

Chapter 25
STREETS AND SIDEWALKS*

* **Editors Note:** See editor's footnotes, articles I, II and III. Ordinance No. 8727, § 3, adopted September 9, 1996, repealed division 1--3 titles.

Cross References: Signs over streets and public property, § 3-45; operating bicycles on sidewalks, pedestrian paths, or through underpasses prohibited, § 5-2; motor vehicles and traffic, ch. 20; subdivisions, § 23-532 et seq.

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ARTICLE I.
REPAIRS AND IMPROVEMENTS IN PUBLIC RIGHTS-OF-WAY*

* **Editors Note:** Ord. No. 2657, §§ 1--4, adopted Oct. 29, 1964, amended ch. 24 of the 1953 Code in its entirety. The editor has codified this ordinance as ch. 25 of this Code which is the comparable chapter. Sections 1 and 2 of this ordinance repealed §§ 1, 11, 18--22 of the 1953 Code and assigned all sections saved from repeal to article II of this chapter (see footnote, article II), and substituted the present §§ 25-1--25-44 as article I. Article II was redesignated as article III by § 3 of this ordinance (see note, article III). Section 4 of that ordinance created an article IV, dealing with change of street names, the provisions of which appear in § 25-62, a designation made by the editors to simplify amendments to the Code (see footnote, that section). The subject matter of those sections repealed by Ord. No. 2657, § 1, is restated and expanded upon in the present §§ 25-1--25-44.

Sec. 25-1. Permits required.

No public sidewalks shall be repaired or installed by any person without first having a written permit from the city.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-2. Application forms.

(a) Application for a sidewalk repair or installation permit shall be made on forms furnished by the city.

(b) Applications may be made by mail or telephone. Such applicants must have a cash deposit with the city sufficient to cover fees, or include fees with the mailed application.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-3. Conditions for obtaining permit.

The conditions set forth in section 25-20 may be required before issuance of a permit.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-4. Public right-of-way improvement permit fees.

(a) Permit fees for sidewalk installation, street excavations, improvements to unimproved portions of public right of way, curb cuts, driveway installations and repairs, are as follows:

200 lineal feet or less	\$45.00
200 to 300 lineal feet	\$60.00
300 to 500 lineal feet	\$80.00
500 to 2500 lineal feet	\$80.00 + \$14.00 for each additional 100 lineal feet or fraction thereof above 500 lineal feet.
2500 lineal feet and above	\$360.00 + \$8.00 for each additional 100 lineal feet or

....	fraction thereof above 2500 lineal feet.
Driveway repairs and unimproved property improvements up to 5 ft. by 5 ft	\$25.00

(b) Permit renewal \$25.00

(c) Telephone or mail in application surcharge \$5.00

(d) A permit shall cover only contiguous construction and the work to be done as one (1) continuous operation. Such fees shall be tripled if work is commenced prior to obtaining permit. Payment of triple fees shall not waive other penalties.

(Ord. No. 2657, § 1, 10-19-75; Ord. No. 6967, § 1, 6-6-88; Ord. No. 7212, § 1, 6-12-89; Ord. No. 8727, § 1, 9-9-96)

Sec. 25-5. Permit expiration.

A permit shall expire for work not started within thirty (30) days or completed within sixty (60) days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-6. Grade and alignment standards.

Applicants shall follow the standard provisions herein set forth for sidewalk construction:

- (1) Minimum width: Four (4) feet.
- (2) Beginning distance from property line: Two (2) feet.
- (3) Grade: To follow a line sloping up and away from the top of the curb at a slope of one-fourth inch per foot.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-7. Variance from standards.

The city engineer may authorize variances from standard sidewalk provisions where no curb exists or when unusual topographical conditions, nature of existing construction, or similar factors would make adherence to standard provisions unreasonable.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-8. Grade and line required.

No sidewalk shall be installed unless a grade and line are established therefor. If no grades or lines are available, sidewalks may be installed, but they shall be removed, modified or replaced to conform to grades and lines when established by the city at the sole cost of the property owner abutting said sidewalk.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-9. Construction standards.

Sidewalks shall be constructed in accordance with details and specifications as established by the city engineer.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-10. Inspection of work.

All work shall be subject to inspection by the city, during construction and upon completion.

The street and sidewalk inspector shall be notified by the permittee after forms are set, and no concrete shall be poured or further construction started until approved by the inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-11. Conformance to rules and regulations.

All work shall conform to the rules and regulations established by the director of public works and to instructions issued pursuant thereto by the street and sidewalk inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-12. Repair of sidewalk by abutting owners; failure to repair; no permit fee required.

(a) All owners or agents of owners with property abutting and fronting upon any plaza, street or alley within the corporate limits of the city are required to keep the public sidewalks immediately abutting their property in good order and repair. Each owner shall be liable to the city for all losses to the city or recoveries from the city for damages to person or property of others caused by his failure or that of his agents to repair and. keep in good order and reasonably safe condition all such sidewalks abutting and fronting his property upon any plaza, street or alley within the corporate limits of the city. The city may, at its discretion, through the director of public works, notify such owner that repairs are necessary to put such sidewalk in good order and such owner shall, within ten (10) days after such notification, under the supervision of the director of public works, complete such repairs, as specified in such notice. If the person fails to make the required repairs, the city may repair same and the owner shall be liable to the cite for the cost of the repairs.

(b) A permit shall be required to make repairs pursuant to this section. However, there will be no change for such a permit unless it is proposed to make a change in the grade, location or dimensions of the sidewalk.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-13. Permit required.

No street, alley, public property or public right-of-way shall be cut, trenched, excavated, improved or removed or any object placed therein by any person without first having a written permit from the city.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-14. Unimproved portions of public right-of-way may be improved.

Where there are no curbs and sidewalks, the area between the traveled portion of the public right-of-way and the property line may be improved and surface treated according to city standards.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-15. Guards required separating private property from improved right-of-way.

When the public right-of-way is paved to the property line and no curbs are provided, guards shall be installed within the private property to protect pedestrians using the right-of-way, and to prevent vehicles from access to the private property except at access points designated according to curb cut and driveway requirements set forth in sections 25-38 through 25-40.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-16. Additional requirements for improved portions of right-of-way.

When the public right-of-way is paved to the property line, and when in his judgment traffic safety requires it, the traffic engineer may also require:

(1) Installation of guards within the right-of-way to serve as a curb or a barrier between the traveled portions of the right-of-way and the parking area at designated places and with designated openings for access to the parking area within the right-of-way.

(2) Installations to prevent backing of vehicles into traffic lanes.

(3) Markings to designate parking angles, areas and traffic flow.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-17. Exceptions to permit requirement.

Section 25-13 shall not apply in the following cases:

(1) When work is only for the purpose of repairing or installing a sidewalk and a permit has been obtained for such work.

(2) When work is only for purposes of removing or changing a curb or installing or repairing a driveway and a permit has been obtained for such work.

(3) When work is done for municipal purposes by public works department or under a contract administered by the department of public works.

(4) When, in an emergency, it is impractical to obtain a permit before work is done. The police department shall be immediately notified and a permit shall be obtained within forty- eight (48) hours thereafter.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-18. Application forms.

(a) Application for a street excavation permit or for improvements to unimproved portions of the public right-of-way shall be made on forms furnished by the city.

(b) Applications may be made by mail or telephone. Such applicants must have a cash deposit with the city sufficient to cover fees or include fees with the mailed applications.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-19. Reserved.

Editors Note: Ordinance No. 8727, § 2, adopted September 9, 1996, repealed § 25-19 in its entirety. Formerly, such section pertained to fees and derived from Ord. No. 2657, § 1, 10-19-64; Ord. No. 6967, § 2, 6-6-88; Ord. No. 7212, § 2, 6-12-89.

Sec. 25-20. Conditions for obtaining permit.

Applicant for a permit and/or his agent and/or the contractor doing the work may be required, before the issuance of the permit, to:

(1) Furnish bond or insurance to hold the city harmless and/or free of liability arising out of the work.

(2) Prove he is not delinquent in payments due the city on prior similar work.

(3) Prove he is competent and equipped to do the proposed work.

(4) Show he has proper licenses to do the work.

(5) Submit a plan of subject property and adjacent properties showing existing curb cuts, driveways and their sizes.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-21. Permits required from other city departments or governmental agencies.

Permits are required for work done by city departments other than the public works department and by other governmental agencies. No permit fee shall be charged for such permits.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-22. Conformance to rules and regulations.

