

TUCSON, ARIZONA
 Supp. No. 92 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through June 28, 2011. 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. 92” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

Remove from Code. Add to Code

Remove from Code. Add to Code

Title Page, ii. Title Page, ii

TABLE OF CONTENTS

xxv, xxvi. xxv, xxvi

CHECKLIST OF UP-TO-DATE PAGES

[1] – [4]. [1] – [4]

CHAPTER 2: ADMINISTRATION

167, 168. 167, 168
 173 – 180. 173 – 180

CHAPTER 3: SIGN CODE

229, 230. 229, 230
 237 – 240. 237 – 240
 247 – 252. 247 – 252.2
 259 – 266. 259 – 266
 275 – 280. 275 – 280

CHAPTER 4: ANIMALS AND FOWL

345 – 350. 345 – 350

CHAPTER 8: CITY COURT

675, 676. 675, 676
 683 – 686. 683 – 686

**CHAPTER 10: CIVIL SERVICE –
 HUMAN RESOURCES**

795 – 808. 795 – 808

**CHAPTER 15: ENVIRONMENTAL SERVICES
 DEPARTMENT**

1459, 1460. 1459, 1460
 1463 – 1484. 1463 – 1484

**CHAPTER 18: INSURANCE PROGRAM AND
 TRUST FUND**

–. Tab divider
 1643. 1643 – 1648

**CHAPTER 22: PENSIONS, RETIREMENT,
 GROUP INSURANCE, LEAVE BENEFITS AND
 OTHER INSURANCE BENEFITS**

1959 – 1974.1. 1959 – 1974.2
 1991, 1992. 1991, 1992

CHAPTER 27: WATER

2619 – 2652. 2619 – 2652.2

CODE COMPARATIVE TABLE

3802.13, 3802.14. 3802.13 – 3802.16

CODE INDEX

3827 – 3830. 3827 – 3830
 3841, 3842. 3841, 3842
 3849, 3850. 3849, 3850
 3865, 3866. 3865, 3866
 3877 – 3882. 3877 – 3882

TUCSON, ARIZONA
Supp. No. 92 – Instruction Sheet

TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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TABLE OF CONTENTS – Cont’d.

Chapter	Page
Art. XV. Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC).	871
Art. XVI. Technology Policy Advisory Committee.	873
Art. XVII. Landscape Advisory Committee.	875
Art. XVIII. Small Business Commission.	875
Art. XIX. Resource Planning Advisory Committee.	877
Art. XX. Climate Change Committee (CCC).	879
Art. XXI. Tucson Housing Trust Fund Citizens Advisory Committee (THTFCAC).	881
Art. XXII. Reserved.	882
Art. XXIII. Citizen Transportation Advisory Committee.	883
10B. Housing and Community Development.	917
10C. Reserved.	967
11. Crimes and Offenses.	1063
Art. I. In General.	1067
Art. II. Methamphetamine.	1088
Art. III. Smoking.	1089
Art. IV. Civil Emergencies – Powers of the Mayor.	1093
Art. V. Interference With Fire Department.	1094
Art. VI. Obstruction of Enforcement of Civil Infractions.	1095
Art. VII. Nitrous Oxide.	1095
Art. VIII. Reserved.	1097
Art. IX. Crimes on Library Grounds.	1097
Department of Finance – See ch. 12A	
11A. General Services Department.	1145
11B. Planning and Development Services Department.	1167
12. Elections.	1189
Art. I. In General.	1193
Art. II. Early Ballot and Mail Ballot Voting.	1196
Art. III. Financial Disclosure.	1199
Art. IV. Initiative.	1204
Art. V. Referendum.	1207
Art. VI. Recall.	1208
Art. VII. Campaign Finance Reporting During Initiative, Referendum, and Recall Petition Drives.	1209
Art. VIII. Reporting of Independent Expenditures.	1212
Emergency Services – See ch. 9	
Energy and Environment – See ch. 29	
12A. Department of Finance.	1259
13. Fire Protection and Prevention.	1307
Floodplain and Erosion Hazard Management – See ch. 26	

TUCSON CODE

Chapter	Page
14. Labor Organization and Employee Association Election Procedure, Meet and Confer and Meet and Discuss.	1361
15. Environmental Services Department.	1459
Art. I. Definitions.	1461
Art. II. Administration.	1465
Art. III. Community Standards for Solid Waste Storage and Removal.	1467
Art. IV. City Residential and Commercial Collection Services.	1469
Art. V. City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services.	1470
Div. 1. General Provisions.	1470
Div. 2. Residential Collection.	1471
Div. 3. Commercial Collection.	1473
Div. 4. Disposal Services.	1477
Art. VI. Disposal Facility Management.	1479
Art. VII. Plastic Bag Recycling.	1480
16. Neighborhood Preservation.	1527
Art. I. General Provisions.	1531
Art. II. Maintenance Standards.	1534
Art. III. Slum Property.	1544
Art. IV. Unlawful Acts.	1547
Art. V. Administration and Enforcement.	1555
Art. VI. Abatement.	1559
Art. VII. Administrative Appeals.	1563
Art. VIII. Liability; Conflicts; Severability; Acknowledgement.	1566
17. Human Relations.	1579
Art. I. Short Title.	1581
Art. II. Declaration of Policy.	1581
Art. III. Civil Rights.	1581
Art. IV. Reserved.	1588
Art. V. Reserved.	1588
Art. VI. Reserved.	1588
Art. VII. Fair Housing.	1588
Art. VIII. Reporting Wrongful Conduct.	1593
Art. IX. Registered Domestic Partnerships.	1594
18. Self Insurance Program and Trust Fund.	1643
19. Licenses and Privilege Taxes.	1691
Art. I. Occupational License Tax.	1699
Div. 1. General Provisions.	1699
Div. 2. Employee Based Occupational License Tax.	1708.1
Div. 3. Swap Meet Proprietors, Outdoor Vendors, and Special Event Occupational License Tax.	1708.2
Div. 4. Liquor and Vending Machine License Tax.	1709
Div. 5. Tax on Hotels Renting to Transients.	1710
Art. II. Privilege and Excise Taxes.	1712
Div. 1. General Conditions and Definitions.	1713

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	92	105, 106	47
iii – xiv	OC	115, 116	OC
xv	3	117 – 120	77
xxvii – xix	30	167, 168	92
xxi – xxiv	86	171, 172	91
xxv, xxvi	92	173 – 180	92
xxvii – xxix	86	181 – 187	83
1, 2	47	229, 230	92
3 – 7	25	231 – 236	80
8.1, 8.2	18	237 – 240	92
9, 10	OC	241 – 244	80
11, 12	25	245, 246	90
13 through 14.1	47	247 – 252.2	92
15, 16	25	253 – 258	80
17 – 20	45	259 – 266	92
21 – 22.1	47	267 – 274	80
23 – 28	OC	275 – 280	92
29, 30	18	281 – 334.1	80
31, 32	25	335 – 340.3	71
33, 34	45	341, 342	40
35 – 38.1	18	343, 344	64
39 – 44	OC	345 – 350	92
45 – 48	78	395 – 398	75
49, 50	OC	447 – 449	81
51	18	450.1, 450.2	78
53 – 55	12	451, 452	OC

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
453, 454	25	855, 856	31
455, 456	82	857 – 862	91
457 – 460	78	864 – 866	81
461 – 463	81	867, 868	88
511, 512	90	869 – 870.1	78
513, 514	88	871, 872	65
515 – 517	81	873 – 876	90
519, 520	24	877 – 886	88
521 – 522.2	69	917 – 919	83
523, 524	79	967	39
525, 526	73	1063 – 1066	90
527, 528	90	1067, 1068	66
529, 530	91	1069, 1070	67
531, 532	90	1071 – 1074.2	90
532.1 – 532.8	88	1074.3 – 1074.8	44
533 – 536.2	66	1075, 1076	49
537 – 540	OC	1077 – 1078.1	78
541, 542	19	1079 – 1080.4	62
543, 544	26	1081, 1082	69
545 – 548	90	1083 – 1084.1	81
548.1	74	1085 – 1090	80
549, 550	26	1091, 1092	21
550.1, 550.2	81	1093, 1094	67
550.3 – 552	88	1095 – 1098	86
553 – 562.3	81	1145 – 1147	65
563 – 566	37	1167 – 1169	83
567, 568	46	1189 – 1192	91
569 – 578	66	1193 – 1194.1	86
579, 580	79	1195 – 1200	79
581, 582	81	1203, 1204	20
597 – 634	39	1205 – 1210	78
651	63	1211 – 1214	91
653 – 664	31	1259 – 1262	84
665, 666	64	1307	56
667 – 672	75	1309 – 1313	78
673	42	1361 – 1772	91
674.25 – 674.30	40	1459, 1460	92
675, 676	92	1461, 1462	88
677, 678	67	1463 – 1484	92
679, 680	79	1527, 1528	83
681, 682	81	1529	81
683 – 686	92	1531– 1546	89
731 – 733	11	1547– 1548.2	90
783, 784	83	1549 – 1554	69
785 – 790	81	1555 – 1558	83
791 – 794	83	1559 – 1562	89
795 – 808	92	1563 – 1567	83
845 – 848	90	1579, 1580	63
851, 852	33	1581 – 1588.1	77
853	8	1589 – 1592	46

CHECKLIST OF UP-TO-DATE PAGES

Page No.	Supp. No.	Page No.	Supp. No.
1593 – 1596	63	1883, 1884	73
1643 – 1648	92	1885, 1886	74
1691 – 1704	88	1887 – 1894	87
1705 – 1708	79	1895, 1896	69
1708.1, 1708.2	81	1897 – 1900	67
1709, 1710	89	1901 – 1904	87
1711 – 1712.2	83	1953 – 1958	87
1712.3 – 1714	88	1959 – 1974.2	92
1715 – 1718.1	81	1975 – 1990	83
1719 – 1722	66	1991, 1992	92
1723 – 1730	79	1993, 1994	88
1731 – 1734	83	2025	54
1735 – 1746	87	2203 – 2205	86
1746.1 – 1746.2	77	2207 – 2212	83
1746.3 – 1746.6	81	2213 – 2214.1	86
1747, 1748	56	2215 – 2226	83
1749 – 1752.2.4	74	2227 – 2232.1	86
1752.2.5, 1752.2.6	77	2233 – 2248	83
1752.3, 1752.4	87	2283 – 2284.1	43
1752.5, 1752.6	54	2385 – 2402	OC
1753 – 1756	61	2403, 2404	35
1757 – 1762.1	77	2453 – 2454.1	69
1763 – 1766	61	2455, 2456	35
1766.1, 1766.2	74	2457 – 2461	69
1766.3, 1766.4	79	2463, 2464	27
1766.5, 1766.6	87	2465 – 2466.2	34
1766.7 – 1766.9	79	2467, 2468	OC
1767, 1768	37	2469, 2470	26
1769 – 1774	36	2471 – 2472.1	51
1775 – 1778.1	67	2473, 2474	27
1779, 1780	5	2475 – 2477	69
1781 – 1784	79	2525 – 2538.2	75
1785 – 1788	83	2539 – 2546	71
1791, 1792	66	2547 – 2550.1	75
1793, 1794	78	2551 – 2558	71
1795 – 1797	80	2615 – 2618	90
1799 – 1802.8	78	2619 – 2652.2	92
1803, 1804	22	2653 – 2658	90
1805, 1806	40	2695 – 2698	83
1806.1	63	2699 – 2712	78
1807, 1808	89	2713 – 2714.1	83
1809 – 1814.1	86	2715 – 2726.1	78
1815, 1816	66	2727, 2728	64
1817 – 1820	59	2729 – 2744	85
1821, 1822	71	2749, 2750	67
1823 – 1836	78	2751 – 2754	16
1837 – 1842	80	2755 – 2762	68
1877, 1878	73	2763 – 2767	67
1879, 1880	61	2801	34
1881 – 1882.1	77	2803	81

TUCSON CODE

Page No.	Supp. No.
3699 – 3752	OC
3753 – 3758	4
3759, 3760	6
3761, 3762	9
3763, 3764	11
3765, 3766	14
3767, 3768	18
3769, 3770	16
3771, 3772	18
3773, 3774	19
3775, 3776	23
3777 – 3780	27
3781, 3782	31
3783, 3784	36
3785, 3786	39
3787, 3788	44
3789, 3790	51
3791, 3792	54
3793 – 3800	69
3801, 3802	70
3802.1, 3802.2	75
3802.3 – 3802.8	81
3802.9, 3802.10	83
3802.11, 3802.12	88
3802.13 – 3802.16	92
3803 – 3818	45
3819, 3820	81
3821, 3822	80
3823, 3824	84
3825, 3826	90
3827– 3830	92
3831– 3834	90
3835, 3836	86
3837 – 3840	91
3841, 3842	92
3843 – 3848	90
3849, 3850	92
3850.1 – 3852	91
3853 – 3856	90
3857, 3858	86
3859 – 3862	81
3863 – 3864.1	86
3865, 3866	92
3867 – 3870	90
3871 – 3876	83
3877 – 3882	92
3883 – 3888	90
3889, 3890	81
3891, 3892	83

Chapter 2

ADMINISTRATION*

Art. I.	In General, §§ 2-1 – 2-25.1
Art. II.	Mayor and Council, §§ 2-26 – 2-44
Art. III.	Reserved, §§ 2-45 – 2-80
Art. IV.	Reserved, §§ 2-81 – 2-87
Art. V.	Bonds of Officers and Employees, §§ 2-88 – 2-100
Art. VI.	City Clerk Records Management, §§ 2-101 – 2-119
Art. VII.	Reserve Police Officer Program, §§ 2-120 – 2-129
Art. VIII.	Special Duty Police Services Program, §§ 2-130 – 2-139
Art. IX.	Disposition of Property, Money, and Firearms by the Police Department, §§ 2-140 – 2-142

Article I. In General

Sec. 2-1.	City office hours.
Sec. 2-2.	Absences of appointive officers and heads of office and vacancies in appointive officers and heads of office positions.
Sec. 2-3.	Compensation of senior officers acting as department heads.
Sec. 2-4.	Residency requirement for specified city officers and employees.
Sec. 2-5.	Building safety division; chief inspector.
Sec. 2-6.	Sale of property for nonpayment of district assessments.
Sec. 2-7.	Statute of limitations on unpaid warrants.
Sec. 2-8.	Mayor's expense account.
Sec. 2-9.	Reserved.
Sec. 2-9.1.	Reserved.
Sec. 2-10.	Civil liability of city; notice of defective condition required.
Sec. 2-11.	Reserved.
Sec. 2-12.	Reserved.
Sec. 2-13.	Salary of employee during injury or sickness; salary paid to supplement workers' compensation; lien.
Sec. 2-14.	Reserved.
Sec. 2-15.	County health officer to enforce health, sanitation, food regulations; obstructing, resisting health officer.
Sec. 2-16.	Authority of city manager to execute certain utility rights-of-way.
Sec. 2-16.1.	Authority of city manager to administer the city real estate program.
Sec. 2-17.	Acceptance of dedications.
Sec. 2-18.	City fixed route, regularly scheduled bus system called Sun Tran; fares; eligibility and prohibited activity.
Sec. 2-19.	City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.
Sec. 2-20.	Transit system rules and regulations.
Sec. 2-21.	Promotional discount fare program for the Sun Tran fixed route bus system.
Sec. 2-22.	City Sun Tran and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.
Sec. 2-22.1.	False information or refusal to provide information to obtain or retain low income assistance.
Sec. 2-23.	Permits for use of community center.
Sec. 2-24.	Fees chargeable for background check before transfer of handguns.
Sec. 2-25.	Annual fingerprinting and criminal history record check of parks and recreation department personnel and volunteers who work directly with children.
Sec. 2-25.1.	Fingerprinting and criminal history record check of intermittent program instructors who work directly with children.

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

TUCSON CODE

Article II. Mayor and Council

- Sec. 2-26. Date, time, and place of meetings; to be public.
- Secs. 2-27 – 2-29. Reserved.
- Sec. 2-30. City officers and employees to attend meetings.
- Secs. 2-31 – 2-44. Reserved.

Article III. Reserved

- Secs. 2-45 – 2-80. Reserved.

Article IV. Reserved

- Secs. 2-81 – 2-87. Reserved.

Article V. Bonds of Officers and Employees

- Sec. 2-88. Required; amounts.
- Sec. 2-89. Bonding of new employees.
- Sec. 2-90. Conditions, signing, approval.
- Sec. 2-91. City to pay premiums.
- Secs. 2-92 – 2-100. Reserved.

Article VI. City Clerk Records Management

- Sec. 2-101. Preservation of records in compliance with state law.
- Sec. 2-102. Reproductions from public records; certified copies.
- Sec. 2-103. Preservation of essential records.
- Secs. 2-104 – 2-119. Reserved.

Article VII. Reserve Police Officer Program

- Sec. 2-120. Appointment of reserve police officers.
- Sec. 2-121. Purpose and functions of reserve police officers.
- Sec. 2-122. Status of reserve police officers; compensation.
- Sec. 2-123. Qualifications for appointment; applications.
- Sec. 2-124. Oath of office.
- Sec. 2-125. Preassignment training.
- Sec. 2-126. Dismissal.
- Sec. 2-127. Relation to other police officers.
- Secs. 2-128, 2-129. Reserved.

Article VIII. Special Duty Police Services Program

- Sec. 2-130. Definitions.
- Sec. 2-131. Special duty police services; authorizing police chief to execute agreements with employers that set forth the wages and conditions for special duty police services; authorizing use of city resources for billing, accounting, and payment; authorizing police chief to charge an administrative fee; and permitting use of city vehicles.
- Secs. 2-132 – 2-139. Reserved.

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

- Sec. 2-140. Disposition of property obtained by the police department.
- Sec. 2-141. Disposition of unclaimed money by the police department.
- Sec. 2-142. Disposition of unclaimed and forfeited firearms by the police department.

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

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

Sec. 2-11. Reserved.

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

Sec. 2-12. Reserved.

Editor's note – Ord. No. 10904, § 3, adopted June 28, 2011, renumbered this section as § 18-11.

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

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

- (1) Be paid for a period of up to one hundred eighty (180) calendar days of disability for

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

- (2) Be in an amount equal to thirty-three and one-third (33 1/3) percent of such employee's gross salary or wages (excluding overtime) at the base hourly wage rate or salary of commissioned employees of the rank of sergeant and below in an amount, which when added to the employee's workers' compensation payment will equal the employee's base hourly wage rate or salary, including assignment pay;
- (3) Be subject to payroll deductions normally withheld and deductions, not to exceed the employee's supplemental pay, for furlough hours in any fiscal year in which mayor and council require employees to take a specified number of days or hours of furlough; however, in the event disability is of insufficient length to qualify the employee for workers' compensation, such employee shall be paid one hundred (100) percent of gross salary or wages, less deductions normally withheld, including furlough, for that period;
- (4) Discontinue at the effective date of employment termination with the city. The termination date shall not include additional pay for any accumulated vacation leave.

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

- (1) Be paid for a period of up to the equivalent of six (6) months for a permanent full-time employees, not to exceed one thousand forty

hours (1,040) (or one thousand four hundred fifty-six (1,456) hours for commissioned fire personnel assigned to suppression) of disability for each injury or sickness, with such payments to be prorated to the maximum hourly equivalent of six (6) months for any part-time employees;

- (2) Shall supplement the employee's base hourly wage rate or salary in an amount, which when added to the employee's workers' compensation payment will equal the employee's base hourly wage rate or salary, including assignment pay;
- (3) Be subject to payroll deductions normally withheld and deductions, not to exceed the employee's supplemental pay, for furlough hours in any fiscal year in which mayor and council require employees to take a specified number of days or hours of furlough; however, in the event disability is of insufficient length to qualify the employee for worker's compensation, such employee shall be paid one hundred (100) percent of gross salary or wages, less deductions normally withheld, including furlough, for that period;
- (4) Discontinue at the effective date of employment termination with the city. The termination date shall not include additional pay for any accumulated vacation leave.

Sec. 2-13(3). If a remedy is pursued as allowed by A.R.S. section 23-1023, the city shall have a lien on the amount actually collectible therefrom, to the extent of the moneys paid by the city pursuant to this section. The amount actually collectible shall be the total recovery less the reasonable and necessary expenses, including attorney fees, actually expended in securing such recovery and less the amount to be paid to the city's workers' compensation fund.

(Ord. No. 4204, § 1, 7-1-74; Ord. No. 4829, § 1, 6-12-78; Ord. No. 5799, § 1, 7-5-83; Ord. No. 8753, § 1, 8-5-96; Ord. No. 10679, § 1, 6-9-09, eff. 7-1-09; Ord. No. 10807, § 1, 6-22-10, eff. 7-1-10)

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

Sec. 2-14. Reserved.

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

- Ord. No. 2137, § 2, 2-6-61
 - Ord. No. 2182, §§ 1, 2, 6-5-61
 - Ord. No. 2190, § 1, 6-19-61
 - Ord. No. 2212, § 2, 9-18-61
 - Ord. No. 2288, § 1, 4-16-62
 - Ord. No. 2293, § 1, 5-7-62
 - Ord. No. 2583, § 1, 2-17-64
 - Ord. No. 2754, §§ 2, 3, 4-5-65
 - Ord. No. 2845, § 1, 2-7-66
 - Ord. No. 2940, §§ 1, 2, 11-28-66
 - Ord. No. 2982, § 1, 2-20-67
 - Ord. No. 2986, § 1, 3-20-67
 - Ord. No. 3032, §§ 1, 2, 8-14-67
 - Ord. No. 3126, § 1, 5-27-68
 - Ord. No. 3150, §§ 1 – 3, 7-22-67
 - Ord. No. 3344, § 1, 10-16-69
 - Ord. No. 3406, § 1, 2-2-70
 - Ord. No. 3646, §§ 3, 4, 5-10-71
 - Ord. No. 3786, § 1, 1-24-72
 - Ord. No. 3814, §§ 1, 2, 3-27-72
 - Ord. No. 3844, § 1, 5-15-72
 - Ord. No. 3878, § 1, 7-3-72
 - Ord. No. 3965, § 2, 12-8-72
 - Ord. No. 3994, §§ 1, 2, 2-26-73
 - Ord. No. 4038, § 1, 6-25-73
 - Ord. No. 4119, § 1, 12-17-73
 - Ord. No. 4198, § 1, 6-17-74
 - Ord. No. 4203, § 1, 7-1-74
 - Ord. No. 4288, §§ 1, 2, 11-25-74
 - Ord. No. 4425, § 1, 12-30-75
 - Ord. No. 4435, § 1, 1-26-76
 - Ord. No. 4523, § 1, 6-21-76
 - Ord. No. 4682, § 1, 7-5-77
 - Ord. No. 4735, § 1, 12-19-77
 - Ord. No. 4849, § 1, 7-3-78
 - Ord. No. 4984, § 1, 6-4-79
 - Ord. No. 5164, § 1, 5-27-80
 - Ord. No. 5399, § 1, 6-29-81
 - Ord. No. 5599, § 1, 6-28-82
 - Ord. No. 5724, §§ 1, 2, 2-28-83
 - Ord. No. 5798, § 2, 7-5-83
 - Ord. No. 6040, § 2, 6-25-85
 - Ord. No. 6264, § 2, 6-24-85
 - Ord. No. 6452, § 2, 6-16-86
 - Ord. No. 6735, § 4, 7-6-87
 - Ord. No. 7004, §§ 2, 8, 7-5-88
 - Ord. No. 7243, § 6, 7-3-89
 - Ord. No. 7275, §§ 5, 6, 9-11-89
- See now § 10-31.

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

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

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

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

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

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

Sec. 2-17. Acceptance of dedications.

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

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

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

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

(b) *Fares*: The fares for the Sun Tran system shall be as follows:

- (1) *Regular fare*: One dollar and fifty cents (\$1.50) per ride or three dollars and fifty cents (\$3.50) per day pass or forty-two dollars (\$42.00) per monthly pass.
- (2) *Economy fare*: Fifty Cents (\$0.50) per ride or fifteen dollars (\$15.00) per monthly pass.
- (3) *Express fare*: Two dollars (\$2.00) per ride or fifty-six dollars (\$56.00) per monthly pass on express routes.
- (4) *Transfers to regular routes*: Free for passengers paying appropriate fare and accompanied by appropriately issued transfer medium as determined by the director of transportation.
- (5) *Transfers to express routes*: Fifty cent (\$0.50) surcharge for individuals transferring from a regular route, paying appropriate fare, without an express pass, accompanied by appropriately issued transfer medium as determined by the director of transportation.
- (6) *Children*: Free for persons five (5) years of age or under when accompanied by paying adult.
- (7) *Rider ship incentive programs*: To encourage ridership among specific groups of persons shall be as follows:
 - a. *University of Arizona pass*: For employees and students of the University of Arizona, as follows:
 - (i) One hundred seventy-three dollars (\$173.00) per semester pass.

- b. *Pima College pass*: One hundred seventy-three dollars (\$173.00) per semester pass, for employees and students of Pima Community College.
- c. *Shuttle service*: To decrease traffic congestion and parking problems at specific community events.

Special events: All event shuttles must be self supporting with the cost off-set by bus advertising and fare revenues. Fares charged are not to exceed the base fare with no premium fares. All event shuttles must be publicized, open to the general public and within the Tucson service area.

- (8) *Nonprofit fare*: One dollar (\$1.00) per 2-ride pass or five dollars (\$5.00) per stored value pass or fifteen dollars (\$15.00) per monthly pass. An administrative fee, to be determined by the city manager in conjunction with the director of the department of transportation, to cover the cost of administering the non-profit program, may be added to the cost of each pass type.

(c) *Seniors, persons with disabilities, medicare cardholders, and the nonprofit program fare eligibility and prohibited activity*: A special class of riders, referred to as “seniors, persons with disabilities, medicare cardholders, and the nonprofit program” may qualify for the economy fare subject to the following provisions:

- (1) *Eligibility criteria determined by the mayor and council*: Only those individuals who qualify under the mayor and council's definition of eligibility shall be eligible for this special fare; eligibility for the fare shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager.
- (2) *Seniors*: Persons sixty-five (65) years of age or over shall be eligible for the economy fare on the Sun Tran system.

- (3) *Persons with disabilities*: Persons with disabilities shall be eligible for the economy fare on the Sun Tran system.
- (4) *Medicare cardholders*: Medicare cardholders shall be eligible for the economy fare on the Sun Tran system.
- (5) *Nonprofit program*: The nonprofit program shall be eligible for the economy fare on the Sun Tran system. The nonprofit program shall be defined and facilitated as determined by the director of transportation.
- (6) *Proof of eligibility*: The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for reduced fares on the Sun Tran system, and to establish reasonable standards of proof for eligibility for seniors, persons with disabilities, Medicare cardholders, and the nonprofit program (effective when smart card technology implemented) and/or medicare cardholders applying for eligibility for economy fares. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.
- (7) *Revocation of eligibility, appeal to the city manager*: When, in the opinion of the city, a person is continuing to utilize benefits of the economy fare program of the Sun Tran system and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's economy fare program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

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

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

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

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

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

- (1) *Regular fare:* Three dollars (\$3.00) per ride.
- (2) *Economy fare:* One dollar (\$1.00) per ride.
- (3) *Children:* Free for persons five (5) years of age or under when accompanied by a paying adult.

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

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

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

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

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

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

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

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

(Ord. No. 4535, § 3, 7-6-76)

Sec. 2-21. Promotional discount fare program for the Sun Tran fixed route bus system.

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

Sec. 2-21(2). The city manager shall have the authority to establish and implement reasonable discount fare projects under the program and shall promulgate reasonable rules and regulations, in writing and on file with the city clerk, for each project implemented. The rules and regulations shall be consistent with state and local law, federal law and specifically the statutes and regulations of the Federal Transit Administration, and the goal of increasing Sun Tran ridership.

(Ord. No. 5247, § 1, 11-3-80; Ord. No. 8284, § 3, 5-23-94)

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

(a) *Program establishment:* The city manager shall have the authority to establish and implement a city Sun Tran fare subsidy program for low-income individuals, nonprofit program clients that qualify for low-income, and paratransit services for individuals, such program to be administered within the department

of transportation and funded exclusively from local city revenues. The city manager shall have further authority to promulgate reasonable rules and regulations, in writing and on file with the city clerk, for the implementation of the fare subsidy program.

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

- (1) *Economy fare subsidy:* For riders who qualify for the Sun Tran system economy fare, the subsidies shall be:
 - a. One dollar (\$1.00) in subsidy per full fare ride;
 - b. Twenty-seven dollars (\$27.00) in subsidy per full fare monthly pass; or,
 - c. Ten dollars (\$10.00) in subsidy per full stored value pass.

In addition to the subsidy, an administrative fee, to be determined by the city manager in conjunction with the director of the department of transportation, to cover the cost of administering the nonprofit program, will be added to the cost of each pass type.

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

- (1) *Economy fare subsidy:* For riders who qualify for the Sun Van service economy fare: Two dollars (\$2.00) in subsidy per regular fare.

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

- (1) *Eligibility for Sun Tran system and paratransit service economy fares:* Applicants for eligibility to qualify for the Sun Tran and Sun Van systems economy fares must demonstrate an income that meets the most recent income guidelines per the

- Lower Living Standard Income Level (LLSIL) (100%) as established by the United States Department of Labor, published annually, in the Federal Register.
- (2) *Definition of "income"*: Income shall include any money received by all members of the household. Any form of support or payment in the form of rent, food, automobile or any other assistance shall be counted as income. Wages, public assistance, retirement, disability, pension, veteran's compensation, worker's or unemployment compensation, senior benefits, survivor's benefits, strike benefits, support payments, alimony, scholarships, educational grants, fellowships, veteran's educational benefits, dividends, interest and any other form of income shall be counted to determine eligibility.
 - (3) *Eligibility requirements for persons under eighteen (18) years of age*: Persons seeking to qualify for the fare subsidy program of the city who are under the age of eighteen (18) must have a parent or guardian signature on the application, or show good cause why such signature is not obtainable. Good cause shall be within the discretion of the city to determine. If the applicant is not living at home and receives more than half of his or her support from his or her family, the applicant must declare all family income. If the applicant is not living at home and is not receiving more than half of his or her support from his or her family, then only the actual support from the family need be declared.
 - (4) *Unemployed persons*: Unemployed persons applying for the fare subsidy program must have a current registration card from the state employment office. Such applicant must report an estimated probable income that falls within the income guidelines set forth by the U.S. Department of Labor when added to all other family income. Persons unemployed due to strikes, lockouts and labor disputes must count as probable income their wages and wage level as such existed prior to the strike, lockout or other labor dispute that resulted in their being unemployed.
 - (5) *Students*: Students not living at home but who receive more than half of their support from their family must declare all family income. Students not living at home who do not receive more than half their support from their family need only declare the actual amount of support received. Students living at home must declare all family income.
 - (6) *Residency requirement*: Applicants for the fare subsidy program for low-income individuals must be residents of the region, an area described in the U.S. Census Bureau's Geographic Base File on file with the city clerk.
 - (7) *Proof of eligibility*: The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application to the program and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk. For nonprofit agency clients that qualify, the proof of eligibility requirements stipulating an ID are effective when Smart Card technology is implemented.
 - (8) *Term of eligibility*: Persons eligible for the fare subsidy program shall be deemed eligible from the date of issue of the eligibility identification card, unless otherwise found ineligible by the city.
 - (9) *Revocation of eligibility, appeal to the city manager*: When, in the opinion of the city, a person is continuing to utilize the benefits of the program and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's fare subsidy program. Any person whose eligibility is revoked by the city shall have

the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

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

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

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

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

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

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for Environmental Services Fees, Tucson Water Fees, Sun Tran and Sun Van fares, and Parks and Recreation Fees, and any other discount or assistance provided by the City of Tucson.

(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09)

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

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

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

Chapter 3

SIGN CODE*

Art. I.	Introductory Provisions, §§ 3-1 – 3-10
Art. II.	Definitions, §§ 3-11 – 3-15
Art. III.	Permits, Fees and Inspections, §§ 3-16 – 3-30
Art. IV.	General Requirements, §§ 3-31 – 3-50
Art. V.	Sign Types and General Regulations, §§ 3-51 – 3-70
Art. VI.	Signs by District, §§ 3-71 – 3-90
	Div. 1. Residential, §§ 3-72 – 3-74
	Div. 2. Nonresidential, §§ 3-75 – 3-79
	Div. 3. Special Districts, §§ 3-80 – 3-90
Art. VII.	Sign Maintenance, §§ 3-91 – 3-95
Art. VIII.	Nonconforming Signs and Change of Use, §§ 3-96 – 3-100
Art. IX.	Violations; Enforcement; Penalties, §§ 3-101 – 3-115
Art. X.	Indemnification, §§ 3-116 – 3-120
Art. XI.	Sign Code Advisory and Appeals Board, §§ 3-121 – 3-140
Art. XII.	Citizen Sign Code Committee, §§ 3-141 – 3-148

Article I. Introductory Provisions

Sec. 3-1.	Short title.
Sec. 3-2.	Declaration of purpose and intent.
Sec. 3-3.	Interpretation and construction with Tucson Code by the sign code administrator.
Sec. 3-4.	Application and interpretation of district boundaries.
Sec. 3-5.	Reference to other codes.
Sec. 3-6.	Application of prior Code sections.
Sec. 3-7.	Severance of the provisions of this sign code.
Secs. 3-8 – 3-10.	Reserved.

Article II. Definitions

Sec. 3-11.	Definitions.
Secs. 3-12 – 3-15.	Reserved.

***Editor's note** – Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I – XV, §§ 3-1 – 3-10, 3-14, 3-15, 3-19 – 3-27, 3-31 – 3-43, 3-47 – 3-69, 3-73, 3-77 – 3-80, 3-84 – 3-86, 3-90, 3-91, 3-95, 3-99 – 3-105, 3-109, 3-110, 3-114 – 3-125, 3-130 – 3-136. Section 2 of said ordinance enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1 – 8, adopted August 6, 1990; Ord. No. 7768, §§ 1 – 26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1 – 3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1 – 5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1 – 12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9867, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007.

Charter reference – Authority to regulate or prohibit signs and billboards, ch. VII, § 1(6).

Cross references – Construction regulations generally, ch. 6; license fee for advertising agencies, § 19-28(2); fee for advertising solicitors, § 19-28(3); fee for distributors of handbills and other advertising, § 19-28(55); privilege tax on advertising, § 19-405; advertising prohibited in parks and recreation areas, § 21-3(6)(3); posting advertising or signs on golf course property prohibited, § 21-19; technical division of administrative hearing office to have exclusive jurisdiction over alleged violations of sign code, § 28-4(1).

TUCSON CODE

Article III. Permits, Fees and Inspections

- Sec. 3-16. Permits required.
- Sec. 3-17. Permission of property owner.
- Sec. 3-18. Application for permit.
- Sec. 3-19. Issuance.
- Sec. 3-20. Effect of issuance.
- Sec. 3-21. Approval of standard plans.
- Sec. 3-22. Inspections.
- Sec. 3-23. Special inspector required.
- Sec. 3-24. Fees.
- Secs. 3-25 – 3-30. Reserved.

Article IV. General Requirements

- Sec. 3-31. Regulations established.
- Sec. 3-32. Sign area.
- Sec. 3-33. Grade.
- Sec. 3-34. Premises.
- Sec. 3-35. Maximum sign area.
- Sec. 3-36. Setback.
- Sec. 3-37. Signs near residences.
- Sec. 3-38. Multiple frontage lots.
- Sec. 3-39. Intersection corner sign.
- Sec. 3-40. Signs per street frontage.
- Sec. 3-41. Access regulated.
- Sec. 3-42. Integrated architectural features.
- Sec. 3-43. Signs over public rights-of-way.
- Sec. 3-44. Illumination.
- Secs. 3-45 – 3-50. Reserved.

Article V. Sign Types and General Regulations

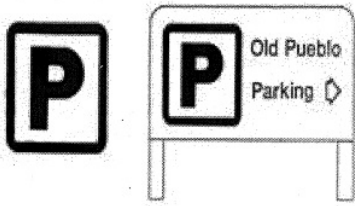
- Sec. 3-51. Generally permitted signs.
- Sec. 3-52. Exempt signs.
- Sec. 3-53. Prohibited signs enumerated.
- Sec. 3-54. Signs creating traffic hazards.
- Sec. 3-55. Signs in public areas.
- Sec. 3-56. Awning signs.
- Sec. 3-57. Banners.
- Sec. 3-58. Billboards.
- Sec. 3-59. Directory signs.
- Sec. 3-60. Freestanding signs.
- Sec. 3-61. Freeway sign.
- Sec. 3-62. Menu boards.
- Sec. 3-63. Parking signs.
- Sec. 3-64. Portable (A-frame) signs.
- Sec. 3-65. Real estate signs.
- Sec. 3-66. Special event signs.
- Sec. 3-67. Temporary signs.
- Sec. 3-68. Traffic directional signs.
- Sec. 3-69. Wall signs.
- Sec. 3-70. Historic landmark signs (HLS).

- ment. The sign may be higher than the other types of freestanding signs, must be setback further from the street, and is permitted only for larger premises or developments.
- W. *Freeway*. A roadway designated as a freeway in the Major Streets and Routes Plan.
- X. *Freeway sign*. A detached on-site sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located as provided in section 3-61.
- Y. *Gateway route*. A roadway designated as a gateway route in the Major Streets and Routes Plan.
- Z. *Grade*. The point of elevation determined in accordance with section 3-33.
- AA. *Height of sign*. The vertical distance measured from the grade to the highest point of the sign.
- BB. *Incidental sign*. A small noncommercial sign, emblem or decal informing the public of facilities, services or prohibitions relating to the premises.
- CC. *Local street*. A roadway that is not otherwise designated in the Major Streets and Routes Plan.
- DD. *Logo*. A graphic symbol or insignia that serves to identify a business, building or complex.
- EE. *Lot*. A parcel of land shown on maps maintained by the Pima County Assessor's Office.
- FF. *Major Streets and Routes Plan*. The current plan and map adopted by mayor and council pursuant to Land Use Code Section 2.8.3.3 to implement the circulation element of the Tucson General Plan. The Major Streets and Routes Plan and map identify the functional classification of City streets, right-of-way widths and development policies for the City's road system.
- GG. *Mall*. A shopping center anchored by two (2) or more department stores with various specialty stores, totaling five hundred thousand (500,000) square feet or more of gross building area.
- HH. *Medical services directional sign*. An off-site sign giving direction to and identifying a medical activity, use or service located within two thousand (2,000) feet of a scenic route. Copy limited to business name and address and directional arrow.
- II. *Menu board*. A permanently mounted structure displaying the bill of fare of a drive-in or drive-through restaurant.
- JJ. *Mural*. A noncommercial picture, not advertising a product or service that is sold on the premises, painted on or attached to the exterior walls.
- KK. *Nonconforming sign*. A sign lawfully erected or altered in conformance with applicable regulations, including a sign lawfully existing in the county at the time of annexation, that no longer complies with this sign code due to amendments to this sign code adopted subsequent to the approved permit for the sign or the annexation.
- LL. *Obsolete sign copy*. Any sign copy, excluding historic landmark signs (HLS), that no longer correctly identifies or directs attention to an existing use or product available on the premises.
- MM. *Occupancy*. The purpose for which a building or part thereof is used or intended to be used.
- NN. *Off-site sign*. A sign not located on the premises of the use identified or advertised by the sign.
- OO. *On-site sign*. A sign located on the same premises as the use identified or advertised by the sign.

PP. *Parapet*. The portion of a wall that extends above the roofline.

QQ. *Parcel*. A division of land as shown on the maps maintained by the Pima County Assessor.

RR. *Parking sign*. A wall or freestanding sign used to identify a commercial parking facility.



Parking Sign

SS. *Person*. Any natural person, as well as any firm, partnership, association, corporation, company or organization of any kind.

TT. *Pictograph*. A graphic, symbolic representation of a commonly recognized idea or item, excluding words or phrases. Example: a picture of a camera used to identify a photographic supply store.

UU. *Pole cover*. A cover that encloses or decorates a pole or other structural sign support.

VV. *Political election sign*. A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or to a political party, or to a matter to be voted upon at an election called by a public body. Does not include political headquarters signage.

WW. *Portable sign*. An on-site non-illuminated sign, including but not limited to A-frame signs, temporarily authorized for one (1) year and used to advertise the location, goods or services offered on the premises.

XX. *Premises*. The land area determined in accordance with section 3-34.

YY. *Projecting sign*. A sign, other than a wall sign, attached to a building or other structure

and extending in whole or in part more than twelve (12) inches beyond the surface of the portion of the building to which it is attached, beyond the building, or over the public right-of-way.

ZZ. *Property*. An area consisting of one or more parcels or portions of parcels that share the same zoning classification or permitted and legally nonconforming land uses.

AAA. *Public use*. Any land or building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county or municipality, without reference to the ownership of the building or of the realty upon which it is situated.

BBB. *Real estate development*. A development containing four (4) or more residential or commercial units for sale.

CCC. *Real estate sign*. Any one of the following sign types:

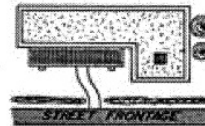
1. *Real estate announcement sign*. An on-site sign identifying a proposed development or project. The sign must identify the project and may include leasing information such as a contact person, type of occupancy, opening date, or special features concerning the proposed development.
2. *Real estate construction sign*. An on-site sign identifying the name or names of contractors, subcontractors, architects, engineers, material suppliers, and lending institutions responsible for construction, reconstruction or demolition of the project where the sign is located, and the name of the development. This type of sign may be a standard sign type, or it may also be a banner constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material and affixed to the chainlink fence or installed in the ground between posts.
3. *Real estate development sign*. An off-site directional sign placed at a location other than on the premises of a

subdivision or real estate development and intended to direct prospects to the real estate development or subdivision having lots, houses, townhouses or condominiums for sale.

4. *Real estate directional sign.* An off-site sign that is intended to direct prospects to the unit (non-subdivision) for sale.
 5. *Real estate for sale or lease sign.* An on-site wall or freestanding sign placed upon a property advertising that property for sale, rent or lease.
 6. *Real estate project identity entrance sign.* An on-site sign displaying the name of the subdivision or development at the major street entrances to the subdivision or development.
 7. *Real estate rental development sign.* An off-site sign placed at a location other than the premises of a new rental or for lease project offering housing for lease or rent.
 8. *Real estate subdivision sign.* An on-site sign advertising a subdivision as having lots, townhouses, houses or condominiums for sale.
- DDD. *Repair.* To mend, renovate or restore a sign structure to its original existing condition.
- EEE. *Scenic route.* A roadway designated as a scenic route in the Major Streets and Routes Plan.
- FFF. *School.* Any public, parochial or private school for teaching accredited courses of instruction as approved by the Arizona Department of Education.
- GGG. *Sign.* Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service. Signs attached to the interior wall of

a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a sign permit to ensure compliance with applicable building, fire, electrical and technical codes but are not otherwise subject to this sign code. Signs within individual mall stores or inside individual business establishments are excluded from this definition.

- HHH. *Sign code administrator.* The person designated and authorized to enforce and administer the provisions of this sign code, or that person's authorized representative or designee. The sign code administrator is the zoning administrator as described in A.R.S. § 9-462 for the purpose of interpreting this code.
- III. *Site.* The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity through an approved site plan, plat or development plan.
- JJJ. *Street frontage.* The length of a lot or development fronting on a public or private street.



Street Frontage

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

LLL. *Temporary sign.* Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political election signs are not included in this definition. The definition includes but is not limited to the following sign types:

1. *Grand opening, sales and civic events banner.* Temporary on-site banner advertising the grand opening, reopening, new management, sales event or civic event at a specific location.
2. *Banner used as temporary signage.* Temporary on-site banner used to advertise events lasting for a limited time. This type of banner may also be used to temporarily advertise a business location while permanent signage is being constructed, or during a change of business name, exterior remodeling of tenant space or entire center, or periods of road construction.

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

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

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

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

QQQ. *Unoccupied.* A premises or structure:

1. That is not occupied, or

2. That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or
3. Where the public utilities are not in service.

RRR. *Vacant.* A premises or structure:

1. From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or
2. Where the public utilities are not in service.

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

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

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

VVV. *Window sign.* Any sign affixed to the interior or exterior window surface.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 2, 6-28-11)

Secs. 3-12 – 3-15. Reserved.

ARTICLE III. PERMITS, FEES AND INSPECTIONS

Sec. 3-16. Permits required.

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

sign or its attachment when, in his or her judgment, that sign will not restrict access to the openings.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-42. Integrated architectural features.

To encourage and promote a harmonious relationship between buildings and signs, the sign code advisory and appeals board is authorized to approve a special permit in accordance with Article XI of this sign code for signs that are designed into and constructed as part of an integrated architectural feature of a building where strict application of the provisions of this sign code would otherwise prohibit such signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-43. Signs over public rights-of-way.

A. Except as provided in paragraph B below, a sign or sign structure shall not project over a public right-of-way or public property unless the mayor and council grant a special license. Signs licensed pursuant to this section may be displayed for up to sixty (60) days. The licensee shall remove the sign within forty-eight (48) hours after the advertised event.

B. The city manager may grant a special license for building and curbside banners and for across-the-street banners that project or extend over a public right-of-way or over public property, subject to the following:

1. The sign shall relate only to city-wide civic events sponsored by non-profit organizations or by individuals conducting the event on a non-profit basis (with fundraising proceeds used for a community benefit). For purposes of this section, a city-wide civic event is one that:
 - a. Is open to the public and does not discriminate against patrons in any manner; and
 - b. Celebrates or commemorates the historical, cultural and ethnic heritage of the city and the nation; increases the community's knowledge and understanding of critical issues, with the purpose of improving citizens' quality of life; or enhances the educational opportunities of the community; or

- c. Generates broad community appeal and participation; or
 - d. Instills civic pride in the city, state or nation; or
 - e. Contributes to tourism; or
 - f. Is identified as a unique community event.
2. No sign shall be attached to electric wiring or be energized by electricity.
 3. No sign shall be placed upon traffic signal posts or signs, and no sign shall obstruct a motorist's view of traffic signals.
 4. Any application for a license for a sign attached to utility poles or lamp poles shall include the written approval of the department of transportation of the city and the authorized official of the public utility company owning the poles to which the devices would be attached as to the size and weight of the sign and the manner of attachment to the poles. Building and curbside banners shall comply with the applicable requirements of Article V. No sign shall be attached to any utility pole carrying primary circuits or to any wooden pole or public property.
 5. Signs licensed pursuant to this section may be displayed for up to sixty (60) days. The licensee shall remove the sign within forty-eight (48) hours after the advertised event.
 6. In no event may signs relating to more than one event be attached to any single pole.
 7. The license shall state the location where the sign may be placed.
 8. By accepting any license granted under this section, the licensee and its heirs, successors and assigns shall agree to indemnify the city as provided in section 3-116 and shall provide proof of liability insurance as provided in section 3-117.

- 9. The city manager may impose such additional administrative requirements as may be necessary to give effect to this sign code.

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

Sec. 3-44. Illumination.

Unless otherwise prohibited in this sign code, all signs may be illuminated subject to the provisions of Tucson Code, Chapter 6, Article IV, Division 2, “Outdoor Lighting Code.”

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

Secs. 3-45 – 3-50. Reserved.

