

TUCSON, ARIZONA
Supp. No. 105 – 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 December 31, 2014. 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. 105” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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Supp. No. 105 – Instruction Sheet

TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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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.

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arrest, who escapes, or attempts to escape, while in the custody of the chief of police, shall be guilty of a misdemeanor.

(1953 Code, ch. 1, § 12; Ord. No. 2478, §§ 1, 2, 7-1-63)

State law reference – Assisting escape prohibited, A.R.S. § 13-2510.

Sec. 1-16. Treatment of prisoners.

All prisoners confined in the city jail or county jail shall be treated with the utmost kindness compatible with the enforcement of the rules and regulations necessary to compel discipline and obedience to the officer in charge.

(1953 Code, ch. 1, § 13)

State law reference – Abuse of prisoner prohibited, A.R.S. § 31-127.

Sec. 1-17. Duty of chief of police to assure security of prisoners.

The chief of police shall procure and use such means as he shall deem necessary for the security of all prisoners under his charge.

(1953 Code, ch. 1, § 14)

Sec. 1-18. Chief of police to prescribe additional prisoner regulations.

The chief of police shall prescribe such further rules and regulations as shall be necessary for carrying into effect the provisions of sections 1-9 through 1-17.

(1953 Code, ch. 1, § 15)

Cross reference – Filing regulations, § 2-9.

Sec. 1-19. Wards described.

Pursuant to section 8 of chapter XVI of the Tucson Charter, the six (6) wards of the city are redistricted. Each ward shall consist of all that part within the corporate limits of the city lying within the voting precincts established by the county board of supervisors and effective on November 19, 2013, as set forth below. The city clerk shall prepare a map entitled “City of Tucson Ward Map” depicting the ward boundaries and the precincts therein, three (3) copies of which map shall be kept on file in the office of the city clerk.

Sec. 1-19(1). Ward No. 1:

Precinct numbers 016, 017, 018, 020, 022, 025, 026, 028, 033, 037, 052, 059, 097, 143, 144, 153 (split with Ward 3), 157, 190, 245, 247, 248.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Sec. 1-19(2). Ward No. 2:

Precinct numbers 009, 061, 069, 099, 106, 107, 116, 117, 118, 119, 120, 121, 126, 128, 129, 130, 131, 174, 178, 180, 181, 183, 192, 199, 214, 243.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Sec. 1-19(3). Ward No. 3:

Precinct numbers 032, 034, 036, 038, 042 (split with Ward 6), 043, 055, 056, 057, 058, 067, 068, 072 (split with Ward 6), 085, 087, 089, 092, 153 (split with Ward 1), 154, 164, 166, 167, 170, 186, 210, 225, 230.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Sec. 1-19(4). Ward No. 4:

Precinct numbers 011, 039, 049, 090, 095, 105, 109, 113 (split with Ward 6), 114, 122, 123, 124, 132, 133, 156, 176, 177, 182, 195, 197, 198, 217, 218, 221, 224.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Sec. 1-19(5). Ward No. 5:

Precinct numbers 019, 047, 048, 050, 051, 053, 054, 064, 066, 082 (split with Ward 6), 086, 098 (split with Ward 6), 155, 159, 160, 196, 231, 232, 244, 246.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Sec. 1-19(6). Ward No. 6:

Precinct numbers 042 (split with Ward 3), 044, 045, 062, 063, 072 (split with Ward 3), 073, 075, 078, 080, 082 (split with Ward 5), 091, 093, 094, 096, 098 (split with Ward 5), 100, 103, 108, 111, 113 (split with Ward 4), 189.

(Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7056, § 1, 10-3-88; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

(Ord. No. 2712, § 2, 12-12-64; Ord. No. 3200, § 1, 12-20-68; Ord. No. 4042, § 1, 6-25-73; Ord. No. 4579, § 1, 10-4-76; Ord. No. 5011, § 1, 8-6-79; Ord. No. 5312, § 1, 2-17-81; Ord. No. 5635, § 1, 9-7-82; Ord. No. 6103, § 1, 10-22-84; Ord. No. 7397, § 1, 4-16-90; Ord. No. 7875, § 1, 8-3-92; Ord. No. 7940, § 1, 12-14-92; Ord. No. 9785, § 1, 10-21-02; Ord. No. 11033, § 1, 11-20-12; Ord. No. 11209, § 1, 11-5-14)

Charter reference – City to be divided into wards, ch. XVI, § 8.

Cross reference – Elections generally, ch. 12.

Sec. 1-20. Additions to wards upon annexation.

Upon annexation of new areas to the city, the annexed area shall, unless otherwise specified, be added to the ward formed by the projection of the following boundary lines:

Sec. 1-20(1). Ward No. 1.

Projection of Silverbell Road to the north and Tucson Nogales Highway to the south.

Sec. 1-20(2). Ward No. 2.

Projection of Country Club Road to the north and 22nd Street to the east.

Sec. 1-20(3). Ward No. 3.

Projection of Silverbell Road to the north and Country Club Road to the north.

Sec. 1-20(4). Ward No. 4.

Projection of Wilmot Road to the south and 22nd Street to the east.

Sec. 1-20(5). Ward No. 5.

Projection of Tucson Nogales Highway to the south and Wilmot Road to the south.

Sec. 1-20(6). Ward No. 6.

No projection.

(Ord. No. 2712, § 2, 12-21-64; Ord. No. 3200, § 1, 12-20-68; Ord. No. 4042, § 2, 6-25-78; Ord. No. 4579, § 2, 10-4-76; Ord. No. 7940, § 2, 12-14-92; Ord. No. 9785, § 2, 10-21-02; Ord. No. 11033, § 2, 11-20-12)

Cross reference – Elections generally, ch. 12.

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

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Article VIII. Special Duty Police Services Program

- Sec. 2-130. Definitions.
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- Secs. 2-132 – 2-139. Reserved.

ADMINISTRATION

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

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

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Secs. 2-31 – 2-44. Reserved.

Editor’s note – Ord. No. 3119, § 1, enacted Apr. 22, 1968, repealed §§ 2-31 and 2-32, pertaining to the reading and passage of ordinances and resolutions, and derived from the 1953 Code, ch. 2, §§ 6, 7; Ord. No. 2317, §§ 1, 2, enacted July 2, 1962; and Ord. No. 2321, § 2, enacted July 16, 1962.

ARTICLE III. PUBLIC COMMUNICATION, COMMUNITY ENGAGEMENT, AND INTEGRATED PLANNING*

Sec. 2-45. Policy.

It is the policy of the city to preserve, protect and promote effective community building through open internal and external communication, active community participation, and integrated planning to achieve successful delivery of projects and services that enhance the city’s social, economic, natural, and built environments.
(Ord. No. 11228, § 1, 12-9-14)

Sec. 2-46. Implementation and administration of Plan Tucson.

- (a) The city manager is responsible for implementation and administration of Plan Tucson.
- (b) The city manager’s office will implement and sustain:
 - (1) Viable methods of regular communication between and among the various segments of city government, including staff and elected officials, and the city’s residents, neighborhoods, businesses and community organizations.
 - (2) An inclusive environment in which residents are provided an opportunity for meaningful participation throughout city planning and decision-making processes.

***Editor’s note** – Ord. No. 7973, § 1, adopted January 25, 1993, repealed article III, pertaining to purchases. Questions referring to purchases may now be found in chapter 28, Tucson Procurement Code. Current article III added by Ord. No. 11228, § 1, adopted December 9, 2014.

- (3) An approach to planning that reflects the integrated nature of community systems and recognizes the range of stakeholders in the pursuit of successful project and service delivery.
(Ord. No. 11228, § 1, 12-9-14)

Sec. 2-47. Designated planning agency.

The city manager shall designate the planning agency in accordance with A.R.S Title 9, Chapter 4, Article 6.
(Ord. No. 11228, § 1, 12-9-14)

Secs. 2-48 – 2-80. Reserved.

ARTICLE IV. RESERVED†

Secs. 2-81 – 2-87. Reserved.

ARTICLE V. BONDS OF OFFICERS AND EMPLOYEES‡

Sec. 2-88. Required; amounts.

Indemnity bonds covering dishonesty and assuring faithful performance of duty shall be obtained on the officers, clerks, deputies and employees of the city, and in the amounts as follows:

- (1) Director of finance, one hundred thousand dollars (\$100,000.00).
- (2) Public employees faithful performance blanket position bond to cover all other city officers and employees in the amount of ten thousand dollars (\$10,000.00) each, with additional excess coverage on positions or departments as shall from time to time be required and ordered by the city manager.
(1953 Code, ch. 2, § 57)

†**Editor’s note** – Ord. No. 7973, section 1, adopted January 25, 1993, repealed article IV, pertaining to city improvements in its entirety.

‡**Charter reference** – Authority to require official bond, ch. XIV.

Sec. 2-89. Bonding of new employees.

The city manager shall recommend to the mayor and council, from time to time, in writing, the names of any recently employed officers, clerks, deputies or employees of the city whose duties require or result in the handling of moneys, funds, securities, property or material, or who, for any other reason, the manager deems should be bonded for the best interest of the city. The city manager shall also advise the purchasing agent of the names of such recently employed officers, clerks, deputies or employees who shall see that such recently employed officers, clerks, deputies or employees are forthwith bonded in compliance with this article. (1953 Code, ch. 2, § 58)

Sec. 2-90. Conditions, signing, approval.

All bonds required by this article shall be payable to the city. The condition shall be that the principal or principals, will well, truly and faithfully perform all official duties then required, or which may thereafter be imposed on him or them by any law of the state, or the Charter, ordinances, resolutions and regulations of the city. The bonds, except for the positions covered by the blanket position bond, shall be signed by the officers and employees listed in section 2-88, as principal and by a surety company qualified under the laws of the state. All such bonds, including the blanket position bond, shall be approved by the mayor and council, after approval as to form by the city attorney. (1953 Code, ch. 2, § 59)

Sec. 2-91. City to pay premiums.

All premiums for bonds required by this article shall be paid by the city. (1953 Code, ch. 2, § 60)

Secs. 2-92 – 2-100. Reserved.

ARTICLE VI. CITY CLERK RECORDS MANAGEMENT*

***Editor’s note** – Ord. No. 10615, § 1, adopted Dec. 16, 2008, repealed the former Art. VI, §§ 2-101 – 2-108, and § 2 of said ordinance enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 3033, § 1, adopted August 14, 1967.

Sec. 2-101. Preservation of records in compliance with state law.

The city clerk shall preserve and maintain the city’s public records through a program that complies with relevant state law, including but not necessarily limited to Arizona Revised Statutes Title 41, Chapter 8, Article 3. (Ord. No. 10615, § 2, 12-16-08)

Sec. 2-102. Reproductions from public records; certified copies.

Reproductions made from public records preserved and maintained as required in section 2-101 of this Code are deemed originals, and the city clerk may make certified true copies from them. (Ord. No. 10615, § 2, 12-16-08)

Sec. 2-103. Preservation of essential records.

To preserve essential records against disaster, the city clerk shall duplicate ordinances, resolutions, and minutes of mayor and council meetings, and shall store the duplicates in such manner and place as to reasonably assure their preservation indefinitely against loss, theft, defacement, deterioration or destruction. (Ord. No. 10615, § 2, 12-16-08)

Secs. 2-104 – 2-119. Reserved.

ARTICLE VII. RESERVE POLICE OFFICER PROGRAM

Sec. 2-120. Appointment of reserve police officers.

The chief of police is hereby authorized to establish a reserve police officer program within the structure of the police department. The chief of police is further authorized to appoint as a reserve police officer any person twenty-one (21) years of age or over. Such officers shall serve under such rules and regulations and conditions as are promulgated by the chief of police. (Ord. No. 4454, § 1, 3-1-76)

Sec. 2-121. Purpose and functions of reserve police officers.

The purpose of appointment of reserve police officers is to preserve the public peace and promote the general welfare of the city by giving authority to certain persons to enforce city ordinances, state statutes and federal laws, as well as perform other duties as may from time to time be assigned by the chief of police.

(Ord. No. 4454, § 1, 3-1-76)

Sec. 2-122. Status of reserve police officers; compensation.

(a) Reserve police officers, only while on duty in such capacity under the supervision of the chief of police or his designates, shall have police powers equivalent to those of regular police officers, subject to such limitations as the chief of police may direct. Reserve police officers shall not be subject to or acquire any rights under the civil service rules of the city or public safety personnel retirement system of the state.

(b) Reserve police officers shall receive no salary from the city or the police department.

(Ord. No. 4454, § 1, 3-1-76)

Cross reference – Civil service generally, ch. 10.

Sec. 2-123. Qualifications for appointment; applications.

The chief of police shall determine the qualifications necessary for appointment as a reserve police officer, and shall approve all applications prior to appointment.

(Ord. No. 4454, § 1, 3-1-76)

Sec. 2-124. Oath of office.

Every person appointed by the chief of police as a reserve police officer shall be sworn to faithful performance of his required duties as established by the chief of police.

(Ord. No. 4454, § 1, 3-1-76)

Sec. 2-125. Preassignment training.

The chief of police shall conduct a period of preassignment training for reserve police officers

sufficient to enable such officers to properly and adequately perform their required duties. The chief of police may also require such additional continuing training as he may find necessary.

(Ord. No. 4454, § 1, 3-1-76)

Sec. 2-126. Dismissal.

The chief of police shall have the authority to dismiss reserve police officers when he finds such dismissal to be in the best interests of the city, or when such officer fails to maintain active reserve police officer status.

(Ord. No. 4454, § 1, 3-1-76)

Sec. 2-127. Relation to other police officers.

The provisions of this article shall not be construed as altering, limiting or expanding the powers, duties and authority of either regular police officers or special police officers of the city.

(Ord. No. 4454, § 1, 3-1-76)

Secs. 2-128, 2-129. Reserved.**ARTICLE VIII. SPECIAL DUTY POLICE SERVICES PROGRAM****Sec. 2-130. Definitions.**

In this chapter unless the context otherwise requires:

Chief or police chief means the chief of police of the Tucson Police Department, or the police chief's authorized designee(s).

Officer means a police officer, police detective, police sergeant, or police lieutenant employed by the City of Tucson, and a volunteer reserve police officer appointed pursuant to Tucson Code section 2-120.

Special duty police services means law enforcement or related activities voluntarily performed at the option of Tucson police department officers to employers other than the City of Tucson. Such services may be provided only outside of an officer's regular duty hours.

(Ord. No. 9118, § 1, 11-16-98)

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

(a) Notwithstanding any other provision of this Code, the police chief is authorized to prepare, enter into, implement and administer special duty police services agreements with such non-city employers as may be deemed appropriate when employing special duty police services.

(b) The police chief is authorized to use city resources to accomplish billing, accounting, collection, and payment to officers participating in the special duty police services program.

(c) The police chief is authorized to establish a minimum rate of pay for police officers providing special duty police services, and to recover all or part of the administrative costs associated with administering the special duty police services program.

(d) The police chief is authorized to permit the use of city vehicles and other specialized equipment for special duty police services provided that such use does not conflict with the needs of regular duty police services and provided that the use meets the criteria established by police department for use of city vehicles.

(Ord. No. 9118, § 1, 11-16-98)

Secs. 2-132 – 2-139. Reserved.

ARTICLE IX. DISPOSITION OF PROPERTY, MONEY, AND FIREARMS BY THE POLICE DEPARTMENT

Sec. 2-140. Disposition of property obtained by the police department.

