

**TUCSON, ARIZONA**  
Supp. No. 96 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through June 30, 2012. 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. 96” 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

**CHECKLIST OF UP-TO-DATE PAGES**

[1] – [4]. . . . . [1] – [4]

**CHAPTER 3: SIGN CODE**

277 – 280. . . . . 277 – 280

**CHAPTER 8: CITY COURT**

675, 676. . . . . 675, 676

679, 680. . . . . 679, 680

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

795 – 808. . . . . 795 – 808

**CHAPTER 15: ENVIRONMENTAL SERVICES  
DEPARTMENT**

1459 – 1462. . . . . 1459 – 1462

1467 – 1484. . . . . 1467 – 1484

**CHAPTER 21: PARKS AND RECREATION**

1877, 1878. . . . . 1877, 1878

1887 – 1896. . . . . 1887 – 1896.2

1903, 1904. . . . . 1903, 1904

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

1985, 1986. . . . . 1985, 1986

1991 – 1994. . . . . 1991 – 1994

**CHAPTER 27: WATER**

2615, 2616. . . . . 2615, 2616

2627 – 2640. . . . . 2627 – 2640.2

**CHAPTER 28: TUCSON PROCUREMENT CODE**

2695, 2696. . . . . 2695, 2696

2711, 2712. . . . . 2711 – 2712.2

**CODE COMPARATIVE TABLE**

3802.15 – 3802.18. . . . . 3802.15 – 3802.18

**CODE INDEX**

3841, 3842. . . . . 3841, 3842

3867 – 3870. . . . . 3867 – 3870

3875, 3876. . . . . 3875, 3876

3889, 3890. . . . . 3889, 3890

**TUCSON, ARIZONA**  
Supp. No. 96 – Instruction Sheet

# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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Adopted, October 19, 1964  
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## Checklist of Up-to-Date Pages

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

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

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

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

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

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
Title page, ii	96	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 – 184	83
1, 2	47	185 – 188	94
3 – 7	25	229, 230	92
8.1, 8.2	18	231 – 236	80
9, 10	OC	237 – 240	92
11, 12	25	241 – 244	80
13 – 14.1	47	245 – 248	94
15, 16	25	249 – 252.2	92
17 – 20	45	253 – 258	80
21 – 22.1	47	259 – 266	92
23 – 28	OC	267 – 274	80
29, 30	18	275, 276	92
31, 32	25	277 – 280	96
33, 34	45	281 – 334.1	80
35 – 38.1	18	335 – 340.3	71
39 – 44	OC	341, 342	40
45 – 48	78	343, 344	64
49, 50	OC	345 – 350	92
51	18	395 – 398	75
53 – 55	12	447 – 450.4	94

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
451, 452	OC	864 – 866	81
453, 454	25	867, 868	94
455, 456	82	869, 870	93
457 – 460	78	871, 872	65
461 – 463	81	873 – 876	90
511 – 518	95	877 – 880	88
519, 520	24	881 – 884	95
521 – 522.2	69	917 – 919	83
523, 524	79	967	39
525, 526	73	1063, 1064	95
527, 528	90	1065, 1066	90
529, 530	91	1067, 1068	95
531, 532	90	1069, 1070	67
532.1 – 532.8	88	1071 – 1074.2	90
533 – 536.2	66	1074.3 – 1074.8	44
537 – 540	OC	1075, 1076	49
541, 542	19	1077 – 1078.1	78
543, 544	26	1079 – 1080.4	62
545, 546	90	1081, 1082	69
547, 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 – 592	95	1193 – 1194.1	86
597 – 634	39	1195 – 1200	79
651	63	1203, 1204	20
653 – 664	31	1205 – 1210	78
665, 666	64	1211 – 1214	91
667 – 672	75	1259 – 1262	84
673	42	1307	56
674.25 – 674.30	40	1309 – 1313	78
675, 676	96	1361 – 1772	91
677, 678	94	1459 – 1462	96
679, 680	96	1463 – 1466	92
681, 682	81	1467 – 1484	96
683 – 686	92	1527 – 1530	95
731 – 733	11	1531– 1546	89
783, 784	83	1547– 1548.2	90
785 – 790	81	1549 – 1556.2	95
791 – 794	83	1557, 1558	83
795 – 808	96	1559 – 1562	89
845 – 848	95	1563 – 1568	95
851, 852	33	1579, 1580	63
853	8	1581 – 1588.1	77
855, 856	31	1589 – 1592	46
857 – 862	91	1593 – 1596	63

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
1643 – 1648	92	1817 – 1820	94
1691, 1692	88	1825 – 1840	93
1693, 1694	94	1841, 1842	80
1695 – 1704	88	1877, 1878	96
1705 – 1708	79	1879, 1880	61
1708.1, 1708.2	81	1881 – 1882.1	77
1709, 1710	93	1883, 1884	73
1711 – 1712.2	83	1885, 1886	74
1712.3, 1712.4	88	1887 – 1896.2	96
1713, 1714	94	1897 – 1900	67
1715 – 1718	93	1901, 1902	87
1718.1, 1718.2	94	1903, 1904	96
1719 – 1722	66	1953 – 1958	87
1723, 1724	94	1959 – 1974.2	92
1725 – 1730	79	1975 – 1990	83
1731, 1732	83	1985, 1986	96
1733 – 1734.2	94	1987 – 1990	83
1735 – 1744.4	93	1991 – 1994	96
1745, 1746	87	2025	54
1746.1 – 1746.2	77	2203 – 2205	86
1746.3 – 1746.6	81	2207 – 2212	83
1747, 1748	56	2213 – 2214.1	86
1749 – 1752.2.4	74	2215 – 2226	83
1752.2.5, 1752.2.6	77	2227 – 2232.1	86
1752.3, 1752.4	87	2233 – 2248	83
1752.5, 1752.6	54	2283 – 2284.1	43
1753 – 1762.2	93	2385 – 2402	OC
1763 – 1766	61	2403, 2404	35
1766.1, 1766.2	74	2453 – 2454.1	69
1766.3, 1766.4	79	2455, 2456	35
1766.5, 1766.6	87	2457 – 2461	69
1766.7 – 1766.10	94	2463, 2464	27
1767, 1768	37	2465 – 2466.2	34
1769, 1770	36	2467, 2468	OC
1771 – 1772.2	94	2469, 2470	26
1773, 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	93	2547 – 2550.1	75
1793, 1794	95	2551 – 2558	71
1795, 1796	93	2615, 2616	96
1799 – 1802.8	78	2617, 2618	90
1803, 1804	22	2619 – 2626	92
1805, 1806	40	2627 – 2640.2	96
1806.1	63	2641 – 2652.2	92
1807, 1808	89	2653 – 2658	90
1809 – 1814	86	2695, 2696	96
1814.1 – 1816	95	2697, 2698	83

TUCSON CODE

Page No.	Supp. No.	Page No.	Supp. No.
2699 – 2710	78	3843 – 3846	90
2711 – 2712.2	96	3847, 3848	95
2713 – 2714.1	83	3849, 3850	92
2715 – 2726.1	78	3850.1, 3850.2	91
2727, 2728	64	3851 – 3854	94
2729 – 2744	85	3855, 3856	90
2749, 2750	67	3857 – 3864.2	95
2751 – 2754	16	3865, 3866	92
2755 – 2762	68	3867 – 3870	96
2763 – 2767	67	3871, 3872	95
2801	34	3873, 3874	83
2803	81	3875, 3876	96
3699 – 3752	OC	3877 – 3882	92
3753 – 3758	4	3883, 3884	93
3759, 3760	6	3885, 3886	95
3761, 3762	9	3887, 3888	90
3763, 3764	11	3889, 3890	96
3765, 3766	14	3891, 3892	83
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, 3802.14	92		
3802.15 – 3802.18	96		
3803 – 3818	45		
3819 – 3820.2	95		
3821, 3822	80		
3823, 3824	84		
3825, 3826	94		
3827, 3828	95		
3829, 3830	92		
3831 – 3834	95		
3835, 3836	86		
3837, 3838	91		
3839, 3840	95		
3841, 3842	96		



- 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; Ord. No. 10951, § 2, 12-20-11, eff. 1-20-12\*)
- \*Editor's note** – Section 3 of Ord. No. 10864, as amended by Section 2 of Ord. No. 10951, 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, 2013, 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.

D. Notwithstanding the provisions of Sec. 3-96. C., a nonconforming detached sign may be relocated, altered, removed and reinstalled, or replaced, subject to meeting all of the following conditions:

1. The sign is a legally permitted on-site sign.
2. A sign permit must be obtained prior to commencing any such relocation, alteration, removal and reinstallation, or replacement. The following information must be attached to the sign permit application:
  - a. Photographs of all existing signs on the property.
  - b. Scaled drawings showing copy, height, sizes and location of all existing signs on the property.
  - c. Scaled drawings showing the new configuration of the sign and setback.
3. The sign must be decreased in height by at least twenty percent (20%) and shall not exceed twenty (20) feet in height.
4. The sign must be decreased in sign area by at least twenty percent (20%) and shall not exceed one hundred (100) square feet in area.
5. If the sign shares a common structure with other tenants, the aggregate area of all tenant signs must be reduced by at least twenty percent (20%) and shall not exceed one hundred (100) square feet, and the height of the common structure must be reduced by at least twenty percent (20%) and shall not exceed twenty (20) feet.
6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover

or architectural embellishment may require plan check for construction purposes.

7. No part of the relocated sign and/or structure may occupy or overhang public right-of-way.
8. The sign may be relocated, subject to the following:
  - a. If the sign is ten (10) feet tall or less, the sign shall be at least twenty (20) feet behind the existing or future curb whichever is greater.
  - b. If the sign is greater than ten (10) feet tall, the sign shall be at least thirty (30) feet behind the existing or future curb whichever is greater.
9. The sign has not been declared abandoned, illegal or prohibited.
10. Any nonconforming sign that is relocated, altered, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.

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

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

### **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.

TUCSON CODE

## 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, initial appearances and conflict cases.  
Sec. 8-3. Conducting business on nonjuridical 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

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\*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

Tucson Code, section 11-38. The compensation for such construction special magistrates shall be as set forth in subsection (b) above.

(Ord. No. 7887, § 3, 8-3-92; Ord. No. 8835, § 1, 3-3-97; Ord. No. 8943, § 1, 9-8-97; Ord. No. 9158, § 3, 11-9-98; Ord. No. 9973, § 1, 5-17-04; Ord. No. 10063, § 1, 10-11-04; Ord. No. 10952, § 2, 12-20-11, eff. 1-1-12)

**Sec. 8-2.3. Appointment of limited special magistrates; term; powers; duties; qualifications; compensation.**

(a) Subject to the appointment procedures set forth in section 8-2.1, the mayor and council may appoint limited special magistrates to provide for the expeditious enforcement of civil violations and civil infractions of the Tucson Code and civil traffic violations under state law. Limited special magistrates shall be full time, shall serve a four-year term of office, and may be reappointed.

(b) Limited special magistrates shall have concurrent jurisdiction with regular and special magistrates to hear and decide actions alleging civil violations or civil infractions of the Tucson Code and civil traffic violations under state law, and shall assume all duties referenced in the Tucson Code as being the responsibility of an administrative hearing officer.

(c) At the time of appointment, limited special magistrates must have demonstrated experience or familiarity with administrative proceedings, technical codes or traffic law.

(d) The compensation to be received by limited special magistrates shall be as set from time to time by the mayor and council and shall include the same fringe benefits as provided to regular magistrates.

(Ord. No. 7887, § 4, 8-3-92; Ord. No. 8179, § 1, 1-3-94; Ord. No. 9398, § 1, 6-12-00; Ord. No. 10063, § 2, 10-11-04)

**Sec. 8-2.4. Criminal history records check prior to appointment of city magistrates.**

(a) Pursuant to A.R.S. § 41-1750, the City of Tucson is hereby authorized to receive criminal history record information for the purpose of evaluating the fitness of current and prospective city court magistrates.

(b) Each person who seeks to be appointed as a regular, special, or limited special city court magistrate shall, as part of such appointment application process, furnish a full set of fingerprints to the city.

(c) Pursuant to A.R.S. § 41-1750 and Public Law 92-544, the city shall submit such fingerprints accompanied by the appropriate fees, which will be paid by the city, to the Arizona Department of Public Safety and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information on all individuals identified in Section 1, subpart B. Such information shall be used only for the purpose of evaluating the fitness of such current and prospective city court magistrates.

(d) The city shall comply with any relevant State and Federal rules and regulations that may relate to the dissemination of such criminal history record information.

(Ord. No. 9085, § 1, 7-6-98)

**Sec. 8-2.5. Justices of the peace, weekend arraignments, initial appearances and conflict cases.**

Any justice of the peace, upon assuming office, is appointed as a special magistrate of the city for the specific purpose of presiding over arraignments, initial appearances and any conflict case(s) designated by the presiding magistrate of the Tucson city court involving any state law or city ordinance.

(Ord. No. 9971, § 1, 5-17-04; Ord. No. 10155, § 1, 5-24-05; Ord. No. 10996, § 1, 6-19-12, eff. 7-1-12)

**Sec. 8-3. Conducting business on nonjuridical days.**

City court shall always be open except on nonjuridical days. On such nonjuridical days, it may transact business within its jurisdiction.

(1953 Code, ch. 9A, §§ 2, 3; Ord. No. 1956, § 2, 9-8-59; Ord. No. 4679, § 3, 6-27-77; Ord. No. 7733, § 3, 12-9-91)

**Sec. 8-4. Magistrates; powers and duties.**

Each magistrate of the city court, in addition to exercising such judicial authority as provided in the Charter and Code of the city and the laws of the state shall:

- (1) Devote his or her entire time to the duties of being a magistrate and shall not engage in the private practice of law.
- (2) Observe, be available, and be present in attendance upon the court for the transaction of business every juridical day between the hours of 8:00 a.m. and 5:00 p.m. In addition to such hours, a magistrate may open court and be in attendance at the court during such additional hours of any juridical or nonjuridical day as may be necessary for the discharge or disposition of business properly coming before the court.
- (3) Dispose with all reasonable promptness all matters taken under advisement and, in any event, issue a decision no later than twenty (20) days thereafter.
- (4) Issue a minute entry of the court's judgment in all matters wherein disposition was based upon legal grounds rather than upon the factual merits of the matter, specifying therein the legal conclusion underlying the court's judgment.
- (5) Follow and adhere to supervision by the presiding judge of the superior court as provided for in Arizona Supreme Court Administrative Order 93-30, and any amendment or successor to this provision.
- (6) Follow and adhere to the city's rules of conduct and code of ethics contained in administrative directive 2.02-5 and 2.02-14 and any amendments or successors to these provisions to the extent adherence to these provisions does not affect judicial independence or is not inconsistent with the Code of Judicial Conduct.

(Ord. No. 4679, § 12, 6-27-77; Ord. No. 5169, § 3, 6-16-80; Ord. No. 7733, § 4, 12-9-91; Ord. No. 10062, § 3, 10-11-04)

**Editor's note** – Ord. No. 4679, § 1, adopted June 27, 1977, specifically amended the Code by repealing former § 8-5, which had pertained to office hours and had been derived from the 1953 Code, ch. 9A, § 5. Section 12 of Ord. No. 4679 added a new § 8-5 as hereinabove set out. The section was renumbered § 8-4 and the text amended by § 4 of Ord. No. 7733.

**Sec. 8-4.1. Authorizing assignment of an associate presiding magistrate, term, compensation, duties.**

(a) There is hereby created one administrative assignment position of Presiding Magistrate of the City Court of the City of Tucson whose function it is to assist the presiding judge of the superior court in performing administrative duties associated with the judicial and non-judicial functions of the city court.

(b) The presiding judge of the superior court is hereby authorized to appoint, in his or her sole discretion, any sitting city magistrate to the administrative assignment position of presiding magistrate.

(c) Any sitting city magistrate selected for assignment to the position of presiding magistrate shall serve at the pleasure of the presiding judge of the superior court, and may be removed from the administrative assignment of presiding magistrate at any time, for any reason, without cause and without right of appeal by the presiding judge of the superior court.

(d) While performing the administrative assignment of presiding magistrate, a city magistrate shall receive additional compensation in the amount of ten (10) percent of his or her annual salary, payable on a biweekly basis, pro-rated.

(e) The presiding magistrate shall perform those duties as required by law and this chapter and as assigned by the presiding judge of the superior court. (Ord. No. 9042, § 1, 4-13-98; Ord. No. 10062, § 4, 10-11-04; Ord. No. 10454, § 1, 9-25-07)

**Sec. 8-5. Duty to fix bond, bail, fines, penalties, fees and assessments.**

The city magistrates shall fix all bonds, bail, fines, penalties, fees and other assessments which are now or hereafter may be provided by law.

(1953 Code, ch. 9A, § 6; Ord. No. 4679, § 4, 6-27-77; Ord. No. 7733, § 7, 12-9-91)

**Note** – Formerly, § 8-6. Renumbered § 8-5 by § 7 of Ord. No. 7733.



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

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\***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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

*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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ord. No. 2754, § 3, 4-5-65  
 Ord. No. 2845, § 4, 2-7-66  
 Ord. No. 2874, § 1, 5-16-66  
 Ord. No. 2908, §§ 1, 2, 8-1-66  
 Ord. No. 2930, §§ 1, 2, 10-24-66  
 Ord. No. 2940, § 3, 11-28-66  
 Ord. No. 2973, § 1, 2-6-67  
 Ord. No. 2974, § 1, 2-6-67  
 Ord. No. 2986, § 2, 3-20-67  
 Ord. No. 3009, §§ 1, 2, 6-5-67  
 Ord. No. 3061, § 1, 12-4-67  
 Ord. No. 3079, § 1, 1-15-68  
 Ord. No. 3123, § 1, 5-20-68  
 Ord. No. 3126, § 2, 5-27-68  
 Ord. No. 3127, § 1, 6-3-68  
 Ord. No. 3137, § 1, 7-1-68  
 Ord. No. 3163, §§ 1, 2, 9-9-68  
 Ord. No. 3179, § 1, 11-12-68  
 Ord. No. 3199, § 1, 12-2-68  
 Ord. No. 3208, § 1, 1-13-69  
 Ord. No. 3209, §§ 1, 2, 1-13-69  
 Ord. No. 3214, § 1, 2-3-69  
 Ord. No. 3215, §§ 1, 2, 2-24-69  
 Ord. No. 3251, §§ 1, 2, 5-5-69  
 Ord. No. 3266, § 1, 6-2-69