ARTICLE V. SIGN TYPES AND GENERAL REGULATIONS

This Article V describes the basic sign types that are either permitted or prohibited in the specific sign districts established in Article VI. A sign type that is listed in this Article V that is not expressly permitted in a sign district by Article VI, is prohibited in that district. Any specific regulation of a sign type that is listed in Article VI for a specific sign district supersedes the general requirement for the sign type listed in this article for that sign district.

Sec. 3-51. Generally permitted signs.

A. The signs contained in this section are permitted throughout the city, regardless of sign district, unless otherwise designated.

B. *Reserved.*

C. *Emergency site locator.*

- 1. No permit is required.
- 2. Not included in the calculation of total allowable sign area.
- 3. Emergency site locators shall:
 - a. Identify each building in accordance with the requirements of the building code as adopted by this jurisdiction.

- b. Be located at each vehicle entrance into a complex.
- c. Be either mounted on building walls (or other structures) or placed as freestanding structures.
- d. Be readily visible and readable by emergency vehicle operators entering the complex.
- e. Be easily readable at night, either by individual illumination, color or area illumination.
- f. Be oriented in the same direction as the complex it describes (*i.e.*, if north is to the right, north will be on the right of the sign).
- g. Include a round, red disc “you are here” symbol.
- h. Designate all the entryways, driveways, fire department access points, buildings and other pertinent structures in the complex.
- i. Identify, if existing on site:
 - (1) Buildings and other structures by address, numerical, alphabetical or other symbol designation.
 - (2) Fire hydrants.
 - (3) Electrical main disconnects.
 - (4) Gas shutoff valves.
 - (5) Elevators.
 - (6) Special hazards, such as chemical generators, fuel storage tanks, etc.
 - (7) Stairs.
 - (8) Swimming pools.
 - (9) Bodies of water with bridges noted.

- (10) Railroad tracks.
- (11) Fences and walls with locations of gates.
4. Maximum area:
- a. Complexes with fewer than fifty (50) units: Twelve (12) square feet.
 - b. Complexes with fifty-one (51) to three hundred (300) units: Twenty-four (24) square feet.
 - c. Complexes with three hundred one (301) to six hundred (600) units: Thirty-six (36) square feet.
 - d. Complexes with more than six hundred (600) units: Forty (40) square feet.
5. Maximum height: Ten (10) feet.
- D. *Incidental signs.*
1. No permit is required.
 2. Not included in the calculation of total allowable sign area.
 3. Maximum area per sign: Two (2) square feet.
 4. An incidental sign must be attached to the building or structure as an attached sign.
- E. *Political election signs.*
1. Maximum area:
 - a. Single family and multiple family residential districts: Six (6) square feet.
 - b. All other districts: Fifty (50) square feet.
 2. Maximum height: Ten (10) feet.
 3. Removal: Shall be removed not later than fifteen (15) days after the election to which they refer, except that winners of a primary election need not remove their signs until fifteen (15) days after the general election.
4. Placement limitations:
- a. May be placed on private property only.
 - b. Shall not be placed without the permission of the property owner, as provided in section 3-17.
 - c. Shall not be placed in the public right-of-way or on public property.
 - d. Shall not obstruct the view of motor vehicle operators or create a traffic hazard, as provided in section 3-54.
 - e. The general setback requirement of section 3-36 does not apply.
5. No sign permit required.
6. Not counted against a property's otherwise allowable signage area.
7. Responsible party: The person or organization planning to erect political election signs shall first file with the sign code administrator the name, address and telephone number of a person who shall be responsible for the proper erection and removal of the signs.
8. Maintenance: Political election signs must be maintained as provided in Article VII of this sign code.
- F. *Portable construction signs.* Portable construction signs to advertise those businesses immediately adjacent to and affected by road or water construction are allowed in all districts subject to the compliance with section 3-64.
- G. *Time, temperature and weather displays (TT&W).*
1. General: May be integrated into other allowable sign types without counting toward the allowed signage area.
 2. Maximum faces: Two (2).

3. Maximum area: Sixty-six (66) square feet maximum per face, but not to exceed thirty (30) percent of the allowed area of the sign in which the TT&W is integrated.
4. Allowable number: One (1) per site, except on corner lots where two (2) are allowed but may not add to the number of freestanding signs allowed on a site.
5. Maximum height: Same as the sign type in which the TT&W is integrated.

H. *Vehicle signs.* Vehicle signs are allowed only where all of the following conditions are met:

1. The primary purpose of such vehicle or equipment is not the display of signs.
2. Signs are painted upon or applied directly to an integral part of the vehicle or equipment, do not extend beyond the horizontal or vertical profile of the vehicle, and are not mounted on the truck bed.
3. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
4. Vehicles and equipment are not used primarily as static displays advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the public.
5. During periods of inactivity exceeding five (5) days, such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and on-premises storage of equipment and vehicles leased or rented to the general public by a business engaged in vehicle leasing shall not be subject to this condition.

I. *Wall signs, multipurpose facility.*

1. Notwithstanding any other limitations and restrictions set forth elsewhere in this sign

code, a multipurpose facility is permitted to include as part of its wall signage one (1) or more light emitting diode (LED) or other electronic banners and/or video displays that may include continuously moving words and images. These components shall be used in ticketing areas and other pedestrian gatherings where, in the opinion of the city engineer, such signage will not create a traffic hazard and will not be visible or will be only incidentally visible from public rights-of-way or adjacent properties.

2. For purposes of this section, the term “multipurpose facility” has the meaning set forth in the definition found at Arizona Revised Statutes section 48-4201.

J. Window signs are permitted wherever wall signs are permitted.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-52. Exempt signs.

The provisions of this sign code, including the requirements for permits, shall not apply to the following specified signs, nor shall the area of such signs be included in the area of signs permitted for any parcel or use.

- A. *Flags:* Flags, emblems or insignias of any nation or political subdivision.
- B. *Memorial signs or tablets:* Memorial signs or tablets, names of buildings, and dates of building erection, when cut into the surface or facade of a building.
- C. *Murals.*
- D. *Specially licensed signs:* Signs on or over public right-of-way permitted by the mayor and council or special license, such as signage on bus benches and buses.

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

Sec. 3-53. Prohibited signs enumerated.

No person shall erect, alter, or relocate any sign of the type specified in this section, or of the types specified in sections 3-54 and 3-55.

A. *Animated and intensely lighted signs:*

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.
2. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

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

C. *Fixed balloon signs:*

1. Except as allowed as a temporary sign, as provided in this Article V.
2. Prohibition does not apply to manned hot air balloons.

D. *Flags or pennants:*

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

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

F. *Moving signs:*

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.

G. *Roof signs:* Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a historic landmark sign (HLS) per Sec. 3-70.

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

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

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 3, 6-28-11)

Sec. 3-54. Signs creating traffic hazards.

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

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

Sec. 3-55. Signs in public areas.

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, except as expressly authorized by this sign code.

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

Sec. 3-56. Awning signs.

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

Sec. 3-57. Banners.

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

- A. Not allowed for nonresidential or home occupation uses.
- B. The area of curbside banners shall not be included in the calculation of total allowable sign area.
- C. Removal: Faded or tattered banners must be replaced or removed at the direction of the sign code administrator.
- D. Right-of-way: Banners may extend or project over a public right-of-way or public property only as provided in section 3-43B.
- E. Copy limitation: Banners may include logos and pictographs but shall not contain any other lettered copy, except:
 - 1. They may include festive or seasonal proclamations or may announce cultural or civic events that are open to the public. In such case, the banner may devote up to twenty-five (25) percent of the surface area to the name and/or logo of one public, private or commercial sponsor.
 - 2. A banner meeting the criteria for festive or seasonal proclamations may be displayed for sixty (60) days or less and shall be removed within forty-eight (48) hours after the seasonal, cultural or civic event.
- F. Maximum area: Twenty-five (25) square feet.

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

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

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

J. Allowable height: May not extend above the facade or eave of the building or structure and shall not exceed forty (40) feet above grade.

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

Sec. 3-58. Billboards.

A. *Permitted locations:* On undeveloped property in the C-2, C-3, I-1 and I-2 zoned property and only within the general business district and the industrial district as set forth in section 3-76 and section 3-79 of Article VI of this sign code.

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

- 1. Generally: Six (6) feet by twelve (12) feet.
- 2. Within two hundred fifty (250) feet of a freeway: Three hundred seventy-eight (378) square feet.
- 3. Limitations:
 - a. No more than two (2) faces per sign.
 - b. Vertical or horizontal stacking is not permitted.

C. *Maximum height:*

- 1. Generally: Sixteen (16) feet from grade to top of sign.
- 2. Within two hundred fifty (250) feet of freeway: Thirty-five (35) feet from freeway grade to top of sign.

D. *Minimum clearance:* Four (4) feet from grade to bottom edge of sign.

E. *Minimum separation:*

1. Generally: The minimum distance between a billboard and an existing billboard shall be six hundred sixty (660) feet, measured in all directions and regardless of jurisdiction.
2. Within two hundred fifty (250) feet of a freeway: The minimum distance between a billboard located within two hundred fifty (250) feet of a freeway and an existing billboard shall be one thousand nine hundred eighty (1,980) feet measured in all directions and regardless of jurisdiction.

F. *Minimum setback:* No billboard or part of a billboard shall be located within two hundred (200) feet of a residential zone boundary line.

G. *Orientation:* Billboard faces shall be oriented perpendicular to the road on which they are located.

H. *Prohibited locations:*

1. On property with the following zoning: LUC Article II, Zones, Division 2 Rural Residential zones (all); Division 3, Urban Residential zones (all); Division 4, Office zones (all); "RVC" Rural Village Center Zone, "NC" Neighborhood Commercial Zone, "C-1", Commercial Zone, "P" Parking Zone and "RV" Recreational Vehicle Zone of Division 5, Commercial zones; Division 6, Mixed Use Zones (all); "P-I" Park Industrial Zone of Division 7, Industrial Zones; Scenic Corridor Zone, Airport Environs Zone (unless prior approval in writing by Federal Aviation Administration) and Historic Preservation Zone of Division 8, Overlay zones.

TUCSON CODE

Sec. 3-70. Historic Landmark Signs (HLS).**A. Definitions.**

Historic landmark sign (HLS). A sign that has conditional or final designation as a historic landmark sign. HLS are listed on the City of Tucson Historic Landmark Sign Registry. There are three types of HLS: classic, transitional, and replica.

Classic HLS. A historic landmark sign originally installed prior to 1961 at a location that is within the current Tucson city limits.

Transitional HLS. A historic landmark sign originally installed between 1961 and 1974 inclusive at a location that is within the current Tucson city limits.

Replica HLS. An accurate reconstruction of an original sign that no longer exists. The sign to be replicated must have been originally installed prior to 1961 at a location that is within the current Tucson city limits.

Historic landmark sign (HLS) character defining features. Physical features of an HLS such as materials, technologies, structure, colors, shapes, symbols, text, font/typography and/or art that have cultural and historical significance and are integral to overall sign design.

Historic landmark sign (HLS) concentration. A minimum of three (3) previously designated HLS, or signs meeting the criteria for designation, within two thousand six hundred and forty (2,640) linear feet (1/2 mile) as measured along the center line of a street, including turning in any direction at the intersection of a street to connect with another designated HLS or sign meeting the criteria for designation, together with an additional four hundred and forty (440) feet (1/16 mile) beyond the terminus HLS. A replica HLS cannot be used as part of the number of HLS in the calculation of a HLS concentration.

Historic landmark sign (HLS) registry. The official list of designated historic landmark signs within the City of Tucson.

Historic landmark sign (HLS) treatment plan. A detailed description of an HLS including its character defining features, condition, location, and maintenance, and, as applicable, proposed restoration, adaptive reuse, relocation, and, replication. See Sec. 3-70 F.

B. Purpose.

1. The Historic Landmark Sign regulations are intended to provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and
2. To restore the sense of place that existed within the central business district and in areas of the city with concentrations of surviving historic signs, and
3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs.

C. Historic landmark sign (HLS) designation.

1. Requests for HLS designation shall be initiated by the sign owner and supported by an HLS treatment plan.
2. "As is" HLS designation. An existing sign which will not be restored/repaired, adaptively reused, or relocated, and retains sufficient integrity and character-defining historic features, is in working order, and has an acceptable appearance, may obtain HLS designation "as is", upon approval of the treatment plan.
3. Conditional HLS designation.
 - a. The decision to approve or deny an HLS treatment plan that meets each of the HLS designation guidelines is rendered per Sec. 3-70 G.9.a. (administrative).

- b. The decision to approve or deny an HLS treatment plan that does not meet each of the HLS designation guidelines is rendered per Sec. 3-70 G.9.b. (legislative).
 - c. Approval of an HLS treatment plan shall constitute conditional HLS designation.
4. Final HLS designation. Final HLS designation shall be contingent upon issuance of a sign permit in compliance with an approved HLS treatment plan, and final inspection of the sign within five (5) years of conditional HLS designation. Issuance of a permit is not required for “as is” designation.
 5. All signs designated (conditional or final) as historic landmark signs shall be listed in the City of Tucson Historic Landmark Sign Registry.

D. *HLS designation guidelines.* Classic, transitional, and replica HLS shall be reviewed for compliance with the following guidelines.

1. Technical guidelines:
 - a. The sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting.
 - b. The sign shall use materials and technology representative of its period of construction.
 - c. The sign shall be non-rectangular or non-planar.
 - d. The sign shall be a detached, projecting, or roof sign.
 - e. The sign is structurally safe or can be made safe without substantially altering its historical appearance.
2. Cultural/historical/design guidelines:
 - a. The sign shall exemplify the cultural, economic, and historic heritage of Tucson.

- b. The sign shall exhibit extraordinary aesthetic quality, creativity, and innovation.
- c. The sign is unique; or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type.
- d. The sign shall retain the majority of its character defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their historic function and appearance.

E. *HLS performance requirements.* Classic, transitional, and replica HLS shall comply with the following requirements as applicable.

1. Restoration/repair.
 - a. Restoration/repair of a classic HLS shall be consistent with a documented appearance that existed prior to 1961.
 - b. Restoration/repair of a transitional HLS shall be consistent with a documented appearance that existed between 1961 and 1974 inclusive.
 - c. Restoration/repair of a replica HLS shall be consistent with a documented appearance that existed prior to 1961.
 - d. Restoration/repair shall not add typographical or other elements which result in an increase in the size of the restored/repaired sign.
2. Adaptive reuse (change of copy).
 - a. Adaptive reuse of a replica HLS is prohibited.
 - b. Text changes shall not result in changes to character defining text.

- c. Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.
3. Relocation.
- a. Relocation of a classic or transitional HLS shall be to a location within the original premises, or to a location within an HLS concentration.
 - b. Relocation of a replica HLS shall be to a location within an HLS concentration.
 - c. When relocated, detached HLS shall be setback at least twenty (20) feet from the back of curb (edge of pavement if there is no curb), no more than forty (40) feet from the future right-of-way line of the street, and a distance at least two (2) times the height of the sign from any property with a non-commercial use.
 - d. If relocated to another premise, the HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates that the sign has been relocated, the date of relocation, and the original location.
 - e. The scale and design of the sign to be relocated shall be compatible with existing HLS in the vicinity of the proposed location.
4. Replica HLS.
- a. A replica HLS shall be consistent with a documented appearance that existed prior to 1961.
 - b. A replica HLS may only be installed on the premises where it originally existed.
 - c. A replica HLS shall display conspicuous text or a plaque, using a template provided by the City of Tucson, that indicates the sign is a contemporary reproduction, and the date of reproduction.
 - d. A replica HLS shall utilize historical materials and technologies, or visually matching contemporary materials and technologies.
 - e. A replica HLS shall not replicate an existing sign.
5. The sign shall not be an off-site sign as defined in the sign code.
6. The sign shall not have been previously, altered, removed and reinstalled or replaced pursuant to Sec. 3-96 C.1.
- F. *Content of HLS treatment plan.* An HLS treatment plan shall include the following:
- 1. Completed application form.
 - 2. Existing and proposed elevation of the proposed HLS showing height and area of the sign.
 - 3. Description and age of construction materials and type of illumination.
 - 4. GPS coordinates for the final location of the proposed HLS.
 - 5. Dimensioned site plan, with the existing and proposed land use, graphically showing existing and proposed location and setbacks for the proposed HLS and any other existing or proposed signs on the premises, existing and proposed site improvements, and adjacent streets.
 - 6. Photographs of the existing sign and photo simulation(s) of the completed sign as viewed from the street and other significant vantage points as appropriate, together with photographs of the existing site conditions. Photographs must be sufficient to demonstrate the sign's dimensions, construction materials used including electrical and any types of illumination which is or was used.
 - 7. Date of original construction and installation, and the address where the proposed HLS was first installed.

8. List of character defining features.
9. Documentation of the authenticity of the proposed HLS including approved permits, site plans, elevations, and dated photographs, and age of existing materials, as available.
10. A narrative describing compliance with each of the HLS designation guidelines and all applicable HLS performance requirements.
11. Maintenance program.
12. List of parts and materials to be replaced.
13. Mitigation measures to reduce the impact on non-commercial uses within three hundred (300) feet of the proposed HLS.

G. *Review of HLS treatment plan.* HLS treatment plans shall be submitted to the planning and development services department for review.

1. Pre-submittal conference. Prior to submitting an HLS treatment plan, an applicant may, but is not required to meet with City staff responsible for administration of the HLS program. Comments supplied by City staff during the conference are advisory and do not constitute approval of any proposed application.
2. Neighborhood meeting. A neighborhood meeting is encouraged for a proposed HLS relocation, or for a proposed construction of a HLS replica sign.
3. Initial review. Initial review of an HLS treatment plan or revised treatment plan will be for completeness, compliance with HLS designation guidelines, and compliance with applicable HLS performance requirements. No later than ten days after submittal, the sign code administrator will issue a determination as to whether the request meets each of the HLS technical designation guidelines.
4. Where an applicant produces physical evidence or documentation sufficient to prove that a proposed HLS included

intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by Tucson department of transportation (TDOT) that no negative safety issues will result.

5. If the subject property is within a historic preservation zone (HPZ), the treatment plan shall be forwarded to the HPZ advisory board for review and recommendation prior to being forwarded to the Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee.
6. Review of the treatment plan shall include an analysis of applicable policies of the Tucson general plan.
7. The treatment plan shall be forwarded to the T-PCHC Plans Review Subcommittee for review of the treatment plan for compliance with HLS Cultural/historic/design designation guidelines and applicable HLS performance requirements. Notice of the treatment plan and subcommittee meeting shall also be provided to the registered neighborhood association in which the proposed sign would be located; to property owners immediately adjacent to the proposed location; and to any persons who have submitted a written request to the director to be notified of HLS applications.
8. The T-PCHC shall forward a recommended list of character defining features, including all character defining text, and a recommendation to approve or deny the treatment plan, to the planning and development services department.
9. Decision.
 - a. Administrative: The planning and development services director will prepare a written decision to approve or deny the treatment plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation.

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

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

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

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

ARTICLE VI. SIGNS BY DISTRICT

Sec. 3-71. Sign districts.

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

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 3-72. Single family residential district.

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

B. *Maximum total sign area:*

1. *Nonresidential uses:* Twenty (20) square feet of total sign area per street frontage. On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.
2. *Home occupation uses:* No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs: For nonresidential and home occupation uses only.
3. Banners, curbside only. Allowed for residential uses only. Not allowed for nonresidential or home occupation uses.

- 4. Freestanding signs.
 - a. Nonresidential and home occupation uses.
 - b. Monument and low profile only.
 - c. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Allowed uses: Residential and nonresidential uses only. Not allowed for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Wall signs. Nonresidential and home occupation uses only. Not allowed for residential uses.

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

Sec. 3-73. Multiple family residential district.

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

- B. *Maximum total sign area:*
 - 1. *Residential and nonresidential uses:* Fifty (50) square feet.
 - 2. *Home occupation uses:* No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, curbside only, for nonresidential uses only.
- 4. Freestanding signs, monument and low profile only.
 - a. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
 - b. Low profile type sign. Maximum area: Fifty (50) square feet.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Not permitted for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Traffic directional signs. Not permitted for home occupation uses.
- 8. Wall signs.

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

Sec. 3-74. Park district.

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

A. *Permitted signs.*

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

2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs.
 - a. Regional parks, consisting of a public park or parks of at least fifteen (15) acres and serving a region of or the entire city.
 - (1) Two (2) per arterial street.
 - (2) Maximum height: Fourteen (14) feet.
 - (3) Clearance: Zero.
 - b. District parks, consisting of a public park or parks of at least fifteen (15) acres but not more than one hundred (100) acres and serving several neighborhoods.
 - (1) Two (2) per entrance.
 - (2) Maximum height: Ten (10) feet.
 - (3) Clearance: Zero.
 - c. Neighborhood parks, consisting of a public park or parks of less than fifteen (15) acres and serving the nearby pedestrian population.
 - (1) One (1) per entrance.
 - (2) Maximum height: Eight (8) feet.
 - (3) Clearance: Zero.
5. Special event signs. Allowed only in a regional park.
 - a. One (1) per arterial.
 - b. Maximum area is ten (10) feet by ten (10) feet.
 - c. Maximum height: Seventeen (17) feet.
 - d. Clearance: Seven (7) feet.
 - e. Erection: No more than 120 days prior to the event.
 - f. Removal: Immediately upon termination of the event.
6. Temporary signs.
7. Traffic directional signs.
8. Wall signs.

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

DIVISION 2. NONRESIDENTIAL DISTRICTS

Sec. 3-75. O-1 zone district.

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

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

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

D. *Permitted signs:*

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

2. Freestanding signs, low profile type only.
 - a. Maximum number: One (1) per site.
 - b. Location: On arterial or collector streets only.
 - c. Maximum faces: Two (2) per sign, back to back configuration only.
 - d. Maximum area: Twelve (12) square feet per face.
 - e. Maximum height: Four (4) feet from grade.
 - f. Minimum setback: Twelve (12) feet from curb to leading edge of sign.
 - g. Freestanding signs which include or consist of a three-dimensional representation of a figure or object are prohibited.
3. Home occupation signs. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.
4. Real estate signs.
5. Temporary signs. Maximum area six (6) square feet.
6. Wall signs.

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

Sec. 3-76. General business district.

A. *Location:* The general business district includes property in the O-2 and O-3 office zones, commercial zones, OCR-1, and OCR-2 and MU zones Mixed Use zones, Tucson Land Use Code sections 2.4.2, 2.4.3, 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.6, 2.5.7, 2.6.1, 2.6.2 and 2.6.4. The General Business District does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-

business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, the O-1 district or the planned area development (PAD) district.

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

1. Generally: Three (3) square feet per foot of street frontage.
2. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Billboards.
5. Freestanding signs, all types.

a. *Stand-alone premises:*

- (1) One (1) freestanding sign for each street frontage.
- (2) One (1) additional freestanding sign on that street frontage for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet.
- (3) For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.
- (4) A “stand-alone premises” for the purposes of this subsection is a piece of land with definite boundaries, which includes the property and the buildings on it,

and is separately owned from any other property. A stand-alone premises must meet the on-site parking requirements under the Tucson Land Use Code without sharing parking with another premises and must provide its own ingress from and egress to the public right-of-way.

shopping center anchored by two (2) or more major department stores with various specialty stores totaling five hundred thousand (500,000) square feet or more of gross building area.

b. *Strip development:*

- (1) One freestanding sign per major arterial or collector street to identify the name of the strip development shopping center or for use as an occupant directory. In addition, one freestanding sign will be permitted for each self-contained premises, not to exceed thirty-two (32) square feet in area.
- (2) For the purpose of this subsection, a “self-contained premises” is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A self-contained premises must meet the onsite parking requirements under the Tucson Land Use Code without sharing parking with another premises.
- (3) For the purpose of this subsection, a “strip development” is a development or group of buildings that meets the definition of “premises” found at section 3-34, but shall not include any area treated as a “stand-alone premises” for purposes of this section.
- (4) Malls: One freestanding sign per major arterial or collector street to identify the name of the mall. One freestanding sign not to exceed twenty (20) square feet will be permitted for each detached building included on the same development plan. A “mall” is a

6. Freeway signs.
7. Menu boards.
8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
9. Real estate signs.
10. Temporary signs.
11. Traffic directional signs.
12. Wall signs.
 - a. Maximum size:
 - (1) Generally: No more than thirty (30) percent of the area of each wall may be utilized for wall signs.
 - (2) A wall sign within two hundred fifty (250) feet of a freeway shall be no more than forty (40) percent of the area of each wall.

13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

Sec. 3-77. Planned area development (PAD) district.

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

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

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

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

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Directory signs: One (1) per five (5) acres of complex with one additional directory sign per each additional five (5) acres of complex.
5. Freestanding signs, all types. Maximum number: One (1) per building or cluster of buildings (when located on the same lot) per street frontage to be located at the building's street frontage. The allowance for freestanding signs is not transferable either in whole or in part between street frontages, buildings, or lots within the district.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
7. Real estate signs, all types.
 - a. Real estate project identity entrance sign, general requirements:

- (1) If integrated with landscaping:
 - (a) *Maximum number:* Two (2).
 - (b) *Maximum faces:* One (1) per sign.
 - (c) *Maximum size:* One hundred (100) square feet per sign.
- (2) If not integrated with landscaping:
 - (a) *Maximum number:* One (1).
 - (b) *Maximum faces:* Two (2) per sign.
 - (c) *Maximum size:* One hundred (100) square feet per face.
 - (d) *Maximum height:* Ten (10) feet measured from the average top of curb of adjacent streets.

8. Temporary signs.

9. Traffic directional signs.

10. Wall signs:

- a. Maximum size: No more than thirty (30) percent of the area of each wall.
- b. Any portion of wall sign allowance for a building may be transferred from one street frontage to another for wall sign usage on that specific building.
- c. The allowance for wall signs is not transferable between buildings or lots within the district.
- d. The total square feet of wall sign area for a building may be allocated by the building owner among the occupants/tenants of a building.

e. Sign placement:

- (1) Tenant identification signage shall be placed only on a sign band as delineated in building elevation drawings approved with the related development plan.
- (2) The sign band shall not be located more than three (3) stories above the average finished grade at the building line, except that building and/or tenant signage may be placed within discernible parapets.

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

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

Sec. 3-78. Medical-business-industrial park district.

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

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

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Directory signs: One (1) per two (2) acres of development.
5. Freestanding signs, all types.
 - a. One (1) per street frontage.

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- b. One freestanding sign per building to be located at the building's parking entrance.
 - c. The allowance for freestanding signs is not transferable either in whole or in part from one street frontage to another or one building to another.
- 6. Real estate signs, all types.
 - 7. Temporary signs.
 - 8. Traffic directional signs.
 - 9. Wall signs. Maximum size: Eight (8) square feet.
- (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-79. Industrial district.

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

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

C. *Permitted signs:*

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

- 5. Freestanding signs, all types. One (1) per street frontage; except, where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of said parcel.
 - 6. Freeway signs.
 - 7. Menu boards.
 - 8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
 - 9. Real estate signs.
 - 10. Temporary signs.
 - 11. Traffic directional signs.
 - 12. Wall signs. Maximum size: no more than forty (40) percent of the area of each wall.
 - 13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
- (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

DIVISION 3. SPECIAL DISTRICTS

Sec. 3-80. Historic district.

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



Amory Park Historic District

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

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

D. *Permitted signs.*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs, low profile and monument type only.
 - a. Maximum number: One (1) per building per street frontage where a building facade is set back at least ten (10) feet from a public right-of-way, or one (1) per street frontage for a surface parking lot where parking is the primary use of the property.
 - b. Maximum area: Twenty (20) square feet per sign.
 - c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.
 - d. Maximum height: Twelve (12) feet above grade.
5. Parking signs.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Projecting signs.

- a. Allowed for commercial uses only.
- b. Maximum area: Twenty (20) square feet.
- c. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.
- d. Minimum clearance: Eight (8) feet between grade and bottom of sign.
- e. Maximum projection from building: Five (5) feet.

8. Real estate signs, all types.

9. Temporary signs.

10. Traffic directional signs.

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

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

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11)

Sec. 3-82. Scenic corridor zone (SCZ) district.

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

B. *Maximum total attached sign area:*

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

toward a scenic route, arterial street, collector street, or the interior of the premises.

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

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

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

E. *Permitted signs:*

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

a. Maximum number per premises:

- (1) Scenic route: One (1) for the first four hundred fifty (450) feet of scenic route street frontage with one (1) additional sign for every four hundred (400) feet of additional scenic route street frontage.
- (2) Arterial street: One (1) for the first four hundred fifty (450) feet of arterial street frontage with one (1) additional sign for every two hundred fifty (250) feet of additional arterial street frontage.
- (3) Collector Street: One (1) for the first four hundred fifty (450) feet of collector street frontage within the premises, with one (1) additional sign for every two

hundred fifty (250) feet of additional collector street frontage.

b. Maximum area:

- (1) Multifamily residential uses: Twenty (20) square feet per street frontage.
- (2) Commercial or industrial uses: Thirty-five (35) square feet per sign if located within the SCZ buffer, fifty (50) square feet per sign if located outside the SCZ buffer.

c. Maximum height: Ten (10) feet.

d. Location:

- (1) Scenic route: Maximum height signs shall be located no less than seven and one-half (7.5) feet behind the leading edge of the SCZ buffer and within fifty (50) feet of the right-of-way line. Signs may be located one (1) foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.
- (2) All other streets: Within twenty (20) feet of the right-of-way line and at least one hundred fifty (150) feet from the centerline of the scenic route.

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

f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters and/or symbols only, or individual letters and/or symbols may be halo illuminated. Unused tenant panels shall be opaque and designed to match the rest of the sign.

- g. Within SCZ buffer electronic message signs and exposed neon signs are prohibited.
- 4. Menu boards.
- 5. Medical services directional sign.
 - a. Maximum area: Eight (8) square feet.
 - b. Maximum height: Four (4) feet to top of sign.
 - c. Permitted: Only if no frontage on collector or arterial street.
- 6. Real estate signs, only types listed.
 - a. Real estate for sale or lease signs.
 - (1) Maximum area:
 - (a) Residential properties: Four (4) square feet.
 - (b) Vacant land: Sixteen (16) square feet.
 - (c) Commercial and industrial development: Eight (8) square feet. Must be placed on the building for sale or lease and not on any buffer wall, landscape element, etc.
 - b. Real estate project identity entrance sign.
 - c. Real estate subdivision sign.
 - (1) Maximum faces: Two (2).
 - (2) Maximum area: Sixteen (16) square feet.
 - (3) Maximum height: Ten (10) feet from grade to top of sign.
- 7. Temporary signs.

8. Traffic directional signs:

- a. Within the scenic corridor thirty (30) foot landscape buffer the following shall apply:
 - (1) Minimum site area: Ten (10) acres.
 - (2) Maximum area: Three (3) square feet; tenant identification or logo not to exceed one (1) square foot.
 - (3) Maximum number: One (1) per vehicular entrance.
 - (4) Location: Within twenty (20) feet of the entrance.

9. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10864, § 2, 12-14-10*)

***Editor's note** – Section 3 of Ord. No. 10864 provides: “The provisions of this ordinance amending Sections 3-33 and 3-82 of the Sign Code shall cease to be effective on January 31, 2012, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to this amending ordinance. The purpose of this sunset clause is to give the City the opportunity to decide whether to continue to implement Sections 3-33 and 3-82, as amended or to revert to those provisions existing prior to this ordinance.”

Secs. 3-83 – 3-90. Reserved.

ARTICLE VII. SIGN MAINTENANCE

Sec. 3-91. Maintenance.

A. Each sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign, without altering the basic copy, design or structure of the sign. Any painted sign that is painted out and repainted exactly as it previously existed is considered maintenance of a sign. The sign code administrator shall require compliance or removal of any sign determined by said official to be in violation of this section.

B. In addition to satisfying the requirements of subsection A, any sign that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard, plastic

or other light material, and that is not rigidly and permanently installed in the ground or permanently attached to a building, must be removed or replaced within one hundred (100) days after it is installed or erected.

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

Sec. 3-92. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises.

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

Sec. 3-93. Removal of dangerous or defective signs.

The sign code administrator shall remove or cause to be removed any dangerous or defective sign pursuant to the provisions for the unsafe structures and equipment in the International Building Code.

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

Secs. 3-94, 3-95. Reserved.

ARTICLE VIII. NONCONFORMING SIGNS AND CHANGE OF USE

Sec. 3-96. Signs for legal nonconforming uses.

A. Subject to the provisions of this section, signs for a legal nonconforming use, as defined in the Land Use Code, are allowed. Such signs shall be allowed only so long as the nonconforming use is allowed. A final determination by the zoning administrator that a nonconforming use has been discontinued or abandoned shall also be the final determination of the nonconforming status of the related sign.

B. Any such sign legally existing on the effective date of this sign code but that does not comply with the regulations of this sign code adopted after the sign was legally permitted shall be deemed to be a nonconforming sign and shall be subject to the provisions of this article.

C. Except for reasonable repairs and alterations, no nonconforming sign shall be moved, altered, removed and reinstalled or replaced, unless it is brought into compliance with the requirements of this sign code, except under the following conditions:

1. If the freestanding or detached sign is a legally permitted on-site freestanding or detached sign, and there is no roof or projecting sign other than designated historic landmark signs (HLS) existing on that business establishment, the sign may be moved, repaired, altered, removed and reinstalled or replaced, subject to the following conditions:
 - a. A sign permit must be obtained prior to commencing any such alteration, replacement or relocation. The following information must be attached to the sign permit application:
 - (1) Photographs of all existing signs on the property.
 - (2) Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - (3) Scaled drawings showing the new configuration of the sign and setback.
 - b. All signs that are twenty (20) feet in height or less must be decreased a minimum of ten (10) percent in height and sign area. All signs above twenty (20) feet in height must be decreased in height at least twenty (20) percent and in sign area at least twenty (20) percent.
 - c. If the sign shares a common structure with other tenants, the area of all tenant signs must be reduced to a smaller total aggregate area and the height of the common structure must be reduced.
 - d. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as

- pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
- e. No part of the relocated sign and/or structure will be permitted to occupy or overhang public right-of-way.
2. If the sign is a roof and/or projecting sign and the business establishment does not have a freestanding or freeway sign, the sign may be moved, altered and installed on a freestanding or freeway sign structure subject to the following conditions:
 - a. A sign permit must be obtained prior to commencing any such alteration or relocation. The following information must be attached to the sign permit application:
 - (1) Photographs of all existing signs on the property.
 - (2) Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - (3) Scaled drawings showing the new configuration of the sign and setback.
 - b. The new freestanding or freeway sign configuration and structure must be installed at a lower height above grade than it was in its nonconforming configuration.
 - c. The total aggregate area of the new sign configuration must be less than it was in its nonconforming configuration.
 - d. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
 - e. The sign and structure must be installed on private property and be set back at least twenty (20) feet from the face of the curb unless otherwise specified in this sign code.
 - f. No part of the relocated sign and/or structure will be permitted to occupy or overhang public right-of-way.
3. If the sign is a roof and/or projecting sign, and nonconforming freestanding or freeway signs exist at this business establishment, all roof and projecting signs other than designated historic landmark signs (HLS) must be removed, subject to the following conditions:
 - a. A sign permit must be obtained prior to commencing any such alteration, replacement or relocation. The following information must be attached to the sign permit application:
 - (1) Photographs of all existing signs on the property.
 - (2) Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
 - (3) Scaled drawings showing the new configuration of the sign and setback.
 - b. The area of one or more roof or projecting signs may be combined with the area of the existing detached signs and placed on common detached sign structure, if the total resultant aggregate area of the new configuration is less than the combined total areas of the affected signs. The result of any combination used may not exceed a total of more than three hundred (300) square feet of sign area for each resultant detached sign.

- c. The height of the resultant sign configuration must be less than the previous height of the highest nonconforming sign.
 - d. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
 - e. The sign and structure must be installed on private property and be set back at least twenty (20) feet from the face of the curb unless otherwise specified in this sign code.
 - f. No part of the relocated sign and/or structure will be permitted to occupy or overhang public right-of-way.
4. A nonconforming sign may not be moved, altered, repaired, removed and reinstalled, or replaced if the sign has been declared abandoned, illegal or prohibited.
 5. Any nonconforming sign moved, altered, repaired, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 5, 6-28-11)

Sec. 3-97. Change of use.

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

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

C. Occupancy categories:

1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.
2. Educational uses such as nurseries, child-care and other educational purposes.
3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.
4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.
5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.
6. Wholesale uses.

Sec. 4-77. Vaccination certificate prerequisite to license.

No license shall be issued for any dog until the owner has presented a vaccination certificate signed by a licensed veterinarian containing the information required by this article.

(1953 Code, ch. 4, art. II, § 2.2; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-78. Regulations governing vaccinations.

(a) The type or types of anti-rabies vaccination that may be used for vaccination of dogs, the period of time between vaccination and revaccination, and the dosage and method of administration of the vaccine shall be in accordance with the rules and regulations designated by the state veterinarian.

(b) The fee for rabies vaccinations at the city enforcement agent center shall be as set by Pima County Code of Ordinances (PCCO) section 6.040.060. (1953 Code, ch. 4, art. II, § 2.3; Ord. No. 2558, § 1, 12-16-63; Ord. No. 4671, § 1, 6-20-77; Ord. No. 5405, § 1, 7-6-81; Ord. No. 7998, § 4, 6-7-93; Ord. No. 10430, § 1, 6-26-07; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-79. Certificate of vaccination required; contents.

The person causing a dog to be vaccinated shall demand and be given an official certificate certifying to the fact of such vaccination and the date thereof, stating the owner's name and address and giving a brief description of the dog, date of vaccination and type thereof, manufacture and serial number of the vaccine used, and the date revaccination is due.

(1953 Code, ch. 4, art. II, § 2.4; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-80. Vaccination other than in Pima County.

A dog vaccinated in any area outside of the county prior to entry into the city may be licensed in this city, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate signed by a duly licensed veterinarian; and the certificate shall

contain the information required by this article, and the regulations promulgated thereunder.

(1953 Code, ch. 4, art. II, § 3; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-81. License required.

All dogs owned, possessed, harbored or maintained in the city for more than thirty (30) days shall be licensed, if over three (3) months of age, in accordance with this article.

(1953 Code, ch. 4, art. II, § 4.1; Ord. No. 2558, § 1, 12-16-63; Ord. No. 9916, § 2, 12-8-03)

Sec. 4-82. License fee.

No dog license shall be issued by the city enforcement agent until the payment of a license fee has been made. The license fees for altered dogs, unaltered dogs, and vicious, destructive, or dangerous dogs shall be as set by PCCO section 6.040.070. The license fees for such dogs for senior and disabled persons shall be as set by PCCO section 6.040.070.

(1953 Code, ch. 4, art. II, § 4.2; Ord. No. 2558, § 1, 12-16-63; Ord. No. 3867, § 1, 6-26-72; Ord. No. 4315, § 1, 1-27-75; Ord. No. 4671, § 1, 6-20-77; Ord. No. 7998, § 1, 6-7-93; Ord. No. 9064, § 1, 6-1-98; Ord. No. 9159, § 2, 11-9-98; Ord. No. 9942, § 1, 3-15-04; Ord. No. 9978, § 1, 5-24-04; Ord. No. 10206, § 4, 10-4-05; Ord. No. 10430, § 2, 6-26-07; Ord. No. 10575, § 1, 9-3-08; Ord. No. 10683, § 1, 6-16-09; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-82.1. Altered dogs; animal age and health.

Any person who presents to the city enforcement agent an affidavit or veterinarian's certificate stating that the dog is already altered, that the dog is at least ten (10) years of age, or that the dog cannot be altered for health reasons, shall be eligible for the altered dog fee.

(Ord. No. 4315, § 2, 1-27-75; Ord. No. 5010, § 3, 9-10-79; Ord. No. 5095, § 2, 1-28-80; Ord. No. 7998, § 2, 6-7-93)

Sec. 4-82.2. Senior citizen fee.

Any person sixty-five (65) years or older and any disabled person shall be eligible for the senior

citizen/disabled citizen owner license fee as set by PCCO section 6.040.070. The city enforcement agent shall establish reasonable standards of proof for eligibility for such fee. The limit of dogs per household for persons eligible for such fee shall be as set by PCCO section 6.040.070.

(Ord. No. 5095, § 3, 1-28-80; Ord. No. 7998, § 2, 6-7-93; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Editor's note – Section 3 of Ord. No. 5095, adopted Jan. 28, 1980, repealed § 4-82.2, dealing with the license fee for unneutered male dogs, derived from Ord. No. 5010, § 4, adopted Sept. 10, 1979, and enacted a new § 4-82.2, reading as set out. Section 2 of Ord. No. 7998, adopted June 7, 1993, amended § 4-82.2 by vote of the city council.

Sec. 4-82.3. Rebate.

Any person who has paid the license fee for an unaltered dog who, during the license year, presents to the city enforcement agent a veterinarian's certificate that the licensed animal has been altered, shall be entitled to a rebate. The rebate shall be the difference between the fee paid and the fee for an altered dog.

(Ord. No. 7998, § 3, 6-7-93)

Sec. 4-82.4. Licensed breeder fee.

Dog breeders who are licensed by the city to conduct wholesale or retail sales, pursuant to chapter 19 of the Tucson Code, shall be eligible for a dog license fee equal to that for altered dogs.

(Ord. No. 7998, § 3, 6-7-93)

Sec. 4-83. Certain dogs exempt from fee.

A guide dog belonging to a blind person who is a resident of the state, or a hearing ear dog belonging to a deaf person who is a resident of the state, or a certified "Handi-Dog" belonging to a person who is a resident of the state shall be licensed pursuant to this article without payment of a fee.

(1953 Code, ch. 4, art. II, § 4.3; Ord. No. 2558, § 1, 12-16-63; Ord. No. 5138, § 1, 4-21-80)

Sec. 4-84. Reserved.

Editor's note – Section 4-84, specifying the duration of dog licenses, derived from 1953 Code, ch. 4, art. II, § 4.4, and Ord. No. 2558, § 1, adopted Dec. 16, 1963, was repealed by § 4 of Ord. No. 5095, adopted Jan. 28, 1980.

Sec. 4-85. Application for license.

At the time application is made for a license, the owner shall provide his name and address, and the name, breed, age, color and sex of each dog licensed by such owner.

(1953 Code, ch. 4, art. II, § 4.5; Ord. No. 2558, § 1, 12-16-63; Ord. No. 5405, § 2, 7-6-81)

Sec. 4-86. Enforcement officer to keep records.

The city enforcement officer shall keep a register of all dogs licensed, and any other records necessary for the enforcement of this article.

(1953 Code, ch. 4, art. II, § 4.6; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-87. When fees delinquent; delinquency penalty.

Each dog license fee which is not paid after thirty (30) days from the expiration date of the license is delinquent; and there shall be added to such fee, and collected in addition thereto, a penalty as set by PCCO section 6.040.070 if the license application is made less than one (1) year subsequent to the date on which the dog is required to be licensed. There shall be an additional penalty fee if the license application is made one (1) year but no more than two (2) years from the date on which the dog is required to be licensed and an additional penalty fee if the license is obtained two (2) or more years from the date on which the dog is required to be licensed. The additional penalty fees shall be as provided by PCCO section 6.040.070.

(1953 Code, ch. 4, art. II, § 4.7; Ord. No. 2558, § 1, 12-16-63; Ord. No. 5405, § 3, 7-6-81; Ord. No. 7241, § 5, 7-3-89; Ord. No. 9064, § 2, 6-1-98; Ord. No. 9916, § 3, 12-8-03; Ord. No. 10430, § 3, 6-26-07; Ord. No. 10575, § 2, 9-3-08; Ord. No. 10683, § 2, 6-16-09; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-88. Issuance, contents of tags.

Upon issuance of a license it shall be the duty of the city enforcement agent to issue a tag for each dog so licensed. Upon each tag for each dog so licensed shall be inscribed the name of the city or county, and the number of the license.

(1953 Code, ch. 4, art. II, § 4.8; Ord. No. 2558, § 1, 12-16-63; Ord. No. 9916, § 4, 12-8-03; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-89. Tag to be worn.

Every owner shall be required to provide each dog licensed by such owner with a collar to which the license tag must be affixed, and it shall be the duty of such owner to see that the collar and tag are constantly worn by each dog.

(1953 Code, ch. 4, art. II, § 4.9; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-90. Duplicate license tags.

Whenever a dog license tag is lost, a duplicate license tag will be issued upon application by the owner and the payment of a fee as provided for by PCCO section 6.040.070.

(1953 Code, ch. 4, art. II, § 4.10; Ord. No. 2558, § 1, 12-16-63; Ord. No. 4671, § 1, 6-20-77; Ord. No. 10430, § 4, 6-26-07; Ord. No. 10575, § 3, 9-3-08; Ord. No. 10683, § 3, 6-16-09; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-91. Transfer of licenses.

(a) Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A transfer fee shall be charged to transfer any license as set by PCCO section 6.040.070.

(b) At time of transfer, the releasing owner shall obtain the name, address, and phone number of the new owner. This information, together with the age and sex of dog and license number, shall be reported to the city enforcement agent within ten (10) days of transfer.

(c) Any violation of this section shall be deemed a civil infraction.

(1953 Code, ch. 4, art. II, § 4.11; Ord. No. 2558, § 1 12-16-63; Ord. No. 4315, § 3, 1-27-75; Ord. No. 9159, § 3, 11-9-98; Ord. No. 10430, § 5, 6-26-07; Ord. No. 10575, § 4, 9-3-08; Ord. No. 10683, § 4, 6-16-09; Ord. No. 10893, § 1, 5-3-11, eff. 7-1-11)

Sec. 4-92. Tags not transferable to other dogs.

Dog license tags shall not be transferable from one dog to another.

(1953 Code, ch. 4, art. II, § 4.12; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-93. Counterfeiting or transferring tags prohibited.

Any person who counterfeits or attempts to counterfeit an official dog license tag, or causes such a tag to be removed from any dog for the purpose of placing such tag upon a dog other than the dog to which the tag was issued, is guilty of a misdemeanor.

(1953 Code, ch. 4, art. II, § 4.13; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-94. When tag need not be worn.

Dogs while being used for hunting, or dogs while being exhibited at an American Kennel Club approved show, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached, provided that they are properly vaccinated and licensed.

(1953 Code, ch. 4, art. II, § 4.14; Ord. No. 2558, § 1, 12-16-63)

Sec. 4-95. Impounding, vaccination of unvaccinated dogs.

If a dog is impounded and found to be unvaccinated the city enforcement agent is hereby authorized to cause such dog to be vaccinated and microchipped at a cost to be borne by the owner. The vaccination shall be performed by a licensed veterinarian, who shall issue a certificate of vaccination and microchipping.

(1953 Code, ch. 4, art. II, § 5.1; Ord. No. 2558, § 1, 12-16-63; Ord. No. 7998, § 4, 6-7-93; Ord. No. 10206, § 5, 10-4-05)

Sec. 4-96. Reserved.

Editor's note – Former § 4-96, relative to impounding and disposition of biting dogs or dogs suspected of rabies, was repealed by § 18 of Ord. No. 6043, adopted June 25, 1984. The former section was derived from ch. 4, art. II, §§ 5.2 – 5.6 of the 1953 Code, as amended by the following: Ord. No. 2558, § 1, adopted Dec. 16, 1963; Ord. No. 3078, §§ 1, 2, adopted Jan. 15, 1968; and Ord. No. 3711, § 1, adopted Sept. 7, 1971.