All work shall conform to specifications and to the rules and regulations established by the director of public works and to instructions issued pursuant thereto by the street and sidewalk inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-23. Inspection of work.

(a) All work shall be subject to inspection by the city.

(b) The street and sidewalk inspector shall be notified by permittee before starting work, and before starting backfill, and upon completion of the work. The permittee shall not proceed with any further work in each instance until being authorized by the street and sidewalk inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-24. Barricades; notice.

(a) The applicant shall adequately barricade work in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices," including additions by the city, and shall install sufficient warning lights and signs to protect the public. The applicant shall notify and obtain approval from the traffic engineer seventy-two (72) hours in advance, except in emergencies, before closing or barricading any street or public right-of-way, or portion thereof.

(b) Three (3) copies of the "Manual on Uniform Traffic Control Devices," including additions by the city, shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.

(Ord. No. 2657, § 1, 10-19-64; Ord. No. 6148, § 5, 1-7-85; Ord. No. 10140, § 1, 4-12-05)

Sec. 25-25. Resurfacing.

(a) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the city. The city shall make a charge for such work according to a schedule of costs established by the director of public works, copies of which schedule shall be kept on file with the city clerk, as revised from time to time.

(b) The applicant shall pay in advance the estimated charge. Any difference shall be corrected after work is completed.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-26. Permit expiration.

A permit shall expire for work not started within thirty (30) days or completed within sixty (60) days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-27. Backfilling and filling.

Backfilling and filling material and the method of filling and backfilling shall meet city specifications. Excavated material not suitable for backfilling shall be removed from the site.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-28. Variance from standards.

Variance from standards may be authorized pursuant to the provisions of section 25-7.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-29. "Driveway" defined.

For the purposes of this chapter, "driveway" means that portion of the public right-of-way from the private property line to the curb, or, where there is no curb, to the improved or traveled part of the roadway, which area is used to provide

vehicular access from the private property to the curb or to the improved or traveled part of the roadway.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-30. Permit required.

(a) No curb shall be changed or removed, and no driveway on or across a public street or a public right-of-way or public property shall be repaired or installed without first having a written permit from the city.

(b) This section shall not apply when the work is done by the public works department for municipal purposes or under a contract administered by the department of public works.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-31. Application forms.

Application for curb cuts and driveway permits shall be made on forms furnished by the city.

Applications may be made by mail or phone.

Such applicants must have a cash deposit with the city sufficient to cover fees, or include fees with the mailed application.

(Ord. No. 2657, § 1, 10-19-64)

Editors Note: Former section 25-31, pertaining to changes in street names, has been recodified as § 25-62.

Sec. 25-32. Reserved.

Editors Note: Ordinance No. 8727, § 2, adopted September 9, 1996, repealed § 25-32 in its entirety. Formerly, such section pertained to fees and derived from Ord. No. 2657, § 1, 10-19-64; Ord. No. 6967, § 3, 6-6-88; Ord. No. 7212, § 3, 6-12-89.

Sec. 25-33. Conditions for obtaining permit.

The conditions set forth in section 25-20 may be required before issuance of a permit.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-34. Variance from standards.

Variance from standards may be authorized pursuant to the provisions of section 26-7.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-35. Permit expiration.

A permit shall expire for work not started within thirty (30) days or completed within sixty (60) days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-36. Conformance to rules and regulations.

All work shall conform to specifications and to the rules and regulations established by the director of public works and to instruction issued pursuant thereto by the street and sidewalk inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-37. Inspection of work.

(a) All work shall be subject to inspection by the city during construction and upon completion thereof.

(b) The street and sidewalk inspector shall be notified by permittee before concrete is poured and/or surfacing is applied, and the permittee shall not proceed further with the work until being authorized by the street and sidewalk inspector.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-38. Special requirements in residential districts.

(a) Curb cuts and driveways shall conform to the following requirements in all residential zoned districts:

Minimum curb cut width 10 feet

Maximum curb cut width 20 feet

Maximum curb cut width for 2 adjoining properties 30 feet

Minimum distance between curb cuts 12 feet

Minimum distance of curb cut from street light standards, or catch basins 5 feet

Minimum distance of curb cut from a fire hydrant of city water hydrant 20 feet

Minimum distance of curb cut from end of a curb return 4 feet

OR

from a curb line or a cross street at a street intersection, whichever is more restrictive 20 feet

See Tucson Code Chapter 23, Land Use Code, particularly Section 3.2.14 and Development Standards, Section 3, Transportation, for additional requirements and standards.

(b) Any nonresidential use which would generate more than five (5) times the amount of traffic that would be generated as a result of (a) the existing use of the property if developed for residential use, or (b) the predominant use on the residential block if the property is vacant, shall not have access to an interior residential neighborhood street after June 1, 1998.

(1) "Interior residential neighborhood street" as used in this subsection shall include any block consisting entirely of residentially zoned properties except for streets which have been designated as arterial or collector streets in the major streets and routes plan.

(2) A waiver to this requirement may be granted at the discretion of the director of the department of transportation where justified by a traffic mitigation plan or unique circumstances which substantially achieve the level of traffic on the affected area as required by this subsection. No waiver may be granted without providing notice and an opportunity for comment to the residential property owners on the block for which the waiver is proposed. Any decision of the director of the department of transportation may be appealed to the mayor and council by the applicant or an affected property owner.

(Ord. No. 2657, § 1, 10-19-64; Ord. No. 9065, § 1, 6-1-98; Ord. No. 9065, § 1, 6-1-98)

Sec. 25-39. Special requirements in business districts.

Curb cuts and driveways shall conform to the following requirements in all business zoned districts:

Maximum curb cut width 35 feet

Maximum driveway width at the property line 30 feet

Minimum distance between curb cuts or driveways 20 feet

Maximum number of curb cuts or driveways per 100 feet of street frontage 2

Minimum distance of curb cuts from street light standards, or catch basins 5 feet

Minimum distance from a fire hydrant of city water hydrant 20 feet

Minimum distance from end of a curb return 4 feet

OR

From a curb line on a cross street at a street intersection 20 feet

whichever is more restrictive.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-40. Special requirements in industrial districts.

(a) Curb cuts and driveways shall conform to the following requirements in all industrial zoned districts:

The provisions established for curb cuts and driveways in section 25-39 for business zoned districts shall prevail in all industrial zoned districts for properties fronting on a through street, as defined in this Code, or on a major street as shown on the latest major streets and routes plan on file with the city engineer.

(b) If the property does not front on a through or major street, only the following provisions shall prevail:

Minimum distance of curb cut from street light standards or catch basins 5 feet

Minimum distance from a fire hydrant or city water hydrant 20 feet

Minimum distance from end of a curb return 4 feet

OR

from the curblines on a cross street at a street intersection 23 feet

whichever is the more restrictive.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-41. Variances from curb cuts and driveway requirements.

The director of public works may grant written variances from the minimum and maximum requirements set forth for the location of curb cuts and driveways in section 25-38 through 25-40 upon written approval by the traffic engineer, provided:

- (1) The area has peculiar, visible conditions not ordinarily existing in similar areas; or
- (2) The nature of the business on the property is exceptional; or
- (3) The nature of the abutting property is exceptional; and
- (4) The variance is not against the public interest, safety, convenience or general welfare.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-42. Driveways may be denied.

(a) No property owner shall be denied a reasonable driveway access to his property. However, where there is not an adequate extension of a driveway within the private property to park a vehicle entirely off the right-of-way, a curb cut shall be denied.

(b) Where there is not adequate parking area for the use to which the property is put, to park off the right-of-way, or where there is not adequate area to maneuver safely in and out, and to preclude backing into the street, a curb cut shall be denied. A minimum of forty (40) feet of depth for right-angle parking shall be required from all street property lines for this purpose.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-43. Curb cut replacements.

Where private property use has been modified so that an existing curb cut is no longer needed, or where Code provisions do not permit curb cuts at existing locations, the traffic engineer, for the promotion of traffic safety and public convenience, may require the abutting property owner to replace the curb at his expense as follows:

- (1) The traffic engineer shall order the abutting property owner to replace the curb stating the reason.

(2) The owner shall either protest, and show cause in writing why the curb should not be replaced within thirty (30) days, or commence the work within sixty (60) days.

(3) The protest shall be reviewed by the director of public works and city manager, who may uphold the traffic engineer or revoke or modify his order.

(4) If the abutting owner fails to comply with the order the city may do the work and bill the owner for the cost.

(Ord. No. 2657, § 1, 10-19-64)

Sec. 25-44. Permit and fee curb cut replacements.