- Ord. No. 3279, § 1, 6-23-69  
 Ord. No. 3298, § 1, 7-21-69  
 Ord. No. 3344, § 2, 10-16-69  
 Ord. No. 3405, § 1, 2-2-70  
 Ord. No. 3428, § 1, 3-23-70  
 Ord. No. 3429, § 1, 3-23-70  
 Ord. No. 3444, § 1, 5-18-70  
 Ord. No. 3512, § 1, 8-31-70  
 Ord. No. 3534, § 1, 10-12-70  
 Ord. No. 3581, § 1, 1-4-71  
 Ord. No. 3582, § 1, 1-4-71  
 Ord. No. 3635, §§ 1, 2, 5-12-71  
 Ord. No. 3648, §§ 1 – 4, 5-10-71  
 Ord. No. 3710, §§ 1, 2, 9-7-71  
 Ord. No. 3768, § 1, 12-20-71  
 Ord. No. 3838, §§ 1 – 4, 5-1-72  
 Ord. No. 3863, §§ 1 – 4, 6-12-73  
 Ord. No. 3914, §§ 1, 2, 9-5-72  
 Ord. No. 3968, § 1, 1-22-73  
 Ord. No. 4014, § 1, 4-23-73  
 Ord. No. 4025, § 1, 5-21-73  
 Ord. No. 4027, § 1, 5-29-73  
 Ord. No. 4038, § 2, 6-25-73  
 Ord. No. 4065, § 1, 7-16-73  
 Ord. No. 4075, § 1, 8-6-73  
 Ord. No. 4105, § 1, 11-5-73  
 Ord. No. 4119, § 2, 12-11-73  
 Ord. No. 4142, § 1, 2-25-74  
 Ord. No. 4182, § 1, 5-28-74  
 Ord. No. 4194, § 1, 6-3-74  
 Ord. No. 4198, § 2, 6-17-74  
 Ord. No. 4203, § 2, 7-1-74  
 Ord. No. 4218, § 1, 7-22-74  
 Ord. No. 4239, § 1, 9-9-74  
 Ord. No. 4241, § 1, 9-9-74  
 Ord. No. 4306, § 1, 1-13-75  
 Ord. No. 4371, § 1, 6-30-75  
 Ord. No. 4381, § 1, 8-4-75  
 Ord. No. 4425, § 2, 12-30-75  
 Ord. No. 4445, § 1, 2-17-76  
 Ord. No. 4523, § 2, 6-21-76  
 Ord. No. 4528, § 1, 6-28-76  
 Ord. No. 4643, § 1, 5-23-77  
 Ord. No. 4682, § 2, 7-5-77  
 Ord. No. 4735, § 2, 12-19-77  
 Ord. No. 4849, §§ 2, 3, 7-3-78  
 Ord. No. 4859, § 1, 8-7-78  
 Ord. No. 4872, § 1, 9-5-78  
 Ord. No. 4896, § 1, 10-23-78  
 Ord. No. 4905, §§ 1, 2, 11-13-78  
 Ord. No. 4939, §§ 1, 2, 2-12-79  
 Ord. No. 4984, § 2, 6-4-79  
 Ord. No. 5007, §§ 1, 2, 7-2-79  
 Ord. No. 5032, § 1, 9-4-79  
 Ord. No. 5061, §§ 1, 2, 11-13-79  
 Ord. No. 5085, § 1, 1-7-79  
 Ord. No. 5146, §§ 1, 2, 5-5-80  
 Ord. No. 5164, § 2, 5-27-80  
 Ord. No. 5199, § 1, 8-4-80  
 Ord. No. 5305, §§ 1, 2, 2-9-81  
 Ord. No. 5365, § 1, 6-8-81  
 Ord. No. 5399, §§ 2, 3, 7, 6-29-81  
 Ord. No. 5413, § 1, 8-3-81  
 Ord. No. 5599, §§ 1, 3 – 5, 9, 6-28-82  
 Ord. No. 5624, § 1, 8-3-82  
 Ord. No. 5677, § 1, 11-8-82  
 Ord. No. 5798, §§ 1, 3, 8, 7-5-83  
 Ord. No. 5832, § 1, 8-1-83  
 Ord. No. 5850, §§ 1 – 3, 9-6-83  
 Ord. No. 5901, § 1, 11-21-83  
 Ord. No. 5903, § 1, 11-21-83  
 Ord. No. 5951, § 1, 2-13-84  
 Ord. No. 6007, § 1, 4-30-84  
 Ord. No. 6040, §§ 1, 3, 8, 6-25-84  
 Ord. No. 6071, § 1, 8-6-84  
 Ord. No. 6114, §§ 1 – 3, 11-5-84  
 Ord. No. 6169, § 1, 2-11-85  
 Ord. No. 6264, §§ 1, 3, 8, 6-24-85  
 Ord. No. 6302, §§ 1, 2, 9-3-85  
 Ord. No. 6329, § 1, 11-18-85  
 Ord. No. 6332, § 1, 11-25-85  
 Ord. No. 6338, § 1, 11-25-85  
 Ord. No. 6452, § 1, 3, 6-16-86  
 Ord. No. 6506, § 1, 9-2-86  
 Ord. No. 6613, § 1, 1-12-87  
 Ord. No. 6643, § 1, 3-16-87  
 Ord. No. 6735, §§ 1, 5, 10, 7-6-87  
 Ord. No. 6772, §§ 1, 2, 9-14-87  
 Ord. No. 6840, § 1, 11-16-87  
 Ord. No. 6913, § 1, 3-28-88  
 Ord. No. 6921, § 1, 4-4-88  
 Ord. No. 6945, § 1, 5-9-88  
 Ord. No. 6960, §§ 1, 2, 6-6-88  
 Ord. No. 7004, §§ 1, 4, 9 – 11, 14, 7-5-88  
 Ord. No. 7024, § 1, 9-6-88  
 Ord. No. 7097, § 1, 11-28-88  
 Ord. No. 7151, §§ 1, 2, 3-6-89  
 Ord. No. 7196, §§ 1, 2, 5-15-89  
 Ord. No. 7243, §§ 7, 9, 12, 7-3-89  
 Ord. No. 7275, §§ 1 – 3, 9-11-89  
 Ord. No. 7312, §§ 1, 2, 11-13-89  
 Ord. No. 7350, § 1, 2-5-90  
 Ord. No. 7383, § 2, 3-19-90  
 Ord. No. 7439, § 1, 6-25-90  
 Ord. No. 7466, § 1, 8-6-90  
 Ord. No. 7497, § 1, 9-17-90  
 Ord. No. 7518, § 1, 11-19-90  
 Ord. No. 7549, § 1, 1-14-91  
 Ord. No. 7566, § 1, 2-25-91  
 Ord. No. 7599, §§ 1, 2, 4-1-91  
 Ord. No. 7605, §§ 1, 2, 4-15-91  
 Ord. No. 7653, §§ 1, 2, 6-24-91  
 Ord. No. 7691, §§ 1, 2, 9-16-91  
 Ord. No. 7780, §§ 1, 2, 3-16-92  
 Ord. No. 7906, § 1, 9-14-92  
 Ord. No. 7917, §§ 1, 2, 10-5-92  
 Ord. No. 7970, § 1, 1-4-93  
 Ord. No. 8022, § 1, 4-12-93  
 Ord. No. 8067, §§ 1, 2, 6-21-93  
 Ord. No. 8090, § 1, 7-6-93  
 Ord. No. 8092, § 1, 8-2-93  
 Ord. No. 8149, § 1, 11-1-93  
 Ord. No. 8166, § 1, 11-22-93  
 Ord. No. 8206, § 1, 2-7-94  
 Ord. No. 8316, § 1, 7-5-94  
 Ord. No. 8367, § 1, 9-12-94  
 Ord. No. 8378, § 1, 10-17-94  
 Ord. No. 8439, § 2, 1-23-95

- Ord. No. 8444, § 1, 2-6-95
- Ord. No. 8519, §§ 1, 2, 6-12-95
- Ord. No. 8619, § 1, 1-2-96
- Ord. No. 8712, § 2, 6-10-96
- Ord. No. 8753, § 2, 8-5-96
- Ord. No. 8791, § 1, 1-6-97
- Ord. No. 8842, § 1, 3-17-97
- Ord. No. 8844, § 1, 3-24-97
- Ord. No. 8878, § 1, 6-9-97
- Ord. No. 8975, § 1, 11-3-97
- Ord. No. 9008, § 1, 2-2-98
- Ord. No. 9055, § 1, 5-18-98
- Ord. No. 9068, § 1, 6-8-98
- Ord. No. 9093, § 1, 8-3-98
- Ord. No. 9151, § 1, 11-2-98
- Ord. No. 9191, § 1, 1-11-99
- Ord. No. 9237, § 1, 6-14-99
- Ord. No. 9347, § 1, 2-7-00
- Ord. No. 9352, § 1, 2-28-00
- Ord. No. 9399, § 1, 6-12-00
- Ord. No. 9465, § 1, 9-25-00
- Ord. No. 9475, § 1, 10-16-00
- Ord. No. 9575, § 1, 6-25-01
- Ord. No. 9588, § 1, 8-6-01
- Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
- Ord. No. 9724, §§ 1, 2, 6-17-02
- Ord. No. 9727, §§ 1, 2, 6-24-02
- Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
- Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
- Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
- Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
- Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
- Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
- Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
- Ord. No. 10491, §§ 1, 2, 1-8-08
- Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
- Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)
- Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
- Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)
- Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)
- Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**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. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

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

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

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

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

**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. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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 re adoption 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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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 6<sup>th</sup> Street as the Northern Border, 12 Street as the Southern Border, I-10 as the Western Border and 4<sup>th</sup> 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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor’s note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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; Ord. 10989, § 3, 6-5-12, eff. 7-1-12)

**Editor's note** – Ord. No. 10989, § 3, adopted June 5, 2012, ratified, reaffirmed, and reenacted this section for Fiscal Year 2013. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2012.

**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\***

<b>Art. I.</b>	<b>Definitions, § 15-1</b>
<b>Art. II.</b>	<b>Administration, §§ 15-2 – 15-9</b>
<b>Art. III.</b>	<b>Community Standards for Solid Waste Storage and Removal, §§ 15-10 – 15-15</b>
<b>Art. IV.</b>	<b>City Residential and Commercial Collection Services, §§ 15-16 – 15-30</b>
<b>Art. V.</b>	<b>City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services, §§ 15-31 – 15-49</b> Div. 1. General Provisions, §§ 15-31 – 15-31.2 Div. 2. Residential Collection, §§ 15-32 – 15-32.5 Div. 3. Commercial Collection, §§ 15-33 – 15-33.9 Div. 4. Disposal Services, §§ 15-34 – 15-35 Div. 5. Groundwater Protection Fee, §§ 15-36 – 15-49
<b>Art. VI.</b>	<b>Disposal Facility Management – Reserved, §§ 15-50 – 15-59</b>
<b>Art. VII.</b>	<b>Plastic Bag Recycling, §§ 15-60 – 15-69</b>
<b>Art. VIII.</b>	<b>Litter Fee, §§ 15-70 – 15-71</b>

**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.

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

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

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

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.
- Sec. 15-31.4. Payment terms.
- Sec. 15-31.5. Discontinuance of service for non-payment.
- Sec. 15-31.6. Penalty fees for non-payment.
- Sec. 15-31.7. Service agreements.
- Sec. 15-31.8. Change of address.
- Sec. 15-31.9. Pilot programs and fees.

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. Disposal service agreement.
- 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.



ENVIRONMENTAL SERVICES DEPARTMENT

Division 5. Groundwater Protection Fee

Sec. 15-36. Groundwater protection.  
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.  
Secs. 15-61 – 15-69. Reserved.

**Article VIII. Litter Fee**

Sec. 15-70. Refuse collection permit.  
Sec. 15-70.1. Proceeds from the refuse collection permit.  
Sec. 15-71. Suspension or revocation of permits.

TUCSON CODE

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

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

**Sec. 15-6. Parties liable.**

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

**Sec. 15-7. Administrative appeal process.**

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

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

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

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

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

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

**Sec. 15-10. General applicability.**

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

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

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

waste materials into the container(s) designated for the property where the waste is generated. Refuse must be removed from the property and transported to a permitted disposal facility frequently enough to maintain sanitary conditions.

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

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

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

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

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

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

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10986, § 1, 5-22-12, eff. 7-1-12)

### **Sec. 15-10.2. Prohibited materials.**

(A) Prohibited materials may not be placed in refuse or recycling containers, in bulky material piles, in collection equipment, or in disposal facilities. Prohibited material is any waste which because of its amount, size, concentration, physical, chemical or

infectious characteristics may pose a threat to human health or the environment as determined by the director.

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

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

### **Sec. 15-10.3. Scavenging prohibited.**

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

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

### **Sec. 15-10.4. Hauling of solid waste.**

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

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

### **Sec. 15-10.5. Commercial recycling facilities.**

Property used as a multi-material recycling center, sorting facility, composting facility, materials recovery facility, and the like is exempt from the prohibitions of Tucson Code chapter 16 pertaining to uncontained refuse, debris, recyclable materials or vegetation as long as the materials are kept within the property barriers or fences on the property and the property and business operations are properly zoned and permitted by the city, county or state and in compliance with Tucson Code section 16-13. Refuse, debris, recyclable materials or vegetation are only exempt under this

section if they are properly contained or stored for use as a commodity, are not waste materials produced by the enterprise for landfill disposal, are maintained in accordance with applicable sections of Tucson Code chapter 16 (as for composting), and are so maintained as to prevent any fire, health or safety hazard to the occupants of the property or to neighboring inhabitants, structures, or property.

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

**Secs. 15-11 – 15-15. Reserved.**

#### **ARTICLE IV. CITY RESIDENTIAL AND COMMERCIAL COLLECTION SERVICES**

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

The collection of refuse or recyclable materials from any residential establishment by any person, business, corporation or firm other than the city is prohibited.

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

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

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

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

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

(D) The point of collection shall be immediately adjacent to or in a public right-of-way wherever feasible, as determined by the director. A customer may request the point of collection be moved from the

location determined by the director to where collection vehicles must enter private property. Where the director approves a request, a permission agreement is required and the customer is charged the private driveway fee in addition to other fees, unless waived.

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

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

(G) Shared front load service with a fee charged to individual dwelling units shall be provided only upon the director's determination that it is the most feasible method due to site and/or ownership conditions.

(Ord. No. 10539, § 4, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 3, 6-2-09, eff. 7-1-09; Ord. No. 10895, § 3, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 2, 5-22-12, eff. 7-1-12)

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

Customers at residential and commercial establishments shall place in city recycling containers only those recyclable materials designated as acceptable by the director in this chapter and in administrative rules. Customers shall handle specific types of recyclable materials in accordance with this chapter and administrative rules.

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

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

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

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

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

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

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

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

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

**Sec. 15-16.5. Temporary suspension of service.**

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

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

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

**Sec. 15-16.6. Neighborhood cleanup service.**

Neighborhood cleanup services can be provided to: registered City of Tucson neighborhood associations (NAs), homeowners associations (HOAs), neighborhood enhancement programs designated by mayor and council, or groups of at least ten (10) dwelling units not represented by a NA or HOA. Neighborhood cleanup service consists of temporary roll off collection service. The service can only be provided for no additional fee to approved groups where all residential establishments are paying for standard residential service. Neighborhood cleanup services require advance scheduling and are subject to requirements and 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; Ord. No. 10986, § 2, 5-22-12, eff. 7-1-12)

**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.**

The director may require receipt of a deposit prior to beginning service. 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 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. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

#### **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)

#### **Sec. 15-31.4. Payment terms.**

Payment terms for billed fees under this chapter shall match the payment terms in chapter 27. For purposes of this section, "payment terms" means when bills are due, the account balance triggering delinquency notices, the timing of delinquency notices, the termination of accounts for delinquency, and directly related terms.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

#### **Sec. 15-31.5. Discontinuance of service for non-payment.**

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, removing containers, and/or denying use of disposal facilities. Customers with accounts in non-payment status must relinquish city containers upon notice from the director.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

#### **Sec. 15-31.6. Penalty Fees for non-payment.**

A penalty fee shall be charged to accounts with monthly charges over the amount triggering a first

written notice in chapter 27, section 27-50 when the monthly charges are not paid within thirty (30) days of bill date. The amount of the penalty fee shall be ten percent (10%) of the monthly charges but the penalty fee shall not exceed five hundred dollars (\$500.00) and shall not be less than ten dollars (\$10.00). (Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

**Sec. 15-31.7. Service agreements.**

The director is authorized to prepare, enter into, implement, and administer agreements for the services provided under this chapter. The service agreement shall include the appropriate fees established pursuant to this chapter. The service agreement may contain terms and conditions upon which service shall be provided, payment terms, and penalty fees for non-payment. 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. 10986, § 3, 5-22-12, eff. 7-1-12)

**Sec. 15-31.8. 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.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

**Sec. 15-31.9. Pilot programs and fees.**

The director is authorized to establish pilot programs and fees to recover the costs, for a period of up to one (1) year for purposes of evaluating the feasibility of alternative solid waste collection or disposal programs.

(Ord. No. 10986, § 3, 5-22-12, eff. 7-1-12)

**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 who does not have a city water account shall pay the residential account deposit when the account for residential services is established, unless waived by the director. When the account is terminated, the deposit may be refunded in accordance with section 15-31.1.

(C) *Termination.* Termination of billing for the fees herein shall coincide with termination of billing for city water service when both are provided. The charges for residential services for an account that does not have a city water account shall end when the services are stopped due to the customer notifying the department or due to delinquency.

(D) *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.

(E) *Penalty fees.* No penalty fees pursuant to section 15-31.6 shall be charged on residential fees. (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; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12)

### **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	\$50.00
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; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12)

**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 may only obtain city collection services by entering into a service agreement with the city. The service agreement shall be signed by the person responsible for paying fees at the establishment. The requirements of section 15-31 shall apply unless the director authorizes otherwise within the service agreement.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12)

**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 per two weeks	1	2	3	4	5	6
Refuse							
2 to 3 cu. yds.	\$60.00	\$87.00	\$145.00	\$203.00	\$261.00	\$319.00	\$377.00
4 cu. yds.	\$62.00	\$92.00	\$154.00	\$217.00	\$279.00	\$341.00	\$406.00
6 cu. yds.	\$65.00	\$101.00	\$173.00	\$245.00	\$317.00	\$390.00	\$461.00
8 cu. yds.	\$68.00	\$110.00	\$192.00	\$273.00	\$355.00	\$436.00	\$518.00
Recycling	\$50.00	\$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	\$130.00 per pull plus landfill disposal fees for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees for services contracted before 7/1/2012
Recycle open top service	\$100.00 per pull for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$130.00 per pull for services contracted before 7/1/2012
Roll off compactor service	\$130.00 per pull plus landfill disposal fees pull for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	Installation, removal and monthly lease fees also apply for city compactors.
Landfill disposal fees	Weight of contents times current solid waste disposal fee
Initial delivery	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Relocation	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012

ROLL OFF COLLECTION SERVICE FEES	
Failed service attempt	\$65.00 per event per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

The following requirements apply to roll off services:

- (1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.
- (2) Unscheduled/temporary roll off container service agreements are required when a customer has a roll off at the same location for less than ninety (90) days. Customers must contact the department when the container needs to be emptied. At a minimum one roll off pull fee will be charged every fifteen (15) days for unscheduled/temporary service.
- (3) For purposes of this section, the terms are defined as follows:
  - (a) *"Pull"* means emptying a roll off container and returning it to the site if needed.
  - (b) *"Initial delivery"* means the first time each container is delivered to a site.
  - (c) *"Relocation"* means moving a container on the same site without emptying it.
  - (d) *"Failed service attempt"* means a truck arrived at a container site but a problem caused by the customer prevented service (also called a "dry run").
  - (e) *"Base installation"* means the installation of guides, power unit, and power hook-up only. Customer request requiring additional materials and modifications will be charged at direct cost for labor and materials. Removal applies to disconnecting and removing city equipment whenever needed.

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

COMMERCIAL APC COLLECTION SERVICE FEES		
Service	Container size (gallons)	Fees
Standard	48	\$18.50 per month per container
Standard	65	\$19.50 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 and one pickup, plus \$30.00 per additional 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 \$20.00 per additional pickup.
Delinquent retrieval fee	2 – 8 cubic yards	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

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

- (1) Customers with one (1) service location are eligible for the standard fee on the first container, a five percent (5%) discount off the standard fee for the second container, and a ten percent (10%) discount off the standard fee for the third and all additional containers.
- (2) Customers with two (2) to four (4) service locations are eligible for a five percent (5%) discount off the standard fee for the first container at each location except for the primary location, a five percent (5%) discount off the standard fee for the second container at each location, and a ten percent (10%) discount off the standard fee for the third and all additional containers at each location. The first container at the primary location is charged the standard fee.
- (3) Customers with five (5) or more service locations are eligible for a ten percent (10%) discount off the standard fee for each container at each location, except for the first container at the primary location. The first container at the primary location is charged the standard fee.

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

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

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

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

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

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

**Sec. 15-34.6. Disposal service agreement.**

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

**Sec. 15-34.7. Disposal services fee schedule.**

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



DISPOSAL SERVICES FEES	
Service	Fees
Uncovered load	\$5.00 per load in addition to other applicable fees
Credit account annual fee	\$30.00
Disposal account activation fee	\$15.00
Identification tag fee	\$35.00
Household hazardous waste disposal for non-city residents	\$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
Special household hazardous waste collection event fees	Published schedule of fees

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

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

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

**CONTRACT DISPOSAL FEE SCHEDULE**

<i>Guaranteed Annual Tonnage</i>	<i>Fee Per Ton</i>
140,000.....	\$17.00
60,000.....	21.00
18,000.....	24.00
8,000.....	27.50
2,000.....	30.00
1,000.....	31.00

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

**Sec. 15-34.9. Disposal services fuel surcharge.**

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

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

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

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

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

- (2) Engage in active and continual operation of a program of acceptance or collection of goods and materials, that would otherwise be discarded as solid waste, for recycling, whether through resale or other redistribution by the organization, which program results in accumulations of non-reusable goods or materials that must be disposed of at city disposal facilities;
- (3) Does not have and will not enter into a recycling franchise agreement or similar arrangement with any non-profit or for-profit organization, the beneficiaries of which are other than the organization applying for exemption;
- (4) Does not dispose of residual solid waste resulting from goods or materials imported from outside Pima County;
- (5) Does not support religious activities with the recycling activities; and
- (6) Clearly separate residual solid waste from solid waste generated by a process other than the establishment's recycling activities.

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

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

**DIVISION 5. GROUNDWATER PROTECTION FEE**

**Sec. 15-36. Groundwater protection.**

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

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

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

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

The groundwater protection fee shall be assigned as follows.