Sec. 4-97. Being at large prohibited; exceptions; impoundment; penalties.

Sec. 4-97(1). It shall be unlawful for any dog owned, possessed, harbored, kept or maintained to be upon public streets, sidewalks, alleys, parks or other public property unless such dog is restrained by means of a leash, chain, rope, cord or similar device not more than six (6) feet in length, and of sufficient strength to control the action of such dog, except as may otherwise be provided in this Code.

The owner of any dog found to be at large shall be guilty of a misdemeanor and punished pursuant to this section.

(Ord. No. 7241, § 6, 7-3-89)

Sec. 4-97(2). It shall be unlawful for any dog owned, possessed, kept, harbored or maintained to be at large upon or about the private property of any person, including that of the owner of such dog. Confinement shall be accomplished by means of a fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, to keep the dog exclusively on the premises where secured. Tieouts are prohibited.

The owner of any dog found to be at large shall be guilty of a misdemeanor and punished pursuant to this section.

(Ord. No. 7241, § 6, 7-3-89; Ord. No. 8713, § 4, 6-10-96)

Sec. 4-97(3). Police dogs, dogs while participating in dog training classes, dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, shall be exempt from the provisions of minor sections 4-97(1) and 4-97(2), provided that the dog is accompanied by and under the control of his owner or trainer; dogs confined within a city maintained temporary or permanent dog run located within a park will be exempt from the provisions of minor sections 4-97(1).

(Ord. No. 9167, § 1, 11-23-98; Ord. No. 9547, § 1, 5-7-01)

Sec. 4-97(4). The city enforcement agent shall impound, or cause to be impounded, any dog running at large contrary to the provisions of this article. Prior to redemption or adoption, the city enforcement agent may microchip the dog at the owner's expense.
(Ord. No. 10206, § 6, 10-4-05)

Sec. 4-97(5). A person convicted of the offense prohibited by minor section 4-97(1) or 4-97(2) shall be punished as follows:

For a first conviction within a twelve-month period, by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than four (4) months, by probation for not more than three (3) years, or any combination thereof; for a second conviction within a twelve-month period, by a fine of not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than four (4) months, by probation for not more than three (3) years, or any combination thereof; for a third or subsequent conviction within a twelve-month period, by a fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00), by imprisonment of not more than four (4) months, by probation for not more than three (3) years, or any combination thereof.

No judge may suspend the imposition of the minimum prescribed fine. In addition, the judge shall order abatement as necessary.

(Ord. No. 5010, § 2, 9-10-79; Ord. No. 6043, § 19, 6-25-84; Ord. No. 7241, § 6, 7-3-89; Ord. No. 9159, § 4, 11-9-98; Ord. No. 10475, § 2, 11-13-07)

(1953 Code, ch. 4, art. II, §§ 6.1 – 6.4; Ord. No. 2558, § 1, 12-26-63; Ord. No. 2567, §§ 1, 2, 1-6-64; Ord. No. 5219, § 4, 9-22-80)

Sec. 4-98. Impounding unlicensed dogs.

The city enforcement agent may apprehend and impound, or cause to be impounded, any dog found without a license tag for the current year. Prior to redemption or adoption, the city enforcement agent may microchip the dog at the owner's expense.

(1953 Code, ch. 4, art. II, § 6.5; Ord. No. 2558, § 1, 12-16-63; Ord. No. 9605, § 1, 9-10-01; Ord. No. 10206, § 7, 10-4-05)

Sec. 4-99. Impoundment time, notice and costs.

Sec. 4-99(1). Upon impounding any licensed dog, the owner shall be promptly notified and such owner may reclaim his dog within seven (7) days from the date of the actual notice or mailing of notice, upon proof of ownership and payment of all costs and charges incurred in impounding and maintaining the dog.

Sec. 4-99(2). Impounding costs may be set from time to time by the city manager to include an assessment of not less than the amount set in the Pima County Code for the impoundment of any dog, for pickup or delivery of the dog, and for each day the city impoundment agent cares for and feeds the dog. Prior to redemption or adoption, the city enforcement agent may microchip the dog at the owner's expense. (Ord. No. 4315, § 4, 1-27-75; Ord. No. 4671, § 1, 6-20-77; Ord. No. 7240, § 1, 7-3-89; Ord. No. 10206, § 8, 10-4-05; Ord. No. 10430, § 3, 6-26-07)

Sec. 4-99(3). If an impounded dog is unlicensed, the owner may reclaim such dog within three (3) days upon paying all costs and charges as provided for by this article and after securing a vaccination and a license for such dog. Any dog not claimed within the prescribed time, whether licensed or unlicensed, shall be placed in a suitable home, or shall be humanely destroyed.

Sec. 4-99(4). Any unlicensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of rabies, mange or other infectious disease which is a danger to other dogs, shall be humanely destroyed by a city enforcement agent in as humane a manner as possible after reasonable efforts to notify the owner have failed.

Sec. 4-99(5). Any licensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of rabies, mange, or other infectious disease which is a danger to other dogs, shall be humanely destroyed by a city enforcement agent in as humane a manner as possible after reasonable efforts to notify the owner have failed, and after authorization by a veterinarian. The veterinarian's charge or fee shall be paid by the owner.

Sec. 4-99(6).

- (a) Any unaltered dog which has been impounded more than once within any twelve (12) month period shall be spayed or neutered by a licensed veterinarian at the owner's expense. If the unaltered dog has not been spayed or neutered within ten (10) days of impoundment the dog will be relinquished to the city enforcement agent, to be disposed of pursuant to Tucson Code section 4-12.
- (b) Notice of this requirement shall be given to the owner at the time of the first release of the impounded unaltered dog. Upon a second impoundment within twelve (12) months, any owner who contests the spaying or neutering of the unaltered dog including whether or not the dog is already spayed or neutered or cannot be altered for health reasons, will receive a request for hearing form from the city enforcement agent. The request for hearing must be filed within twenty-four (24) hours of receipt of the form or no hearing will be held and the dog will be altered at the owner's expense by a licensed veterinarian or relinquished to the city enforcement agent. If the city enforcement agent is presented with a veterinarian's certificate stating that the dog cannot be altered for health reasons or is already spayed or neutered then no hearing shall be held and the dog shall be returned to the owner. If the city enforcement agent does not accept a certificate, the hearing shall proceed. After a request for a hearing has been filed, the city enforcement agent shall set a hearing date within three (3) working days at a time and place designated by the city enforcement agent. The hearing shall be conducted by a hearing officer selected by the city enforcement agent and shall be informal in manner. The burden of proof is on the owner to establish by a preponderance of the evidence that the dog is in fact spayed or neutered or cannot be altered for health reasons.

(1953 Code, ch. 4, art. II, § 7: Ord. No. 2558, § 1, 12-16-63; Ord. No. 7998, § 4, 6-7-93; Ord. No. 9159, § 5, 11-9-98)

Sec. 4-100. Reserved.

Editor's note—Section 4-100, prohibiting howling, etc., dogs from disturbing the peace, derived from Ord. No. 2829, § 1, adopted Dec. 13, 1965, and Ord. No. 4469, § 1, adopted Apr. 1976, was repealed by § 1 of Ord. No. 5886, adopted Oct. 17, 1983. This subject is now covered by § 11-73(3).

Sec. 4-101. Reserved.

Editor's note—Section 4-101, establishing a fee for the dogs from the city enforcement agent, derived 4671, § 2, adopted June 20, 1977, and Ord. of July 6, 1981, was repealed by Ord. of Aug. 5, 1985.

Sec. 4-102. Dog waste removal; exceptions.

It shall be unlawful for the owner or person having custody of any dog to fail immediately to move and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to blind persons, persons with mobility disabilities, or police officers or other law enforcement officers accompanied by police dogs while on emergency.
(Ord. No. 5219, § 5, 9-22-80)

Sec. 4-103. Dogs prohibited on school grounds; exceptions.

(a) The purpose of this section is to minimize the spread of disease and/or injuries related to the presence of dogs on school grounds. This section is not intended to prevent the presence of dogs that are required or permitted as part of a formal school activity or event.

(b) Except for police dogs, as defined in minor section 4-7(1) of this chapter, and guide dogs for the deaf, blind and physically handicapped, no person shall bring any dog onto school grounds, regardless of whether the dog is on a leash.
(Ord. No. 6043, § 20, 6-25-84)

Chapter 8

CITY COURT*

Art. I. In General, §§ 8-1 – 8-34
Art. II. Reserved

Article I. In General

- Sec. 8-1. Jurisdiction, powers, duties.
Sec. 8-2. Appointment of magistrates; several powers, duties.
Sec. 8-2.1. Methods of appointment of magistrates and qualifications; establishing senior special magistrate status and compensation.
Sec. 8-2.2. Appointment of special magistrates; terms of office; compensation; powers; duties; qualifications.
Sec. 8-2.3. Appointment of limited special magistrates; term; powers; duties; qualifications; compensation.
Sec. 8-2.4. Criminal history records check prior to appointment of city magistrates.
Sec. 8-2.5. Justices of the peace, weekend arraignments and initial appearances.
Sec. 8-3. Conducting business on nonjudicial days.
Sec. 8-4. Magistrates; powers and duties.
Sec. 8-4.1. Authorizing assignment of an associate presiding magistrate, term, compensation, duties.
Sec. 8-5. Duty to fix bond, bail, fines, penalties, fees and assessments.
Sec. 8-5.2. Probation monitoring fees.
Sec. 8-6. Assumption of chapter 28 procedures.
Sec. 8-6.1. Penalties.
Sec. 8-6.3. Reimbursement of city's costs of incarceration; factors to be considered; exemption for indigent persons; reimbursement separate and distinct from any sentence or probation conditions; action for recovery authorized.
Sec. 8-6.4. Administrative fee for warrants issued for failure to pay fines or restitution; exemption for indigent persons; fee separate and distinct from any sentence or probation conditions; action for recovery authorized.
Sec. 8-6.5. Case processing fee; exemption for indigent persons; deposit and use of funds collected; fee separate and distinct from any sentence or probation conditions or civil penalty; action for recovery authorized.
Sec. 8-6.6. Assessment of administrative charge on persons convicted in city court of violations of A.R.S. § 28-1381 et seq.
Sec. 8-6.7. Administrative default fee; exemption for indigent persons; fee separate and distinct from any fine or other fee; action for recovery authorized.
Sec. 8-6.8. Post-adjudicated civil motion filing fee; exemption for extraordinary circumstances; fee separate and distinct from any sentence; action for recovery authorized.
Sec. 8-6.9. Defensive Driving School (DDS) rescheduling fee; fee separate and distinct from any sentence; action for recovery authorized.
Sec. 8-7. Fines; collection; abatement.
Sec. 8-8. City court procedures.
Sec. 8-9. When jury trial required.
Sec. 8-10. Summoning jurors.
Sec. 8-11. Number of jurors; challenges for cause.
Sec. 8-12. Pay of jurors.
Sec. 8-13. Execution to collect fine.
Sec. 8-14. Director of finance; powers and duties in relation to city court.
Secs. 8-15 – 8-34. Reserved.

Article II. Reserved

***Charter Reference** – City court, ch. XII.

Cross references – Penalty for violating ordinances, § 1-8; treatment of prisoners generally, § 1-9 et seq.; violations of traffic regulations, § 20-68 et seq.

TUCSON CODE

(c) The case processing fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or probation conditions imposed by the city court in any criminal case, or any civil penalty in cases where a civil penalty is imposed. The city court shall set forth the requirement and amount of such case processing fee as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the case processing fee authorized under this section. (Ord. No. 9851, § 1, 5-12-03; Ord. No. 10585, § 1, 10-7-08, eff. 1-1-09)

Sec. 8-6.6. Assessment of administrative charge on persons convicted in city court of violations of A.R.S. § 28-1381 et seq.

(a) A person convicted in city court of a violation of A.R.S. § 28-1381 et seq. either after trial or pursuant to plea agreement, shall be assessed an administrative charge to cover all or part of the administrative costs and expenses directly incurred by the city police department in the investigation of violations of A.R.S. § 28-1381 et seq. The administrative charge constitutes a debt of the person, and may be collected by the city.

(b) The city court shall assess and collect the administrative charge on behalf of the city. The court shall set forth the requirement and amount of the administrative charge as a separate item in all orders and judgments, and not as part of any sentence or probation conditions imposed by the city court in the criminal case.

(c) No person whom the city court finds to be indigent shall be required to pay the monetary charge authorized in this section. If the court finds that a person is able to pay only a portion of the administrative charge as calculated by the chief of police pursuant to subsection (d), the court may waive that portion that the court finds the person is unable to pay.

(d) The chief of police shall, on a periodic basis, determine the amount of costs and expenses, including but not limited to officer salaries, directly incurred by the city police department in the investigation of violations of A.R.S. § 28-1381 et seq., and set the administrative charge to be assessed against each convicted person at an amount reasonably calculated to recover all or part of those costs and expenses, but in no event to exceed the average case amount of such costs and expenses. The calculated amount shall not include costs and expenses for officer testimony given during discovery, or at a hearing or trial. The chief of police shall communicate the amount of the administrative charge to be assessed against each convicted person to the city court.

(e) The administrative charge collected by the city court shall be deposited in the general fund.

(f) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the administrative charge authorized under this section.

(g) The liability imposed under this section is in addition to and not in limitation of any other liability which may be imposed, except that this section shall not apply in any case where the convicted person caused an accident that resulted in an appropriate emergency response, thereby making A.R.S. § 28-1386 et seq. applicable. It is the intent of the mayor and council that this section supplement the provisions of A.R.S. § 28-1386 et seq. in cases where that statute is not applicable, and that A.R.S. § 28-1386 et seq. control in the event of any actual conflict between it and this section.

(h) The administrative charge provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or probation conditions imposed by the city court in the criminal case.

(i) As used in this section, the term "chief of police" includes any designee(s) of that officer. (Ord. No. 8729, § 1, 7-1-96; Ord. No. 8958, § 2, 9-22-97)

Sec. 8-6.7. Administrative default fee; exemption for indigent persons; fee separate and distinct from any fine or other fee; action for recovery authorized.

(a) A default fee of fifty dollars (\$50.00) for each charge shall be assessed against a defendant who fails to appear, or who fails to pay a sanction or penalty imposed by the court, in any case involving a civil traffic violation of the Arizona Revised Statutes or civil violation, civil infraction or civil parking infraction of the Code.

(b) The default fee may be waived or suspended when such waiver would be in the interest of justice. No person who is found to be indigent by the city court shall be required to pay the default fee.

(c) The default fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any other fines or fees imposed. The city court shall set forth the requirement and amount of such default fee as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute appropriate civil action in any court of competent jurisdiction for recovery of the default fee authorized under this section.

(Ord. No. 9194, § 1, 1-25-99; Ord. No. 10010, § 1, 8-2-04)

Sec. 8-6.8. Post-adjudicated civil motion filing fee; exemption for extraordinary circumstances; fee separate and distinct from any sentence; action for recovery authorized.

(a) Each person filing a motion in a post-adjudicated civil case, to include those in default and/or submitted to the Fines Fees and Restitution Enforcement (FARE) program, will pay a five dollar (\$5.00) post-adjudicated civil motion filing fee. The five dollar (\$5.00) filing fee shall be paid prior to acceptance and processing of the motion.

(b) Absent extraordinary circumstances the five dollar (\$5.00) filing fee shall not be waived. When

waving the five dollar (\$5.00) filing fee, city court shall set forth the extraordinary circumstances in all orders and judgments waving the fee.

(c) The post-adjudicated civil motion filing fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or civil penalty previously imposed by the court.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the post adjudicated civil motion filing fee authorized under this section.

(Ord. No. 10849, § 1, 11-9-10, eff. 12-1-10)

Sec. 8-6.9. Defensive Driving School (DDS) rescheduling fee; fee separate and distinct from any sentence; action for recovery authorized.

(a) Each person requesting the court for an extension of time to complete Defensive Driving School shall pay a seventeen dollar (\$17.00) rescheduling fee. The seventeen dollar (\$17.00) rescheduling fee shall be paid prior to each court authorized extension.

(b) The rescheduling fee provided for in this section is hereby declared administrative in nature, separate from and in addition to any sentence or civil penalty previously imposed by the court.

(c) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the DDS rescheduling fee authorized under this section.

(Ord. No. 10901, § 1, 6-14-11, eff. 7-1-11)

Sec. 8-7. Fines; collection; abatement.

Any civil fine not paid within thirty (30) days after judgment shall constitute a lien against the real property of the defendant and may be filed with the county recorder's office. The city attorney may commence a separate legal action in city court to

collect the fine. When the magistrate, special magistrate or limited special magistrate orders correction or abatement of a civil violation or civil infraction, and there is no compliance within thirty (30) days, such violation shall be deemed a public nuisance and the city attorney may seek injunctive relief in a court of competent jurisdiction. Any action taken under this section shall be in addition to any other remedies provided for in this Code.

(Ord. No. 7887, § 7, 8-3-92)

Sec. 8-8. City court procedures.

The rules of criminal procedure of the state shall apply to all criminal proceedings in city court. The rules of procedure in civil traffic violation cases shall apply to all proceedings in city court for civil traffic violations. The Local Rules of Practice and Procedure in City Court Civil Proceedings shall apply to all proceedings for civil parking infractions and to all other actions for civil violations or civil infractions of this Code.

(Ord. No. 7887, § 8, 8-3-92)

Note – Formerly § 8-9; renumbered § 8-8 by § 7 of Ord. No. 7733.

Sec. 8-9. When jury trial required.

In the trial of offense for the violation of the Charter and ordinances of the city and the laws of the state which are within the jurisdiction of the city court, and which by common law were not triable before a jury, no jury trial shall be granted. But in all cases where the offense charged was an offense at common law, a trial by jury shall be had if demanded by either the state or the defendant before the commencement of the trial. Unless such demand is made not less than three (3) days before the commencement of the trial, trial by jury shall be deemed waived.

(1953 Code, ch. 9A, § 14; Ord. No. 7733, § 7, 12-9-91)

Note – Formerly § 8-10; renumbered § 8-9 by § 7 of Ord. No. 7733.

Sec. 8-10. Summoning jurors.

Upon proper demand by either of the parties for a jury trial in a case triable before a jury as herein provided, the magistrate shall issue an order directed to the chief of police or to any police officer of the city, commanding such officer to summon from the citizens of the city, and not from the bystanders, the number of

qualified persons specified in the order to serve as jurors in the case. In the alternative, juries may be formed and jurors summoned in the manner authorized in A.R.S. sections 22-320.B and 22-426, as amended. (1953 Code, ch. 9A, § 14; Ord. No. 5091, § 1, 1-21-80; Ord. No. 7733, § 5, 12-9-91)

Note – Formerly, § 8-11. Renumbered § 8-10 and the text amended by § 5 of Ord. No. 7733.

Sec. 8-11. Number of jurors; challenges for cause.

In trials for offenses within the jurisdiction of this court which are triable by jury, the jury shall consist of six (6) persons but may, by consent of both parties, consist of any number less than six (6) and not under three (3). Any juror shall be subject to challenge for cause, which challenge for cause shall be tried by the court. At the time appointed for a jury trial in the city court, the list of jurors summoned shall be called; and if they all attend they shall constitute the jury unless excused or successfully challenged, in which case enough others to complete the jury shall be forthwith summoned in the manner hereinbefore provided.

(1953 Code, ch. 9A, § 15; Ord. No. 7733, § 7, 12-9-91)

Note – Formerly, § 8-12. Renumbered § 8-11 by § 7 of Ord. No. 7733.

Sec. 8-12. Pay of jurors.

(a) Jurors who serve one (1) session shall receive the sum of five dollars (\$5.00). Jurors who serve the morning session and the afternoon session shall receive the sum of eight dollars (\$8.00); and in addition thereto the jurors shall receive free parking either by having parking spaces allocated for their vehicles or through the validation of their parking tickets, the sums to be paid by the city.

(b) A session of court shall be designated as a morning session or an afternoon session. The morning session will be between the hours of 8:30 a.m. and 12:00 noon, and the afternoon session shall be between the hours of 1:30 p.m. and 5:00 p.m.

(c) In the alternative, jurors may be paid as authorized in A.R.S. section 21-221, as amended. (1953 Code, ch. 9A, § 20; Ord. No. 2852, § 1, 3-7-66; Ord. No. 4064, §§ 1, 2, 7-16-73; Ord. No. 5091, § 2, 1-21-80; Ord. No. 7733, § 6, 12-9-91)

Note – Formerly, § 8-13. Renumbered § 8-12 and the text amended by § 6 of Ord. No. 7733.

Sec. 8-13. Execution to collect fine.

The city may, if a fine is imposed for the violation of its Charter, ordinances or the statutes of the state within the jurisdiction of the city court, have execution against the property of the defendant as in civil actions. (1953 Code, ch. 9A, § 23; Ord. No. 7733, § 7, 12-9-91)

Note – Formerly, § 8-14. Renumbered § 8-13 by § 7 of Ord. No. 7733.

Sec. 8-14. Director of finance; powers and duties in relation to city court.

The director of finance shall at his discretion inspect and audit any accounts or records of the financial transactions of the city court and prepare from time to time such financial reports of the court's transactions as are deemed necessary and appropriate. (Ord. No. 4679, § 13, 6-27-77; Ord. No. 5169, § 4, 6-16-80; Ord. No. 7733, § 7, 12-9-91)

Note – Formerly, § 8-15. Renumbered § 8-14 by § 7 of Ord. No. 7733.

Secs. 8-15 – 8-34. Reserved.

Editor's note – Ord. No. 2754, § 1, enacted Apr. 5, 1965, repealed § 8-15, formerly derived from 1953 Code, ch. 9A, § 24 and Ord. No. 2582, § 1, 2-17-64. The section authorized the mayor and council to appoint and remove bailiffs and determine their compensation and term of office.

ARTICLE II. RESERVED*

***Editor's note** – Section 1 of Ord. No. 5950, adopted Feb. 13, 1984, repealed art. II, §§ 8-35 – 8-39, relating to unclaimed property, derived from the 1953 Code, ch. 2, §§ 40 – 43; Ord. No. 3225, §§ 1, 2, adopted Mar. 3, 1969; Ord. No. 4021, §§ 1 – 4, adopted May 1, 1973; and Ord. No. 4679, § 5, adopted June 27, 1977.

Cross reference – Disposition of surplus, obsolete, lost, unclaimed and confiscated property, 2-53.

chapter. Such subpoenas may be personally served by the human resources department or by any process server recognized in the state.

(1953 Code, ch. 10, § 19; Ord. No. 7369, § 16, 3-12-90; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

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

Commissioners shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum. The chairperson of the commission shall, for the performance of those additional duties required of the position, receive an additional six hundred dollars (\$600.00) per annum.

(Ord. No. 6839, § 1, 11-23-87; Ord. No. 9675, § 2, 2-25-02, eff. 6-30-02)

Secs. 10-23 – 10-30. Reserved.

ARTICLE II. COMPENSATION PLAN*

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

Sec. 10-31(1). Compensation policy. The city's compensation system provides equitable and consistent treatment of employees commensurate with internal and external values of classifications and the objective of attracting, retaining and motivating employees. Key measures of employee compensation shall be labor market information and job performance. In addition, for classifications subject to Tucson Code section 10-7, a key measure will be job evaluation grades assigned to classifications based on compensable factors. Job evaluation grades shall be correlated with compensation ranges set forth in salary schedules. Classifications not subject to Tucson Code section 10-7 shall be assigned a range or rate set forth in a salary schedule. Other pay provisions such as commission, shift differential, overtime, standby, weekend premium pay for regularly schedule hours, incentive, special

skills, education, and other certification and special duty pays for designated employee groups may be provided for when adopted and/or reenacted by the mayor and council as part of the annual compensation plan.

(Ord. No. 9675, § 3, 2-25-02; Ord. No. 10003, § 3, 6-28-04)

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

Sec. 10-31(3). Amendments. Subject to the prior approval of the city manager, amendments to the annual compensation plan may from time to time be initiated, formulated and recommended to the mayor and council.

(Ord. No. 4411, § 1, 11-17-75; Ord. No. 4418, § 1, 12-8-75; Ord. No. 9675, § 3, 2-25-02)

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

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

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

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

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

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

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

- (1) Chief deputy city attorney, one hundred ten (110) percent of the range (from minimum to maximum) for principle assistant city attorney.
- (2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to

maximum) for principle assistant city attorney.

- (3) Fire fighter, trainee, eighty-five (85) percent of range 401, step 1.
- (4) Water treatment plant operator, trainee, ninety (90) percent of range 916, step 1.
- (5) Utility service worker, trainee, ninety (90) percent of range 915, step 1.
- (6) Code inspector trainee, ninety-five (95) percent of range 918, step 1.
- (7) Emergency 911 operator, police service operator and public safety dispatcher will receive temporary assignment pay for five (5) percent of the employees base hourly rate for all hours when employee is assigned to train and evaluate an operator-trainee or dispatcher-trainee as part of the departments formal training program.

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

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

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

(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

1957 Supp. to 1953 Code, Ch. 10, § 36 – Amended by:

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

Ch. 10, § 36a of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 2, 2-3-60
 Ord. No. 2105, § 1, 11-7-60
 Ord. No. 2129, § 2, 1-3-61
 Ord. No. 2212, § 4, 9-18-61
 Ord. No. 2390, § 4, 12-17-62
 Ord. No. 2608, § 1, 5-4-64
 Ord. No. 2709, § 1, 12-7-64

Ch. 10, § 36b of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 3, 2-3-60
 Ord. No. 2212, § 5, 9-18-61
 Ord. No. 2390, § 5, 12-17-62
 Ord. No. 2651, § 2, 8-13-64
 Ord. No. 2659, § 1, 9-8-64

Ch. 10, § 36c of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 4, 2-3-60
 Ord. No. 2074, § 1, 8-1-60
 Ord. No. 2212, § 6, 9-18-61
 Ord. No. 2329, § 2, 8-13-62
 Ord. No. 2574, § 2, 1-20-64

Ch. 10, § 36d of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 1971, § 2, 11-16-59
 Ord. No. 2004, § 5, 2-3-60
 Ord. No. 2032, § 1, 5-16-60
 Ord. No. 2212, § 7, 9-18-61
 Ord. No. 2390, § 7, 12-17-62
 Ord. No. 2496, § 2, 7-22-63

Ch. 10, § 36e of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 6, 2-3-60
 Ord. No. 2212, § 8, 9-18-61
 Ord. No. 2329, § 3, 8-13-62
 Ord. No. 2390, § 8, 12-17-62
 Ord. No. 2460, § 2, 5-6-63
 Ord. No. 2574, § 3, 1-20-64
 Ord. No. 2608, § 2, 5-4-64
 Ord. No. 2695, § 1, 11-9-64

Ch. 10, § 36f of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 7, 2-3-60
 Ord. No. 2105, § 2, 11-7-60
 Ord. No. 2212, § 9, 9-18-61
 Ord. No. 2213, § 1, 9-25-61
 Ord. No. 2390, § 9, 12-17-62
 Ord. No. 2460, § 3, 5-6-63
 Ord. No. 2490, § 3, 7-22-63
 Ord. No. 2574, § 4, 1-20-64
 Ord. No. 2693, § 2, 11-2-64

Ch. 10, § 36g of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:

Ord. No. 2004, § 8, 2-3-60
 Ord. No. 2063, § 1, 7-5-60
 Ord. No. 2105, § 3, 11-7-60
 Ord. No. 2212, § 10, 9-10-61
 Ord. No. 2216, § 1, 10-19-61
 Ord. No. 2390, § 10, 12-17-62
 Ord. No. 2496, § 4, 7-22-63
 Ord. No. 2574, § 5, 1-20-64

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

Section 10-31 has been amended by the following ordinances:

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

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

Ord. No. 8316, § 1, 7-5-94
 Ord. No. 8367, § 1, 9-12-94
 Ord. No. 8378, § 1, 10-17-94
 Ord. No. 8439, § 2, 1-23-95
 Ord. No. 8444, § 1, 2-6-95
 Ord. No. 8519, §§ 1, 2, 6-12-95
 Ord. No. 8619, § 1, 1-2-96
 Ord. No. 8712, § 2, 6-10-96
 Ord. No. 8753, § 2, 8-5-96
 Ord. No. 8791, § 1, 1-6-97
 Ord. No. 8842, § 1, 3-17-97
 Ord. No. 8844, § 1, 3-24-97
 Ord. No. 8878, § 1, 6-9-97
 Ord. No. 8975, § 1, 11-3-97
 Ord. No. 9008, § 1, 2-2-98
 Ord. No. 9055, § 1, 5-18-98
 Ord. No. 9068, § 1, 6-8-98
 Ord. No. 9093, § 1, 8-3-98
 Ord. No. 9151, § 1, 11-2-98
 Ord. No. 9191, § 1, 1-11-99
 Ord. No. 9237, § 1, 6-14-99
 Ord. No. 9347, § 1, 2-7-00
 Ord. No. 9352, § 1, 2-28-00
 Ord. No. 9399, § 1, 6-12-00
 Ord. No. 9465, § 1, 9-25-00
 Ord. No. 9475, § 1, 10-16-00
 Ord. No. 9575, § 1, 6-25-01
 Ord. No. 9588, § 1, 8-6-01
 Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
 Ord. No. 9724, §§ 1, 2, 6-17-02
 Ord. No. 9727, §§ 1, 2, 6-24-02
 Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
 Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
 Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
 Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
 Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
 Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
 Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
 Ord. No. 10491, §§ 1, 2, 1-8-08
 Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
 Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)
 Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
 Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)
 Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)

Sec. 10-32. Administration of plan.

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

- (1) That a comprehensive review of departmental work practices has been undertaken. This review shall include the evaluation of work practices, the identification of potential improvements that integrate organization change, new work practices and use of new technologies and,
- (2) That benefits and cost savings which will result from the utilization of a skill based pay component for the department have been identified and quantified.
- (3) That there has been a job analysis identifying skill, job description, skill objectives, training program supporting the acquisition of identified skills, and skill based compensation structure.
- (4) That the human resources is satisfied with and approves the proposed skill based component to be appropriate for the classification involved.

(b) In no event shall a skill based pay component for a department be approved if the proposal results in the compensation of positions in a city classification both under the performance and skill based component of the compensation plan. (1953 Code, ch. 10, § 21; Ord. No. 7369, § 18, 3-12-90; Ord. No. 10003, § 3, 6-28-04)

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

Sec. 10-33. Language communication compensation.

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

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

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

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

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

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

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

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

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

(d) The director of the department of human resources is responsible for establishing and/or adopting certification standards to ensure that bilingual ASL or Spanish proficiency is at a speed and technical level necessary to accomplish all critical aspects of a commissioned law enforcement officer’s duties in those

languages. The department of human resources is also responsible for the administration of the certified ASL or Spanish proficiency program including but not limited to verification procedures for confirming five (5) percent usage and criteria to be utilized by appointing authorities when designating a position as requiring certified bilingual user proficiency in ASL or Spanish language.

(Ord. No. 10165, § 4, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

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

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

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

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

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

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

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165,

§ 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

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

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

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

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

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

In addition to the compensation authorized by Tucson Code Section 10-31, compensation in the amount of two hundred fifty dollars (\$250.00) for each twelve-hour shift worked outside of a normally

scheduled shift shall be paid to full time employees assigned to suppression duties who hold positions in the Fire Battalion Chief Classification, Class Code 6440.

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

Sec. 10-36. Probationary periods.

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

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

Sec. 10-37. Reallocation.

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

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

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

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

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

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

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

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

Sec. 10-37.1. Reserved.

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

Sec. 10-37.2. Reserved.

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

Sec. 10-38. Movement within salary ranges.

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

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

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

Secs. 10-40 – 10-44. Reserved.

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

Sec. 10-45. Computation of hourly rates.

Whenever it becomes necessary or desirable to compute compensation for service on an hourly basis, payment for part-time, emergency, temporary, overtime, or extra time service, and other similar cases, the computation shall be made by the city finance director under the direction of the city manager by applying any generally accepted payroll computation method for translating monthly salaries into equivalent hourly rates. The same formula shall be applied to compensation computations for all persons employed by the city.

(1953 Code, ch. 10, § 30; Ord. No. 7369, § 21, 3-12-90)

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

Part-time employees shall be compensated at a rate only for the number of hours worked.

(1953 Code, ch. 10, § 31)

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

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

(b) In addition to other compensation provided by Tucson Code Chapter 10, Article II commissioned firefighter personnel who refer a firefighter applicant who is hired within one year of the referral shall

receive two hundred dollars (\$200.00), as provided in section (c) following.

(c) The director of human resources is responsible for the administration of recruiting referral compensation, including, but not limited to, providing for criteria to determine an acceptable referral; establishing methods to match referrals with hiring; and approving referral compensation. Payment of recruiting referral compensation for firefighter referrals will occur upon the applicant's successful completion of the Academy.

(Ord. No. 9349, § 1, 2-7-00; Ord. No. 9405, § 1, 6-19-00; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10558, § 2, 6-25-08, eff. 6-22-08; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

Sec. 10-48. Supplement to military pay.

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

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

base pay and allowances equivalent to the monthly amount of the employee's regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.

- (3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days, while either military operations Enduring Freedom and Iraqi Freedom are in existence.
- (4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-94 during military service has been or becomes exhausted during the period of military service.
- (5) The employee's base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.
- (6) The employee provides proof of military service, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee's base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

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

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

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

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

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

(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

Sec. 10-50. Reserved.

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

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

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

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

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

Sec. 10-52. Longevity compensation plan.

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

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

Payment of longevity premium will be subject to the following:

- (1) *Years of service.* These are considered as years of full-time service as a city employee of any class beginning with the starting date of the employee’s first appointment. Any time served as a part-time employee (working less than twenty-one (21) hours per week or less than forty-two (42) hours per

pay period) will not count toward eligibility for longevity pay. Any time in a leave-without-pay status in excess of ten (10) continuous working days will not count as time of service for longevity eligibility, but also will not be considered as a break in service. Military leave will fully count toward eligibility for longevity pay.

- (2) *Method of payment.* The longevity premium will be paid in two (2) semi-annual installments: Half of the annual amount on the payday for the pay period in which June 1 falls, and half on the payday for the pay period in which December 1 falls. This is done so as to provide additional funds when needed most: around June 1 for vacation expenses, and around December 1 for holiday expenses. Employees becoming eligible for longevity compensation for the first time or becoming eligible for an increased increment will receive the first longevity premiums or increment increase amount on a pro rata basis for the period of eligibility in a method to be determined by the finance department.
- (3) *Percentage of annual pay.* The amount of longevity pay will be based on the stated fixed percentage of the salary actually received by the employee during the six-month period immediately preceding the dates upon which longevity payments shall be made, as set forth in subsection (2) hereof. For purposes of this section the term “salary actually received by the employee” shall not include salary received in excess of the base pay.
- (4) *Deductions.* Longevity pay will be subject to all applicable taxes and pension deductions. Such deductions will be made from longevity pay for amounts withheld.
- (5) *Table.* A table of longevity payments will be established by the finance department showing semiannual longevity payment amounts at each pay step for each “percentage of annual pay” and will be available for use of all concerned.

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

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

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

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

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

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

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

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

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

(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

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

(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

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

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

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

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

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

(a) A career enhancement program (CEP) with a biannual compensation incentive for educational attainment, participation in special assignments and fitness levels is authorized. It shall be developed and administered by the police department with the human

resources director having program oversight and control. This oversight and control shall include approval of any competency and proficiency standards, educational standards and other such criteria. The human resources department shall verify that program requirements are met and/or maintained before any biannual compensation is made to anyone authorized to participate in the CEP.

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

- (1) Level One, 20 points. \$150.00
- (2) Level Two, 30 points. \$250.00
- (3) Level Three, 40 points. \$350.00

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

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

(Ord. No. 10136, § 1, 3-22-05; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

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

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

(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 3, 6-28-11, eff. 7-1-11)

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

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents (\$25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules. (Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. 10900, § 2, 6-28-11, eff. 7-1-11)

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

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

Commissioned fire personnel shall receive twenty-nine dollars and eighteen cents (\$29.18) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules to defray housekeeping costs.

(Ord. No. 10426, § 5, 6-19-07, eff. 6-24-07; Ord. No. 10558, § 3, 6-25-08, eff. 6-22-08)

Sec. 10-53.7. Reserved.

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

ARTICLE III. RESERVED**Sec. 10-54. Reserved.**

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

Chapter 15

ENVIRONMENTAL SERVICES DEPARTMENT*

Art. I.	Definitions, § 15-1
Art. II.	Administration, §§ 15-2 – 15-9
Art. III.	Community Standards for Solid Waste Storage and Removal, §§ 15-10 – 15-15
Art. IV.	City Residential and Commercial Collection Services, §§ 15-16 – 15-30
Art. V.	City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services, §§ 15-31 – 15-49 Div. 1. General Provisions, §§ 15-31 – 15-31.2 Div. 2. Residential Collection, §§ 15-32 – 15-32.5 Div. 3. Commercial Collection, §§ 15-33 – 15-33.3 Div. 4. Disposal Services, §§ 15-34 – 15-35 Div. 5. Groundwater Protection Fee, §§ 15-36 – 15-49
Art. VI.	Disposal Facility Management – Reserved, §§ 15-50 – 15-59
Art. VII.	Plastic Bag Recycling, §§ 15-60 – 15-69
Art. VIII.	Litter Fee, §§ 15-70 – 15-71

Article I. Definitions

Sec. 15-1. Definitions.

Article II. Administration

Sec. 15-2. Purpose.
Sec. 15-2.1. Department of environmental services established; director of environmental services as head of department.
Sec. 15-2.2. Functions of the director.
Sec. 15-3. Suspension or revocation of services.
Sec. 15-4. Reserved.
Sec. 15-5. Public nuisances, enforcement.
Sec. 15-6. Parties liable.
Sec. 15-7. Administrative appeal process.
Secs. 15-8, 15-9. Reserved.

Article III. Community Standards for Solid Waste Storage and Removal

Sec. 15-10. General applicability.
Sec. 15-10.1. Standards for storage and removal of solid waste.
Sec. 15-10.2. Prohibited materials.
Sec. 15-10.3. Scavenging prohibited.
Sec. 15-10.4. Hauling of solid waste.
Sec. 15-10.5. Commercial recycling facilities.
Secs. 15-11 – 15-15. Reserved.

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

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

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

TUCSON CODE

Article IV. City Residential and Commercial Collection Services

- Sec. 15-16. Collection from residential establishments by persons or entities other than the city prohibited.
- Sec. 15-16.1. City collection services at residential establishments.
- Sec. 15-16.2. Customer responsibilities regarding recycling collection service.
- Sec. 15-16.3. Parameters for brush bulky collection service.
- Sec. 15-16.4. Assisted collection service to residential establishments.
- Sec. 15-16.5. Temporary suspension of service.
- Sec. 15-16.6. Neighborhood cleanup service.
- Sec. 15-16.7. City collection service at commercial establishments.
- Sec. 15-16.8. Violations of city collection service requirements.
- Secs. 15-17 – 15-30. Reserved.

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

Division 1. General Provisions

- Sec. 15-31. Declaration of purpose; intent of mayor and council.
- Sec. 15-31.1. Deposits and refunds.
- Sec. 15-31.2. Returned checks.
- Sec. 15-31.3. Billing account activation.

Division 2. Residential Collection

- Sec. 15-32. Basis for residential fees.
- Sec. 15-32.1. Responsibility for residential fee.
- Sec. 15-32.2. Requirements for payment of residential fees.
- Sec. 15-32.3. Fees for level of service.
- Sec. 15-32.4. Environmental services low income assistance program.
- Sec. 15-32.5. Residential fee schedules.
- Sec. 15-32.6. APC collection fuel surcharge.

Division 3. Commercial Collection

- Sec. 15-33. Basis for commercial fees.
- Sec. 15-33.1. Commercial fee requirements.
- Sec. 15-33.2. Commercial fee schedules.
- Sec. 15-33.3. Commercial fuel surcharge.

Division 4. Disposal Services

- Sec. 15-34. Basis for disposal services fees.
- Sec. 15-34.1. Disposal services fee requirements.
- Sec. 15-34.2. Residential self-haulers.
- Sec. 15-34.3. Commercial haulers.
- Sec. 15-34.4. Unrestrained or uncovered load fee.
- Sec. 15-34.5. Waiver of fee for landfill construction materials.
- Sec. 15-34.6. Credit system.
- Sec. 15-34.7. Disposal services fee schedule.
- Sec. 15-34.8. Disposal services contract fee schedule.
- Sec. 15-34.9. Disposal services fuel surcharge.
- Sec. 15-35. Exemption of fees for waste residue from nonprofit recycling establishments.

Division 5. Groundwater Protection Fee

- Sec. 15-36. Groundwater protection.
- Secs. 15-37 – 15-49. Reserved.

ARTICLE I. DEFINITIONS

Sec. 15-1. Definitions.

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

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

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

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

City means the City of Tucson.

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

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

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

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

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

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

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

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

Department means the city's environmental services department.

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

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

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

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

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

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

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

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

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

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

Lot means a separate parcel as recorded in county records.

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

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

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

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

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

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

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

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

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

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

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

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

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

Retail establishment means a business making sales at retail, other than a food service establishment, that owns or controls more than ten thousand (10,000)

square feet of total retail space, and has more than two (2) locations within the city limits where twenty-five (25) percent or more of gross sales include medicines and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

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

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

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

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

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

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

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

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

designated. The terms condominium and townhouse have the same meaning.

(B) Words, terms, and phrases used in this chapter and not specifically defined in this section shall have the meaning commonly understood in the solid waste industry.

(Ord. No. 10539, § 1, 6-3-08, eff. 7-1-08; Ord. No. 10642, § 1, 3-24-09, eff. 9-24-09; Ord. No. 10674, § 1, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 1, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 2, 5-17-11, eff. 7-1-11)

ARTICLE II. ADMINISTRATION

Sec. 15-2. Purpose.

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

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

(C) Nothing in this chapter is intended or shall be construed to impinge upon or supplant the authority of the Pima County Health Department, Arizona Department of Health Services or other public agency with jurisdiction.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

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

The department of environmental services is established. The head of the department shall be the director of environmental services whose appointment, compensation and removal shall be in accordance with sections 2, 6, and 11 of chapter V of the Charter.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-2.2. Functions of the director.

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

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

- (1) The collection, recycling, disposal, storage, salvaging, hauling and accumulation of solid waste by the city, residents, contractors, or any other person engaged in those activities or processes;
- (2) The operation of a transfer station(s), disposal site(s), recycling site(s), transfer site(s), temporary collection site(s), waste collection program(s), recycling or waste reduction program(s) or similar activities or other similar facilities as approved by the mayor and council;
- (3) The formulation of administrative policies and procedures regarding the collection of fees and applicable charges;
- (4) Such rules, procedures and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules, procedures and regulations shall have been filed in the office of the city clerk as a public record and there kept for use or inspection by any member of the public at

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

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

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

In addition to the sanctions provided herein, the city may suspend or revoke any collection, recycling or disposal services and related facilities provided by the city, or by a contractor to the city, whenever it is found that the user of such collection, recycling, or disposal services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules, procedures and regulations promulgated hereunder, or fails to fully pay charges lawfully due the city or reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

Sec. 15-4. Reserved.

Sec. 15-5. Public nuisances, enforcement.

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

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

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

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

Sec. 15-6. Parties liable.

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

Sec. 15-7. Administrative appeal process.

(A) Customers objecting to the actions, policies, or decisions of the department may informally appeal by contacting the billing office supervisor or administrator. If the problem is not resolved, the customer may request a formal administrative hearing

as described in subsection (B) below by completing the request form established by the director.

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

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

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

**ARTICLE III. COMMUNITY STANDARDS
FOR SOLID WASTE STORAGE AND
REMOVAL**

Sec. 15-10. General applicability.

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

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

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

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

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

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

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

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

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

(G) The director or designee may enter any property where waste is generated to inspect containers or stored solid waste for compliance with the requirements of this code.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 2, 6-2-09, eff. 7-1-09)

Sec. 15-10.2. Prohibited materials.

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

(B) Prohibited materials include but are not limited to materials prohibited by state or federal law and materials that the director designates in administrative rule.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.3. Scavenging prohibited.

No person shall scavenge or otherwise disturb solid waste placed out for collection by a collection agency. Once placed out for collection solid waste becomes the property of the collection agency.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.4. Hauling of solid waste.

It is a civil infraction for any person to haul or cause to be hauled on or along any public street or alley any refuse unless it shall be contained in vehicles or receptacles so constructed and maintained to prevent the contents from falling, leaking, spilling or being otherwise lost or ejected from such vehicle or receptacle, and to prevent flies, insects or rodents from having access to contents. Each such vehicle or receptacle shall have securely fastened thereto a cover, which may be a tarpaulin, netting or similar material, of sufficient density and strength as to prevent ejection or loss of any refuse from the vehicle or receptacle. Every person hauling any refuse on or along any street or alley shall replace immediately in the conveyance used for such hauling any of the contents which fall into or upon any street, alley or public or private property.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Sec. 15-10.5. Commercial recycling facilities.

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

as to prevent any fire, health or safety hazard to the occupants of the property or to neighboring inhabitants, structures, or property.
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

Secs. 15-11 – 15-15. Reserved.

ARTICLE IV. CITY RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A resident who has a qualified disability, under the Americans with Disabilities Act, that prevents him/her using normal refuse or recycling collection services at a residential establishment may request assisted collection service. The requirements for assisted collection service shall be established in administrative rule. Assisted collection service is provided without additional fee.

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

Sec. 15-16.5. Temporary suspension of service.

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

(B) A customer that attempts to use any residential services during the suspension period will be back billed for entire suspension period and will be charged the account reconciliation fee.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Sec. 15-16.6. Neighborhood cleanup service.

Neighborhood associations and neighborhood enhancement programs designated by mayor and council may, with advance approval from the director, obtain temporary roll off collection service or disposal services for neighborhood cleanups for no additional

fee, subject to limitations established in administrative rule.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09)

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

Each commercial establishment shall arrange for an adequate level of collection service from the city, or shall demonstrate other adequate management of refuse, as determined by the director.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08)

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

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

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

- (1) Third notice. \$10.00
- (2) Fourth or subsequent notice. 25.00

(C) A responsible party that has been issued three (3) notices for a recycling container contaminated with unacceptable material shall be designated a nonparticipant and charged a ten dollar (\$10.00) fee. The director will remove the recycling container, deliver a substitute refuse container, and impose the fee for an additional refuse container. Recycling service will be restored and the additional refuse container removed with director approval.

(D) It is a civil infraction for a customer at a residential establishment to fail to pay fees for city residential services and thereby causing a violation of any of the requirements of section 15-10.1. The fine for this infraction shall be three hundred dollars (\$300.00).
(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11)

Secs. 15-17 – 15-30. Reserved.

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

DIVISION 1. GENERAL PROVISIONS

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

This article is enacted for the purpose of equitably securing funds with which to pay the expenses arising from collection and disposal services the city provides to residential and commercial establishments. It is the intent of the mayor and council that the provisions of this article shall be construed and interpreted, where necessary, to achieve such purpose.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-31.1. Deposits and refunds.

The director may require receipt of a deposit prior to beginning service. When the account is terminated the adjusted value of the deposit shall be computed by adding interest actually accrued on the deposit, with the interest rate set at the average market rate earned by the City of Tucson's Investment Pool during the past twelve (12) months. The adjusted value of the deposit will be applied against any unpaid balance, and the remainder will be refunded to the customer.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)

Sec. 15-31.2. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for fees from this chapter, when such checks are returned for nonpayment for any reason.