A permit but no fee shall be required for curb cut replacements.

(Ord. No. 2657, § 1, 10-19-64)

ARTICLE II. DUTIES AND PROHIBITIONS*

* **Editors Note:** See footnote, article I. Ord. No. 2657, § 2, redesignated §§ 23, 9, 10, 13--15, 12, 23, 16--17, 6--7, 12a--12d and 25 of the 1953 Code as article II, §§ 45--61 respectively. These sections have been assigned numbers 25-45--25-61 of this Code by the editor. Prior to codification of this ordinance, these sections appeared in article I of this chapter of this Code in the same sequence they presently appear in article II. The comparable sections of this Code which were repealed by § 1 of Ord. No. 2657 are §§ 25-13, and 25-18--25-29 (see Code Comparative Table, page 3719 and footnote, article I).

Sec. 25-45. Destroying grade or line stakes; trespassing on closed streets.

No person shall displace or destroy any grade line stakes set up by or under the order and direction of the city engineer, and no person shall trespass on any street closed for construction purposes.

(1953 Code, ch. 24, § 23; Ord. No. 6195, § 1, 3-11-85)

Sec. 25-45.1. Violation declared civil infraction.

It shall be a civil infraction for any person to violate any of the provisions of this chapter.

(Ord. No. 6195, §, 3-11-85)

Sec. 25-46. Obstructing streets prohibited.

No person shall place, cause to be placed, maintain or cause to be maintained any fence, building, post or other obstruction in any street or alley of the city.

(1953 Code, ch. 24, § 9; Ord. No. 6195, § 3, 3-11-85)

Cross References: Obstructing intersections or crosswalks, § 20-156.

Sec. 25-47. Duty to remove street obstruction after notice.

All persons having, keeping or maintaining any building or part of building, or any fence or part of fence or post or other obstruction in any street or alley of the city shall remove such obstruction within five (5) days after receipt of notice from the city engineer. Each day that any fence or part of fence, building or part of building, or post or other obstruction is kept or maintained in any street or alley of the city after the expiration of such five-day period shall constitute a separate violation.

(1953 Code, ch. 24, § 10; Ord. No. 6195, § 3, 3-11-85)

Sec. 25-48. Injuring, tearing up pavement or sidewalks.

No person shall injure or tear up any pavement or sidewalk without a permit from the city engineer.

(1953 code, ch. 24, § 13; Ord. No. 6195, § 3, 3-11-85)

Cross References: Injuring lampposts, hydrants or bracket prohibited, § 11-31.

Sec. 25-49. Digging, removing earth from streets, public places.

No person shall, without first having obtained permission from the city engineer, dig, remove or carry away or cause or procure the same to be done, any sod, stone, earth, sand, or gravel from any street, alley, or public ground in the city.

(1953 Code, ch. 24, § 14; Ord. No. 6195, § 3, 3-11-85)

Cross References: Injuring public property, § 11-49.

Sec. 25-50. Selling, displaying merchandise on streets near schools.

No person shall sell, solicit or receive an order for, keep or expose for sale, deliver for value, peddle, keep with intent to sell, or traffic in, any goods, wares or merchandise whatsoever on any public street or alley of the city within three hundred (300) feet of a public or parochial school between the hours of 7:00 a.m. and 5:00 p.m. on Monday, Tuesday, Wednesday, Thursday or Fridays, except during legal holidays or school holidays when such holidays fall on those days.

(1953 Code, ch. 24, § 15; Ord. No. 6195, § 3, 3-11-85; Ord. No. 7329, § 2, 12-18-89)

Cross References: Bond required for transient peddlers, solicitors, etc., § 19-27; fees for peddlers, § 19-28(110).

Sec. 25-51. Obstructing sidewalks prohibited; placing benches on sidewalks.

No person shall obstruct any public sidewalk in the city, by placing, depositing or allowing to remain thereon, any boxes, crates, goods, wares, merchandise, hay, grain, farm produce or other thing, or prevent, in any manner, the full, free and unobstructed public use of any of the public sidewalks; however, after approval by the mayor and council suitable benches for the convenience of city residents and visitors may be located upon the public sidewalks with the written approval of the city engineer. Such approval shall be duly filed with the city clerk, shall be cancellable for good cause shown, and may be subject to such requirements and conditions as to type of bench, location upon the sidewalk and otherwise, as the city engineer may deem necessary or desirable in the interest of the public safety and convenience; further, where it is necessary to place garbage and trash containers upon a public sidewalk to allow the removal of such garbage and trash, such containers may be placed upon a public sidewalk for the reasonable period of time necessary for such removal.

(1953 Code, ch. 24, § 12; Ord. No. 6195, § 3, 3-11-85)

Sec. 25-52. Obstructing water flow in streets, gutters, conduits.

No person shall obstruct the flow of water by the deposit of building materials, or in any other manner, in the streets, alleys or gutters, or water conduits of the streets, alleys or other public ways of the city.

(1953 Code, ch. 24, § 24; Ord. No. 6195, § 3, 3-11-85)

Cross References: Obstructing or depositing offensive matter in water ditches or natural drainage channels, § 11-58 et seq.

Sec. 25-52.1. Planting within pedestrian area right-of-way.

Sec. 25-52.1(1). "Pedestrian area of right-of-way" defined. For purposes of this section, the "pedestrian area of the right-of-way" means that portion of the public right-of-way from the private property line to the curb, or, where there is no curb, to the improved or traveled part of the roadway.

Sec. 25-52.1(2). Permits required. No person shall plant any tree, shrub, or other vegetation in the pedestrian area of the right-of-way without first obtaining a written permit from the city. A permit may be issued upon the terms and conditions hereinafter prescribed.

Sec. 25-52.1(3). Application for permit. The applicant will complete and sign a written application upon a form to be

supplied by the city engineer. If the applicant is a homeowner's association, neighborhood association, or other organization, the applicant must obtain permission from the abutting property owner to plant in the pedestrian area of the right-of-way adjacent to such property.

Sec. 25-52.1(4). Conditions for obtaining permit.

(a) Applicants shall follow the standard provisions for application for street excavation and improvements to unimproved portions of the public right-of-way as described in section 25-13 and as required by the city engineer, including the submission of a plan of subject property showing the location and sizes of existing curb lines, property lines, utility lines, utility poles, utility boxes, overhead wires, driveways, alleyways, sidewalks, fire hydrants, traffic signs, and proposed site of excavation. Underground utilities must be located prior to submitting a plan for excavation in public streets and easements. The city engineer will then approve or deny an application to excavate in the public right-of-way.

(b) Trees, shrubs, and other vegetation shall not interfere with the clear visibility of traffic signs and signals, traffic on the roadway or entering or leaving the roadway, or with pedestrian access. Planting guidelines shall adhere to the following sight visibility conditions:

No tree, shrub, or other vegetation taller than thirty (30) inches in height at maturity shall be planted within the designated sight visibility triangle zone in the pedestrian area of the right-of-way within fifty (50) feet of a stop sign, yield sign, traffic signal, or any approach to an intersection where operators of motor vehicles need to clearly view traffic conditions. (Reference section 23-388 of the City Code and the City of Tucson Development Standards for sight visibility triangle requirements.)

All trees, shrubs, and other vegetation must be planted and maintained to allow for the continuous visibility of the street, sidewalk, alleyway, driveway, traffic sign or signal.

Trees, shrubs, or other vegetation must be kept trimmed to permit the continuous visibility of a stop or yield sign for a distance of one hundred twenty-five (125) feet from the sign.

In order to maintain continuous visibility of traffic conditions and to provide pedestrian access, trees within affected locations must be kept so that branches, limbs, twigs, leaves, or other parts of such trees that overhang the vehicular or pedestrian path of travel are maintained to provide barrier-free pedestrian travel and continuous sight visibility within an unobstructed area between thirty (30) inches and eighty (80) inches from the ground.

Vegetation must be trimmed and maintained to provide a minimum four foot-wide pedestrian path.

(c) The minimum width of a tree planting area shall be no less than four (4) feet from curb to sidewalk. If there is no curb, there must be an eight-foot clear zone from the pavement to the tree planting area.

(d) As part of the application process, applicants shall select a pre-approved species of tree from the city's low water use plant list for street trees in pedestrian right-of-way. Other vegetation must be selected from the drought tolerant plant list in Development Standard 9-06.0. These lists shall be maintained by the city engineer and three (3) copies shall be kept on file in the office of the city clerk. Depending on site constraints, the city engineer, after consultation with the city parks and recreation department, may approve or disapprove the plant species or require other or different plants to be selected from these lists.