(a) Property received and taken into the custody of the police department’s property and evidence unit, excluding property held as evidence or contraband,

shall be retained for a minimum of thirty (30) calendar days from the date of receipt in an attempt to identify the owner of such property and notify the owner that such property is in the custody of the police department. The notice shall advise the owner that the property must be claimed by a specified date, which shall be no sooner than thirty (30) calendar days after the date of mailing. The notification to the owner shall be by regular mail to the last known address, as listed by either the Motor Vehicle Division of the Arizona Department of Transportation or police department records.

(b) Property with an estimated market value of over one hundred fifty dollars (\$150.00) that is uniquely identifiable by means of serial numbers or markings, for which the name and the address of the owner are not known, shall have a notice of disposition posted in a publication of general circulation by the police department. Claimants shall have thirty (30) calendar days to respond to this notice with proof of ownership.

(c) In the event a response is not received from the owner, or if the owner disclaims interest in or ownership of the property, or if the property has an estimated market value of under one hundred fifty dollars (\$150.00) and the owner is unknown, the property shall be offered to the finder who delivered the property to the police department. The finder shall be notified by regular mail at the address provided by the finder. It shall be the responsibility of the owner or finder of the property to notify the police department of any address changes associated with the return of property.

(d) If there is no finder and no one has come forward with a claim after thirty (30) calendar days, or if the finder fails to respond to the notification within thirty (30) calendar days from the date the notification is mailed, the property shall be considered forfeited and shall be disposed of as provided by Subsection (f).

(e) The police department shall maintain appropriate property invoice records concerning all property received. The police department shall list all items of property indicating descriptive nomenclature, make or manufacturer, and serial number. In the absence of identifying criteria, an adequate description of the property shall suffice.

(f) Property with an estimated value of twenty-five dollars (\$25.00) or less shall be donated to a local charitable organization or disposed of. Property with a value of more than twenty-five dollars (\$25.00) shall be delivered to the director of procurement for disposition in accordance with Tucson Code sections 28-70 and 28-71. The chief of police shall issue regulations implementing the disposition of property required by this article. Such regulation shall include the method of value appraisal, choice of charitable organizations, maintenance of property invoice records, and any other regulation that insures the integrity of property in the custody of the police department. Property delivered to the director of procurement shall be accompanied by a list of the items transferred, to include the corresponding invoice record number as indicated in subsection (e).

(Ord. No. 10146, § 1, 4-19-05; Ord. No. 10934, § 1, 10-12-11)

Sec. 2-141. Disposition of unclaimed money by the police department.

(a) Following the completion of notification as specified in section 2-140, any money or currency remaining in the custody of the police department, except rare coins or currency of numismatic value covered in subsection (b) or otherwise needed for evidentiary purposes, shall be deposited with the city finance director. The deposit of such monies or currency with the city finance director shall pass the title of the monies or currency to the city.

(b) Disposition of rare coins or currency of numismatic value shall be in accordance with section 2-140.

(Ord. No. 10146, § 1, 4-19-05)

Sec. 2-142. Disposition of unclaimed and forfeited firearms by the police department.

(a) Unless needed as evidence, and except as provided in subsection (b) of this section, after either forfeiture in accordance with section 2-140, forfeiture to the police department pursuant to a court order, or a determination that a firearm is contraband, the police department shall dispose of such firearm by destroying the firearm.

(b) The police department may also dispose of any firearm after forfeiture by any of the following means:

- (1) Use any firearm for the police department's own purposes.
- (2) Lend or transfer any firearm to any local, state, or federal law enforcement agency, with expenses for keeping and transferring the firearm to be paid by the recipient.
- (3) Lend or transfer any firearm to a museum as part of its collection or to an educational institution for educational purposes.

(c) For purposes of this section, "firearm" means any pistol, revolver, rifle, shotgun, or other weapon which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, including weapons in a permanently inoperable condition.

(Ord. No. 10146, § 1, 4-19-05)

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Chapter 3

SIGN CODE*

Art. I.	Introductory Provisions, §§ 3-1 – 3-10
Art. II.	Definitions, §§ 3-11 – 3-15
Art. III.	Permits, Fees and Inspections, §§ 3-16 – 3-30
Art. IV.	General Requirements, §§ 3-31 – 3-50
Art. V.	Sign Types and General Regulations, §§ 3-51 – 3-71
Art. VI.	Signs by District, §§ 3-72 – 3-90
	Div. 1. Residential, §§ 3-73 – 3-75
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Art. VII.	Sign Maintenance, §§ 3-91 – 3-95
Art. VIII.	Nonconforming Signs and Change of Use, §§ 3-96 – 3-100
Art. IX.	Violations; Enforcement; Penalties, §§ 3-101 – 3-115
Art. X.	Indemnification, §§ 3-116 – 3-120
Art. XI.	Sign Code Advisory and Appeals Board, §§ 3-121 – 3-140
Art. XII.	Citizen Sign Code Committee, §§ 3-141 – 3-148

Article I. Introductory Provisions

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

Article II. Definitions

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

***Editor's note** – Ord. No. 10481, § 1, adopted Nov. 27, 2007, effective Jan. 14, 2008, repealed the former Ch. 3, Arts. I – XV, §§ 3-1 – 3-10, 3-14, 3-15, 3-19 – 3-27, 3-31 – 3-43, 3-47 – 3-69, 3-73, 3-77 – 3-80, 3-84 – 3-86, 3-90, 3-91, 3-95, 3-99 – 3-105, 3-109, 3-110, 3-114 – 3-125, 3-130 – 3-136. Section 2 of said ordinance enacted a new Ch. 3 as set out herein. The former Ch. 3 pertained to advertising and outdoor signs and derived from Ord. No. 6737, § 2, adopted July 6, 1987; Ord. No. 6867, § 1, adopted Feb. 22, 1988; Ord. No. 7277, § 1, adopted Sept. 11, 1989; Ord. No. 7455, §§ 1 – 8, adopted August 6, 1990; Ord. No. 7768, §§ 1 – 26, adopted April 6, 1992; Ord. No. 8281, § 1, adopted June 6, 1994; Ord. No. 8634, § 1, adopted Jan. 8, 1996; Ord. No. 8635, § 1, adopted Jan. 8, 1996; Ord. No. 8986, § 1, adopted Nov. 10, 1997; Ord. No. 8983, §§ 1 – 3, adopted Nov. 10, 1997; Ord. No. 9123, §§ 1, 2, adopted Sept. 14, 1998; Ord. No. 9128, §§ 1 – 5, adopted Sept. 14, 1998; Ord. No. 9470, §§ 1, 2, adopted Oct. 9, 2000; Ord. No. 9537, §§ 1 – 12, adopted May 14, 2001; Ord. No. 9782, § 1, adopted Oct. 14, 2002; Ord. No. 9805, § 1, adopted Jan. 13, 2003; Ord. No. 9808, § 1, adopted Jan. 13, 2003; Ord. No. 9859, §§ 1, 2, adopted June 23, 2003; Ord. No. 10173, § 1, adopted June 28, 2005; Ord. No. 10376, § 1, adopted Feb. 21, 2007.

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

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

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Article III. Permits, Fees and Inspections

- Sec. 3-16. Permits required.
- Sec. 3-17. Permission of property owner.
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- Sec. 3-65. Portable (A-frame) signs.
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- Sec. 3-68. Temporary signs.
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- Sec. 3-70. Wall signs.
- Sec. 3-71. Historic landmark signs (HLS).

potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or

- (2) That an animal's well-being is threatened by a dangerous condition or circumstance;

and if he has reason to believe either:

- a. That the distress of the animal or the dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or
- b. That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.

- (3) That an animal is vicious or destructive and may be a danger to the safety of any person or other animal.

(b) An animal is deemed to be in distress if it is on a tie-out.
(Ord. No. 6043, § 5, 6-25-84; Ord. No. 8996, § 4, 12-8-97)

Sec. 4-11. Procedure to remove and forfeit animals; notice; order to show cause hearing; disclosure; appeal.

(a) The following procedures shall be followed by the city enforcement agent or a peace officer when any animal is removed or impounded pursuant to sections 4-7 and 4-10:

- (1) If the owner is known, and unless the owner signs a statement permanently relinquishing ownership of the animal to the city enforcement agent, the owner shall be provided with a written notice containing, at a minimum, the following information:
 - a. Within ten (10) days of the owner's receipt of the notice, the city intends to file a written request with the magistrate

or special magistrate for a hearing to determine if the animal was in distress or danger or is vicious, destructive or dangerous, and to determine the appropriate remedy, including possible forfeiture.

- b. The owner's right to present witnesses and be represented by an attorney at the hearing.
- c. The following statement, printed in bold twelve (12) point type or larger capital letters:

YOUR ANIMAL MAY BE HUMANELY DESTROYED IF IT IS FORFEITED TO THE CITY ENFORCEMENT AGENT.

- d. The bond amount required pursuant to section 4-11(h), along with a statement that if the bond is not posted within ten (10) days of receipt of the notice, the animal shall be deemed forfeited to the city enforcement agent to be placed by adoption in a suitable home or humanely destroyed.
- e. The owner's right to receive disclosure of witnesses and evidence and the owner's obligation to disclose witnesses and evidence as provided in section 4-11(a)(4) and (5).

- (2) If the owner's whereabouts cannot be determined, the notice shall be mailed to the owner at the owner's last-known address by registered or certified mail, return receipt requested.
- (3) If the city files a written request for a hearing before the magistrate or special magistrate the hearing shall be set for a date not less than fifteen (15) nor more than twenty (20) working days after the request has been filed with Tucson City Court. The request for hearing shall contain either a written description of the legal basis for the hearing or citation to the specific code section and subsection that provides the legal basis for the hearing.

(4) As required disclosure to the other party, each party shall:

- a. provide the name of any victim and the names, addresses and telephone numbers of any other witnesses the party plans to call at the hearing with a fair description of the substance of each witness' expected testimony, and
- b. make available for examination and reproduction any exhibits and written or recorded statements of any witness which have been prepared and may be offered at the hearing.

(5) The disclosure required by paragraph (4) above shall be made by the city not later than ten (10) days prior to the hearing and by the animal owner not later than five (5) days prior to the hearing. If a party fails to make disclosure as required by this section, the other party shall have the right, if requested, to a recess or continuance to permit examination of the evidence. At the court's discretion, undisclosed evidence or witnesses may be excluded from the hearing.

(b) If the owner fails to appear at the hearing, the magistrate or special magistrate shall order the animal forfeited to the city enforcement agent to be placed by adoption in a suitable home or humanely destroyed.

(c) At the hearing, the magistrate or special magistrate shall order the animal to be forfeited to the city enforcement agent to be placed by adoption in a suitable home or humanely destroyed if the magistrate or special magistrate finds from a preponderance of the evidence either:

- (1) That an animal was in distress caused by mistreatment, tie-out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or

(2) That the well-being of the animal was threatened by a dangerous condition or circumstance; and either:

(3) That the distress of the animal or dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or

(4) That it is likely the animal would be in distress from any cause, or its well being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.

(d) An animal is deemed to be in distress if it is on a tie-out.

(e) The hearing shall be conducted pursuant to the City of Tucson Local Rules of Practice and Procedure in City Court Civil Proceedings, except that the more specific requirements of this section shall apply in the case of conflicting provisions.

(f) At the hearing, if the magistrate or special magistrate finds by clear and convincing evidence that an animal is dangerous or vicious or destructive, or is a danger to the safety of any person or other animal, then the magistrate or special magistrate shall order the owner to do one (1) or more of the following:

(1) That the animal shall be spayed or neutered by a licensed veterinarian at the owner's expense and that the owner of the animal shall comply with the provisions of sections 4-13(e), (f) and (g); or

(2) That the animal be banished from the city limits after first being spayed or neutered, microchipped and tattooed by a licensed veterinarian at the owner's expense; the animal may be forfeited to the city enforcement agent or the owner shall provide a certificate of spaying or neutering, microchipping and tattooing from a licensed veterinarian to the city enforcement agent within the time given by the court to ensure the humane destruction of the animal or the spaying or neutering, microchipping and tattooing of the animal before banishment; or

(3) That the animal be humanely destroyed.

(g) Use of the civil procedures and remedies provided for in this chapter shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The civil procedures and remedies provided for in this chapter are remedial and not punitive, and are not precluded by an acquittal or conviction in a criminal proceeding. This section shall not be construed as precluding the destruction of any animal if destruction is otherwise authorized by law, nor shall anything in this section be construed as precluding the spaying or neutering of any animal. If any provision of this section is in conflict with any other provisions of this Code, the provisions of this section shall be controlling.

(h) If an animal is impounded pursuant to this section, the owner must post twenty (20) days of impoundment fees in advance as a bond to defray some of the costs of boarding, impoundment and any veterinary care needed. This sum shall be listed as the bond amount on the notice provided to the owner pursuant to section 4-11(a)(1)(d). If the bond is not posted within ten (10) days of receipt of the notice, the animal shall be deemed forfeited to the city enforcement agent to be placed by adoption in a suitable home or humanely destroyed.

(i) A defendant in a criminal proceeding who testifies at a hearing held pursuant to this section does not, by so testifying, waive the right to remain silent during a trial in the criminal proceeding; and if a defendant in a criminal proceeding does testify at the hearing, neither this fact nor the defendant's testimony at the hearing shall be mentioned at the trial in the criminal proceeding unless the defendant testifies at the trial in the criminal proceeding concerning the same matters.

(j) After a hearing conducted under this section, the magistrate or special limited magistrate shall issue an order that includes written findings of fact and conclusions of law.

(k) Appeal by either party of the decision of the magistrate or special magistrate shall be by way of special action to the superior court on the record of the hearing. If either party claims the record to be incomplete or lost, and the magistrate or special magistrate who conducted the hearing so certifies, a

new hearing shall be conducted before that magistrate or special magistrate. The owner must post a bond equivalent to sixty (60) days of impoundment costs in order to perfect the owner's appeal. Notice of the amount due shall be given to the owner by the magistrate or special magistrate at the time of the order to show cause hearing if forfeiture is ordered. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than ten (10) days after the decision.

(l) Unless good cause is shown, the owner shall be liable for all veterinary, impound and board fees resulting from the animal's impoundment until a final decision by the magistrate or special magistrate including the pendency of an appeal. The owner shall not be responsible for any fees if the owner prevails at the hearing or ultimately on appeal. (Ord. No. 6044, § 1, 6-25-84; Ord. No. 6197, § 1, 3-11-85; Ord. No. 8996, § 5, 12-8-97; Ord. No. 9804, § 1, 1-13-03; Ord. No. 10206, § 2, 10-4-05)

Sec. 4-12. Disposition of animals.

(a) Any animal forfeited, abandoned, ownerless or unclaimed, and any other animals to be permanently disposed of by the city enforcement agent, shall be disposed of by one of the following methods:

- (1) Placed by adoption in a suitable home; or
- (2) Humanely destroyed; or
- (3) Transferred to a duly incorporated humane society or other nonprofit corporate animal-welfare organization devoted to the welfare, protection and humane treatment of animals. Transferred animals shall be placed by adoption in a suitable home after first being sterilized; humanely destroyed; or released as part of a community cat program.

(b) As a condition of any transfer of animals under subsection (a)(3), the city enforcement agent shall verify that any organization that receives animals is organized for the pursuit of animal welfare activities, is actively engaged in those activities, does not breed animals nor release unsterilized animals, releases animals only through community cat programs or through adoption into suitable homes after first being sterilized, and complies with the sterilization,

placement, and all other applicable provisions of this chapter and other applicable laws. Such verification shall include announced and unannounced inspections of the organization’s facilities and records. The city enforcement agent may repossess any animals and their offspring from any organization that is not in compliance with these conditions, and shall repossess these animals if the organization is not in compliance with the mandates set forth in subsection (a)(3), or if the organization or its personnel violate any animal cruelty law. Any organization wishing to receive animals must agree in writing to the terms of this section.