(Ord. No. 10674, § 4, 6-2-09, eff. 7-1-09)

Sec. 15-31.3. Billing account activation.

An account activation fee shall be charged when a billing account is initiated for each residential, commercial, or disposal customer at each service location.

(Ord. No. 10895, § 4, 5-17-11, eff. 7-1-11)

DIVISION 2. RESIDENTIAL COLLECTION

Sec. 15-32. Basis for residential fees.

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

(B) Individual fee for shared front load service. The fee for shared front load service may be charged to customers at individual dwelling units when 1) a complex has no common owner or manager to be billed for front load service, and 2) front load collection service is the only feasible method of refuse and recycling service for the complex.

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

Sec. 15-32.1. Responsibility for residential fee.

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

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

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

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

(A) *Initiation.* Initiation of billing for services to a residential establishment shall coincide with initiation of billing for city water service when both are provided. The charges for residential services for an account that does not have city water charges shall begin when the customer occupies the establishment or begins using the services, whichever is earlier. The charges for residential services to a newly-constructed establishment shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter 27. The account activation fee shall be charged when billing is initiated.

(B) *Deposit for accounts without city water service.* A customer whose account does not have city water charges shall pay the residential account deposit when the account is established, unless waived by the director. The director may require a customer with a history of delinquency to pay a deposit up to the amount of the past unpaid account balance as a condition of providing service. When the account is terminated, the deposit may be refunded in accordance with section 15-31.1.

(C) *Termination.* Termination of billing for the fees herein shall coincide with termination of billing for city water service when both are provided. The charges for residential services for an account that does not have city water charges shall end when the services are stopped due to the customer notifying the department or due to delinquency.

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

(E) *Payment terms.* Payment terms for residential fees under this chapter shall match the payment terms in chapter 27 for city water service fees. For purposes of this section, “payment terms” means when and where bills are due, the account balance triggering delinquency notices, the timing of delinquency notices, the termination of accounts for delinquency, and directly related terms.

(F) *Discontinuing service for nonpayment.* If the delinquent balance of a customer’s account is not paid within the time frame designated in chapter 27 for turn-off of water services, regardless of whether water charges are included in the account, the director may discontinue services by not collecting material and/or removing containers.

(G) *Container delivery fees.* The APC delivery fee shall be charged when the number of containers at an establishment is increased, and when a customer requests a change in container size (first two (2) per customer at establishment are exempted). The APC removal/delivery fee shall be charged when the department delivers containers at the initiation of an account that does not have city water charges, and when the department picks up containers from a customer who has requested a temporary suspension of residential services.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

Sec. 15-32.3. Fees for level of service.

The fees to be charged for standard residential collection services are listed in the table in section 15-32.5. The director is authorized to charge additional fees as listed in the table in section 15-32.5, or elsewhere in this chapter, to residential establishments that receive additional or different service.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10)

Sec. 15-32.4. Environmental services low income assistance program.

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

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

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer’s original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined on an annual basis with the credit expiring at the end of each twelve (12) month period. At least thirty (30) days prior to the expiration of a customer’s credit, the director will notify the customer in writing of the need to submit a new application to continue the credit.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

(F) Customers may appeal determinations of eligibility or timing of credit by following the administrative dispute process in this chapter. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES		
Service	Refuse Container size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cubic yards	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cubic yards	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC delivery fee	Any	\$20.00
APC removal/delivery fee	Any	\$40.00
Residential account activation fee	Any	\$5.00
Residential account deposit	Any	\$65.00
Account reconciliation fee	Any	\$50.00

The following requirements apply to residential APC services:

- (1) The additional refuse container fee is imposed for each refuse container of one hundred (100) gallons or less in addition to the first container of one hundred (100) gallons or less per dwelling unit, or in addition to shared three hundred (300) gallon service.
- (2) A “sole use” three hundred-gallon container is dedicated for the exclusive use of one residential establishment. A sole use three hundred-gallon container is only permitted on private property where it is not available to residents of other establishments.

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

Sec. 15-32.6. APC collection fuel surcharge.

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be three cents (\$0.03) per month for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

(Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

DIVISION 3. COMMERCIAL COLLECTION

Sec. 15-33. Basis for commercial fees.

Fees for any commercial collection service are based on the type, volume, and frequency of service.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.1. Commercial fee requirements.

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

(B) *Service agreements.* Commercial establishments must obtain city collection services by entering into a service agreement with the city. The person responsible for paying fees at any establishment must sign the service agreement. The director is authorized to prepare, enter into, implement, and administer service agreements. The service agreement shall specify the terms and conditions upon which service shall be provided and payment shall be remitted. The service agreement shall include the commercial fees established pursuant to this chapter. The service agreement may contain such additional provisions as are within the custom and practice of the industry, or are deemed necessary by the director.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08)

Sec. 15-33.2. Commercial fee schedules.

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

FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$87.00	\$145.00	\$203.00	\$261.00	\$319.00	\$377.00
4 cu. yds.	\$92.00	\$154.00	\$217.00	\$279.00	\$343.00	\$406.00
6 cu. yds.	\$101.00	\$173.00	\$245.00	\$317.00	\$390.00	\$461.00
8 cu. yds.	\$110.00	\$192.00	\$273.00	\$355.00	\$436.00	\$518.00
Recycling	\$50.00	\$75.00	\$100.00			
Container delivery: \$50.00 for any number per request						
Additional recycling container onsite any size: \$15.00						
Additional service per week: \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard						
Additional recycle service per week: \$30.00 per pickup all sizes						
Container cleaning at customer request: \$100.00 per event per container						
Container painting at customer request: \$150.00 per event per container						

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

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$129.00	\$230.00	\$330.00	\$430.00	\$530.00	\$632.00
4 cu. yds.	\$148.00	\$267.00	\$386.00	\$506.00	\$624.00	\$744.00
6 cu. yds.	\$186.00	\$342.00	\$499.00	\$655.00	\$812.00	\$969.00
8 cu. yds.	\$223.00	\$417.00	\$611.00	\$805.00	\$1,000.00	\$1,194.00
Additional fee for leasing city compactor: \$300.00 per month per compactor						
Container delivery: \$50.00 for any number per request						
Additional service per week: \$45.00 per pickup per container						
Container cleaning at customer request: \$100.00 per event per container						
Container painting at customer request: \$150.00 per event per container						

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

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

The following requirements apply to roll off services:

- (1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.
- (2) Unscheduled/temporary roll off container service agreements are required when a customer has a roll off at the same location for less than ninety (90) days. Customers must contact the department when the container needs to be emptied. At a minimum one roll off pull fee will be charged every fifteen (15) days for unscheduled/temporary service.
- (3) For purposes of this section, the terms are defined as follows:
 - (a) “*Pull*” means emptying a roll off container and returning it to the site if needed.
 - (b) “*Initial delivery*” means the first time each container is delivered to a site.
 - (c) “*Relocation*” means moving a container on the same site without emptying it.
 - (d) “*Failed service attempt*” means a truck arrived at a container site but a problem caused by the customer prevented service (also called a “dry run”).
 - (e) “*Base installation*” means the installation of guides, power unit, and power hook-up only. Customer request requiring additional materials and modifications will be charged at direct cost for labor and materials. Removal applies to disconnecting and removing city equipment whenever needed.

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

COMMERCIAL APC COLLECTION SERVICE FEES		
Service	Container size (gallons)	Fees
Standard	48	\$18.50 per month per container
Standard	65	\$19.50 per month per container
Standard	95	\$20.50 per month per container
Standard	300	\$61.50 per month per container
Additional service per week	Any	\$25.00 per pickup per container
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Container delivery	Any	\$20.00 for any number per request

The following requirements apply to commercial APC services:

- (1) "Standard" means standard commercial APC service consisting of refuse collection once per week (in the selected size) and recycling collection in ninety-five (95) gallon container once per week.
- (2) Each commercial establishment may receive up to two (2) ninety-five (95) gallon recycling containers (or the equivalent recycling volume in three hundred (300) gallon recycling containers) for each APC or front load refuse container.

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

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

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

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be 0.20 percent (0.002) for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The fuel surcharge shall be the applicable surcharge rate multiplied by the applicable fee, then rounded to the nearest cent (\$0.01). The surcharge shall be revised every three (3) months based upon the updated city fuel price.
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11)

DIVISION 4. DISPOSAL SERVICES

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

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

Sec. 15-34.1. Disposal services fee requirements.

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

Sec. 15-34.2. Residential self-haulers.

(A) The fee for each load carried in a residential self-haulers vehicle, trailer, or vehicle and trailer combined, and weighing two thousand (2,000) pounds or less shall be the residential self-haul waste disposal fee. For each load weighing more than two thousand (2,000) pounds, the fee shall be an amount equal to the applicable commercial waste disposal fee applied to the weight of the load, prorated and rounded to the nearest dollar. Residential self-haulers shall also be subject to the special handling fee set forth in this chapter, and shall be subject to the unrestrained or uncovered load fee set forth in this chapter in addition to any other fees

charged. A deposit may be required upon entry for residential self-haul vehicle loads that, in the judgment of ES staff, may exceed one ton (two thousand (2,000) pounds) in accordance with guidelines established by the director. All fees from residential self-haulers shall be due in cash, or in other form of payment as established by the director, at the time the load is accepted. Loads over one ton may be paid by check at the time the load is accepted.

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

Sec. 15-34.3. Commercial haulers.

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

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

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

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

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

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

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

Sec. 15-34.6. Credit system.

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

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	\$15.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$75.00 per ton with \$75.00 minimum
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Uncovered load	\$5.00 per load in addition to other applicable fees
Credit account annual fee	\$30.00
Disposal account activation fee	\$15.00
Identification tag fee	\$35.00
Household hazardous waste disposal for non-city residents	\$5.00 per load
Purchase of recycled paint	\$15.00 per gallon for white \$10.00 per gallon for non-white
Disposal of materials under small business waste acceptance program	Published schedule of fees based on most recent disposal costs

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 8, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 7, 5-17-11, eff. 7-1-11)

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

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

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

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

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

Sec. 15-34.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be five cents (\$0.05) per ton for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

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

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

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

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

- (1) Hold tax-exempt status under 206 U.S.C. Sec. 501(c)3;
- (2) Engage in active and continual operation of a program of acceptance or collection of goods and materials, that would otherwise be discarded as solid waste, for recycling, whether through resale or other redistribution by the organization, which program results in accumulations of non-reusable goods or materials that must be disposed of at city disposal facilities;
- (3) Does not have and will not enter into a recycling franchise agreement or similar arrangement with any non-profit or for-profit organization, the beneficiaries of which are other than the organization applying for exemption;
- (4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;
- (5) Does not support religious activities with the recycling activities; and
- (6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment’s recycling activities.

(C) To obtain the exemption, an organization shall submit an application, established by the director, to demonstrate and certify compliance with these

requirements. Upon determination by the director that an organization meets the requirements, the director shall issue a certificate of exemption from fees for collection and disposal services. The director may require annual renewal applications and additional evidence of compliance with requirements.

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

DIVISION 5. GROUNDWATER PROTECTION FEE

Sec. 15-36. Groundwater protection.

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

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

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

The groundwater protection fee shall be assigned as follows.

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

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

Secs. 15-37 – 15-49. Reserved.

ARTICLE VI. DISPOSAL FACILITY MANAGEMENT – RESERVED*

Secs. 15-50 – 15-59. Reserved.

ARTICLE VII. PLASTIC BAG RECYCLING

Sec. 15-60. Plastic bag recycling.

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

- (1) Provide a bin for the collection of plastic carryout bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling.
- (2) Recycle returned plastic bags.
- (3) Provide reusable carryout bags for purchase at retail locations.
- (4) Incorporate a “reduce, reuse, and recycle” message on all carry-out plastic bags distributed as part of the retail business.

***Editor’s note** – Ord. No. 10796, § 10, adopted May 25, 2010, effective July 1, 2010, repealed this article and § 15-50, which pertained to disposal facility management and prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County, derived from Ord. No. 10539, § 6C., adopted June 3, 2008, effective July 1, 2008.

(5) Display informational material on the establishment's plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.

(6) Report to the director on a semiannual basis the total amount of carryout plastic bags and other film plastic by weight that is recycled.

(Ord. No. 10642, § 2, 3-24-09, eff. 9-24-09)

Secs. 15-61 – 15-69. Reserved.

ARTICLE VIII. LITTER FEE

Sec. 15-70. Refuse collection permit.

The city manager or his or her designee shall administer and enforce a permit program for all commercial haulers. For the purpose of this article, commercial haulers are defined as those commercial haulers who operate front load, rear load, side load and roll-off collection vehicles. The permit fee shall not apply to commercial haulers with three (3) or fewer collection vehicles as described above. Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the city of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the city of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the city of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle.

(E) Commercial haulers, except from units of local government or tribal entities, must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars (\$1,000,000.00) for personal injury or death to any one (1) person, one million dollars (\$1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars (\$500,000.00) for property damage arising from any single occurrence, arising from any error, omission or act, negligent or intentional, by the commercial hauler or its employees or agents in collection, hauling and/or disposal activities within the city. The city shall be named a co-insured. A certificate of insurance shall be furnished to the city at the time of permit application, and at any time during a permit year when requested by the city. The form and coverage shall be subject to city approval.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10)

Sec. 15-71. Suspension or revocation of permits.

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services,

commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

TUCSON CODE

Chapter 18

SELF INSURANCE PROGRAM AND TRUST FUND*

- Sec. 18-1. Purpose.
- Sec. 18-2. Definitions.
- Sec. 18-3. Self insurance program.
- Sec. 18-4. Establishment of self insured trust fund.
- Sec. 18-5. Manner of financing self insured trust fund.
- Sec. 18-6. Expenditure of trust funds.
- Sec. 18-7. Effective date of self insured trust.
- Sec. 18-8. Board of trustees.
- Sec. 18-9. Administration of the trust.
- Sec. 18-10. Powers and duties of the administrator.
- Sec. 18-11. Settlement of claims.

***Editor's note** – Ord. No. 10299, §§ 1 and 2, adopted June 27, 2006, effective July 1, 2006, repealed chapter 18, §§ 18-1 – 18-9, which pertained to libraries and derived from Ord. No. 4015, § 1, adopted May 7, 1973, as amended.
Current ch. 18 was enacted by Ord. No. 10904, §§ 1 and 2, adopted June 28, 2011.

TUCSON CODE

Sec. 18-1. Purpose.

The purpose of this chapter is to codify the city's self insurance program and establish the self insured trust fund so that the city can reach and maintain an adequate level of reserves to support self insurance for the management and administration of a system for direct payment of benefits, losses or claims, or any combination of insurance and direct payments in conformance with A.R.S. § 11-981. Nothing contained herein shall modify or restrict the legal obligations of the city to administer and operate appropriate insurance programs for the city as those programs shall be modified from time to time hereafter by the mayor and council.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-2. Definitions.

“Administrator” means the risk manager appointed by the city manager. Any administrator appointed hereunder must be licensed as required by A.R.S. § 20-281 et seq., or certified as an insurance administrator under A.R.S. § 20-485 et seq.

“Department” means any department, office, authority, or commission of the city.

“Expenditures” means all disbursements made from the trust created by this chapter and authorized by trustees for the management and administration of a self insurance program for those purposes as specified in this chapter.

“Trust” means the City of Tucson, Arizona, Self-Insured Trust.

“Trust agreement” means the declaration of trust entered into by and between City of Tucson, a political subdivision of the State of Arizona and the individuals executing the declaration of trust, as trustees, setting forth the powers and duties of the trustees and the administrator; a stop loss provision, and other terms and conditions.

“Trustees” or *“trustee”* means individuals who reside or live in the City of Tucson, Arizona, appointed by the mayor and council to administer the trust, and the successors of the trustees.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-3. Self Insurance Program.

The city's self insurance program includes established terms and conditions of coverage and exclusions of coverage, insurance contracts, the trust, and contracts required for the management or administration of the trust. The administrator is responsible for the self insurance program and shall serve as the city's risk management consultant. Nothing herein shall be interpreted to expand or increase the liability of the city for any claim.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-4. Establishment of self insured trust fund.

There is established the City of Tucson Self Insured Trust Fund. The trust shall cover the items described in the trust agreement as approved by the mayor and council. Initially the trust shall cover workers' compensation and general public liability. The trust shall cover such other areas as are permitted by law and may be authorized by the annual appropriation of funds by the mayor and council. The trust shall provide separate accounting for the areas of coverage, but shall not segregate funds within the trust. The trust agreement may be amended by the mayor and council following consultation with the trustees. The finance director shall segregate all funds previously and hereinafter budgeted for trust purposes and maintain the trust separately from the city general fund.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-5. Manner of financing self insured trust fund.

The trustees shall annually recommend to the mayor and council the level of funding necessary to achieve and maintain adequate trust funds. The determination of the appropriate amount of funding for the trust shall be made annually and shall be solely within the discretion of the mayor and council. The trust shall be funded by allocation of funds from general fund and non-general fund departments. General public liability funds shall be based upon the trust administrator's analysis of claims history and pending claims. The trust may also be funded by gifts, grants, any special taxes levied to satisfy judgments, payment of claims or other involuntary indebtedness and by monies recovered from litigation, statutory

liens, recovery from insurers, subrogation and salvage value of damaged property, and interest earned on the funds held by the trust. Additionally, the trust may be funded through other available financial techniques and methods permissible under state or federal law and authorized by the trustees and the mayor and council. Once funds are deposited to the trust, said funds shall not be subject to the local government budgeting provisions of A.R.S. § 42-17101 et seq. (Ord. No. 10904, § 2, 6-28-11)

Sec. 18-6. Expenditure of trust funds.

Funds of the trust shall be expended solely for payment of claims, administration of the trust, training for reduction in liability and other purposes of the trust as approved by the trustees. (Ord. No. 10904, § 2, 6-28-11)

Sec. 18-7. Effective date of self insured trust.

The trust shall become effective only upon: (a) the determination of the city attorney that the trust is in proper form and within the powers and authority of the mayor and council, (b) the approval of the mayor and council, and (c) the execution of the trust agreement by the mayor and the trustees. (Ord. No. 10904, § 2, 6-28-11)

Sec. 18-8. Board of trustees.

Sec. 18-8.1. The board of trustees shall include five (5) joint trustees, all of whom shall be at least twenty one (21) years old, citizens of the United States of America and reside or work in the City of Tucson, Arizona. One trustee shall be the city's finance director and no other trustee shall be an officer or employee of the City of Tucson. Except for the finance director, the trustees shall be appointed by the mayor and council, serve terms of four (4) years by a written appointment, which shall be lodged with the clerk and records of the trust.

Sec. 18-8.2. No person shall qualify as trustee until he or she has been bonded. The bond requirement may be satisfied by the blanket performance bond or other coverage provided by the city.

Sec. 18-8.3. Trustees are subject to removal and substitution by the mayor and council with or without cause. Any trustee may be reappointed by the mayor

and council upon expiration of his or her term, and upon expiration of his or her term may continue to serve until a replacement is appointed by the mayor and council.

Sec. 18-8.4. Except for the finance director, trustees shall not be entitled to receive compensation for their services as trustees, except trustees shall be entitled to reimbursement for any reasonable out-of-pocket cost and expenditures made by the trustees in the performance of their duties as trustees.

Sec. 18-8.5. The board of trustees shall meet at least once a year and shall make recommendations thereafter to the mayor and council, through the city manager, regarding the amount of funding to achieve and maintain adequate reserves in the trust and the investment and administration of the trust. The trustees shall submit an annual report to the mayor and council through the city manager relating to the status of the trust and make other recommendations that the trustees deem necessary and appropriate.

Sec. 18-8.6. The board of trustees shall be responsible for determination on an annual basis of a recommendation to the mayor and council of the amount of funds which would be appropriate to achieve and then maintain adequate reserves in the trust fund, the appointment of an actuary for the trust and the approval of the actuarial assumptions. The board of trustees shall set the policies for the effective and efficient administration of the trust as determined in the annual meetings or such other meetings as may be called by the board. The board shall act in conformance with the overall direction of the mayor and council.

Sec. 18-8.7. The board of trustees shall be exempt from the provisions of chapter 10A, title XIII of the Tucson Code. (Ord. No. 10904, § 2, 6-28-11)

Sec. 18-9. Administration of the trust.

Sec. 18-9.1. The financial activities, management and business affairs of the trust shall be managed effectively and efficiently by the administrator in consultation with the finance director. The administrator shall submit reports on the status of the trust to the board of trustees at least quarterly. The administrator shall act in conformance with the policy direction of the board of trustees.

Sec. 18-9.2. The trust shall comply with all federal, state and local laws, rules, regulations, standards and executive orders, without limitation to those designated within the trust agreement.

Sec. 18-9.3. The trust shall not discriminate against any individual in any way on account of such individual's race, color, religion, sex, age, disability, or national origin.

Sec. 18-9.4. The trust shall be audited annually by an external auditor and a copy of the audit report kept on file in the office of the city clerk for a period of not less than five (5) years. This audit is separate from the city's CAFR.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-10. Powers and duties of the administrator.

Sec. 18-10.1. The administrator is authorized to establish, manage, and administer a program to finance the risk of loss arising from losses, claims, costs, and expenses that are the obligation of the city. The administrator may procure insurance from any insurer authorized to do business in the State by the Arizona department of insurance, establish self-insured retention programs, combine self-insured retention programs and procurement of insurance, or any combination of the foregoing. Any program established by the administrator shall conform to the provision of the trust agreement and applicable law.

Sec. 18-10.2. The administrator has the authority to work with the trustees to establish terms and conditions of coverage including exclusions of coverage, ensure that all claims payable through the trust are paid promptly, enter into contracts required for the management or administration of the trust, and take all necessary precautions to safeguard the assets of the trust.

Sec. 18-10.3. The administrator shall coordinate the activities of the trustees, prepare and submit annually reports on the business affairs of the trust, and assist in the facilitation and administration of the trust in whatever manner is appropriate and necessary.

(Ord. No. 10904, § 2, 6-28-11)

Sec. 18-11. Settlement of claims.

Sec. 18-11(1). The city manager is authorized to settle claims against the city, its officers, appointees and employees, subject to the following conditions:

- (1) The city manager or the city manager's designated representative has made a thorough investigation regarding questions of liability and damages and has determined the reasonable dollar value of the claim;
- (2) The settlement, if involving a matter in litigation, has first been approved by the city attorney;
- (3) The settlement, if in excess of twenty thousand dollars (\$20,000.00), for a bodily injury or property damage claim or forty thousand dollars (\$40,000.00) for a combined bodily injury/property damage claim, has first been approved by the city attorney and by the mayor and council;
- (4) The settlement is conditioned upon an appropriate written release by the claimant in favor of the city, its officers, appointees and employees.

Sec. 18-11(2). The city manager shall establish written claims handling, settlement, and accountability procedures, not in conflict with this section, for implementation by the city risk manager, and subject to approval by the city attorney.

Sec. 18-11(3). The city manager shall process workers' compensation claims in accordance with Arizona workers' compensation law, A.R.S. title 23, chapter 6.

(Ord. No. 2405, §§ 1, 2, 1-7-63; Ord. No. 4475, § 1, 5-3-76; Ord. No. 4825, § 2, 6-5-78; Ord. No. 6752, § 1, 8-3-87; Ord. No. 10904, § 3, 6-28-11)

Editor's note – Ord. No. 10904, § 3, adopted June 28, 2011, renumbered this section from § 2-12.

TUCSON CODE

Sec. 22-21. Employee contributions for past services.

On December 16, 1953, or as soon thereafter, as may be practicable, the director of personnel is hereby authorized and directed to give all officers and employees occupying, or on authorized leave from, offices and positions included in the agreement as of the date old-age and survivors insurance coverage becomes effective as to their offices and positions the following notice in writing:

“You are hereby notified that the mayor and council of the City of Tucson, pursuant to the authority granted by chapter 126, Arizona Laws of 1951, has entered into an agreement with the employment security commission of Arizona providing for the extension of old-age and survivors insurance coverage as provided by title II of the Federal Social Security Act to certain officers and employees of the city. This agreement includes the office or position occupied by you, or from which you hold an authorized leave, to be effective December 1, 1953, such coverage being retroactive to January 1, 1951. Your continuation in office or occupancy of your position, or retention of the right to reoccupy your position on expiration of leave therefrom, after such date shall constitute acknowledgment on your part of your ability for the payment to the director of finance of an amount equal to the tax which would have been imposed upon you for salary or wages received by you as an employee of the city by section 1400 of the Federal Internal Revenue Code if your services to the city subsequent to January 1, 1951, and prior to December 15, 1953, had constituted employment as defined by section 1426 of such code. You will be notified subsequently of the amount of this contribution which will be due and payable within sixty (60) days after the effective date of such coverage.”

(1953 Code, ch. 20, § 32)

Sec. 22-22. Collection of employee contributions for past services.

The director of finance shall compute and take the necessary steps to collect amounts due from each officer and employee under the provisions of section 22-21. Officers and employees entitled to withdraw their accumulated contributions to the abolished retirement system as provided under section 22-1(9) [of the 1953 Code], may discharge their liability under section 22-21, in whole or in part, by filing with the board of trustees, established by section 22-2 [of the 1953 Code], an assignment in writing, in such form as shall be deemed legally sufficient by the city attorney, authorizing and directing the director of finance to transfer and apply all or such portion thereof as may be necessary of the amount standing to their credit in trust fund A established by section 22-1(8) [of the 1953 Code]. Such board of trustees is hereby authorized and directed to convert such portion of the assets of the abolished system credited to fund A as may be necessary to effect the payment of the amounts so assigned; and the director of finance is hereby authorized and directed to transfer the same to the general fund of the city, together with such other amounts as may be collected directly from such officers and employees in discharge of the liability imposed under the provisions of section 22-21, to be disbursed therefrom in accordance with the provisions of section 22-17.

(1953 Code, ch. 20, § 32)

Sec. 22-23. Duties of director of personnel.

The director of personnel is hereby charged with the duty of causing all officers and employees of the city included under the agreement to be informed as to their obligations and rights under such agreement and old-age and survivors insurance coverage.

(1953 Code, ch. 20, § 34)

Secs. 22-24 – 22-29. Reserved.

ARTICLE III. TUCSON SUPPLEMENTAL RETIREMENT SYSTEM*

DIVISION 1. TYPES OF RETIREMENT AND BENEFITS

Sec. 22-30. Definitions.

Sec. 22-30(a). “Accrued benefit” means the amount of the retirement benefit that the member has earned as of any particular date, based on the member’s average final monthly compensation and credited service as of the date of the calculation.

Sec. 22-30(b). “Accrued service” means a member’s service credit under the system for vesting and benefit accrual purposes which is earned (1) for personal service rendered to the city in exchange for compensation (including certain approved leaves of absence), (2) for accrued and unused leave earned during employment with the city prior to entering the end of service program (subject to the restrictions set forth in section 22-36(b)(2)), or (3) in connection with a direct trustee-to-trustee transfer from the Arizona State Retirement System pursuant to section 22-36(c)(1). With regard to the accrued service earned pursuant to (1) or (2) above, a member shall earn 1/2080 of a year of service credit for each hour of compensation. A member who is compensated on less than a full-time basis shall receive credit for a proportionate part of a full year of accrued service. Accrued service shall be expressed as whole and fractional years.

***Editor’s note** – Ord. No. 10657, §§ 1 – 6, adopted April 28, 2009, effective July 1, 2009, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 22-34 – 22-55, pertained to similar subject matter, and derived from Ord. No. 9645, § 2, adopted Dec. 17, 2001; Ord. No. 9701, § 1, adopted April 15, 2002; Ord. No. 9754, § 1, adopted August 5, 2002; Ord. No. 9776, §§ 1 – 4, adopted Oct. 7, 2002; Ord. No. 9826, § 1, adopted March 24, 2003; Ord. No. 10011, §§ 1, 2, adopted August 2, 2004; Ord. No. 10047, § 1, adopted Oct. 11, 2004; Ord. No. 10093, § 1, adopted Dec. 6, 2004; Ord. No. 10157, § 1, adopted June 7, 2005; Ord. No. 10158, § 1, adopted June 7, 2005; Ord. No. 10283, §§ 1 – 3, adopted June 6, 2006; Ord. No. 10284, §§ 1 – 4, adopted June 6, 2006; Ord. No. 10303, § 1, adopted July 6, 2006; Ord. No. 10320, § 1, adopted Sept. 19, 2006; Ord. No. 10322, § 1, adopted Sept. 26, 2006; Ord. No. 10428, § 1, adopted June 26, 2007; Ord. No. 10445, § 1, adopted Sept. 5, 2007; Ord. No. 10483, §§ 1 – 4, adopted Nov. 27, 2007; Ord. No. 10489, § 1, adopted Jan. 8, 2008; Ord. No. 10511, § 1, adopted March 25, 2008.

Sec. 22-30(c). “Accumulated contributions account” means the sum of all member contributions made by the employee, not to include employer contributions, and the interest credited to the member contributions during the period the member contributions are on deposit with the Tucson Supplemental Retirement System.

Sec. 22-30(d). “Actuarial equivalent” means a retirement benefit payment option of equal value to another retirement benefit payment option, computed on the basis of appropriate actuarial assumptions. The board shall determine, from time to time, the applicable mortality table and interest rates, which shall be used in making actuarial equivalent determinations under the system, upon receipt of advice and experience analysis from the system actuary.

Sec. 22-30(e). “Additional service” means whole and fractional years of additional service credit which is purchased by the member in accordance with section 22-36(c)(2) through section 22-36(g). Additional service is recognized for benefit accrual and benefit eligibility purposes hereunder, but is not recognized for vesting purposes.

Sec. 22-30(f). “Adjusted income base” means, for the purposes of section 22-39(f), the member’s compensation as of the member’s termination date, adjusted thereafter for each fiscal year of disability retirement to approximate the average compensation increase for active employees of the city. The member’s termination date compensation shall be adjusted annually by the sum of (1) the actual city wide cost of living percentage increase for active employees funded by the city in the applicable fiscal year, plus (2) a three and eight-tenths percent (3.8%) average merit increase for any fiscal year during which merit increases for active employees are funded by the city. The adjusted income base shall be determined by the board, in its discretion and on a uniform and non-discriminatory basis, for any disabled member.

Sec. 22-30(g). “Alternate payee” means member’s spouse, former spouse or dependent children/step-children or person identified as an alternate payee in a plan approved domestic relations or child support order.

Sec. 22-30(h). “*Annual required contribution*” or “*ARC*” means the annual amount necessary to fund the city’s normal cost to run the system plus that amount necessary to satisfy the annual amortization requirements for the system’s unfunded accrued liability, as determined by the system’s actuary in accordance with sound actuarial principles, and as set by the board on a fiscal year basis. The annual required contribution is expressed as a percentage of the city’s active member payroll costs for a fiscal year. Changes in accrued liabilities and actuarial experience may increase or decrease the annual required contribution.

Sec. 22-30(i). “*Average final monthly compensation*” or “*AFMC*” means the member’s average compensation for the applicable employment period, as defined below, within the one hundred twenty (120) months immediately preceding the member’s termination date, during which the member’s compensation was the highest. The “applicable employment period” for a tier I member shall be a period of thirty-six (36) consecutive calendar months of employment with the city and the “applicable employment period” for a tier II member shall be a period of sixty (60) consecutive calendar months of employment with the city. If the member has less than the number of consecutive calendar months of employment required for the applicable employment period calculation (thirty-six (36) months or sixty (60) months), the AFMC shall be the average of the compensation earned by the member during the period of employment with the city. For tier I members, accumulated unused vacation and sick leave hours may be included in the thirty-six (36) month period at the member’s final pay rate, with an equal number of hours subtracted from the beginning of the thirty-six (36) month period, provided that the member contribution requirements of section 22-34(f) are satisfied. Accumulated unused vacation and sick leave hours shall not be included in the calculation of average final monthly compensation for tier II members. The calculation of average final monthly compensation is subject to the special adjustment rules set forth in section 22-43(b) (part-time employment) and section 22-43(c) (unpaid authorized leave). For the period beginning on July 1, 2009, and ending on June 30, 2010, any active member who is subject to a reduction in pay in lieu of furlough shall continue to receive compensation credit for purposes of AFMC calculation during the reduction period at the rate of pay in effect for the member immediately preceding the pay reductions in lieu of furlough.

Sec. 22-30(j). “*Beneficiary*” means any person(s) or estate entitled to receive benefits under this article as designated by a member of the system in accordance with section 22-33(f).

Sec. 22-30(k). “*Board*” means the Tucson Supplemental Retirement System Board of Trustees.

Sec. 22-30(l). “*Code*” means the Internal Revenue Code of 1986, as amended.

Sec. 22-30(m). “*Compensation*” means base salary, vacation and sick leave pay and worker’s compensation pay equal to base salary for which an employee in a covered position receives credited service. In certain cases and pursuant to the provisions of this article, compensation may be imputed to hours included in credited service for which no services are performed. Compensation cannot be earned after retirement.

Sec. 22-30(n). “*Credited service*” means the accrued service and additional service to which the member or the member’s beneficiary shall be entitled.

Sec. 22-30(o). “*Death benefit*” means the cash lump sum payable upon the death of a vested member and equal to two (2) times the value of the deceased member’s accumulated contributions account.

Sec. 22-30(p). “*Disability retirement benefit*” means the retirement benefit payable to a member who is qualified for disability retirement as set forth in section 22-39(a) and which is calculated in accordance with section 22-39(c).

Sec. 22-30(q). “*Domestic relations order*” means any judgment, decree, order or approval of a property settlement agreement entered in a court of competent jurisdiction and issued pursuant to a state domestic relations law that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child or other dependent of a member.

Sec. 22-30(r). “*Early retirement benefit*” means the retirement benefit payable to a member who is eligible for early retirement as set forth in section 22-37(a)(1)(B) and which is calculated in accordance with section 22-37(b).

Sec. 22-30(s). “Employer contribution” means the difference between the annual required contribution and the member contribution rate, determined on a fiscal year basis.

Sec. 22-30(t). “Interest” means the annual rate or rates of interest declared by the board from time to time in accordance with the provisions of section 22-44(h) and credited to the members’ accumulated contributions accounts in accordance with the board’s declaration. Interest is credited as simple interest with no compounding and is deposited two (2) times per year, subject to the authority of the board to modify the Interest crediting method from time to time.

Sec. 22-30(u). “Legal or personal representative” means the court appointed or duly authorized legal representative of an employee, a member, an estate or a minor child.

Sec. 22-30(v). “Member” means an employee who is eligible to accrue retirement benefits under the system or, as the context may indicate, a former employee who has accrued refund rights or retirement benefits under the system.

Sec. 22-30(w). “Member contribution rate” means the portion of the annual required contribution to be paid by the members in any particular fiscal year, determined in accordance with section 22-34(a) or section 22-34(b), as applicable.

Sec. 22-30(x). “Normal retirement age” means the age at which a member is eligible for a normal service retirement. For tier I members hired by the city prior to July 1, 2009, the normal retirement age is sixty-two (62). For tier I members hired by the city on or after July 1, 2009, and prior to July 1, 2011, the normal retirement age is the later of the member’s sixty-second (62nd) birthday or the date on which the member is credited with at least five (5) years of accrued service. For tier II members, the normal retirement age is the later of the member’s sixty-fifth (65th) birthday or the date on which the member is credited with at least five (5) years of accrued service.

Sec. 22-30(y). “Normal retirement benefit” means the retirement benefit payable to a member who is eligible for a normal service retirement as set forth in section 22-37(a)(1)(A). For tier I members, the normal retirement benefit shall equal two and twenty-five one

hundredths (2.25) percent of the member’s average final monthly compensation multiplied by the number of years of the member’s total credited service. For tier II members, the normal retirement benefit shall equal two and no one hundredths (2.00) percent of the member’s average final monthly compensation multiplied by the number of years of the member’s total credited service.

Sec. 22-30(z) “Prior government or military service” means time as an employee of the United States government, a state of the United States, a political subdivision of a state, this political subdivision, a tribal government (with the exception of any services rendered to the tribal government after January 1, 2007, which were commercial in nature), the Armed Forces of the United States, a state’s National Guard, the reserves of any military establishment of the United States or any state whether on active or reserve duty; and, such service is not treated as credited service with any other retirement system for which the member is entitled to receive a benefit.

Sec. 22-30(aa). “Qualified military service” means service in the uniformed services of the United States, as defined in section 414(u)(5) of the Code.

Sec. 22-30(bb). “Retirement benefit” means the monthly benefit payable to a member who satisfies the conditions for normal retirement, early retirement, deferred retirement or disability retirement.

Sec. 22-30(cc). “Retirement points rule” means, for tier I members, the rule of eighty (80). The rule of eighty (80) is defined as the sum of the member’s age and years of credited service equaling at least eighty (80). For tier II members, the “retirement points rule” means the rule of eighty-five (85). The rule of eighty-five (85) is defined as the sum of the member’s age and years of crediting service equaling at least eighty-five (85); provided, however, that the member is at least sixty (60) years of age.

Sec. 22-30(dd). “Spouse” means the lawfully recognized husband or wife of a member. The term “spouse” also includes the domestic partner of a member, provided that the member files a valid a domestic partnership registration statement with the city’s finance department, in accordance with chapter 17, article IX of the Tucson Code, as amended. With regard to domestic partners, the system administrator

may rely exclusively on the finance department's domestic partnership records. In its discretion, the system administrator may require any member or purported spouse to produce reasonable documentation of an individual's status as a spouse hereunder.

Sec. 22-30(ee). "System" means the Tucson Supplemental Retirement System, as set forth in the chapter 22, article III of the Tucson City Code, as amended.

Sec. 22-30(ff). "Termination date" means the member's last day of active employment with the city as the result of resignation, discharge, layoff, retirement, death or total and permanent disability.

Sec. 22-30(gg). "Tier I member" means a member who was hired by the city prior to July 1, 2011. A rehired member shall reenter the system as a tier I member only if all of the following conditions are satisfied as of the date of rehire: (1) The rehired employee was a tier I member of the system during the employee's previous employment with the city, (2) the rehired employee was a vested member as of the most recent termination date, and (3) the rehired employee has not requested a refund of the member's accumulated contributions account or a transfer of his accrued benefit in accordance with section 22-41. All other rehired members shall reenter the system as tier II members.

Sec. 22-30(hh). "Tier II member" means a member who was hired by the city on or after July 1, 2011, or a rehired member who is not entitled to be a tier I member as set forth in section 22-30(gg).

Sec. 22-30(ii). "Total and permanent disability" means the inability to engage in any substantial gainful activity with the city by reason of any medically determinable physical or mental impairment that can be expected to result in death or can be expected to last for a continuous period of not less than twelve (12) months.

Sec. 22-30(jj). "Trust fund" means the custodial or trust account(s) maintained under the system as set forth in section 22-31.

Sec. 22-30(kk). "Vested" means a member who has accumulated a minimum of five (5) years of

accrued service. A vested member is entitled to receive a retirement benefit under the system.

(Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 1, 8-5-09, eff. 7-1-09; Ord. No. 10711, § 1, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 1, 9-9-09, eff. 7-1-09; Ord. No. 10915, § 1, 6-21-11, eff. 7-1-11)

Sec. 22-31. Trust fund.

The trust fund maintained in connection with the system which is intended to constitute a tax-qualified retirement plan trust fund as described in Section 401(a) and 501(a) of the Code and shall consist of all the assets of the system to be held in trust for the benefit of its members and their beneficiaries. The board shall select an appropriate custodial financial institution for deposit of the system's trust fund.

(Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09)

Sec. 22-32. Exclusive benefit.

The Tucson Supplemental Retirement system shall operate for the exclusive purpose of providing benefits to the members and their beneficiaries. It is prohibited for any part of the corpus or income of the trust fund to be used for, or diverted to, purposes other than for the exclusive benefit of the members or their beneficiaries.

(Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09)

Sec. 22-33. Membership.

Sec. 22-33(a). Mandatory membership. All permanent employees in the classified service who are employed by the city on a full time basis shall be contributing members of the system upon their date of hire by the city as a condition of their employment. For purposes of this chapter, full time basis is defined by the Tucson City Code Civil Service Rules and Regulations. Additionally, certain permanent part-time employees hired by the city before October 4, 2004, entered the system as contributing members and shall remain grandfathered members pursuant to city Ordinance 10047. Permanent full time employees who, without a break in service, elect to work less than full time shall remain contributing members of the system.

Sec. 22-33(b). Optional membership. Full-time appointed officers, full-time employees in the offices of the mayor and city council and full-time unclassified employees in the city manager's office may elect

membership in the system within ninety (90) day[s] of their initial employment by the city. Accrued service accrues from the beginning of the first payroll period commencing after an application for participation in the system has been accepted by the system administrator.

Sec. 22-33(c). Termination of membership. Should any member leave city employment with less than five (5) years of accrued service and for any reason other than death, the member shall cease to be a member of the system and will receive a refund of the member's accumulated contributions account in accordance with section 22-41(b). As set forth in section 22-41(e), the refund of the accumulated contributions account triggers an immediate forfeiture of credited service.

Sec. 22-33(d). Exclusion from membership. The following individuals are excluded from membership: (1) nonpermanent city employees and permanent part-time city employees whose membership has not been grandfathered by the city in accordance with section 22-33(a); (2) employees occupying positions covered by the State of Arizona Public Safety Personnel Retirement System; (3) leased employees, as defined in Section 414(n) of the Code, and (4) independent contractors.

Sec. 22-33(e). Reentry into membership. Any former member who is reemployed by the city in an eligible job classification shall become a member of the system. The member contributions required from a rehired member shall be determined in accordance with section 22-34(c) and credited service accrued by the rehired member shall be determined in accordance with section 22-36(h). The accrued benefit earned by a rehired member shall be determined based on the member's status as a tier I member or a tier II member, as those terms are defined in section 22-30(gg) and 22-30(hh), respectively. The rules set forth herein regarding rehired members shall apply to members who return to employment with the city following a layoff or any other event which constitutes a termination date under section 22-30(ff).

Sec. 22-33(f). Designation of beneficiary(ies). Each employee, or designated legal representative, shall file a statement designating a beneficiary(ies) or contingent beneficiary(ies) within thirty (30) days after becoming a member of the system. Any member who is married and wishes to designate a non-spouse beneficiary must provide spousal consent to the

beneficiary designation. Until such statements are filed, any death benefit, survivor annuity or refund of member contributions payable upon the member's death shall be paid to the member's spouse, if the member was married at death, or to the member's estate, if the member is not married at death. Upon receipt and acceptance of a statement designating a beneficiary(ies) by the system administrator, the designation shall become effective and shall remain in effect until an updated statement is received and accepted by the system administrator. A change in the marital status of a member does not impact the validity or enforceability of a beneficiary designation on file with the system administrator. A member must update the beneficiary designation to reflect changes in marital status, as necessary. Upon ratification by the board of a member's application for retirement benefits, the member's beneficiary designation shall become irrevocable with regard to any joint and survivor annuity elected in accordance with section 22-42(c). All other beneficiary designations become irrevocable upon the member's death. There shall be no liability on the part of the city, the board or the system administrator with respect to any payment made in accordance with the most recent beneficiary designation on file with the system administrator. (Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09; Ord. No. 10711, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10915, § 2, 6-21-11, eff. 7-1-11)

Sec. 22-34. Membership contributions.

Sec. 22-34(a). Fixed contribution rate. Each member hired prior to July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to five (5) percent of the member's compensation. The finance director shall deduct this amount and credit it to the member's accumulated contributions account.

Sec. 22-34(b). Variable contribution rates. Each member hired on or after July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to forty (40) percent of the annual required contribution. Notwithstanding the foregoing, the member's annual contribution rate (1) shall in no event be less than five (5) percent of compensation and (2) shall be subject to an annual

fiscal year adjustment (increase or decrease) equal to no more than two and one-half (2 1/2) percent of member compensation. With regard to employees initially hired by the city on or after July 1, 2009, and subject to the limitations set forth in the preceding sentence, the member contribution rate may be adjusted by the city from time to time to modify the percentage of the annual required contribution to be funded with member contributions, provided that the percentage of the annual required contribution to be funded with member contributions shall not exceed fifty (50) percent. The finance director shall deduct the applicable member contributions from each member's compensation and credit it to the member's accumulated contributions account.

Sec. 22-34(c). Contribution rates for rehired members. If a member separates from employment with the city and is later re-hired, the rate of mandatory member contributions applicable to the rehired member shall be determined in accordance with this section. Any member who was originally hired by the city prior to July 1, 2006, who was a vested member at the time of separation from employment with the city and who does not request a refund of member contributions in accordance with section 22-41 prior to his date of reemployment with the city shall make mandatory member contributions to the system in accordance with section 22-34(a) above. All other rehired members shall make mandatory member contributions in accordance with section 22-34(b) above.

Sec. 22-34(d). Employer pick-up/member contributions. All member contributions to the system are mandatory and are picked up by the city in accordance with Code Section 414(h). As a result of the city's pick-up arrangement, the member contributions are contributed to the system on a pre-tax basis and shall not be included in the member's gross income until the member requests a refund of contributions or receives retirement benefit payments. All member contributions are deposited into the individual accumulated contributions account maintained by the system administrator on behalf of each contributing member.

Sec. 22-34(e). Qualified military service. A member who leaves employment for qualified military service and is timely reemployed by the city and meets all other applicable requirements for benefits following qualified military service including, without limitation,

the requirements set forth in the city's Administrative Directive 2.01-7G regarding military leave, as amended, shall be permitted (but not required) to make up missed member contributions to the system. Any reemployed member who wishes to make up missed member contributions shall contribute all or a portion of the member contributions that would have been made by the member but for the qualified military service, calculated at the compensation rate in effect for the member immediately preceding the commencement of the qualified military service and the member contribution rate in effect during the qualified military service, and without interest or any other adjustment. The missed member contributions shall be contributed to the system during a period that begins on the date of reemployment and ends on the earliest of (1) the date that is five (5) years from the date of reemployment, (2) the date that marks the end of a period which is three times the length of the member's most recent period of qualified military service, or (3) the member's termination date. Any and all member contributions made up pursuant to this section shall be treated as regular member contributions made in accordance with section 22-34(d). Following the contribution of missed member contributions to the system, the system administrator shall take all steps necessary to increase the member's accrued benefit to include the portion of the member's qualified military service covered by the missed member contributions.

Sec. 22-34(f). Accrued vacation cash out. All hours of accumulated vacation earned by a tier I member and cashed out by the city as of the earlier of the member's termination date or election to enter the end of service program shall be included in a member's compensation for member contribution purposes, provided that member contributions are made in accordance with this section. The member contributions applicable to accumulated vacation shall be calculated using the tier I member's compensation and member contribution rate as in effect immediately preceding the tier I member's termination date. The calculation and collection of member contributions under this section shall trigger the city's obligation to make corresponding employer contributions under section 22-35(a) for the accumulated vacation hours.

Sec. 22-34(g). Non-forfeiture and refund of contributions. It is the right of each member to request a refund of the member's accumulated contributions, plus interest, upon separation from city service and the

right of each beneficiary to be paid the member's accumulated contributions, plus interest, upon the member's death before retirement or unused contributions, plus interest, upon the member's death after retirement, whichever is applicable. All refunds, and the related forfeiture of credited service, shall be administered in accordance with section 22-41. (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10915, § 3, 6-21-11, eff. 7-1-11)

Sec. 22-35. City contributions.