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

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

**Secs. 15-37 – 15-49. Reserved.**

**ARTICLE VI. DISPOSAL FACILITY  
MANAGEMENT – RESERVED\***

**Secs. 15-50 – 15-59. Reserved.**

**ARTICLE VII. PLASTIC BAG RECYCLING**

**Sec. 15-60. Plastic bag recycling.**

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

- (1) Provide a bin 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.
- (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.**

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\***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.

**ARTICLE VIII. LITTER FEE**

**Sec. 15-70. Refuse collection permit.**

The city manager or his or her designee shall administer and enforce a permit program for all non-exempt commercial haulers as defined in this section.

(A) For purposes of this section, a commercial hauler is anyone who operates a front load, rear load, side load or roll off collection vehicle within the City of Tucson at any time.

(B) Commercial haulers who own or operate three (3) or fewer total collection vehicles, as described above, regardless of where they are stored or operated, are exempt from the permit fee established by this article.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10; Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12)

**Sec. 15-70.1. Proceeds from the refuse collection permit.**

Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the City of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the City of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler’s permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler’s permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of the current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the City of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle. Commercial haulers in the permit program will be subject to an annual inspection by the City of Tucson.

(Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12)

**Sec. 15-71. Suspension or revocation of permits.**

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

## Chapter 21

### PARKS AND RECREATION\*

<b>Art. I.</b>	<b>Operation and Regulation of Parks, §§ 21-1 – 21-18.1</b>
<b>Art. II.</b>	<b>Randolph Park Golf Courses, §§ 21-19 – 21-37</b>
<b>Art. III.</b>	<b>Reserved, §§ 21-38 – 21-50</b>
<b>Art. IV.</b>	<b>Gene Reid Park Zoo Admittance Fees, §§ 21-51 – 21-54</b>
<b>Art. V.</b>	<b>Reserved</b>

#### Article I. Operation and Regulation of Parks

Sec. 21-1.	Definitions.
Sec. 21-2.	Operation of parks under director.
Sec. 21-3.	Regulations regarding park use.
Sec. 21-4.	Permits, licenses and reservations.
Sec. 21-5.	Regulation of activities in areas adjacent to or affecting parks.
Sec. 21-6.	Enforcement.
Sec. 21-7.	Penalties.
Sec. 21-8.	Consumption of malt beverages.
Sec. 21-9.	Adult major sports; fees; rosters; minimum number of players per sponsor team; disposition of fees.
Sec. 21-10.	Fees – Tennis courts.
Sec. 21-11.	Same – Handball courts.
Sec. 21-12.	Same – Swimming pool admission, swim lesson, competitive swimming program, and synchronized swimming program fees and rental rates.
Sec. 21-13.	Same – Recreational classes.
Sec. 21-13.1.	Program registration fees.
Sec. 21-13.2.	Fees – Senior trip programs.
Sec. 21-14.	Same – Use of equipment.
Sec. 21-14.1.	Same – Archer, Quincie Douglas, El Rio, Freedom, Northwest, Randolph, and Santa Rosa Center use.
Sec. 21-14.2.	Same – Clements, El Pueblo and Udall Center use.
Sec. 21-14.3.	Same – Hi Corbett Stadium Use.
Sec. 21-15.	Non-city resident rates.
Sec. 21-16.	Same – Use of certain meeting rooms; reservation fee for ramadas, sport fields, volley ball courts, bandshells, outdoor performance center, rodeo grounds, and fees for special maintenance.
Sec. 21-17.	Authorization to waive or discount fees and charges.
Sec. 21-18.	Wasting or abusing athletic facility lighting; fines and penalties.
Sec. 21-18.1.	Administrative fees.

#### Article II. City Municipal Golf Courses

Sec. 21-19.	Damaging, defacing property.
Sec. 21-20.	Selling, soliciting on courses.
Sec. 21-21.	Permit to play required.
Sec. 21-22.	Rates for city carts; rental agreement required.
Sec. 21-23.	Rates for use of private carts.
Sec. 21-23.1.	Driving range golf ball rental fees.
Sec. 21-24.	General regulations.
Sec. 21-25.	Reserved.
Sec. 21-25.1.	Regular greens fees.
Sec. 21-25.2.	Retired city employees.
Sec. 21-25.3.	Resident golfer.

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\***Charter reference** – Department of parks and recreation, ch. XXXI.

TUCSON CODE

- Sec. 21-25.4. Resident senior citizen golfer.
- Sec. 21-25.5. Fees for shotgun start tournaments.
- Sec. 21-25.6. Resident greens fees.
- Sec. 21-25.7. Authorization to discount golf rates.
- Sec. 21-25.8. Authorization to establish food, beverage and merchandise prices.
- Sec. 21-25.9. Tucson City Golf employee greens fee.
- Sec. 21-25.10. Authorization to establish reservation policies.
- Sec. 21-25.11. Authorization to establish frequent user discount policies.
- Sec. 21-26. Collection of fees.
- Sec. 21-27. Violations, penalty.
- Sec. 21-28. Reserved.
- Sec. 21-29. Reserved.
- Secs. 21-30 – 21-37. Reserved.

**Article III. Reserved**

- Secs. 21-38 – 21-50. Reserved.

**Article IV. Gene Reid Park Zoo Admittance Fees**

- Sec. 21-51. Schedule.
- Sec. 21-52. Reserved.
- Secs. 21-53, 21-54. Reserved.

**Article V. Reserved**

(f) The parks director is empowered to issue permits authorizing the consumption and possession of malt beverages in public parks and to adopt rules and procedures for the issuance of such permits. (Ord. No. 5558, § 3, 5-3-82; Ord. No. 7530, § 1, 12-17-90; Ord. No. 9261, § 2, 8-2-99; Ord. No. 9757, § 5, 8-5-02; Ord. No. 9850, § 4, 5-12-03)

**Sec. 21-9. Adult major sports; fees; rosters; minimum number of players per sponsor team; disposition of fees.**

*Sec. 21-9(1).* The adult basketball, softball, volleyball, and baseball programs shall be self-supporting as far as direct costs of personnel, space rental, and supplies are involved. Therefore, once each year, or more often in the discretion of the department of parks and recreation, the department shall publish and make available to members of the general public a schedule of team and player fees for the adult basketball, softball, volleyball, and baseball programs.

*Fees – adult sports leagues.* The fees for adult sports leagues (per team, per season) shall be:

Baseball. . . . .	\$980.00
Basketball. . . . .	\$449.00
Basketball (fall). . . . .	\$191.00
Flag football. . . . .	\$680.00
Sand volleyball. . . . .	\$102.00
Softball fastpitch (spring). . . . .	\$400.00
Softball fastpitch (fall). . . . .	\$338.00
Softball fastpitch (women). . . . .	\$338.00
Softball slowpitch (spring). . . . .	\$293.00
Softball slowpitch (spring). . . . .	\$235.00
Softball slowpitch (fall). . . . .	\$277.00
Ultimate Frisbee. . . . .	\$150.00
Volleyball. . . . .	\$465.00

Placement of teams in divisions shall be in accordance with regulations or rules of the city parks and recreation director. All fees shall be received by the city on or before the annual league inception date.

Track and Field/Road Races	
(per adult). . . . .	\$3.00
(per child). . . . .	\$2.00

(Ord. No. 5213, § 1, 8-4-80; Ord. No. 6758, § 1, 8-3-87; Ord. No. 9261, § 3, 8-2-99; Ord. No. 9757, § 6, 8-5-02; Ord. No. 9850, § 5, 5-12-03; Ord. No. 10260, § 2, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

*Sec. 21-9(2).* The minimum number of players for sponsored league teams shall be at the discretion of the parks director. (Ord. No. 6758, § 1, 8-3-87)

*Sec. 21-9(3).* On or before the league inception date, the city parks and recreation director shall receive from each team a roster of participants from whom a fee is required by this section. The director shall be promptly notified of any changes in the roster during the season; and no person shall play who has not paid the required fee, or who is a replacement for such person and notice thereof has not been so given the director. No team shall utilize city facilities until these roster requirements have been fulfilled. Appropriate league sanction shall be imposed for any violation of this minor section and shall include forfeiture of any game in, or in connection with which, such violation occurred. A second violation of this minor section during a league season shall result in immediate expulsion from the league of that team and forfeiture of all sponsor and participant fees paid to the city.

*Sec. 21-9(4).* All fees paid pursuant to this section shall be deposited in the general fund. (Ord. No. 9757, § 6, 8-5-02) (Ord. No. 3557, § 1, 11-23-70; Ord. No. 4466, § 1, 4-12-76; Ord. No. 9757, §§ 5, 6, 8-5-02; Ord. No. 9850, § 5, 5-12-03)

**Sec. 21-10. Fees – Tennis courts.**

The fees for use of city tennis courts at the Randolph Tennis Center, the Ft. Lowell Park, and the Himmel Park tennis courts shall be:

*Daytime:*

*Adults:* Two dollars and fifty cents (\$2.50) per person per one and one-half (1 1/2) hour increment\*.

*Seniors (62 and older):* Two dollars (\$2.00) per person per one and one half (1 1/2) hour increment\*.

*Youth (17 and under):* One dollar (\$1.00) per person per one and one-half (1 1/2) hour increment\*.

Adult monthly daytime pass. . . . \$30.00

With reservation (per court, per use)..... \$4.00  
 Junior (youth 17 and under) monthly daytime pass. .... \$15.00  
 Senior monthly daytime pass..... \$20.00

*Evening:*

Ten dollars (\$10.00) per court for each one and one-half (1 1/2) hour increment.

*\*Note:* Unlimited play will be allowed during daytime hours on Monday through Friday. If all courts are in use, play will be limited to the one and one-half (1 1/2) hour increment. Saturday mornings from opening to 11:00 a.m., the adult and youth rates are two dollars and fifty cents (\$2.50).

(Ord. No. 4348, § 1, 5-12-75; Ord. No. 4658, § 1, 5-23-77; Ord. No. 5785, § 1, 6-13-83; Ord. No. 7104, § 2, 12-12-88; Ord. No. 7859, § 1, 7-6-92; Ord. No. 9261, § 4, 8-2-99; Ord. No. 9757, § 7, 8-5-02; Ord. No. 11000, § 1, 6-26-12, eff. 7-1-12)

**Sec. 21-11. Same – Handball courts.**

The fees for use of city handball courts at the Randolph Park center shall be:

*Daytime:* Five dollars (\$5.00) per court for each one and one-half (1 1/2) hour increment.

*Evening:* Six dollars (\$6.00) per court for each one and one-half (1 1/2) hour increment.

(Ord. No. 4348, § 1, 5-12-75; Ord. No. 4658, § 2, 5-23-77; Ord. No. 5213, § 2, 8-4-80; Ord. No. 5785, § 2, 6, 3.83; Ord. No. 7104, § 3, 12-12-88; Ord. No. 7859, § 2, 7-6-92; Ord. No. 9261, § 5, 8-2-99)

**Sec. 21-12. Same – Swimming pool admission, swim lesson, competitive swimming program, and synchronized swimming program fees and rental rates.**

Fees for admission to and use of city swimming pools and swim lessons shall be as follows:

- (1) *Daily admission:*
  - Adults (18 years and older)..... \$2.00  
Includes wading pools
  - Youth (17 and under)..... \$1.00  
Includes wading pools
- (2) *Multiple admission punch pass (30 visits):*
  - Adults (18 years and older)
    - Resident..... \$51.00
    - Non-resident. .... \$63.00
  - Youth (17 years and under)
    - Resident..... \$21.00
    - Non-resident. .... \$24.00
- (3) *Swimming passes:*
  - Adults (18 years and older)..... \$75.00
  - Youth (17 years and under)..... \$30.00
  - Family (includes 2 adults/2 children)..... \$100.00
  - Each additional child, same family..... \$20.00
  - Annual pass:
    - Adults (18 years and older)..... \$100.00
    - Juniors (under 18 years)..... \$40.00
    - Family (includes 2 adults/2 children)..... \$150.00
    - Each additional child, same family..... \$25.00

Unlimited use during pool hours subject to available water space.



- (4) *Pool rental rates:*  
*Pool parties and private group use:*  
 Base rental, two hour minimum,  
 including 2 lifeguards, plus  
 additional guard costs, per  
 hour:..... \$45.00 - \$170.00

(Ord. No. 4466, § 2, 4-12-76; Ord. No. 4657, § 2, 5-23-77; Ord. No. 5213, § 4, 8-4-80; Ord. No. 7104, § 5, 12-12-88; Ord. No. 7859, § 4, 7-6-92; Ord. No. 9261, § 7, 8-2-99; Ord. No. 9757, § 9, 8-5-02; Ord. No. 9850, § 7, 5-12-03)

- (5) *Swim lessons:*  
 Adults (18 years and older)  
 (per two (2) week session)  
     Resident..... \$15.00  
     Non-resident. .... \$18.00  
 Youth (17 and under)  
 (per two (2) week session)  
     All. .... \$15.00

**Sec. 21-13.1. Program registration fees.**

KIDCO Youth Recreation Program per school semester:

*Non-refundable registration fee*  
*(per person):* ..... \$500.00

*Summer session*  
*(eight (8) week program):* ..... \$250.00

(Ord. No. 9757, § 10, 8-5-02; Ord. No. 9850, § 8, 5-12-03; Ord. No. 10260, § 4, 3-7-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 3, 6-26-12, eff. 7-1-12)

- (6) *Competitive swimming program*..... \$30.00

- (7) *Synchronized swimming program* . . \$40.00

**Sec. 21-13.2. Fees – Senior trip programs.**

*Senior trip program.* The fees per person for each senior trip shall be established by the department based upon fifty (50) percent of the direct cost of providing each trip, divided by the number of participants.

(Ord. No. 7860, § 1, 7-6-92; Ord. No. 9757, § 11, 8-5-02; Ord. No. 9850, § 9, 5-12-03; Ord. No. 10260, § 5, 3-7-06)

**Editor's note** – It should be noted that § 15 of Ord. No. 10260 provides for an effective date of July 1, 2006.

- (8) *Diving lessons (ages 12+)*  
 (per two (2) week session)  
     Resident..... \$15.00  
     Non-resident. .... \$18.00

(Ord. No. 4466, § 2, 4-12-76; Ord. No. 4657, § 1, 5-23-77; Ord. No. 5213, § 3, 8-4-80; Ord. No. 7104, § 4, 12-12-88; Ord. No. 7210, § 1, 6-5-89; Ord. No. 7859, § 3, 7-6-92; Ord. No. 8065, § 1, 6-14-93; Ord. No. 8338, § 1, 8-1-94; Ord. No. 9261, § 6, 8-2-99; Ord. No. 9757, § 8, 8-5-02; Ord. No. 9850, § 6, 5-12-03; Ord. No. 10260, § 3, 3-7-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 2, 6-26-12, eff. 7-1-12)

**Sec. 21-13. Same – Recreational classes.**

Four (4) times each year, a listing of all instructional recreational classes offered by the department shall be published and made available to members of the general public, which program schedule shall state the fee per person enrolled in the program. The fees per person for the lessons or classes shall be established by the department based on the direct costs of the program plus an overhead charge of one hundred (100) percent for program supervision, registration and department administrative costs.

**Sec. 21-14. Same – Use of equipment.**

*Sec. 21-14(1).* The fees for use of event equipment by civic, social, religious, charitable, commercial or other users, for an initial minimum rental period (specified below) shall be as follows:

- (1) *Double display booth unit (2 booths per unit):*

- a. *Without electrical:*  
     Regular..... \$140.00  
     Regular outside city..... \$220.00  
     Non-profit. .... \$100.00

- b. *With standard electrical:*
  - Regular.. . . . . \$230.00
  - Regular outside city.. . . . . \$240.00
  - Non-profit. . . . . \$170.00
  
- (2) *Bleacher:*
  - a. *4-tier:*
    - Regular.. . . . . \$380.00
    - Regular outside city.. . . . . \$620.00
    - Non-profit. . . . . \$280.00
  
  - b. *Texas Green Front:*
    - Regular.. . . . . \$410.00
    - Regular outside city.. . . . . \$680.00
    - Non-profit. . . . . \$305.00
  
  - c. *10-tier:*
    - Regular.. . . . . \$755.00
    - Regular outside city.. . . . . \$1,255.00
    - Non-profit. . . . . \$550.00
  
- (3) *Picnic table:*
  - Regular.. . . . . \$55.00
  - Regular outside city.. . . . . \$95.00
  - Non-profit. . . . . \$45.00
  
- (4) *Portable staging:*
  - a. *Small (up to 16' X 16') without electrical:*
    - Regular.. . . . . \$290.00
    - Regular outside city.. . . . . \$480.00
    - Non-profit. . . . . \$210.00
  
  - b. *Small (up to 16' X 16') with standard electrical:*
    - Regular.. . . . . \$380.00
    - Regular outside city.. . . . . \$620.00
    - Non-profit. . . . . \$280.00
  
  - c. *Large (over 16' X 16') without electrical:*
    - Regular.. . . . . \$570.00
    - Regular outside city.. . . . . \$940.00
    - Non-profit. . . . . \$415.00
  
- d. *Large (over 16' X 16') with standard electrical:*
  - Regular.. . . . . \$680.00
  - Regular outside city.. . . . . \$1,120.00
  - Non-profit. . . . . \$500.00
  
- (5) *Ticket booth:*
  - a. *Without electrical:*
    - Regular.. . . . . \$180.00
    - Regular outside city.. . . . . \$300.00
    - Non-profit. . . . . \$145.00
  
  - b. *With standard electrical:*
    - Regular.. . . . . \$210.00
    - Regular outside city.. . . . . \$380.00
    - Non-profit. . . . . \$170.00
  
- (6) *Kennedy Park Puesto (permanent concession booth) (per day):*
  - a. Small Puesto. . . . . \$145.00
  - b. Large Puesto. . . . . \$240.00
  
- (7) *P.A. system/per day:*
  - a. Small. . . . . \$50.00
  - b. Large. . . . . \$100.00
  
- (8) *Cardboard trash container:..... \$9.00*
  
- (9) *Mobile stage:..... \$780.00*  
*(Note: mileage and staff fees may apply and are additional)*

Other electrical services as requested will be charged on a one hundred (100) percent cost recovery basis for labor and material.

The above fees shall be for an initial minimum period as follows:

- a. *Bleachers:..... One (1) week*
- b. *All other equipment:.. . Three (3) days*

If equipment is to be used longer than the initial minimum rental period, additional fees will be charged. The additional use fees will be twenty (20) percent of the original fee for each additional similar time period that the equipment is used. Additionally, a non-refundable deposit equal to fifteen (15) percent of the total cost will be required.

(Ord. No. 4466, § 2, 4-12-76; Ord. No. 4657, § 3, 5-23-77; Ord. No. 8046, § 2, 5-10-93; Ord. No. 8302, §§ 1, 2, 6-13-94; Ord. No. 8494, §§ 1, 2, 5-1-95; Ord. No. 9261, § 8, 8-2-99; Ord. No. 9757, § 12, 8-5-02; Ord. No. 10260, § 6, 3-7-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 4, 6-26-12, eff. 7-1-12)

**Sec. 21-14.1. Same – Archer, Quincie Douglas, El Rio, Freedom, Northwest, Randolph, and Santa Rosa Center use.**

The fees for use of gymnasium and/or weightroom shall be as follows:

*Daily pass:*

Adult (18 years and older).....	\$1.50
Youth (17 and under) and	
Seniors (62 and older).....	\$1.00

*20-punch pass:*

Adult (18 years and older).....	\$25.00
Youth (17 and under) and	
Seniors (62 and older).....	\$16.00

*Annual pass:*

Adult (18 and older).....	\$88.00
Youth (17 and under) and	
Seniors (62 and older).....	\$66.00

*Quarterly pass:*

Adult (18 and older).....	\$24.00
Youth (17 and under) and	
Seniors (62 and older).....	\$18.00

*Gymnasium rental:*

Full gym, per hour.....	\$60.00
Half gym, per hour.....	\$30.00

Gymnastics area, per hour.....	\$50.00
Outdoor Covered Basketball	
Court (per hour).....	\$15.00

(Ord. No. 7104, § 8, 12-12-88; Ord. No. 9225, § 1, 5-10-99; Ord. No. 9757, § 13, 8-5-02; Ord. No. 9850, § 10, 5-12-03; Ord. No. 10260, § 7, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

**Sec. 21-14.2. Same – Clements, El Pueblo and Udall Center use.**

The fees for use of gymnasium, weightroom, indoor track, racquetball courts, locker rooms and game areas shall be as follows:

*Daily pass for use of all facilities except racquetball courts:*

Family.....	\$4.00
Adult.....	\$2.00
Youth (17 and under) and	
Seniors (62 and older).....	\$1.50
Single head of household.....	\$2.50
Daily pass racquetball court fees....	\$3.00

*Annual pass – Use of all facilities including racquetball courts and 50 percent discount on Clement, El Pueblo and Udall Center aerobic/fitness classes:*

Family.....	\$420.00
Adult.....	\$195.00
Youth (17 and under) and	
Seniors (62 and older).....	\$133.00
Single head of household.....	\$228.00

*Quarterly passes – Use of all facilities, including racquetball courts and 50 percent discount on Clement, El Pueblo and Udall Center aerobic/fitness classes:*

Family.....	\$110.00
Adult.....	\$51.00
Youth (17 and under) and	
Seniors (62 and older).....	\$35.00
Single head of household.....	\$57.00

*Gymnasium rental:*

Full gym, per hour. . . . .	\$60.00
Half gym, per hour. . . . .	\$30.00
Gymnastics area, per hour. . . . .	\$50.00
Annual indoor track walking pass. . . . .	\$50.00

(Ord. No. 7390, § 2, 4-2-90; Ord. No. 7698, § 1, 10-7-91; Ord. No. 7859, § 5, 7-6-92; Ord. No. 8920, § 1, 8-4-97; Ord. No. 9225, § 2, 5-10-99; Ord. No. 9757, § 14, 8-5-02; Ord. No. 9850, § 11, 5-12-03; Ord. No. 10260, § 8, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

**Sec. 21-14.3. Same – Hi Corbett Stadium use.**

The fees for use of Hi Corbett shall be as provided below. In addition, the Parks and Recreation director is authorized to negotiate charges for a percentage of parking or concessions revenue to be generated by an event, and to charge for additional costs based on required staff time including a forty-six (46) percent overhead rate.

