
| Funds. See herein specific subjects | |
| Group insurance and medical health plans | 22-78 et seq. |
| See: PENSIONS, RETIREMENT AND GROUP INSURANCE | |
| Independent expenditures in city limits, supplemental reporting of | 12-191 |
| Industrial waste control and industrial cost recovery program | 24-40 et seq. |
| See: WATER AND SEWERS | |
| Liability claims, settlement of | 18-11 |
| Licenses and privilege taxes | 19-1 et seq. |
| Mayor's expense account | 2-8 |

Section

**O**

OATH, AFFIRMATION, SWEAR OR SWORN
- Civil service commission
  - Power to administer oaths. . . . . 10-21
- Definitions and rules of construction. . . . . 1-2(13)
- Reserve police officer program
  - Oath of office. . . . . 2-124

OBSERVANCES. See: COMMEMORATIONS AND OBSERVANCES

OBSTRUCTIONS
- Civil infractions, obstruction of enforcement
  - Failure to furnish information; failure to sign citation. . . . . 11-121
  - Failure to obey abatement order. . . . . 11-122
- County health officer, obstructing. . . . . 2-15
- Interference with fire department. . . . . 11-110 et seq.
  - See: FIRE DEPARTMENT
- Motor vehicles and traffic. See that subject
  - Intersections, crosswalks, obstructing. . . . . 20-156
  - Obstructing view of traffic-control devices. . . . . 20-114
- Neighborhood preservation
  - Obstructing streets, alleys or sidewalks prohibited. . . . . 16-35
- Street obstructions. . . . . 25-46 et seq.
  - See: STREETS AND SIDEWALKS
- Water ditches, natural drainage channels; obstructions, depositing of offensive matter. . . . . 11-58 et seq.
  - See: DITCHES, NATURAL DRAINAGE CHANNELS

OCCUPANCY
- City property, squatting on prohibited. . . . . 11-12

OCCUPANT
- Definitions and rules of construction. . . . . 1-2(26)

OCCUPATIONAL LICENSE TAX
- Regulations generally re. . . . . 19-1 et seq.
  - See: LICENSES AND PRIVILEGES TAXES

OFFENSES. See specific subjects as indexed

OFFICERS AND EMPLOYEES
- Absences of and vacancies in appointive officers and heads of office positions. . . . 2-2
- Bonds of officers and employees
  - Amounts. . . . . 2-88
  - City to pay premiums. . . . . 2-91
  - Conditions, signing, approval. . . . . 2-90
  - New employees, bonding. . . . . 2-89
  - Premiums, city to pay. . . . . 2-91
  - Required. . . . . 2-88

Section

OFFICERS AND EMPLOYEES (Cont'd.)
- Building safety division; chief inspector. . . . . 2-5
- Business services director. . . . . 12A-2
- Candidate for local public office
  - Financial disclosure. . . . . 12-69
- City clerk records management
  - Preservation of essential records. . . . . 2-103
  - Preservation of records in compliance with state law. . . . . 2-101
  - Reproductions from public records; certified copies. . . . . 2-102
- City office hours. . . . . 2-1
- Civil liability of city
  - Notice of defective condition required. . . . . 2-10
- Civil service, human resources
  - Certifying payrolls. . . . . 10-13
  - Classification plan
    - Adoption, construction of. . . . . 10-6
    - Changes in. . . . . 10-10
    - Officers, employees in, exceptions. . . . . 10-4
    - Use of class titles. . . . . 10-11
  - Classified service, officers, employees in; exceptions. . . . . 10-4
  - Commission
    - Authority to investigate. . . . . 10-20
    - Cooperating with other governmental and private agencies. . . . . 10-17
    - Evidence, production of. . . . . 10-21
    - Oaths, administering. . . . . 10-21
    - Salaries of. . . . . 10-22
    - Subpoenaing witnesses. . . . . 10-21
  - Commission rules authorized. . . . . 10-12
  - Compensation plan
    - Additional compensation for certain public safety command staff. . . . . 10-53.4
    - Administration of plan. . . . . 10-32
    - Assignment and incentive pay for maintaining paramedic certification and working as paramedics. . . . . 10-34.1
    - Basic working hours. . . . . 10-51
    - Career enhancement program (CEP) incentive pay
    - Certified crane operator assignment and incentive pay program. . . . . 10-57.7
    - Commissioned police personnel through rank of captain. . . . . 10-53.3
    - Commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; proficiency pay for. . . . . 10-33.1
  - Commissioners, salaries of. . . . . 10-22
  - Computation of hourly rates. . . . . 10-45
  - Establishment and adoption of compensation plan. . . . . 10-31
  - Exceptionally meritorious service, increase for. . . . . 10-36
  - Fire battalion chief call back shift pay. . . 10-35