(e) Applicants must follow the written guidelines developed by the city for planting trees and other vegetation in the public right-of-way, including setbacks from utility lines, overhead lines, and clear traffic visibility safety standards. The abutting property owner shall agree in writing to maintain and trim trees or other vegetation planted in the public right-of-way pursuant to this permit. The city engineer approval of the proposed planting plan is contingent upon adherence to these guidelines.

(f) The city engineer may impose other special requirements as a condition of issuing a permit.

Sec. 25-52.1(5) Request for administrative review. Upon request of the person submitting an application for planting in the pedestrian area of the right-of-way, the city engineer shall provide an administrative review of any site specific variances to the standard provisions contained in this section or the written guidelines developed by the city for planting trees or other vegetation in the public right-of-way. The applicant shall be given the opportunity to present evidence that a variance from the standard provisions contained herein shall not present a nuisance or hazardous condition for motorists or pedestrians. In those instances where the planting of a tree or other vegetation will not cause a nuisance or hazardous condition, the city engineer may provide for such a variance of these provisions.

Sec. 25-52.1(6). Issuance of permit. Upon approval of the proposed plan by the city engineer, a permit for planting within the pedestrian area of the right-of-way will be issued at the development services center under the following conditions:

(a) Fees for planting vegetation in the pedestrian area of the right-of-way may be waived by the city engineer.

(b) If, at any time, any portion of the pedestrian area of the right-of-way used by the permittee may be needed or required by the city, or if the owner, occupant, or agent in charge of any such lot or adjoining right-of-way fails to maintain such plantings as hereinafter prescribed, the use of the pedestrian area of the right-of-way may be revoked by the city. The city may remove from the pedestrian area of the right-of-way any and all trees or other vegetation in such circumstances without compensation from the city.

(c) All approved applications shall be filed with the development services center.

(Ord. No. 8327, § 1, 7-5-94)

Sec. 25-53. Duty to trim.

The owner, occupant, or agent in charge of any lot, piece or parcel of land within the corporate limits of the city shall not allow any tree, shrub, or other form of vegetation of any kind upon such property or upon the right-of-way, street, or alley adjoining the same to extend over or under the sidewalk space or roadway in such street or alley in such a manner as to interfere with the reasonable use of such street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or to obstruct the view or light distribution of traffic-control devices or luminaries. It shall be the duty of every such owner, occupant or agent in charge to keep such trees, shrubs, or any other vegetation trimmed in such manner that the same will not interfere with the reasonable use of such street or alley for pedestrian or vehicular traffic.

(1953 Code, ch. 24, § 16; Ord. No. 6195, § 3, 3-11-85; Ord. No. 8327, § 2, 7-5-94)

Sec. 25-54. Notice to trim.

The owner, occupant or agent in charge of any lot, piece or parcel of land within the corporate limits of the city shall, within thirty (30) days after receipt of a notice from any city department, trim any such trees, shrubs, or other vegetation upon the right-of-way, street, or alley adjoining the same in accordance with the instructions contained in such notice.

(1953 Code, ch. 24, § 17; Ord. No. 8327, § 3, 7-5-94; Ord. No. 8671, § 1, 4-8-96)

Sec. 25-55. Notice to remove; duty to keep area between curb and property line free from grass and weeds.

The owner, occupant or agent in charge of any lot, piece or parcel of land within the corporate limits of the city shall, within thirty (30) days after receipt of a notice from any city department, remove any trees, shrubs, or other vegetation growing upon the right-of-way, street or alley adjoining the same in accordance with the instructions contained in such notice. It shall be the duty of each owner, occupant or agent in charge of property within the city to keep the space between the property line adjacent to the street and the curblines of the street free from rank grass and weeds at all times.

(1953 Code, ch. 24, § 6; Ord. No. 8327, § 4, 7-5-94; Ord. No. 8671, § 2, 4-8-96)

Sec. 25-56. Owners, occupants of building to keep gutters and sidewalks clean.

The owner, occupant or agent in charge of any and all buildings in the city shall, within thirty (30) days after receipt of a notice from any city department, remove from the gutters and sidewalks in front of such building any offensive substance, liquid or solid, or any dirt, rubbish, water or stones, or any other things harmful to the public health, safety and welfare. It shall be the duty of all owners, occupants or agents in charge of any and all buildings in the city to keep the gutter and sidewalk in front of such building free from any offensive substance, liquid or solid, or any dirt, rubbish, water or stones, or any other things harmful to the public health, safety and welfare.

(1953 Code, ch. 24, § 7; Ord. No. 8671, § 3, 4-8-96)

Sec. 25-57. Placing flower pots, tree pots, planters on sidewalks.

Sec. 25-57(1). License authorized. A license to permit the placing of flower pots, tree pots or planters and other objects of beautification upon the public sidewalks may be issued upon the terms and conditions hereinafter prescribed and upon such specific terms and conditions as are required in writing by the director of public works.

Sec. 25-57(2). Application for license, approval, disapproval. The applicant will submit a written application upon a form to be supplied by the office of the director of public works. The director of public works will then approve or deny such application. If denied, the applicant may request a review of such denial by the city manager. The mayor and council may,

if it so desires, exercise the power of review as to all matters herein described, and its decision shall be final.

Sec. 25-57(3). Issuance of license. Upon approval of the proposed plan, a license for such use will be issued by the director of public works.

Sec. 25-57(4). Revocation of license. If, at any time hereafter, any portion of the sidewalk occupied and used by the licensee may be needed or required by the city, or if the licensee fails to maintain such use as hereinafter prescribed and as prescribed by such specific terms and conditions set forth by the director of public works, any license granted pursuant to this section may be revoked by the city, and all right thereunder terminated. The licensee shall and will promptly remove all property belonging to the licensee from the sidewalk area upon receipt of written notice of revocation. If removal is not accomplished by the licensee within a reasonable time, the city will cause such flowers or trees or other items to be removed and stored, and the cost thereof shall be charged to the licensee.

Sec. 25-57(5). Terms and conditions. No license shall issue except under the following general terms and conditions:

(a) The applicant has filed the proper form with the office of the director of public works.

(b) The applicant must maintain at all times public liability insurance in amounts not less than:

Public liability and bodily injury--Each person \$20,000.00, each accident \$50,000.00; and

Property damage, each accident \$1,000.00, aggregate \$10,000.00;

to indemnify the city against all claims for damages which may result from the installation, maintenance and use of such flower pots and tree pots or planters, or other objects of beautification. Satisfactory evidence of the policy shall be filed with the director of public works of the city.

(c) The applicant shall furnish all such flowers, trees and containers and bear the cost of installation, maintenance and repair thereof, according to the directives of the director of public works.

(d) The director of public works shall exercise supervision of all requirements as to size, type, maximum and minimum heights, watering and upkeep, of such flowers and trees; color, type of construction, location upon the sidewalk area and spacing of the pots or planters and other related particulars of such flowers, trees and containers.

(e) All applications, whether approved, denied or revoked, shall be filed with the office of the director of public works.

(1953 Code, ch. 24, § 12a; Ord. No. 2042, § 1, 3-20-61)

Sec. 25-57.1. Attaching newspaper vending machines to public right-of-way.

It is intended that the provisions that follow operate so as to regulate the permanent attachment of newspaper vending machines on the public right-of-way to the end that the health, safety and welfare of this community may be maintained.

Sec. 25-57.1(1). License authorized. A license to permit the attachment of newspaper vending machines to the public right-of-way be issued upon compliance with terms and conditions set forth in this article and upon such specific terms and conditions as are required in writing by the city engineer.

Sec. 25-57.1(2). Application for license; approval denial. For each machine the applicant shall submit a written application upon a form to be supplied by the director of finance. Insurance verification forms, bonds, plans, procedures and fees as required in minor sections 25-57.1(3) and 25-57.1(5) shall be submitted with the application. The director of finance will approve or deny an application. The director of finance will approve or deny an application within thirty (30) days of submission. If denied, the applicant may request a review of such denial by the city manager. Upon approval of the application, the director of finance shall issue a license which will be valid until either the machine is moved from the location by the licensee or until the city revokes the license.

Sec. 25-57.1(3). License fees. A nonrefundable application fee of twenty-five dollars (\$25.00) per machine shall be paid at the time of application.