Sec. 22-35(a). Contribution by the city. At the end of each payroll period, the finance director shall cause the city to contribute to the trust fund an amount equal to the employer contribution for the particular payroll period, plus any and all member contributions picked up by the city in accordance with section 22-34(d) and section 22-36(g)(2).

Sec. 22-35(b). Certification of rates and charges. The board shall certify to the city manager, on a fiscal year basis, the annual required contribution, the member contribution rate and the employer contribution for the system.

Sec. 22-35(c). City's funding requirement for system. The city council shall appropriate no less than one hundred (100) percent of the employer contribution for a particular fiscal year.

Sec. 22-35(d). Determination and deposit of employer contributions. The finance director at the end of each pay period shall apply the appropriate employer contribution and member contribution rates to the total compensation of members for such period and shall transfer this amount to the trust fund. (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-36. Accumulation of credited service.

Sec. 22-36(a). Credited service generally. A member will receive credited service for purposes of determining the benefits to which the member or the member's beneficiary(ies) will be entitled. Credited service is the total of the member's accrued service and additional service. Accrued service shall be used to determine whether a member is vested, as well as to determine the member's accrued benefit. Additional service shall be considered for benefit accrual purposes only.

Sec. 22-36(b). Accrued service for city employment.

- (1) *Employment periods.* A member shall earn 1/2080 of one (1) year of accrued service credit for each hour of regular time compensation, including authorized periods of absence for which the member receives compensation. A member who is compensated for two thousand eighty (2,080) or more hours of regular time during twelve (12) consecutive calendar months shall receive one (1) year of accrued service. A member who is compensated on less than a full-time basis shall receive credit for a proportionate part of a full year of accrued service.
- (2) *Periods of leave.* With regard to tier I members, all service and periods of leave with pay, accrued and unused vacation and sick leave at the date of retirement, workers compensation and qualified military service shall be used in calculating a member's total accrued service. The accrued service of tier II members shall include all service and periods of leave with pay, workers compensation and qualified military service, but shall exclude all accrued and unused vacation and sick leave at the date of retirement. Special rules regarding qualified military service are set forth in subparagraph three (3) below. Notwithstanding the foregoing, accumulated vacation earned by a tier I member and cashed out by the city as of the member's termination date shall be treated as accrued service only if the member makes member contributions on the value of the leave that is cashed out by the city as set forth in section 22-34(f).
- (3) *Military leave during active employment.* An active city employee who leaves employment to complete qualified military service, makes a timely return to the city following an honorable discharge (as defined below), and who makes up missed member contributions in accordance with section 22-43(e) may receive accrued service for periods of qualified military service. Accrued service credited to a member who satisfies the

conditions of this section and section 22-43(e) shall not exceed sixty (60) months of accrued service for qualified military service, plus accrued service for reasonable periods of absence from employment which are necessitated by the qualified military service, except as provided by applicable federal law. The member's return to city service shall be deemed to be timely if the member is re-employed or requests re-employment in accordance with the following time frames: (A) The first full regularly scheduled work period on the first full calendar day following completion of the qualified military service for periods of qualified military service of less than thirty-one (31) days, (B) Not later than fourteen (14) days after completing qualified military service for periods of qualified military service of at least thirty (30) days and not more than one hundred eighty (180) days, or (C) Not later than ninety (90) days after completing qualified military service for periods of qualified military service of more than one hundred eighty (180) days. If the member is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of qualified military service, the member's return to city service shall be deemed to be timely if the member returns as of the earlier of the end of the period of recovery or the date which is two (2) years after the completion of qualified military service.

- (4) *Furlough.* An active city employee who is subject to a city mandated furlough during the period beginning on July 1, 2009, and ending on June 30, 2010, shall be credited with accrued service for the furlough period(s), up to a maximum of seventy-two (72) hours of accrued service credit. This shall include reductions in pay which correlate with furlough hours.

Sec. 22-36(c). Transfers from other Arizona Systems.

- (1) *ASRS.* A contributing member who has service credits in the Arizona State Retirement System may have such retirement

service credits transferred to the system in accordance with Arizona Revised Statute Sections 38-730, as amended. In no event shall any transfer of service credit processed in accordance with this section create a significant detriment to the funded status of the system. Any service credit transferred pursuant to this section shall be accrued service hereunder.

- (2) *Other systems.* A contributing member who has service credits in a public retirement system maintained by the State of Arizona (other than ASRS) or any municipality of the State of Arizona may have such retirement service credits transferred to the system in accordance with Arizona Revised Statute Sections 38-923 and 38-924, as amended. In no event shall any transfer of service credit processed in accordance with this section cause the system to incur any unfunded accrued liabilities as a result of the transfer. Any service credit transferred pursuant to this section shall be additional service hereunder.

Sec. 22-36(d). Additional service – Unpaid authorized leave from city employment. A member who has not requested a refund from the system in accordance with section 22-41 may purchase up to one (1) year of additional service for any period of unpaid authorized leave from city employment (excluding furloughs). To purchase such additional service, a member shall pay to the system the contribution cost associated with the leave period, determined based on the compensation imputed in accordance with section 22-43(c) and the member and employer contribution rates in effect during the leave period. Any election to purchase additional service pursuant to this section must be completed within six (6) months of the termination of the leave period. A member may pay the costs associated with a purchase of additional service under this section by any method described in section 22-36(g) below.

Sec. 22-36(e). Additional service – Prior government or military service. Subject to the provisions of section 22-36(g), a contributing member may elect to purchase additional service in the system for periods of prior government or military service. Additional service will be used for benefit accrued

purposes only, and will not be considered in the determination of whether a member is vested. Any member wishing to purchase additional service shall furnish all documentation required by the system administrator, in its discretion, to substantiate the prior service at the time of making an application to purchase the additional service. This provision shall govern the repurchase of prior city service credit forfeited upon receipt of a refund pursuant to section 22-41, subject to the special redeposit rules of section 22-36(h). It is the stated and declared purpose of this section to allow for the purchase of all prior government or military service for which a member is not entitled to receive, presently or in the future, a benefit from another retirement system. To this end, the provisions of this section shall be liberally construed.

Sec. 22-36(f). Additional service – Nonqualified permissive service credit. Subject to the provisions of section 22-36(g), any vested member who is actively contributing to the system may purchase additional service for nonqualified service in accordance with Code Section 415(n)(3). Effective January 1, 2011, the purchase of nonqualified permissive service shall be limited to a total of five (5) years, regardless of the member's payment method and notwithstanding the special rules set forth in Code Section 415(n) regarding direct rollovers and transfers from Code Section 403(b) and 457 plans. For purposes of the foregoing five (5) year limitation on permissive service purchases, additional service purchased by a member prior to January 1, 2011, shall be taken into account.

Sec. 22-36(g). Purchase terms for additional service. The cost and method of purchasing any additional service in accordance with section 22-36(e) or section 22-36(f) above shall be determined pursuant to this section.

- (1) *Cost to purchase.* Purchases of additional service are designed and administered in a manner intended to prevent the system from incurring any unfunded accrued liability as a result of the purchase. The cost for each year of additional service purchased shall equal a percentage of the member's highest annual salary, as determined in accordance with a purchase of service credit table designed by the system's actuary and approved by the board. An administrative fee as determined by the board shall be imposed for the

processing of purchase of service requests. The date of purchase shall be the day the member delivers to the system administrator an executed irrevocable purchase of service agreement.

- (2) *Payment for time purchased.* A member may fund the purchase of additional service with one or a combination of the following payment methods: (A) payment of after-tax cash lump sum; (B) tax-deferred rollover contribution from a tax-qualified retirement plan or individual retirement account(s) as authorized by the Code; (C) after-tax payroll deduction agreement; or (D) irrevocable pre-tax payroll deduction agreement designed to comply with the employer pick-up arrangement requirements of Code Section 414(h)

Sec. 22-36(h). Reentry into service. A former member who reenters service shall become a member of the system in accordance with section 22-33(e). If the member's accumulated contributions account has not been refunded and his accrued benefit has not been transferred in accordance with section 22-41, credited service shall be given for all prior accrued and additional service. A former member who reenters service within twenty-four (24) months and who received a refund of his accumulated contributions account pursuant to section 22-41 shall, upon redeposit of the amount withdrawn plus applicable interest, as determined by the system administrator, be credited with all prior credited service. Any redeposit made in accordance with this provision must be completed within six (6) months of the former member's reentry into service.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 2, 8-5-09, eff. 7-1-09; Ord. No. 10775, § 1, 4-6-10; Ord. No. 10915, § 4, 6-21-11, eff. 7-1-11)

Editor's note – Section 8 of Ord. No. 10915, adopted June 21, 2011, provides that the amendments made to Sec. 22-36(f) are effective retroactively to July 1, 2009.

Sec. 22-37. Retirements.

Sec. 22-37(a). Retirements generally.

- (1) *Types of service retirements.* Subject to the minimum requirements set forth in paragraph (a)(2) below, there are three (3) types of service retirements available under the system:

- (A) Normal retirement. Members are eligible to receive a normal retirement benefit upon attainment of the applicable (A) retirement points rule or (B) normal retirement age.
- (B) *Early retirement.* Tier I members are eligible to receive an early retirement benefit after completing twenty (20) years of credited service and attaining age fifty-five (55). Tier II members are eligible to receive an early retirement benefit after completing twenty (20) years of credited service and attaining age sixty (60).
- (C) *Deferred retirement.* Vested members who experience a termination date before reaching normal or early retirement eligibility are eligible for deferred retirement and the member's accrued benefit is paid when the member later becomes eligible for normal or early retirement.
- (2) *Minimum requirements.* In addition to the standard eligibility conditions set forth above, all members hired on or after July 1, 2009, must complete at least five (5) years of accrued service before reaching normal or early retirement eligibility under section 22-37(a)(1)(A) or (1)(B) above.

Sec. 22-37(b). Early retirement. The early retirement pension shall be calculated in the same manner as the normal retirement benefit and shall be reduced in accordance with this paragraph to reflect the earlier and longer benefit payment period. The early retirement reduction shall equal one-half of one (0.5) percent for each month prior to the date the member would have attained the applicable retirement points rule (rule of 80 or rule of 85).

Sec. 22-37(c). Deferred retirement. As of a termination date, a vested member shall be deemed to have elected a deferred retirement calculated in the same manner as the normal retirement benefit or the early retirement benefit and payable upon the member's satisfaction of the conditions for normal or early retirement, as set forth in paragraph (a) above. A member who is in deferred retirement status and who

has not reentered city service may request a refund of his accumulated contributions account any time before the payment of retirement benefits commence.

Sec. 22-37(d). Payment of benefits; deferred commencement. Retirement benefits are paid monthly, in arrears. A member may elect to defer the date payments begin as permitted by law provided, however, that no actuarial adjustment or retroactive adjustment shall be made to the retirement benefit as a result of the delayed commencement.

Sec. 22-37(e). Retirement application; withdrawal of retirement application. A member may submit an application for retirement benefits within ninety (90) days of the member's proposed termination date or, if applicable, the member's proposed end of service participation date, subject to the system administrator's discretion to make nondiscriminatory timing exceptions as necessary. Except as required by law, no retirement benefits shall commence under the system until a member files a retirement application with the system administrator and the retirement application is ratified by the board. The board's ratification of any retirement benefit application may be based on a reasonable estimate of the member's retirement benefit, as prepared by the system administrator. In the event that a member's actual retirement benefit varies significantly from an estimate presented to the board for ratification, the system administrator shall present the actual retirement benefit calculation to the board for its reconsideration as soon as administratively feasible. Any application for an early, normal, deferred or disability retirement may be withdrawn at any time prior to ratification by the board.

Sec. 22-37(f). Post retirement benefit payments. The board shall determine, pursuant to its formal policy and in its discretion, whether the system shall fund an annual supplemental post retirement benefit payment to retired members and beneficiaries. The board's formal policy shall include the methods and procedures to be followed by the board in making its annual determination. The policy shall include the requirements that allocations to a post retirement benefits reserve shall not occur in years where any of the following conditions occur: the actuarial target funded ratio for that year is not achieved, there are no excess returns (based on the rolling average), or the allocation to a post retirement benefits reserve would directly cause an increase in the annual required contribution for that year.

Sec. 22-37(g) Suspension of pension benefits upon reemployment. Retirement benefits payable to a retired member shall be suspended during the retired member's period of reemployment with the city unless (1) the retired member has terminated employment at least twelve (12) months before returning to work, and (2) the retired member is engaged to work in a non-permanent employment classification. In no event shall any re-employed retired member acquire credited service or credited compensation or contribute to the system.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10915, § 5, 6-21-11, eff. 7-1-11)

Sec. 22-38. End of service program.

Sec. 22-38(a). Purpose. The end of service program allows retirement eligible members to earn lump sum benefits in addition to the members' retirement benefit, in exchange for a waiver of up to twelve (12) months of additional benefit accruals under the system. The end of service program is entirely voluntary.

Sec. 22-38(b). Eligibility for end of service program. Any member eligible for normal retirement may elect to participate in the end of service program by entering into a participation agreement in accordance with section 22-38(c) and accepting the terms and conditions of the end of service program. Participation in the end of service program shall remain open only until December 31, 2010, and no members shall be permitted to enroll in the end of service program after that date.

Sec. 22-38(c). Irrevocable agreement to participate. A member's agreement to participate in the end of service program is (1) a voluntary agreement to forego benefit accruals under the retirement provisions of the system, (2) a voluntary election to terminate from employment with the city before or upon completion of the end of service program participation period and (3) a retirement application for purposes of section 22-37(e). The member's participation election shall be evidenced by the member's execution of the board's end of service program agreement and shall include the member's proposed effective date of participation. The member's effective date of participation in the end of service program shall be the later of the first day of the month following the board's ratification of the member's end of service participation

agreement or the participation date selected by the member and approved by the system administrator. The system administrator may, in its discretion, adopt reasonable and uniform procedures governing the deadlines for submission of end of service participation agreements and the acceleration of end of service participation dates. A member's agreement to participate in the end of service program shall be irrevocable upon ratification by the board.

Sec. 22-38(d). Cessation of benefit accrual. On the date the member begins to participate in the end of service program, mandatory member contributions to the system cease and all benefit accruals under the system terminate. A member's final average monthly compensation and credited service are determined as of the member's end of service participation date and shall not increase or decrease thereafter. The member also is not entitled to receive any retirement benefit increases implemented during the end of service participation period.

Sec. 22-38(e). Accumulation of end of service benefits. End of service program benefits will be credited to an end of service program account established under the system and shall be paid to the member following the member's termination date at the same time and in the same manner as otherwise prescribed in this article. A member's end of service program participation account shall be credited with the following:

- (1) An amount, credited monthly, that is computed in the same manner as a normal retirement benefit using the member's credited service, average final monthly compensation and retirement benefit payment elections as of the member's effective date of end of service program participation.
- (2) An amount, credited monthly, that represents assumed earnings at a rate determined by the board, annually at the beginning of the plan year. As of the effective date of the end of service program, the earnings rate credited pursuant to this section is the ninety-day treasury bill rate.

Sec. 22-38(f). Termination of end of service program participation. Participation in the end of service program terminates on the first occurrence of

either of the following: (1) twelve (12) months from the date of entry; or (2) the member's termination date. If a member's participation in the end of service program is terminated as a result of the city's just cause termination of the member's employment and such just cause is later reversed, a member's participation in the end of service program, minus any benefits previously distributed pursuant to this article, shall be reinstated for the duration of the original end of service program participation period designated by the member on the appropriate end of service program participation form. Upon termination of the member's end of service program participation, the retirement benefit payable to any member who fails to terminate in connection with the end of service program shall commence in accordance with the retirement provisions of this article. Notwithstanding the foregoing, if a member fails to terminate from employment with the city at the end of the member's end of service program participation period, the member shall forfeit all rights to any end of service benefits and assumed earnings and shall not accrue any additional credited service during the end of service participation period.

Sec. 22-38(g) Payment of end of service program benefits. Following termination of the member's participation, a member is entitled to receive a lump sum distribution of all amounts credited to the member's end of service program participation account. The end of service program distribution shall be processed in accordance with section 22-43(g). The member also shall commence receipt of retirement benefits, calculated and paid in accordance with the retirement provisions of the system. If a member dies during the end of service program participation period, all amounts in the member's end of service program participation account shall be paid to the member's beneficiary. If the beneficiary(ies) predecease the member, all distributions pursuant to the end of service program shall be paid to the member's spouse, if the member was married at death, or to the legal representative of the member's estate, if the member is not married at death.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-39. Disability retirement.

Sec. 22-39(a). Qualification. If a member is not yet eligible for normal retirement, the member may apply for disability retirement benefits if the member has ten (10) or more years of accrued service and the

member is determined, in accordance with applicable rules, to have a total and permanent disability.

Sec. 22-39(b). Application process. An application for disability retirement benefits may be filed by the member in accordance with the policies and procedures of the system administrator. The board's physician shall examine the member and certify in a written report to the board whether the member suffers from a total and permanent disability. The report shall also state when the member should be reexamined. If the board determines that the member should receive disability retirement benefits, the board shall determine the date on which the disability retirement benefit shall commence. Disability retirement benefits shall not be paid for periods the member elects to receive sick and vacation leave pay.

Sec. 22-39(c). Disability benefit. Disability retirement benefits are calculated in the same manner as normal retirement benefits, with no reduction for early commencement.

Sec. 22-39(d). Termination of disability benefit. A disability retirement benefit shall be terminated by the board upon a determination that the member no longer suffers from a total and permanent disability or upon the member's reemployment with the city. If the member reenters city service, any credited service included in the calculation of the disability retirement benefit shall be restored to the member's credit; but the member's accrued benefit shall be subject to an actuarial reduction at the time of retirement based on the number of months that the member received disability retirement benefits. The excess, if any, of the member's accumulated contributions as of the date of total and permanent disability over the aggregate of the disability retirement benefits received by the member shall be credited to the member's accumulated contributions account.

Sec. 22-39(e). Requirements to maintain disability benefit. The member shall provide to the system administrator no later than May 31 of each calendar year all information requested by the system administrator regarding the member's total and permanent disability. The board may suspend disability retirement benefits if the member fails to provide any of the required information. Following the retirement of a member as the result of a total and permanent disability, the board may require the member, prior to

the member's eligibility for normal retirement and no more frequently than annually, to undergo a medical examination by a licensed physician, as directed by the system administrator. Should the member refuse, the member's disability retirement benefit shall be discontinued until such time as they submit to the required examination. Should the refusal continue for one (1) year, all rights to any further disability retirement benefits shall cease. Upon the member attaining the age required for a normal retirement, no further medical exams will be required.

Sec. 22-39(f). Prior requirements to maintain disability benefit. Any member who qualified for a disability retirement prior to July 1, 2009, is subject to the benefit limitations and disability verification requirements of this subsection, as well as the nondiscriminatory policies and procedures of the system administrator.

- (1) *Disability verification requirements.* Not later than May 31 of each calendar year, the member shall provide to the system administrator all information requested by the system administrator regarding the member's earned income (wages and self-employment income) for the previous calendar year. The board may suspend disability retirement benefits if the member fails to provide any of the required information. Following the disability retirement of a member, the board may require the member to undergo a medical examination by a licensed physician. Should the member refuse, the disability retirement benefit shall be discontinued until such time as the member submits to the required examination. Should the refusal continue for one (1) year, all rights to any further disability retirement benefits shall cease. Upon the member's attainment of the age required for receipt of a normal retirement benefit, no further medical exams or information relating to earned income will be required.
- (2) *Disability benefit adjustments.*
 - (A) *Earned income based adjustment.* Based on the verification procedures described above, the disability retirement benefit

may be subject to annual adjustment in accordance with this section. If the member's earned income for the preceding calendar year exceeded fifty (50) percent of the member's adjusted income base for that calendar year, then the member's disability retirement benefit will be reduced during the twelve-month period commencing on the effective date of the system administrator's adjustment (the "adjustment period") as follows. The monthly disability retirement benefit payable in the adjustment period will be reduced by one-twelfth (1/12) of the excess of the member's earned income for the preceding calendar year over fifty (50) percent of the member's adjusted income base. If the adjustment required by the preceding sentence would reduce the monthly disability retirement benefit to a negative amount, the disability retirement benefit shall be suspended for the adjustment period and any excess amount not offset by the disability retirement benefit suspension shall be taken into account in the next annual adjustment procedure. From time to time, the board also may increase or decrease the member's disability retirement benefit to recapture overpayments or to restore any deficiencies in payments to the member which may have accrued prior to the board's receipt of information under the disability verification procedures. When a member becomes eligible for a normal retirement benefit, no further adjustments shall be made.

- (B) *Earned income and/or worker's compensation benefits.* In the event a disabled member receives earned income and/or worker's compensation benefits during the calendar year, that member's disability retirement benefit may be adjusted so that the member's total income received from employer provided benefits does not exceed 100% of the members' adjusted income base. Any adjustment made shall only be up

to the amount of the full disability retirement benefit paid by TSRS. For purposes of this paragraph, employer provided benefits means social security benefits, worker's compensation payments, TSRS pension benefits or long term disability payments.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 3, 8-5-09, eff. 7-1-09; Ord. No. 10775, § 2, 4-6-10, eff. 7-1-10)

Sec. 22-40. Death benefits.

Sec. 22-40(a). Generally.

- (1) If the member dies prior to the board's ratification of the member's application for retirement benefits, if any, the death benefit or survivor annuity payable as the result of the member's death shall be determined in accordance with this section. If the member dies after the board has ratified the member's application for retirement benefits, including an end of service participation agreement, any survivor benefits payable as a result of the death of the member shall be determined in accordance with the member's retirement benefit payment election. Notwithstanding any other provision herein to the contrary, a member who satisfied the conditions for normal or early retirement and filed the appropriate paperwork with the system administrator to pre-select retirement benefits prior to July 1, 2009, shall be treated as a member whose application for retirement benefits has been ratified by the board for purposes of this paragraph.
- (2) If a member dies while performing qualified military service on or after January 1, 2007, the member shall be treated as if he returned to employment with the city on the day before the date of death.

Sec. 22-40(b). Spouse as beneficiary. If the spouse is the member's beneficiary and the spouse dies before the death benefit is paid, the available death benefit shall be paid to the beneficiary of the spouse, and if none, then to the legal representative of the spouse's estate.

Sec. 22-40(c). Death before vested interest. Should a member with less than five (5) years of accrued service die, the member's accumulated contributions account balance, determined as of the member's date of death, shall be paid in a lump sum to the member's beneficiary. If the beneficiary(ies) predeceases the member, the member's accumulated contributions account balance shall be paid to the member's spouse, if the member was married at death, or to the legal representative of the member's estate, if the member is not married at death.

Sec. 22-40(d). Death after vested interest. If a member who is credited with five (5) or more years of accrued service dies before reaching normal or early retirement, a death benefit will be paid to the member's beneficiary(ies). If the beneficiary(ies) predeceases the member, the death benefit shall be paid to the member's spouse, if the member was married at death, or to the legal representative of the member's estate, if the member is not married at death.

Sec. 22-40(e). Death while eligible for retirement. If a vested member dies after attaining normal or early retirement eligibility (determined in accordance with sections 22-37(a)(1)(A) or (B), as applicable) but prior to the board's ratification of the member's application for retirement benefits, a death benefit or survivor annuity will be paid as follows:

- (1) *Default for spouse.* If the member's spouse is the beneficiary (and except as set forth in paragraph (3) below), a survivor annuity will be paid to the spouse and will equal the benefit the spouse would have received if the member had retired on the day before death and had elected to receive a joint and 100% survivor annuity. In determining the amount of the survivor annuity, the retirement benefit payable on account of the member's presumed retirement shall be calculated in accordance with the early retirement reduction provisions of section 22-37(b), if applicable. The survivor annuity described in this paragraph is payable only to a spouse of a deceased member.
- (2) *Default for single non-spouse beneficiary.* If the member has designated a single beneficiary other than a spouse, a survivor

annuity will be paid to the beneficiary and will equal the benefit the beneficiary would have received if the member had retired on the day before death and had elected to receive an annuity certain and for life with a period certain of one hundred eighty (180) months, commencing in the month following the date of the member's death and paid until the end of the period certain. If the beneficiary dies prior to the completion of the period certain, a one-time lump sum payment equal to the present value of the remaining period certain payments to the estate of the beneficiary. In determining the amount of the survivor annuity, the retirement benefit payable on account of the member's presumed retirement shall be calculated in accordance with the early retirement reduction provisions of section 22-37(b), if applicable.

- (3) *Default for multiple beneficiaries.* The survivor annuities described in paragraphs (1) and (2) above are payable only to a spouse or single beneficiary. If the member has designated multiple beneficiaries, a death benefit will be paid to the multiple beneficiaries in accordance with the member's designation, regardless of whether the spouse is named as one of the multiple beneficiaries.
- (4) *Death benefit election.* A spouse or single beneficiary entitled to receive a survivor annuity under paragraph (1) and (2) above may elect, in his or her discretion, to waive the survivor annuity and receive a death benefit. To make the death benefit election, the spouse or beneficiary shall sign a statement acknowledging that the survivor annuity and death benefit options have been satisfactorily explained and shall make a written election to receive the death benefit, all in accordance with the policies and procedures of the system administrator.

Sec. 22-40(f). Refund guarantee. A member who elects a single life annuity pursuant to section 22-42(b) or a joint and survivor annuity pursuant to section 22-42(c) shall be guaranteed a refund if the member and their beneficiary or survivor die before the monthly

retirement benefits paid equal or exceed two (2) times the value of the member's accumulated contributions with interest at time of retirement. The member's estate (or heirs to the estate) will receive a lump sum amount equal to that amount, reduced by the retirement benefits paid to date.

Sec. 22-40(g). Payment following death. Following the death of a member, the system administrator will notify the beneficiary(ies) or the surviving spouse, as applicable, regarding the right to receive a refund of member contributions, a death benefit or a survivor annuity. Any lump sum benefit available to a spouse or beneficiary(ies) under this article shall be paid in accordance with sections 22-43(f) and (g). (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10696, § 4, 8-5-09, eff. 7-1-09; Ord. No. 10711, § 3, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 3, 9-9-09, eff. 7-1-09; Ord. No. 10915, § 6, 6-21-11, eff. 7-1-11)

Editor's note – Section 8 of Ord. No. 10915, adopted June 21, 2011, provides that the amendments made to Sec. 22-40(f) are effective retroactively to July 1, 2009.

Sec. 22-41. Refund of accumulated contributions accounts; transfers to other systems.

Sec. 22-41(a). Member's request for refund. A member may request a refund of the member's accumulated contribution account following the member's termination date by filing the appropriate refund application with the system administrator. If the member was dismissed from city service, the member's application for a refund shall not be approved and disbursed until the member's separation from employment with the city becomes final and is no longer subject to any administrative or judicial review.

Sec. 22-41(b). Refund to non-vested member. Any member who terminates from city service prior to becoming a vested member shall cease to be a member and shall be eligible to request a refund of his accumulated contributions account as set forth in section 22-33(c). The system administrator shall contact the former member as soon as reasonably possible following the termination date and shall provide information regarding the available refund. In the event that the former member's termination is subject to administrative or judicial review, no refund shall be processed until such termination is final and binding. In the event the former member does not consent to receipt of the refund of the member's

accumulated contributions account within a reasonable period following notification by the system administrator and the member's accumulated contributions account balance does not exceed five thousand dollars (\$5,000.00), the system administrator may transfer the accumulated contributions account balance to an individual retirement account established for the benefit of the member in accordance with Code Section 401(a)(31)(B). If the member's accumulated contributions account balance equals five thousand dollars (\$5,000.00) or more and the former member fails to consent to receipt of the refund, the system administrator shall hold the accumulated contributions account in the system for a period of three (3) years from the termination date, at which time the system administrator shall escheat the accumulated contributions account to the State of Arizona. The amount escheated to the State of Arizona shall not include interest credited to the accumulated contributions account after the termination date.

Sec. 22-41(c). Beneficiary's request for refund. Upon the death of a member, a beneficiary may request a refund of the member's accumulated contributions account or a death benefit. The beneficiary's right to receive a refund or a death benefit shall be determined in accordance with the provisions of this chapter and such determination shall take into account any retirement benefit payments made to the member prior to death, if any.

Sec. 22-41(d). Transfer to other Arizona Systems. Following a member's termination date and prior to the member's retirement or request for a refund of the member's accumulated contribution account, the member may request a transfer of the member's vested accrued benefit and/or the member's accumulated contributions account to a public retirement system maintained by the State of Arizona or any municipality of the State of Arizona, to be processed in accordance with Arizona Revised Statute Sections 38-730, 38-923 and 38-924, as amended. A transfer from the system shall not cause the system to incur any unfunded accrued liability, except in the case of a transfer to the Arizona State Retirement System in accordance with the reciprocity rules in effect with regard to transfers between the system and ASRS and which shall not cause any significant detriment to the funded status of the system.

Sec. 22-41(e). Forfeiture of credited service and tier I status. Any refund or transfer of a member's accumulated contributions account or a transfer of member's accrued benefit shall trigger an immediate forfeiture of all credited service earned by the member. In the case of a vested member, a refund or transfer under this section 22-41 and the related forfeiture of credited service will result in the loss of the member's (or beneficiary's) retirement pension rights under the system. If a former member requests a refund of the member's accumulated contributions account or a transfer of the member's accrued benefit, the former member shall forfeit any and all rights to tier I member status and, if the former member is rehired by the city, may reenter the system only as a tier II member, subject to all applicable participation requirements.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10915, § 7, 6-21-11, eff. 7-1-11)

Sec. 22-42. Retirement benefit payment options.

Sec. 22-42(a). Explanation of benefit options. A member who is eligible to receive a retirement benefit may request from the system administrator information regarding the retirement benefit payment options available. No pension is automatically payable hereunder, except as provided in section 22-40, death benefits, and all eligible members must make appropriate retirement elections under the system. The member and spouse, if any, shall sign a statement acknowledging that the retirement benefit payment options have been satisfactorily explained and shall make a written election of one (1) of the retirement benefit payment options, all in accordance with the policies and procedures of the system administrator. The benefit election can be revoked or changed by the member by filing a written notice of revocation or change with the system administrator, subject to any applicable spousal acknowledgement requirements, any time prior to ratification of the retirement benefit by the board. The benefit election is irrevocable upon board ratification of the member's application for retirement benefits.

Sec. 22-42(b). Single life annuity. A member eligible for retirement may elect to receive his retirement benefit payable in a single life annuity, ending with the monthly payment made in the month of the member's death. The single life annuity shall be the normal form of benefit for purposes of calculating the retirement benefits under the system. Any election of

an alternative annuity option under the system shall result in the payment of an annuity which is the actuarial equivalent of the single life annuity payable to the member.

Sec. 22-42(c). Joint and survivor annuity. A member eligible for retirement may elect to receive his retirement benefit payable in a joint and survivor annuity which provides payments to the member for the remainder of the member's life and then provides payments to the surviving beneficiary for the remainder of the beneficiary's life. In making this election, the monthly benefit to be paid to the surviving beneficiary following the death of the member may be one hundred (100) percent, seventy-five (75) percent or fifty (50) percent of the monthly benefit the member had been receiving. All payments will cease upon the death of the member or the beneficiary, whichever shall occur last.

Sec. 22-42(d). Annuity certain and for life. A member eligible for retirement may elect to receive his retirement benefit payable in an annuity for a term certain and for life. This benefit allows a member to ensure payment of a benefit over the member's lifetime, and in the event of the member's death before the end of a "period certain," continuing payment of the benefit until the end of the "period certain" to a surviving beneficiary or contingent beneficiary. A member may elect to receive a term certain annuity with a guaranteed payment period of sixty (60) months, one hundred twenty (120) months or one hundred eighty (180) months. For purposes of the annuity for a term certain and for life, the guaranteed payment period shall begin with the earlier of the first monthly benefit payment made to the member or the first monthly end of service program accrual, if applicable. Should the member live beyond the period certain elected, no survivor benefits shall be paid to the member's beneficiary(ies). Should the member, the beneficiary and any contingent beneficiary die before the expiration of the term certain, the board shall make a one-time lump sum payment equal to the present value of remaining period certain payments to the estate of the person last receiving a benefit under the annuity.

Sec. 22-42(e). Failure to elect benefit option or commencement date. Failure to elect a benefit option will result in the member receiving a single life annuity, assuming the member survives until the pension commencement date. Failure to elect a date on

which payment begins will result in payments made in accordance with the minimum required distribution provisions of section 22-43(e) and Code Section 401(a)(9). Notwithstanding the foregoing, the provisions of section 22-40 apply when a vested member dies while eligible for retirement and prior to the board's ratification of the member's application for retirement benefits.

(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10711, § 4, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 4, 9-9-09, eff. 7-1-09)

Sec. 22-43. Administration of benefit payments; benefit calculations.

Sec. 22-43(a). Payment of small accounts. If the accrued benefit of a member, including any refund

approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-93(g). Employees with twenty-two (22) or more years of service as of July 1 of the year of their request for sick leave payment who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty-two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

(Ord. No. 9382, § 1, 5-15-00; Ord. No. 9523, § 1, 3-5-01; Ord. No. 9561, § 1, 6-11-01; Ord. No. 9720, § 1, 6-10-02; Ord. No. 10425, § 2, 6-19-07, eff. 7-1-07)

Editor's note – Ord. No. 9382, § 1, adopted May 15, 2000, amended the Code by adding provisions designated as § 22-92. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 9382 have been included herein as § 22-93 at the discretion of the editor.

Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.

Sec. 22-94(a). Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

Sec. 22-94(b). Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the remaining annual sick leave hours for which payment is not requested remain subject to the sick leave transfer provisions of city administrative directive 2.01-7.

Sec. 22-94(c). Conditions for annual sick leave payment to police department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

Sec. 22-94(d). Employees with fifteen (15) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have four hundred eighty (480) hours of sick leave

on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(e). Employees with seventeen (17) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have five hundred forty-four (544) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred (100) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of hundred fifty-six (156) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(f). Employee with twenty (20) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

Sec. 22-94(g). Year(s) of prior active duty military service or prior commissioned police service from other jurisdictions shall be included in calculating the years of qualifying service applicable to any payments made under the preceding subparagraphs (d) through (f) of § 22-94.
(Ord. No. 9560, § 1, 6-11-01; Ord. No. 95-90, § 2, 8-6-01; Ord. No. 9864, § 3, 6-16-03; Ord. No. 9878, § 2, 8-4-03; Ord. No. 10425, § 3, 6-19-07, eff. 7-1-07, eff. 7-1-07)

Sec. 22-95. Sick leave incentive program providing for incentive payment and personal leave days.

Sec. 22-95(a). The employee group eligible for representation by the Communication Workers of America Local 7000 - Tucson Association of City Employees, (CWA/TACE), shall earn eight (8) hours of personal leave, three (3) times in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, in the four (4) month period preceding the granting of the eight (8) hours of personal leave. The first fiscal year eligibility period begins the pay period of July 1. The second eligibility period will begin pay period of November 1. The last eligibility period for the fiscal year will begin pay period of March 1. If the employee does not utilize the earned eight (8) hours of personal leave by the end of the following four calendar months, the eight (8) hours will not be carried forward or be accumulated.

Sec. 22-95(b). The employee group eligible for representation by the American Federation of State, County and Municipal Employees, (AFSCME), shall be entitled to receive a cash incentive of one hundred fifty dollars (\$150.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, in the six (6) month period preceding the date of payment. The first one hundred fifty dollars (\$150.00) shall be paid to the employee in the pay period in which January 1 of the fiscal year occurs, with the second one hundred fifty dollars (\$150.00) being paid to the employee in the pay period in which July 1 of the following fiscal year occurs.

Sec. 22-95(c). The employee group eligible for representation by the Tucson Police Officers Association, (TPOA) shall earn one (1) day of personal leave provided they do not use sick leave or leave without pay. The first fiscal year eligibility period begins the pay period of July 1. The second eligibility period will begin pay period of November 1. The last eligibility period for the fiscal year will begin pay period of March 1. Employees may accumulate a maximum of three (3) personal leave days. For purposes of this section, worker's compensation (WC) shall not be considered as sick leave. In no event shall any personal leave days accrued be exchanged for any type of compensation.

Sec. 22-95(d). Commissioned firefighters who have not used in excess of one (1) twenty-four (24) hour shift, or two (2) consecutive work days for non-twenty-four (24) hour shift personnel, due to lost time or unscheduled vacation over a four (4) month period, and each four (4) months thereafter, will be earned to one (1) personal leave day (PL leave). The first fiscal year eligibility period begins the pay period of July 1. The second eligibility period will begin pay period of November 1. The last eligibility period for the fiscal year will begin pay period of March 1. No more than three (3) such workdays may be accumulated at any time. Time off for PL leave will be scheduled in the same manner as regular vacation but will not be charged to the members accrued vacation leave. PL leave carries no entitlement to compensation and if not used prior to separation from city service is lost without any credit whatsoever to the member or to any other city or state pension or benefit program. For the purpose of this subsection, for commissioned firefighters assigned to fire suppression, one (1) workday equals one (1) twenty-four (24) hour shift. Lost time includes usage of sick leave, leave without pay and workers compensation. Unscheduled vacation occurs when the employee requests leave less than twenty-four (24) hours in advance.

Sec. 22-95(e). Employees who are not eligible to be represented by any labor organization will earn eight (8) hours of personal leave for each four (4) month period during which the employee did not use sick leave or leave without pay. The first fiscal year eligibility period begins the pay period of July 1. The second eligibility period will begin pay period of November 1. The last eligibility period for the fiscal year will begin pay period of March 1. Personal leave days shall not accumulate or be exchanged for any type of compensation.

(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord. No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11)

ARTICLE I. IN GENERAL**Sec. 27-1. The superintendent of water also known as director of the water department to oversee city water services.**

(a) The Charter appointive position known as the superintendent of water also known as director of the water department shall have the responsibility for overseeing city water services.

(b) Reserved.

(1953 Code, ch. 25, § 1; Ord. No. 10099, § 4, 12-13-04; Ord. No. 10348, § 7, 11-28-06)

Cross reference – Office hours for water department, § 2-1.

Sec. 27-2. Duty of superintendent to inspect, make repairs.

The superintendent of the water department shall make frequent trips of inspection over all pipelines and all other property used in or connected with the water department, and shall make all repairs deemed necessary consistent with his duties.

(1953 Code, ch. 25, § 2)

Sec. 27-3. Superintendent to report violations; prosecution by city manager.

The superintendent of the water department shall report all violations of this chapter to the city manager, and the city manager shall forthwith proceed to prosecute offenders as set forth in this Code.

(1953 Code, ch. 25, § 3)

Sec. 27-4. Superintendent to control water supply; notice of shutting off pipelines.

The superintendent of the water department shall attend to and control the water supply and at all times see to the sufficiency thereof. He shall notify the community, unless emergency requires otherwise, of the necessity of shutting off any pipeline for the purpose of making repairs, extensions and connections, should he have cause to expect or know beforehand the necessity to so shut off the water from any line of the system.

(1953 Code, ch. 25, § 4)

Sec. 27-5. Superintendent subject to city manager and mayor and council.

In the performance of his duties as required by this article, the superintendent of the water department shall be subject at all times to the action of the city manager and such regulations, directions and restrictions as the mayor and council may from time to time prescribe.

(1953 Code, ch. 25, § 5)

Sec. 27-6. Supervision of charges and collections.

The superintendent of the water department shall have general supervision over all charges and collections of water rents, pipe tapping, building costs and over any and all amounts due or collected in the water department. All moneys collected by him shall be turned over to the director of finance daily and receipt taken therefor.

(1953 Code, ch. 25, § 6)

Sec. 27-7. Receipts to be deposited in water utility fund.

All moneys paid to the director of finance under the provisions of this chapter shall be kept by him in a separate fund to be known as the water utility fund, into which the director of finance shall turn all moneys received by him properly belonging to such fund.

(1953 Code, ch. 25, § 7)

Sec. 27-8. Taps, connections to be by department; exception.

The water superintendent, or other employees of the water department under his supervision, shall make all water taps or service connections; however, in any street paving improvement district such water taps or service connections may be included in the contract for such street paving improvements, and such water taps or service connections may then be made by the contractor under the direction of the water superintendent.

(1953 Code, ch. 25, § 10)

Sec. 27-9. Application for service required; payment of charges prerequisite to service; deposits; amount; refund, utility service bond.

(a) Water utility service may be requested by phone, mail, or in person. The department, as a condition precedent to approving an application for water service to any premises, shall collect all installation and other charges required by this chapter. Title to all pipes, fittings and other water facilities shall be and remain in the city. The person, corporation, or association in whose name the water utility service is requested, or any other person, other corporation, or other association who is receiving the benefit of the water utility service will be responsible for compliance with the terms of this chapter, and will be responsible for the payments and charges required by this chapter.

(b) As a condition of providing water service, the director may require a deposit from an applicant for services as follows:

- (1) For residential water service, the deposit amount shall be one hundred fifty dollars (\$150.00) for the owner of the residence, and two hundred dollars (\$200.00) for residential tenants. For water service to other customer classes, the deposit amount shall be two (2) times the estimated monthly bill.
- (2) The individual in whose name the deposit is made shall be responsible for the payment of all bills incurred in connection with the service furnished.
- (3) The director may require a separate deposit for each meter installed.
- (4) The deposit, with interest, will be refunded or forfeited as follows:
 - (i) Residential deposits shall be refundable after one (1) year of continuous service, providing the account is not delinquent and has been kept in good standing. If the account is open for less than one (1) year, the residential deposit shall be refunded after the final bill is satisfied.

- (ii) Deposits on commercial, multi-family or industrial applicants may be held until the account is closed.
- (iii) If water service to an account is discontinued for nonpayment of bills, the deposit with interest will be applied by the city toward settlement of the account. Upon reactivation of the account, another deposit may be charged.
- (iv) The accrued interest on the deposit amount, to be refunded the applicant or applied toward settlement of an unpaid account, will be computed using the average market rate earned by the City of Tucson’s Investment Pool during the past twelve (12) months.

(c) The director may, at his option, require a utility service bond in lieu of a cash deposit for large commercial, multi-family, and industrial applicants for service. Such utility service bonds shall be on a form approved by the city attorney, and the director shall have the power to execute such bond on behalf of the city. The provisions of subsections (a) and (b) of this section shall apply to utility service bonds.

(d) The director may require a deposit from existing customers who become delinquent and do not keep their account in good standing or have had their service discontinued for nonpayment of bills. Deposit will be calculated per subsection (b). (1953 Code, ch. 25, § 11; Ord. No. 4489, § 1, 5-24-76; Ord. No. 4626, § 2, 3-3-77; Ord. No. 4763, § 1, 2-27-78; Ord. No. 9977, § 1, 5-24-04; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-10. “Premises” defined, separate connections required; appeal.

The word “premises” is hereby defined to be each separate residence, house, store or building so situated upon any lot or lots within or without the city that the same might be, or, in the opinion of the superintendent of the water department, could be sold separately from any other residence, house, store or building upon the same lot or lots, irrespective of the number of residences, houses, stores or buildings upon the lot or lots, and even though two (2) or more of the residences,

houses, stores or buildings are held or owned by the same person. The determination of the superintendent of the water department as to whether any house, residence, store or building comes within the meaning of this section so as to require a separate water service connection shall be final; however, the owner of the premises shall have the right to appeal such decision to the mayor and council at their next meeting. In the event of any such appeal being taken, the determination of the mayor and council shall be final.
(1953 Code, ch. 25, § 11a)

Sec. 27-11. Installations, repairs by individual prohibited.

All water services shall be installed by the water department as provided in this chapter. It shall be unlawful for any person to install any such service or any part of such service, or to repair any service now existing or any part thereof, from the water main to and including the meter, or disturb any street or alley in any manner for the purpose of locating trouble or any other reason whatsoever.
(1953 Code, ch. 25, § 12)

Sec. 27-12. City not liable for damages; stopcock required.

The city shall not be held liable for any damage that may result from the shutting off or turning on of any supply pipe or main for any purpose whatever, even should no notice have been given, nor for damages caused by any break or leak on any water pipe inside of the curb, etc. All supply pipes to buildings should be properly supplied with a suitable stopcock inside the property line, to ensure against the danger of frost or bursts which may cause any damage. Such cock should be kept in good order and under control of the consumer. The stopcock and box on the curb shall be in charge of the water department only.
(1953 Code, ch. 25, § 13)

Sec. 27-13. Turning on water without authority.

If any person shall, by false key or otherwise, cause such premises to be supplied with water without the authorization of the director of the water department, such person, and his aiders and abettors, shall be guilty of a civil infraction and subject to the

penalties as outlined in section 27-16.1 of the Tucson Code.
(1953 Code, ch. 25, § 15; Ord. No. 7547, § 1, 1-7-91; Ord. No. 9015, § 1, 2-9-98)

Sec. 27-14. Authority to withhold water for violations.

The supply of water may be withheld from all premises when the provisions of this chapter or the rules and regulations adopted by the mayor and council have in any manner been violated, and the supply not again turned on except upon a rectification of the cause of withholding the same and satisfactory assurance given that no further cause of complaint shall arise.
(1953 Code, ch. 25, § 17)

Sec. 27-15. Waste or unreasonable use of water; violation declared a civil infraction.

It is declared that, because safe, high quality potable water and reclaimed water are a precious resource, the general welfare requires that the water resources available to the city be put to maximum beneficial use, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented. For the purposes of this section, the person, corporation, or association in whose name the water utility of the city is or was last billed or who is receiving the benefit of the water supply on the premises, as defined under section 27-10, is presumed to have knowingly made, caused, used, or permitted the use of water received from the city for in a manner contrary to any provision of this section, if the water has been used in a manner contrary to any provision of this section.

(a) The following uses are a waste or unreasonable use or method of use of water and are prohibited:

- (1) Allowing water to escape from any premises onto public property, such as alleys or streets, or upon any other person's property.
- (2) Allowing water to pond in any street or parking lot to a depth greater than one-quarter (1/4) inch or to permit water to pond over a cumulative surface area greater than one hundred fifty (150) square feet on any street or parking lot.

- (3) Washing driveways, sidewalks, parking areas, or other impervious surface areas with an open hose, or with a spray nozzle attached to an open hose, or under regular or system pressure, except when required to eliminate conditions that threaten the public health, safety, or welfare. This restriction does not apply to residential customers.
- (4) Operating a misting system in unoccupied non-residential areas.
- (5) Operating a permanently installed irrigation system with a broken head or emitter, or with a head that is spraying more than ten (10) percent of the spray on a street, parking lot, or sidewalk; this prohibition does not apply unless the head or emitter was designed to deliver more than one (1) gallon of water per hour during normal use.
- (6) Failing to repair a controllable leak, including a broken sprinkler head, a leaking valve, or a leaking faucet.
- (7) Failure to meet the fifty (50) percent rainwater harvesting requirement for landscape irrigation set forth in Chapter 6, Article VIII of the Tucson Code.

(b) Any person who violates any portion of this section is guilty of a civil infraction, and shall be fined upon the first offense, a minimum of two hundred fifty dollars (\$250.00); and upon the second offense within a period of three (3) years and upon each subsequent conviction within such period, a minimum of five hundred dollars (\$500.00). The imposition of civil liability shall not preclude the city from taking any other enforcement actions permitted under section 27-14 or section 27-97 of this chapter. (1953 Code, ch. 25, § 16; Ord. No. 6096, § 1, 10-1-84; Ord. No. 7547, § 2, 1-7-91; Ord. No. 9407, § 1, 6-19-00; Ord. No. 10597, § 2, 10-14-08)

Sec. 27-16. Interfering with, tampering with water facilities; removing water; violation declared a civil infraction.