(Daily)

*Stadium/with lights\*/parking lot:*

Regular. . . . .	\$1,200.00
Non-profit. . . . .	\$900.00
*plus hourly fee for lights of: . . .	\$150.00

*Parking lot (per space):*

Regular. . . . .	\$1.25
Non-profit. . . . .	\$1.00

*Concourse/parking lot:*

Regular. . . . .	\$600.00
Non-profit. . . . .	\$550.00

*Scoreboard:*

Daily. . . . .	\$35.00
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*Staff support for use/events:* Direct costs, including overhead of forty six (46) percent.

*Clean-up (deposit – refundable).* . . . . \$1,000.00

*Marquees (weekly fee/per side).* . . . . . \$50.00

(Ord. No. 9261, § 9, 8-2-99; Ord. No. 9757, § 15, 8-5-02; Ord. No. 10260, § 9, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

**Sec. 21-15. Non-city resident rates.**

Program and service fees and charges for non-city residents shall be established. Rates shall not exceed the direct cost of the program or service plus twenty-five (25) percent for administrative overhead. Each fiscal year the director of parks and recreation shall publish a schedule of fees and charges for programs and services defining the non-city resident rate structure.

(Ord. No. 9850, § 12, 5-12-03)

**Sec. 21-16. Same – Use of certain meeting rooms; reservation fee for ramadas, sport fields, volley ball courts, bandshells, outdoor performance center, rodeo grounds, and fees for special maintenance.**

*Sec. 21-16(1).* The hourly fee for use of meeting rooms at any parks and recreation department center shall be as follows:

*Small meeting room (capacity 25):*

Regular, per hour. . . . .	\$16.00
Non-profit, per hour. . . . .	\$8.00

*Medium meeting room (capacity 25-50):*

Regular, per hour. . . . .	\$34.00
Non-profit, per hour. . . . .	\$17.00

*Large meeting room (capacity 50+):*

Regular, per hour. . . . .	\$50.00
Non-profit, per hour. . . . .	\$25.00

An additional twenty dollars (\$20.00) per hour fee will be charged if reserved outside of regular center hours.

Registered neighborhood associations/coalitions with the department of neighborhood resources will be allowed twelve (12) meetings per year at no cost to the

neighborhood/coalition. Reservations must be coordinated through the department of neighborhood resources for center facilities.

*Sec. 21-16(1)(1).* The fees for use of meeting rooms shall be as provided above. The parks and recreation director is authorized to negotiate meeting room rental rates for commercial organizations based on market comparisons in an amount not to exceed five (5) percent of revenue potential from the use. (Ord. No. 9261, § 10, 8-2-99; Ord. No. 9757, § 17, 8-5-02; Ord. No. 9850, § 13, 5-12-03; Ord. No. 10260, § 10, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

*Sec. 21-16(2).* The fees for reservation and use of any ramadas, reserved park areas, special interest areas, and rodeo grounds shall be as follows:

- (1) *Ramadas (per reservation).* . . . . . \$15.00  
Two (2) consecutive same-day reservations. . . . . \$25.00
- (2) *Overnight parking for events:* (per space per night). . . . . \$10.00
- (3) *Reserved park areas (defined areas within parks subject to reservation):* (daily).. . . . . \$26.00
- (4) *Special interest areas (hourly):*
  - Garden of Gethsemane (hourly, two (2) hours minimum)
    - Regular rate. . . . . \$30.00
    - Non-profit. . . . . \$17.00
  - Reid Park Rose Garden (hourly, two (2) hours minimum). . . . . \$50.00
  - La Placita (hourly, two (2) hours minimum).. . . . . \$50.00
  - El Tiradito (daily). . . . . \$26.00

(5) *Park special events:* The parks and recreation director is authorized to negotiate special event rates for events at any parks and recreation facility. Special event rates shall be based on nature of the event, costs incurred in supporting the event, lost revenues resulting from the event, and market comparisons in an amount not to exceed five (5) percent of revenue potential from the use. The parks and recreation director is authorized to establish maintenance, damage, and event refundable deposits based on the nature of the event.

- (6) *Rodeo Grounds – daily:*
- Regular rate*
- Available use areas:*
- Entire available facility. . . . . \$960.00
  - Arena. . . . . \$360.00
  - West grandstand seating. . . . . \$360.00
  - North grandstand seating. . . . . \$120.00
  - East grandstand seating. . . . . \$240.00
  - Livestock management areas. . . . . \$300.00
  - West parking. . . . . \$240.00
  - North parking. . . . . \$240.00
  - East parking. . . . . \$180.00
  - Snack bars, each. . . . . \$120.00

- Rodeo Grounds – daily:*
- Non-profit rate*
- Available use areas:*
- Entire available facility. . . . . \$400.00
  - Arena. . . . . \$150.00
  - West grandstand seating. . . . . \$150.00
  - North grandstand seating. . . . . \$50.00
  - East grandstand seating. . . . . \$100.00
  - Livestock management areas. . . . . \$125.00
  - West parking. . . . . \$100.00
  - North parking. . . . . \$100.00
  - East parking. . . . . \$75.00
  - Snack bars, each. . . . . \$60.00

Daily rates apply to all set-up and/or breakdown time in excess of twenty-four (24) hours per event.

(7) *Rodeo Grounds food and beverage concessions fee:* The parks and recreation director is authorized to negotiate food and beverage concession charges which will be one (1) percent to five (5) percent of the net proceeds from an event after taxes.

*Rodeo Grounds ticket surcharge fee:* Fifty cents (\$0.50) to one dollar (\$1.00) per ticket sold, excluding complimentary tickets, as negotiated by the director of parks and recreation.

*Rodeo Grounds reservation fee:* A twenty-five dollar (\$25.00) non-refundable fee will be charged to reserve the Tucson rodeo grounds. This will be credited to the billable amount at the end of the event.

*Rodeo Grounds deposits:* The parks and recreation director is authorized to establish maintenance, damage, and special event refundable deposits based on the nature of the event.

All revenue generated by the rodeo grounds will be deposited into a Rodeo Grounds revenue account to be utilized for rodeo grounds operations and improvements.

(Ord. No. 5213, § 6, 8-4-80; Ord. No. 5373, § 3, 5-18-81; Ord. No. 9261, § 10, 8-2-99; Ord. No. 9292, § 1, 10-4-99; Ord. No. 9757, § 17, 8-5-02; Ord. No. 9850, § 14, 5-12-03; Ord. No. 10260, § 11, 3-7-06; Ord. No. 10594, § 5, 10-7-08; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 5, 6-26-12, eff. 7-1-12)

*Sec. 21-16(3).* The following fees shall be charged for use of sports field, volleyball courts, and in-line skating rink:

(1) *Organized tournament use:*

*Volleyball courts, daily, per court:*  
Regular..... \$105.00  
Non-profit groups (501(c)3). . . . . \$50.00

*Sports fields, daily, per field:*  
Regular..... \$155.00  
Non-profit groups (501(c)3). . . . . \$80.00

*In-line skating/hockey rink tournament/special event/clinic rate:*  
Regular..... \$80.00  
Non-profit groups (501(c)3). . . . . \$40.00

(2) *Other uses:*

*Volleyball courts:*  
Day (three (3) hours)..... \$12.00  
Night (two (2) hours)..... \$16.00

*Sports fields:*  
Day (three (3) hours)..... \$20.00  
Night (two (2) hours)..... \$30.00

*Reid Park Baseball Field surcharge:*  
(per hour)..... \$15.00

*Dog training area:*  
Day (three (3) hours)..... \$16.00  
Night (two (2) hours)..... \$20.00

*In-line skating/hockey rink:*  
Day (three (3) hours)  
(8:00 a.m.-6:00 p.m.)..... \$7.00  
Night (two (2) hours)  
(6:00 p.m.-8:00 p.m. or  
8:00 p.m.-10:00 p.m.)..... \$12.00

(Ord. No. 5172, § 1, 6-23-80; Ord. No. 5373, § 4, 5-18-81; Ord. No. 8578, § 1, 10-2-95; Ord. No. 9261, § 10, 8-2-99; Ord. No. 9757, § 17, 8-5-02; Ord. No. 9850, § 15, 5-12-03; Ord. No. 10260, § 12, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

*Sec. 21-16(4).* There shall be a fee for use of bandshells:

(1) *Armory, La Mariposa, or Udall bandshells daily:*  
Regular..... \$155.00  
Non-profit. . . . . \$100.00

- (2) *Kennedy daily:*  
 Regular..... \$180.00  
 Non-profit. .... \$125.00

- (3) *Himmel Park Amphitheater area daily:*  
 Regular..... \$35.00  
 Non-profit. .... \$17.00

Bandshells and amphitheaters may be reserved in advance upon payment of the fee.

- (4) *The following fees, in addition to a fifty dollar (\$50.00) light fee, shall be charged for the hourly use of the Reid Park Outdoor Performance Center:*

*Stage only, with lights, two-hour minimum:*  
 Regular..... \$40.00  
 Non-profit. .... \$35.00

*Stage and inside facilities, two-hour minimum:*  
 Regular..... \$100.00  
 Non-profit. .... \$80.00

*Stage and inside facilities and green room, two-hour minimum:*  
 Regular..... \$120.00  
 Non-profit. .... \$100.00

- (5) *The following fees shall be charged for the use of audio equipment and lighting system at the Reid Park Outdoor Performance Center:*

Audio Package “A”  
 Regular..... \$290.00/2 hrs +  
   \$100.00/hr thereafter  
 Non-profit. .... \$260.00/2 hrs +  
   \$100.00/hr thereafter

Audio Package “B”  
 Regular..... \$955.00/4 hrs +  
   \$160.00/hr\*  
 Non-profit. .... \$715.00/4hrs +  
   \$160.00/hr\*

Audio Package “C”  
 Regular..... \$1,800.00/4hrs +  
   \$200.00/hr\*  
 Non-profit. .... \$1,680.00/4hrs +  
   \$200.00/hr\*

Lighting System “A”  
 Regular/day. .... \$100.00  
 Non-profit/day..... \$85.00

Lighting System “B”  
 Regular/day. .... \$165.00  
 Non-profit/day..... \$150.00

\* hourly charge after initial four (4) hours

- (6) Outdoor performance center concession stand (per event three (3) day max): \$155.00.

- (7) The director of the department of parks and recreation is authorized to negotiate fees/deposits for “profit” events.

(7)(1) *Amphitheater/bandshells/outdoor performance centers:* Food and beverage concessions fee: The parks and recreation director is authorized to negotiate food and beverage concession charges based on market comparisons.

*Amphitheater/bandshells/outdoor performance centers:* One dollar (\$1.00) per ticket sold, excluding complimentary tickets, or as negotiated by the director of parks and recreation based on size, length of event, and market comparisons.

(Ord. No. 7390, § 1, 4-2-90; Ord. No. 9261, § 10, 8-2-99; Ord. No. 9757, § 17, 8-5-02; Ord. No. 9850, § 16, 5-12-03; Ord. No. 10260, § 13, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

*Sec. 21-16(5).* The users of any park facility referred to in this chapter may request special maintenance of any athletic facility referred to in this chapter. The request shall be in writing at least twenty-four (24) hours prior to the requested

special maintenance. In writing, the department shall advise the party requesting special maintenance, at the time the request is made, the cost of providing the special maintenance. The costs shall be an estimate of the actual cost to the city of providing a service, and shall be paid for in advance.  
(Ord. No. 9261, § 10, 8-2-99)

*Sec. 21-16(6).* The rental fee for each concession stand at sports fields shall be one hundred and fifty five dollars (\$155.00) per event, not to exceed three (3) consecutive days. If the event for which the stand is rented exceeds three (3) days, an additional pro rata fee shall be charged per additional day.  
(Ord. No. 5213, § 7, 8-4-80; Ord. No. 5373, § 5, 5-18-81; Ord. No. 5678, § 4, 11-8-82; Ord. No. 9261, § 10, 8-2-99; Ord. No. 9757, § 17, 8-5-02)

(Ord. No. 4466, § 2, 4-12-76; Ord. No. 4657, § 4, 5-23-77; Ord. No. 7104, § 7, 12-12-88; Ord. No. 9261, § 10, 8-2-99; Ord. No. 9757, § 17, 8-5-02)

**Sec. 21-17. Authorization to waive or discount fees and charges.**

(a) The parks and recreation director, with the approval of the city manager, is authorized to waive fees and charges and to establish a sliding scale discount program based upon family size and income of household.

(b) The parks and recreation director, with the approval of the city manager, is authorized to discount fees and issue passes for free admission to the adaptive recreation center to such persons or members of such organizations that make substantial contributions to the adaptive recreation center in money, property or services.  
(Ord. No. 4466, § 2, 4-12-76; Ord. No. 9757, § 18, 8-5-02; Ord. No. 10148, § 1, 4-26-05)

**Sec. 21-18. Wasting or abusing athletic facility lighting; fines and penalties.**

(a) The person or persons who fail to extinguish the lights after use of any parks and recreation department athletic facility shall be subject to the following fines or penalties:

*First offense:* A minimum of a forty dollar (\$40.00) fine.

*Second offense:* A minimum of a eighty dollar (\$80.00) fine.

*Third offense:* Revocation of the privilege of being able to reserve any athletic facilities for nighttime use for a period of one (1) year.

(b) In those parks in the city that have a posted hour of closing, it shall be unlawful to continue to use lighted athletic facilities after the hour of closing without authorization from the director of parks and recreation. This shall subject the individual or individuals utilizing the facility to the following fines or penalties:

*First offense:* A minimum of a forty dollar (\$40.00) fine.

*Second offense:* A minimum of a eighty dollar (\$80.00) fine.

*Third offense:* Revocation of the privilege of being able to reserve any athletic facilities for nighttime use for a period of one (1) year.

(Ord. No. 4657, § 5, 5-23-77; Ord. No. 9757, § 19, 8-5-02)

**Editor's note** – Ord. No. 4657, § 5, adopted May 23, 1977, specifically amended the Code by repealing former § 21-18 and adopting in lieu thereof a new § 21-18 as herein set out. Former § 21-18 had pertained to fees for adult tennis, slimnastics, self-defense and fencing lessons, and had been derived from Ord. No. 4466, § 2, adopted Apr. 12, 1976.



**Sec. 21-18.1. Administrative fees.**

The following fees shall apply to all transactions at all Parks facilities:

- (1) Refund processing fee: . . . . . 10% of refund amount
  - (2) Returned check fee: . . . . . \$28.00
  - (3) Declined credit card payment fee: . . . . . \$28.00
- (Ord. No. 11000, § 6, 6-26-12, eff. 7-1-12)

**ARTICLE II. CITY MUNICIPAL GOLF COURSES\***

**Sec. 21-19. Damaging, defacing property.**

No person shall post or display any sign, banner or advertisement, write upon, cut, mutilate or deface or otherwise disturb any building, bench, ornament, flower in parks and recreation property or facilities. (Ord. No. 9334, § 1, 12-13-99; Ord. No. 9850, § 17, 5-12-03)

**Sec. 21-20. Selling, soliciting on courses.**

No person shall sell or solicit upon city municipal golf courses without the written permission of the director of parks and recreation. (Ord. No. 9334, § 1, 12-13-99)

**Sec. 21-21. Permit to play required.**

Every person must secure a permit before commencing each round of play on any golf course. Such permit must remain in the possession of the

player during play and must be shown upon demand to any person authorized to inspect the same. (Ord. No. 9334, § 1, 12-13-99)

**Sec. 21-22. Rates for city carts; rental agreement required.**

*Sec. 21-22(1). Rates.* The following schedule of rates is hereby established for the rental of city-owned golf carts used on all city municipal golf courses:

	9 Holes	18 Holes
Per person	\$7.00	\$10.00

*Sec. 21-22(2). Rental agreement.* Lessees of carts shall sign a rental agreement prescribed by the director of parks and recreation and shall furnish any information requested by the director of parks and recreation or his authorized representative. (Ord. No. 9334, § 1, 12-13-99; Ord. No. 10070, § 1, 10-25-04)

**Sec. 21-23. Rates for use of private carts.**

The following schedule of rates is hereby established for the use of privately owned golf carts on all city municipal golf courses:

	9 Holes	18 Holes
Year-round	\$9.00	\$13.00

(Ord. No. 9334, § 1, 12-13-99; Ord. No. 10070, § 2, 10-25-04)

**Sec. 21-23.1. Driving range golf ball rental fees.**

The schedule of driving range golf ball rental fees is as follows:

Small Bucket. . . . .	\$3.00
Large Bucket. . . . .	\$5.00

(Ord. No. 9334, § 1, 12-13-99; Ord. No. 10070, § 2, 10-25-04)

\***Editor's note** – Ord. No. 9334, § 1, adopted Dec. 13, 1999, amended Art. II, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. II pertained to Randolph Park Golf Courses. See the Code Comparative Table.

**Sec. 21-24. General regulations.**

**Sec. 21-25. Reserved.**

The following rules are established for all municipal golf courses:

*Sec. 21-24(1).* Players holding up the normal progress of play shall be required at the request of any authorized employee of the parks and recreation department to immediately move to the next hole when the group of golfers directly ahead has completed play on the next hole. Failure to move to the next hole when required will result in the immediate forfeiture of the player’s daily greens permit for play on the municipal golf course.

*Sec. 21-24(2).* The director of parks and recreation is authorized to establish other rules and regulations governing the operation of play on municipal golf courses.

*Sec. 21-24(3).* Use of one (1) set of clubs by more than one (1) player is prohibited.

*Sec. 21-24(4).* Golf carts shall not be permitted to run over aprons, greens and tees, and shall be kept at least ten (10) feet from the edge of all greens.

*Sec. 21-24(5).* Golf bags shall not be laid on the greens.

*Sec. 21-24(6).* Players stopping to search for lost balls shall signal waiting players behind them to play through and then wait until they have progressed beyond the normal range of the next shot before resuming play.

*Sec. 21-24(7).* Players holding up the normal progress of play shall be required at the request of any authorized employee of the parks and recreation department to immediately move to the next hole when the group of golfers directly ahead has completed play on the next hole. Failure to move to the next hole when required will result in the forfeiture of the player’s daily greens fee permit for play on the municipal golf course.

(Ord. No. 9334, § 1, 12-13-99)

**ARTICLE III. RESERVED\***

**Secs. 21-38 – 21-50. Reserved.**

**ARTICLE IV. GENE REID PARK ZOO  
ADMITTANCE FEES\*\***

**Sec. 21-51. Schedule.**

(a) The following schedule of fees is hereby established for admittance to Gene Reid Park Zoo:

Adults (ages 15 through 61)	
June - Nov.....	\$8.00
Dec. - May..	\$9.00
Senior citizens (ages 62 and over)	
June - Nov.....	\$6.00
Dec. - May..	\$7.00
Children (ages 2 through 14)	
June - Nov.....	\$4.00
Dec. - May..	\$5.00
Reserved school groups (per person). . . . .	
	\$2.00
Children (under age 2) when accompanied by an adult. . . . .	
	Free

(b) Passes for free admission to the zoo may be issued by the director of the department of parks and recreation to such persons or members of such organizations that make substantial contributions to the zoo in money, property, or services.