(c) For the purposes of this section, a “community cat program” means a program in which healthy, free-roaming cats are humanely trapped or otherwise humanely captured, sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they were found.

(d) If a city enforcement agent disposes of animals by transfer of the animals pursuant to subsection (a)(3) of this section, and pursuant to written agreement with the city charges the costs associated with that disposition to the city, the city enforcement agent may dispose of animals in that manner and charge the costs to the city only to the extent that the city has previously approved the appropriation of funds for that specific purpose. In the absence of prior city approval to appropriate funds for this purpose, a city enforcement agent may dispose of animals by transfer pursuant to subsection (a)(3) of this section at its own cost.

(Ord. No. 6320, § 1, 10-25-85; Ord. No. 8996, § 6, 12-8-97; Ord. No. 11204, § 1, 10-9-14)

Sec. 4-13. Dangerous animals.

(a) *Definition.* A dangerous animal is one that:

- (1) Has been declared to be vicious or destructive pursuant to section 4-7 or 4-11; or
- (2) Displays or has a tendency, disposition or propensity, as determined by the city enforcement agent, to:
 - a. Injure, bite, attack, chase or charge, or attempt to injure, bite, attack, chase or charge a person or domestic animal in a threatening manner; or

b. Bare its teeth or approach a person or domestic animal in a threatening manner.

(b) *Exception.* A dangerous animal does not include an animal used in law enforcement, nor does this section apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians or wild animals under section 4-25.

(c) *Declaring an animal dangerous; notice.*

(1) The city enforcement agent shall develop guidelines to determine if an animal is dangerous under section 4-13(a)(2).

(2) Whenever the city enforcement agent has reason to believe an animal is dangerous, an evaluation of the animal shall be conducted.

(3) If the city enforcement agent declares that an animal is dangerous, the owner, if known, shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous and the order of compliance shall remain in effect until a hearing officer or judge determines otherwise. If the owner is known, the owner shall be provided with a written notice containing, at a minimum, the following information:

a. The owner's right to file, within ten (10) days of receipt of the notice, a written request with the city enforcement agent for a hearing in accordance with section 4-13(d).

b. The owner's right to present witnesses and be represented by an attorney at the hearing.

c. The following statement, printed in bold twelve (12) point type or larger capital letters:

YOUR ANIMAL WILL BE HUMANELY DESTROYED IF IT IS FORFEITED OR VOLUNTARILY RELINQUISHED TO THE CITY ENFORCEMENT AGENT.

- d. The owner's right to receive disclosure of witnesses and evidence and the owner's obligation to disclose witnesses and evidence as provided in section 4-13(d)(2) and (3).
- (4) If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and the notice shall be posted on the property or mailed forthwith to the owner's last-known address by registered or certified mail, return receipt requested.
- (d) *Hearing; disclosure; burden of proof; appeal.*
- (1) The owner of the animal may request a hearing to contest one (1) or both of the following:
- a. The declaration of dangerousness under section 4-13(c); provided, however, that the declaration of dangerousness may not be contested if the animal has already been declared vicious or destructive under section 4-7 or 4-11.
 - b. The confinement conditions ordered under section 4-13(e)(1).
- (2) As required disclosure to the other party, each party shall:
- a. provide the name of any victim and the names, addresses and telephone numbers of any other witnesses the party plans to call at the hearing with a fair description of the substance of each witness' expected testimony; and
 - b. make available for examination and reproduction any exhibits and written or recorded statements of any witness which have been prepared and may be offered at the hearing.
- (3) The disclosure required by paragraph (2) above shall be made by the city enforcement agent when the owner is given notice that the animal has been declared dangerous and by the animal owner not later than five (5) days prior to the hearing. If a party fails to make disclosure as required by this section, the other party shall have the right, if requested, to a recess or continuance to permit examination of the evidence. At the hearing officer's discretion, undisclosed evidence or witnesses may be excluded from the hearing.
- (4) If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to the city enforcement agent to be humanely destroyed.
- (5) If the owner of an animal that has not been impounded fails to appear at a hearing or fails to request a hearing, the declaration that the animal is dangerous and the order of compliance shall remain in effect.
- (6) After a request for a hearing, the city enforcement agency shall set a hearing date within ten (10) working days at a time and place designated by the city enforcement agent. The hearing shall be conducted by a hearing officer appointed for that purpose.
- (7) The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The Arizona rules of evidence do not apply, and hearsay is admissible so long as the hearing officer determines that the offered evidence is relevant, material and has some probative value as to a fact at issue.
- (8) It is the burden of the city enforcement agent to establish by a preponderance of the evidence that the animal is danger-

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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)

Ord. No. 11075, § 5, 5-21-13 (effective July 1, 2013)
 Ord. No. 11134, § 2, 12-17-13
 Ord. No. 11180, § 1, 6-3-14 (effective June 29, 2014)
 Ord. No. 11233, § 1, 12-16-14

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. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor’s note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14)

Editor’s note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014.

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

(b) To support and sponsor community programs and projects to provide information and education to the community on improved use of energy.

(c) To review and make recommendations on proposed legislation, whether local, state or federal, relating to energy and its use.

(d) To act as an official advisory agency to the city and county governing bodies for technical questions and concerns related to energy.

(e) To develop and encourage community efforts and resources for the conservation of energy, and development of alternative energy forms.

(f) To determine, from contact with other jurisdictions, what programs are being proposed to promote energy savings, or to use more efficient energy alternatives, and make appropriate recommendations on adapting such programs to local use.

(g) To study and make recommendations to government agencies and the private sector on possible demonstration programs involving new technology and/or personnel practices to dramatize and effect more efficient energy use.

(h) To evaluate and make recommendations on any program, either for the government or for the private sector, that could:

- (1) Improve energy efficiency by promoting the best use of what we now have in the way of resources.
- (2) Inspire energy innovation for the proliferation of additional resources through new technology.

(i) To stimulate and encourage the cooperation of other community groups in the area of energy and its use.

(j) To cooperate with all federal, state, county and municipal agencies and nongovernmental organizations.

(k) To render an annual report of commission activities to the governing bodies of the city and county, and to file minutes of commission meetings with the two (2) governing bodies.

(l) To recommend such action to the governing bodies of the city and county as the commission deems necessary or desirable to accomplish the above functions, and to effectuate its policies.
(Ord. No. 5218, § 1, 9-8-80)

Sec. 10A-113. Limitation of powers.

Neither the metropolitan energy commission nor any member thereof shall incur expenses or obligate the city and/or the county in any way without prior authorization from the mayor and council and the board of supervisors.
(Ord. No. 5218, § 1, 9-8-80)

Secs. 10A-114 – 10A-119. Reserved.

ARTICLE XI. INDEPENDENT AUDIT AND PERFORMANCE COMMISSION

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

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

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

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

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

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

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

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

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

Sec. 10A-122. Functions and duties.

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

- (1) To review and provide comment to the city manager and to the mayor and council relating to the city’s annual audit plan.
- (2) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to provide independent appraisal of city programs, policies and functions in order to help management perform more efficiently and effectively, and/or to recommend that the mayor and council commission an independent firm to perform such an appraisal.
- (3) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to examine financial reports, various records and procedures to determine compliance with applicable ordinances, regulations, policies and contractual provisions; and/or to recommend that the mayor and council commission an independent firm to perform such examination.
- (4) Upon direction from the mayor and council or the city manager or upon a majority vote of the commissioners, to evaluate the city’s internal control structure and recommend improvements that will help to safeguard the city’s assets.

(5) To perform other functions upon express direction by the mayor and council.
(Ord. No. 10598, § 1, 10-21-08; Ord. No. 11232, § 1, 12-16-14)

Sec. 10A-123. Commission organization; meetings; reports.

(a) *Chair.* The commission shall appoint one of its members to serve as the chair of the commission, and another member to serve as vice-chair of the commission.

(b) *Bylaws and meetings.* The commission shall adopt bylaws for its operations that are consistent with this chapter and other legal authority and file them with the city clerk.

(c) The commission may form subcommittees as may be necessary to carry out its duties and functions.

(d) The commission shall meet once each month, or more frequently as may be necessary.

(e) The commission shall provide reports to the mayor and council not less than every six (6) months, and more frequently upon express request by the mayor and council.
(Ord. No. 10598, § 1, 10-21-08)

Sec. 10A-124. Limitation of powers.

The commission and its members may incur governmental expenses only with prior authorization of the mayor and council, and may not obligate the city in any form.
(Ord. No. 10598, § 1, 10-21-08)

Sec. 10A-125. Staff support; ex officio member.

The city manager shall provide staff support to the commission, and shall provide the commission with information and documents as may be necessary for the commission to fulfill its functions and duties. The city’s internal audit manager, or that person’s designee, shall serve as an ex officio, non-voting member of the commission and shall provide technical support to the commission. The ex officio member shall not count towards or affect the quorum requirements of the commission.
(Ord. No. 10598, § 1, 10-21-08)

Sec. 10B-1. Policy.

It is the policy of the city to preserve, protect and promote neighborhoods through the efficient delivery of city services and resources, and to actively participate in long term and future planning for the achievement of a desirable social, economic and physical environment for all inhabitants of the city through proper use and coordination of public and private resources and particularly through provision of a broad range of community services and municipal housing to low- and moderate-income persons in order to develop a city in which all inhabitants share equally in opportunities for an acceptable quality of life. (Ord. No. 10656, § 3, 4-21-09, eff. 7-1-09)

Sec. 10B-2. Department established.

The department of housing and community development is established. The head of the department shall serve as the director of housing and community development, whose appointment, compensation and removal shall be in accordance with sections 2, 6 and 11 of chapter V of the Charter. (Ord. No. 10656, § 3, 4-21-09, eff. 7-1-09; Ord. No. 11226, § 1, 12-9-14)

Sec. 10B-3. Departmental divisions.

The divisions of the department of housing and community development shall be established by the director of the department, subject to the control of the city manager, so as to facilitate the efficient and effective management of housing programs, city-owned public housing assets and community development programs, to be provided by the department. (Ord. No. 10656, § 3, 4-21-09, eff. 7-1-09; Ord. No. 11226, § 2, 12-9-14)

Sec. 10B-4. Department purposes and functions.

The purposes and functions of the housing and community development department shall include:

- (a) Implementing the policies set forth in section 10B-1 above through administration of the municipal housing powers vested in the city by A.R.S. Title 36, Chapter 12, Article 1, as amended, and all powers relating to housing services that are now or hereafter may be granted the city by any federal, state or local law and to administratively discharge and carry out all existing and future duties and responsibilities in connection therewith;
- (b) Developing and deploying city initiatives that focus on housing and community development needs.

(Ord. No. 10656, § 3, 4-21-09, eff. 7-1-09; Ord. No. 11226, § 3, 12-9-14)

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Sec. 11B-1. Planning and development services department established.

The development services department is renamed as the planning and development services department, and there is hereby established the planning and development services department. The head of the department shall be the director of planning and development services, whose appointment, compensation and removal shall be in accordance with sections 2, 6 and 11 of Chapter V of the Charter. (Ord. No. 10655, § 2, 4-21-09, eff. 7-1-09)

Sec. 11B-2. Powers and duties of the planning and development services department.

The planning and development services department shall perform such work and duties as the city manager may designate, and the director of the planning and development services department shall carry out such assigned duties and functions, including the supervision of divisions established within the planning and development services department as necessary. The divisions of the department shall be established by the director, subject to the control of the city manager, so as to facilitate the efficient and effective delivery of services to be provided by the department. (Ord. No. 10655, § 2, 4-21-09, eff. 7-1-09)

Sec. 11B-3. Department purposes and functions.

The purposes and functions of the planning and development services department shall include, but not be limited to:

- (a) Administration of those functions and duties of the former director of the department of urban planning and design as set forth in the Land Use Code and Tucson Code chapter 23A;
- (b) Development and implementation of the Land Use Code, chapter 23, the Development Compliance Code, chapter 23A, development standards, the Unified Development Code, chapter 23B, and its administrative manual and technical standards manual;

(c) Creation and maintenance of city zoning maps;

(d) Administration of the board of adjustment, the planning commission, citizen sign code committee, sign code advisory and appeals board and the design review board;

(e) Serving as the planning agency as set forth in A.R.S. Title 9, Chapter 4, Article 6 unless otherwise designated by the city manager; and

(f) Such other purposes and functions as the city manager may designate from time to time.

(Ord. No. 10655, § 2, 4-21-09, eff. 7-1-09; Ord. No. 11227, § 1, 12-9-14)

Sec. 11B-4. Other Code provisions.

For purposes of this chapter, and for purposes of all other chapters of the Tucson Code, the terms “planning and development services department”, “PDSD”, “development services department” and “DSD” shall be deemed to refer to the planning and development services department; and any references to the “the director of the planning and development services department”, “PDSD director”, “Director of the development services department” or “DSD director” shall be deemed to refer to the director of the planning and development services department.

(Ord. No. 10655, § 2, 4-21-09, eff. 7-1-09; Ord. No. 11227, § 2, 12-9-14)

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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	\$10.00 per load
Purchase of recycled paint (city residents)	\$20.00 per 5 gallons for white \$15.00 per 5 gallons for non-white
Purchase of recycled paint (non-city residents)	\$25.00 per 5 gallons for white \$20.00 per 5 gallons for non-white
	(Prices for non-white may be decreased by the ES Director)
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; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13; Ord. No. 11178, § 4, 6-3-14, eff. 7-4-14)

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
15,000.....	25.00
12,500.....	26.00
10,000.....	26.75
9,000.....	27.00
8,000.....	27.50
7,000.....	28.00
6,000.....	28.25
5,000.....	28.75
4,000.....	29.00
3,000.....	29.50
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; Ord. No. 11087, § 4, 6-18-13, eff. 7-20-13)

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

Chapter 19

LICENSES AND PRIVILEGE TAXES*

- Art. I. Occupational License Tax, §§ 19-1 – 19-98**
 - Div. 1. General Provisions, §§ 19-1 – 19-38
 - Div. 2. Employee Based Occupational License Tax, §§ 19-39 – 19-41
 - Div. 3. Swap Meet Proprietors, Outdoor Vendors, and Special Event Occupational License Tax, §§ 19-42 – 19-50
 - Div. 4. Liquor and Vending Machines License Tax, §§ 19-51 – 19-65
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 - Div. 1. General Conditions and Definitions, §§ 19-99 – 19-130
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***Cross references** – Licensing of fortunetellers, § 7-62 et seq.; regulation and licensing of going-out-of-business, fire, etc., sales, § 7-80 et seq.

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DIVISION 2. EMPLOYEE BASED OCCUPATIONAL LICENSE TAX*

Sec. 19-39. Application fee, annual license fee, annual renewal requirements, penalty.

(a) A person shall apply to the tax collector for a business license accompanied by a nonrefundable application fee of twenty-five dollars (\$25.00).

(b) Licensees whose initial application for a business license is received by the tax collector on or after January 1, 2015, will be subject to an initial annual license fee of fifty dollars (\$50.00) on a proration schedule as follows:

<i>Business Application Date</i>	<i>Applicable License Fee</i>
January 1 – March 31	\$50.00
April 1 – June 30	\$37.50
July 1 – September 30	\$25.00
October 1 – December 31	\$12.50

(c) The business license shall be valid only for the calendar year in which it is issued unless renewed each year by filing the renewal form and paying the renewal fee of fifty dollars (\$50.00) which is due and payable on January 1 and shall be considered delinquent if not received on or before the last business day of January. Renewal form and payment for renewal must be received by the tax collector by such date to be deemed filed and paid.