Sec. 25-57.1(4). Revocation of license. If, at any time, any portion of the right-of-way occupied and used by the licensee may be needed or required by the city, or if the licensee fails to abide by the terms and conditions set forth herein, any license granted by the city may be revoked by the city. The licensee shall promptly remove all property belonging to licensee from right-of-way area upon receipt of written notice of revocation. If removal is not accomplished within a reasonable time, the city will move and store such property and the expense shall be charged to the licensee.

Sec. 25-57.1(5). Terms and conditions. No license shall be issued except under the following terms and conditions:

(a) The applicant has filed the required forms with the director of finance.

(b) No vending machine may be located within fifteen (15) feet of a fire hydrant, fire alarm box, fire department connections to fire protection systems, nor shall any vending machine block fire department accessibility into a building or an emergency exit of a building.

(c) The city engineer shall prescribe minimum standards for size, type, maximum and minimum heights, method of installation and other related particulars of such newspaper vending machines. Installation procedures, plans, dimensions and locations shall be submitted in such detail as the city engineer may require in writing.

(d) The applicant must maintain at all times public liability insurance in amounts not less than:

Public liability and bodily injury--Each person one hundred thousand dollars (\$100,000.00); each accident three hundred thousand dollars (\$300,000.00); and

Property damage; aggregate--Fifty thousand dollars (\$50,000.00);

to indemnify the city against all claims for damages which may result from the installation of newspaper vending machines. Satisfactory evidence of insurance shall be filed with the director of finance.

(e) The city must be notified of the removal of any licensed machine. The licensee is liable for any damage to the right-of-way or surface caused by the removal of licensed vending machine. At the time of application, a bond in the amount of five hundred dollars (\$500.00) per machine shall be filed with the director of finance to cover potential damage expenses.

(Ord. No. 4684, § 1, 7-5-77)

Sec. 25-58. Under-sidewalk elevators--Where permitted.

Under-sidewalk elevators may be constructed and used by abutting property owners only in any block in the area bounded as follows: Commencing at the intersection of Stone Avenue and Toole Avenue, running thence east on Toole Avenue to South 4th Avenue, thence south along South 4th Avenue to East 13th Street, thence west along East 13th Street to South Main Avenue, thence north along South Main Avenue and North Main Avenue to Franklin Street, thence east along Franklin Street and West Seventh Street to the place of beginning, which has not alley or open space at the rear of the lots therein from which garbage and trash can be collected, but only on the terms and under the conditions hereinafter required and specified; and permission is hereby granted to the abutting property owners for such purposes when and if compliance with all the provisions of this section and sections 25-59 and 25-60 of this Code is furnished and maintained by the owners.

(1953 Code, ch. 24, § 12b; Ord. No. 2042, § 2, 3-20-61)

Cross References: Mechanical code, § 6-160 et seq.

Sec. 25-59. Same--Permit required; application; insurance.

Before any under-sidewalk elevator may be constructed, installed or used, the abutting property owners shall make application for a permit therefor to the inspection division of the department of public works. Such application shall state and warrant that the applicant is the owner of the land abutting the sidewalk where the elevator is to be installed; such application shall be in such form and have such content as shall be necessary and shall be required by the inspection division to carry out the provisions of this section and sections 25-58 and 25-60 of this Code. The application shall contain an agreement to hold harmless the city from all claims, demands, loss or damages, accruing to it or any claimant against it, directly or indirectly by reason of the installation, design, operation or maintenance of the undersidewalk elevator and that the applicant will procure and furnish full public liability insurance in a licensed insurance company in an amount not less than twenty-five thousand dollars (\$25,000.00) for personal injury single claimant, one hundred thousand dollars (\$100,000.00) aggregate for one accident, and five thousand dollars (\$5,000.00) for property damage, which shall name the city as coinsured. The application shall contain an agreement that the applicant will comply at all times with the terms and conditions of operation, installation and use of the under-sidewalk elevator as specified by this section and sections 25-58 and 25-60 of this Code.

(1953 Code, ch. 24, § 12c; Ord. No. 2042, § 2, 3-20-61)

Sec. 25-60. Same--Issuance of permit; terms and conditions.

Upon compliance with all the terms, conditions and qualifications provided by this section and sections 25-58 and 25-59

of this Code, the inspection division of the department of public works shall issue a proper permit for the installation, use and operation of an under-sidewalk elevator. No permit shall issue and no such elevator shall be constructed, installed or used except under the following terms and conditions:

Sec. 25-60(1). The applicant has furnished and filed with the inspection division the insurance required in section 25-59 of this Code.

Sec. 25-60(2). The applicant has filed in the inspection division plans and specifications for the installation and construction of the undersidewalk elevator.

Sec. 25-60(3). No such under-sidewalk elevator shall be used and operated except during the hours between 9:30 p.m. and 7:00 a.m.

Sec. 25-60(4). The opening for the undersidewalk elevator shall be adjacent to the curb and as close thereto as is physically possible in order to minimize interference with the pedestrian traffic.

Sec. 25-60(5). The opening for the undersidewalk elevator shall be not less than twenty (20) feet from the corner property line at any street intersection.

Sec. 25-60(6). The under-sidewalk elevator shall be so designed that it can be opened only from street level, and that when open, guard rails, barricades, or other similar devices not less than four (4) feet in height from sidewalk level shall be provided so as to protect pedestrians.

Sec. 25-60(7). The under-sidewalk elevator shall be so located that there shall be in no case less than four (4) feet of clear, unobstructed walkway area remaining on the sidewalk.

Sec. 25-60(8). No two (2) under-sidewalk elevator openings shall be placed within twenty (20) feet of each other, except when the director of public works shall certify that closer proximity will create no public safety hazard.

Sec. 25-60(9). That each such elevator opening shall have a cover designed to carry not less than two hundred fifty (250) pounds per square foot; such covers must be flush with the surrounding sidewalk surface; such elevator cover shall be of such design as to be nonskid and prevent the same from becoming slippery when wet.

Sec. 25-60(10). The construction, design and installation as shown and proposed on the plans and specifications shall be such that there shall be no danger of damage to lateral support of surrounding earth or sidewalk area and of such materials and design that it will safely bear all strains, stresses and weight loads reasonably foreseeable.

Sec. 25-60(11). Whenever the under-sidewalk elevator shall not be necessary in connection with the business conducted on the abutting property, or shall remain unused in conjunction therewith, for a period of six (6) months or more, the city may cause the permit to be thereupon revoked and the elevator removed, and the opening and under-sidewalk space thereof restored to its former state at the expense of the applicant or his successor owner, after thirty (30) days' written notice therefor.

Sec. 25-60(12). Whenever the under-sidewalk space occupied by any such elevator is needed by the city for public purposes, the under-sidewalk elevator shall be removed by the owner at his sole expense upon sixty (60) days' written notice therefor; and in the event any such owner shall fail, neglect or refuse to comply with such notice, the city may remove the under-sidewalk elevator at the sole expense of the owner and the city shall have a cause of action for the necessary expense against the owner therefor.

Sec. 25-60(13). Each such permit issued shall clearly specify on the face thereof that it issued only on the terms and conditions specified in sections 25-58, 25-59 and 25-60 of this Code.

Sec. 25-60(14). The under-sidewalk elevator and structure shall comply in construction and design with all provisions of the city building code [see section 6-34].

(1953 Code, ch. 24, § 12d; Ord. No. 2042, § 2, 3-20-61)

Sec. 25-61. Sale of abandoned streets, alleys; cost of moving nonconforming improvements; installing conforming improvements.

Sec. 25-61(1). All purchasers of abandoned alleys, streets and other roads are hereby required to pay to the city, as part of the purchase price of the property, all costs estimated to be incurred by the city in removing curb returns, pavement and all other improvements of a similar nature that do not conform to the contiguous property on each side of the alley, street or road and, in addition to pay all estimated costs of installing regular curbs, sidewalks, drains, conduits and other construction necessary to be placed across the abandoned alley, street or road, as estimated in minor section 25-61(3), in

order that the abandoned property improvements will conform to those improvements existing on contiguous property on either side thereof.

Sec. 25-61(2). The provisions of this section shall not automatically apply to a purchaser who files an affidavit with the director of public works stating that all or a portion of the existing improvement will be used by the purchaser and what the use will be. This exception shall then apply to such portion of existing improvements as the director of public works decides the purchaser will reasonably use, but the other portion of the improvement, if there be any, shall be removed and made to conform as near as possible.

