ADOPTED BY THE
MAYOR AND COUNCIL

July 8, 2008

ORDINANCE NO. 10562

RELATING TO REAL PROPERTY; AMENDING THE TUCSON CODE CHAPTER 7 BY ADDING A NEW ARTICLE XXIV (NEW SECTIONS 7-501 THROUGH 7-504) REQUIRING COMMERCIAL REAL PROPERTY LESSORS TO DISCLOSE TO THE LESSEE A STATEMENT ADVISING THE LESSEE TO CONTACT THE DEVELOPMENT SERVICES DEPARTMENT PRIOR TO EXECUTION OF A LEASE AGREEMENT; AND SETTING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code Chapter 7 is hereby amended by adding a new Article XXIV (New Sections 7-501 through 7-504) to read as follows:

ARTICLE XXIV. LESSORS OF COMMERCIAL REAL PROPERTY DISCLOSURE REQUIREMENTS

Sec. 7-501. Definitions.

As used in this article, the term "non-residential commercial real property" shall mean any real property zoned for or intended to be used primarily for commercial activities.

Sec. 7-502. Disclosure required.

(a) It is unlawful for any person to enter as lessor into a lease of non-residential commercial real property to which the article applies without making the disclosures required by this section.

(b) Any lessor under a lease to which this article applies must make the following disclosure to the prospective lessee prior to the execution of the

lease agreement. A statement advising the prospective lessee to contact the City's Development Services Department (DSD) prior to the execution of the lease agreement to determine whether the property may be occupied for lessee's intended use.

(c) Acknowlegement of the disclosure statement must be signed by the lessor or lessor's agent and the lessee and retained by the lessor or lessor's agent for the duration of the lease.

Sec. 7-503. Exemptions.

The requirements of this article shall not apply to the following:

(1) A lease of residential real property.

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

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

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

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

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

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. If any provisions of this ordinance, or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this ordinance are severable.

SECTION 4. This ordinance shall become effective on October 15, 2008.

SECTION 5. Whereas, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, July 8, 2008.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

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