(d) If a taxpayer fails to renew their license on or before the date provided in subsection (c), the taxpayer shall be deemed to be operating without a license after such date until the appropriate application for renewal and a renewal fee of seventy-five dollars (\$75.00) has been received by the tax collector. (Ord. No. 10448, § 2, 9-5-07, eff. 1-1-08; Ord. No. 11198, § 1, 9-9-14, eff. 1-1-15)

Sec. 19-40. Exemptions for occupations paying other taxes.

(a) The occupational license tax imposed under this division shall not apply to any person licensed and taxed pursuant to divisions 3, 4, and 5 of article I or articles II and III of chapter 19.

(b) For purposes of the exemption provided in this section, the term “other taxes” does not include regulatory fees paid pursuant to chapter 7 of this Code. (Ord. No. 7885, § 2, 8-3-92; ; Ord. No. 8128, § 4, 9-27-93; Ord. No. 10448, § 2, 9-5-07, eff. 1-1-08)

Sec. 19-41. Occupational license tax schedule.

(a) The occupational license tax set out in the following schedule is established for all businesses, occupations, trades, callings, and professions engaged in within the city and shall be paid by all persons who shall practice, transact, carry on, or engage in any business, occupation, trade, calling, or profession not subject to the imposition of a business privilege tax pursuant to articles II and III of this chapter.

<i>Number of Employees</i>	<i>Quarterly License Tax</i>
0 – 10	\$00.00
11 – 35	\$00.00
36 – 100	\$00.00
Over 100	\$00.00

(b) Taxpayers may select the appropriate method of reporting number of employees from the following options:

- (1) Taxpayer reports same number of employees reported to the Arizona Department of Economic Security; or
- (2) Taxpayer reports number of employees fitting the definition of “employee”, as set out in this article; or
- (3) Taxpayers utilizing part-time employees may divide total weekly employee hours by thirty (30) (assuming a 30-hour work week) or divide total annual employee hours by one thousand five hundred sixty (1,560) to determine taxable number of employees by the week or by the year.

***Editor’s note** – Ord. No. 10448, § 3, adopted September 5, 2007, effective January 1, 2008, amended the title of Art. I, Div. 2 to read as herein set out. Prior to inclusion of said ordinance, Div. 2 was entitled, “Occupational License Tax”.

Editor’s note – Taxpayers paying the tax on a quarterly basis would use the weekly method and taxpayers paying the tax on an annual basis would use the annual method of reporting part-time employees.

(Ord. No. 8071, § 1, 6-21-93; Ord. No. 8128, § 4, 9-27-93; Ord. No. 9316, § 1, 11-15-99; Ord. No. 9693, § 3, 4-15-02; Ord. No. 10041, § 2, 9-20-04; Ord. No. 10236, § 2, 12-20-05, eff. 6-1-06; Ord. No. 10448, §§ 3, 4, 9-5-07, eff. 1-1-08)

DIVISION 3. SWAP MEET PROPRIETORS, OUTDOOR VENDORS, AND SPECIAL EVENT OCCUPATIONAL LICENSE TAX

Sec. 19-42. Swap meet proprietors, street fair vendors, and trade show dealers.

In lieu of the occupational license tax imposed by section 19-41(a), swap meet proprietors, street fair vendors, and trade show dealers shall pay an occupational license tax as follows:

(1) *Swap meet proprietor.*

- a. Swap meet proprietor occupational license tax is based on gross receipts.
- b. Percentage of gross receipts of swap meet proprietor – 4.75%.
- c. Payment. Proprietor occupational license tax shall be due and payable monthly on or before the first day of the second month next succeeding the month in which the tax accrues and shall be delinquent five (5) days thereafter.
- d. Application. A proprietor license may be issued by the city upon the prior city approval of the application of the proprietor on forms supplied by the city for such a proprietor license and upon the prior payment by the proprietor to the city of a one-time thirty-dollar (\$30.00) proprietor occupational license tax application fee.

(2) *Street fair and community special event vendor.*

- a. Except as provided in subparagraph (b) each street vendor and community special event vendor shall pay a tax of seventeen dollars and seventy-five cents (\$17.75) per location per street fair event.
- b. Every person who is currently licensed by the city under any other provision of chapter 19 is exempt from this section and shall not be classified as a street fair or community special event vendor.

(3) *Dealers-Trade shows.* Each location, each dealer – \$28.00.

(Ord. No. 10448, § 4, 9-5-07, eff. 1-1-08)

Note – Formerly, § 19-41(c). Renumbered § 19-42 by § 4 of Ord. No. 10448.

Sec. 19-43. Promoter.

Promoters, as defined in section 19-1, shall pay a city license tax per each event as follows:

1 – 10 participants	\$24.00
11 – 35 participants	\$48.00
36 – 100 participants	\$123.00
Over 100 participants	\$186.00

(Ord. No. 10448, § 4, 9-5-07, eff. 1-1-08)

Note – Formerly, § 19-41(d). Renumbered § 19-43 by § 4 of Ord. No. 10448.

Sec. 19-44. Peddlers.

Peddlers, as defined in section 7-26(3), shall pay an annual occupational license tax of fifty dollars (\$50.00) for each licensed location of the peddler.

(Ord. No. 10448, § 4, 9-5-07, eff. 1-1-08)

Note – Formerly, § 19-41(e). Renumbered § 19-44 by § 4 of Ord. No. 10448.

Sec. 19-45. Ice cream truck vendors.

Ice cream truck vendors, as defined in section 7-490(6), shall pay an annual occupational license tax of fifty dollars (\$50.00).

(Ord. No. 10448, § 4, 9-5-07, eff. 1-1-08)

Note – Formerly, § 19-41(f). Renumbered § 19-45 by § 4 of Ord. No. 10448.

Secs. 19-46 – 19-50. Reserved.

ing and paying tax on such income only by obtaining from its vendee a verified statement that includes:

- (1) A statement that when the property so acquired is resold, rented, leased or licensed, that the otherwise exempt vendee chooses, or is required, to pay city privilege tax or an equivalent excise tax on its gross income from such transactions and does in fact file returns on same; and
- (2) The privilege license number of the otherwise exempt vendee; and
- (3) Such other information as the tax collector may require.

(e) Franchisees or concessionaires operating businesses for or on behalf of any exempt organization, governmental entity, public educational entity, proprietary club, or nonlicensed business shall not be considered to be such an exempt organization, club, entity or nonlicensed business, but shall be deemed to be a taxpayer subject to the provisions of this article, except as provided in the definition of governmental entity, regarding urban mass transit.

(f) In any case, if a federally exempt organization, proprietary club, or non-licensed business rents, leases, licenses, or purchases any tangible personal property for its own storage or use, and no city privilege or use tax or equivalent excise tax has been paid on such transaction, said organization, club, or business shall be liable for the use tax upon such acquisitions or use of such property.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 9840, § 1, 5-5-03)

Sec. 19-280. Reserved.

(Ord. No. 6674, § 3, 3-23-87)

Sec. 19-285. Determination of gross income: Moratorium on certain taxes relating to certain real property.

(a) *A Moratorium period of "X" years* means that consecutive passage of time commencing upon the

date when real property first qualifies for the provisions of this section and ending at midnight (12:00 p.m.) of that same month and day "X" years thereafter.

(b) Gross income derived from construction contracting upon real property not owned by a governmental entity shall be exempt from the taxes imposed by sections 19-415 through 19-418 for a moratorium period of three (3) years from the date upon which such real property shall have been annexed to and become a part of the city provided the real property is annexed prior to July 2, 2001. Gross income derived from construction contracting upon real property annexed into the city pursuant to an annexation agreement with the city prior to October 24, 1988, shall be exempt from the taxes imposed by sections 19-415 through 19-418 for a moratorium period of seven (7) years from the date upon which such real property shall have been annexed to and become a part of the city.

(c) Gross income derived from the following activities shall be exempt from the taxes imposed by this article for a moratorium period of twenty (20) years, when such activities occur upon real property which, pursuant to state law, possesses appurtenant water rights which are based upon a history of agricultural irrigation, and such rights have been contractually or otherwise irrevocably committed to be surrendered, assigned or transferred to the city prior to the expiration of the moratorium period.

- (1) Construction contracting as provided by sections 19-415 through 19-418.
- (2) Rental, leasing or licensing for use of real property for any purpose other than for lodging or lodging space as provided by section 19-445.

(d) The provisions of this section shall be irrevocably vested in any real property that qualifies under this section after the adoption of this section as part of the City Code, or upon the adoption of any substantially similar ordinance previously adopted, whichever occurs earlier.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7082, § 1, 12-12-88; Ord. No. 9579, § 1, 7-2-01)

Sec. 19-290. Special exemption for activities occurring on Davis Monthan Air Force Base.

Notwithstanding provisions contained elsewhere in this article, gross income derived from the following transactions and activities that would be considered taxable, occurring elsewhere in the city, shall be deemed exempt from the taxes imposed by this article when the transaction or activity occurs on Davis Monthan Air Force Base:

- (1) Construction contracting on the base.
- (2) Providing telecommunication or utility service to customers on the base.
- (3) Retail sales and restaurant activity at locations on the base.
- (4) Storage or use of tangible personal property by persons residing on the base.*

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 7446, § 2.3, 7-2-90; Ord. No. 10040, § 1, 9-20-04)

*Note – Section 5 of Ord. No. 10040 states that § 19-290(4) is effective retroactively to July 1, 2003.

DIVISION 3. LICENSING AND RECORDKEEPING

Sec. 19-300. Licensing requirements.

(a) The following persons shall make application to the tax collector for a transaction privilege and use tax license and no person shall engage or continue in business or engage in such activities until he shall have such a license:

- (1) Every person engaging or continuing in business activities within the city upon which a transaction privilege tax is imposed by this chapter.
- (2) Every person engaging or continuing in business within the city and storing or using tangible personal property in this municipality upon which a use tax is imposed by this chapter.
- (3) (Reserved).

(b) For the purpose of determining whether a transaction privilege and use tax license is required, a person shall be deemed to be “engaging or continuing in business” within the city if:

- (1) Engaging in any activity as a principal or broker, the gross receipts of which may be subject to transaction privilege tax under Article IV of this chapter, or
- (2) Maintaining within the city directly or, if a corporation, by a subsidiary, an office, distribution house, sales house, warehouse or other place of business; maintaining within the city directly or, if a corporation, by a subsidiary, any real or tangible personal property; or having any agent or other representative operating within the city under the authority of such person or, if a corporation, by a subsidiary, irrespective of whether such place of business, property, or agent or other representative is located here permanently or temporarily, or
- (3) Soliciting sales, orders, contracts, leases, and other similar forms of business relationships, within the city from customers, consumers, or users located within the city, by means of salesmen, solicitors, agents, representatives, brokers, and other similar agents or by means of catalogs or other advertising, whether such orders are received or accepted within or without this city.
- (4) A person shall also be deemed to be “engaging or continuing in business” if engaging in any activity subject to use tax under Article VI of this chapter for business purposes. Individuals who acquire items subject to use tax for their own personal use or their family’s personal use are not required to obtain a license.
- (5) (Reserved).
- (6) (Reserved).
- (c) A person engaging in more than one activity subject to transaction privilege tax at any one business location is not required to obtain a separate license for each activity, provided that, at the time such person

makes application for a license, he or she shall list on such application each category of activity in which he or she is engaged.

(d) The licensee shall inform the tax collector of any changes in his business activities, location, or mailing address within thirty (30) days.

(e) *Limitation.* The issuance of a transaction privilege and use tax license by the tax collector shall in no way be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.

(f) *Casual activity.* For the purposes of this chapter, individuals engaging in a “casual activity or sale” are not subject to the license requirements imposed under this article provided that they are only engaged in private sales activities, such as the sale of a personal automobile or garage sale, on no more than three (3) separate occasions during any calendar year. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 8440, § 7, 1-23-95; Ord. No. 9840, § 2, 5-5-03; Ord. No. 10448, § 7, 9-5-07, eff. 1-1-08; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-305. Reserved.

Editor’s note – Ord. No. 11219, § 1, adopted December 9, 2014 and effective January 1, 2015, repealed § 19-305, which pertained to special licensing requirements and derived from Ord. No. 6938, § 5, 4-25-88.

Sec. 19-310. Licensing: Special requirements.

(a) *Partnerships.* Application for a transaction privilege and use tax license for a partnership engaging or continuing in business shall provide, as a minimum, the names and addresses of all general partners. Licenses issued to persons engaging in business as partners, limited or general, shall be in the name of the partnership.

(b) *Limited liability companies.* Application for a transaction privilege and use tax license for a limited liability company (LLC) engaging or continuing in business shall provide, as a minimum, the names and addresses of all members and the manager. Licenses issued to persons engaging in business as limited liability companies shall be in the name of the LLC.

(c) *Corporations.* Application for a transaction privilege and use tax license for a corporation engaging or continuing in business shall provide, as a minimum, the names and addresses of both the chief executive officer and chief financial officer of the corporation. Licenses issued to persons engaging in business as corporations shall be in the name of the corporation.

(d) *Multiple locations or multiple business names.* A person engaging or continuing in one (1) or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A “location” is a place of a separate business establishment.

(e) *Real property rental, leasing, and licensing for use.* In all cases the transaction privilege and use tax license shall be issued only to the owner of the real property regardless of the owner engaging a property manager or other broker to oversee the owner’s business activity including filing tax returns on behalf of the owner. Each rental property that can be independently sold or transferred is deemed to be a separate business establishment. Each platted parcel of real property subject to the tax imposed by this chapter is deemed to be a separate business establishment and requires a separate license, regardless of the number of rental units located on that platted parcel. If one (1) structure is located on multiple parcels in a manner such that ownership of an individual parcel cannot be sold or transferred without requiring alteration to divide the structure, one (1) license shall be required for all affected parcels.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 6, 4-25-88; Ord. No. 7446, § 2.2, 7-2-90; Ord. No. 10448, § 8, 9-5-07, eff. 1-1-08; Ord. No. 11198, § 2, 9-9-14, eff. 1-1-15; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-315. Reserved.

(Ord. No. 6938, § 7, 4-25-88)

Sec. 19-320. License fees; annual renewal; renewal fees.

(a) The transaction privilege and use tax license shall be valid upon receipt of a non-refundable license fee of twenty dollars (\$20.00), except for a license to engage in the business activity of residential or commercial real property rental, leasing, and licensing for use as separately identified in this section. The

transaction privilege and use tax license shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of twenty dollars (\$20.00) for each license, subject to the limitations in A.R.S. § 42-5005. Such annual renewal fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(b) The transaction privilege and use tax license to engage in the business activity of residential real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of zero dollars (\$0.00). The transaction privilege and use tax license shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of zero dollars (\$0.00) for each license, subject to the limitations in A.R.S. § 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(c) The transaction privilege and use tax license to engage in the business activity of commercial real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of twenty dollars (\$20.00). The transaction privilege and use tax license shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of twenty dollars (\$20.00) for each license, subject to the limitations in A.R.S. § 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-330. Licensing: Duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes.

(a) The transaction privilege and use tax license shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying

the applicable license renewal fee for each license, subject to the limitations in A.R.S. § 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January. Application and payment of the annual fee must be received in the tax collector's office to be deemed paid and received.

(b) The transaction privilege and use tax license shall be nontransferable between owners or locations, and shall be on display to the public in the licensee's place of business.