\***Editor’s note** – Section 1 of Ord. No. 7114, adopted Dec. 19, 1988, repealed art. III, §§ 21-38 – 21-49, entitled “Baseball Commission.” The article was derived from 1953 Code, ch. 2, §§ 30-39; and Ord. No. 3074, 3076, 3393, 5172, 5982, 6382.

\*\***Editor’s note** – Ord. No. 3579, § 12, enacted Jan. 4, 1971, repealed former art. IV, “Zoological Commission,” §§ 21-51 – 21-56, derived from Ord. No. 3361, § 1, enacted Nov. 17, 1969. Ord. No. 3812, §§ 1 – 3, adopted Mar. 27, 1972, amended this Code by adding a new art. IV, § 21-51(1) – (4). At the discretion of the editor, art. IV was entitled “Gene Reid Park Zoo Admittance Fees”; catchlines were added for purposes of indexing and reference; and §§ 21-51(1) – (3) and 21-54(4) were codified as §§ 21-51, 21-52. Ord. No. 3812, §§ 2, 3, directory and effective date provisions, were omitted.

(Ord. No. 3812, § 1, 3-27-72; Ord. No. 4149, § 1, 3-11-74; Ord. No. 4164, § 1, 4-8-74; Ord. No. 4401, § 1, 10-13-75; Ord. No. 5172, § 3, 6-23-80; Ord. No. 7054, § 1, 10-3-88; Ord. No. 7859, § 6, 7-6-92; Ord. No. 8319, § 1, 7-5-94; Ord. No. 9261, § 11, 8-2-99; Ord. No. 9757, § 20, 8-5-02; Ord. No. 10304, § 1, 7-6-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 7, 6-26-12, eff. 7-1-12)

**Sec. 21-52. Reserved.**

**Editor’s note** – Ord. No. 9757, § 21, adopted Aug. 5, 2002, repealed § 21-52, which pertained to disposition. See the Code Comparative Table.

**Secs. 21-53, 21-54. Reserved.**

**ARTICLE V. RESERVED\*\*\***

\*\*\***Editor’s note** – Ordinance No. 9000, § 1, adopted December 15, 1997, repealed §§ 21-55, 21-56. Formerly, such sections pertained to community center recreation: public ice skating permitted; fees for public ice skating; penalty and derived from Ord. No. 4390, §§ 1, 2, 9-8-75.

TUCSON CODE

**Sec. 22-81. Finance director to pay premiums.**

The finance director is hereby authorized and directed to pay, upon receipt of duly executed demands, to the group insurance carrier or medical health plan such sums as may, from time to time, be due and payable as premiums or payments in accordance with the agreement and master policy. Such payments shall be made from the appropriate fund of the city. (1953 Code, ch. 20, § 68; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74)

**Editor's note** – Section I of Ord. No. 4138, enacted Feb. 19, 1974, amended art. IV, §§ 22-78 – 22-85, to include medical health benefits in the provisions of the article. Formerly art. IV was entitled “Group Insurance.”

**Sec. 22-82. Employees' premium costs.**

In consideration of an officer's or employee's entry into employment with the city on and after the effective inclusion of his office or position under group insurance or medical health plan coverage, the finance director is hereby directed to deduct and withhold for each and every payroll period from the compensation of each such officer and employee a sum equal to that officer's and employee's predetermined proportionate share of the premium or cost of the group insurance or medical health plan coverage provided. The amount so withheld shall be paid to the company or plan as provided by section 22-81; however, failure of the finance director to withhold such sums shall not relieve such officer or employee from whose compensation such sums are not withheld from liability therefor. If more or less than the correct amount is deducted in any payroll period, proper adjustment or refund shall be made, without interest, in such manner and for such time as the finance director shall prescribe.

(1953 Code, ch. 20, § 64; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74)

**Sec. 22-83. City's premium costs.**

The city's predetermined proportionate share of the premium or payment cost of the group insurance or medical health plan coverage provided for officers, employees and dependents shall be paid from funds budgeted and authorized to be paid during each fiscal year that such group insurance policy or agreement shall be in effect.

(1953 Code, ch. 20, § 65; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74)

**Sec. 22-84. Duty of human resources director.**

The human resources director is hereby charged with the duty of causing all officers and employees of the city included under the master policy for group insurance or the medical health plan agreement to be informed as to their benefits, rights and obligations under such insurance or medical health plan agreement. (1953 Code, ch. 20, § 66; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74; Ord. No. 10284, § 5, 6-6-06; Ord. No. 10678, § 1, 6-9-09, eff. 7-1-09)

**Sec. 22-85. Applicability to existing, future employees.**

The group insurance or medical health plan service provided for in section 22-80 shall be available but not mandatory for all officers and employees entering the service of the city if such officer or employee provides the finance director with proof of substantially equivalent insurance/health coverage from another source. For any officer or employee who becomes eligible for Federal Medicare, continued membership in any medical health plan services provided for in this article shall be optional for such officer or employee.

(1953 Code, ch. 20, § 67; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74; Ord. No. 5490, § 2, 1-11-82; Ord. No. 7688, § 1, 9-9-91)

**Sec. 22-86. Medical insurance incentive allowance.**

Notwithstanding other provisions of this article, any city officer or employee eligible for medical coverage under the city's medical plan may waive coverage under the city's medical plan and elect to receive a medical insurance incentive allowance of thirty-six dollars and ninety-two cents (\$36.92) per pay period provided that the city officer or employee is not currently covered by the city's retiree medical plan or as a dependent under another city employee or retiree's plan. This waiver does not extend to dental coverage or to plans provided under section 25 of the Internal Revenue Code.

Any city officer or employee may request the incentive for waiver of medical coverage during the initial thirty-one (31) days of city employment, during the annual open enrollment period, or whenever there is a qualifying family status change such as marriage or

divorce provided that the city officer or employee is not currently covered by the city’s retiree medical plan.

The actual effective date for the incentive payment will depend upon the reason for the change. For newly hired employees, the effective date for start of the incentive will be the date a new hire employee normally becomes eligible for other city-paid benefits. For an open enrollment change, the effective date for start of the incentive will be the first day of the first pay period in the new fiscal year. For family status change events, the effective date for starting the incentive payment will be the first day of the pay period that immediately follows the event.

When an eligible employee resumes medical coverage on a city plan due to a family status change, the effective date for stopping the incentive will be the last day of the pay period that precedes the event.

Any city officer or employee waiving medical coverage under the city’s plan must provide written proof of medical coverage from another non-City of Tucson source. Failure to provide periodic proof of medical coverage from another non-city source, satisfactory to, and at such frequency as determined by the city, will be grounds for the city to discontinue the incentive and recoup any incentive payments made for the time the employee did not maintain medical coverage. Proof of medical coverage from another non-city source must be provided within thirty (30) days of any request.

(Ord. No. 9857, §§ 1, 2, 6-2-03; Ord. No. 10059, § 1, 10-11-04; Ord. No. 10678, § 2, 6-9-09, eff. 7-1-09; Ord. No. 10991, § 1, 6-12-12, eff. 7-1-12)

**Editor’s note** – It should be noted that § 22-86 is effective retroactive to April 30, 2003.

**Secs. 22-87 – 22-89. Reserved.**

**ARTICLE V. LEAVE BENEFIT PLAN\***

**Sec. 22-90. Providing for leave benefit plan.**

*Sec. 22-90(1). Vacation leave accrual.* The city’s leave benefit plan shall include vacation, sick, military leave and other paid and unpaid leave and time off work as hereafter set forth. The number of days and accrual rates for vacation, sick leave, and military leave, and conditions governing compensation for unused accrued leave paid to employees separating from city service are as follows, further provided that any provision for compensation of unused accrued sick leave is subject to retroactive and/or prospective change at any time.

- a. Permanent, full-time employees, except full time commissioned officers of the Tucson Police Department and the Tucson Fire Department, shall accrue paid vacation leave as follows:

	<i>Per Pay Period</i>	<i>Per Year</i>
0 – 10 years of continuous service:	4 hrs. 0 min.	13 days (104 hrs.)
Over 10 to 15 years of continuous service:	4 hrs. 38 min.	15 days, 28 min. (120 hrs. 28 min.)
Over 15 years of continuous service:	6 hrs. 10 min.	20 days, 20 min. (160 hrs. 20 min.)

- b. Permanent, full time commissioned employees of the Tucson Police Department and the Tucson Fire Department shall accrue paid vacation leave as follows:

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\***Editor’s note** – Ord. No. 9348, § 1, adopted Feb. 7, 2000, amended the title of art. V to read as herein set out.

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, including FML. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning July 1 through October 20, October 21 through February 23, and February 24 through June 29. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited by the employee. Personal leave carries no entitlement to compensation and if not used prior to separation from city service is forfeited without any credit to the member or to any city or state pension or benefit program.

*Sec. 22-95(b).* The employee group eligible for representation by the American Federation of State, County and Municipal Employees, (AFSCME), shall be entitled to receive a cash incentive of one hundred fifty dollars (\$150.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including FML, in the six (6) month period preceding the date of payment. The sick leave incentive payment will be included in the first paycheck in February for the first six (6) month period and in the first paycheck in August for the second six (6) month period.

*Sec. 22-95(c).* The employee group eligible for representation by the Tucson Police Officers Association, (TPOA), may earn three (3) personal leave days a fiscal year, and bank up to three (3) personal leave days provided they do not use sick leave or leave without pay, including FML. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning July 1 through October 20, October 21 through February 23, and February 24 through June 29. For purposes of this section, workers' 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 and if not

used prior to separation from city service are forfeited without any credit to the member or to any other city or state pension or benefit plan.

*Sec. 22-95(d).* Commissioned firefighters who have not used in excess of one (1) twenty-four (24) hour shift, or two (2) consecutive work days for non-twenty-four (24) hour shift personnel, due to lost time or unscheduled vacation over a four (4) month period, and each four (4) months thereafter, will be entitled to one (1) personal leave day (PL leave). Employees may earn three (3) personal leave days a fiscal year and bank up to three (3) personal leave days. The accrual shall be every four (4) months. The reporting period will be for the pay periods beginning July 1 through October 20, October 21 through February 23, and February 24 through June 29. 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, FML 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, including FML. The accrual period shall be every four (4) months. The reporting period will be for the pay periods beginning July 1 through October 20, October 21 through February 23 and February 24 through June 29. Personal leave days will not carry forward from one (1) four (4) month period to the next. A personal leave day earned must be used in the following four (4) month period or be forfeited. Personal leave carries no entitlement to compensation and if not used prior to separation from city service is forfeited without any credit to the member or to any other city or state pension or benefit program.



(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord. No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11; Ord. No. 10991, § 2, 6-12-12, eff. 7-1-12)

**Sec. 22-96. Transfer and accrual of sick leave and vacation for City of Tucson/Pima County Household Hazardous Waste Program employees entering city service.**

(a) Each City of Tucson/Pima County Household Hazardous Waste Program employee who is leaving Pima County employment and beginning employment with the City of Tucson under section 13 of the intergovernmental agreement with Pima County approved by mayor and council resolution on March 1, 2005 shall have his or her accrued sick and vacation leave balances transferred with the employee.

(b) These employees shall thereafter accrue city sick and vacation leave at a rate commensurate with the employees combined length of service with the county and city. This special length of service provision shall not otherwise affect the status of these employees, who will begin employment with the city as new civil service employees.

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time. (Ord. No. 10125, § 1, 3-1-05)

**Secs. 22-97 – 22-99. Reserved.**

**ARTICLE VI. OTHER INSURANCE BENEFITS**

**Sec. 22-100. Reserved.**

**Editor's note**— Ord. No. 10425, § 5, adopted June 19, 2007, effective July 1, 2007, repealed § 22-100, which pertained to providing for other insurance benefits and derived from Ord. No. 9383, § 1, adopted May 15, 2000; Ord. No. 10005, § 1, adopted June 28, 2004; Ord. No. 10163, § 4, June 14, 2005.

**Sec. 22-101. Death benefit for employee group eligible for representation by TPOA.**

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

**Sec. 22-102. Death benefit for employee group eligible for representation by IAFF.**

The city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by IAFF who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as a commissioned fire employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10294, § 3, 6-27-06; Ord. No. 10557, § 5, 6-25-08, eff. 7-1-08)

**Sec. 22-103. Death benefit for employee group eligible for representation by AFSCME.**

The city shall provide a two thousand five hundred dollar (\$2,500.00) special death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by AFSCME and dies while in the employ of the City of Tucson. Although the benefit will be paid without restriction, it is intended that it should be used for purposes of the employees funeral expenses. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10020, § 1, 8-2-04; Ord. No. 10557, § 6, 6-25-08, eff. 7-1-08)

**Sec. 22-104. Death benefit for employee group eligible for representation by CWA/TACE.**

The city shall provide twenty-five thousand dollars (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by CWA/TACE who holds a permanent position in the classified service at the time of death and who is killed while directly performing duties as an employee for the city, or who dies as a result of occupational illness or occupational exposure. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10557, § 7, 6-25-08, eff. 7-1-08)

## Chapter 27

### WATER\*

<b>Art. I.</b>	<b>In General, §§ 27-1 – 27-27</b>
<b>Art. II.</b>	<b>Rates and Charges, §§ 27-28 – 27-59</b>
<b>Art. III.</b>	<b>Citizens' Water Advisory Committee, §§ 27-60 – 27-65</b>
<b>Art. IV.</b>	<b>Groundwater Consultant Board, §§ 27-66 – 27-69</b>
<b>Art. V.</b>	<b>Backflow Prevention and Cross-Connection Control, §§ 27-70 – 27-89</b>
<b>Art. VI.</b>	<b>Emergency Water Conservation Response, §§ 27-90 – 27-99</b>
<b>Art VII.</b>	<b>Water Consumer Protection Act, §§ 27-100 – 27-109</b>
<b>Art VIII.</b>	<b>Drought Preparedness and Response Plan, §§ 27-110 – 27-119</b>

#### Article I. In General

Sec. 27-1.	The superintendent of water also known as director of the water department to oversee city water services.
Sec. 27-2.	Duty of superintendent to inspect, make repairs.
Sec. 27-3.	Superintendent to report violations; prosecution by city manager.
Sec. 27-4.	Superintendent to control water supply; notice of shutting off pipelines.
Sec. 27-5.	Superintendent subject to city manager and mayor and council.
Sec. 27-6.	Supervision of charges and collections.
Sec. 27-7.	Receipts to be deposited in water utility fund.
Sec. 27-8.	Taps, connections to be by department; exception.
Sec. 27-9.	Application for service required; payment of charges prerequisite to service; deposits; amount; refund, utility service bond.
Sec. 27-10.	“Premises” defined, separate connections required; appeal.
Sec. 27-11.	Installations, repairs by individual prohibited.
Sec. 27-12.	City not liable for damages; stopcock required.
Sec. 27-13.	Turning on water without authority.
Sec. 27-14.	Authority to withhold water for violations.
Sec. 27-15.	Waste or unreasonable use of water; violation declared a civil infraction.
Sec. 27-16.	Interfering with, tampering with water facilities; removing water; violation declared a civil infraction.
Sec. 27-16.1.	Turning on water without authority; interfering with, tampering with water facilities; removing water; minimum penalty; subsequent conviction.
Sec. 27-16.2.	Permit for construction water.
Sec. 27-17.	Damaging, defacing water facilities.
Sec. 27-18.	Use of device to bypass metering of water prohibited; civil infraction; minimum penalty; persons liable.
Sec. 27-19.	Installation of ultra-low-flush water closets in low income owner-occupied housing.
Secs. 27-20 – 27-27.	Reserved.

#### Article II. Rates and Charges

Sec. 27-28.	Established by mayor and council.
Sec. 27-29.	Liability of customer of record or property owner for charges.
Sec. 27-30.	Service charge.
Sec. 27-31.	Definitions.
Sec. 27-32.	Charges for water service.
Sec. 27-32.1.	Monthly reclaimed water service charges.
Sec. 27-33.	Monthly potable water service charges.
Sec. 27-34.	Charges for fire protection service.
Sec. 27-35.	Charges for installation of water service connections.

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\*Cross references – Plumbing code, § 6-121 et seq.; sewerage and sewage disposal, ch. 24.

## TUCSON CODE

- Sec. 27-36. System equity, Central Arizona Project, and areas-specific fees.
- Sec. 27-37. Agreements for construction of water facilities authorized.
- Sec. 27-38. Provisions for refund of cost of water mains or water facilities installed by private contract under certain conditions authorized.
- Sec. 27-38.1. Provisions for refund of cost of water mains or facilities funded and installed by the city under certain conditions authorized.
- Sec. 27-39. Reserved.
- Sec. 27-40. Sales taxes and in-lieu-of franchise taxes.
- Sec. 27-41. Accommodation and standby water service.
- Sec. 27-42. Temporary services authorized; conditions; rates.
- Sec. 27-43. Charge when meter not registering properly.
- Sec. 27-44. Charge when meter removed.
- Sec. 27-45. Charge for water used for public works or improvements.
- Sec. 27-46. Charge for water used in flooding excavations.
- Sec. 27-47. Water charges when not otherwise provided.
- Sec. 27-48. Liability for charges where one service pipe serves multiple premises.
- Sec. 27-49. When and where bills due and payable.
- Sec. 27-50. Discontinuing service for non-payment of water bill; customer right to dispute account balance.
- Sec. 27-51. Resuming service after discontinued for nonpayment or violations.
- Sec. 27-52. Customer service relief and courtesy adjustments.
- Sec. 27-53. Reserved.
- Sec. 27-54. Returned checks.
- Secs. 27-55 – 27-59. Reserved.

### **Article III. Citizens' Water Advisory Committee**

- Sec. 27-60. Creation.
- Sec. 27-61. Functions and purposes.
- Sec. 27-62. Membership composition, terms and qualifications.
- Sec. 27-63. Committee organization.
- Sec. 27-64. Committee reports.
- Sec. 27-65. Limitation of powers.

### **Article IV. Groundwater Consultant Board**

- Sec. 27-66. Creation.
- Sec. 27-67. Functions and purposes.
- Sec. 27-68. Selection and compensation of consultants.
- Sec. 27-69. Limitation of powers.

### **Article V. Backflow Prevention and Cross-connection Control**

- Sec. 27-70. Definitions.
- Sec. 27-71. Purpose and application.
- Sec. 27-72. Backflow prevention required.
- Sec. 27-73. Hazard potential.
- Sec. 27-74. Backflow prevention methods; list.
- Sec. 27-75. Backflow prevention methods required.
- Sec. 27-76. Backflow assembly installation requirements.
- Sec. 27-77. Installation of backflow prevention assemblies for fire systems.
- Sec. 27-78. Inspections.
- Sec. 27-79. Permit.
- Sec. 27-80. Test, inspection, notification, maintenance, records.
- Sec. 27-81. Determination, modification or waiver of backflow prevention requirements.
- Sec. 27-82. Discontinuance of water service.
- Sec. 27-83. Administrative appeal.
- Sec. 27-84. Violation a civil infraction.
- Sec. 27-85. Reserved.
- Sec. 27-86. Fees.
- Secs. 27-87 – 27-89. Reserved.

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. ....	\$6.66
1. ....	12.21
1 1/2. ....	21.46
2. ....	32.55
2 1/2. ....	47.35
3. ....	62.15
4. ....	104.69
6. ....	211.22
8. ....	317.38
10. ....	483.84
12. ....	798.27

- (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; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12)

**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. ....	\$8.27
3/4. ....	10.92
1. ....	16.23
1 1/2. ....	29.49
2. ....	45.41
2 1/2. ....	66.64
3. ....	87.86
4. ....	148.89
6. ....	301.71
8. ....	454.00
10. ....	692.79
12. ....	1,143.82

- (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 – 10 Ccf. ....	\$1.26
11 – 15 Ccf. ....	2.45
16 – 30 Ccf. ....	6.45
Over 30 Ccf. ....	10.45

<i>Residential Duplex-Triplex</i>	<i>\$/Ccf</i>
1 – 15 Ccf. ....	\$1.26
16 – 20 Ccf. ....	2.45
21 – 35 Ccf. ....	6.45
Over 35 Ccf. ....	10.45
 <i>Multi-Family</i>	 <i>\$/Ccf</i>
Basic Volume Charge. ....	\$2.29
 <i>Mobile Home Park with Sub-Meters</i>	 <i>\$/Ccf</i>
Basic Volume Charge. ....	\$1.75
 <i>Commercial</i>	 <i>\$/Ccf</i>
Basic Volume Charge. ....	\$2.25
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average. . . .	1.00
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge. ....	0.27
 <i>Industrial (more than 5 Mg per month &amp; Tucson Unified School District by contract)</i>	 <i>\$/Ccf</i>
Basic Volume Charge. ....	\$2.05
Tier 1 Summer Surcharge: for usage during May-October above 100% of winter (November-April) average. . . .	1.00
Tier 2 Summer Surcharge: for usage during May-October above 145% of winter (November-April) average, added to Tier 1 Surcharge. ....	0.27
 <i>Construction Water</i>	 <i>\$/Ccf</i>
Basic Volume Charge. ....	\$2.55

apply to all monthly water use at the rate of seven cents (\$0.07) per Ccf.