Sec. 25-61(3). The department of public works of the city is hereby directed to estimate the cost of the removal of nonconforming improvements and the installation of conforming improvements, as hereinbefore provided, and is further directed to convey such information to the mayor and council in order that the costs may be added to and included in the final sale price of the property.

Sec. 25-61(4). Immediately after the sale of such abandoned property, the department of public works of the city is hereby authorized and directed to remove the nonconforming improvements and to construct conforming improvements as hereinbefore provided in minor section 25-61(1) of this section.

(1953 Code, ch. 24, § 25)

Sec. 25-62. Changes in street names.*

* **Editors Note:** This section appeared for the first time in the original codification of this Code. This format has been employed by the editors to simplify the amendment process when street names are changed. In the codification of Ord. No. 2657 (see footnotes, articles I, II and III), this section was redesignated as § 25-62 by the editor. It had been previously numbered § 25-31. The addition of this extra section to article II accounts for the difference in numbering of article III appearing in this Code and that which was called for by Ord. No. 2657.

Names of streets will be changed from time to time by ordinance. Three (3) copies of the current ordinances designating street name changes will be kept on file by the city clerk.

Editors Note: Street names have been changed or effected by the following ordinances:

1953 Code, ch. 24, § 37, as supplemented in 1957 and as amended by:

Ord. No. 1804, § 2, 1-20-58

Ord. No. 1806, § 2, 2-3-58

Ord. No. 1810, § 2, 3-3-58

Ord. No. 1811, § 2, 3-17-58

Ord. No. 1823, § 2, 5-5-58

Ord. No. 1977, § 1, 11-2-59

Ord. No. 2013, § 1, 3-7-60

Ord. No. 2084, § 1, 9-6-60

Ord. No. 2101, § 1, 10-17-60

Ord. No. 2108, § 1, 11-21-60

Ord. No. 2120, § 1, 1-3-61

Ord. No. 2620, § 2, 6-15-64

Ord. No. 2696, § 1, 11-23-64

Ord. No. 2703, § 1, 11-23-64

1953 Code, ch. 24, § 37b as added in the 1957 supplement and as amended by:

Ord. No. 1840, § 2, 7-7-58

Ord. No. 1858, § 2, 9-2-58

Ord. No. 1998, §§ 2, 3, 1-18-60

Ord. No. 2237, §§ 1--7, 11-20-61

1953 Code, ch. 24, § 37c as added by Ord. No. 2239, § 1, 12-4-61

1953 Code, ch. 24, § 37d as added by Ord. No. 2273, § 2, 3-5-62

1953 Code, ch. 24, § 37e as added by Ord. No. 2282, § 2, 4-2-62

1953 Code, ch. 24, § 37f as added by Ord. No. 2289, § 1, 4-6-62

1953 Code, ch. 24, § 37g as added by Ord. No. 2294, § 1, 5-7-62

1953 Code, ch. 24, § 37h as added by Ord. No. 2442, § 1, 4-1-63

1953 Code, ch. 24, § 37i as added by Ord. No. 2453, § 1, 4-22-63

1953 Code, ch. 24, § 37j as added by Ord. No. 2543, § 2, 11-12-63

1953 Code, ch. 24, § 37k as added by Ord. No. 2555, § 1, 12-19-63

1953 Code, ch. 24, § 37l as added by Ord. No. 2656, § 1, 9-8-64

1953 Code, ch 24, § 37m as added by Ord. No. 2672, § 2, 10-5-64 and as amended by:

Ord. No. 2679, § 1, 10-19-64

1953 Code, ch. 24, § 37n as added by Ord. No. 2664, § 1, 9-21-64

1953 Code, ch. 24, § 37o as added by Ord. No. 2664, § 1, 9-21-64

1953 Code, ch 24, § 38 as added by Ord. No. 1998, § 4, 1-18-60 amended by:

Ord No. 2101, § 2, 10-17-60

Section 25-62 amended by:

Ord. No. 2744, § 2, 3-15-65

Ord. No. 2831, § 1, 12-20-65

Ord. No. 2881, § 2, 6-13-65

Ord. No. 2941, § 1, 12-12-66

Ord. No. 2990, § 1, 3-27-67

Ord. No. 3016, § 1, 6-12-67

Ord. No. 3226, § 1, 3-3-69

Ord. No. 3939, § 1, 11-6-72

Ord. No. 4018, § 1, 5-7-73

Ord. No. 4019, § 1, 5-7-73

Ord. No. 4127, § 1, 1-21-74

Ord. No. 4128, § 1, 1-21-74

Ord. No. 4129, § 1, 1-21-74

Ord. No. 4186, § 1, 6-3-74

Ord. No. 4286, § 1, 11-25-74

Ord. No. 4308, § 1, 1-13-75
Ord. No. 4576, § 1, 9-27-76
Ord. No. 4633, § 1, 4-4-77
Ord. No. 4634, § 1, 4-4-77
Ord. No. 4663, § 1, 6-6-77
Ord. No. 4746, § 1, 1-23-78
Ord. No. 5117, § 1, 3-10-80
Ord. No. 5150, § 1, 5-12-80
Ord. No. 5201, § 1, 8-4-80
Ord. No. 5202, § 1, 8-4-80
Ord. No. 5254, §§ 1--3, 11-17-80
Ord. No. 5281, § 1, 12-22-80
Ord. No. 5767, § 1, 5-16-83
Ord. No. 5867, § 1, 11-12-83
Ord. No. 5939, § 1, 1-9-84
Ord. No. 5940, § 1, 1-9-84
Ord. No. 5941, § 1, 1-9-84
Ord. No. 6109, § 1, 10-22-84
Ord. No. 6110, § 1, 10-22-84
Ord. No. 6111, § 1, 10-22-84
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Ord. No. 6191, § 1, 2-25-85
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Ord. No. 6271, § 1, 8-5-85
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Ord. No. 6277, §§ 1, 2, 8-5-85
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Ord. No. 6869, §§ 1--3, 1-11-88
Ord. No. 6911, § 1, 3-28-88
Ord. No. 6912, § 1, 3-28-88
Ord. No. 6942, § 1, 5-2-88
Ord. No. 7384, § 1, 3-26-90
Ord. No. 7385, § 1, 3-26-90
Ord. No. 7475, § 1, 9-10-90
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Ord. No. 7480, § 1, 9-10-90
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Ord. No. 7515, § 1, 11-19-90

Ord. No. 7516, § 1, 11-19-90

Ord. No. 7707, § 1, 11-4-91

Ord. No. 7798, §§ 1, 2, 4-20-92

Ord. No. 7799, §§ 1--3, 4-20-92

Ord. No. 7837, §§ 1, 2, 6-15-92

Ord. No. 7838, §§ 1, 2, 6-15-92

Ord. No. 7876, § 1, 8-3-92

Ord. No. 7904, §§ 1, 2, 9-14-92

Ord. No. 7927, §§ 1, 2, 10-26-92

Ord. No. 7928, §§ 1, 2, 10-26-92

Ord. No. 7974, §§ 1, 2, 2-1-93

Ord. No. 7975, §§ 1, 2, 2-1-93

Ord. No. 7994, § 1, 2-22-93

Ord. No. 8094, §§ 1, 2, 8-2-93

Ord. No. 8095, §§ 1, 2, 8-2-93

Ord. No. 8096, §§ 1, 2, 8-2-93

Ord. No. 8108, §§ 1, 2, 8-2-93

Ord. No. 8142, § 1, 10-18-93

Ord. No. 8143, § 1, 10-18-93

Ord. No. 8162, § 1, 11-22-93

Ord. No. 8163, § 1, 11-22-93

Ord. No. 8240, § 1, 4-4-94

Ord. No. 8241, § 1, 4-4-94

Ord. No. 8263, § 1, 5-2-94

Ord. No. 8325, § 1, 7-5-94

Ord. No. 8330, § 1, 7-5-94

Ord. No. 8355, § 1, 9-12-94

Ord. No. 8403, § 1, 11-21-94

Ord. No. 8512, § 1, 6-5-95

Ord. No. 8859, § 1, 4-14-97

Ord. No. 8860, § 1, 4-14-97

Ord. No. 9056, § 1, 5-18-98

Ord. No. 9247, § 1, 7-6-99

Ord. No. 9355, § 1, 2-28-00

Ord. No. 9412, § 1, 6-26-00

**ARTICLE III.
ADDRESS NUMBERING***

* **Editors Note:** See the editor's footnote to art. I of this chapter. Ord. No. 2657, § 3, transferred all sections appearing in art. II of this chapter and ch. 24, §§ 26--35, of the 1953 Code, as amended by Ord. No. 4869, §§ 1, 2, adopted Sept. 5, 1978, to art. III, entitled "House Numbering," and renumbered such sections as 62-72. They are numbered as §§ 25-63--25-73 of this Code. See the editor's note following § 25-62 for explanation of the difference of numbering by one number.