No person shall install any connection to any fire hydrant or shall open or close any fire hydrant or stop-cock connected with the water department of the city, or lift or remove the covers of any gate valves or

shut-offs, or tap into city water mains which may result in the delivery of water, without a permit from the director of the water department, or in violation of conditions of a permit, except in case of fire, and then under the direction of officers of the fire department. Any person identified through a water department field investigation as having water turned on without authority and/or found to have tampered with the water meter or removed water without authority will be charged a fee of seventy-eight dollars (\$78.00). Further, it shall be a civil infraction for any person, firm, or corporation to violate the provisions of this section. (1953 Code, ch. 25, § 8; Ord. No. 5023, § 1, 8-6-79; Ord. No. 6096, § 2, 10-1-84; Ord. No. 9015, § 2, 2-9-98; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-16.1. Turning on water without authority; interfering with, tampering with water facilities; removing water; minimum penalty; subsequent conviction.

A person convicted for the first time of the offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than two hundred fifty dollars (\$250.00). A person convicted of a second offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than five hundred dollars (\$500.00). A person convicted of a third or subsequent offense prohibited by section 27-13 or 27-16 shall be punished by a fine of not less than one thousand dollars (\$1,000.00). No hearing officer may suspend the imposition of the fine prescribed herein upon a person convicted of the offense prohibited by section 27-13 or 27-16. (Ord. No. 5023, § 2, 8-6-79; Ord. No. 6096, § 3, 10-1-84; Ord. No. 7547, § 3, 1-7-91; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-16.2. Permit for construction water.

Sec. 27-16.2(1). Procedure for obtaining a permit. Applicants for a permit required by section 27-16 shall apply in person at the new services area. The completed form request shall be processed by the utility and shall be approved if the applicant has furnished all requested information and has met all the applicable requirements of this article and of the rules and regulations of the utility. Once a permit has been approved, the water utility shall establish an account in the applicant's name.

Construction water may not be used to replace water that would otherwise be available from a metered private plumbing or irrigation system, and may not be used to fill swimming pools or landscape features. Construction water may not be resold to any third party.

Sec. 27-16.2(2). Permit conditions for construction water.

- (a) The permit may require that the permittee obtain water only at (a) specified location(s) and at such times as are deemed by the superintendent to be in the best interests of the water utility.
- (b) All water provided from fire hydrants, blowoffs and drain valve assemblies for construction purposes must be metered. If the stock of available fire hydrant meters is depleted, a waiting list will be created and utilized as hydrant meters become available.
- (c) If the applicant for a fire hydrant permit requests a meter be placed on the hydrant, the water utility shall install the meter on the hydrant after the applicant remits a deposit of one thousand five hundred eighty-six dollars (\$1,586.00). The deposition shall be used, in whole or in part, to reimburse the utility for damage to the meter or related appurtenance, such as a backflow prevention device. Any unused portion of the deposit shall be refunded to the applicant upon return of the meter and any related appurtenance to the utility. In addition, the applicant shall pay a non-refundable fee of one hundred fifteen dollars (\$115.00) to cover the costs of installing the meter on the fire hydrant. The applicant shall pay this fee for the initial installation of a meter on a fire hydrant and also each time the meter is moved.
- (d) An applicant for a fire hydrant permit may install his or her privately owned meter on the carrying vehicle or may use it as a portable meter at the applicant's expense as long as the permit is current and there is a permitted backflow device at the point of connection. The meters must be read by the applicant and readings faxed to the billing

office by the 20th of each calendar month. The superintendent or designee may at any time require an applicant to deliver the carrying vehicle and the water meter to a designated location for testing and reading of the meter. Failure of the applicant to appear at the designated time and location shall be cause for revocation of the fire hydrant permit for a period of one (1) year from the date of the failure to appear. Revocation is subject to minor sections 27-16.2(3) and 27-16.2(4) of this article.

- (e) Privately owned meters used for construction water are required to be tested annually for accuracy by Tucson Water. The customer shall pay a fee of ninety-five dollars (\$95.00).
- (f) Permits shall expire twelve (12) months (one (1) year) after issuance and may be renewed provided all requirements of this article and of the rules and regulations of the water department have been met. Applicant may cancel permit before the expiration date if the hydrant meter is no longer required.
- (g) Permits must be readily available at the water source when in use, or on file at the corporation business address.
- (h) The rules and regulations of the department are a condition of the permit.

Sec. 27-16.2(3). Revocation of permit.

- (a) The superintendent may revoke a permit issued under this article upon a finding that the permittee has violated any provisions of this article, the rules and regulations of the department or conditions of the permit.
- (b) No revocation of permit shall be ordered until a hearing on the question has been held by the superintendent or his designate. At this hearing the permittee may appeal personally or through counsel, cross-examine witnesses and present evidence in his own behalf. Notice of the hearing shall be given to the permittee at least five (5) days prior to the date of hearing.

(c) Notice may be served by depositing in the mail a true copy of the notice enclosed in a sealed envelope with postage prepaid and addressed to the permittee at his last-known address. The notice shall include:

1. A statement of the time, place and nature of the hearing;
2. A short and plain statement of the grounds for revocation or denial. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

(d) The determination of the hearing officer shall be final.

Sec. 27-16.2(4). Denial of permit or renewal of permit.

(a) An applicant for a permit or for the renewal of a permit whose application is denied shall be notified in writing of the reasons for the denial. The notice shall further state that the applicant has ten (10) days to contact the water utility to challenge the grounds for denial.

(b) Within ten (10) days of a written application by the applicant the superintendent or his designate shall hold a hearing on the question. The applicant shall be given notice pursuant to minor section 27-16.2(3).

(c) The determination of the hearing officer shall be final.

(Ord. No. 5023, § 3, 8-6-79; Ord. No. 5756, § 1, 5-2-83; Ord. No. 6208, § 1, 4-1-85; Ord. No. 9043, § 1, 4-13-98; Ord. No. 9238, § 1, 6-14-99; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 1, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 1, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-17. Damaging, defacing water facilities.

If any person shall destroy, deface, impair, injure or wantonly force open any gate or door, or in any way whatever destroy, injure or deface any part of any

enginehouse, reservoir, standpipe, building or appurtenances, fences, trees, crops or fixtures or property appertaining to the water department of the city, such person shall be guilty of a misdemeanor. (1953 Code, ch. 25, § 9)

Sec. 27-18. Use of device to bypass metering of water prohibited; civil infraction; minimum penalty; persons liable.

(a) No person shall utilize any device or method of connection to the municipal water system, including without limitation, any spacer or straight line pipe connection, which may result in delivery of any water to any person or property without passage of the water through a municipal water meter.

(b) It shall be a civil infraction for any person to violate this section. Any person, firm or corporation found liable for a violation of this section shall be assessed a fine of not less than two hundred fifty dollars (\$250.00). Any person, firm or corporation found liable for a second violation of this section shall be assessed a fine of not less than five hundred dollars (\$500.00). Any person, firm or corporation found liable for a third or subsequent violation of this section shall be assessed a fine of not less than one thousand dollars (\$1,000.00). No hearing officer may suspend the imposition of any fine prescribed herein.

(c) Whenever a device or method of connection is in violation of this section, the owner or owners of the private property upon which any part of the violation occurs and the person who installed the device or method shall be jointly and severally liable for the violation and for the civil fine prescribed as punishment therefor.

(Ord. No. 7283, § 1, 9-18-89; Ord. No. 9015, § 3, 2-9-98; Ord. No. 10897, § 1, 5-24-11, eff. 7-5-11)

Editor's note – Ord. No. 4656, § 1, adopted May 23, 1977, specifically amended the Code by repealing § 27-18. The former section pertained to outdoor water usage limitation, and had been derived from Ord. No. 4490, § 1, adopted May 24, 1976. Subsequently, § 1 of Ord. No. 7283, adopted Sept. 18, 1989, added a new § 27-18.

Sec. 27-19. Installation of ultra-low-flush water closets in low income owner-occupied housing.

The director shall establish and administer a program to provide for the purchase and installation of

ultra-low-flush water closets in pre-qualified low-income, owner-occupied customer dwellings and for the purchase of ultra-low-flush water closets in city-owned low income housing units. The director shall develop an application form to be utilized by low-income customers who meet standard poverty-level income threshold guidelines as a function of family size to apply for the assistance pursuant to this program. (Ord. No. 8598, § 1, 11-13-95)

Editor’ note – Ordinance No. 8458, § 1, adopted March 6, 1995, repealed section 27-19. Formerly such section pertained to incentives for the installation of ultra-low-flow water closets and derived from Ord. No. 7314, § 1, 11-20-89 and Ord. No. 7366, § 1, 3-12-90.

Secs. 27-20 – 27-27. Reserved.

ARTICLE II. RATES AND CHARGES

Sec. 27-28. Established by mayor and council.

The rates for the use of water for consumers shall be established by the mayor and council, subject to change, revision and modification in their discretion. (1953 Code, ch. 25, § 19)

Sec. 27-29. Liability of customer of record or property owner for charges.

The customer of record, as indicated in the utility’s records, is responsible for paying all charges for the provision of water service to a property or premises, regardless of whether the customer of record or another party has actually used the water delivered to the property. The utility may elect to pursue collection of any outstanding charges from the owner of the property if the customer of record does not pay for any outstanding charges. In such a case, ownership of the property or premises shall be determined by reference to public records maintained by the Pima County Recorder’s Office. The property owner shall have the right to appeal the water charges pursuant to section 27-50(2).

If there is no customer of record, and a monthly meter reading indicates usage of water at the property or premises, the owner of the property shall be responsible for paying the water charges due. The property owner shall have the right to appeal the water charges pursuant to section 27-50(2). (1953 Code, ch. 25, § 18; Ord. No. 9763, § 1, 9-9-02)

Sec. 27-30. Service charge.

Any person wishing to discontinue the use of water supplied from the department of water of the city must give notice thereof at the office, or the charge for water will be entered until such notice has been given. The charge for reactivation of water service or the transfer of water service from one customer to another will be twenty-seven dollars (\$27.00). The charge for a customer to activate the fire protection (sprinkler service) or transfer of fire protection (sprinkler service) from one customer to another will be nine dollars (\$9.00). (1953 Code, ch. 25, § 14; Ord. No. 2665, § 1, 9-21-64; Ord. No. 3394, § 1, 1-12-70; Ord. No. 4626, § 3, 3-3-77; Ord. No. 5355, § 1, 4-20-81; Ord. No. 8446, § 1, 2-13-95; Ord. No. 9238, § 2, 6-14-99; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08)

Sec. 27-31. Definitions.

In this article, unless the context otherwise requires:

- (1) *Basic volume charge* means a monthly water charge per Ccf for all monthly water use.
- (2) *Ccf* means one hundred (100) cubic feet of water and is equal to seven hundred forty-eight (748) gallons.
- (3) *Commercial* means a customer classification of service wherein family units do not normally reside and includes, but is not limited to, motels, hotels, rest homes, fraternal organizations, laundries, service stations, bottling works, hospitals, restaurants, wholesale, retail and other business establishments, governmental offices or organizations.
- (4) *Construction water* means water service provided under the terms of section 27-16.2 for water use on construction projects, such as utility pipeline installations or repairs, street or highway construction, site grading, dust control, and concrete mixing. Construction water may not be used to replace water that would otherwise be available from a metered private plumbing or

irrigation system, and may not be used to fill swimming pools or landscape features. Construction water may not be resold to any third party.

- (5) *Department* means the city department of water.
- (6) *Director* means the chief officer of the department of water and is the officer designated as the superintendent of the water department in chapter X, section 8 of the Charter.
- (7) *Industrial* means a customer classification of services that use at least five million (5,000,000) gallons of water per month for manufacturing purposes at one (1) geographically contiguous location or use sixty million (60,000,000) or more gallons of water in any calendar year for manufacturing purposes at one (1) geographically contiguous location; and schools in the Tucson Unified School District (TUSD) by prior contract with the city.
- (8) *Mobile home park with sub-meters* means a mobile home park classified as a multi-family customer that utilizes sub-meters to separately meter and bill each user within the mobile home park.
- (9) *Multi-family* means a customer classification consisting of more than three (3) residential units served by one (1) master meter.
- (10) *Nonparticipating applicant for service* shall mean an applicant for new water connection to a subdivision, or parcel of land that has not participated in the cost of the installation of the water supply main to which the connection will be made.
- (11) *Reclaimed water* means wastewater which has received postsecondary treatment.
- (12) *Residential* means a customer classification consisting of one (1) residential unit (single-family) or two (2) or three (3) residential units (duplex-triplex) served by one (1) master meter.

(13) *Summer* shall mean, for the purposes of computing water rates, the period of time from May 1 through October 31.

(14) *Summer surcharges* shall mean an amount charged per Ccf for summer monthly water use in excess of the average monthly winter consumption of water. The Tier 1 summer surcharge applies to all monthly water use in excess of the average winter monthly consumption of water and is in addition to the basic volume charge. The Tier 2 summer surcharge applies to all monthly water use in excess of one hundred forty-five (145) percent of the average winter monthly consumption of water and is an addition to the basic volume charge and the Tier 1 summer surcharge.

(15) *Water facilities* means booster plants, storage tanks, wells, pumping equipment, distribution and service lines and all other appurtenances to a water system other than meters.

(16) *Winter* shall mean, for the purpose of computing water rates, the period of time from November 1 through April 30.

(Ord. No. 4489, § 3, 5-24-76; Ord. No. 4496, §§ 1, 2, 6-7-76; Ord. No. 4550, § 1, 8-10-76; Ord. No. 4626, § 4, 3-3-77; Ord. No. 5235, § 1, 10-6-80; Ord. No. 6327, § 1, 11-4-85; Ord. No. 7171, § 1, 4-17-89; Ord. No. 8024, § 1, 4-12-93; Ord. No. 8120, §§ 1, 2, 9-7-93; Ord. No. 8121, § 1, 9-7-93; Ord. No. 8483, § 1, 5-15-95; Ord. No. 8768, §§ 1, 2, 10-28-96; Ord. No. 9156, § 1, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10415, § 1, 6-12-07, eff. 7-9-07)

Sec. 27-32. Charges for water service.

Charges for water utility service shall be made at monthly intervals and shall, to the extent possible, be consistent with the policy for charging for water in direct proportion to the cost of securing, developing and delivering water to the customers of the city water system. Water charges will be computed through the summation of service charge, the monthly water use charge, the Central Arizona Project surcharge, the

conservation charge and summer surcharges where applicable.

(Ord. No. 4489, § 4, 5-24-76; Ord. No. 4550, § 2, 8-10-76; Ord. No. 4626, § 5, 3-3-77; Ord. No. 6222, § 1, 4-22-85; Ord. No. 8024, § 2, 4-12-93; Ord. No. 9477, § 1, 10-23-00; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09)

Sec. 27-32.1. Monthly reclaimed water service charges.

For the purposes of computing reclaimed water charges:

- (1) The service charge shall be levied whether or not any water is provided and is hereby fixed at the following per month per connection:

MONTHLY SERVICE CHARGE

<i>Service Size (inches)</i>	<i>Monthly Service Charge</i>
5/8.	\$5.99
1.	10.98
1 1/2.	19.29
2.	29.26
2 1/2.	42.56
3.	55.87
4.	94.10
6.	189.87
8.	285.30
10.	434.93
12.	717.56

- (2) In addition to the applicable service charge, the charge for reclaimed water shall be:

\$1.83 per Ccf (\$797.00 per acre-foot).

The foregoing service charges and rates may be adjusted every year during and as a part of the annual water rate adjustment.

(Ord. No. 6327, § 2, 11-4-85; Ord. No. 6411, § 1, 4-28-86; Ord. No. 6692, § 1, 4-13-87; Ord. No. 6925, § 1, 4-11-88; Ord. No. 7171, § 2, 4-17-89; Ord. No. 7391, § 1, 4-16-90; Ord. No. 8024, § 3, 4-12-93; Ord. No. 9156, § 2, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-33. Monthly potable water service charges.

For the purposes of computing monthly water charges:

- (1) The monthly service charge shown in the following table applies to all customer classes. The fee shall be charged whether or not any water is provided.

<i>Service Size (inches)</i>	<i>Monthly Service Charge</i>
5/8.	\$7.53
3/4.	9.97
1.	14.84
1 1/2.	27.01
2.	41.62
2 1/2.	61.10
3.	80.58
4.	136.58
6.	276.83
8.	416.59
10.	635.73
12.	1,049.66

- (2) Monthly water use charges in addition to the service charge shall be applicable to each service connection and shall be per Ccf and vary with customer classification and volumes used according to the following table:

RATE SCHEDULES BY CUSTOMER CLASSES

<i>Residential Single-Family</i>	<i>\$/Ccf</i>
1 – 15.....	\$1.60
16 – 30.....	6.05
31 – 45.....	8.67
Over 45.....	11.85
 <i>Residential Duplex-Triplex</i>	 <i>\$/Ccf</i>
1 – 20.....	\$1.60
21 – 35.....	6.05
36 – 50.....	8.67
Over 50.....	11.85
 <i>Multi-Family</i>	 <i>\$/Ccf</i>
Basic Volume Charge.....	\$2.40
 <i>Mobile Home Park with Sub-Meters</i>	 <i>\$/Ccf</i>
Basic Volume Charge.....	\$1.90
 <i>Commercial</i>	 <i>\$/Ccf</i>
Basic Volume Charge.....	\$2.41
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average.....	0.95
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.....	0.25
 <i>Industrial (more than 5 Mg per month & Tucson Unified School District by contract)</i>	 <i>\$/Ccf</i>
Basic Volume Charge.....	\$2.23
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average.....	0.95
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge.....	0.25

Construction Water *\$/Ccf*
 Basic Volume Charge. \$2.51

(3) The Central Arizona Project surcharge shall be in addition to the service charge and water use charges for all customer classes and apply to all monthly water use at the rate of five cents (\$0.05) per Ccf.

(4) The conservation charge shall be in addition to the service charge and water use charges for all potable water customer classes and apply to all monthly water use at the rate of seven cents (\$0.07) per Ccf.

(5) Reserved.
 (Ord. No. 4497, § 1, 6-7-76; Ord. No. 4549, § 1, 8-10-76; Ord. No. 4550, § 3, 8-10-76; Ord. No. 4626, § 6, 3-3-77; Ord. No. 4763, § 2, 2-27-78; Ord. No. 4928, § 1, 1-8-79; Ord. No. 5137, § 1, 4-21-80; Ord. No. 5355, § 2, 4-20-81; Ord. No. 5557, § 1, 5-3-82; Ord. No. 5756, § 2, 5-2-83; Ord. No. 6001, § 1, 4-23-84; Ord. No. 6222, § 2, 4-22-85; Ord. No. 6411, § 2, 4-28-86; Ord. No. 6692, § 2, 4-13-87; Ord. No. 6925, § 2, 4-11-88; Ord. No. 7171, § 3, 4-17-89; Ord. No. 7391, § 2, 4-16-90; Ord. No. 7607, § 1, 4-15-91; Ord. No. 7804, § 1, 4-20-92; Ord. No. 8024, § 4, 4-12-93; Ord. No. 8120, § 3, 9-7-93; Ord. No. 8480, § 1, 4-10-95; Ord. No. 8483, § 2, 5-15-95; Ord. No. 8768, § 3, 10-28-96; Ord. No. 9156, § 3, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-34. Charges for fire protection service.

Charges for fire protection service shall be made monthly and according to the following table:

2", with detector check valve.....	\$7.33
3", with detector check valve.....	12.00
4", with detector check valve.....	18.54
6", with detector check valve.....	35.35

8", with detector check valve.....	52.15
10", with detector check valve.....	78.77
12", with detector check valve.....	128.26

(Ord. No. 4489, § 6, 5-24-76; Ord. No. 4626, § 7, 3-3-77; Ord. No. 4656, § 1, 5-23-77; Ord. No. 4763, § 3, 2-27-78; Ord. No. 4928, § 2, 1-8-79; Ord. No. 5137, § 2, 4-21-80; Ord. No. 5355, § 3, 5-2-83; Ord. No. 5557, § 2, 5-3-82; Ord. No. 5756, § 3, 5-2-83; Ord. No. 6001, § 2, 4-23-84; Ord. No. 6222, § 3, 4-22-85; Ord. No. 6411, § 3, 4-2-86; Ord. No. 6692, § 3, 4-13-87; Ord. No. 6925, § 3, 4-11-88; Ord. No. 7171, § 4, 4-17-89; Ord. No. 7391, § 3, 4-16-90; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11)

Sec. 27-35. Charges for installation of water service connections.

There shall be an installation charge for all water service connections.

- (1) Charges for the installation of a metered water service connection, including the service line, the meter, and pavement replacement, shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$2,307.00
1.	2,404.00
1 1/2.	2,903.00
2.	3,271.00

- (2) Charges for the installation of a metered water service connection, including the service line, the meter, an automatic meter reading device and pavement replacement, shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$2,414.00
1.	2,504.00
1 1/2.	3,054.00
2.	3,419.00

- (3) Charges for the installation of a metered water service connection, including the service line and meter, which does not require pavement replacement shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$1,429.00
1.	1,526.00
1 1/2.	2,025.00
2.	2,393.00

- (4) Charges for the installation of a metered water service connection, including the service line, the meter and an automatic meter reading device, which does not require pavement replacement, shall vary with the size of the meter installed according to the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$1,536.00
1.	1,626.00
1 1/2.	2,176.00
2.	2,541.00

- (5) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines, the meters, and pavement replacement, shall vary with the number of connections according to the following table:

<i>No. of Meters</i>	<i>Charge</i>
2.	\$2,675.00
3.	3,183.00
4.	3,575.00
5.	4,210.00
6.	4,504.00
7.	5,840.00
8.	6,233.00
9.	7,240.00
10.	7,632.00
11.	8,623.00
12.	9,016.00

- (6) Charges for the installation of multiple 5/8" metered water service connections at the same location, including the service lines and the meters, which do not require pavement replacement shall vary with the number of connections according to the following table:

<i>No. of Meters</i>	<i>Charge</i>
2.....	\$1,797.00
3.....	2,288.00
4.....	2,680.00
5.....	3,073.00
6.....	3,368.00
7.....	3,858.00
8.....	4,251.00
9.....	4,747.00
10.....	5,139.00
11.....	5,630.00
12.....	6,023.00

- (7) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines, the meters, and pavement replacement, shall be three thousand twenty-two dollars (\$3,022.00).
- (8) Charges for the installation of two 1" metered water service connections in the same trench, including the service lines and the meters, which do not require pavement replacement, shall be two thousand one hundred forty-four dollars (\$2,144.00).
- (9) Meter installations including all materials performed by Tucson Water on an existing water service connection line shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$330.00
1.....	428.00
1 1/2.....	627.00
2.....	751.00

Should an automatic meter reading device including all materials be installed by Tucson Water, charges shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$438.00
1.....	527.00
1 1/2.....	778.00
2.....	899.00

Charges for meter installations where the developer will install the box and bricks on an existing water service line shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$251.00
1.....	329.00
1 1/2.....	483.00
2.....	607.00

Should an automatic meter reading device be installed with the developer installing the box and bricks, charges shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$359.00
1.....	428.00
1 1/2.....	634.00
2.....	755.00

- (10) Charges for the installation of an additional metered water connection at the same time and in the same trench as the installation of fire protection service shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. No administrative fee in addition to that referenced in section 27-35(9) shall be charged to the applicant. Charges for installation of a meter on such a service line connection shall be in accordance with the tables in section 27-35(7).
- (11) Charges for the installation of unmetered fire protection service, including any required service lines or piping, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the

water utility’s new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for fire protection service shall pay an administrative fee of three hundred seventy-one dollars (\$371.00) for each such service request.

- (12) Charges for the installation of a fire hydrant, including the installation of service lines necessary to provide fire hydrants, shall be in accordance with the current city contract for such work. The current contract shall be posted in the customer reception area of the water utility’s new development unit and may be reviewed by an applicant for any type of water service. In addition, an applicant for a fire hydrant shall pay an administrative fee of three hundred seventy-one dollars (\$371.00) for each service request.
- (13) Charges for the installation of a consumer requested ball valve on the property side of the meter shall be based upon the cost of material in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Charge</i>
5/8.	\$32.00
1.	67.00
1 1/2.	118.00
2.	178.00

- (14) Charges for relocating an existing meter at the customer’s request shall be in accordance with the following table:

<i>Size of Meter (inches)</i>	<i>Change in Location of Up to 10 Feet</i>	<i>Change in Location of 11 to 20 Feet</i>
5/8	\$650.00	\$801.00
1	708.00	869.00
1 1/2	921.00	1,126.00
2	1,086.00	1,339.00

Meter relocations of greater than twenty (20) feet shall be charged according to section 27-35(1) or 27-35(2).

- (15) When the customer has not exposed the dead at curb for meter installation Tucson Water will perform the service and the customer will pay a fee of two hundred seventy-one dollars (\$271.00).
- (16) A customer who cancels any new service installation will be charged a fee of thirty dollars (\$30.00).
- (17) Whenever reclaimed water signs and poles are needed after initial installation, the customer will be charged a fee of fifty-three dollars (\$53.00).
- (18) When a customer needs to have Tucson Water close the valves in the water system in order to isolate the fire service connection to their property so a licensed contractor can inspect the fire service, a fee of one hundred forty-eight dollars (\$148.00) will be charged.
- (19) Charges for uncommon service installations or rare aspects of common installations shall be based on estimated actual costs and provided in a written quotation to the applicant.
- (20) When a major component of an installation must be replaced with a more costly version of the component (such as a concrete meter box being replaced with a cast iron meter box), the applicant shall be informed of the replacement and charged for the more costly version.
- (21) The charge for concrete (sidewalk or curb) replacement required by any type of installation in section 27-35 shall be five dollars and seventy-five cents (\$5.75) per square foot.
- (22) Unusual actual construction costs in excess of ten (10) percent of the installation charges established in section 27-35 may be assessed and collected prior to the activation of service.

(23) All applicable “pass-through” fees, such as special paving required for moratorium streets, permit fees, rights-of-way costs, recording fees and taxes, shall be added to the installation charges in section 27-35.

(Ord. No. 4489, § 7, 5-24-76; Ord. No. 4763, § 4, 2-27-78; Ord. No. 5137, § 3, 4-21-80; Ord. No. 5235, § 2, 10-6-80; Ord. No. 5355, 4, 4-20-81; Ord. No. 5557, § 3, 5-3-82; Ord. No. 5756, § 4, 5-2-83; Ord. No. 6222, § 4, 4-22-85; Ord. No. 6692, § 4, 4-13-87; Ord. No. 6925, § 4, 4-11-88; Ord. No. 7171, § 5, 4-17-89; Ord. No. 7391, § 4, 4-16-90; Ord. No. 7607, § 2, 4-15-91; Ord. No. 7797, § 2, 4-13-92; Ord. No. 8121, § 2, 9-7-93; Ord. No. 8446, § 2, 2-13-95; Ord. No. 8747, § 2, 8-5-96; Ord. No. 8768, § 4, 10-28-96; Ord. No. 9018, § 1, 2-23-98; Ord. No. 9043, §§ 2, 3, 4-13-98; Ord. No. 9238, § 3, 6-14-99; Ord. No. 9377, § 1, 4-17-00; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11)

Sec. 27-36. System equity, Central Arizona Project, and areas-specific fees.

(a) A system equity fee shall be charged for connections to the potable system.

(1) The system equity fee recovers the infrastructure costs incurred to provide capacity to serve new users. The fee has been calculated by multiplying the cost for one gallon of capacity (cost of capacity-generating infrastructure divided by the gallons of capacity provided by that infrastructure) by the capacity required by a new connection (as determined by meter size).

The system equity fee will be used to pay principal and interest on outstanding water revenue bond debt. Separate recording of fee proceeds and uses will be maintained.

(2) A system equity fee shall be charged for potable metered connections to the water system, except for (1) construction water meter connections, (2) connections within isolated systems and, (3) connections within

the Peppertree Plan and Santa Rita Bel Air Plan areas; connections within these two areas will be charged fees per Section 27-36(1)(b) and Section 27-36(1)(c).

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8.	\$ 1,577.00
1.	3,943.00
1 1/2.	7,885.00
2.	12,616.00
3.	25,232.00
4.	43,368.00
6.	88,785.00
8.	134,045.00
10.	205,010.00
12.	339,055.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the system equity fee for the respective meters at the time of filing the application for meter change-out. No refunds will be credited for replacement of an existing meter with a meter of smaller size.

(b) A Central Arizona Project (“CAP”) Water Resource Fee shall be charged for connections to the potable system.

(1) The CAP water resource fee recovers costs incurred for acquisition of CAP water rights from new connections, by determining the cost per acre-foot of CAP water rights available for new connections divided by the connection’s capacity requirement (as determined by meter size).

(2) The CAP water resource fee will be used to pay for payments made to the Central Arizona Water Conservation District for back CAP capital/water right costs, administrative fees resulting from the city’s CAP allocation, and payments for future CAP capital/water right payments made to the Central Arizona Water Conservation District.

If revenues in a given year from the CAP water resource fee exceed the above uses related to CAP capital/water right payments,

the revenues will be used as reimbursement for monies previously spent on back capital/water right payments: these revenues may be used to fund various requirements, including the establishment of a reserve for future water right acquisitions.

A separate recording of fee proceeds and uses will be maintained.

- (3) The CAP water resource fee shall be charged for potable metered connections to the water system, except for (i) construction water meter connections, (ii) connections within isolated systems, including Santa Rita Bel Air, until such time as this isolated system is interconnected to the central water system, (iii) connections within the Peppertree Ranch area, and (iv) connections within the Dove Mountain Area which are subject to a pre-existing development agreement.

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8.	\$ 207.00
1.	518.00
1 1/2.	1,035.00
2.	1,656.00
3.	3,312.00
4.	5,693.00
6.	11,644.00
8.	17,595.00
10.	26,910.00
12.	44,505.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the CAP water resource fee for the respective meters at the time of filing the application for meter change-out. No refunds will be credited for replacement of an existing meter with a meter of smaller size.

- (c) The director may impose area-specific water development fees to recover the capital costs associated with the design and a construction of a water supply system for specific water service areas. The Peppertree Ranch and Santa Rita Bel Air fees recover certain infrastructure costs within the specific areas. The fees have been calculated by allocating these costs to the

number of meters (based on equivalent meter sizes) planned for the specific areas.

(Ord. No. 4980, § 1, 5-29-79; Ord. No. 5268, § 1, 12-8-80; Ord. No. 5424, § 1, 8-3-81; Ord. No. 5425, § 1, 8-3-81; Ord. No. 5426, § 1, 8-3-81; Ord. No. 5786, §§ 1 – 4, 6-13-83; Ord. No. 6025, §§ 1 – 4, 6-11-84; Ord. No. 6249, §§ 1 – 5, 6-3-85; Ord. No. 9136, § 1, 10-5-98; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9935, § 1, 2-9-04; Ord. No. 10202, § 1, 9-27-05; Ord. No. 10385, § 1, 4-4-07, eff. 7-9-07; Ord. No. 10386, § 1, 4-4-07; Ord. No. 10643, § 1, 3-24-09, eff. 7-6-09; Ord. No. 10644, § 1, 3-24-09, eff. 7-6-09)

Editor’s note – It should be noted that Ord. No. 10643, § 5, states that the fee changes approved by this ordinance (§ 27-36(b)) shall take effect on July 6, 2009, and shall apply to all meter readings accepted after July 6, 2009. Additionally, Ord. No. 10644, § 5, states that the fee changes approved by this ordinance (§ 27-36(a)) shall take effect on July 6, 2009, and shall apply to all meter applications accepted after July 6, 2009.

Sec. 27-37. Agreements for construction of water facilities authorized.

The director may permit the construction of water facilities to provide water service in areas where no water service is available. Construction may be accomplished by (1) the applicant’s contractor (private contract) or (2) city contract or city force account.

- (1) The director is authorized to permit construction of water facilities by private contract upon written application. Agreements for construction of water facilities shall provide that all costs are at the sole expense of the applicant except as noted therein.
 - a. The facilities will be constructed, at the sole expense and cost of the applicant, within streets, avenues, alleys and rights-of-way pursuant to grants of easements.
 - b. Plans for construction will be provided by the applicant, certified by a registered professional engineer, and reviewed and accepted by the director or his designee.
 - c. With each application for the construction of water facilities

authorized by this section, the applicant shall execute and deliver to the director, an agreement for the construction thereof by private contract. If the agreement conforms with the provisions of this chapter, the director will authorize construction of the applicant's water facilities.

- d. The construction of water facilities so authorized will be inspected and tested for water quality and water pressure by the director or his designee, and will comply in every respect with the material and installation standard of the department.
- e. The applicant will be assessed fees for plan review, inspection, and system isolation (for connection of constructed water facilities to the existing system). Water system research required by an applicant prior to the submission of any plan will be charged at the Master Plan rate (first submittal, first sheet) indicated below. The Master Plan fee(s) will also be applicable when the Master Plan itself is submitted for review and approved by water staff. Plan review fees will be collected upon plan submittal or re-submittal, in accordance with the following schedule:

<i>Review Service</i>		<i>Fee</i>
<i>Master Plan Only:</i>		
First Submittal	First Sheet	\$415.00
	Each Subsequent Sheet	70.00
Each Re-submittal of Plan		156.00
<i>Design Review Only:</i>		
First Submittal	First Sheet	415.00
	Each Subsequent Sheet	139.00
First Re-submittal of Design:	First Sheet	156.00
	Each Subsequent Sheet	70.00

Each Subsequent Re-submittal of Design	\$156.00
Plan Revision	139.00

- f. Construction inspection fees will be collected prior to the director's authorization of construction of applicant's water facility (section 27-37(1)). Fees will be calculated as follows:

Pipeline inspection:

Projects of 200 linear feet or less.....	\$371.00
Projects greater than 200 linear feet, per linear foot.	\$7.00
Other facility inspection (non-pipeline), per facility.....	\$78.00 per hour
System isolation fee, per pipeline project or facility.....	\$303.00

- (2) The director is authorized to elect to charge the applicant an appropriate fee and design and construct, by city contract or by city force account, applicant pipeline extensions or other water facilities. An applicant will be assessed a fee of three thousand eight hundred twenty dollars (\$3,820.00) if Tucson Water provides the design and construction documents for the electrical and control portions of applicant-required facilities. If the extension or facility is to be designed and constructed by force account, the applicant will be charged the estimated design and construction costs of such extensions or facilities as determined by the director or his designee; or if the extension or facility is to be designed and constructed by city contract, the cost to the applicant shall be based on the costs referenced in current contracts. Current contracts shall be available in the customer reception area of the water utility's new development unit and may be reviewed by an applicant for any type of water service. In addition to the design or construction cost, the applicant

shall pay the fees indicated in 27-37(1)(f) and if applicable, the fees indicated in 27-37(1)(e).

In addition, the applicant shall pay a protected main service fee of seventy-five dollars (\$75.00), such fee recovering the costs of administering the protected main program.

- (3) The director may require an applicant to install “on-site” or “off-site” water facilities of a size greater than is required to provide service to the applicant’s development; provided, however, that the director refund the cost of the oversizing to the applicant. The refund amount for oversized pipelines and valves shall be computed from the following tables for the quantities actually installed:

<i>Applicant Size (inches)</i>	<i>Size Requested (inches)</i>	<i>Refund Amount</i>	
		<i>Pipe (per foot)</i>	<i>Valve</i>
6	8	\$11.05	\$295.83
6	12	22.25	1,273.33
6	16	42.48	1,959.52
8	12	11.20	977.50
8	16	31.43	1,663.69
12	16	20.22	686.19

For sizes larger than sixteen (16) inches, the cost differential shall be as determined by the director based on the most recent bids for equivalent installations. Where field conditions require extraordinary costs, the director may reimburse a share proportionate to the oversizing required by the city. In these situations the applicant shall provide documentation of actual costs incurred.

- (4) Every nonparticipating applicant for a connection to a water main installed shall be assessed a fee designed to recover a pro rata share of the initial capital cost of the:

- a. *Distribution main installation.* The fee shall be based on the lineal foot frontage of the subdivision, lot or parcel to be served, as measured along the street, alley or easement right-of-way line to which the connection will be installed. The fee shall be in accordance with the following table:

<i>Inches</i>	<i>Fee Amount</i>
6.....	\$21.86
8.....	27.38
12.....	32.98
16.....	43.10

In addition, the applicant shall pay a protected main service fee of seventy-six dollars (\$76.00), such fee recovering the costs of administering the protected main program.

- b. *Water facilities other than distribution mains.* The fee shall be calculated and based upon the percentage of non-participant’s acreage or service connections to the total anticipated service area acreage or number of services possible to be served by the facility and factored against the total cost of the facility’s construction. In addition, the applicant shall pay a protected facility service fee of seventy-five dollars (\$75.00) such fee recovering the costs of administering the protected facility program.

(Ord. No. 4489, § 9, 5-24-76; Ord. No. 4621, § 4, 2-7-77; Ord. No. 4626, § 8, 3-3-77; Ord. No. 5235, § 3, 10-6-80; Ord. No. 6240, § 1, 5-20-85; Ord. No. 7391, § 5, 4-16-90; Ord. No. 8415, § 1, 12-5-94; Ord. No. 8838, § 1, 3-17-97; Ord. No. 9043, § 4, 4-13-98; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01, eff. 6-25-01; Ord. No. 9704, § 2, 5-13-02, eff. 6-24-02; Ord. No. 9725, § 1, 6-24-02, eff. 7-29-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11)

Sec. 27-38. Provisions for refund of cost of water mains or water facilities installed by private contract under certain conditions authorized.

Should water facilities installed pursuant to section 27-37 be installed in such a manner as to provide water service to a property not participating in the construction cost, the director may enter into an agreement for partial refund of the cost of the facilities so installed.

- (1) In no case will the agreed refund amount exceed the total funds to be collected as authorized in section 27-37(4).
- (2) Such refunds shall continue for a maximum period of fifteen (15) years from the date of the agreement. Any balances remaining unpaid shall be considered canceled, and the city shall be fully discharged from any further obligation under the agreement.

(Ord. No. 5235, § 4, 10-6-80; Ord. No. 6240, § 2, 5-20-85; Ord. No. 8121, § 3, 9-7-93; Ord. No. 9238, § 4, 6-14-99; Ord. No. 9842, § 1, 5-12-03)

Note – See editor’s note following § 27-31.

Sec. 27-38.1. Provisions for refund of cost of water mains or facilities funded and installed by the city under certain conditions authorized.

Should water mains or water facilities installed and funded by the city to provide water service to a property not participating in the construction cost, the director may designate the water main or water facility as “city protected” and collect a protected main fee or a protected facility fee and service fee pursuant to section 27-37(4).

(Ord. No. 9111, § 1, 9-8-98; Ord. No. 9388, § 1, 5-22-00)

Sec. 27-39. Reserved.

Editor’s note – Ord. No. 3394, § 10, adopted Jan. 12, 1970, amended this Code by repealing former § 27-39 derived from 1953 Code, ch. 25, § 22d, and Ord. No. 1938, § 8. Former § 27-39 contained additional charges for remote areas.

Sec. 27-40. Sales taxes and in-lieu-of franchise taxes.

All applicable sales taxes and in-lieu-of franchise taxes are to be added on all water sales in all areas. (1953 Code, ch. 25, § 22e; Ord. No. 1938, § 9; Ord. No. 3394, § 11, 1-12-70)

Sec. 27-41. Accommodation and standby water service.

The city water department may supply accommodation and standby water service under the following conditions:

Sec. 27-41.1(1). Where the city water department has sufficient water service available, at the location service is desired, to supply the applicant for accommodation or standby service without impairing service to the department’s regular customers.

Sec. 27-41.1(2). The applicant shall pay the full costs of making the physical connection, including any main extension, the service connection and meter.

Sec. 27-41.1(3). Charges shall be as follows:

- (a) The minimum applicable monthly charge according to the meter size and quantity of water used.
- (b) Minimum charge is to be billed for a full twelve (12) months, or in the event the meter is removed for any cause, the charge for reconnection shall be thirty-eight dollars (\$38.00).

(Ord. No. 2665, § 9, 9-21-64; Ord. No. 3394, § 12, 1-12-70; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08)

Note – Former § 27-41.1.

Sec. 27-42. Temporary services authorized; conditions; rates.

For temporary services to circuses, fairs, camps and construction works, etc., the temporary nature or limited duration of which enterprise is known in advance, and also to operations of a speculative exploratory character or of a doubtful permanence, the water utility will, if in the opinion of the superintendent of the water department the furnishing of such service

will not work an undue hardship upon it or its then existing consumers, furnish such temporary service under the following conditions:

Sec. 27-42(1). The applicant for such temporary service shall be required to pay to the water utility the cost of installing and removing any facilities necessary in connection with the furnishing of such service by the utility.

Sec. 27-42(2). Each applicant for temporary service may be required to deposit with the water utility a sum of money equal to the estimated amount of the water utility's charges for such service, or to secure otherwise, in a manner satisfactory to the water utility, the payment of any bills which may accrue by reason of such service so furnished or supplied.

Sec. 27-42(3). Nothing in this section shall be construed as limiting or in any way affecting the right of the water utility to collect from the consumer any other or additional sum of money which may become due and payable to the water utility from the consumer by reason of the temporary service furnished or to be furnished hereunder.

Sec. 27-42(4). Actual water used shall be charged for at the above rate.
(1953 Code, ch. 25, § 23)

Sec. 27-43. Charge when meter not registering properly.

(a) In the event any water meter has failed to register the water used, the estimated charge for water service shall be based on the previous year's consumption amount. If the customer does not have consumption history for the prior year period, the average of the class or other equitable method may be utilized.

(b) In the event meters that are equipped with an automatic meter reading device (AMRs) that fail to transmit readings, the billing will be corrected by utilizing the actual meter reading registered on the meter. The consumption will be distributed over the months where the reading transmission failed.

(c) When the accuracy of a water meter is questioned by the consumer, the department shall cause an official test to be made upon payment by the

consumer in the amount of one hundred forty-eight dollars (\$148.00). For testing three (3) inch or larger meters, the charge shall be based on a department estimate of the actual cost.

If, upon completion of the official test, it is found that the meter is registering over three (3) percent more water than actually passes through at any flow, another meter will be substituted therefor, and the fee charge for such test will be refunded to the applicant. An adjustment for a period of three (3) months prior to the test will be made on the basis of the percentage the meter is over-registering.

(1953 Code, ch. 25, § 24; Ord. No. 4489, § 11, 5-24-76; Ord. No. 4626, § 9, 3-3-77; Ord. No. 7391, § 6, 4-16-90; Ord. No. 8446, § 3, 2-13-95; Ord. No. 9238, § 5, 6-14-99; Ord. No. 9377, § 1, 4-17-00; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9977, § 2, 5-24-04; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11)

Sec. 27-44. Charge when meter removed.

Whenever a meter has been removed for any cause for more than thirty (30) days, the superintendent of the water department may fix a flat charge based upon the average charges for the previous three (3) months, or the same amount as was charged during the same month or period the year preceding, whichever is the lower amount.

(1953 Code, ch. 25, § 24)

Sec. 27-45. Charge for water used for public works or improvements.

In addition to the rates established by this article, the superintendent of the water department is hereby directed to charge and collect for all water used by any person performing any street improvement or other public work contract with the city.

(1953 Code, ch. 25, § 29)

Sec. 27-46. Charge for water used in flooding excavations.

The superintendent of the water department is hereby directed to charge and collect a reasonable amount for all waters used by any person in flooding trenches and other excavations which have been made

or dug in the construction of any sewers, manholes, pipelines, gas mains, telephone or electric light conduits in the city; and the rate to be so charged shall be fixed by the superintendent of the water department. (1953 Code, ch. 25, § 30)

Sec. 27-47. Water charges when not otherwise provided.

Any and all water consumption not specifically mentioned or provided for in this article shall be charged by special rate, to be assessed by the superintendent of the water department. (1953 Code, ch. 25, § 31)

Sec. 27-48. Liability for charges where one service pipe serves multiple premises.

Whenever a service enters upon any property its branches and extensions pass through the bounds of such property for the purpose of furnishing a supply of water to any adjoining property, the property upon which the service first enters shall be charged for the water furnished by any and all branches, extensions, etc., of the service; and should a meter be installed upon such service, the rate for water shall be assessed to the property first named. (1953 Code, ch. 25, § 28)

Sec. 27-49. When and where bills due and payable.

Water rates are due and payable at the office of the water department upon determination of the amount of charge for the water rate. Water rates are delinquent if not paid within twenty (20) days of the date the charges are due and payable. (1953 Code, ch. 25, § 25; Ord. No. 3394, § 13, 1-12-70)

Sec. 27-50. Discontinuing service for non-payment of water bill; customer right to dispute account balance.

- (1) *Discontinuing service for nonpayment.*
 - (a) If a customer's account balance is greater than seventy-five dollars (\$75.00) and if that balance has been outstanding for forty (40) days, the customer shall be given written notice that the account is past due. This notice shall also inform the customer of the

right to dispute the balance, in accordance with section 27-50(2). The notice shall further state that the customer has seven (7) days from the date of the written notice to contact the utility if the customer wishes to dispute the balance before a hearing officer in accordance with section 27-50(2).

- (b) If no payment has been received within seven (7) days following the written notice, the customer shall be given a secondary notice that the account is delinquent and the service subject to turn-off. At this time a delinquent service charge of fourteen dollars (\$14.00) shall be assessed on the customer's account.
 - (c) If the delinquent balance is not paid within an additional seven (7) days, the water supply shall, without further notification, be turned off, the meter locked, and a delinquent service charge of fifty-nine dollars (\$59.00) assessed on the customer's account. However, if the customer is disputing the water bill in accordance with section 27-50(2), water service shall not be turned off until, or unless, the customer's dispute is found to be without merit by the hearing officer.
 - (d) If a customer whose meter has been locked has not paid within an additional seven (7) days, the customer's account shall be terminated. Prior to reestablishing service, the full account balance shall be paid.
- (2) *Customer right to dispute account balance.*
- (a) Customers objecting to the actions, policies, or decisions of the water department with regard to utility service billing may informally appeal to the billing office superintendent in person, by telephone, or via electronic and/or postal mail.
 - (b) The billing office will attempt, in a timely manner, to resolve the situation.
 - (c) If the problem is not resolved by an informal appeal, the customer shall be advised of the right to an administrative hearing.

- (d) The director of the water utility shall appoint a hearing officer to resolve customer billing disputes. For any particular dispute, the hearing officer shall have had no previous involvement with the customer's case. In the event that such involvement exists, the director shall designate another hearing officer.
- (e) This hearing officer shall be authorized to make a decision as to the validity of the customer's dispute, and, if the customer's dispute is found to be valid, shall also be authorized to make the appropriate corrections to the customer's account, including the potential removal of delinquent service charges.
- (f) If the hearing officer requires a more complete set of facts than can be gathered at the time of the hearing, the officer shall make whatever investigation is necessary before rendering a decision.
- (g) The customer's water service shall not be terminated until and unless the hearing officer completes the investigation and finds the customer's dispute to be without merit. However, the hearing process does not relieve the customer of the obligation to pay water bills. The customer must continue to pay in a timely manner, all water bills received or be subject to delinquent service charges should the account balance exceed seventy-five dollars (\$75.00).