(5) Reserved.

(Ord. No. 4497, § 1, 6-7-76; Ord. No. 4549, § 1, 8-10-76; Ord. No. 4550, § 3, 8-10-76; Ord. No. 4626, § 6, 3-3-77; Ord. No. 4763, § 2, 2-27-78; Ord. No. 4928, § 1, 1-8-79; Ord. No. 5137, § 1, 4-21-80; Ord. No. 5355, § 2, 4-20-81; Ord. No. 5557, § 1, 5-3-82; Ord. No. 5756, § 2, 5-2-83; Ord. No. 6001, § 1, 4-23-84; Ord. No. 6222, § 2, 4-22-85; Ord. No. 6411, § 2, 4-28-86; Ord. No. 6692, § 2, 4-13-87; Ord. No. 6925, § 2, 4-11-88; Ord. No. 7171, § 3, 4-17-89; Ord. No. 7391, § 2, 4-16-90; Ord. No. 7607, § 1, 4-15-91; Ord. No. 7804, § 1, 4-20-92; Ord. No. 8024, §, 4-12-93; Ord. No. 8120, § 3, 9-7-93; Ord. No. 8480, § 1, 4-10-95; Ord. No. 8483, § 2, 5-15-95; Ord. No. 8768, § 3, 10-28-96; Ord. No. 9156, § 3, 11-9-98; Ord. No. 9477, § 1, 10-23-00; Ord. No. 96-4, § 1, 9-10-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 9763, § 1, 9-9-02; Ord. No. 9842, § 1, 5-12-03; Ord. No. 9979, § 1, 6-7-04; Ord. No. 10305, § 1, 7-6-06; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12)

**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.....	\$8.20
3", with detector check valve.....	13.43
4", with detector check valve.....	20.76
6", with detector check valve.....	39.61
8", with detector check valve.....	\$58.45
10", with detector check valve.....	88.29
12", with detector check valve.....	143.78

- (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 thirty-six cents (\$0.36) 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

(Ord. No. 4489, § 6, 5-24-76; Ord. No. 4626, § 7, 3-3-77; Ord. No. 4656, § 1, 5-23-77; Ord. No. 4763, § 3, 2-27-78; Ord. No. 4928, § 2, 1-8-79; Ord. No. 5137, § 2, 4-21-80; Ord. No. 5355, § 3, 5-2-83; Ord. No. 5557, § 2, 5-3-82; Ord. No. 5756, § 3, 5-2-83; Ord. No. 6001, § 2, 4-23-84; Ord. No. 6222, § 3, 4-22-85; Ord. No. 6411, § 3, 4-2-86; Ord. No. 6692, § 3, 4-13-87; Ord. No. 6925, § 3, 4-11-88; Ord. No. 7171, § 4, 4-17-89; Ord. No. 7391, § 3, 4-16-90; Ord. No.

96-4, § 1, 9-10-01; Ord. No. 9763, § 1, 9-9-02; Ord. No. 10415, § 1, 6-12-07; Ord. No. 10535, § 1, 6-3-08, eff. 7-7-08; Ord. No. 10673, § 1, 6-2-09, eff. 7-6-09; Ord. No. 10795, § 1, 5-25-10, eff. 7-5-10; Ord. No. 10896, § 1, 5-24-11, eff. 7-5-11; Ord. No. 10987, § 1, 5-22-12, eff. 7-2-12)

**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(b) and Section 27-36(c).

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8. ....	\$1,311.00
3/4. ....	1,967.00
1. ....	3,278.00
1 1/2. ....	6,555.00
2. ....	10,488.00
3. ....	20,976.00
4. ....	36,053.00
6. ....	73,809.00
8. ....	111,435.00
10. ....	170,430.00
12. ....	281,865.00

Charges for replacement of an existing meter with a meter of larger size shall be computed based on the incremental difference between the system equity fee for the respective meters at the time of filing the application for meter change-out. No refunds will be

credited for replacement of an existing meter with a meter of smaller size.

(b) A Central Arizona Project (“CAP”) Water Resource Fee shall be charged for connections to the potable system.

- (1) The CAP water resource fee recovers costs incurred for acquisition of CAP water rights from new connections, by determining the cost per acre-foot of CAP water rights available for new connections divided by the connection’s capacity requirement (as determined by meter size).
- (2) The CAP water resource fee will be used to pay for payments made to the Central Arizona Water Conservation District for back CAP capital/water right costs, administrative fees resulting from the city’s CAP allocation, and payments for future CAP capital/water right payments made to the Central Arizona Water Conservation District.

If revenues in a given year from the CAP water resource fee exceed the above uses related to CAP capital/water right payments, the revenues will be used as reimbursement for monies previously spent on back capital/water right payments: these revenues may be used to fund various requirements, including the establishment of a reserve for future water right acquisitions.

A separate recording of fee proceeds and uses will be maintained.

- (3) The CAP water resource fee shall be charged for potable metered connections to the water system, except for (i) construction water meter connections, (ii) connections within isolated systems, including Santa Rita Bel Air, until such time as this isolated system is interconnected to the central water system, (iii) connections within the Peppertree Ranch area, and (iv) connections within the Dove Mountain Area which are subject to a pre-existing development agreement.

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8. ....	\$200.00
3/4. ....	300.00
1. ....	500.00
1 1/2. ....	1,000.00
2. ....	1,600.00
3. ....	3,200.00
4. ....	5,500.00
6. ....	11,250.00
8. ....	17,000.00
10. ....	26,000.00
12. ....	43,000.00

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; Ord. No. 10958, § 1, 1-24-12, eff. 7-2-12; Ord. No. 10959, § 1, 1-24-12, eff. 7-2-12)

**Editor’s note** – It should be noted that Ord. No. 10958, § 5, states that the fee changes approved by this ordinance (§ 27-36(b)) shall take effect on July 2, 2012, and shall apply to all meter readings accepted after July 2, 2012. Additionally, Ord. No. 10959, § 5, states that the fee changes approved by this ordinance (§ 27-36(a)) shall take effect on July 2, 2012, and shall apply to all meter applications accepted after July 2, 2012.

**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:

Applicant Size (inches)	Size Requested (inches)	Refund Amount	
		Pipe (per foot)	Valve
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:

Inches	Fee Amount
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)

**Sec. 27-52. Customer service relief and courtesy adjustments.**

Adjustments are offered to customers upon their request when there is a valid high water use such as leaks, theft, vandalism, or other known consumption. They are also given when there is unexplained high water use. All other applicable water charges and taxes are applied after the adjustment is given.

- (1) Adjustments are given when all of the following conditions are met:
  - (a) Water use by the customer has returned to normal levels.
  - (b) The use in question was more than twenty (20) Ccfs.
  - (c) An adjustment has not been given on the account within the past three (3) years.
  - (d) The water use in question must have occurred within the past seven (7) months.
  - (e) No adjustments are made available for reclaimed water or construction water accounts.
- (2) *Customer relief adjustment.*
  - (a) A customer relief adjustment is calculated by charging a residential customer for high water use at the current adopted rate for the same water use block of the same month of the prior year.
  - (b) The customer relief adjustment applies to the residential single family and duplex-triplex customer classes.
- (3) *Courtesy adjustment.*
  - (a) A courtesy adjustment is calculated by taking the difference of water use between the high water use month and the same month in the previous year and allowing one half (1/2) of that amount to be dismissed.

- (b) The courtesy adjustment is for customer classes of multifamily, mobile home parks w/sub-meters, commercial, and industrial.

(Ord. No. 10999, § 1, 6-19-12)

**Editor’s note** – Section 4 of Ord. No. 10999, adopted June 19, 2012, provides that the fee adjustments approved by Ord. No. 10999 shall take effect for water meters read on or after July 2, 2012.

**Sec. 27-53. Reserved.**

**Editor’s note** – Ord. No. 4489, § 12, adopted May 24, 1976, specifically amended the Code by repealing §§ 27-52 and 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 and 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;

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**\*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.

- (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;

TUCSON CODE

## Chapter 28

### TUCSON PROCUREMENT CODE\*

- Art. I. In General, §§ 28-1 – 28-10
- Art. II. Procurement Director Authority, §§ 28-11 – 28-14
- Art. III. Source Selection and Contract Formation, §§ 28-15 – 28-40
- Art. IV. Specifications, §§ 28-41 – 28-46
- Art. V. Procurement of Professional Design Services and Capital Improvements, §§ 28-47 – 28-57
- Art. VI. Contract Terms and Conditions, §§ 28-58 – 28-61
- Art. VII. Cost Principles, §§ 28-62 – 28-65
- Art. VIII. Materials Management, §§ 28-66 – 28-74
- Art. IX. Legal and Contractual Remedies, §§ 28-75 – 28-125
- Art. X. Cooperative Purchasing, §§ 28-126 – 28-131
- Art. XI. Reserved, §§ 28-132 – 28-136
- Art. XII. Affirmative Action by City Contractors, §§ 28-137 – 28-146
- Art. XIII. Small, Minority and Women-Owned Business Enterprise Program, §§ 28-147 – 28-151.2
- Art. XIV. Living Wage, §§ 28-152 – 28-159

#### Article I. General Provisions

- Sec. 28-1. Applicability.
- Sec. 28-2. Definitions.
- Sec. 28-3. Supplementary general principles of law applicable.
- Sec. 28-4. Requirement of good faith.
- Sec. 28-5. Confidential information.
- Secs. 28-6 – 28-10. Reserved.

#### Article II. Procurement Director Authority

- Sec. 28-11. Authority of the director.
- Sec. 28-12. Written determinations.
- Secs. 28-13, 28-14. Reserved.

#### Article III. Source Selection and Contract Formation

- Sec. 28-15. Definitions.
- Sec. 28-16. Methods of source selection.
- Sec. 28-17. Competitive sealed bidding.
- Sec. 28-18. Competitive sealed proposals.
- Sec. 28-19. Contracting for legal counsel.
- Sec. 28-20. Small purchases.
- Sec. 28-21. Sole source procurement.
- Sec. 28-22. Emergency procurements.
- Sec. 28-23. Special procurements.
- Sec. 28-24. Competitive reverse auctions.
- Sec. 28-25. Cancellation of solicitations.
- Sec. 28-26. Rejection of individual bids, proposals, quotations or statements of qualifications.
- Sec. 28-27. Responsibility of bidders, offerors and respondents.
- Sec. 28-28. Bid and contract security, material or service contracts.

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\***Editor's note** – Ord. No. 9913, § 1, adopted Nov. 17, 2003, amended chapter 28 in its entirety to read as herein set out. Former chapter 28, §§ 28-1 – 28-5, 28-11, 28-12, 28-15 – 28-37, 28-41 – 28-45, 28-47 – 28-56, 28-58, 28-62, 28-63, 28-66 – 28-71, 28-75 – 28-118, 28-126 – 28-129, 28-132 – 28-134, 28-137 – 28-144, 28-145 – 28-151, 28-152 – 28-160, pertained to similar subject matter and derived from Ord. No. 7973, § 4, adopted Jan. 25, 1993. See the Code Comparative Table.

## TUCSON CODE

- Sec. 28-29. Types of contracts.
- Sec. 28-30. Approval of accounting system.
- Sec. 28-31. Multi-year contracts.
- Sec. 28-32. Right to inspect.
- Sec. 28-33. Right to audit records.
- Sec. 28-34. Reporting of anticompetitive practices.
- Sec. 28-35. Prospective vendors lists.
- Sec. 28-36. Contract form and execution.
- Sec. 28-37. Assignment of rights and duties.
- Sec. 28-38. Efficient resource procurement and utilization.
- Sec. 28-39. Local preference.
- Sec. 28-40. Reserved.

### **Article IV. Specifications**

- Sec. 28-41. Definition.
- Sec. 28-42. Maximum practicable competition.
- Sec. 28-43. Specifications prepared by other than city personnel.
- Sec. 28-44. Brand name or equal specification.
- Sec. 28-45. Brand name specification.
- Sec. 28-46. Reserved.

### **Article V. Procurement of Professional Design Services and Capital Improvements**

- Sec. 28-47. Definitions.
- Sec. 28-48. Procurement of construction.
- Sec. 28-49. Procurement of professional design services.
- Sec. 28-50. Procurement of construction services.
- Sec. 28-51. Construction by city employees.
- Sec. 28-52 – 28-57. Reserved.

### **Article VI. Contract Terms and Conditions**

- Sec. 28-58. Contract terms and conditions.
- Secs. 28-59 – 28-61. Reserved.

### **Article VII. Cost Principles**

- Sec. 28-62. Cost principles.
- Sec. 28-63. Cost or pricing data.
- Secs. 28-64, 28-65. Reserved.

### **Article VIII. Materials Management**

- Sec. 28-66. Definitions.
- Sec. 28-67. Materials management guidelines.
- Sec. 28-68. Inventory management.
- Sec. 28-69. Disposition of surplus property.
- Sec. 28-70. Disposition of unclaimed, lost, confiscated property.
- Sec. 28-71. Donations.
- Secs. 28-72 – 28-74. Reserved.

### **Article IX. Legal and Contractual Remedies**

- Sec. 28-75. Definitions.
- Sec. 28-76. Authority of the contract officer.
- Sec. 28-77. Right to protest.
- Sec. 28-78. Filing of a protest.

*Sec. 28-35(2).* Persons desiring to be included on the prospective vendors list may notify the director or may register with the department electronically. The department may remove a person from the prospective vendors list if it is determined that inclusion is not advantageous to the city.

*Sec. 28-35(3).* It shall be the vendor's sole responsibility to ensure that vendor registration information is current and active.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-36. Contract form and execution.**

All contracts entered into under this chapter shall be executed in the name of the city by the director and approved as to form by the city attorney. Such contracts are not required to be countersigned by the city clerk.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-37. Assignment of rights and duties.**

The rights and duties of a city contract are not transferable or otherwise assignable without the written consent of the director.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-38. Efficient resource procurement and utilization.**

All printed material produced by a contractor in the performance of a contract shall, whenever practicable, be printed on recycled paper, labeled as printed on recycled paper, and duplexed.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-39. Local preference.**

In the competitive sealed bidding process and competitive sealed proposal processes utilized for general goods and services set forth herein, sections 28-17 and 28-18, respectively, but excluding competitive sealed bidding and competitive sealed proposal processes for those goods and services related to capital construction and professional design services associated therewith, the evaluation of price or fee shall include application of a preference as follows:

(a) The contract officer may apply up to a five percent (5%) competitive price preference to bids or proposals received from a responsible bidder, offeror or respondent with a cumulative total of one million

dollars (\$1,000,000) or less, and whose principal place of business of their enterprise is physically located within the Tucson Metropolitan Statistical Area (TMSA);

(b) The contract officer may apply up to a three percent (3%) competitive price preference to bids or proposals received from the responsible bidder, offeror or respondent with a cumulative total of one million dollars (\$1,000,000) or less, and whose principal place of business of their enterprise is physically located outside of the TMSA but within the State of Arizona.

(c) A responsible bidder, offeror or respondent availing itself of preference eligibility must submit, at the time of bid or proposal submission, a signed affidavit confirming claimed eligibility. An otherwise eligible bidder, offeror or respondent not submitting the required affidavit at time of bid or proposal submission shall have surrendered its right to pursue a preference.  
(Ord. 10992, § 1, 6-12-12, eff. 7-1-12)

**Editor's note** – Section 2 of Ord. No. 10992 provides: "Not later than December 31, 2014, the Director of Procurement shall report to the Mayor and Council on the efficacy of this ordinance and, unless the Mayor and Council undertake measures to continue the requirements of the ordinance, including any revisions thereto, the provisions of Section 1 shall automatically be repealed and all requirements related thereto shall cease and discontinue on January 31, 2013."

Section 3 of Ord. No. 10992 provides: "The provisions of this ordinance apply to any solicitation for goods and services not related to capital construction projects and the associated professional design services thereto that is given public notice pursuant to sections 28-17 and 28-18 on or after July 1, 2012."

**Sec. 28-40. Reserved.**

**ARTICLE IV. SPECIFICATIONS\***

**Sec. 28-41. Definition.**

As used in this article, "specification" is used interchangeably with "scope", "scope of services", or "scope of work" and means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing, or preparing a material, service, or construction item for delivery.  
(Ord. No. 10404, § 1, 5-15-07)

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\***Editor's note** – See editor's note at Art. I.

**Sec. 28-42. Maximum practicable competition.**

*Sec. 28-42(1).* All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the city’s needs and shall not be unduly restrictive.

*Sec. 28-42(2).* To the extent practicable and unless otherwise permitted by this chapter, all specifications shall describe the city’s requirements in a manner that does not unnecessarily exclude a material, service, or construction item.

*Sec. 28-42(3).* Restrictive specifications shall not be used unless such specifications are required and it is not practicable or advantageous to use a less restrictive specification. The using agency requesting a restrictive specification shall provide written evidence to support the restrictive specification. Past success in the material’s performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of restrictive specifications.

*Sec. 28-42(4).* To the extent practicable, the city shall use accepted commercial specifications and shall procure standard commercial materials.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-43. Specifications prepared by other than city personnel.**

The requirements of this chapter regarding the purposes and nonrestrictiveness of specifications shall apply to all specifications prepared other than by city personnel, including, but not limited to, those prepared by architects, engineers, designers, and consultants for public contracts, or subcontractors. No person preparing specifications shall receive any direct or indirect benefit from the utilization of such specifications.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-44. Brand name or equal specification.**

A brand name or equal specification may be used to describe the standards of quality, performance, and other characteristics needed to meet the requirements of a solicitation, and which invites offers for equivalent products from a manufacturer.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-45. Brand name specification.**

A brand name specification may be used to identify the sole acceptable item that meets the city’s needs. The using agency requesting a brand name specification shall provide written evidence to support a brand name determination. A written determination by the director of the basis for the brand name shall be maintained as public record. Past success in the material’s performance, traditional purchasing practices, or inconvenience of drawing specifications do not justify the use of a brand name specification.  
(Ord. No. 10404, § 1, 5-15-07)

**Sec. 28-46. Reserved.**

**ARTICLE V. PROCUREMENT OF PROFESSIONAL DESIGN SERVICES AND CAPITAL IMPROVEMENTS\***

**Sec. 28-47. Definitions.**

In this article, unless the context otherwise requires:

*Sec. 28-47(1).* “*Capital improvement*” means an outlay of funds for the acquisition or improvement of real property, which extends the life or increases the productivity of the real property.

*Sec. 28-47(2).* “*Construction*” means the process of building, altering, repairing, improving or demolishing any public infrastructure facility, including public structure, public building, or other public improvements of any kind to any real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing public infrastructures or facilities, including structures, buildings or real property.

*Sec. 28-47(3).* “*Construction-manager-at-risk*” means a project delivery method in which:

- (a) There is a separate contract for design services and a separate contract for construction services.

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\***Editor’s note** – See editor’s note at Art. I.



- (b) The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
- (c) Design and construction of the project may be in sequential phases or concurrent phases.
- (d) Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

*Sec. 28-47(4). "Construction services"* means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:

- (a) Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
- (b) A combination of construction and, as elected by the city, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this section.

*Sec. 28-47(5). "Cost"* means the aggregate cost of all materials and services, including labor performed by force account.

*Sec. 28-47(6). "Design-bid-build"* means a project delivery method in which:

- (a) There is a sequential award of two (2) separate contracts.
- (b) The first contract is for design services.
- (c) The second contract is for construction.