(c) Any person required to be licensed under this chapter who fails to obtain a license on or before conducting any business activity requiring such license shall be subject to the license fees due for each year in business plus a penalty in the amount of fifty percent (50%) of the applicable fee for each period of time for which such fee would have been imposed, from and after the date on which such activity commenced until paid. This penalty shall be in addition to any other penalty imposed under this chapter and must be paid prior to the issuance of any license. License fee penalties may be waived by the tax collector subject to the same terms as the waiver of tax penalties as provided for in section 19-540.

(d) Any licensee who fails to renew his or her license on or before the due date shall be deemed to be operating without a license following such due date, and shall be subject to all penalties imposed under this chapter against persons required to be licensed and operating without a license. The non-licensed status may be removed by payment of the annual license fee for each year or portion of a year he or she operated without a license, plus a license fee penalty of fifty percent (50%) of the license fee due for each year. License fee penalties may be waived by the tax collector subject to the same terms as the waiver of tax penalties as provided for in section 19-540.

(e) Any licensee who permits his or her license to expire through cancellation as provided in section 19-340, by his or her request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued, and who thereafter applies for a license, shall be granted a new license as a new applicant and shall pay the current license fee imposed under section 19-320.

(f) Any licensee who needs a copy of his transaction privilege and use tax license which is still in effect shall be charged the current license fee for each reissuance of a license.

(g) Any person conducting a business activity subject to licensing without obtaining a transaction privilege and use tax license shall be liable to the city for all applicable fees and penalties and shall be subject to the provisions of sections 19-580 and 19-590, to the same extent as if such fees and penalties were taxes and penalties under such sections. (Ord. No. 6674, § 3, 3-23-87; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-340. Licensing: Cancellation; revocation.

(a) *Cancellation.* The tax collector may cancel the transaction privilege and use tax license of any licensee as “inactive” if the taxpayer, required to report monthly, has neither filed any return nor remitted any taxes imposed by this chapter for a period of six (6) consecutive months; or, if required to report quarterly, has neither filed any return nor remitted any taxes imposed by this chapter for two (2) consecutive quarters; or, if required to report annually, has neither filed any return nor remitted any taxes imposed by this chapter when such annual report and tax are due to be filed with and remitted to the tax collector.

(b) *Revocation.* If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid under this chapter, or if such licensee fails to comply with any other provisions of this chapter, the tax collector may revoke the transaction privilege and use tax license of said licensee.

(c) *Notice and hearing.* The tax collector shall deliver notice to such licensee of cancellation or revocation of the transaction privilege and use tax license. If the licensee requests a hearing within twenty (20) days of receipt of such notice, he or she shall be granted a hearing before the tax collector.

(d) After cancellation or revocation of a taxpayer’s license, the taxpayer shall not be issued a new license until all reports have been filed; all fees, taxes, interest, and penalties due have been paid; and he or she is in compliance with all provisions of this chapter. (Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-350. Operating without a license.

It shall be unlawful for any person who is required by this chapter to obtain a transaction privilege and use tax license to engage in or continue in business without a license. The tax collector shall assess any delinquencies in tax, interest, and penalties which may apply against such person upon any transactions subject to the taxes imposed by this chapter.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 8784, § 5, 12-2-96; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-360. Recordkeeping requirements.

(a) It shall be the duty of every person subject to the tax imposed by this chapter to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he or she is liable under this chapter. The books and records must contain, at a minimum, such detail and summary information as may be required by this article; or when records are maintained within an electronic data processing (EDP) system, the requirements established by the Arizona department of revenue for privilege tax filings will be accepted. It shall be the duty of every person to keep and preserve such books and records for a period equal to the applicable limitation period for assessment of tax, and all such books and records shall be open for inspection by the tax collector during any business day.

(b) The tax collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

- (1) Only for future reporting periods, and
- (2) Only by express determination of the tax collector that such specific recordkeeping is necessary due to the inability of the taxing jurisdiction to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or inadequate books, records, or documentation maintained by the taxpayer.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-362. Recordkeeping: Income.

The minimum records required for persons having gross income subject to, or exempt or excluded from, tax by this chapter must show:

(a) The gross income of the taxpayer attributable to any activity occurring in whole or in part in the city.

(b) The gross income taxable under this chapter, divided into categories as stated in the official city tax return.

(c) The gross income subject to Arizona transaction privilege taxes, divided into categories as stated in the official state tax return.

(d) The gross income claimed to be exempt, and with respect to each activity or transaction so claimed:

(1) If the transaction is claimed to be exempt as a sale for resale or as a sale, rental, lease, or license for use of rental equipment:

(A) The city privilege license number and state transaction privilege tax license number of the customer (or the equivalent city, if applicable, and state tax numbers of the city and state where the customer resides), and

(B) The name, business address, and business activity of the customer, and

(C) Evidence sufficient to persuade a reasonably prudent businessman that the transaction is believed to be in good faith a purchase for resale, or a purchase, rental, lease, or license for use of rental equipment, by the vendee in the ordinary and regular course of his business activity, as provided by regulation.

(2) If the transaction is claimed to be exempt for any other reason:

(A) The name, business address, and business activity of the customer, and

(B) Evidence which would establish the applicability of the exemption to a reasonably prudent businessman acting in good faith. Ordinary business documentation which would reasonably indicate the applicability of an exemption shall be sufficient to relieve the person on whom the tax would otherwise be imposed from liability therein, if he or she acts in good faith as provided by regulation.

(e) With respect to those allowed deductions or exclusions for tax collected or charges for delivery or other direct customer services, where applicable, evidence that the deductible income has been separately stated and shown on the records of the taxpayer and on invoices or receipts provided to the customer. All other deductions, exemptions, and exclusions shall be separately shown and substantiated.

(f) With respect to special classes and activities, such other books, records, and documentation as the tax collector, by regulation, shall deem necessary for specific classes of taxpayer by reason of the specialized business activity of any such class.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded income defined by this chapter.
(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-364. Recordkeeping: Expenditures.

The minimum records required for persons having expenditures, costs, purchases and rental or lease or license expenses subject to, or exempt or excluded from, tax by this chapter are:

(a) The total price of all goods acquired for use or storage in the city.

(b) The date of acquisition and the name and business address of the seller or lessor of all goods acquired for use or storage in the city.

(c) Documentation of taxes, freight, and direct customer service labor separately charged and paid for each purchase, rental, lease, or license.

(d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the tax collector that the exemption claimed is applicable.

(e) As applicable to each taxpayer, documentation sufficient to the tax collector, so that he or she may ascertain:

- (1) All construction expenditures and all privilege and use taxes claimed paid, relating to owner-builders and speculative builders.
- (2) Disbursement of collected gratuities and related payroll information required of restaurants.
- (3) (Reserved).
- (4) The validity of any claims of proof of exemption.
- (5) A claimed alternative prior value for reconstruction.
- (6) All claimed exemptions to the use tax imposed by Article VI of this chapter.
- (7) (Reserved).
- (8) Payments of tax to the Arizona department of transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.
- (9) (Reserved).

(f) Any additional documentation as the tax collector, by regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded expenditures as defined by this chapter.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-366. Recordkeeping: Out-of-city and out-of-state sales.

(a) *Out-of-city sales.* Any person engaging or continuing in a business who claims out-of-city sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-city branches or locations.

(b) *Out-of-state sales.* Persons engaged in a business claiming out-of-state sales shall maintain accounting records or books indicating for each out-of-state sale the following documentation:

- (1) Documentation of location of the buyer at the time of order placement; and
- (2) Shipping, delivery, or freight documents showing where the buyer took delivery; and
- (3) Documentation of intended location of use or storage of the tangible personal property sold to such buyer.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-370. Recordkeeping: Claim of exclusion, exemption, deduction, or credit; documentation; liability.

(a) All deductions, exclusions, exemptions and credits provided in this chapter are conditional upon adequate proof and documentation of such as may be required under A.R.S. § 42-5022 or by this chapter or regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this chapter, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as if he or she is delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming

the exemption it shall not also be collected from the vendor.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a privilege license number, and makes a verbal claim of “sale for resale or lease” or “lease for re-lease” does not meet this burden and is insufficient to justify an exemption. The “reasonable evidence” must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

Sec. 19-380. Inadequate or unsuitable records.

In the event the records provided by the taxpayer are considered by the tax collector to be inadequate or unsuitable to determine the amount of the tax for which such taxpayer is liable under the provisions of this chapter, it is the responsibility of the taxpayer either:

- (a) To provide such other records required by this chapter or regulation; or
- (b) To correct or to reconstruct his or her records, to the satisfaction of the tax collector.

(Ord. No. 11219, § 1, 12-9-14, eff. 1-1-15)

DIVISION 4. PRIVILEGE TAXES

Sec. 19-400. Imposition of privilege taxes; presumption.

(a) *Taxes Levied.* There are hereby levied and imposed, subject to all other provisions of this article, the following privilege taxes for the purpose of raising revenue to be used in defraying the necessary expenses of the city, such taxes to be collected by the tax collector:

- (1) A privilege tax upon persons on account of their business activities, to the extent provided elsewhere in this division, to be measured by the gross income of persons,

(b) *Exclusion of Certain Sales of Natural Gas to a Public Utility.* Notwithstanding the provisions of subsection (a) above, the gross income derived from the sale of natural gas to a public utility for the purpose of generation of power to be transferred by the utility to its ratepayers shall be considered a retail sale of tangible personal property subject to sections 19-460 and 19-465, and not considered gross income taxable under this section.

(c) *Resale Utility Services.* Sales of utility services to another provider of the same utility services for the purpose of providing such utility services either to another properly licensed utility provider or directly to such purchaser's customers or ratepayers shall be exempt and deductible from the gross income subject to the tax imposed by this section, provided that the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.

(d) *Reserved.*

(e) *Exclusion of Sales of Utility Services to Nonprofit Primary Health Care Facilities.* The tax imposed by this section shall not apply to sales of utility services to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

(f) *[Exclusion of Sales of Natural Gas or Liquefied Petroleum Gas.]* The tax imposed by this section shall not apply to sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.

(g) *[Exceptions to Tax.]* The tax imposed by this section shall not apply to:

- (1) Revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.

- (2) Revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.

(h) *[Alternative Fuel.]* The tax imposed by this section shall not apply to sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a department of environmental quality permit to burn used oil or used oil fuel under A.R.S. Section 49-426 or Section 49-480.

(i) The tax imposed by this section shall not apply to sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the Corporation Commission or governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

(j) The tax imposed by this section shall not apply to the portions of gross proceeds of sales or gross income attributable to transfers of electricity by any retail electric customer owning a solar photovoltaic energy generating system to an electric distribution system, if the electricity transferred is generated by the customer's system.

(k) *Reserved.*
(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 14, 4-25-88; Ord. No. 8784, § 8, 12-2-96; Ord. No. 9069, § 1(11), 6-15-98; Ord. No. 11183, § 4, 6-17-14, eff. 1-1-07; Ord. No. 11219, § 3, 12-9-14, eff. 1-1-15)

Sec. 19-485. Wastewater removal services.

(a) The tax rate shall be an amount equal to zero percent (0%) of the gross income from the business activity upon every person engaging or continuing in the business of providing wastewater removal services by means of sewer lines or similar pipelines to:

- (1) Consumers or ratepayers who reside within the city.
- (2) Consumers or ratepayers of this city, whether within the city or without, to the extent that this city provides such persons wastewater removal services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this city for providing such wastewater removal services to such persons.

(b) The tax imposed by this section shall not apply to gross income relating to the providing of wastewater removal services from a qualifying hospital, qualifying community health center or a qualifying health care organization.

(Ord. No. 11183, § 11, 6-17-14, eff. 1-1-13)

Reg. 19-120.1. Reserved.

Editor’s note – Ord. No. 11183, § 9, adopted June 17, 2014 and effective January 1, 2013, repealed Reg. 19-120.1, which pertained to food for home consumption, recordkeeping and reporting requirements.

Reg. 19-200.1. When refundable deposits are includable in gross income.

(a) Refundable deposits shall be includable as gross income of the taxpayer for the month in which the deposits are forfeited by the lessee.

(b) Reserved.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 6938, § 22, 4-25-88; Ord. No. 8440, § 23, 1-23-95)

Reg. 19-250.1. Excess tax collected.

If a taxpayer collects taxes in excess of the combined tax rate from any customer in any transaction, all such excess tax shall be paid to the taxing jurisdictions in proportion to their effective rates. The right of the taxpayer to charge his customer for his own liability for tax does not allow the taxpayer to enrich himself at the cost of his customers. Tax paid on an activity that is not subject to tax or that qualifies for an exemption, deduction, exclusion or credit is not excess tax collected.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 10287, § 4, 6-13-06)

Reg. 19-270.1. Proprietary activities of municipalities are not considered activities of a governmental entity.

The following activities, when performed by a municipality, are considered to be activities of a person engaged in business for the purposes of this article, and not excludable by reason of section 19-270:

- (1) Rental, leasing or licensing for use of real property to other than another department or agency of the municipality.
- (2) Procuring, providing or furnishing electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

(3) Sale of tangible personal property to the public, when similar tangible personal property is available for sale by other persons, as, for example, at police or surplus auctions.

(4) Providing wastewater removal services to consumers or ratepayers by means of sewer lines or similar pipelines.

(Ord. No. 6674, § 3, 3-23-87; Ord. No. 11183, § 12, 6-17-14, eff. 1-1-13)

Reg. 19-270.2. Proprietary clubs.

(a) *Equity Requirements.* In order to qualify for exclusion under section 19-270, a proprietary club must actually be owned by the members. For the purposes of qualification, a club will be deemed to be member-owned if at least eighty-five (85) percent of the equity of the total amount of club-owned property is owned by bona fide individual members whose membership is represented in the form of shares, certificates, bonds or other indicia of capital interest. A corporation may be considered an individual owner provided that it owns a membership solely for the benefit of one (1) or more of its employees and is not engaged in any business activity connected with the operation of the club.

(b) *Gross Revenue Requirements.* In computing gross revenue for the computation of this fifteen (15) percent rule of subsection 19-270(c)(1).

- (1) The following shall be excluded:
 - a. Membership dues.
 - b. Membership fees which relate to the general admission to the club on a periodic (or perpetual) basis.
 - c. Assessments.
 - d. Special fund-raising events, raffles, etc.
 - e. Donations, gifts or bequests.
 - f. Gate receipts, admissions and program advertising for not more than one (1) tournament in any calendar year.

(2) The following must be included:

- a. Green fees, court use fees, and similar charges for the actual use of a facility or part thereof.
- b. Pro shop sales if the shop is owned by the club.
- c. Golf cart rental if the carts are owned by the club.
- d. Rentals, percentages or commissions received for permitting the use of the premises or any portion thereof by a caterer, concessionaire, professional or any other person for sales, rental, leasing, licensing, catering, food or beverage service, or instruction.
- e. All receipts from food or beverage sales, room use or rental charge, corkage and catering charges, and similar receipts.
- f. Locker and locker room fees and attendants charges if paid to the club.
- g. Tournament entry fees other than entry fees for the one (1) annual tournament exempt under subsection (b)(1)(f) above.

(Ord. No. 6674, § 3, 3-23-87)

Reg. 19-300.1. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-300.1. Formerly, such regulation pertained to who must apply for a license and derived from Ord. No. 6938, § 23, 4-25-88 and Ord. No. 10448, § 9, 9-5-07, eff. 1-1-08.

Reg. 19-300.2. Reserved.

(Ord. No. 7446, § 2.16, 7-2-90)

Reg. 19-310.1. Reserved.

Editor's note – Ordinance No. 11198, § 3, adopted September 9, 2014 and effective January 1, 2015, repealed regulation 19-310.1. Formerly, such regulation pertained to proration of initial annual license fee and derived from Ord. No. 6938, § 23, 4-25-88 and Ord. No. 10448, § 9, 9-5-07, eff. 1-1-08.