Section

OFFICERS AND EMPLOYEES (Cont'd.)
Civil service, human resources (Cont'd.)
Compensation plan (Cont'd.)
Holiday and BOI pay for commissioned officers of police department; lieutenant, assignment positions of captain, assistant chief. . . . . 10-49
Honor guard assignment pay for fire commissioned personnel.. . . . . 10-53.5
Hourly rates, computation of. . . . . 10-45
Incentive pay for fire prevention inspectors. . . . . 10-34
Increases for exceptional meritorious service.. . . . . 10-39
Language communication compensation. 10-33
Longevity compensation plan. . . . . 10-52
Maintenance management program, assignment and incentive pay compensation. . . . . 10-53.2
Movement within salary ranges. . . . . 10-38
Part-time employees to be paid by the hour.. . . . . 10-46
Payment of employees. . . . . 10-31
Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance. . . . . 10-53.1
Pipeline protection program; compensation. . . . . 10-53
Premium pay. . . . . 10-41
Probationary periods. . . . . 10-36
Reallocation. . . . . 10-37
Recruiting referral compensation for commissioned personnel.. . . . . 10-47
Supplement to military pay. . . . . 10-48
Working hours, basic; alternate work schedules for city employees are authorized subject to city manager approval. . . . . 10-51
Complying with, carrying out civil service provisions by officers and employees. 10-16
Definitions. . . . . 10-3
Discrimination prohibited; political activities. . . . . 10-18
Evidence, production of, requirement.. . . . . 10-21
General purpose. . . . . 10-2
Human resources director
Leave benefit plan; duties re. . . . . 22-91
Job evaluation grades. . . . . 10-7
Oaths, administering. . . . . 10-21
Payrolls to be certified. . . . . 10-13
Procedures for classification review. . . . . 10-8
Recovery of money improperly paid out.. . . 10-14
Retirement ages.. . . . . 10-15
Short title. . . . . 10-1
Subpoenaing witnesses. . . . . 10-21
Unlawful acts. . . . . 10-19
Use of class titles. . . . . 10-9

Section

OFFICERS AND EMPLOYEES (Cont'd.)
Civilian volunteer police assist specialists.. . . . 20-11.9 et seq.
See: MOTOR VEHICLES AND TRAFFIC
Claims
Settlement of. . . . . 18-11
Classification plan
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume
Compensation of city officers or employees
Compensation plans. See herein: Civil Service, Human Resources
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume.
Computation of time
Definitions and rules of construction. . . . . 1-2(5)
Defective conditions
Notice of required. . . . . 2-10
Department heads
Absences and vacancies of. . . . . 2-2
Compensation as acting department head. . . 2-3
Director of personnel
Social security, duties of. . . . . 22-23
Elective offices
Financial disclosure, election provisions. . . 12-54 et seq.
See: ELECTIONS
Environmental services director
Functions re solid waste collection, recycling, etc.. . . . . 15-2 et seq.
See: ENVIRONMENTAL SERVICE DEPARTMENT
Group insurance and medical health plans. . . . 22-78 et seq.
See: PENSIONS, RETIREMENT AND GROUP INSURANCE
Health officer
Enforcing health, sanitation, food regulations; obstructing, resisting health officer. . . . . 2-15
Human resources. See Herein: Civil Service; Human Resources
Injury
Salary during.. . . . . 2-13
Inspector
Chief inspector of building safety division. 2-5
Insurance, group. . . . . 22-78 et seq.
See: PENSIONS, RETIREMENT AND GROUP INSURANCE
Joint authority
Definitions and rules of construction. . . . . 1-2(8)