Subsequently, § 2 of Ord. No. 6134, adopted Dec. 3, 1984, added a new art. III, entitled "Address Numbering," §§ 25-63--2572.

Sec. 25-63. System established; compliance required.

There is hereby established a uniform system of address numbering in the city. All buildings shall display the numbers assigned in accordance with the provisions of this article.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-64. East-west base line.

Broadway Boulevard easterly from the mainline Southern Pacific Railroad tracks and the easterly prolongation of that alignment, Congress Street westerly from the mainline Southern Pacific Railroad tracks and the prolongation of that alignment to the western boundary of Panorama Estates "B," a subdivision, and the alignment of West Broadway Boulevard westerly from the northwest corner of said subdivision and the westerly prolongation of that alignment form the east-west base line for numbering along all public and private ways running northerly and southerly.

(Ord. No. 6134, § 2, 12-3-84; Ord. No. 6477, § 1, 7-7-86)

Sec. 25-65. North-south base line.

Stone Avenue from Eighteenth Street northerly to Sixth Street and north therefrom to Roger Road, Sixth Avenue from Eighteenth Street south to Irvington Road, and the prolongation of the respective alignments thereof, form the north-south base line for numbering along all public and private ways running easterly and westerly.

(Ord. No. 6134, § 2, 12-3-84; Ord. No. 6477, § 2, 7-7-86)

Sec. 25-66. Assignment of numbers--Generally.

Sec. 25-66(1). All buildings and lots on the right-hand side of each public or private way ascending from the base line shall bear even numbers. All buildings and lots on the left-hand side of each public or private way ascending from the base line shall bear odd numbers.

Sec. 25-66(2). Each hundred block, as delineated on the official addressing maps or plats and the hundred block base map or plat, shall be divided into a number line of one hundred (100) equal increments (numbers). Respective odd and even address numbers shall be assigned from this number line according to the building location, property entrance location, or mean property frontage as shall be determined by the building safety administrator or his authorized representative.

Sec. 25-66(3). Where any building has more than one (1) occupancy, a separate number shall be assigned to each front entrance serving a separate occupancy provided the building occupies a lot, parcel or tract having a frontage equal to at least ten (10) feet for each such entrance. Where a building is not located on a lot, parcel or tract having such frontage, or where such frontage cannot be imputed to two (2) or more buildings on a lot, parcel or tract, the building safety administrator shall cause to be assigned a numerical occupancy designation unique to each occupancy in the buildings as part of the address number. All such designations shall be consistent generally with the system established by this article.

Sec. 25-66(4). A building on a lot or parcel abutting two (2) or more public or private ways shall have a number assigned only to the front entrance, unless other entrances serve different occupancies.

Sec. 25-66(5). The building safety administrator or his authorized representative, when assigning a series of address

numbers, shall determine whether to lead with an odd or an even number. Whenever possible, the first address number in a given series shall be even.

Sec. 25-66(6). Address numbers will be assigned to properties on both sides of a public or private way in a stepped, alternating sequence, except in the case of ways having curved alignments. Building locations, property entrances, and mean property frontages which are physically lower than those on the opposite side of the public or private way, relative to the ascending number sequence, will be assigned and addressed numbers of lower numerical value.

Sec. 25-66(7). Lots, parcels or tracts fronting on a curved public or private way shall be numbered as though the way were actually straight so that lots, parcels or tracts directly across from one another shall be assigned address numbers of similar numerical value although the way is not in a perpendicular relationship with the hundred block grid lines.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-67. Same--Ways not extending through to base line.

All buildings and lots, parcels and tracts facing public or private ways not extending through to the base line shall be assigned the same numbers as would be assigned if the way extended to the base line.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-68. Display of numbers; size, material.

The numbers required by this article to be displayed shall be conspicuously placed immediately above, on or within five (5) feet of either side of the front entrance door of each occupancy, or otherwise as approved by the building safety administrator or his authorized representative to prevent undue hardship, so that the numbers can be clearly discerned from the public or private way. Additional display of address shall be allowed. If an occupancy has no entrance through the side of the occupancy fronting on a public or private way, the numbers required by this article shall be displayed in a location on the front side of the occupancy prescribed by the building official or his authorized representative. Whenever any building is situated more than fifty (50) feet from the near right-of-way line of the public or private way on which it fronts, or when the address number would not be visible from the way, the number shall be conspicuously displayed at the near right-of-way line, near the walk or driveway leading to the entrance to such building upon the curb, a gate post, wall, fence, tree, post or other appropriate place or thing so as to be easily discernible from the way. Address numbers displayed shall be not less than three (3) inches in height, shall be made of a durable and clearly visible material and shall provide good contrast against the immediate background.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-69. Plat book required; public inspection; assignment of numbers.

The building safety administrator shall cause to be prepared complete plats of uniform address numbering as required by this article for all property within the city, including property annexed from time to time. Promptly thereafter there shall be assigned to each building and unimproved lot, parcel or tract within the city the respective number or numbers under the uniform system required by this article.

For the purpose of facilitating a correct numbering, a map or plat book of all public and private ways within the city, showing the assigned numbers of all buildings and unimproved properties, shall be kept on file in the office of the building safety administrator and shall be open for public inspection during the office hours of the building safety administrator.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-70. Numbers to be furnished upon application; determination of proper number in case of conflict; appeal.

It shall be the duty of the building safety administrator to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any lot, parcel or tract, as provided in this article. In the case of conflict as to the correct number to be assigned to and displayed by any existing or future building, or as to correct location of display, the building safety administrator or his authorized representative shall determine the number of such building after an informal administrative hearing has been conducted by such official upon adequate notice and opportunity to be heard having been afforded any challenging party who has a legal or equitable interest in the property concerned. Such party may thereafter appeal to the board of appeals established and structured in article II, chapter 6 of this Code in accordance with section 6-17 thereof and the rules and regulations of the board of appeals.

(Ord. No. 6134 § 2, 12-3-84)

Sec. 25-71. Duty to procure and display numbers; violation; withholding of permit or approval.

It shall be a civil infraction for the owner of each building now existing or which shall be erected or shall become located within the city to fail to display the correct number or numbers caused to be assigned by the building safety administrator in accordance with this article. No permit required by any provision of chapter 6 of this Code shall be issued for any building or use of land until the owner has procured from the building safety administrator the designation of the proper number or numbers assigned to the premises concerned. Final approval of any building relocated, erected, repaired, altered or modified within the city shall be withheld by the building safety administrator until the number or numbers assigned to the premises have been displayed pursuant to the provisions of this article.

(Ord. No. 6134, § 2, 12-3-84)

Sec. 25-72. Address numbering code.

This article may be referred to as the Address Numbering Code.

(Ord. No. 6134, § 2, 12-3-84)

Secs. 25-73--25-79. Reserved.

**ARTICLE IV.
UNDERGROUND UTILITY DISTRICTS**

Sec. 25-80. Establishment of districts.

The mayor and council may by ordinance establish underground utility districts according to provisions set forth in this article.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-81. Definitions.

In this article, unless the context otherwise requires:

(1) *Affected utility* means a utility subject to a tariff approved by the commission which provides under certain conditions for the undergrounding of overhead distribution facilities at the utility's expense.

(2) *Commission* means the Arizona Corporation Commission.

(3) *Underground utility districts or districts* means the area in the city within which overhead distribution facilities shall be replaced with underground distribution facilities and in which new overhead distribution facilities are prohibited in public ways within the underground utility district.

(4) *Overhead distribution facilities* means distribution lines of standard existing voltages, poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground appertaining to such distribution lines and used or useful in supplying electric, communication or similar or associated service.

(5) *Utility* means all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-82. Procedure to establish district.

When the mayor and council believe that the public interest so requires, it may set forth by ordinance an area designated as an underground utility district.

After consultation with and approval by any affected utility, one (1) or more public hearings or the proposed district shall be held by the governing body. All persons shall be given an opportunity to be heard. After the hearing is closed, the

decision of the mayor and council shall be final and conclusive.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-83. Notice.