Reg. 19-310.2. Reserved.

(Ord. No. 6938, § 23, 4-25-88)

Reg. 19-310.3. Reserved.

(Ord. No. 6938, § 23, 4-25-88)

Reg. 19-350.1. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-350.1. Formerly, such regulation pertained to recordkeeping: income and derived from Ord. No. 6674, § 3, 3-23-87.

Reg. 19-350.2. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-350.1. Formerly, such regulation pertained to recordkeeping: expenditures and derived from Ord. No. 6674, § 3, 3-23-87 and Ord. No. 9840, § 8, 5-5-03.

Reg. 19-350.3. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-350.1. Formerly, such regulation pertained to recordkeeping: out-of-city and out-of-state sales and derived from Ord. No. 6674, § 3, 3-23-87 and Ord. No. 10754, § 6, 1-20-10, eff. 7-1-08.

Reg. 19-360.1. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-350.1. Formerly, such regulation pertained to proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment and derived from Ord. No. 6674, § 3, 3-23-87.

Reg. 19-360.2. Reserved.

Editor's note—Ordinance No. 11219, § 2, adopted December 9, 2014 and effective January 1, 2015, repealed regulation 19-350.1. Formerly, such regulation pertained to proof of exemption: exemption certificate and derived from Ord. No. 6674, § 3, 3-23-87.

- (6) Fail or refuse to remit any tax collected by such person from his customer to the tax collector before the delinquency date next following such collection.
- (7) Advertise or hold out to the public in any manner, directly or indirectly, that any tax imposed by this article, as provided in this article, is not considered as an element in the price to the consumer.
- (8) Fail or refuse to obtain a public utility license or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
- (9) Reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this article.

(b) The violation of any provision of subsection (a) above shall constitute a class two misdemeanor.

(c) In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and on conviction thereof shall be punished in the manner provided by law.

(Ord. No. 6926, § 1.B, 4-18-88)

Sec. 19-1120. Civil actions.

- (a) *Liens.*
 - (1) Any tax, penalty or interest imposed under this article which has become final, as provided in this article, shall become a lien when the city perfects a notice and claim of lien setting forth the name of the taxpayer, the amount of the tax, penalty and interest, the period or periods for which due, the date of accrual thereof, and stating that the city claims a lien therefor.
 - (2) The notice of claim of lien shall be signed by the tax collector under his official seal of the city, and, with respect to real property, shall be recorded in the office of the county recorder of any county in which the taxpayer

owns real property, and, with respect to personal property, shall be filed in the office of the secretary of state. After the notice and claim of lien is recorded or filed, the taxes, penalties and interest in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the state, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.

(3) Every tax imposed by this article, and all increases, interest and penalties thereof, shall become from the time the same is due and payable a personal debt from the person liable to the city, but shall be payable to and recoverable by the tax collector and which may be collected in the manner set forth in subsection (b) below.

(4) Any lien perfected pursuant to this section shall, upon payment of the taxes, penalties and interest affected thereby, be released by the tax collector in the same manner as mortgages and judgments are released. The tax collector may, at his sole discretion, release a lien in part, that is, against only specified property, for partial payment of moneys due the city.

(b) *Actions To Recover Tax.* An action may be brought by the city attorney or other legal advisory to the city designated by the city council, at the request of the tax collector, in the name of the city, to recover the amount of any taxes, penalties and interest due under this article; provided that:

- (1) No action or proceeding may be taken or commenced to collect any taxes levied by this article until the amount thereof has been established by assessment, correction or reassessment; and
- (2) Such collection effort is made or the proceedings begun:
 - a. Within six (6) years after the assessment of the tax; or

- b. Prior to the expiration of any period of collection agreed upon in writing by the tax collector and the taxpayer before the expiration of such six-year period, or any extensions thereof; or
- c. At any time for the collection of tax arising by reason of a tax lien perfected, recorded or possessed by the city under this section.

(Ord. No. 6926, § 1.B, 4-18-88)

ARTICLE IV. RESERVED*

Secs. 19-1200 – 19-1255 Reserved.

***Editor's note** – Article IV, §§ 19-1200 – 19-1255, relating to the Access to Care Program, derived from Ord. No. 11104, § 1, adopted August 6, 2013, was repealed by Ord. No. 11219, § 5, adopted December 9, 2014.

Sec. 20-137. Intersections where fifteen miles per hour speed limit imposed.

The *prima facie* speed limit within one hundred (100) feet upon every designated approach to and within the intersections set forth by ordinance shall be fifteen (15) miles per hour, which speed limit shall be effective when signs are erected upon the approaches to such intersections giving notice of such *prima facie* speed limit. Three (3) copies of the current ordinances designating the intersections subject to this section shall be kept on file by the city clerk.

Editor's note – Fifteen miles per hour speed limits have been designated by 1953 Code, ch. 17, § 72, as supplemented in 1957 and amended by:

Ord. No. 1925, § 1, 7-6-59
 Ord. No. 1935, § 1, 8-3-59
 Ord. No. 2145, § 1, 2-20-61
 Ord. No. 2268, § 1, 2-19-62
 Ord. No. 2486, § 1, 7-8-63
 Ord. No. 2964, § 1, 2-6-67
 Ord. No. 3106, § 1, 4-15-68

Intersections designated by Ord. No. 3106 were amended by Ord. No. 3292, § 1, 7-21-69

Intersections designated by Ord. No. 3292 were amended by Ord. No. 3747, § 1, 12-13-71

Intersections designated by Ord. No. 3747 were amended by Ord. No. 4046, § 1, 7-9-73

Intersections designated by Ord. No. 4046 were repealed by Ord. No. 4269, § 1, 1-20-75

Sec. 20-138. Speed limit in all city parks.

The *prima facie* speed limit upon the streets and driveways in all city parks shall be twenty (20) miles per hour, which shall be effective when signs are erected giving notice thereof. (1953 Code, ch. 17, § 72a; Ord. No. 4108, § 1, 11-13-73)

Sec. 20-139. Speed limit in alleys.

The *prima facie* speed limit upon and along all of the alleys within the city, unless otherwise specifically provided by ordinance, shall be fifteen (15) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances specifying exceptions to this section shall be kept on file by the city clerk.

Editor's note – As of the time of republication of this Code, there have been no ordinances establishing exceptions to section 20-139.

Sec. 20-140. Where thirty miles per hour speed limit imposed.

The *prima facie* speed limit upon streets or portions thereof as so designated by ordinance shall be thirty (30) miles per hour, which speed shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's Note – Thirty miles per hour speed limits have been designated by 1953 Code, ch. 17, § 73, as supplemented in 1957 and amended by:

Ord. No. 1935, § 2, 8-3-59
 Ord. No. 2145, § 2, 2-20-61
 Ord. No. 2312, § 1, 7-2-62
 Ord. No. 2966, § 1, 2-6-67
 Ord. No. 3107, § 1, 4-15-68

Streets designated by Ord. No. 3107 were amended by Ord. No. 3293, § 1, 7-21-69

Streets designated by Ord. No. 3478 were amended by Ord. No. 4047, § 1, 7-9-73

Streets designated by Ord. No. 4047 were amended by:

Ord. No. 4270, § 1, 1-20-75
 Ord. No. 4504, § 2, 6-21-76
 Ord. No. 4881, §§ 1, 2, 10-16-78
 Ord. No. 5441, §§ 1, 2, 9-28-81
 Ord. No. 5654, §§ 1, 2, 9-27-82
 Ord. No. 5965, §§ 1, 2, 3-12-84

Ord. No. 5965 was repealed and new streets were designated by Ord. No. 6180, §§ 1, 2, 2-19-85

Ord. No. 6180 was repealed and new streets were designated by Ord. No. 6412, §§ 1, 2, 5-5-86

Ord. No. 6412 was repealed and new streets were designated by Ord. No. 6470, §§ 1, 2, 7-7-86

Ord. No. 6470 was repealed and new streets were designated by Ord. No. 6545, §§ 1, 2, 10-20-86

Ord. No. 6545 was repealed and new streets were designated by Ord. No. 6585, §§ 1, 2, 12-8-86

Ord. No. 6585 was repealed and new streets were designated by Ord. No. 6794, §§ 1, 2, 9-21-87

Ord. No. 6794 was repealed and new streets were designated by Ord. No. 706, §§ 1, 2, 10-17-88

Ord. No. 7062 was repealed and new streets were designated by Ord. No. 7440, §§ 1, 2, 7-2-90

Ord. No. 7440 was repealed and new streets were designated by Ord. No. 7543, §§ 1, 2, 1-7-91

Ord. No. 7543 was repealed and new streets were designated by Ord. No. 7641, §§ 1, 2, 6-17-91

Ord. No. 7641 was repealed and new streets were designated by Ord. No. 7785, §§ 1, 2, 3-16-92

Ord. No. 7785 was repealed and new streets were designated by Ord. No. 8076, §§ 1, 2, 6-28-93

Ord. No. 8076 was repealed and new streets were designated by Ord. No. 8213, §§ 1, 2, 2-28-94

Ord. No. 8213 was repealed and new streets were designated by Ord. No. 8465, §§ 1, 2, 3-20-95

Ord. No. 8465 was repealed and new streets were designated by Ord. No. 8550, §§ 1, 2, 8-7-95

Ord. No. 8550 was repealed and new streets were designated by Ord. No. 9049, §§ 1, 2, 5-4-98
 Ord. No. 9049 was repealed and new streets were designated by Ord. No. 10408, §§ 1, 2, 6-12-07
 Ord. No. 10408 was repealed and new streets were designated by Ord. No. 10543, §§ 1, 2, 6-10-08
 Ord. No. 10543 was repealed and new streets were designated by Ord. No. 10728, §§ 1, 2, 11-17-09
 Ord. No. 10728 was repealed and new streets were designated by Ord. No. 11220, §§ 1, 2, 12-9-14

Sec. 20-141. Where thirty-five miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets or portions thereof as may be designated by ordinances shall be thirty-five (35) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's Note – Thirty-five miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74, as supplemented in 1957 and as amended by:

Ord. No. 1935, § 3, 8-3-59
 Ord. No. 2145, § 3, 2-20-60
 Ord. No. 2312, § 2, 7-2-62
 Ord. No. 2961, § 1, 2-6-67
 Ord. No. 3109, § 1, 4-15-68
 Streets designated by Ord. No. 3109 were amended by Ord. No. 3294, § 1, 7-21-69
 Streets designated by Ord. No. 3294 were amended by Ord. No. 3749, § 1, 12-13-71
 Streets designated by Ord. No. 3749 were amended by Ord. No. 4080, § 1, 7-9-73
 Streets designated by Ord. No. 4080 were amended by:
 Ord. No. 4271, § 1, 1-20-75
 Ord. No. 4505, § 2, 6-21-76
 Ord. No. 4558, §§ 1, 2, 8-23-76
 Ord. No. 4882, §§ 1, 2, 10-16-78
 Ord. No. 4962, § 2, 4-23-79
 Ord. No. 5453, §§ 1, 2, 10-19-81
 Ord. No. 5655, §§ 1, 2, 10-19-81
 Ord. No. 5966, §§ 1, 2, 3-12-84
 Ord. No. 5966 was repealed and new streets were designated by Ord. No. 6181, §§ 1, 2, 2-19-85
 Ord. No. 6181 was repealed and new streets were designated by Ord. No. 6413, §§ 1, 2, 5-5-86
 Ord. No. 6413 was repealed and new streets were designated by Ord. No. 6471, §§ 1, 2, 7-7-86
 Ord. No. 6471 was repealed and new streets were designated by Ord. No. 6490, §§ 1, 2, 8-4-86
 Ord. No. 6490 was repealed and new streets were designated by Ord. No. 6514, §§ 1, 2, 9-2-86
 Ord. No. 6514 was repealed and new streets were designated by Ord. No. 6549, §§ 1, 2, 10-2-86
 Ord. No. 6549 was repealed and new streets were designated by Ord. No. 6586, §§ 1, 2, 12-8-86

Ord. No. 6586 was repealed and new streets were designated by Ord. No. 6668, §§ 1, 2, 3-16-87
 Ord. No. 6668 was repealed and new streets were designated by Ord. No. 6703, §§ 1, 2, 5-18-87
 Ord. No. 6703 was repealed and new streets were designated by Ord. No. 6795, §§ 1, 2, 9-21-87
 Ord. No. 6795 was repealed and new streets were designated by Ord. No. 6841, §§ 1, 2, 11-23-87
 Ord. No. 6841 was repealed and new streets were designated by Ord. No. 6928, §§ 1, 2, 4-18-88
 Ord. No. 6928 was repealed and new streets were designated by Ord. No. 7063, §§ 1, 2, 10-17-88
 Ord. No. 7063 was repealed and new streets were designated by Ord. No. 7115, §§ 1, 2, 12-19-88
 Ord. No. 7115 was repealed and new streets were designated by Ord. No. 7355, §§ 1, 2, 2-26-90
 Ord. No. 7355 was repealed and new streets were designated by Ord. No. 7418, §§ 1, 2, 6-4-90
 Ord. No. 7418 was repealed and new streets were designated by Ord. No. 7441, §§ 1, 2, 7-2-90
 Ord. No. 7441 was repealed and new streets were designated by Ord. No. 7613, §§ 1, 2, 5-6-91
 Ord. No. 7613 was repealed and new streets were designated by Ord. No. 7642, §§ 1, 2, 6-17-91
 Ord. No. 7642 was repealed and new streets were designated by Ord. No. 7784, §§ 1, 2, 3-16-92
 Ord. No. 7784 was repealed and new streets were designated by Ord. No. 7976, §§ 1, 2, 2-1-93
 Ord. No. 7976 was repealed and new streets were designated by Ord. No. 8158, §§ 1, 2, 11-15-93
 Ord. No. 8158 was repealed and new streets were designated by Ord. No. 8294, §§ 1, 2, 6-6-94
 Ord. No. 8294 was repealed and new streets were designated by Ord. No. 8340, §§ 1, 2, 8-1-94
 Ord. No. 8340 was repealed and new streets were designated by Ord. No. 8551, §§ 1, 2, 8-7-95
 Ord. No. 8551 was repealed and new streets were designated by Ord. No. 8684, §§ 1, 2, 5-6-96
 Ord. No. 8684 was repealed and new streets were designated by Ord. No. 8715, §§ 1, 2, 6-17-96
 Ord. No. 8715 was repealed and new streets were designated by Ord. No. 8924, §§ 1, 2, 9-2-97
 Ord. No. 8924 was repealed and new streets were designated by Ord. No. 9012, §§ 1, 2, 2-2-98
 Ord. No. 9012 was repealed and new streets were designated by Ord. No. 9050, §§ 1, 2, 5-4-98
 Ord. No. 9050 was repealed and new streets were designated by Ord. No. 9134, §§ 1, 2, 10-5-98
 Ord. No. 9134 was repealed and new streets were designated by Ord. No. 9759, §§ 1, 2, 9-3-02
 Ord. No. 9759 was repealed and new streets were designated by Ord. No. 9964, §§ 1, 2, 5-17-04
 Ord. No. 9964 was repealed and new streets were designated by Ord. No. 10409, §§ 1, 2, 6-12-07
 Ord. No. 10409 was repealed and new streets were designated by Ord. No. 10544, §§ 1, 2, 6-10-08
 Ord. No. 10544 was repealed and new streets were designated by Ord. No. 10729, §§ 1, 2, 11-17-09
 Ord. No. 10729 was repealed and new streets were designated by Ord. No. 11221, §§ 1, 2, 12-9-14