| | Section |
|---|---|
| PENSIONS, RETIREMENT AND GROUP INSURANCE, LEAVE BENEFITS AND OTHER INSURANCE BENEFITS (Cont'd.) | |
| Leave benefit plan | |
| Conditions for annual sick leave payment to fire department commissioned personnel | 22-93 |
| Conditions for annual sick leave payment to police department commissioned personnel | 22-94 |
| Duties of the human resources director and city manager | 22-91 |
| Human resources director and city manager; duties | 22-91 |
| Living donor leave | 22-97 |
| Peace officer recruitment incentive | 22-92 |
| Providing for | 22-90 |
| Public safety bridge leave | 22-98 |
| Sick leave | |
| Annual leave, conditions for payment to | |
| Fire department commissioned personnel | 22-93 |
| Police department commissioned personnel | 22-94 |
| Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service | 22-96 |
| Other insurance benefits | |
| Death benefit for employee group eligible for representation | |
| By AFSCME | 22-103 |
| By CWA/TACE | 22-104 |
| By IAFF | 22-102 |
| By TPOA | 22-101 |
| Social security | |
| Application and agreement | |
| Execution authorized | 22-15 |
| Contributions | |
| City contributions | |
| Current services, funds for | 22-18 |
| Director of finance to pay | 22-17 |
| Funds for city contributions for current services | 22-18 |
| Past services, funds for | 22-19 |
| Employee contributions | |
| Collection for pass services | 22-22 |
| Current services | 22-20 |
| Past services | 22-21 |
| Director of finance | |
| Paying city contribution | 22-17 |
| Director of personnel | |
| Duties | 22-23 |
| Effect of membership | 22-16 |
| Execution of application and agreement authorized | 22-15 |
| Membership, effect of | 22-16 |
| Purpose | 22-14 |
| Short title | 22-13 |

| | Section |
|---|---|
| PENSIONS, RETIREMENT AND GROUP INSURANCE, LEAVE BENEFITS AND OTHER INSURANCE BENEFITS (Cont'd.) | |
| Tucson supplemental retirement system | |
| Administration of the system | |
| Alteration, amendment, repeal of the system | 22-51 |
| Board of trustees | 22-44 |
| Effective date | 22-52 |
| Finance director duties | 22-46 |
| Human resources director duties | 22-47 |
| Indemnification | 22-49 |
| Investments | 22-45 |
| Miscellaneous administrative provisions | 22-50 |
| System administrator | 22-48 |
| Types of retirement and benefits | |
| Administration of benefit payments; benefit calculations | 22-43 |
| City contributions | 22-35 |
| Credited service, accumulation of | 22-36 |
| Death benefits | 22-40 |
| Definitions | 22-30 |
| Disability retirement | 22-39 |
| End of service program | 22-38 |
| Exclusive benefit | 22-32 |
| Membership | 22-33 |
| Contributions | 22-34 |
| Refund of accumulated contributions accounts; transfers to other systems | 22-41 |
| Retirement benefit payment options | 22-42 |
| Retirements | 22-37 |
| System approved domestic relations orders | 22-43.1 |
| Trust fund | 22-31 |
| PERIODICALS. See: NEWSPAPERS, MAGAZINES AND PERIODICALS | |
| PERMITS. See: LICENSES AND PERMITS | |
| PERSON | |
| Definitions and rules of construction | 1-2(9), (16) |
| PERSONAL PROPERTY | |
| Definitions and rules of construction | 1-2(17) |
| PET STORES, PET DEALERS | 7-505 |
| PHOTOGRAPHY STUDIOS | |
| Escorts and escort bureaus, unlawful acts | 7-118 |
| Photo reproduction | |
| Privilege and excise taxes | |
| Job printing | 19-425 |
| PHRENOLOGY | |
| Fortunetellers | 7-62 et seq. |
| See: FORTUNETELLERS | |