- (h) The hearing officer's determination regarding disputed customer account balance is final.

(1953 Code, ch. 25, § 26; Ord. No. 2665, § 10, 9-21-64; Ord. No. 3394, § 14, 1-12-70; Ord. No. 4626, § 10, 3-3-77; Ord. No. 4874, § 1, 9-5-78; Ord. No. 5355, § 5, 4-20-81; Ord. No. 9043, § 5, 4-13-98; Ord. No. 9238, § 6, 6-14-99; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11)

Sec. 27-51. Resuming service after discontinued for nonpayment or violations.

(1) In no case shall any individual or plumber turn on the water supply when the supply has been turned off for nonpayment of amounts owing on the customer's account or for any other cause referenced in chapter 27. All water service that has been turned off by the water utility shall be turned on again solely by the water utility.

(2) If the utility has removed the customer's meter to prevent illegal use of water after the customer's account had been terminated for delinquency or any other cause, the customer shall pay thirty-eight dollars (\$38.00) to have the meter reinstalled, in addition to any other outstanding balance on the customer's account, before the utility restores water service to the customer.

(1953 Code, ch. 25, § 27; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08)

Secs. 27-52, 27-53. Reserved.

Editor's note – Ord. No. 4489, 12, adopted May 24, 1976, specifically amended the Code by repealing § 27-52, 27-53, which had pertained to charges for industrial water users and commercial water rates. The sections had been derived from Ord. No. 3167, §§ 1, 2, adopted Sept 16, 1968; Ord. No. 4130, § 5, adopted Mar. 11, 1974; and Ord. No. 4178, § 1, adopted May 20, 1974.

Sec. 27-54. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for charges referenced in any article of chapter 27, which checks are returned for nonpayment for any reason. Should such check or bank draft be received for a delinquent balance in excess of seventy-five dollars (\$75.00), whose balance (1) has been outstanding for forty (40) days or more, and (2) is either not being formally disputed in accordance with section 27-50(2) or the hearing officer under section 27-50(2) has found in favor of the water utility, the customer's service may be turned off and the meter locked without prior notification.

(Ord. No. 9043, § 6, 4-13-98; Ord. No. 9388, § 1, 5-22-00; Ord. No. 10305, § 1, 7-6-06, eff. 8-7-06)

Secs. 27-55 – 27-59. Reserved.

ARTICLE III. CITIZENS' WATER ADVISORY COMMITTEE*

Sec. 27-60. Creation.

There is hereby established an entity to be called the Citizens' Water Advisory Committee to the city. (Ord. No. 4638, § 1, 4-25-77)

Sec. 27-61. Functions and purposes.

The functions, purposes, powers and duties of the committee shall be to:

- (a) Act as the official advisory body on water capital improvement program planning and rate structure formulation to city government;
- (b) Annually review the proposed water system capital improvement program, and recommend to the governing body an annual and a six-year capital budget;
- (c) Annually review the water revenue requirements of the water system and recommend to the governing body rate adjustments as required; promote the concerns of Tucson Water customers by ensuring that recommended water rate adjustments are kept to the absolute minimum necessary, consistent with adopted mayor and council plans and policies; and ensure that the water system delivers safe, high-quality water to all its customers.
- (d) Review and report to the governing body on the long-term (twenty (20) to thirty (30) years) water source and capital needs of the water system, utilizing staff of the water utility and other sources for the information necessary for such review;

- (e) Consult with the governing body from time-to-time as may be required by the mayor and council relative to water resource development needs;
- (f) Annually review the "Tucson Water Resources Plan 1990 – 2100" and recommend revisions thereto to the governing body as required;
- (g) Initiate comprehensive revision of the "Tucson Water Resources Plan 1990 – 2100" at five-year intervals or more frequently as required and recommend the necessary changes thereto to the governing body.
- (h) Review or make recommendations on policies affecting those water issues which the committee deems appropriate.

(Ord. No. 4638, § 1, 4-25-77; Ord. No. 7279, § 1, 9-11-89; Ord. No. 8183, §§ 1, 2, 2-7-94; Ord. No. 8262, § 1, 4-25-94)

Sec. 27-62. Membership composition, terms and qualifications.

(a) *Appointment.* The citizens' water advisory committee shall be composed of fifteen (15) members who shall be customers of the Tucson Water utility, as either a residential user or owning an enterprise using Tucson Water, and shall serve without compensation.

(b) *Selection process.* The mayor and each council member shall appoint one (1) member of the committee. The city manager, utilizing the resources of his office, shall nominate eight (8) members for final approval by the mayor and council.

It is suggested that appointed members have professional or technical competence in one of the following areas:

- (1) Utility rate making;
- (2) Water resource planning;
- (3) Business management;
- (4) Accounting;
- (5) Financial analysis;

***Editor's note** – Ord. No. 4638, § 1, adopted Apr. 25, 1977, specifically amended the Code by adding art. III, §§ 27-60 – 27-62. Sections 2 – 4 did not expressly amend the Code; hence codification as §§ 27-63 – 27-65 was at the discretion of the editor.

- (6) Public health;
- (7) Water system engineering;
- (8) Resource economics;
- (9) Hydrology;
- (10) Landscape architecture;
- (11) Water law.

(c) *Terms.* The term of those committee members appointed by the mayor and council shall be coterminous with that of the appointing elected official. The term of those committee members nominated by the city manager and appointed by the mayor and council shall be four (4) years, or shall be coterminous with the term of the nominating city manager, whichever is less.

(d) The director of the water department and the director of the Pima County Regional Wastewater Reclamation Department shall serve as non-voting, ex officio, advisory members of the committee, who do not count toward the quorum, but may fully participate in all committee and subcommittee discussions. As used in this subsection, "director" means the director or the director's designee.
(Ord. No. 4638, § 1, 4-25-77; Ord. No. 7261, § 1, 8-7-89; Ord. No. 9172, § 1, 12-7-98; Ord. No. 10379, § 1, 3-20-07; Ord. No. 10606, § 1, 11-25-08)

Sec. 27-63. Committee organization.

The citizens' water advisory committee chairperson and a vice-chairperson shall be selected by a majority of the committee members annually on the second Monday of December, and the members shall adopt their own rules and regulations in relation to the committee's powers and duties, and shall appoint their own executive committees, standing committees and subcommittees, and shall meet at such time and places as determined by the committee.
(Ord. No. 4638, § 2, 4-25-77)

Sec. 27-64. Committee reports.

The citizens' water advisory committee shall render to the mayor and council an annual report on or before March 1 and send additional reports and

recommendations as it determines, or as requested by the mayor and council. Minutes of the committee shall be filed with the city clerk.
(Ord. No. 4638, § 3, 4-25-77)

Sec. 27-65. Limitation of powers.

Neither the citizens' water advisory committee nor any member may incur city expenses without prior authorization of the mayor and council, nor may it obligate the city in any manner or form.
(Ord. No. 4638, § 4, 4-25-77)

**ARTICLE IV. GROUNDWATER
CONSULTANT BOARD**

Sec. 27-66. Creation.

There is hereby established an entity to be called the "groundwater consultant board."
(Ord. No. 4840, § 1, 6-26-78)

Sec. 27-67. Functions and purposes.

(a) The purpose of the groundwater consultant board will be the review and evaluation of all geologic, hydrologic and economic factors affecting the development of all available water resources in eastern Pima County.

(b) The functions, powers and duties of the board shall be as follows:

- (1) Review all hydrogeologic data which has become available since the United States Geological Survey work on the Tucson Basin was published.
- (2) Review past and present exploration drilling programs conducted by the city.
- (3) Make recommendations for alternatively or additional methods, procedures or techniques for data acquisition and processing.
- (4) Develop from the above findings, alternative short-term and long-term groundwater development strategies for city implementation.

- (5) Develop alternative short-term and long-term water resources strategies through evaluation of the cost-effectiveness of various sources available to the region.
- (6) Outline steps which must be taken for the development of a basin-wide management plan.
- (7) Evaluate alternative actions the city should take with regard to land surface subsidence.
- (8) Develop and evaluate alternative wastewater re-use schemes which could be implemented by the city, consistent with the basin-wide management plan.
- (9) Review and comment upon water department policies affecting such programs as land acquisition for water rights, transfers, conservation and capital improvements. Recommend additional policies for consideration.

(Ord. No. 4840, § 1, 6-26-78)

Sec. 27-68. Selection and compensation of consultants.

(a) The director of the department of water and sewers shall select consultants from within or without the Tucson area to serve on the groundwater consultant board. The consultants so retained shall be qualified water resource investigators who possess a thorough knowledge of local hydrogeologic conditions. The consultants may be asked to work individually on projects or may act as a board. The recommendation of the groundwater consultant board shall be advisory only.

(b) Membership on the groundwater consultant board shall be unlimited in number, and each member of the board shall sign a personal services contract with the city.

(c) Members of the groundwater consultant board shall serve for an indefinite period of time, and the director of the department of water and sewers shall have the power to remove any member of the board upon giving notice as provided in the personal services contract.

(d) The members of the groundwater consultant board shall be paid at the rate of forty dollars (\$40.00) per hour for work performed as a member of the board, and shall be reimbursed for personal car use at the rate of twenty cents (\$0.20) per mile.

(e) The department of water and sewers shall annually appropriate funds not exceeding twenty-five thousand dollars (\$25,000.00) for the purpose of financing the needs of the groundwater consultant board.
(Ord. No. 4840, 1, 6-26-78; Ord. No. 4906, § 1, 11-13-78)

Sec. 27-69. Limitation of powers.

Neither the groundwater consultant board nor any member shall incur expenses or commit the city to payment for any tangible or intangible thing without first seeking the authority of the director of the department of water and sewers.
(Ord. No. 4840, § 1, 6-26-78)

ARTICLE V. BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL*

Sec. 27-70. Definitions.

Auxiliary water supply means any water supply available to a premises or another purveyor’s water supply system. These auxiliary waters may include additional water services from Tucson Water’s public water supply, other water purveyors or any other natural source.

AWWA means the American Water Works Association.

Backflow Prevention Assembly means an assemblance of one (1) or more body components including shutoff valves that has been approved by the

***Editor’s note** – Ord. No. 9976, § 1, adopted May 24, 2004, repealed the former Art. V, §§ 27-71 – 27-87, and § 2 enacted a new Art. V, §§ 27-70 – 27-86, as set out herein. The former Art. V pertained to similar subject matter and derived from Ord. No. 7380, § 1, 5-21-90; Ord. No. 8202, § 1, 2-7-94; Ord. No. 8446, § 4, 2-13-95; Ord. No. 9043, § 7, 4-13-98; Ord. No. 9238, § 7, 6-14-99; Ord. No. 9704, § 3, 5-13-02.

Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California.

Backflow prevention assembly tester (registered) means a person who is currently certified by an authority recognized in the Arizona Department of Environmental Quality regulations and is approved and registered with Tucson Water to test, repair, and maintain backflow prevention assemblies.

Compliance date means the date by which the backflow prevention assembly/reclaimed water site inspection compliance report must be received by Tucson Water or for violations of this article, the specified date by which a violation must be remedied.

Compliance fee means the fee that is charged to recover the administrative costs that are incurred when a customer's water service is discontinued.

Consecutive systems means another public or private water system where Tucson Water is the sole source of water for the other purveyor's water system.

Contamination means any condition, device or practice which, in the judgment of Tucson Water, may create a danger to health and well being. This includes an impairment of the public water supply by the introduction or admission of any foreign substance that degrades the water quality and creates a health hazard.

Courtesy notice means any written notice informing a customer that a backflow method is not operating correctly or does not meet applicable codes or that the reclaimed water site is not in compliance.

Cross-connection protection means the degree of protection against cross-connections existing between the public water supplies and private plumbing systems.

Customer means the person/entity accepting financial responsibility for water service from Tucson Water.

Four-day notice means the written notice that is personally delivered to the site when the customer fails to meet the requirements imposed by this article stating that water service will be discontinued in four days, excluding the day the notice is delivered, if the requirements of this article are not met.

Gray water system, pressurized means any premise where there is a gray water collection and distribution system that is pressurized with any kind of pump.

Hazard means a cross connection or potential cross connection between the public water supply and a private plumbing system involving any substance that could, if introduced into the public water supplies, be aesthetically objectionable or a nuisance, cause severe damage to the physical facilities of the public water supply systems, cause death, illness, or spread disease, or have a high probability of causing such effects.

Improper means not functioning within the manufacturer's or Tucson Water's specifications or the requirements of this article.

Inspection means a visual examination of a reclaimed water site or any backflow protection equipment, materials, workmanship and operational performance. All reclaimed water site inspections also include a cross-connection test.

Maintenance means work performed or repairs made to keep backflow prevention assemblies operable and in compliance.

Pollution means any actual or potential threat to the physical facilities of the public water supply systems or to the public water supplies which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances. This includes any substance that generally would not be a health hazard but would constitute a nuisance, or be aesthetically objectionable, if introduced into the water supply.

Proper means functioning within the parameters of the manufacturer's and Tucson Water's specifications and the requirements of this article.

Rainwater system, pressurized means any premise where there is a rain water harvesting collection and distribution system that is pressurized with any kind of pump.

Reclaimed water means water that is provided through the Tucson Water reclaimed system.

Reclaimed water site means any premise where reclaimed water is used.

Reclaimed water site tester means a certified backflow prevention assembly tester who is certified by and is registered with Tucson Water to perform reclaimed water site inspections in the Tucson Water service area.

Service connection means a piping connection between Tucson Water’s meter and a customer’s private plumbing system.

Service protection means the acceptable backflow prevention method installed between Tucson Water’s meter and a customer’s private plumbing system.

Testing means an authorized procedure to determine the operational and functional status of a backflow prevention assembly.
(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10563, § 1, 7-8-08; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-71. Purpose and application.

The purpose of this article is:

- (1) To protect the public water supplies of Tucson Water from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public water supply systems.
- (2) To promote the elimination or control of cross-connections, actual or potential, between a customer’s internal water systems, plumbing fixtures, industrial piping systems, and the public water supply.
- (3) To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public water supply systems.
- (4) To implement the requirements of AAC R18-4-215 requiring public water systems to protect against backflow, and to this end this article shall be construed and applied consistent with the requirements of AAC R18-4-215.

(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-72. Backflow prevention required.

(a) When Tucson Water determines that the water supplied by the public water systems may be subject to contamination or pollution, an approved backflow prevention method shall be required at every service connection to a customer’s water system. The customer shall install the required backflow protection within the time specified by Tucson Water. In determining the time in which backflow protection shall be installed, Tucson Water shall consider the degree of hazard potential to the public water supplies.

(b) The backflow prevention method required shall be determined by Tucson Water. The method required by Tucson Water shall be sufficient to protect against the hazard potential, as determined by Tucson Water, to the public water supplies.
(Ord. No. 9976, § 2, 5-24-04)

Sec. 27-73. Hazard potential.

The hazard potential to the public water supply systems from a customer’s private plumbing system shall be determined using the following hazard factors as each is defined in section 27-70:

- (1) Contamination.
- (2) Cross-connection protection.
- (3) Pollution.

(Ord. No. 9976, § 2, 5-24-04)

Sec. 27-74. Backflow prevention methods; list.

(a) A backflow prevention method shall be any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which Tucson Water may require under section 27-72 or section 27-75:

- (1) *Air gap (AG)*: The unobstructed vertical distance through the free atmosphere between the opening of the pipe or faucet supplying potable water to a tank, plumbing fixture or other device. An approved air gap shall be at least double the effective opening of the supply pipe or faucet and in no case less than one (1) inch above the flood rim.

- (2) *Reduced pressure principle assembly (RPA)*: An assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shutoff valves located at each end of the assembly.
- (3) *Double check valve assembly (DCVA)*: An assembly composed of two (2) independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.
- (4) *Pressure vacuum breaker assembly (PVB)*: An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.
- (5) *Spill-resistant pressure vacuum breaker (SVB)*: An assembly containing an independently operating internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with a properly located resilient seated test cock, properly located bleed/vent valve and tightly closing resilient seated shutoff valves located at each end of the assembly.
- (6) *Double check detector assembly (DCDA or DDCVA)*: An assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly.
- (7) *Reduced pressure principle detector assembly (RPDA)*: An assembly composed of a line size approved reduced pressure

principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly.

(b) A backflow prevention method may be approved by Tucson Water if it is contained in section 7.2 of the *Manual of Cross-Connection Control*, Ninth Edition, USC-FCCCHR, KAP-200 University Park MC 2531, Los Angeles, California, 90089-2531, December 1993 (cross connection manual). The current list of approved methods shall be available for inspection at Tucson Water to any customer required to install a backflow prevention assembly.

(c) Any backflow prevention assembly equipped with test cocks shall have been issued a certificate of approval by the USC Foundation for Cross-Connection Control and Hydraulic Research or a third-party certifying entity that is unrelated to the product's manufacturer or vendor, and is approved by the Arizona Department of Environmental Quality. Any backflow prevention assembly not equipped with test cocks shall be certified by a third party entity unrelated to the product's manufacturer or vendor and approved by the Arizona Department of Environmental Quality. (Ord. No. 9976, § 2, 5-24-04; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-75. Backflow prevention methods required.

(a) Whenever the following items exist or activities are conducted on premises served by the public water systems, a potential hazard to the public water supplies shall be presumed, and a backflow prevention method of the type specified herein for that item or activity must be utilized or installed at each service connection for that premises. If an activity or item is not on the following list, it shall be evaluated by Tucson Water and a method of backflow prevention will be determined.

- (1) Cooling tower, boiler, condenser, chiller, and other cooling systems: RPA.
- (2) Tank, vessel, receptacle, and all other water connections, including mobile units, except emergency vehicles and private swimming pools: RPA.
- (3) Icemaker (other than a residential service): RPA.

- (4) Water-cooled equipment, boosters, pumps or autoclaves: RPA.
- (5) Water treatment facilities and all water processing equipment (other than residential water softeners): RPA.
- (6) Bottle washer, bedpan washer, garbage can washer: RPA.
- (7) Pesticide, herbicide, fertilizer, and chemical applicators (other than typical in-home use): RPA.
- (8) Aspirator: RPA.
- (9) Commercial dishwashers, food processing and/or preparation equipment, carbonation equipment, or other food service processes: RPA.
- (10) Decorative fountain, baptismal, or any location water is exposed to atmosphere: RPA.
- (11) X-ray equipment, plating equipment, or any other photographic processing equipment: RPA.
- (12) Auxiliary water supply and/or connections to unapproved water supply systems: RPA.
- (13) Reclaimed water sites with potable water connection: RPA.
- (14) Recreational vehicle dump stations (sewer), or any other location where water may be exposed to bacteria, virus or gas: RPA.
- (15) Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants and/or contaminants are handled in a manner by which they may come in direct contact with water, or there is evidence of the potential to contact water: RPA.
- (16) Materials and piping systems unapproved by the City Plumbing Code or Environmental Protection Agency for potable water usage: RPA.
- (17) Separately metered or unprotected irrigation systems, and construction water services: RPA or PVB/SVB as allowed.
- (18) Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the City Plumbing Code: RPA.
- (19) Multimetered properties with more than one (1) meter connected: RPA.
- (20) Fire systems – AWWA Classes 1 and 2 and all systems constructed of a piping material not approved for potable water pursuant to the City Plumbing Code: DCVA or Double Detector CVA. Furthermore, fire systems, Classes 1 and 2, that are under the jurisdiction of the fire department or a fire district that requires periodic sprinkler system testing similar to the city's are exempt from this article: DCVA.
- (21) Fire systems – AWWA Class 3, 4, 5, 6: RPA or RPA with detector.
- (22) Fire systems which require backflow protection and where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RPA (Requirement may be waived by Tucson Water).
- (23) Any premises which has a source of water supply that is not accepted by the public water system and or not approved by the Arizona Department of Environmental Quality: As determined by Tucson Water.
- (24) Any premises where an unprotected cross-connection exists or where there has previously occurred a cross connection problem within the premises: As determined by Tucson Water.

(25) Any premises where there is a significant possibility that a cross-connection problem will occur and entry onto the premises is restricted to the extent that cross-connection inspections can not be made with sufficient frequency or on sufficiently short notice to assure that unprotected cross-connections do not exist: As determined by Tucson Water.

(26) Multi-use commercial property: RPA.

(27) Properties with active private wells: RPA.

(28) Consecutive systems, when required by Tucson Water: RPA.

(29) Fire hydrant/construction water: RPA.

(30) Jumper connection to new water mains: RPA.

(31) Any building three (3) stories or greater than thirty-four (34) feet in height as measured from the service level: RPA.

(32) Any premise on which there is a pressurized gray water system: RPA.

(33) Any premise on which there is pressurized rain water harvesting system: RPA.

(b) When two (2) or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be installed at each service connection. The order of most restrictive to least restrictive backflow prevention methods shall be as follows:

(1) Air gap (AG).

(2) Reduced pressure principle assembly (RPA).

(3) Reduced pressure principal detector assembly (RPDA).

(4) Double check valve assembly (DCVA).

(5) Double check detector assembly (DCDA).

(6) Pressure vacuum breaker assembly (PVB).

(7) Spill resistant pressure vacuum breaker (SVB).

(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-76. Backflow assembly installation requirements.

(a) Backflow prevention assemblies shall be installed and maintained by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the city, at each service connection. The customer is responsible for notifying Tucson Water of any installation, repair, relocation or replacement. A backflow prevention assembly shall be installed as close as practicable to the service connection. Any backflow prevention method shall be installed in accordance with the manufacturer's specifications and Tucson Water's standard details for installation.

(b) The assembly shall have a diameter at least equal to the diameter of the service connection or service line at point of connection. Each service connection will require its own backflow prevention assembly.

(c) The assembly shall be in an accessible location approved by Tucson Water. The RPA, RPDA, DCVA, DCDA, PVB, and SVB shall be installed above ground and per Tucson Water standard details.

(d) When a customer desires a continuous water supply, two (2) backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing and maintenance of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross-sectional areas of the assemblies shall be at least equal to the cross-sectional area of the service connection or service line piping at the point of installation, and the assemblies shall be of the same type, size, and manufacturer.

(e) For an AG installation all piping installed between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by Tucson Water.

(f) Backflow prevention assemblies shall not be installed in a meter box, pit or vault.

(g) A PVB or SVB assembly may be installed for use on a landscape water irrigation system if:

- (1) The water use beyond the assembly is for irrigation purposes only;
- (2) The PVB/SVB is installed in accordance with manufacturer’s specifications;
- (3) The irrigation system is designed and constructed to be incapable of inducing backpressure;
- (4) Chemigation, the injection of chemical pesticides and fertilizers, is not used or provided for in the irrigation system; and
- (5) No other source of water is available on the premises.

If these five criteria are not met, then an RP assembly is required.

(h) No person shall alter, modify, bypass or remove a backflow prevention method without the approval of Tucson Water.

(i) Installation of the backflow prevention assembly must be completed within the time specified in the notice to install or within forty-five (45) days of the water meter installation. A time extension may be granted by Tucson Water.

(j) If a customer fails to install a backflow prevention assembly pursuant to this article, Tucson Water shall discontinue water service and assess a compliance fee pursuant to this article. (Ord. No. 9976, § 2, 5-24-04; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-77. Installation of backflow prevention assemblies for fire systems.

In addition to the requirements of section 27-75 the following shall also apply.

(a) *Fire systems:*

- (1) Fire protection systems may consist of sprinklers, hose connections, and hydrants. Sprinkler systems may be dry or wet, open or closed. Systems consisting of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice, especially in cities, to equip automatic sprinkler systems with fire department pumper connections.
- (2) A meter (compound, detector check) should not normally be permitted as part of a backflow prevention assembly. An exception may be made, however, if the meter and backflow prevention assembly are specifically designed for that purpose.
- (3) For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:
 - a. *Class 1:* Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
 - b. *Class 2:* Same as class 1, except that booster pumps may be installed in the connections from the street mains. It is necessary to avoid drafting so much water that pressure in the water main is reduced below twenty (20) psi.
 - c. *Class 3:* Direct connection from public water supply main plus one (1) or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition).

Otherwise, class 3 systems are the same as class 1. Class 3 systems will generally require minimum protection (approved double check valves) to prevent stagnant waters from backflowing into the public potable water system.

- d. *Class 4:* Directly supplied from public mains similar to classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within seventeen hundred (1,700) feet of the pumper connection. Class 4 systems will normally require backflow protection at the service connection. The type (air gap or reduced pressure) will generally depend on the quality of the auxiliary supply.
- e. *Class 5:* Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems; or where antifreeze or other additives are used. Classes 4 and 5 systems normally would need maximum protection (air gap or reduced pressure) to protect the public water system.
- f. *Class 6:* Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

(b) *Installation of assembly:* When a backflow prevention assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the city. (Installation of DCVA's or DDCVA's in a vertical

position on the riser may be allowed on fire systems with Tucson Water approval.)
(Ord. No. 9976, § 2, 5-24-04)

Sec. 27-78. Inspections.

(a) A customer's water systems shall be available at all times during business operations for premises inspection and backflow prevention assembly testing by Tucson Water. The inspection shall be conducted to determine whether any cross-connection or other hazard potentials exist and to determine compliance with this article and modifications, if any, pursuant to section 27-81.

(b) Tucson Water shall inspect all new sites, assembly installations, assembly relocations and assemblies that have been repaired for compliance.

(c) A waived premise is a property for which Tucson Water has determined there are currently no hazard potentials. All waived premises shall be inspected periodically or when there has been a change in owner/tenant or there has been a use change.

(d) If a customer refuses entry to a premises for inspection during business operations, Tucson Water may discontinue water service, require backflow prevention or take any steps allowed by law to gain entry to the premises.

(e) Tucson Water shall inspect all new reclaimed water sites prior to the delivery of reclaimed water to ensure that no cross-connections with Tucson Water's potable system exist and that the site complies with all applicable state and local regulations.

(f) Beginning on January 1, 2015 all reclaimed water sites, except single family residences, are required to have an annual reclaimed water site inspection and cross-connection test performed by a reclaimed water site tester certified by and registered with Tucson Water. The inspection will ensure that no cross-connections with Tucson Water's potable system exist and that the site complies with all applicable state and local regulations, including regulations pertaining to signage, ponding, overspray, site plan, and discharge off of the site. The reclaimed water site inspection program will be administered as provided in section 27-80.

(g) All single family sites will be inspected once every five years by Tucson Water at no cost to the customer. The inspection will ensure that no cross-connections with Tucson Water’s potable system exist and that the site complies with all applicable state and local regulations, including regulations pertaining to signage, ponding, overspray, site plan, and discharge off of the site.
(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-79. Permit.

(a) Installation permits for the installation of all backflow prevention assemblies required by Tucson Water shall be obtained from Tucson Water prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including replacement or relocation.

(b) It shall be the duty of the person doing the work authorized by the permit to notify Tucson Water, orally or in writing, that the work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected and shall be given only if there is reason to believe that the work done will meet current city codes and regulations.

(c) Whenever any work is being done contrary to the provisions of the City Plumbing Code or this article, Tucson Water or an authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such person shall forthwith stop such work until authorized by Tucson Water to proceed with the work.

(d) Any Tucson Water employee may, in writing, suspend or revoke a permit issued under provisions of this article, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the City Plumbing Code or this article.
(Ord. No. 9976, § 2, 5-24-04)

Sec. 27-80. Test, inspection, notification, maintenance, records.

(a) The compliance date shall be set by Tucson Water.

(b) Tucson Water shall notify the customer at least forty-five (45) days before the compliance date for each backflow prevention assembly and/or reclaimed water site inspection.

(c) The customer shall test each backflow prevention assembly at least once a year. Test intervals for any backflow prevention assembly may not exceed twelve (12) months. If an inactive water service is reactivated, the backflow prevention assembly associated with that service shall be tested if more than twelve (12) months have passed since the last test.

(d) For compliance testing or inspection the customer shall not test any backflow prevention assembly or inspect any reclaimed water site more than forty-five (45) days prior to the compliance date.

(e) The customer may request in writing a change of the compliance date for any backflow prevention assembly and/or reclaimed water site. No annual compliance date may be changed to be more than twelve (12) months after the most recent test or inspection. No five (5) year compliance date may be changed to be more than sixty (60) months after the most recent inspection.

(f) If any testing reveals the assembly to be defective or is in improper operating condition, the customer shall perform any necessary repairs, including replacement of the assembly, which will return the assembly to proper operating condition. If an assembly is replaced, relocated or repaired, a new test shall be performed on such assembly and submitted to Tucson Water.

(g) If by the compliance date Tucson Water has not received the required backflow prevention assembly test and/or reclaimed water site inspection results, Tucson Water shall provide a four (4) day notice in writing to the site that Tucson Water will discontinue potable/reclaimed water service if the required backflow prevention assembly test and/or reclaimed water site inspection results are not received by the date specified in the four (4) day notice. Tucson Water shall assess a fee when the four (4) day notice is delivered. If the test and/or inspection results are not received by Tucson Water by the date specified in the four (4) day notice Tucson Water shall discontinue water service and add a compliance fee to the customer’s water bill.

(h) If Tucson Water determines at any time between compliance dates that a backflow method is not operating correctly or does not meet applicable codes or that a reclaimed water site does not comply with regulations, Tucson Water shall provide a courtesy notice in writing to the customer and/or site specifying the date by which the backflow method must meet applicable codes and be operating properly or the reclaimed water site must be in compliance. If by the date specified in the courtesy notice the backflow method or reclaimed water site does not meet applicable codes and regulations, Tucson Water will provide a four (4) day notice to the site specifying the date by which the backflow method or reclaimed water site must meet applicable codes/regulations. Tucson Water shall add a fee to the customer's water bill when the four (4) day notice is delivered. If by the date specified in the four (4) day notice the backflow method or reclaimed water site does not meet applicable codes/regulations, Tucson Water shall discontinue water service and add a compliance fee to the customer's water bill.

(i) If Tucson Water or a customer learns or discovers during any interim period between tests/inspections that an assembly is defective or is in improper operating condition or that the reclaimed water site is noncompliant, the customer shall perform any necessary repairs including replacement of the assembly, which will return the assembly or reclaimed water site to proper operating/compliant condition.

(j) The backflow prevention assembly testing shall be performed by an individual certified to conduct such testing by the California-Nevada Section of the AWWA, the Arizona State Environmental Technical Training Center or other certifying authority approved by the Arizona Department of Environmental Quality. A list of certified testers registered with Tucson Water shall be maintained by Tucson Water and shall be available upon request to all persons required to install or maintain a backflow prevention assembly.

(k) Test procedures shall be performed as required by the Arizona Department of Environmental Quality as set forth in chapter nine of the *Manual for Cross-Connection Control*. The tester shall provide test/inspection results to the customer and to Tucson Water, and shall maintain a copy of the results for their records.

(l) The customer shall maintain records, of all test/inspection results and of all servicing, repairs, and replacements of the backflow prevention assembly. Test and/or inspection results shall be submitted electronically to Tucson Water within five (5) days after completion of the activity for which the record is made.

(m) Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department shall be notified immediately of any changes in fire service status.

(n) Tucson Water may test any backflow prevention assembly or inspect any reclaimed water site at any time.

(o) Test equipment shall be maintained and calibrated annually by an agency approved by Tucson Water as required by the cross connection manual. A copy of the annual equipment calibration certificates shall be submitted to Tucson Water to maintain equipment registration and certification. Test equipment for testing backflow prevention assemblies in Tucson Water's service area shall be registered with and approved by Tucson Water. Test equipment used on anything other than potable water backflow prevention assemblies shall not be used to test such assemblies and shall be identified as non-potable test equipment.

(p) Backflow prevention assembly/reclaimed water site testers shall register with Tucson Water if they are conducting backflow prevention assembly testing/reclaimed water site inspections in Tucson Water's service area. Testers shall submit a current copy of their certification or recertification upon registration. A Tucson Water registration issued to a backflow prevention assembly/reclaimed water site tester may be revoked or suspended upon certification expiration or for improper testing, maintenance, inspections, reporting or other improper practices. (Ord. No. 9976, § 2, 5-24-04; Ord. No. 10563, §§ 2, 3, 7-8-08; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-81. Determination, modification or waiver of backflow prevention requirements.

If Tucson Water determines, after inspection of the customer’s system, that a backflow prevention method less restrictive than that required in section 27-75 will provide adequate protection of the public water supply, Tucson Water may, at its sole discretion, modify or waive the requirements of section 27-75 accordingly. In determining, waiving, or modifying backflow requirements, Tucson Water shall consider the hazard potential to the public water system based on the design of the customer’s water system. (Ord. No. 9976, § 2, 5-24-04)

Sec. 27-82. Discontinuance of water service.

(a) If Tucson Water discovers that a customer has not installed a required backflow prevention method, or that a backflow prevention method has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the customer’s water system or any other violation of this article has occurred, the water service to that service connection shall be discontinued. If the condition is not remedied subsections 27-80(g) and (h) shall apply. The service shall not be restored until the condition is remedied or Tucson Water authorizes a turn on for assembly testing and continuance of service.

(b) Water service to a fire sprinkler system shall not be subject to discontinuance under this section. If a condition, which would otherwise result in discontinuance of fire service is not remedied, discontinuance of the potable water service shall result. See subsections 27-80 (g) and (h).

(c) Tucson Water may discontinue, without notice, water service to any customer when Tucson Water discovers any potential for contamination of the public water systems by the customer’s private plumbing system. (Ord. No. 9976, § 2, 5-24-04; Ord. No. 10563, § 4, 7-8-08; Ord. No. 10867, § 1, 12-21-10)

Sec. 27-83. Administrative appeal.

An administrative appeal may be taken whenever a question arises over any of the requirements of this article, and the applicant wishes to appeal the decision

of Tucson Water or seek a variance from the requirements of this article. The appeal may be made to the backflow prevention hearing committee as follows:

- (1) The applicant shall file a written appeal on the forms provided by the Tucson Water Backflow Prevention Office within ten (10) working days from the date of the decision by Tucson Water that the applicant wishes to appeal. The applicant shall set forth, in detail, and on the form provided, the basis for their request, and may attach additional documentation to the form.
- (2) The appeal will be heard by the hearing committee within seven (7) working days, after receipt of the written appeal, at a regular specified time. Formal Arizona Rules of Evidence will not apply, but any testimony or evidence offered must be relevant to the issue in question.
- (3) The hearing committee shall consist of three (3) members each of whom shall be knowledgeable or experienced in backflow prevention, plumbing, or water system hydraulics. One (1) member shall be appointed by the director of Tucson Water. One (1) member shall be appointed by the director of the department of development services. One (1) member shall be appointed from the full membership of the City of Tucson Small Business Commission. Additional inspectors or other technical persons may be present for a particular appeal.
- (4) The applicant shall provide adequate information at the hearing to fully describe the conditions in question and to establish the justification and basis for the applicant’s request.
- (5) The applicant may, but is not required to, personally attend the hearing. (Ord. No. 9976, § 2, 5-24-04)

Sec. 27-84. Violation a civil infraction.

It shall be a civil infraction for any person to violate any of the requirements of this article. (Ord. No. 9976, § 2, 5-24-04)

Sec. 27-85. Reserved.**Sec. 27-86. Fees.**

(a) The fee for issuing a permit to install a backflow prevention assembly and inspecting the installation shall be eighty-two dollars (\$82.00).

(b) A four (4) day notice fee of eighty-two dollars (\$82.00) will be assessed when the customer fails to meet the requirements imposed by this article and a Tucson Water inspector personally delivers a notice to the site stating that water service will be discontinued in four days if the requirements are not met.

(c) A compliance fee of eighty-two dollars (\$82.00) will be assessed when the customer fails to meet the requirements imposed by this article and Tucson Water discontinues potable or reclaimed water service.

(d) A fee of eighteen dollars (\$18.00) will be assessed to backflow prevention assembly testers:

- (1) whenever registering or reregistering their backflow test equipment with Tucson Water, as required in Sec. 27-80(o); and
- (2) whenever registering or reregistering their certification to perform backflow prevention assembly testing with Tucson Water, as required in Sec. 27-80(p).

(Ord. No. 9976, § 2, 5-24-04; Ord. No. 10359, § 3, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 3, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 3, 5-24-11, eff. 7-5-11)

Secs. 27-87 – 27-89. Reserved.

TUCSON CODE

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

Ordinance Number	Date	Section	Disposition
10796 (cont.)		8	15-34.6 – 15-34.8 Added 15-34.9
		9	Added 15-36
		10	Rpld 15-50
		11	Added 15-70, 15-71
10800	6-8-10	1	15-70
10806	6-15-10	1	10-31 (note)
		2	10-31(7) (note) 10-31(8) (note) 10-33 (note) 10-33.1 (note) 10-34 (note) 10-34.1 (note) 10-35 (note) 10-48 (note) 10-49 (note) 10-52 (note) 10-53 (note) 10-53.1 (note) 10-53.2 (note) 10-53.3 (note) 10-53.4 (note) 10-53.5 (note)
		3	10-48
10807	6-22-10	1	2-13
10810	6-22-10	1	10A-139
10812	6-22-10	1	22-95
10814	7-7-10	1	10-85
10825	8-4-10	1	11-17
10833	8-4-10	1	16-3
		2	16-11
		3	16-12
		4	16-13
		5	16-14
		6	16-30
		7	16-61
10836	9-8-10	1	19-53
10843	10-19-10	2	Rpld 10A-170 – 10A-174
10849	11-9-10	1	Added 8-6.8
10854	11-23-10	1	Ch. 7, Art. V (tit.)
		2	7-97
		3	7-98
		4	7-98
10856	11-23-10	1	Rpld 11-22, 11-23
		2	Added 11-22
10864	12-14-10	1	3-33
		2	3-82

TUCSON CODE

Ordinance Number	Date	Section	Disposition
10865	12-21-10	1	16-30
10866	12-21-10	1	7-211
10867	12-21-10	1	27-70 27-71 27-74 27-75 27-76 27-78 27-80 27-82
10871	1-19-11	1	10A-76 10A-77
10872	1-19-11	1	10A-110
10874	1-25-11	1	2-4
10880	3-8-11	1	Ch. 14 (tit.)
		2	Added 14-1 – 14-17
10885	3-8-11	1	12-110
10887	4-12-11	1	2-18 2-19 2-22
10893	5-3-11	1	4-78 4-82 4-82.2 4-87 4-88 4-90 4-91
10895	5-17-11	2	15-1
		3	15-16.1 15-16.5 15-16.8
		4	15-31.1
		5	Added 15-31.3 15-32.2 15-32.4 15-32.5 15-32.6
		6	15-33.2 15-33.3
		7	15-34.5 15-34.7 15-34.9
		8	15-36
10896	5-24-11	1	27-32.1 27-33 27-34

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

Ordinance Number	Date	Section	Disposition
10897	5-24-11	1	27-9 27-16 27-16.1 27-16.2 27-18
		2	27-35 27-37 27-43 27-50
		3	27-86
10899	6-7-11	1	22-95
10900	6-28-11	1	10-31 (note)
		2	10-31(7) (note) 10-31(8) (note) 10-33 (note) 10-33.1 (note) 10-34 (note) 10-34.1 (note) 10-35 (note) 10-47 (note) 10-48 (note) 10-49 (note) 10-52 (note) 10-53 (note) 10-53.1 (note) 10-53.2 (note) 10-53.3 (note) 10-53.5 (note)
		3	10-53.4
10901	6-14-11	1	Added 8-6.9
10903	6-28-11	2	3-11
		3	3-53
			Added 3-70
		4	3-76 3-77 3-79 3-81
		5	3-96
10904	6-28-11	1	Ch. 18 (tit.)
		2	Added 18-1 – 18-10
		3	Rnbd 2-12 as 18-11
10915	6-21-11	1	22-30
		2	22-33
		3	22-34
		4	22-36
		5	22-37

TUCSON CODE

Ordinance Number	Date	Section	Disposition
10915 (Cont.)		6	22-40
		7	22-41

CODE INDEX

	Section		Section
CALENDAR MONTH, YEAR		CIGARS, CIGARETTES, PIPES	
Definitions and rules of construction.....	1-2(11)	Retail tobacco sales.....	7-426 et seq.
CAMPING		See: RETAIL TOBACCO SALES	
Library grounds, crimes on.....	11-160(4)	Smoking prohibited in specified places.....	11-89
Parks and recreation, regulations relating to recreation.....	21-3(5)	CITATIONS	
CANVASSERS. See: PEDDLERS, CANVASSERS AND SOLICITORS		Obstruction of enforcement of civil infractions	
CAPPING		Failure to furnish information; failure to sign citation.....	11-121
Auctions and auctioneers		CITIZEN POLICE ADVISORY REVIEW BOARD	
Capping prohibited.....	7-11	Composition, appointment and terms.....	10A-90
CARE, HEALTH. See: HEALTH AND SANITATION		Cooperation.....	10A-95
CARTS		Creation.....	10A-87
City municipal golf courses, city carts, rates, regulations.....	21-22 et seq.	Declaration of policy.....	10A-86
See: PARKS AND RECREATION		Organization of board.....	10A-91
Motor vehicles and traffic, applicability to pushcarts.....	20-5	Powers and duties; citizen complaints and concerns.....	10A-88
CEMETERIES		Powers and duties; community-police partnership.....	10A-89
Funeral processions		Powers, limitations of.....	10A-93
Identification of vehicles in.....	20-55	Reports.....	10A-92
Method of driving in.....	20-152	Training.....	10A-94
Public place includes		CITIZEN SIGN CODE COMMITTEE	
Definitions and rules of construction.....	1-2(2)	Administrative procedures.....	3-148
Vandalism		Appointment and terms.....	3-144
Institutional vandalism, intimidation.....	11-30, 11-30.1	Authority.....	3-142
CHANNELS		Composition.....	3-143
Water ditches, natural drainage channels.....	11-58 et seq.	Creation.....	3-141
See: DITCHES, NATURAL DRAINAGE CHANNELS		Meetings.....	3-146
CHARTER		Removal.....	3-147
Index for charter. See Charter Index printed in this volume		Vacancies.....	3-145
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		CITIZEN TRANSPORTATION ADVISORY COMMITTEE	
CHECKS. See: FINANCES		Committee organization and rules.....	10A-243
CHICKENS		Creation.....	10A-240
Animal and fowl.....	4-1 et seq.	Functions and purposes.....	10A-242
See: ANIMALS AND FOWL		Limitation of powers.....	10A-244
CHILDREN. See: MINORS		Membership composition; appointment and terms.....	10A-241
CHURCHES		CITIZENS' WATER ADVISORY COMMITTEE	
Vandalism		Creation, etc.....	27-60 et seq.
Institutional vandalism, intimidation.....	11-30, 11-30.1	See: WATER AND SEWERS	
		CITY	
		Acts of trustees, city not liable for.....	1-14
		Bicentennial anniversary celebration.....	10A-32
		Definitions and rules of construction.....	1-2(3)
		Founding date of City of Tucson	
		Established.....	10A-31
		Sign code; indemnification of city.....	3-116
		CITY ATTORNEY	
		City office hours.....	2-1
		Residency requirements.....	2-4

TUCSON CODE

	Section		Section
CITY CLERK		CITY COURT (Cont'd.)	
Certificate of clerk. See the adopting ordinance in the preliminary pages at beginning of this volume		Fees, fines and penalties (Cont'd.)	
City office hours.	2-1	Penalties generally.	8-6.1
Elections.	12-12.2 et seq.	Post-adjudicated civil motion filing fee; exemption for extraordinary circumstances; fee separate and distinct from any sentence; action for recovery authorized.	8-6.8
See: ELECTIONS		Probation monitoring fees.	8-5.2
Records management		Reimbursement of city's costs of incarceration; factors to be considered; exemption for indigent persons; reimbursement separate and distinct from any sentence or probation conditions; action for recovery authorized.	8-6.3
Preservation of essential records.	2-103	Incarceration; reimbursement of city's costs of; factors considered; exemption for indigent persons; reimbursement separate and distinct from sentence or probation conditions; action for recovery.	8-6.3
Preservation of records in compliance with state law.	2-101	Jurisdiction.	8-1
Reproductions from public records; certified copies.	2-102	Jurors	
Residency requirements.	2-4	Challenges for cause.	8-11
CITY COURT		Number of.	8-11
Assessment of administrative charge on persons convicted in city court of violations of A.R.S. § 28-1381 et seq.	8-6.6	Pay of.	8-12
Assessments, fixing.	8-5	Summoning.	8-10
Assumption of Chapter 28 procedures.	8-6	Jury trial, when required.	8-9
Bail, fixing.	8-5	Justices of the peace, weekend arraignments, initial appearances.	8-2.5
Bond fixing.	8-5	Magistrates	
Director of finance		Appointment.	8-2
Powers and duties in relation to city court.	8-14	Assignment of associate presiding magistrate; term, compensation, duties.	8-4.1
Duties.	8-1	Compensation.	8-2.1
Execution to collect fine.	8-13	Criminal history records check prior to appointment of city magistrates.	8-2.4
Fees, fines and penalties		Limited special magistrates.	8-2.3
Abatement.	8-7	Methods of appointments.	8-2.1
Administrative default fee; exemption for indigent persons; fee separate and distinct from any fine or other fee; action for recovery authorized.	8-6.7	Nonjurisdictional days, conducting business on.	8-3
Administrative fee for warrants issued for failure to pay fines or restitution; exemption for indigent persons; fee separate and distinct from sentence or probation conditions; action for recovery.	8-6.4	Powers and duties.	8-2, 8-4
Assessment of administrative charge on persons convicted in city court of violations of A.R.S. § 28-1381 et seq.	8-6.6	Qualifications.	8-2.1
Case processing fee; exemption for indigent persons; deposit and use of funds collected; fee separate and distinct from any sentence or probation conditions or civil penalty; action for recovery authorized.	8-6.5	Residency requirements.	2-4
Collection.	8-7	Senior special magistrate status established.	8-2.1
Defensive Driving School (DDS) rescheduling fee; fee separate and distinct from any sentence; action for recovery authorized.	8-6.9	Special magistrates.	8-2.2
Execution to collect.	8-13	Powers.	8-1
Fixing.	8-5	Prisons and prisoners. See herein:	
		Incarceration	
		Procedures generally.	8-8
		Records of complaint for violation of traffic laws.	20-78
		Summoning jurors.	8-10
		Violations and penalties.	8-6.1