Sec. 20-142. Where forty miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be forty (40) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Forty mile per hour speed limits have been designated by 1953 Code, ch. 17, § 74b, as supplemented in 1957, and as amended by:

- Ord. No. 2145, § 5, 2-20-61
- Ord. No. 2312, § 4, 7-2-62
- Ord. No. 2459, § 1, 5-6-63
- Ord. No. 2965, § 1, 2-6-67
- Ord. No. 3108, § 1, 4-15-68
- Streets designated by Ord. No. 3108 were amended by Ord. No. 3295, § 1, 7-21-69
- Streets designated by Ord. No. 3295 were amended by Ord. No. 3750, § 1, 12-13-71
- Streets designated by Ord. No. 3750 were amended by Ord. No. 4049, § 1, 7-9-73
- Streets designated by Ord. No. 4049 were amended by Ord. No. 4272, § 1, 1-20-75
- Ord. No. 4506, § 2, 6-21-76
- Ord. No. 4883, §§ 1, 2, 10-16-78
- Ord. No. 4962, § 1, 4-23-79
- Ord. No. 5656, §§ 1, 2, 9-27-82
- Ord. No. 5967, §§ 1, 2, 3-12-84
- Ord. No. 5967 was repealed and new streets were designated by Ord. No. 6182, §§ 1, 2, 2-19-85
- Ord. No. 6182 was repealed and new streets were designated by Ord. No. 6415, §§ 1, 2, 5-5-86
- Ord. No. 6415 was repealed and new streets were designated by Ord. No. 6472, §§ 1, 2, 7-7-86
- Ord. No. 6472 was repealed and new streets were designated by Ord. No. 6489, §§ 1, 2, 8-4-86
- Ord. No. 6489 was repealed and new streets were designated by Ord. No. 6515, §§ 1, 2, 9-2-86
- Ord. No. 6515 was repealed and new streets were designated by Ord. No. 6550, §§ 1, 2, 10-20-86
- Ord. No. 6550 was repealed and new streets were designated by Ord. No. 6587, §§ 1, 2, 12-8-86
- Ord. No. 6587 was repealed and new streets were designated by Ord. No. 6619, §§ 1, 2, 1-5-87
- Ord. No. 6619 was repealed and new streets were designated by Ord. No. 6669, §§ 1, 2, 3-16-87
- Ord. No. 6669 was repealed and new streets were designated by Ord. No. 6704, §§ 1, 2, 5-18-87
- Ord. No. 6704 was repealed and new streets were designated by Ord. No. 6796, §§ 1, 2, 9-21-87
- Ord. No. 6796 was repealed and new streets were designated by Ord. No. 6842, §§ 1, 2, 11-23-87
- Ord. No. 6842 was repealed and new streets were designated by Ord. No. 6929, § 1, 2, 4-18-88

- Ord. No. 6929 was repealed and new streets were designated by Ord. No. 6951, §§ 1, 2, 5-16-88
- Ord. No. 6951 was repealed and new streets were designated by Ord. No. 7041, §§ 1, 2, 9-19-88
- Ord. No. 7041 was repealed and new streets were designated by Ord. No. 7067, §§ 1, 2, 10-17-88
- Ord. No. 7067 was repealed and new streets were designated by Ord. No. 7116, §§ 1, 2, 12-19-88
- Ord. No. 7116 was repealed and new streets were designated by Ord. No. 7204, §§ 1, 2, 6-5-89
- Ord. No. 7204 was repealed and new streets were designated by Ord. No. 7231, §§ 1, 2, 7-3-89
- Ord. No. 7231 was repealed and new streets were designated by Ord. No. 7356, §§ 1, 2, 2-26-90
- Ord. No. 7356 was repealed and new streets were designated by Ord. No. 7375, §§ 1, 2, 3-19-90
- Ord. No. 7375 was repealed and new streets were designated by Ord. No. 7419, §§ 1, 2, 6-4-90
- Ord. No. 7419 was repealed and new streets were designated by Ord. No. 7482, §§ 1, 2, 9-17-90
- Ord. No. 7482 was repealed and new streets were designated by Ord. No. 7614, §§ 1, 2, 5-6-91
- Ord. No. 7614 was repealed and new streets were designated by Ord. No. 7643, §§ 1, 2, 6-17-91
- Ord. No. 7643 was repealed and new streets were designated by Ord. No. 7810, §§ 1, 2, 5-4-92
- Ord. No. 7810 was repealed and new streets were designated by Ord. No. 7977, §§ 1, 2, 2-1-93
- Ord. No. 7977 was repealed and new streets were designated by Ord. No. 8080, §§ 1, 2, 6-28-93
- Ord. No. 8080 was repealed and new streets were designated by Ord. No. 8159, §§ 1, 2, 11-15-93
- Ord. No. 8159 was repealed and new streets were designated by Ord. No. 8626, §§ 1, 2, 1-8-96
- Ord. No. 8626 was repealed and new streets were designated by Ord. No. 8925, §§ 1, 2, 9-2-97
- Ord. No. 8925 was repealed and new streets were designated by Ord. No. 9013, §§ 1, 2, 2-2-98
- Ord. No. 9013 was repealed and new streets were designated by Ord. No. 9051, §§ 1, 2, 5-4-982
- Ord. No. 9051 was repealed and new streets were designated by Ord. No. 9135, §§ 1, 2, 10-5-98
- Ord. No. 9135, was repealed and new streets were designated by Ord. No. 9618 §§ 1, 2, 10-8-01
- Ord. No. 9618, was repealed and new streets were designated by Ord. No. 9966 §§ 1, 2, 5-17-04
- Ord. No. 9966, was repealed and new streets were designated by Ord. No. 10229 §§ 1, 2, 12-20-05
- Ord. No. 10229, was repealed and new streets were designated by Ord. No. 10410 §§ 1, 2, 6-12-07
- Ord. No. 10410, was repealed and new streets were designated by Ord. No. 10545 §§ 1, 2, 6-10-08
- Ord. No. 10545 was repealed and new streets were designated by Ord. No. 10730, §§ 1, 2, 11-17-09
- Ord. No. 10730 was repealed and new streets were designated by Ord. No. 11222, §§ 1, 2, 12-9-14

Sec. 20-143. Where forty-five miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be forty-five (45) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Forty-five miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74a, as supplemented in 1957, and as amended by:

- Ord. No. 1935, § 4, 8-3-50
- Ord. No. 2145, § 4, 2-20-61
- Ord. No. 2312, § 3, 7-2-62
- Ord. No. 2963, § 1, 2-6-67
- Ord. No. 3110, § 1, 4-15-68
- Streets designated by Ord. No. 3110 were amended by Ord. No. 3296, § 1, 7-21-69
- Streets designated by Ord. No. 3296 were amended by Ord. No. 3751, § 1, 12-13-71
- Streets designated by Ord. No. 3751 were amended by Ord. No. 4050, § 1, 7-9-73
- Streets designated by Ord. No. 4050 were amended by:
 - Ord. No. 4273, § 1, 1-20-75
 - Ord. No. 4507, § 2, 6-21-76
 - Ord. No. 4884, §§ 1, 2, 10-16-78
 - Ord. No. 5657, §§ 1, 2, 9-27-82
 - Ord. No. 5968, §§ 1, 2, 3-12-84
- Ord. No. 5968 was repealed and new streets were designated by Ord. No. 6183, §§ 1, 2, 2-19-85
- Ord. No. 6183 was repealed and new streets were designated by Ord. No. 6414, §§ 1, 2, 5-5-86
- Ord. No. 6414 was repealed and new streets were designated by Ord. No. 6474, § 1, 2, 7-7-86
- Ord. No. 6474 was repealed and new streets were designated by Ord. No. 6516, §§ 1, 2, 9-2-86
- Ord. No. 6516 was repealed and new streets were designated by Ord. No. 6551, §§ 1, 2, 10-20-86
- Ord. No. 6551 was repealed and new streets were designated by Ord. No. 6588, §§ 1, 2, 12-8-86
- Ord. No. 6588 was repealed and new streets were designated by Ord. No. 6900, §§ 1, 2, 3-7-88
- Ord. No. 6900 was repealed and new streets were designated by Ord. No. 6952, §§ 1, 2, 5-16-88
- Ord. No. 6952 was repealed and new streets were designated by Ord. No. 7042, §§ 1, 2, 9-19-88
- Ord. No. 7042 was repealed and new streets were designated by Ord. No. 7064, §§ 1, 2, 10-17-88
- Ord. No. 7064 was repealed and new streets were designated by Ord. No. 7232, §§ 1, 2, 7-3-89
- Ord. No. 7232 was repealed and new streets were designated by Ord. No. 7357, §§ 1, 2, 2-26-90
- Ord. No. 7357 was repealed and new streets were designated by Ord. No. 7374, §§ 1, 2, 3-19-90
- Ord. No. 7374 was repealed and new streets were designated by Ord. No. 7483, §§ 1, 2, 9-17-90

- Ord. No. 7483 was repealed and new streets were designated by Ord. No. 7644, §§ 1, 2, 6-17-91
- Ord. No. 7644 was repealed and new streets were designated by Ord. No. 7769, §§ 1, 2, 2-24-92
- Ord. No. 7769 was repealed and new streets were designated by Ord. No. 7811, §§ 1, 2, 5-4-92
- Ord. No. 7811 was repealed and new streets were designated by Ord. No. 7978, §§ 1, 2, 2-1-93
- Ord. No. 7978 was repealed and new streets were designated by Ord. No. 8077, §§ 1, 2, 6-28-93
- Ord. No. 8077 was repealed and new streets were designated by Ord. No. 8627, §§ 1, 2, 1-8-96
- Ord. No. 8627 was repealed and new streets were designated by Ord. No. 8685, §§ 1, 2, 5-6-96
- Ord. No. 8685 was repealed and new streets were designated by Ord. No. 8716, §§ 1, 2, 6-17-96
- Ord. No. 8716 was repealed and new streets were designated by Ord. No. 8926, §§ 1, 2, 9-2-97
- Ord. No. 8926 was repealed and new streets were designated by Ord. No. 9617, §§ 1, 2, 10-8-01
- Ord. No. 9617 was repealed and new streets were designated by Ord. No. 9698, §§ 1, 2, 4-15-02
- Ord. No. 9698 was repealed and new streets were designated by Ord. No. 10230, §§ 1, 2, 12-20-05
- Ord. No. 10230 was repealed and new streets were designated by Ord. No. 10411, §§ 1, 2, 6-12-07
- Ord. No. 10411 was repealed and new streets were designated by Ord. No. 10546, §§ 1, 2, 6-10-08
- Ord. No. 10546 was repealed and new streets were designated by Ord. No. 10731, §§ 1, 2, 11-17-09
- Ord. No. 10731 was repealed and new streets were designated by Ord. No. 11223, §§ 1, 2, 12-9-14

Sec. 20-144. Where fifty miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be fifty (50) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk.

Editor's note – Fifty miles per hour speed limits have been designated by 1953 Code, ch. 17, § 74c, as added by Ord. No. 2145, § 6, 2-20-61, and as amended by:

- Ord. No. 2312, § 5, 6-2-62
- Ord. No. 2962, § 1, 2-6-67
- Ord. No. 5969, §§ 1, 2, 3-12-84
- Ord. No. 5969 was repealed and new streets were designated by Ord. No. 6184, §§ 1, 2, 2-19-85
- Ord. No. 6184 was repealed and new streets were designated by Ord. No. 6416, §§ 1, 2, 5-5-86
- Ord. No. 6416 was repealed and new streets were designated by Ord. No. 6473, §§ 1, 2, 7-7-86
- Ord. No. 6473 was repealed and new streets were designated by Ord. No. 6546, §§ 1, 2, 10-20-86

Ord. No. 6546 was repealed and new streets were designated by Ord. No. 6589, §§ 1, 2, 12-8-86
 Ord. No. 6589 was repealed and new streets were designated by Ord. No. 6620, §§ 1, 2, 1-6-87
 Ord. No. 6620 was repealed and new streets were designated by Ord. No. 6953, §§ 1, 2, 5-16-88
 Ord. No. 6953 was repealed and new streets were designated by Ord. No. 7066, §§ 1, 2, 10-17-88
 Ord. No. 7066 was repealed and new streets were designated by Ord. No. 8686, §§ 1, 2, 5-6-96
 Ord. No. 8686 was repealed and new streets were designated by Ord. No. 9011, §§ 1, 2, 2-2-98
 Ord. No. 9011 was repealed and new streets were designated by Ord. No. 9699, §§ 1, 2, 4-15-02
 Ord. No. 9699 was repealed and new streets were designated by Ord. No. 9965, §§ 1, 2, 5-17-04
 Ord. No. 9965 was repealed and new streets were designated by Ord. No. 10412, §§ 1, 2, 6-12-07
 Ord. No. 10412 was repealed and new streets were designated by Ord. No. 10547, §§ 1, 2, 6-10-08
 Ord. No. 10547 was repealed and new streets were designated by Ord. No. 10732, §§ 1, 2, 11-17-09
 Ord. No. 10732 was repealed and new streets were designated by Ord. No. 11224, §§ 1, 2, 12-9-14

Sec. 20-145. Where fifty-five miles per hour speed limit imposed.

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be fifty-five (55) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies of current ordinances designating the streets governed by this section shall be kept on file by the city clerk. (Ord. No. 6185, § 1, 2-19-85)

Editor's note – Fifty – sixty mile per hour limits have been established by 1953 Code, ch. 17, § 74d, as added by Ord. No. 2145, § 7, 2-20-61, and amended by Ord. No. 2312, § 7, 7-2-62.

The entire section was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

Subsequently, Ord. No. 6185, § 1, adopted Feb. 19, 1985, added a new § 20-145.

The following ordinances designated specific streets:

Ord. No. 6185, § 2, 2-19-85
 Ord. No. 6621, § 1, 1-5-87
 Ord. No. 6621 was repealed and new streets were designated by Ord. No. 10413, §§ 1, 2, 6-12-07
 Ord. No. 10413 was repealed and new streets were designated by Ord. No. 10733, §§ 1, 2, 11-17-09
 Ord. No. 10733 was repealed and new streets were designated by Ord. No. 11225, §§ 1, 2, 12-9-14

Secs. 20-145.1 – 20-145.4. Reserved.

Editor's note – Sections 20-145.2 – 20-145.4, designating various speed regulations, were, repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983. The following ordinances designated specific streets:

Ord. No. 2968, § 1, 2-6-67
 Ord. No. 2969, § 1, 2-6-67
 Ord. No. 2970, § 2, 2-6-67

Sec. 20-146. Special speed restrictions on certain streets.

The speed permitted by state law outside of business and residence districts, as applicable upon the streets or portions thereof designated by ordinance, is greater than is reasonable or safe under the conditions found to exist upon such streets. It is hereby declared that the *prima facie* speed limit shall be as set forth when signs are erected giving notice thereof by the city traffic engineer.

(1953 Code, ch. 17, § 75; Ord. No. 9893, § 1, 9-15-03)

Editor's note – As of the time of this recodification, there have been no streets designated under the provisions codified as § 20-146.

Sec. 20-146.1. Special speed limit reductions in temporary traffic control zones.

The city traffic engineer is hereby authorized to establish a temporary reduced speed limit, within temporary traffic control zones, for the duration of roadway construction or maintenance if the current speed limit set by ordinance is not reasonable nor safe under the existing conditions. Such reduced speed limits shall be effective when signs are erected giving notice thereof, and the current speed limit signs are removed, covered or turned.