| | Section |
|---|---|
| PIGEONS | |
| Animals and fowl | 4-57, 4-60 |
| PIGS | |
| Keeping prohibited; exception; maximum of three miniature pigs allowed per household | 4-26 |
| PIPING. See: PLUMBING (Generally) | |
| PLACARDS | |
| Fair housing; posting requirement | 17-55 |
| Smoking, placarding required | 11-90 |
| PLANNING AND DEVELOPMENT SERVICES DEPARTMENT | |
| Department purposes and functions | 11B-3 |
| Established | 11B-1 |
| Other Code provisions | 11B-4 |
| Powers and duties of | 11B-2 |
| PLANNING AND ZONING COMMISSIONER | |
| City office hours | 2-1 |
| PLANNING DIRECTOR | |
| Plan/habitat inventory; preservation/ revegetation plan | 29-17 |
| PLATS, PLATTING | |
| Drive-in restaurants, plat or drawing to accompany application for license | 7-163 |
| Streets and sidewalks, address numbering | |
| Plat book required | 25-69 |
| PLAYGROUNDS. See: PARKS AND RECREATION | |
| PLUMBING CODE | |
| Adopted | 6-124 |
| Amendments | 6-126 |
| Building codes adopted, listing of | 6-34 et seq. |
| See: BUILDING CODE | |
| Copies | 6-125 |
| Office of plumbing inspector | |
| Established | 6-121 |
| General duties of inspectors | 6-123 |
| Qualifications of inspectors | 6-122 |
| PLUMBING GENERALLY | |
| Backflow prevention and cross-connection control | 27-70 et seq. |
| See: WATER AND SEWERS | |
| Board of appeals | 6-12 et seq. |
| See: BUILDINGS | |
| Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume | |

| | Section |
|---|---|
| PLUMBING GENERALLY (Cont'd.) | |
| Pipe transportation for hire | |
| Privilege and excise taxes | 19-475 |
| PLURAL NUMBER | |
| Definitions and rules of construction | 1-2(12) |
| POISON | |
| Vapor releasing substances containing | 11-35 |
| POLES AND WIRES | |
| Cable communications, use, rental or lease of utility poles and facilities | 7A-14 |
| POLICE DEPARTMENT | |
| Bilingual users of American Sign Language (ASL) or Spanish; commissioned police personnel certified as; proficiency pay for | 10-33.1 |
| Chief of police; residency requirement for | 2-4 |
| Civil service, human resources; compensation plan; career enhancement program (CEP) incentive pay | |
| Commissioned police personnel through rank of captain | 10-53.3 |
| Civilian volunteer police assist specialist | 20-11.9, 20-11.10 |
| Community police advisory review board | 10A-87 et seq. |
| Dance halls | |
| Authority of the chief of police | 7-366 |
| Disposition of property and money taken in by police department | |
| Property | 2-140 |
| Unclaimed money | 2-141 |
| False information, furnishing to police | 11-20 |
| Holiday and BOI pay for commissioned officers; lieutenant, assignment positions of captain, assistant chief | 10-49 |
| Interference with fire department | |
| Police placement of ropes or guards; violation | 11-111 |
| Legal business; soliciting by police | 11-32 |
| Motor vehicles and traffic. See also that subject | |
| Enforcement duties of police | 20-8 |
| General duties of police officers | 20-41 |
| Investigating accidents | 20-44 |
| Record of violations required | 20-42 |
| Special policemen | 20-11.1 |
| Parking of police/fire vehicles | 20-231 |
| Pawnbrokers, secondhand dealers and junk dealers | |
| Various reports regarding police | 7-98 et seq. |
| Peddlers at rodeo parade | |
| Police authority over | 11-70 |