CODE INDEX

	Section		Section
CITY ENGINEER		CLAIRVOYANCE	
City office hours.	2-1	Fortunetellers.	7-62 et seq.
Floodplain and erosion hazard area development, review of.	26-11.1	See: FORTUNETELLERS	
CITY MANAGER		CLASSIFICATION OF EMPLOYMENT	
Authority of city manager		Civil service, generally.	10-1 et seq.
To administer the city real estate program.	2-16.1	See: OFFICERS AND EMPLOYEES	
To execute certain utility rights-of-way.	2-16	CLIMATE CHANGE COMMITTEE	
City office hours.	2-1	Committee organization; subcommittees.	10A-214
Residency requirements.	2-4	Creation.	10A-210
CIVIL EMERGENCIES (Riots or unlawful assemblies, natural disasters, man-made calamities; floods, windstorms, tornadoes, earthquakes, etc.)		Functions, purposes, powers, and duties.	10A-212
Powers of mayor		Limitation of powers.	10A-215
Additional powers.	11-103	Membership composition.	10A-211
Closing certain establishments		Staff support; minutes.	10A-213
Additional powers.	11-103	CLOTHING REQUIREMENTS	
Curfew, general.	11-102	Dancers, etc., certain	
Definitions.	11-100	Clothing requirements of.	11-25.3
Discontinuance of sale, distribution of certain items		Operation of restaurants where failure to meet certain clothing requirements deemed misdemeanor.	11-25.4
Additional powers.	11-103	Female entertainers and waitresses, clothing requirements.	11-25.1
General curfew.	11-102	Operation of certain restaurants, etc., where failure to meet requirements deemed misdemeanor.	11-25.2
Proclamation of civil emergency.	11-101	CLUBS	
Duration of proclamation or orders.	11-104	Proprietary clubs	
Violations and penalties.	11-105	Privilege and excise taxes, provisions re.	19-270.2
CIVIL INFRACTIONS		Senior trip programs.	21-13.2
Gatherings; loud or unruly		COASTERS. See: MOTOR VEHICLES AND TRAFFIC	
Violation a civil infraction.	11-150	COCKTAIL LOUNGES	
Landfills; development, public notice in proximity of		Escorts and escort bureaus, unlawful acts.	7-118
Violation declared a civil infraction.	29-29	Message therapists and establishments, unlawful activities.	7-144
Obstruction of enforcement of civil infractions		CODE OF ORDINANCES*	
Failure to furnish information, failure to sign citation.	11-121	*Note – The adoption, amendment, repeal, omission, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume	
Failure to obey abatement order.	11-122	Areas owned or leased by city, jurisdiction.	1-7
Sign code; declared.	3-102	Catchlines for sections.	1-3
CIVIL RIGHTS		Citing, how Code cited.	1-1
Discrimination provisions regarding civil rights.	17-11 et seq.	Civil infractions.	1-8
See: DISCRIMINATION		Continuing violations.	1-8
CIVIL SERVICE; HUMAN RESOURCES		Definitions and rules of construction.	1-2
Provisions re.	10-1 et seq.	Designating	
See: OFFICERS AND EMPLOYEES		How Code designated.	1-1
CLAIMS			
City property, squatting on prohibited.	11-12		
CLAIMS AGAINST THE CITY			
Civil liability of city; notice of defective condition required.	2-10		
Settlement of claims.	18-11		

TUCSON CODE

	Section		Section
CODE OF ORDINANCES (Cont'd.)		COMMEMORATIONS AND OBSERVANCES	
Existing ordinances		American Indian Awareness Days.....	10A-100
Provisions declared continuation of.	1-6	Bicentennial anniversary celebration.....	10A-32
How Code designated and cited.	1-1	Martin Luther King, Jr. Day.	10A-101
Imprisonment in city or county jail.	1-9		
Jail		COMMERCIAL ACTIVITIES	
Imprisonment to be in city or county jail. . .	1-9	Parks and recreation, regulations relating to	
Jurisdiction over areas owned or leased by city.	1-7	commercial activities.	21-3(6)
Labor required of prisoners.	1-10		
Leasing areas		COMMERCIAL PROPERTY	
Jurisdiction over by city.	1-7	Lessors of commercial real property disclosure	
Prisoners		requirements.....	7-501 et seq.
Classification as regular or trustees.....	1-10		
Escape of.....	1-15	COMMITTEES AND COMMISSIONS. See:	
Labor required of.	1-10	DEPARTMENTS AND OTHER	
Prisoner regulations, prescribing additional		AGENCIES OF CITY	
Duty of police chief.	1-18		
Security of, duty of police chief.	1-17	COMMUNICATIONS	
Supervision of working prisoners.	1-12	Competitive telecommunications.....	7B-1 et seq.
Treatment of.	1-16	See: TELECOMMUNICATION	
Trustees		SERVICES	
City not liable for acts of.	1-14	General services department	
Classification as.	1-10	Divisions within.	11A-3
Persons deemed.	1-11	Established.	11A-1
Credit on sentence for.	1-13	Powers and duties of.....	11A-2
Designation of.	1-12	Telecommunication services	
Provisions declared continuation of existing		Privilege and excise taxes.....	19-470
ordinances.	1-6	Public utility tax.	19-1070
Repealing ordinances, effect of.	1-4		
Rules of construction.....	1-2	COMMUNITY AFFAIRS	
Sections, catchlines.	1-3	American Indian Awareness Days.....	10A-100
Severability of parts of Code.....	1-5	Citizen police advisory review board.	10A-87 et seq.
Sign code		See: CITIZEN POLICE ADVISORY	
Interpretation and construction with Tucson		REVIEW BOARD	
Code by the sign code administrator. . . .	3-3	Climate Change Committee.....	10A-210 et seq.
Violations		See: CLIMATE CHANGE COMMITTEE	
General penalty.....	1-8	Commemorations and observances	
Misdemeanors.....	1-8	American Indian Awareness Days.	10A-100
Wards of		Martin Luther King day.	10A-101
Additions to upon annexation.....	1-20	Commission on disability issues.	10A-75 et seq.
Described.	1-19	See: HANDICAPPED PERSONS	
		Founding date of City of Tucson	
COINS		Bicentennial anniversary celebration.	10A-32
Pawnbrokers and secondhand dealers.	7-97 et seq.	Founding date established.....	10A-31
See: PAWNBROKERS AND		Historical commission.	10A-1 et seq.
SECONDHAND DEALERS		See: HISTORICAL COMMISSION	
		Independent Audit and Performance	
COLOR		Commission.	10A-120 et seq.
Civil rights, discrimination, affirmative action		See: INDEPENDENT AUDIT AND	
programs.	17-0 et seq.	PERFORMANCE COMMISSION	
See: DISCRIMINATION		Indian awareness days.	10A-100
		Landscape advisory committee.	10A-180 et seq.
COMBUSTIBLES. See: FLAMMABLE OR		Martin Luther King, Jr. Day.	10A-101
COMBUSTIBLE PRODUCTS,		Parkwise commission.	10A-145 et seq.
SUBSTANCES		See: PARKWISE COMMISSION	

CODE INDEX

	Section		Section
ENVIRONMENTAL SERVICES DEPARTMENT (Cont'd.)		EQUAL OPPORTUNITY	
City fees and charges for residential collection, commercial collection, and disposal services		Cable communications	
Commercial collection		Equal employment opportunity.	7A-36
Basis for commercial fees.	15-33	Nondiscrimination and equal employment opportunity.	7A-36
Commercial fee requirements.	15-33.1	Small, minority and women-owned business enterprise program	
Commercial fee schedules.	15-33.2	Duties of the equal opportunity office.	28-148(1)
Commercial fuel surcharge.	15-33.3	Telecommunication services, competitive	
Commercial haulers.	15-34.3	Nondiscrimination and equal employment opportunities.	7B-28
Credit system.	15-34.6	EROSION	
Disposal services		Floodplain, stormwater, and erosion hazard management.	26-1 et seq.
Basis for disposal services fees.	15-34	See: FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT	
Fee requirements.	15-34.1	ESCAPE	
Disposal services contract fee schedule.	15-34.8	Prisoners, escape of.	1-15
Disposal services fee schedule.	15-34.7	ESCORTS AND ESCORT BUREAUS	
Disposal services fuel surcharge.	15-34.9	Definitions.	7-117
General provisions		Licensing	
Billing account activation.	15-31.3	Application	
Declaration of purpose; intent.	15-31	Contents.	7-120
Deposits and refunds.	15-31.1	Required; fee.	7-119
Disposal services contract fee schedule.	15-34.8	Grounds for denial of.	7-121
Returned checks.	15-31.2	Nontransferability.	7-122
Waiver of fee for landfill construction materials.	15-34.5	Records and reports required.	7-123
Groundwater protection fee.	15-36	Required.	7-118
Litter fee.		Revocation of.	7-124
Refuse collection permit.	15-70	Procedures.	7-125
Suspension or revocation of permits.	15-71	Violations, penalties.	7-126
Residential collection		Place of business.	7-122
APC collection fuel surcharge.	15-32.6	Unlawful acts.	7-118
Basis for residential fees.	15-32	Violations, penalty.	7-126
Environmental services low income assistance program.	15-32.4	EXCAVATIONS	
Fees for level of service.	15-32.3	Floodplain use permit, extraction of sand, gravel and other earth products, re.	26-6
Requirements for payment of residential fees.	15-32.2	Street excavations and right-of-way improvements.	25-13 et seq.
Residential fee schedules.	15-32.5	See: STREETS AND SIDEWALKS	
Responsibility for residential fee.	15-32.1	Water, charge for water used in flooding excavations.	27-46
Residential self-haulers.	15-34.2	EXCHANGES	
Unrestrained or uncovered load fee.	15-34.4	Swap meets.	7-201 et seq.
Waiver of fee for landfill construction materials.	15-34.5	See: SWAP MEETS	
Waste residue from nonprofit recycling, exemption of fees.	15-35	EXCISE TAXES. See: LICENSES AND PRIVILEGE TAXES	
Collection from residential establishments by other than city prohibited.	15-16	EXCRETA. See: DEFECATING	
Customer responsibilities regarding recycling collection service.	15-16.2	EXPLOSIVES	
Neighborhood cleanup service.	15-16.6	Blasting, use of dynamite, nitro, etc.	11-4
Parameters for brush bulky collection.	15-16.3	Fireworks.	11-22
Temporary suspension of service.	15-16.5		
Violations of city collection service requirements.	15-16.8		
Water ditches, natural drainage channels			
Deposit of offensive matter, obstructions; regulations regarding.	11-58 et seq.		
See: DITCHES, NATURAL DRAINAGE CHANNELS			

TUCSON CODE

	Section		Section
EXPLOSIVES (Cont'd.)		FIGHTING	
Parks and recreation, regulations relating to explosives and pyrotechnics.....	21-3(5)	Animal and fowl fights prohibited.....	4-4
Solid waste collection; recycling, etc.		Disorderly houses or premises, keeping.	11-16
Environmental services department.	15-10.1 et seq.	FILLING STATIONS, GASOLINE STATIONS	
See: ENVIRONMENTAL SERVICES DEPARTMENT		Civil emergencies, powers of mayor re closing certain establishments.	11-103
F		Prohibited on portion of Congress Street.	11-21
FAIR HOUSING		FINANCES	
Application.....	17-51	Accounts receivable; interest on past due accounts.....	12A-5
Definitions.....	17-50	Checks	
Enforcement.....	17-54	Environmental services department, residential and commercial collection services, city fees and charges for residential collection, commercial collection, and disposal services, returned checks.	15-31.2
Exemption for religious organization or private club.	17-53	Finance director to execute and endorse....	12A-6
Posting requirement.....	17-55	Department of finance	
Powers of commission or EOO.....	17-55	Dishonored check fee.....	12A-7
Record-keeping.....	17-55	Established.....	12A-1
Sale or rental of housing, discrimination in....	17-52	Director of finance	
Violation a civil infraction.....	17-56	Assignment, powers.....	12A-2
FAIRS		Checks; execution and endorsement.....	12A-6
Street fairs regulated.....	7-300	City court; powers and duties in relation to.....	8-14
FALSE BIDDING		City office hours.....	2-1
Auctions and auctioneers, false bidding prohibited.....	7-11	Collection fee.....	12A-8
FALSE INFORMATION		Massage establishments	
Elections, financial disclosure, unlawful acts regarding false information.....	12-43	Finance director may formulate rules....	7-150
Furnishing to police.....	11-20	Social security, paying city contributions by director.....	22-17
Hotels, rooming houses, motels		Disposition of property, money, and firearms taken in by police department.....	2-140 et seq.
False entries on register.....	11-27	See: POLICE DEPARTMENT	
Refusal to provide information to obtain or retain low income assistance, false information.....	2-22.1	District assessments; sale of property for nonpayment of.....	2-6
FEES		Elections, financial disclosure.....	12-40 et seq.
City court, case processing fee, exemption for indigent persons.....	8-6.5	See: ELECTIONS	
Development compliance impact fees.....	23A-71 et seq.	Emergency services, participation in with other political subdivisions	
Permits, fees and inspections.....	3-16 et seq.	Cost sharing required.....	9-3
See: SIGN CODE		Funds. See herein specific subjects	
FEMALE ENTERTAINERS		Group insurance and medical health plans.	22-78 et seq.
Clothing requirements of certain female entertainers and waitresses.....	11-25.1 et seq.	See: PENSIONS, RETIREMENT AND GROUP INSURANCE	
See: CLOTHING REQUIREMENTS		Independent expenditures, reporting of independent expenditures in city limits, supplemental reporting of.....	12-110
FEMALE GENDER. See also: WOMEN		Industrial waste control and industrial cost recovery program.....	24-40 et seq.
Definitions and rules of construction.....	1-2(7)	See: WATER AND SEWERS	
FENCES, WALLS, HEDGES AND ENCLOSURES		Liability claims, settlement of.....	18-11
Drive-in restaurants		Licenses and privilege taxes.....	19-1 et seq.
Barriers or walls required.....	7-177	Mayor's expense account.....	2-8

CODE INDEX

	Section		Section
HUMAN RELATIONS		ICE CREAM TRUCK VENDORS (Cont'd.)	
Affirmative action		License requirements and application procedures.	7-491
City contractors and subcontractors		Penalties.	7-494
Administrative responsibility.	28-142		
City construction contracts		ILLUMINATION. See: LIGHTING	
Duties and requirements.	28-140	IMPOUNDMENT	
Reporting requirements.	28-139	Animals and fowl.	4-1 et seq.
Responsibility for implementation. . .	28-140	See: ANIMALS AND FOWL	
Definitions.	28-137	Motor vehicles and traffic	
Exemptions.	28-143	Impounding vehicles.	20-12 et seq.
Inability or failure to comply with		Off-road operation.	11-70.1
affirmative action obligations. . . .	28-141		
Sanctions.	28-144	IMPRISONMENT. See: PRISONS AND PRISONERS	
Civil rights (based on race, color, religion, ancestry, sex, age, physical handicap, national origin, sexual or affectional preference, marital status)		IMPROVEMENTS	
Complaint procedures.	17-15	Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume	
Definitions.	17-11	Repairs and improvements in public rights-of-way.	25-1 et seq.
Exclusion.	17-13	See: STREETS AND SIDEWALKS	
Prohibited acts.	17-12	Water, charge for water use for public works or improvements.	27-45
Record-keeping; powers.	17-16		
Violation a civil infraction; procedure. . . .	17-14	INCARCERATION. See: PRISONS AND PRISONERS	
Fair housing.	17-50 et seq.	INCINERATORS	
See: FAIR HOUSING		Burning trash, other articles; nuisance provisions, permit requirements.	11-5 et seq.
Policy declaration.	17-1	See: FIRE PROTECTION AND PREVENTION	
Registered domestic partnerships		INCOME, GROSS. See: LICENSES AND PRIVILEGE TAXES	
Criteria for domestic partnership.	17-72	INDECENCY AND OBSCENITY	
Fees.	17-75	Indecency, lewdness	
Limitation of liabilities.	17-77	Acts prohibited.	11-28
Registered domestic partnership defined. . .	17-71	Minimum penalty, subsequent convictions.	11-28.1
Rights of registered domestic partners.	17-76	Indecent exposure.	11-29
Statement of domestic partnership.	17-73	Urinating or defecating in public.	11-54
Termination of domestic partnership.	17-74		
Title.	17-70	INDEPENDENT AUDIT AND PERFORMANCE COMMISSION	
Short title.	17-0	Commission organization; meetings; reports. . .	10A-123
HUMAN RESOURCES		Creation of.	10A-120
Civil service; human resources.	10-1 et seq.	Functions and duties.	10A-122
See: OFFICERS AND EMPLOYEES		Limitation of powers.	10A-124
HUNTING		Membership composition.	10A-121
Parks and recreation, regulations relating to wild animals, hunting.	21-3(2)	Staff support; ex officio member.	10A-125
HYPNOTISM		INDIANS	
Fortunetellers.	7-62 et seq.	American Indian Awareness Days.	10A-100
See: FORTUNETELLERS			
I			
ICE CREAM TRUCK VENDORS			
Appeal procedures.	7-492		
City parks and other city property			
Separate license required to operate in.	7-495		
Definitions.	7-490		
Display of license.	7-493		

TUCSON CODE

	Section		Section
INDUSTRIAL DISTRICTS		JEWISH WAR VETERANS	
Curb cuts in driveways, special requirements in industrial districts.....	25-40	Veterans' affairs committee.....	10A-21 et seq.
Sign districts		See: VETERANS' AFFAIRS COMMITTEE	
Industrial district.....	3-79	JOINT AUTHORITY	
Medical-business-industrial park district. . .	3-78	Definitions and rules of construction.....	1-2(8)
INDUSTRIAL WASTE CONTROL		JUNK MOTOR VEHICLES	
Sewerage and sewage disposal, industrial waste control program.	24-40 et seq.	Neighborhood preservation Maintenance standards.	16-15
See: WATER AND SEWERS		JUNKED MATERIALS	
INITIATIVE		Burning trash, other articles; nuisance provisions, permit requirements.....	11-5 et seq.
Elections, initiative petitions.....	12-51 et seq.	See: FIRE PROTECTION AND PREVENTION	
See: ELECTIONS		Environmental services department.....	15-1 et seq.
INSECTS		See: ENVIRONMENTAL SERVICES DEPARTMENT	
Apiaries.	11-3	JURY TRIALS	
INSURANCE		City court, jury trials, when required, etc.....	8-9 et seq.
Cable communications, insurance requirements.....	7A-31	See: CITY COURT	
Competitive telecommunications.....	7B-23	JUVENILES. See: MINORS	
Drive-in restaurants, insurance requirements... .	7-165	K	
Group insurance, regulations.....	22-78 et seq.	KEEPER AND PROPRIETOR	
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		Definitions and rules of construction.....	1-2(9)
Peddlers, insurance requirements.	7-28	L	
Self insurance program and trust fund See: SELF INSURANCE PROGRAM AND TRUST FUND		LABOR DISPUTES	
Sign code; indemnification of city.....	3-116	Professional strikebreakers Employment, recruitment or furnishing as replacements for employees involved in labor disputes unlawful.	11-64
Liability insurance required.	3-117	LABOR ORGANIZATIONS AND EMPLOYEE ASSOCIATIONS	
Streets and sidewalks, under-sidewalk elevators		City employee rights.	14-14
Insurance requirements.	25-59	City management rights.....	14-13
INTERMITTENT PROGRAM INSTRUCTORS		Definitions.....	14-2
Fingerprinting and criminal history record check of intermittent program instructors who work directly with children.	2-25.1	Employee associations and employee groups.....	14-6
INTERNAL ADMINISTRATION OR MANAGEMENT OF CITY GOVERNMENT		Employees ineligible for representation by Employee association.	14-7
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		Labor organization.	14-4
INTIMIDATION		Labor organization business.	14-17
Vandalism, institutional.....	11-30, 11-30.1	Labor organizations and employee groups.....	14-3
J		Meet and confer.....	14-12
JAILS. See: PRISONS AND PRISONERS		Meet and discuss.	14-13
JEWELRY; JEWELRY AUCTIONS		No strike / lockout provisions.	14-16
Pawnbrokers and secondhand dealers.	7-97 et seq.	Petition and election process, procedure.....	14-9
See: PAWNBROKERS AND SECONDHAND DEALERS			

CODE INDEX

	Section		Section
O			
OATH, AFFIRMATION, SWEAR OR SWORN		OFFICERS AND EMPLOYEES (Cont'd.)	
Civil service commission		Building safety division; chief inspector.	2-5
Power to administer oaths.	10-21	Candidate for local public office	
Definitions and rules of construction.	1-2(13)	Financial disclosure.	12-40
Reserve police officer program		Citizen sign code committee.	3-141 et seq.
Oath of office.	2-124	City clerk records management	
OBSERVANCES. See: COMMEMORATIONS AND OBSERVANCES		Preservation of essential records.	2-103
OBSTRUCTIONS		Preservation of records in compliance with state law.	2-101
Civil infractions, obstruction of enforcement		Reproductions from public records; certified copies.	2-102
Failure to furnish information; failure to sign citation.	11-121	City office hours.	2-1
Failure to obey abatement order.	11-122	Civil liability of city	
County health officer, obstructing.	2-15	Notice of defective condition required.	2-10
Interference with fire department.	11-110 et seq.	Civil service, human resources	
See: FIRE DEPARTMENT		Certifying payrolls.	10-13
Library grounds; crimes on		Classification plan	
Interference with permittees.	11-160(5)	Adoption, construction of.	10-6
Motor vehicles and traffic. See that subject		Changes in.	10-10
Intersections, crosswalks, obstructing.	20-156	Officers, employees in, exceptions.	10-4
Obstructing view of traffic-control devices.	20-114	Use of class titles.	10-11
Neighborhood preservation		Classified service, officers, employees in; exceptions.	10-4
Obstructing streets, alleys or sidewalks prohibited.	16-35	Commission	
Street obstructions.	25-46 et seq.	Authority to investigate.	10-20
See: STREETS AND SIDEWALKS		Cooperating with other governmental and private agencies.	10-17
Water ditches, natural drainage channels; obstructions, depositing of offensive matter.	11-58 et seq.	Evidence, production of.	10-21
See: DITCHES, NATURAL DRAINAGE CHANNELS		Oaths, administering.	10-21
OCCUPANCY		Salaries of.	10-22
City property, squatting on prohibited.	11-12	Subpoenaing witnesses.	10-21
OCCUPANT		Commission rules authorized.	10-12
Definitions and rules of construction.	1-2(26)	Compensation plan	
OCCUPATIONAL LICENSE TAX		Additional compensation for certain public safety command staff.	10-53.4
Regulations generally re.	19-1 et seq.	Additional compensation to defray housekeeping costs for commissioned fire personnel.	10-53.6
See: LICENSES AND PRIVILEGES TAXES		Administration of plan.	10-32
OFFENSES. See specific subjects as indexed		Assignment and incentive pay for maintaining paramedic certification and working as paramedics.	10-34.1
OFFICERS AND EMPLOYEES		Basic working hours.	10-51
Absences of and vacancies in appointive officers and heads of office positions.	2-2	Career enhancement program (CEP) incentive pay	
Bonds of officers and employees		Commissioned police personnel through rank of captain.	10-53.3
Amounts.	2-88	Commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; proficiency pay for.	10-33.1
City to pay premiums.	2-91	Commissioners, salaries of.	10-22
Conditions, signing, approval.	2-90	Computation of hourly rates.	10-45
New employees, bonding.	2-89	Establishment and adoption of compensation plan.	10-31
Premiums, city to pay.	2-91	Exceptionally meritorious service, increase for.	10-36
Required.	2-88	Fire battalion chief call back shift pay.	10-35

TUCSON CODE

Section	Section
OFFICERS AND EMPLOYEES (Cont'd)	OFFICERS AND EMPLOYEES (Cont'd)
Civil service, human resources (Cont'd.)	Civilian volunteer police assist specialists... 20-11.9 et seq.
Compensation plan (Cont'd.)	See: MOTOR VEHICLES AND TRAFFIC
Holiday and BOI pay for commissioned officers of police department; lieutenant, assignment positions of captain, assistant chief.	Claims
Honor guard assignment pay for fire commissioned personnel.....	Settlement of..... 18-11
Hourly rates, computation of.....	Classification plan
Incentive pay for fire prevention inspectors.....	Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume
Increases for exceptional meritorious service.....	Compensation of city officers or employees
Language communication compensation.....	Compensation plans. See herein: Civil Service, Human Resources
Longevity compensation plan.....	Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume.
Maintenance management program, assignment and incentive pay compensation.....	Computation of time
Movement within salary ranges.....	Definitions and rules of construction..... 1-2(5)
Part-time employees to be paid by the hour.....	Defective conditions
Payment of employees.....	Notice of required..... 2-10
Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.....	Department heads
Pipeline protection program; compensation.....	Absences and vacancies of..... 2-2
Probationary periods.....	Compensation as acting department head... 2-3
Reallocation.....	Director of personnel
Recruiting referral compensation for commissioned personnel.....	Social security, duties of..... 22-23
Supplement to military pay.....	Elective offices
Working hours, basic; alternate work schedules for city employees are authorized subject to city manager approval.....	Financial disclosure, election provisions. . . 12-40 et seq.
Complying with, carrying out civil service provisions by officers and employees.....	See: ELECTIONS
Definitions.....	Emergency service commission director..... 9-1
Discrimination prohibited; political activities.....	Emergency services agency director..... 9-2
Evidence, production of, requirement.....	Environmental services director
General purpose.....	Functions re solid waste collection, recycling, etc.. 15-2 et seq.
Human resources director	See: ENVIRONMENTAL SERVICE DEPARTMENT
Leave benefit plan; duties re.....	Finance director..... 12A-2
Job evaluation grades.....	Group insurance and medical health plans. . . 22-78 et seq.
Oaths, administering.....	See: PENSIONS, RETIREMENT AND GROUP INSURANCE
Payrolls to be certified.....	Health officer
Procedures for classification review.....	Enforcing health, sanitation, food regulations; obstructing, resisting health officer..... 2-15
Recovery of money improperly paid out....	Human resources. See Herein: Civil Service; Human Resources
Retirement ages.....	Injury
Short title.....	Salary during..... 2-13
Subpoenaing witnesses.....	Inspector
Unlawful acts.....	Chief inspector of building safety division..... 2-5
Use of class titles.....	Insurance, group..... 22-78 et seq.
	See: PENSIONS, RETIREMENT AND GROUP INSURANCE
	Joint authority
	Definitions and rules of construction..... 1-2(8)

CODE INDEX

	Section		Section
REAL ESTATE SIGNS		REPAIR SERVICES. See: RETAIL SALES	
Sign code.	3-65 et seq.	RESERVE POLICE OFFICER PROGRAM	
See: SIGN CODE		Purpose, appointment, etc.	2-120 et seq.
RECALL		See: POLICE DEPARTMENT	
Elections, recall petitions.	12-88 et seq.	RESIDENCY	
See: ELECTIONS		Requirement for specified city officers and	
RECORDS MANAGEMENT		employees.	2-4
City clerk		RESIDENTIAL DISTRICTS	
Preservation of essential records.	2-103	Curb cuts in driveways, special requirements	
Preservation of records in compliance with		in residential districts.	25-38
state law.	2-101	See: STREETS AND SIDEWALKS	
Reproductions from public records;		Signs by district; single-family and	
certified copies.	2-102	multifamily residential districts.	3-72, 3-73
Privilege and excise taxes		See: SIGN CODE	
Examination of taxpayer records; joint		RESOURCE PLANNING ADVISORY	
audits.	19-553	COMMITTEE	
Recordkeeping.	19-350 et seq.	Committee organization.	10A-203
See: LICENSES AND PRIVILEGE		Creation.	10A-200
TAXES		Functions and duties.	10A-202
Use tax		Limitation of powers.	10A-204
Record-keeping requirements.	19-630	Membership composition; appointment and	
See: LICENSES AND PRIVILEGE		terms; purpose.	10A-201
TAXES		RESTAURANTS	
RECREATION. See: PARKS AND		Alcoholic beverages, drinking establishments.	11-17, 11-18
RECREATION		See also: ALCOHOLIC BEVERAGES	
RECYCLING PROGRAMS		Civil rights, discrimination, affirmative action	
Solid waste collection; recycling, etc.		programs.	17-0 et seq.
Environmental services department.	15-10.1 et seq.	See: DISCRIMINATION	
See: ENVIRONMENTAL SERVICES		Clothing requirements of certain female	
DEPARTMENT		entertainers and waitresses; dancers.	11-25.1 et seq.
REFERENDUM		See: CLOTHING REQUIREMENTS	
Elections, referendum petition provisions.	12-75 et seq.	Exemption from late night retail establishment	
See: ELECTIONS		regulations.	7-410
REFUSE. See: GARBAGE, REFUSE AND		Food and drink establishments.	11-24, 11-25
TRASH		Privilege and excise taxes generally.	19-455
REGISTERS		RETAIL SALES	
Elections, registration requirements.	12-1 et seq.	Methamphetamine.	11-71, 11-72
See: ELECTIONS		Nitrous oxide.	11-130, 11-131
Guest registers for hotels, etc.	7-441	Privilege and excise taxes.	19-460, 19-465
False entries.	11-27	RETAIL TOBACCO SALES	
RELIGION		Definitions.	7-427
Civil rights, discrimination, affirmative action		Licenses	
programs.	17-0 et seq.	Conditions for license; violations, penalty,	
See: DISCRIMINATION		exception.	7-431
RENTALS		License application, procedure and fees;	
Parks and recreation, city municipal golf		annual renewal.	7-430
courses. See also: PARKS AND		Notification to licensee of violation by	
RECREATION		employee.	7-434
Rental agreements for city carts.	21-22	Place of business; license transferability,	
Room rentals, etc. See: HOTELS, ROOMING		inspection.	7-432
HOUSES, MOTELS		Required.	7-428
		Exemption from licensing requirement.	7-429

TUCSON CODE

	Section		Section
RETAIL TOBACCO SALES (Cont'd.)		SCHOOLS	
Licenses (Cont'd.)		Dogs prohibited on school grounds; exceptions.	4-103
Responsibility of licensee for conduct of employee.	7-433	Intermittent program instructors who work directly with children; fingerprinting and criminal history record check of.	2-25.1
Selling without a license; minimum mandatory penalties.	7-437	Motor vehicles and traffic. See also that subject	
Suspension and revocation of license; grounds; removal of tobacco products; penalty.	7-435	Establishing school crossings.	20-119
Hearing upon suspension or revocation.	7-436	Parking	
Purpose and intent.	7-426	Hazardous areas adjacent to schools.	20-274
RETIRED PERSONS		Schoolyard, public place includes	
Parks and recreation, city municipal golf courses		Definitions and rules of construction.	1-2(20)
Reduced green fees; retired city employees.	21-25.2	Selling, displaying merchandise on streets near schools.	25-50
RINGELMANN CHART		Youth and delinquency prevention council.	10A-10 et seq.
Burning trash, other articles		See: YOUTH AND DELINQUENCY PREVENTION COUNCIL	
Ringelmann chart adopted.	11-10	SECONDHAND DEALERS	
RIOTS		Pawnbrokers and secondhand dealers.	7-97 et seq.
Civil emergencies, powers of mayor.	11-100 et seq.	See: PAWNBROKERS AND SECONDHAND DEALERS	
See: CIVIL EMERGENCIES		SELF INSURANCE PROGRAM AND TRUST FUND	
Disorderly houses or premises, keeping.	11-16	Administration of the trust.	18-9
RODEO GROUNDS		Board of trustees.	18-8
Use fees.	21-16	Definitions.	18-2
RODEO PARADE		Effective date of self insured trust.	18-7
Police authority over peddlers.	11-70	Expenditure of trust funds.	18-6
Prohibition of certain items and activities and other parade events.	11-69	Powers and duties of the administrator.	18-10
ROLLER SKATES, ROLLER BLADES. See: SKATES AND SKATING		Purpose.	18-1
ROOMING HOUSES. See: HOTELS, ROOMING HOUSES, MOTELS		Self insurance program.	18-3
S		Self insured trust fund	
SALES TAX. See also: LICENSES AND PRIVILEGE TAXES		Establishment of.	18-4
Sewerage and sewage disposal; user fees		Manner of financing.	18-5
Sales tax.	24-26	Settlement of claims.	18-11
SCAVENGERS		SEMIPRECIOUS STONES	
Environmental services department; scavengers regulated.	15-10.3	Pawnbrokers and secondhand dealers.	7-97 et seq.
See: ENVIRONMENTAL SERVICES DEPARTMENT		See: PAWNBROKERS AND SECONDHAND DEALERS	
SCENIC CORRIDOR ZONE (SCZ) DISTRICT		SETBACKS	
Signs by district.	3-82	Peddlers; setback requirements.	7-30
		Sign regulations, setbacks.	3-36
		SEWERS. See: WATER AND SEWERS	
		SEX OFFENDERS	
		Intermittent program instructors who work directly with children; fingerprinting and criminal history record check of.	2-25.1
		Parks and recreation department personnel and volunteers who work directly with children	
		Annual fingerprinting and criminal history record check of.	2-25

CODE INDEX

	Section		Section
SEXUAL PREFERENCES, CONSIDERATION		SIGN CODE (Cont'd.)	
Civil rights, discrimination, affirmative action programs.	17-0 et seq.	Sign districts (Cont'd.)	
See: DISCRIMINATION		Industrial district.	3-79
SIDEWALKS. See: STREETS AND SIDEWALKS		Medical-business-industrial park district. . .	3-78
SIGN CODE		Multiple family residential district.	3-73
Advisory and appeals board.	3-121 et seq.	O-1 zone district.	3-75
See: ADVISORY AND APPEALS BOARD		Park district.	3-74
Application		Pedestrian business district.	3-81
Interpretation of district boundaries.	3-4	Planned area development (PAD) district. . .	3-77
Prior code sections.	3-6	Scenic corridor zone (SCZ) district.	3-82
Citizen sign code committee.	3-141 et seq.	Single family residential district.	3-72
See: CITIZEN SIGN CODE COMMITTEE		Sign maintenance	
Declaration of purpose and intent.	3-2	Dangerous or defective signs.	3-92
Definitions.	3-11	Maintenance.	3-91
General requirements		Removal of dangerous or defective signs. . .	3-93
Access regulated.	3-41	Sign types and general regulations	
Grade.	3-33	Awning signs.	3-56
Illumination.	3-44	Banners.	3-57
Integrated architectural features.	3-42	Billboards.	3-58
Intersection corner sign.	3-39	Directory signs.	3-59
Maximum sign area.	3-35	Exempt signs.	3-52
Multiple frontage lots.	3-38	Freestanding signs.	3-60
Premises.	3-34	Freeway sign.	3-61
Regulations established.	3-31	Generally permitted signs.	3-51
Setback.	3-36	Historic landmark signs (HLS).	3-70
Sign area.	3-32	Menu boards.	3-62
Signs near residences.	3-37	Parking signs.	3-63
Signs over public rights-of-way.	3-43	Portable (A-frame) signs.	3-64
Signs per street frontage.	3-40	Prohibited signs enumerated.	3-53
Indemnification		Real estate signs.	3-65
City, of.	3-116	Signs creating traffic hazards.	3-54
Liability insurance required.	3-117	Signs in public areas.	3-55
Interpretation and construction with Tucson Code by the sign code administrator. . . .	3-3	Special event signs.	3-66
Nonconforming signs and change of use		Temporary signs.	3-67
Change of use.	3-97	Traffic directional signs.	3-68
Signs for legal nonconforming uses.	3-96	Wall signs.	3-69
Permits, fees and inspections		Violations; enforcement; penalties	
Application for permit.	3-18	Abandoned and discontinued signs;	
Approval of standard plans.	3-21	obsolete sign copy.	3-103
Effect of issuance.	3-20	Abatement by the city after court order. . . .	3-110
Fees.	3-24	Administrative appeal.	3-107
Inspections.	3-22	Illegal signs.	3-105
Issuance.	3-19	Penalty.	3-109
Permission of property owner.	3-17	Removal of abandoned, prohibited and illegal signs by sign code administrator.	3-106
Permits required.	3-16	Violation	
Special inspector required.	3-23	Civil infraction, declared.	3-102
Reference to other codes.	3-5	Public nuisance.	3-101
Severance of the provisions of this sign code. . . .	3-7	SIGN CODE ADVISORY AND APPEALS BOARD	
Short title.	3-1	Appeal from board.	3-132
Sign districts.	3-71	Appeals.	3-133
General business district.	3-76	Appeals stay proceeding.	3-129
Historic district.	3-80	Application to the board.	3-128
		Election of officers, meetings rules and regulations, records.	3-123

TUCSON CODE

	Section		Section
SIGN CODE ADVISORY AND APPEALS BOARD (Cont'd.)		SMOKING	
Fees and enforcement.	3-131	Enforcement; penalty.	11-92
Findings required in granting variances.	3-126	Narcotics.	11-40, 11-41
Intent, purpose and establishment thereof.	3-121	Placarding required.	11-90
Membership, term, removal from office.	3-122	Prohibited in specified places.	11-89
Powers denied the board.	3-127	Retail tobacco sales.	7-426 et seq.
Powers, duties and responsibilities.	3-125	See: RETAIL TOBACCO SALES	
Quorum.	3-124	Tobacco vending machines prohibited in specified places, exceptions.	11-93
Time for hearings; notice.	3-130	Violations, enforcement; penalty.	11-92
SIGNATURE OR SUBSCRIPTION		SOCIAL AFFAIRS	
Definitions and rules of construction.	1-2(23)	Escort and escort bureaus.	7-117 et seq.
Initiative petitions, number of signatures.	12-51	See: ESCORTS AND ESCORT BUREAUS	
SIGNATURE OR SUBSCRIPTION (Cont'd.)		SOCIAL SECURITY	
Obstruction of enforcement of civil infractions		Regulations regarding.	22-13 et seq.
Failure to sign citation.	11-121	See: PENSIONS, RETIREMENT AND GROUP INSURANCE	
Recall petitions, number of signatures.	12-88		
Referendum petitions, number of signatures.	12-75		
SILVER. See: PRECIOUS STONES, METALS		SOLAR SYSTEM CODE	
SINGULAR NUMBER		Adopted.	6-171
Definitions and rules of construction.	1-2(12)	Amendments.	6-173
SKATES, SKATING		Board of appeals.	6-12 et seq.
Merchants disclosures re sale of (motorized) skateboards, play vehicles; penalty.	7-480	See: BUILDINGS	
Operating (motorized) skateboards, play vehicles; definitions; prohibitions; penalty.	20-30	Building codes, adopted, listing of.	6-34 et seq.
Persons on skateboards, roller blades, coasters, toy vehicles, regulated.	20-28	See: BUILDING CODE	
SLINGS		Copies.	6-172
Discharging weapons from.	11-1	SOLICITING	
SMALL, MINORITY AND WOMEN-OWNED BUSINESS COMMISSION		Aggressive solicitation	
Creation.	10A-190	Legislative findings; definitions.	11-33
Membership composition, appointment, officers, and terms.	10A-191	Prohibited acts.	11-33.1
Powers, limitation of.	10A-193	Violations; penalties.	11-33.2
Reports.	10A-192	Escorts and escort bureaus, unlawful acts.	7-118
Staff support.	10A-194	Food and drink establishments, soliciting customers prohibited.	11-24
SMALL, MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM		Parks and recreation, city golf courses	
Provisions re.	28-147 et seq.	Soliciting on course.	21-20
See: PROCUREMENT		Police department, soliciting legal business.	11-32
SMOKE		Soliciting passengers or baggage at railways or hotels.	11-53
Burning trash, other articles		Traffic	
Dense smoke defined; chart adopted.	11-10	Soliciting employment, business or contributions from occupants of vehicles.	20-500 et seq.
		See: MOTOR VEHICLES AND TRAFFIC	
		SOLICITORS. See: PEDDLERS, CANVASSERS AND SOLICITORS	
		SOLID WASTE	
		Solid waste collection, disposal and recycling facilities	
		Environmental services department duties, etc.	15-1 et seq.
		See: ENVIRONMENTAL SERVICES DEPARTMENT	

CODE INDEX

	Section		Section
SOUND LEVELS		STORMWATER	
Noise.....	11-71 et seq.	Rainwater collection and distribution requirements.....	6-181 et seq.
See: NOISE		See: RAINWATER COLLECTION AND DISTRIBUTION REQUIREMENTS	
SPECIAL ASSESSMENT		Stormwater advisory committee (SAC) and stormwater technical advisory committee (STAC)	
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at beginning of this volume		Committee organization.....	10A-164
SPECIAL DUTY POLICE SERVICES PROGRAM		Creation.....	10A-160
Provisions enumerated.....	2-130, 2-131	Membership composition; appointment and terms.....	10A-161
SPECIAL EVENTS		Reporting.....	10A-163
Occupational license tax		Stormwater technical advisory committee (STAC).....	10A-162
Swap meet proprietors, outdoor vendors, and special event occupational license tax.....	19-42 et seq.	Stormwater management.....	26-20 et seq.
See: LICENSES AND PRIVILEGE TAXES (Chapter 19)		See: FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT	
Regulations generally.....	7-401	STREET FAIRS	
SPEED REGULATIONS		Regulated.....	7-300
Motor vehicles and traffic, operation of vehicles, speed regulations.....	20-136 et seq.		
See: MOTOR VEHICLES AND TRAFFIC			
SPORTS			
Parks and recreation, various sporting events, sports, regulations relating to.....	21-1 et seq.		
See: PARKS AND RECREATION			
SPORTS FIELDS			
Use fees.....	21-16		
SPOUSES			
Registered domestic partnerships.....	17-70 et seq.		
See: HUMAN RELATIONS			
SPRAYS			
Vapor releasing substances containing toxic substances.....	11-35		
SQUATTING			
City property, squatting on prohibited.....	11-12		
STAMP, TRADING. See: TRADING STAMP			
STATE			
Definitions and rules of construction.....	1-2(24)		
STATE CRIMINAL PROCEDURE			
City court, rules of state criminal procedure followed.....	8-8		

TUCSON CODE

CODE INDEX

	Section		Section
STREETS AND SIDEWALKS		STREETS AND SIDEWALKS (Cont'd.)	
Abandoned streets, alleys		Elevators.	25-58 et seq.
Sale of; cost of moving nonconforming improvements; installing conforming improvements.	25-61	See herein: Under-Sidewalk Elevators	
Address numbering		Excavations, street excavations and right-of-way improvements. See herein: Repairs and Improvements in Public Rights-of-Way	
Address numbering code.	25-72	Flower pots, tree pots, planters, placing on sidewalks.	25-57
Appeals.	25-70	Grade and alignment standards for sidewalks.	25-6, 25-8
Application, number to be furnished upon.	25-70	Gutters	
Assignment of numbers		Obstructing water flow in.	25-52
Generally.	25-66	Owners, occupants of buildings to keep clean.	25-56
Ways not extending through to base line.	25-67	Improvements. See herein: Repairs and Improvements in Public Rights-of-Way	
Compliance required.	25-63	Indecent exposure.	11-29
Determination of proper number in case of conflict.	25-70	Industrial districts, curb cuts and driveways, special requirements.	25-40
Display of numbers.	25-68	Injuring, tearing up pavement or sidewalks.	25-48
Duty.	25-71	Livestock, large and dangerous animals, attached to vehicles to be hitched.	4-29, 4-30
Duty to procure and display numbers.	25-71	Location and relocation of facilities in rights-of-way.	7D-1 et seq.
East-west base line.	25-64	See: TELECOMMUNICATION SERVICES	
Material of numbers.	25-68	Merchandise, selling, displaying on streets, near schools.	25-50
North-south base line.	25-65	Motor vehicles and traffic.	20-1 et seq.
Numbers to be furnished upon application.	25-70	See: MOTOR VEHICLES AND TRAFFIC	
Permit, withholding of.	25-71	Newspaper vending machines, attaching to public right-of-way.	25-57.1
Plat book required, public inspection, assignment of numbers.	25-69	Notice	
Procuring and displaying numbers, duty.	25-71	Defective conditions required; civil liability of city.	2-10
Size of numbers.	25-68	Duty to remove street obstruction after notice.	25-47
System established.	25-63	Obstructions	
Withholding of permit or approval.	25-71	Prohibited re neighborhood preservation.	16-35
Alleys		Sidewalk obstructions, prohibited, placing benches on sidewalks.	25-51
Abandoned streets, alleys. See herein that subject		Street obstructions	
Barricades, street excavations and right-of-way improvements.	25-24	Duty to remove after notice.	25-47
Benches, placing on sidewalks, pedestrian paths, through underpasses.	25-51	Prohibited.	25-46
Bicycles, operating on sidewalks, pedestrian paths, through underpass.	5-2	Water flow in streets, gutters, conduits; obstructions.	25-52
Business districts, curb cuts and driveways, special requirements.	25-39	Ordinances not affected by code. See the adopting ordinance in the preliminary pages found at beginning of this volume	
Cable communications, conditions of rights-of-way occupancy.	7A-13	Pedestrian paths, operating bicycles on.	5-2
Civil liability of city		Permits	
Notice of defective condition required.	2-10	Repairs and improvements in public rights-of-way. See herein that subject	
Settlement of liability claims.	18-11	Under-sidewalk elevators. See herein that subject	
Closed streets, trespassing on.	25-45		
Competitive telecommunications, conditions of street occupancy.	7B-14		
Dedications; acceptance of.	2-17		
Definitions and rules of construction.	1-2(22), (25)		
Destroying grade or line stakes.	25-45		
Digging, removing earth from streets, public places.	25-49		
Duties and prohibitions.	25-45 et seq.		

TUCSON CODE

	Section		Section
STREETS AND SIDEWALKS (Cont'd.)		STREETS AND SIDEWALKS (Cont'd.)	
Planting within pedestrian area right-of-way...	25-52.1	Repairs and improvements in public rights-of-way (Cont'd.)	
Keeping area between curb and property line free from grass and weeds.	25-55	Sidewalks (Cont'd.)	
Removal notice.....	25-55	Repair of sidewalk by abutting owners; failure to repair; no permit fee required..	25-12
Trimming		Variance from standards..	25-7
Duty to trim.	25-53	Street excavations, etc.	
Notice to trim.	25-54	Additional requirements for improved portions of right-of-way.	25-16
Property owner		Backfilling and filling.	25-27
Gutters and sidewalks, duty of owners, occupants of buildings to keep clean. ...	25-56	Barricades; notice.....	25-24
Repairs and improvements in public rights-of-way		Conformance to rules and regulations. ...	25-22
Curb cuts and driveways		Guards required separating private property from improved right-of-way.	25-15
Conformance to rules and regulations. ...	25-36	Inspection of work.	25-23
Curb cut replacements.	25-43	Permits	
Definition of driveway.	25-29	Application forms.	25-18
Driveways may be denied.	25-42	Conditions for obtaining permit.	25-20
Inspection of work.	25-37	Expiration.	25-26
Permits		Required.	25-13
Application forms.	25-31	Exceptions.	25-17
Conditions for obtaining permit.	25-33	Requirement of permits from other city departments or governmental agencies.....	25-21
Curb cut replacements; permit and fee.	25-44	Resurfacing.	25-25
Expiration.	25-35	Unimproved portions of public right-of-way may be improved.....	25-14
Required.	25-30	Variance from standards..	25-28
Special requirements in		Temporary work zone traffic management. See herein that subject	
Business districts.	25-39	Variance from standards	
Industrial districts.	25-40	Curb cuts and driveways.	25-34, 25-41
Residential districts.....	25-38	Sidewalks.....	25-7
Variance from standards.....	25-34	Street excavations, etc.....	25-28
Variances from curb cuts and driveway requirements.	25-41	Residential districts	
Permits		Curb cuts and driveways, special requirements.	25-38
Curb cuts and driveways.	25-30 et seq.		
See within this subheading: permits			
Sidewalks.....	25-1 et seq.		
See within this subheading: Sidewalks			
Street excavations, etc.....	25-13 et seq.		
See within this subheading: Street Excavations, Etc.			
Sidewalks			
Conformance to rules and regulations. ...	25-11		
Construction standards..	25-9		
Grade and alignment standards.	25-6		
Grade and line required.	25-8		
Inspection of work.	25-10		
Permits			
Application forms.	25-2		
Conditions for obtaining permit.	25-3		
Expiration.	25-5		
Public right-of-way improvement permit fees.	25-4		
Required.	25-1		