TUCSON CODE

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
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 3-96
		5	3-96
10904	6-28-11	1	Ch. 18 (tit.)
		2	Added 18-1 – 18-10
		3	Rnbd 2-12 as 18-11
10910	8-9-11	2	7-211
10911	8-9-11	1	19-100
		2	19-415
		3	19-416
		4	19-417

TUCSON CODE

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
10911 (Cont.)		5	19-445
		6	19-595
		7	19-660
10915	6-21-11	1	22-30
		2	22-33
		3	22-34
		4	22-36
		5	22-37
		6	22-40
		7	22-41
10918	8-9-11	1	10A-145
			10A-147
			10A-148
			10A-150
		2	20-210
		3	20-230
			20-230.1
			20-230.2
			20-230.12
		4	20-255
			20-258
		5	20-309
10919	8-9-11	1	19-53
10934	10-12-11	1	2-140
10940	10-25-11	1	20-179
10948	12-5-11	1	10-35
10949	12-13-11	1	19-100
		2	Rpld. 19-130
		3	19-405
		4	Reg. 19-415.2
		5	Reg. 19-460.1
10950	12-20-11	2	Added 6-10, 6-11
		3	10A-134
10951	12-20-11	1	3-33
		2	3-33 (note)
			3-82 (note)
10952	12-20-11	1	8-2.1
		2	8-2.2
10954	1-10-12	1	3-96
10955	1-10-12	2	Rpld 10A-220 – 10A-225
10958	1-24-12	1	27-36
10959	1-24-12	1	27-36
10965	2-15-12	6	Added 16-37
			Added 16-38
		7	16-70
			16-73
10966	2-22-12	1	Added 20-160

CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
10967	2-28-12	1	Ch. 7, Art. XXI, Div. 1 (tit.)
		2	Added 7-449
		3	7-450
		4	7-453
		5	Added 7-465 – 7-479
		6	Rpld 11-2
10986	5-22-12	1	15-10.1
		2	15-16.1
			15-16.6
		3	15-31.1
			Added 15-31.4
			Added 15-31.5
			Added 15-31.6
			Added 15-31.7
			Added 15-31.8
			Added 15-31.9
		4	15-32.2
			15-32.5
		5	15-33.1
			15-33.2
		6	15-34.3
	15-34.6		
	15-34.7		
7	15-34.8		
8	15-36		
9	15-70		
	Added 15-70.1		
10987	5-22-12	1	27-32.1
			27-33
			27-34
10989	6-5-12	2	10-31 (note)
		3	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)		

TUCSON CODE

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Disposition</b>
10991	6-12-12	1	22-86
		2	22-95
10992	6-12-12	1	Added 28-39
10993	6-12-12	1	28-147 (eff. 7-1-13)
			28-148 (eff. 7-1-13)
			28-149 (eff. 7-1-13)
			28-150 (eff. 7-1-13)
			28-151 (eff. 7-1-13)
			28-151.1 (eff. 7-1-13)
			28-151.2 (eff. 7-1-13)
			28-151.3 (eff. 7-1-13)
			28-151.4 (eff. 7-1-13)
			28-151.5 (eff. 7-1-13)
10996	6-19-12	1	8-2.5
10999	6-19-12	1	Added 27-52
11000	6-26-12	1	21-10
		2	21-12
		3	21-13.1
		4	21-14
		5	21-16
		6	Added 21-18.1
		7	21-51

CODE INDEX

	Section		Section
ENVIRONMENTAL SERVICES		EQUAL OPPORTUNITY (Cont'd.)	
DEPARTMENT (Cont'd.)		Neighborhood cleanup service. . . . .	15-16.6
City fees and charges for residential		Parameters for brush bulky collection. . . . .	15-16.3
collection, commercial collection, and		Temporary suspension of service. . . . .	15-16.5
disposal services		Violations of city collection service	
Commercial collection		requirements. . . . .	15-16.8
Basis for commercial fees. . . . .	15-33	Water ditches, natural drainage channels	
Commercial fee requirements. . . . .	15-33.1	Deposit of offensive matter, obstructions;	
Commercial fee schedules. . . . .	15-33.2	regulations regarding. . . . .	11-58 et seq.
Commercial fuel surcharge. . . . .	15-33.3	See: DITCHES, NATURAL	
Commercial haulers. . . . .	15-34.3	DRAINAGE CHANNELS	
Disposal services		Cable communications	
Agreement. . . . .	15-34.6	Equal employment opportunity. . . . .	7A-36
Basis for disposal services fees. . . . .	15-34	Nondiscrimination and equal employment	
Contract fee schedule. . . . .	5-34.8	opportunity. . . . .	7A-36
Fee requirements. . . . .	15-34.1	Small, minority and women-owned business	
Fee schedule. . . . .	15-34.7	enterprise program	
Fuel surcharge. . . . .	15-34.9	Duties of the equal opportunity office. . . . .	28-148(1)
General provisions		Telecommunication services, competitive	
Billing account activation. . . . .	15-31.3	Nondiscrimination and equal employment	
Change of address. . . . .	15.31.8	opportunities. . . . .	7B-28
Declaration of purpose; intent. . . . .	15-31		
Deposits and refunds. . . . .	15-31.1	EROSION	
Discontinuance of service for non-		Floodplain, stormwater, and erosion hazard	
payment. . . . .	15.31.5	management. . . . .	26-1 et seq.
Disposal services contract fee		See: FLOODPLAIN, STORMWATER,	
schedule. . . . .	15-34.8	AND EROSION HAZARD	
Payment terms. . . . .	15.31.4	MANAGEMENT	
Penalty fees for non-payment. . . . .	15.31.6		
Pilot program and fees. . . . .	15.31.9	ESCAPE	
Returned checks. . . . .	15-31.2	Prisoners, escape of. . . . .	1-15
Service agreements. . . . .	15.31.7		
Waiver of fee for landfill construction		ESCORTS AND ESCORT BUREAUS	
materials. . . . .	15-34.5	Definitions. . . . .	7-117
Groundwater protection fee. . . . .	15-36	Licensing	
Litter fee. . . . .		Application	
Refuse collection permit. . . . .	15-70	Contents. . . . .	7-120
Proceeds from. . . . .	15-70.1	Required; fee. . . . .	7-119
Suspension or revocation of permits. . . . .	15-71	Grounds for denial of. . . . .	7-121
Residential collection		Nontransferability. . . . .	7-122
APC collection fuel surcharge. . . . .	15-32.6	Records and reports required. . . . .	7-123
Basis for residential fees. . . . .	15-32	Required. . . . .	7-118
Environmental services low income		Revocation of. . . . .	7-124
assistance program. . . . .	15-32.4	Procedures. . . . .	7-125
Fees for level of service. . . . .	15-32.3	Violations, penalties. . . . .	7-126
Requirements for payment of		Place of business. . . . .	7-122
residential fees. . . . .	15-32.2	Unlawful acts. . . . .	7-118
Residential fee schedules. . . . .	15-32.5	Violations, penalty. . . . .	7-126
Responsibility for residential fee. . . . .	15-32.1		
Residential self-haulers. . . . .	15-34.2	EXCAVATIONS	
Unrestrained or uncovered load fee. . . . .	15-34.4	Floodplain use permit, extraction of sand,	
Waiver of fee for landfill construction		gravel and other earth products, re. . . . .	26-6
materials. . . . .	15-34.5	Street excavations and right-of-way	
Waste residue from nonprofit recycling,		improvements. . . . .	25-13 et seq.
exemption of fees. . . . .	15-35	See: STREETS AND SIDEWALKS	
Collection from residential establishments		Water, charge for water used in flooding	
by other than city prohibited. . . . .	15-16	excavations. . . . .	27-46
Customer responsibilities regarding			
recycling collection service. . . . .	15-16.2		

TUCSON CODE

	Section		Section
EXCHANGES		FEMALE GENDER. See also: WOMEN	
Swap meets. . . . .	7-201 et seq.	Definitions and rules of construction. . . . .	1-2(7)
See: SWAP MEETS		FENCES, WALLS, HEDGES, ENCLOSURES	
EXCISE TAXES. See: LICENSES AND PRIVILEGE TAXES		Drive-in restaurants, barriers or walls required. . . . .	7-177
EXCRETA. See: DEFECATING		FIGHTING	
EXPLOSIVES		Animal and fowl fights prohibited. . . . .	4-4
Blasting, use of dynamite, nitro, etc. . . . .	11-4	Disorderly houses or premises, keeping. . . . .	11-16
Fireworks. . . . .	11-22	FILLING STATIONS, GASOLINE STATIONS	
Parks and recreation, regulations relating to explosives and pyrotechnics. . . . .	21-3(5)	Civil emergencies, powers of mayor re closing certain establishments. . . . .	11-103
Solid waste collection; recycling, etc.		Prohibited on portion of Congress Street. . . . .	11-21
Environmental services department. . . . .	15-10.1 et seq.	FINANCES	
See: ENVIRONMENTAL SERVICES DEPARTMENT		Accounts receivable; interest on past due accounts. . . . .	12A-5
<b>F</b>		Checks	
FAIR HOUSING		Environmental services department, residential and commercial collection services, city fees for collection and disposal services, returned checks. . . . .	15-31.2
Application. . . . .	17-51	Finance director to execute and endorse. . . . .	12A-6
Definitions. . . . .	17-50	Department of finance	
Enforcement. . . . .	17-54	Dishonored check fee. . . . .	12A-7
Exemption for religious organization or private club. . . . .	17-53	Established. . . . .	12A-1
Posting requirement. . . . .	17-55	Director of finance	
Powers of commission or EOO. . . . .	17-55	Assignment, powers. . . . .	12A-2
Record-keeping. . . . .	17-55	Checks; execution and endorsement. . . . .	12A-6
Sale or rental of housing, discrimination in. . . . .	17-52	City court; powers and duties in relation to. . . . .	8-14
Violation a civil infraction. . . . .	17-56	City office hours. . . . .	2-1
FAIRS		Collection fee. . . . .	12A-8
Street fairs regulated. . . . .	7-300	Massage establishments, finance director may formulate rules. . . . .	7-150
FALSE BIDDING		Social security, paying city contributions by director. . . . .	22-17
Auctions and auctioneers, false bidding prohibited. . . . .	7-11	Disposition of property, money, and firearms taken in by police department. . . . .	2-140 et seq.
FALSE INFORMATION		See: POLICE DEPARTMENT	
Elections, financial disclosure, unlawful acts. . . . .	12-43	District assessments; sale of property for nonpayment of. . . . .	2-6
Furnishing to police. . . . .	11-20	Elections, financial disclosure. . . . .	12-40 et seq.
Hotels, rooming houses, motels		See: ELECTIONS	
False entries on register. . . . .	11-27	Emergency services, participation with other political subdivisions, cost sharing required. . . . .	9-3
Refusal to provide information to obtain or retain low income assistance. . . . .	2-22.1	Funds. See herein specific subjects	
FEES		Group insurance and medical health plans. . . . .	22-78 et seq.
City court, case processing fee, exemption for indigent persons. . . . .	8-6.5	See: PENSIONS, RETIREMENT AND GROUP INSURANCE	
Development compliance impact fees. . . . .	23A-71 et seq.	Independent expenditures in city limits, supplemental reporting of. . . . .	12-110
Permits, fees and inspections. . . . .	3-16 et seq.	Industrial waste control and industrial cost recovery program. . . . .	24-40 et seq.
See: SIGN CODE		See: WATER AND SEWERS	
FEMALE ENTERTAINERS		Liability claims, settlement of. . . . .	18-11
Clothing requirements of certain female entertainers and waitresses. . . . .	11-25.1 et seq.	Licenses and privilege taxes. . . . .	19-1 et seq.
See: CLOTHING REQUIREMENTS		Mayor's expense account. . . . .	2-8



CODE INDEX

	Section		Section
OFFICERS AND EMPLOYEES (Cont'd.)		OFFICERS AND EMPLOYEES (Cont'd.)	
Labor disputes, professional strikebreakers; employment, recruitment of, furnishing as replacements for employees involved in. . . . .	11-64	Stormwater management	
Lien. . . . .	2-13	Authorized representative. . . . .	26-30
Mayor and council		Traffic engineer, office created. . . . .	20-7 et seq.
City officers and employees to attend meetings. . . . .	2-30	See: MOTOR VEHICLES AND TRAFFIC	
Motor vehicles and traffic		Water	
Applicability to public employees. . . . .	20-4	The superintendent of water also known as director of the water department to oversee city water services. . . . .	27-1
Community service officers, appointment.	20-11.7, 20-11.8	Water superintendent. . . . .	27-2 et seq.
Governmental vehicles exempt from truck route and loading or unloading provisions. . . . .	20-18	See: WATER AND SEWER	
Law enforcement officers exempt from specified parking provisions. . . . .	20-283	Workers' compensation	
Park rangers as special policemen. . . . .	20-11.1 et seq.	Salary paid to supplement. . . . .	2-13
Traffic engineer, office of. . . . .	20-7 et seq.	OFF-ROAD	
Office hours. . . . .	2-1	Operation of motor vehicles. . . . .	11-70.1
Ordinances not affected by Code. See the adopting ordinance in the preliminary pages found at the beginning of this volume		ONE-WAY STREETS	
Operation of parks under. . . . .	21-2	Motor vehicles and traffic, one-way streets and stop streets. . . . .	20-173 et seq.
Parks and recreation, city municipal golf courses, retired city employees. . . . .	21-25.2	See: MOTOR VEHICLES AND TRAFFIC	
Pay plans, compensation plan. See herein: Civil Service, Human Resources		OPEN FIRES	
Pensions, retirement and group insurance. . . . .	22-1 et seq.	Burning trash, other articles, permit requirements, nuisance provisions. . . . .	11-5 et seq.
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		See: FIRE PROTECTION AND PREVENTION	
Personnel director		OPEN SPACE	
City office hours. . . . .	2-1	Public place includes	
Police officers		Definitions and rules of construction. . . . .	1-2(20)
Reserve police officer program. . . . .	2-120 et seq.	OPEN-AIR MARKET PLACES	
See: POLICE DEPARTMENT		Street fairs regulated. . . . .	7-300
Special duty police services program. . . . .	2-130, 2-131	OR, AND	
Reporting wrongful conduct. . . . .	17-67	Definitions and rules of construction. . . . .	1-2(14)
Reserve police officer program. . . . .	2-120 et seq.	ORDINANCES, RESOLUTIONS, ETC.	
See: POLICE DEPARTMENT		Boards, committees, and commissions	
Residency requirement for specified city officers and employees. . . . .	2-4	Annual reports. . . . .	10A-139
Retirement		Requirements for creation of. . . . .	10A-139
Civil service, retirement ages. See herein: Civil Service, Human Resources		Code of Ordinances, provisions. . . . .	1-1 et seq.
Retirement system, supplemental. . . . .	22-30 et seq.	See: CODE OF ORDINANCES	
See: PENSIONS, RETIREMENT AND GROUP INSURANCE		Initiative petitions; mayor and council adopting ordinances. . . . .	12-60
Sickness, salary during. . . . .	2-13	Recall petitions. . . . .	12-88 et seq.
Sign code		See: ELECTIONS	
Code administrator, interpretation and construction with Tucson Code. . . . .	3-3	Referendum petitions. . . . .	12-75 et seq.
Special inspector. . . . .	3-23	See: ELECTIONS	
Sign code advisory and appeals board. . . . .	3-121 et seq.	OUTDOOR LIGHTING CODE	
Small business commission		Adopted. . . . .	6-101 et seq.
Officers and rules. . . . .	10A-191(b)	See: ELECTRICITY	
Smoking in workplace prohibited in specified places. . . . .	11-89	OUTDOOR PERFORMANCE CENTER	
		Use fees. . . . .	21-16

TUCSON CODE

	Section		Section
OWNER		PARKS AND RECREATION (Cont'd.)	
Definitions and rules of construction.....	1-2(15)	Archer center use fee.....	21-14.1
<b>P</b>		Athletic facility lighting	
PAINT		Wasting or abusing; fines and penalties. . . .	21-18
Vapor releasing substances containing toxic		Athletic fields	
substances. ....	11-35	Reservation fee, special maintenance fee. . .	21-16
PAINTINGS. See also: ARTS, CRAFTS AND		Bandshells	
CULTURE		Reservation fee, special maintenance fee. . .	21-16
Pawnbrokers and secondhand dealers. ....	7-97 et seq.	Bathing or swimming	
See: PAWNBROKERS AND		Designated areas, hours. ....	21-3(5)
SECONDHAND DEALERS		Regulations of activities in areas adjacent to	
PAPER PRODUCTS. See: RETAIL SALES		or affecting. ....	21-5
PARADES		Camping	
Motor vehicles and traffic		Crimes on library grounds. ....	11-160(4)
Method of driving in processions. ....	20-152	Regulations regarding park use.....	21-3(5)
Permission required for processions and		City municipal golf courses	
parades.....	20-150	Authorization to establish reservation	
Rodeo parade		policies. ....	21-25.10
Police authority over peddlers. ....	11-70	City carts, rates for; rental agreement	
Prohibition of certain items and activities		required. ....	21-22
and other parade events.....	11-69	Collection of fees. ....	21-26
PARAPHERNALIA, DRUG		Damaging, defacing property. ....	21-19
Narcotics paraphernalia; keeping, seizure. . . .	11-40, 11-41	Discount golf rates, authorization to.....	21-25.7
PARATRANSIT SERVICE		Driving range golf ball rental fees.. ....	21-23.1
City curb-to-curb barrier-free transportation		Food, beverage, merchandise prices,	
service called Sun Van, the		authorization to establish.....	21-25.8
complementary paratransit service; fares;		Frequent user discount policies	
eligibility and prohibited activity.....	2-19	(authorization).....	21-25.11
See: TRANSIT SYSTEM		General regulations.....	21-24
PARKING		Permit to play required. ....	21-21
Drive-in restaurants		Private carts, rates for use of.....	21-23
Paving or treatment of parking area. ....	7-176	Regular greens fees.....	21-25.1
Indecent exposure. ....	11-29	Reservation policies (authorization).....	21-25.10
Sign code.....	3-63	Resident golfer. ....	21-25.3
Stopping, standing and parking. ....	20-200 et seq.	Resident greens fees. ....	21-25.6
See: MOTOR VEHICLES AND TRAFFIC		Resident senior citizen golfer. ....	21-25.4
PARKS AND RECREATION		Retired city employees. ....	21-25.2
Activities in areas adjacent to or affecting		Selling, soliciting on courses. ....	21-20
parks, regulations of.....	21-5	Shotgun start tournaments, fees for.....	21-25.5
Administrative fees. ....	21-18.1	Tucson City Golf employee greens fee.....	21-25.9
Adult major sports, fees, rosters, minimum		Violations, penalty. ....	21-27
number of players per sponsor team;		Clements, El Pueblo and Udall Center use. . . .	21-14.2
disposition of fees. ....	21-9	Commercial activities	
Alcoholic beverages		Regulations regarding park use.....	21-3(6)
Consumption of malt beverages. ....	21-8	Damaging park property	
Animals, horses and wildlife		Regulations regarding park use.....	21-3(1)
Regulations regarding park use.....	21-3(7)	Dedications, acceptance of. ....	2-17
Animals, wild		Definitions.....	21-1
Regulations relating to. ....	21-3(2)	Code definitions and rules of construction	
		Public place includes. ....	1-2(20)
		Department of parks and recreation personnel	
		and volunteers who work directly with	
		children	
		Annual fingerprinting and criminal history	
		record check of. ....	2-25
		Director of parks and recreation	
		City office hours.....	2-1