Written notice of public hearings, except those continued to a time certain, shall be given by publication once in the official newspaper of the city, and by giving property owners or those in possession of property any part of which is in the proposed district or whose property is served from the overhead lines in the proposed district, and any utility having overhead distribution facilities in the proposed district mail notice not less than ten (10) days, nor more than sixty (60) days, prior to the hearing date.

The names of such persons shall be obtained from the current assessment rolls of the county assessor and from a list supplied by the affected utilities of all their current customers in the district.

The failure to give written notice by mail to those affected shall not invalidate an ordinance establishing a district provided such failure was not intentional.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-84. Findings required.

After the public hearing is closed, a district will be established only if the governing body shall find:

(1) The establishment of the proposed district is in furtherance of either the development of public recreation areas, or urban redevelopment projects undertaken pursuant to state statute, and is in the general public interest for one (1) or more of the following reasons:

(a) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities;

(b) Any or all of the streets, roads, alleys or rights-of-way in the area are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic;

(c) Any or all of the streets, roads, alleys or rights-of-way adjoin or pass through a civic area or a public recreation area or an area of unusual scenic interest to the general public.

(2) The affected utilities agree that the proposed district is in furtherance of the development of a public recreation area, or an urban redevelopment project undertaken pursuant to state statute, is in the general public interest, is feasible, and the necessary easements to provide underground service may be obtained without cost or condemnation by the affected utility.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-85. Provisions of ordinance.

The ordinance establishing the district shall:

(1) Order the removal of existing overhead communications and electric distribution facilities and the replacement thereof by underground facilities within a specified time.

(2) Order each property owner or one in possession of property within the district served from existing overhead distribution facilities to provide in accordance with the rules and regulations and tariffs of the utility company and applicable rules and regulations of the commission for underground service, all electrical facility changes on his property needed to receive service from the underground facilities of the utility as soon as such are available.

(3) Authorize discontinuance of overhead service by the utilities having overhead distribution facilities in the district.

(4) Authorize that the sums paid by the utility to remove the overhead service and replace same with underground service shall be deducted from the two (2) percent fund set aside by the utility for replacing overhead with underground distribution facilities as a valid expenditure in doing such work.

Prohibit a utility having overhead distribution facilities in the district from erecting after the effective date of the ordinance new overhead distribution facilities in the district, subject to such exceptions as may be applicable.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-86. Exceptions.

(a) The provisions of this article shall not apply to the following type of facilities unless otherwise provided in the ordinance establishing the district:

(1) Overhead facilities installed and maintained for a period not to exceed ten (10) days for emergency services upon notification to the city;

(2) Municipal facilities or equipment installed under the supervision and the satisfaction of the city;

(3) Poles or electroliers used exclusively for street lighting;

(4) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(5) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of twenty-five thousand (25,000) volts;

(6) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public streets;

(7) Antennae, associated equipment and supporting structures, used by a utility or person for furnishing communication services;

(8) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

(9) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects; and

(10) Overhead wires and fixtures form a structure or pole to other structures or poles on the same premises by owners of or persons in possession of the premises.

(b) Extensions of time may be granted for work which cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the person required to do the work.

(Ord. No. 5841, § 1, 8-1-83)

Sec. 25-87. Publicly owned equipment.

All equipment owned by the city, the county or other governmental agency shall be removed and replaced underground by the affected utilities from the overhead transmission facilities by the utilities owning said facilities at the sale cost and expense of said utilities, which cost may be deducted from the two (2) percent fund set aside by the utility for replacing overhead with underground distribution facilities as a valid expenditure in doing such work. Such changes shall be made in accordance with directions of the city, the county or other governmental agency.

(Ord. No. 5841, § 1, 8-1-83)

**ARTICLE V.
TEMPORARY WORK ZONE TRAFFIC MANAGEMENT***

* **Editors Note:** Ord. No. 10140 shall become effective May 15, 2005.

Sec. 25-88. Temporary work zone traffic management program established.

There is hereby established a temporary work zone traffic management program to improve work zone safety and to manage temporary roadway restrictions in order to minimize delays and frustrations for the traveling public. The temporary work zone traffic management program is intended to enhance the planning, application, and oversight of traffic control

management in temporary work areas in roadways, sidewalks, and transit zones.

(Ord. No. 10140, § 2, 4-12-05)

Sec. 25-89. Definitions.

As used in this article, the following terms shall have the meanings indicated below:

(1) *Major holiday* shall mean any holiday enumerated in A.R.S. § 1-301.

(2) *MUTCD* shall mean the Manual on Uniform Traffic Control Devices as amended by the State of Arizona and including additions by the city.

(3) *NCHRP 350 Guidelines* shall mean National Cooperative Highway Research Program Report 350, three (3) copies of which shall be kept on file in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.

(4) *Peak travel time* shall mean 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Monday through Friday, excluding major holidays.

(5) *Transit zone* shall mean those portions of public rights-of-way reserved for stopping and standing of public transit vehicles or for passenger waiting, alighting or boarding of public transit vehicles.

(6) *Active work* shall mean the presence of workers engaged in maintenance of, or construction upon public rights-of-way, and shall include related activities necessary for full completion of the work, such as material drying or curing times when workers may not be physically present. As long as workers engaged in the maintenance of, or construction upon the public rights-of-way are present in the temporary work zone, the term active work shall also include those periods of time when they may be idle due to material, equipment, inspection or similar scheduling requirements.

(Ord. No. 10140, § 2, 4-12-05)

Sec. 25-90. Temporary work zone traffic management.

In addition to the barricading and permitting requirements contained in section 25-24 and elsewhere in this chapter, all temporary work zone barricading within City of Tucson rights-of-way shall substantially comply with the latest edition of MUTCD, as amended by the state and including the additions by the city, and with NCHRP 350 Guidelines. No temporary roadway restrictions shall occur during peak travel times, or on major holidays unless specifically approved by the director of transportation or in case of actual emergency. The director of transportation may allow temporary roadway restrictions in the off-peak direction during peak travel times in the director's sole discretion. Under no circumstances shall roadways, sidewalks, or transit zones be restricted with barricades when no active work is being performed or is to be performed within two (2) hours of the completion of the installation of the barricades, unless an approved detour is in place.

(Ord. No. 10140, § 2, 4-12-05)

Sec. 25-91. Fee schedule.

(a) A permit fee of seventy-five dollars (\$75.00) for every thirty (30) days of estimated project completion time shall be collected for each barricading permit. The city may request a permit holder to report the project's completion status every thirty (30) days. Projects with an estimated completion time beyond a multiple of thirty (30) days shall be rounded to the next highest multiple of thirty (30) days for permitting purposes.

(b) In cases where a traffic control plan is required by the MUTCD, a traffic control plan review fee of fifty dollars (\$50.00) shall be collected in addition to the permit fee provided in subsection (a) above.

(c) Public utilities may apply for and receive an annual permit for short-term multiple location work for a one time annual payment of twelve thousand dollars (\$12,000.00) per year.

(d) Permit fees and review plan fees provided for in subsections (a) and (b) above shall be doubled if the request for permit is submitted less than seventy-two (72) hours in advance of the proposed commencement of the work.

(Ord. No. 10140, § 2, 4-12-05)

Sec. 25-92. Violations and civil sanctions.

The following schedule of civil sanctions shall be imposed for each of the following violations of this chapter:

(1) Presenting an imminent risk of death or injury to the public within public right-of-way, one thousand five hundred dollars (\$1,500.00).

(2) Restricting roadway without proper certification or without a barricading permit for more than thirty (30) minutes, one thousand dollars (\$1,000.00).

(3) Restricting traffic during peak hours without permission from the director of transportation, one thousand dollars (\$1,000.00).

(4) Failing to correct or cure violations within the time period stated in a warning notice, one thousand dollars (\$1,000.00).

(5) Restricting traffic at signalized intersections without active work occurring within thirty (30) minutes of the restriction, one thousand dollars (\$1,000.00).

(6) Violating restriction limits or times and/or locations as contained in the barricading temporary use permit, five hundred dollars (\$500.00).

(7) Leaving advance warning signs facing traffic more than forty-five (45) minutes after the restriction has been removed, two hundred fifty dollars (\$250.00).

(8) Leaving traffic control devices in the right-of-way for twenty-four (24) hours after temporary barricading permit expires, two hundred fifty dollars (\$250.00).

(9) Failure to comply with the use of MUTCD and/or NCHRP 350 compliance devices, two hundred fifty dollars (\$250.00).

The civil sanctions provided above shall be tripled in the event that a valid permit has not been obtained for the work that constitutes the infraction.

(Ord. No. 10140, § 2, 4-12-05)