CODE INDEX

	Section		Section
PARKS AND RECREATION (Cont'd.)		PARKS AND RECREATION (Cont'd.)	
Operation of parks under. . . . .	21-2	Motor vehicles and traffic	
Disfiguring or removing buildings, structures or facilities		Appointment of park rangers as special policemen. . . . .	20-11.1 et seq.
Regulations regarding park use. . . . .	21-3(1)	See: MOTOR VEHICLES AND TRAFFIC	
El Pueblo Center use fees. . . . .	21-14.2	Driving in parks and playgrounds. . . . .	20-21
El Rio Center use fees. . . . .	21-14.1	Parking in parks and playgrounds. . . . .	20-251
Enforcement. . . . .	21-6	Northwest Center use fee. . . . .	21-14.1
Equipment		Operation and regulations of. . . . .	21-1 et seq.
Use of, fee. . . . .	21-14	Outdoor performance center	
Explosives and pyrotechnics		Reservation, special maintenance fees. . . . .	21-16
Regulations regarding park use. . . . .	21-3(5)	Park use, regulations regarding. . . . .	21-3
Fees		Parking in parks and playgrounds. . . . .	20-251
Administrative fees. . . . .	21-18.1	Permits, licenses and reservations. . . . .	21-4
Adult major sports. . . . .	21-9	Pollution of water	
Archer, Quincie Douglas, El Rio, Freedom, Northwest, Randolph, and Santa Rosa Center use. . . . .	21-14.1	Regulations relating park use. . . . .	21-3(3)
Authorization to waive or discount fees and charges. . . . .	21-17	Quincie Douglas Center use fee. . . . .	21-14.1
Clements, El Pueblo and Udall Center use. . . . .	21-14.2	Ramadas	
Equipment, use of. . . . .	21-14	Reservation fee for, special maintenance fees. . . . .	21-16
Handball courts. . . . .	21-11	Randolph Center	
Hi Corbett Stadium Use. . . . .	21-14.3	Gymnasium and nautilus weightroom use fees. . . . .	21-14.1
Meeting rooms. . . . .	21-16	Recreational classes	
Non-city resident rates. . . . .	21-15	Fees for use. . . . .	21-13
Program registration fees. . . . .	21-13.1	Refuse and trash, dumping, depositing, etc.	
Ramada, sports field, volley ball courts, bandshells, outdoor performance center, rodeo grounds		Regulations regarding park use. . . . .	21-3(3)
Reservation, special maintenance fees. . . . .	21-16	Restrooms and washrooms	
Recreational classes. . . . .	21-13	Regulations regarding park use. . . . .	21-3(1)
Senior trip programs. . . . .	21-13.2	Rodeo grounds	
Swimming pools. . . . .	21-12	Reservation, special maintenance fees. . . . .	21-16
Tennis courts. . . . .	21-10	Sanitation	
Use of equipment. . . . .	21-14	Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5
Firearms and weapons		Regulations relating to park use. . . . .	21-3(3)
Regulations regarding park use. . . . .	21-3(5)	Santa Rosa Center use fee. . . . .	21-14.1
Fires		Senior trip programs. . . . .	21-13.2
Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5	Sign districts. . . . .	3-74
Freedom Center use fees. . . . .	21-14.1	Signs	
Gene Reid Park Zoo		Regulations of activities in areas adjacent to or affecting parks. . . . .	21-5
Admittance fees, schedule. . . . .	21-51	Sports field	
Glass beverage containers, regulations regarding park use. . . . .	21-3(3)	Reservation, special maintenance fees. . . . .	21-16
Golfing. See also herein: City Municipal Golf Courses		Swimming pools	
Regulations regarding park use. . . . .	21-3(5)	Admission fees. . . . .	21-12
Handball courts		Competitive swimming program. . . . .	21-12
Fees for use. . . . .	21-11	Pool rental rates. . . . .	21-12
Hunting, regulations regarding park use. . . . .	21-3(5)	Swim passes. . . . .	21-12
Ice cream truck vendors		Swimming lesson fees. . . . .	21-12
City parks and other city property, separate license required to operate in. . . . .	7-495	Synchronized swimming program fees. . . . .	21-12
Malt beverages, consumption of. . . . .	21-8	Tennis	
Meeting rooms		Regulations regarding park use. . . . .	21-3(5)
Use of certain. . . . .	21-16	Tennis courts, fees for use. . . . .	21-10
		Traffic, regulations regarding park use. . . . .	21-3(4)
		Vending and peddling	
		Regulations regarding park use. . . . .	21-3(6)

TUCSON CODE

	Section		Section
<b>PARKS AND RECREATION (Cont'd.)</b>		<b>PEDDLERS, CANVASSERS AND SOLICITORS</b>	
Violations		Motor vehicles and traffic	
Penalties. . . . .	21-7	Parking regulations for peddlers. . . . .	20-248
Volley ball courts		Peddlers in certain central business district streets, parking regulations. . . . .	20-248.1
Reservation, special maintenance fees. . . . .	21-16	<b>Peddlers</b>	
<b>PARKWISE COMMISSION</b>		Appeal of court decision. . . . .	7-37
Commission organization. . . . .	10A-149	Civil infraction proceedings. . . . .	7-36
Commission reports. . . . .	10A-150	Definitions. . . . .	7-26
Created. . . . .	10A-146	Enforcement authority. . . . .	7-34
Declaration of policy. . . . .	10A-145	Insurance. . . . .	7-28
Functions and purposes. . . . .	10A-148	Jurisdiction of court. . . . .	7-35
Limitation of powers. . . . .	10A-151	License requirements. . . . .	7-27
Membership composition; appointment; terms. . . . .	10A-147	Operating before or after required closing time. . . . .	7-31
<b>PART OWNER, JOINT OWNER, TENANT IN COMMON</b>		Revocation (license). . . . .	7-32
Definitions and rules of construction. . . . .	1-2(15)	Setback requirements. . . . .	7-30
<b>PAST TENSE</b>		Unlawful activities. . . . .	7-29
Definitions and rules of construction. . . . .	1-2(27)	Violations; penalties. . . . .	7-33
<b>PAWNBROKERS AND SECONDHAND DEALERS</b>		Rodeo parade, police authority at. . . . .	11-70
Claimant's rights. . . . .	7-108	Swap meets. . . . .	7-201 et seq.
Definitions. . . . .	7-97	See: SWAP MEETS	
Hearing, conduct of. . . . .	7-110	<b>PEDESTRIAN BUSINESS DISTRICT</b>	
Hearing, notice of. . . . .	7-107	Sign districts. . . . .	3-81
Hearing officer. . . . .	7-109	<b>PEDESTRIANS</b>	
Hearing officer decision; limited effect of. . . . .	7-113	Motor vehicles and traffic. See also that subject	
Inspecting goods or records		Obedience to traffic-control signals. . . . .	20-91
Refusal to permit chief of police; prohibited acts. . . . .	7-102	Prohibited crossings. . . . .	20-92
Judicial review. . . . .	7-111	<b>PENSIONS, RETIREMENT AND GROUP INSURANCE, LEAVE BENEFITS AND OTHER INSURANCE BENEFITS</b>	
License		Civil service, retirement ages. . . . .	10-15
Grounds for denial and revocation of. . . . .	7-115	See: OFFICERS AND EMPLOYEES	
Minors; prohibited acts re. . . . .	7-102(1)	Contributions to the public safety personnel retirement system. . . . .	22-1
Petition, initiation of. . . . .	7-106	Group insurance and medical health plans	
Petition, service of. . . . .	7-107	Applicability of existing and future employees. . . . .	22-85
Prohibited acts. . . . .	7-102	City's premium costs. . . . .	22-83
Property included. . . . .	7-105	Coverage authorized. . . . .	22-80
Provisions severable. . . . .	7-114	Duty of human resources director. . . . .	22-84
Receipt of articles; duty to report to police. . . . .	7-98	Employees' premium costs. . . . .	22-82
Release of property. . . . .	7-112	Existing employees, applicability. . . . .	22-85
Reports		Finance director to pay premiums. . . . .	22-81
Contents of report to police. . . . .	7-99	Future employees, applicability. . . . .	22-85
Duty to report receipt of articles to police. . . . .	7-98	Medical insurance incentive allowance. . . . .	22-86
Form of reports when due. . . . .	7-100	Paying premiums by finance director. . . . .	22-81
Requirements; record of transactions; police department hold on property. . . . .	7-101	Personnel director, duty. . . . .	22-84
Revocation hearing. . . . .	7-116	Premium costs	
Scope. . . . .	7-104	City. . . . .	22-83
Swap meets. . . . .	7-201 et seq.	Employees. . . . .	22-82
See: SWAP MEETS		Purpose. . . . .	22-79
Time limit for disposition of purchased goods		Short title. . . . .	22-78
Prohibited acts. . . . .	7-102		
Violations, penalties. . . . .	7-103		

CODE INDEX

PROCUREMENT (Tucson Procurement Code) (Cont'd.)	Section	PROCUREMENT (Tucson Procurement Code) (Cont'd.)	Section
Competitive sealed bidding.....	28-17	Small purchases.....	28-20
Bid acceptance and bid evaluation.....	28-17(5)	General.....	28-20(1)
Bid opening.....	28-17(4)	Small purchases over five thousand dollars.....	28-20(2)
Consideration of taxes in competitive sealed bidding.....	28-17(7)(d)	Small purchases under five thousand dollars.....	28-20(3)
Contract award.....	28-17(7)	Sole source procurement.....	28-21
Contract award based on best value.	28-17(7)(b)	Special procurements.....	28-23
General.....	28-17(7)(a)	Types of contracts.....	28-29
Correction or withdrawal of bids; cancellation of awards.....	28-17(6)	Specifications	
Exceeding available funds.....	28-17(7)(e)	Brand name or equal specification.....	28-44
Invitation for bids.....	28-17(1)	Brand name specification.....	28-45
Late bids.....	28-17(3)	Definition.....	28-41
Procurement of recycled material.....	28-17(7)(c)	Maximum practicable competition.....	28-42
Public notice.....	28-17(2)	Specifications prepared by other than city personnel.....	28-43
Public record.....	28-17(7)(f)	Supplementary general principles of law applicable.....	28-3
Competitive sealed proposals.....	28-18		
Contract award.....	28-18(8)	PROPERTY	
Evaluation of proposals.....	28-18(5)	Animals and fowl, sale at swap meets and public property prohibited.....	4-8
Discussion with offerors.....	28-18(6)	City property; squatting on prohibited.....	11-12
Evaluation criteria.....	28-18(5)(a)	Community center premises	
Negotiations with responsible offerors and revisions to proposals.....	28-18(7)	Prohibition of containers in.....	11-68
Selection committee.....	28-18(5)(b)	Definitions and rules of construction.....	1-2(19), (21)
Late proposals.....	28-18(3)	Disposition of property taken in by police department.....	2-140
Public notice.....	28-18(2)	Ditches, natural drainage channels	
Receipt of proposals.....	28-18(4)	Duty of property owners to clean.....	11-59 et seq.
Request for proposals.....	28-18(1)	See: DITCHES, NATURAL DRAINAGE CHANNELS	
Contract form and execution.....	28-36	Environmental property access privilege program (EPAPP); fees; monitor wells	30-4
Contracting for legal counsel.....	28-19	Department of transportation.....	16-30
Authority.....	28-19(1)	Graffiti.....	16-15 et seq.
Conditions for use.....	28-19(2)	Maintenance standards.....	
Definitions.....	28-15	See: NEIGHBORHOOD PRESERVATION	
Efficient resource procurement and utilization.....	28-38	Motor vehicles and traffic	
Emergency procurements.....	28-22	Driving on city-owned property.....	20-22
Local preference.....	28-39	Driving on property of another prohibited without permission.....	20-19
Low tie bids.....	28-17(8)	Procurement regulations generally.....	28-1 et seq.
Methods of source selection.....	28-16	See: PROCUREMENT	
Multi-year contracts.....	28-31	Public property, Injuring.....	11-49
Prospective vendors lists.....	28-35	Railroad property	
Rejection of individual bids, proposals or statements of qualifications.....	28-26	Minors, playing, loitering about.....	11-37
Reporting of anticompetitive practices.....	28-34	Real and personal property	
Responsibility of bidders, offerors and respondents.....	28-27	Definitions and rules of construction.....	1-2(19), (21)
[Factors].....	28-27(3)	Privilege and excise taxes	
Findings of nonresponsibility.....	28-27(1)	Gross income, provisions re.....	19-285
[Responsibility criteria].....	28-27(4)		
Right of nondisclosure.....	28-27(2)		
Right to audit records.....	28-33		
Right to inspect.....	28-32		

TUCSON CODE

	Section		Section
PROPERTY (Cont'd.)		RABIES	
Sign code		Diseased animals, animal suspected of rabies.	4-42 et seq.
Permission of property owner.....	3-17	See: ANIMALS AND FOWL	
Slum property. ....	16-20 et seq.	RACE	
See: NEIGHBORHOOD PRESERVATION		Civil rights, discrimination, affirmative action	
Use tax		programs. ....	17-0 et seq.
Credit for equivalent excise taxes paid		See: DISCRIMINATION	
another jurisdiction. ....	19-640	RADIO	
Exclusion when acquisition subject to use		Cable communications.....	7A-1 et seq.
tax is taxed or taxable elsewhere in		See: CABLE COMMUNICATIONS	
this chapter; limitation.....	19-650	RADIOACTIVE MATERIALS	
Exemptions. ....	19-660	Transportation of hazardous and radioactive	
Imposition of tax; presumption.....	19-610	materials.....	13-9 et seq.
Vandalism		See: HAZARDOUS AND RADIOACTIVE	
Institutional vandalism, intimidation. ....	11-30, 11-30.1	MATERIALS	
PROPRIETARY CLUBS. See: CLUBS		RAILROADS AND TRAINS	
PROPRIETOR		Boarding, alighting from moving trains.....	11-50
Definitions and rules of constructions. ....	1-2(9)	Loitering, congregating about railroad yards...	11-52
PROSECUTIONS		Privilege and excise taxes	
Legal business, soliciting by police.....	11-32	Transporting for hire.....	19-475
PROSTITUTES		Railroad yards	
Consuming intoxicants in room occupied by...	11-45	Loitering, congregating about.....	11-52
Furnishing intoxicants to.....	11-44	Soliciting passengers or baggage at railways...	11-53
Prohibited. ....	11-43	RAINWATER COLLECTION AND	
PROSTITUTION		DISTRIBUTION REQUIREMENTS	
Indecency, lewdness; acts prohibited.....	11-28	Annual report.....	6-186
PUBLIC PLACE		Applicability. ....	6-188
Definitions and rules of construction.....	1-2(20)	Construction of rainwater harvesting system;	
PUBLIC PROPERTY. See also: PROPERTY		minimum landscape budget	
Injuring. ....	11-49	requirements; request for rainwater	
PUBLISHING. See also: PRINTING		harvesting plan revision.....	6-183
Criminal syndicalism and sabotage by		Definitions.....	6-181
publishing; defined, acts prohibited.....	11-13, 11-14	Exceptions. ....	6-185
Privilege and excise taxes		Rainwater harvesting plan. ....	6-182
Periodicals distribution.....	19-435	Restrictions on installation of rainwater	
PURCHASING		harvesting system invalid.....	6-184
Procurement regulations generally. ....	28-1 et seq.	Violation. ....	6-187
See: PROCUREMENT		RAMADAS	
		Parks and recreation, reservation fees for. ....	21-16
<b>R</b>			
RABBITS			
Animal and fowl. ....	4-1 et seq.		
See: ANIMALS AND FOWL			

CODE INDEX

	Section		Section
WATER AND SEWERS (Cont'd.)		WATER AND SEWERS (Cont'd.)	
When and where bills are due and payable. . . . .	24-30	Declaration of water emergency authorized. . . . .	27-93
Waste treatment works		Definitions. . . . .	27-99
Application for approval to construct. . . . .	24-3	Enforcement. . . . .	27-98
Superintendent of water department		Implementation. . . . .	27-94
City office hours. . . . .	2-1	Mandatory emergency water conservation measures. . . . .	27-95
Water		Purpose. . . . .	27-90
Accommodation and standby water service. . . . .	27-41	Termination. . . . .	27-94
Agreements for construction of water facilities authorized. . . . .	27-37	Variances. . . . .	27-96
Application for service required. . . . .	27-9	Violation. . . . .	27-97
Charges and collections		Excavations, flooding	
Deposits. . . . .	27-9	Charge for water used. . . . .	27-46
Payment of prerequisite to service. . . . .	27-9	Fire protection service	
Refunds. . . . .	27-9	Charges for. . . . .	27-34
Supervision of. . . . .	27-6	Flooding excavations	
Citizen's water advisory committee		Charge for water use in. . . . .	27-46
Committee organization. . . . .	27-63	Groundwater consultant board	
Committee reports. . . . .	27-64	Consultants, selection and compensation of. . . . .	27-68
Creation. . . . .	27-60	Creation. . . . .	27-66
Functions and purposes. . . . .	27-61	Functions and purposes. . . . .	27-67
Limitation of powers. . . . .	27-65	Limitation of powers. . . . .	27-69
Membership composition, terms and qualifications. . . . .	27-62	Selection and compensation of consultants. . . . .	27-68
Organization. . . . .	27-63	Individual installations, repairs by prohibited. . . . .	27-11
Reports. . . . .	27-64	Inspections, making repairs. . . . .	27-2
City not liable for damages. . . . .	27-12	Installations, repairs by individual prohibited. . . . .	27-11
Connections to be by department, exception. . . . .	27-8	Liability for charges for one service pipe serves multiple premises. . . . .	27-48
Consumer Protection Act. See herein: Water Consumer Protection Act		Liability of customer of record or property owner for charges. . . . .	27-29
Control of water supply by superintendent. . . . .	27-4	Meters	
Customer of record		Not registering properly, charge when meter not. . . . .	27-43
Liability of customer of record or property owner for charges. . . . .	27-29	Removing meter, charge. . . . .	27-44
Customer service relief and courtesy adjustments. . . . .	27-52	Use of device to bypass metering prohibited. . . . .	27-18
Damaging, defacing water facilities. . . . .	27-17	Payment of charges prerequisite to service. . . . .	27-9
Deposits; amount, refund, utility service bond. . . . .	27-9	Permit for construction water. . . . .	27-16.2
Drought preparedness and response plan		Premises defined, separate connections required for; appeal. . . . .	27-10
Application. . . . .	27-112	Private contractors, provisions for refund of cost of water mains installed by under certain conditions. . . . .	27-38
Declaration of drought response stages, implementation, termination. . . . .	27-113	Property owner, liability of customer of record or property owner for charges. . . . .	27-29
Declaration of policy. . . . .	27-111	Public works or improvements	
Definitions. . . . .	27-119	Charge for water service for. . . . .	27-45
Enforcement. . . . .	27-118	Rates and charges	
Purpose. . . . .	27-110	Accommodation and standby water service. . . . .	27-41
Response actions for each drought response stage. . . . .	27-115	Agreements for construction of water facilities authorized. . . . .	27-37
Triggers for each drought response stage. . . . .	27-114		
Variances. . . . .	27-116		
Violation. . . . .	27-117		
Emergency water conservation response			
Application. . . . .	27-92		
Declaration of policy. . . . .	27-91		

TUCSON CODE

Section	Section
WATER AND SEWERS (Cont'd.)	WATER AND SEWERS (Cont'd.)
Area-specific water development fee. . . . .	Water charges when not otherwise provided. . . . .
Bills	Water service charges. . . . .
Discontinuing service for non-payment of water bill; customer right to dispute account balance. . . . .	Water service connections, installation of, charges for. . . . .
Resuming service after discontinuance. . . . .	Water used for public works or improvements, charge for. . . . .
When and where due and payable. . . . .	When and where bills due and payable. . . . .
Customer service relief and courtesy adjustments. . . . .	Receipts to be deposited in water utility fund. . . . .
Definitions. . . . .	Reclaimed water, charges for. . . . .
Development fee. . . . .	Refunds. . . . .
Discontinuing service for non-payment of water bill; customer right to dispute account balance. . . . .	Repairs, making. . . . .
Resuming service after. . . . .	Sales tax in-lieu-of franchises taxes. . . . .
Established by mayor and council. . . . .	Separate connections for premises required. . . . .
Excavations, flooding, charge for water used in. . . . .	Shutting off pipelines, notice of. . . . .
Fire protection service, charge for. . . . .	Stopcock required. . . . .
Flooding excavations, charge for water used in. . . . .	Superintendent
Installation of water service connections, charges for. . . . .	Also known as director of the water department to oversee city water services. . . . .
Liability for charges where one service pipe serves multiple premises. . . . .	Controlling water supply. . . . .
Liability of customer of record or property owner for charges. . . . .	Duty of to inspect, make repairs. . . . .
Meter not registering properly, charge when. . . . .	Notice of shutting off pipelines. . . . .
Meter removed, charge when. . . . .	Reporting violations. . . . .
Monthly potable water service charges. . . . .	Subject to city manager and mayor and council. . . . .
Monthly reclaimed water service charges. . . . .	Supervision of charges and collections. . . . .
Public works or improvements, water used for, charge for. . . . .	System equity, Central Arizona Project, and areas-specific fees. . . . .
Reclaimed potable water service, charges for. . . . .	Taps, connections to be by department; exception. . . . .
Refund of cost of water mains or water facilities under certain conditions	Temporary services authorized, conditions, rates. . . . .
Installed by city. . . . .	Toilets, installation of ultra-low-flush water closets in low income owner-occupied housing. . . . .
Installed by private contract. . . . .	Turning on water without authority. . . . .
Resuming service after discontinuance for nonpayment or violations. . . . .	Violations
Returned checks. . . . .	Authority to withhold water for. . . . .
Sales tax and in-lieu-of franchise taxes. . . . .	Escaping water; violation declared a civil infraction. . . . .
Service charge. . . . .	Interfering with, tampering with water facilities; removing water
Standby service. . . . .	Minimum penalty; subsequent conviction. . . . .
System equity, Central Arizona Project, and areas-specific fees. . . . .	Violation declared a civil infraction. . . . .
Temporary service authorized, conditions, rates. . . . .	Reporting to superintendent, prosecution by city manager. . . . .
Violations, resuming service after discontinuance for nonpayment or violation. . . . .	Waste or unreasonable use of water; violation declared a civil infraction. . . . .