(Ord. No. 7331, § 1, 1-2-90; Ord. No. 9436, § 1, 8-7-00; Ord. No. 9893, § 2, 9-15-03)

Sec. 20-146.2. Special speed limit reductions during nighttime hours.

The city traffic engineer is hereby authorized to establish a reduced speed limit, during nighttime hours, sunset to sunrise, if the current speed limit set by ordinance is not reasonable nor safe under the existing conditions. Such reduced speed limits shall be effective when signs are erected giving notice thereof. (Ord. No. 7710, § 1, 11-18-91; Ord. No. 9893, § 3, 9-15-03)

Sec. 20-146.3. Speeding in temporary traffic control zone prohibited.

A person shall not drive in a temporary traffic control zone at a speed greater than the speed posted for that zone. Violation of this section shall constitute a civil traffic violation punishable by a mandatory minimum fine of two hundred fifty dollars (\$250.00). No judge may suspend the imposition of the minimum fine which shall be imposed in addition to any fines imposed for violation of Arizona Revised Statutes Section 28-701. Such fines shall only be assessed if signs have been erected upon or around the temporary traffic control zone which are clearly visible from the highway and which state substantially the following: Warning - \$250.00 fine for speeding in this work zone. (Ord. No. 9436, § 2, 8-7-00; Ord. No. 9488, § 2, 11-20-00)

Sec. 20-147. Regulation of speed by traffic signals.

The traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (1953 Code, ch. 17, § 76)

Sec. 20-148. Following fire or rescue apparatus.

The driver of any vehicle, except one on official business, shall not follow any fire apparatus or fire rescue vehicle traveling in response to a fire alarm or request for medical or rescue services closer than five hundred (500) feet. Except when on official business,

it is unlawful to drive a vehicle within five hundred (500) feet of fire apparatus which has stopped in response to a fire alarm. (1953 Code, ch. 17, § 77; Ord. No. 5391, § 12, 8-3-81; Ord. No. 5931, § 12, 12-19-83)

Sec. 20-149. Driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down, on any street, private driveway or alley, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (1953 Code, ch. 17, § 78)

State law reference – Similar Provisions, A.R.S. § 28-897.

Sec. 20-150. Permission required for processions and parades; compliance with chapter.

No procession or parade shall occupy, march, or proceed along any street or sidewalk except in accordance with written permission granted by the city traffic engineer and such other regulations as are set forth in this chapter which may apply. Written requests shall be made a minimum of fourteen (14) days in advance. This section shall not apply to funeral processions, except that the chief of police may regulate such processions as unreasonably interfere with normal traffic flow or pose a threat to public peace or safety. (1953 Code, ch. 17, § 79; Ord. No. 4667, § 1, 6-20-77; Ord. No. 6308, § 1, 9-16-85)

Sec. 20-151. Reserved.

Editor's note – Section 20-151, prohibiting driving through processions, derived from the 1953 Code, ch. 17, § 80, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

Sec. 20-152. Method of driving in processions.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (1953 Code, ch. 17, § 81)

Sec. 20-221. Penalty.

Unless otherwise specifically provided, the penalty for violating any ordinance or provision of article VII, division 3, which regulates the time, place, or method of parking a vehicle shall be a mandatory fine of five hundred eighteen dollars (\$518.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 1, 6-23-03)

Sec. 20-222. Parking prohibited in spaces reserved for individuals with physical disabilities.

(a) It shall be unlawful to park any motor vehicle, other than one bearing a license plate with the international wheelchair symbol or displaying a placard issued under state law for this purpose, in a parking space reserved for use by individuals with physical disabilities whether on public property or private property available for public use, when such space is designated as described in section 20-220 above.

(b) If the owner or operator of the vehicle involved in a violation of this section, subsequently produces to the court proof of possession of a valid placard issued under state law for these purposes, the fine shall be reduced to twenty dollars (\$20.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00)

Sec. 20-222.1. Parking prohibited in access aisles of spaces reserved for individuals with physical disabilities.

It shall be unlawful for any vehicle, including one with a disabled plate or placard, to park in the access aisle of such space as designated by diagonal white or yellow lines spaced at approximately two-foot intervals.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-222.2. Paratransit loading zones.

When signs are erected giving notice thereof, it is unlawful to stop, stand, or park a vehicle in any provisional paratransit loading zone. The provisions of this section shall not apply to vehicles bearing a license plate with the international wheelchair symbol or displaying a placard issued under state law for this purpose, or to authorized commercial paratransit vehicles, when any such vehicles are actively engaged in loading or unloading of passengers. In no case shall the stop for the loading or unloading of passengers exceed twenty (20) minutes.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-223. Wheelchair curb access ramps.

It is unlawful to stop, stand, or park a vehicle in such a manner as to block or deny access to a wheelchair curb access ramp. A violation of this section is punishable by a fine of one hundred dollars (\$100.00) and such fine shall not be suspended. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00)

Sec. 20-224. Reserved.**DIVISION 4. BASIC PARKING CONTROLS****Sec. 20-225. Penalty.**

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 4, which regulates the time, place, or method of parking a vehicle shall be a mandatory fine of twenty five dollars (\$25.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 2, 6-23-03)

Sec. 20-226. Designation of places angle parking permitted.

The director of transportation shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking

shall not be indicated upon any federal aid or state highway within the city unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Angle parking shall not be intended or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of a two-way street.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-226.1. Obedience to angle parking signs, marking.

Upon those streets which have been signed or marked by the director of transportation for angle parking, it is unlawful to park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or marking.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-226.2. Parking at angle to load or unload merchandise.

When a vehicle is stopped for the purpose of loading or unloading merchandise, it is unlawful to park such vehicle at an angle to the curb or freight curb loading zone designated by appropriate signs and markings for such purpose.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-226.3. Angle parking.

Where signs are posted specifying the direction of a vehicle for angle parking, it shall be unlawful to park a vehicle not in accordance with the signs.

(Ord. No. 9434, § 1, 8-7-00)

Sec. 20-226.4. Angle parking, direction.

Unless signs are posted directing otherwise, vehicles shall pull into angled parking spaces while traveling in the same direction as the travel flow of the nearest traffic lane and shall park facing the curb.

(Ord. No. 10418, § 3, 6-12-07)

Sec. 20-227. Designation of common-carrier passenger vehicle stands.

The director of transportation is hereby authorized and required to establish bus stops and stands for other passenger common-carrier motor vehicles other than taxicabs on such public streets, in such places and in such number as the director of transportation shall determine to be of the greatest benefit and convenience to the public; and every such bus stop or other stand shall be designated by appropriate signs.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-228. Taxicab stands – application for; location; signs required.

Upon receipt of a written application, the director of transportation is hereby authorized to determine the location of taxicab stands and shall place and maintain appropriate signs and/or markings indicating same. The written application shall define the area wherein the taxicab stand is requested, the size of zone requested, the hours of day during which the zone is needed, and such other pertinent information as may be necessary for the director of transportation to determine whether the application should be granted.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-228.1. Same – Revocation.

The director of transportation may at any time, without notice, remove, relocate or alter any taxicab stand issued under this section.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-229. Time limit parking.

When signs are erected giving notice thereof, it is unlawful to park a vehicle for longer than the time period posted. It shall be unlawful to park a vehicle in the same time restricted space, or same type time restricted space within the same block, for any portion of two (2) consecutive time periods.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

Sec. 20-234. Hazard flashers mandatory.

Where signs are erected, giving notice thereof, it shall be illegal to park a vehicle without utilizing the vehicle's emergency hazard flashers. This restriction may be posted in conjunction with, and in addition to, any other section of this article.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-235. Public parking prohibited in parking lots or spaces reserved for city officers or employees.

(a) It is unlawful for any person not an officer or employee of the city to stand or park a vehicle on city parking lots or parking spaces reserved for or allocated to city employees or officers.

(b) It is unlawful for any officer or employee of the city to stand or park a vehicle on city parking lots or parking spaces reserved for or allocated to another city employee or officer without that officer's or employee's permission.

(c) The provisions of this chapter relating to parking meters, and to the enforcement of parking violations set forth in section 20-230, unless the context otherwise requires, shall apply to public use designated parking spaces on such lots having city parking meters. (Ord. No. 9196, § 1, 1-25-99)

Sec. 20-236. Height limit restriction.

It shall be unlawful to park a vehicle of height in excess of the clearly and conspicuously posted height limit of an off-street parking facility.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-237. Obedience to markings; double parking prohibited.

It shall be unlawful to park a vehicle in off-street parking facilities, designed and maintained in accordance with Tucson Code chapter 23, except within the individually marked parking spaces. It shall be unlawful to park a vehicle in such a manner as to block ingress or egress to another legal parking space. (Ord. No. 9196, § 1, 1-25-99)

Secs. 20-238 – 20-245. Reserved.**DIVISION 5. NUISANCE PARKING CONTROLS****Sec. 20-246. Penalty.**

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 5, which regulates the time, place, or method of parking a vehicle shall be a mandatory fine of fifty dollars (\$50.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 3, 6-23-03)

Sec. 20-247. Parking for certain purposes prohibited.

It is unlawful to park a vehicle upon any roadway for the purpose of:

- (1) Washing, greasing or repairing such vehicle, except for immediate repairs necessitated by an emergency and necessary to be made before the vehicle can be moved; or
- (2) Displaying commercial exhibits, except by special permit lawfully issued by the city.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-248. Parking regulations for peddlers.

No peddler shall park a vehicle or alternating vehicles or series of vehicles on any public street for the purpose of peddling food or wares for a period in excess of sixty (60) continuous minutes, or in excess of one hundred twenty (120) minutes in any 24-hour period at one (1) location. The parking of such vehicle within a distance of three hundred (300) feet from the original parking space shall be deemed one (1) location. No service from such vehicle to the public shall be made from the traffic side or the side of the vehicle which faces the center of the public street. However, such vehicle may park for such purposes in the vicinity of a special event, such as a football game or other sporting event, circus, fair, rodeo or parade, during the period of the event, plus one (1) hour, prior to and after the event.

(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-248.1. Parking regulations for peddlers in certain central business district streets.

(a) Peddlers may not park a vehicle for the purpose of peddling food or wares in the central business district upon Stone Avenue between Franklin Street and 14th Street, and upon Congress Street and upon Pennington Street between Sixth Avenue and Church Avenue, except in the red painted street zones at the following designated areas:

- (1) North side of Pennington Street, east of Stone Avenue;
- (2) West side of Stone Avenue, north of Pennington Street;
- (3) South side of Congress Street, east of Stone Avenue.

Parking for such purposes at permitted areas is limited from 9:00 a.m. to 4:00 p.m., Monday through Friday, and is not permitted on sidewalks.

(b) The permitted area may not be used for peddlers' vehicles all day on special event days when the named streets are blocked off to vehicle traffic.

(c) Peddlers' vehicles must be removed immediately in event of an emergency, and must be at least fifty (50) feet from any objecting business.

(d) Only one (1) peddler's vehicle is permitted for each permitted designated area. The first peddler at the area each day shall have prior right to the area until the vehicle is removed.

(e) The maximum size of a peddler's vehicle shall be forty-eight (48) inches high, forty-eight (48) inches wide, and seventy-two (72) inches long.

(f) All items relating to the peddling activity must be kept in or under the peddler's vehicle, and nothing placed on any public area adjacent to the vehicle, including signs.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-249. Freight curb loading zones; location of provisional zones in parking meter zones.

The director of transportation is hereby authorized to determine the location of provisional freight curb loading zones within any parking meter zone. The director of transportation may at any time, without notice, remove, relocate or alter any freight curb loading zone issued under this section.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-249.1. Same – When nonauthorized vehicles prohibited in provisional zones.

When signs are erected giving notice thereof, it is unlawful to stop, stand or park a vehicle in any provisional freight curb loading zone between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday except public holidays, however the provisions of this section shall not apply, when the vehicle's hazard warning flashers are in operation, if the authorized commercial vehicle or government-plated truck is parked in any provisional freight curb loading zone for a period of time not to exceed thirty (30) minutes.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-250. Parking on property of another prohibited without permission.

It is unlawful for the driver of a motor vehicle to park the vehicle in or upon property of another without having in the driver's possession the written permission of the person legally entitled to possession of the property. However, a citation charging violation of this section shall be dismissed if the aforesaid written permission is subsequently presented to the department of transportation or to the city court.
(Ord. No. 9196, § 1, 1-25-99)

Sec. 20-251. Parking in parks and playgrounds.

It is unlawful to park a motor vehicle in or upon the parks and playgrounds of the city except in designated and signed parking areas.
(Ord. No. 9196, § 1, 1-25-99)

stand, or park a vehicle in an unimproved pedestrian area adjacent to roadways less than or equal to twenty-six (26) feet wide.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9434, § 5, 8-7-00; Ord. No. 11063, § 2, 3-27-13)

Sec. 20-261. Unattended and inoperable vehicles prohibited.

(a) It shall be unlawful to park, or leave unattended, on any street or roadway or right-of-way thereof, any vehicle for a period in excess of twenty four (24) hours.

(b) Any operable, currently registered, non-commercial, passenger vehicle registered to a resident of a property immediately adjacent to the parked vehicle shall be exempt from section 20-261(a) provided the vehicle is not in violation of any other section of this code.

(c) It shall be unlawful to park or leave unattended, on any street or roadway or right-of-way thereof, any vehicle exempt from section 20-261(a) as described in section 20-261(b) for a period in excess of seven (7) calendar days.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

Sec. 20-262. Truck parking on streets not designated as truck routes prohibited.

(a) It is unlawful to park any vehicle having a total gross vehicle weight rating in excess of twenty thousand (20,000) pounds, including, but not limited to, trucks, truck tractors, road tractors, trailers, semi-trailers, vehicle transporters, or any combination of such vehicles:

- (1) On a street not designated as a truck route under article I section 20-15 of this chapter; or
- (2) On a street posted pursuant to section 20-15.1(b) with a sign or signs limiting the gross weight of vehicles permitted on the street; or
- (3) Within a residence district.

(b) Notwithstanding the prohibition in section 20-272(a) above, a restricted vehicle may park, except as otherwise prohibited by this article:

- (1) On any street within a business district, unless the street is posted pursuant to section 20-15.1(b) with a sign or signs limiting the gross weight of vehicles on the street; or
- (2) On any street to perform the following activities, except that, upon completion of such activity, the vehicle must return to the nearest designated truck route:
 - (i) Deliver, pickup, load, or unload merchandise, materials, or equipment, including furniture and other household goods; or
 - (ii) Provide construction, repair, or similar services to a property.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00)

Note: Formerly § 20-272.

Sec. 20-263. Recreational vehicles; commercial vehicles.

It shall be unlawful to park any recreational vehicle, or any commercial vehicle, on the same block of any street or roadway or right-of-way thereof for any portion of any two (2) consecutive calendar days.

(Ord. No. 10418, § 3, 6-12-07)

Secs. 20-264 – 20-270. Reserved.

DIVISION 6. SAFETY ISSUES

Sec. 20-271. Penalty.

Unless otherwise specifically provided, the penalty for violating any provision of article VII, division 6, which regulates the time, place, or method of parking a vehicle shall be a mandatory fine of one hundred fifty dollars (\$150.00), no part of which may be suspended or waived by the court. This fine includes any assessments imposed under state law.

(Ord. No. 9196, § 1, 1-25-99; Ord. No. 9492, § 3, 11-27-00; Ord. No. 9867, § 4, 6-23-03)

Sec. 20-272. Reserved.

Editor’s note – Ord. No. 9492, § 3, adopted Nov. 27, 2000, renumbered the provisions of former § 20-272 as current § 20-262. The user is directed to § 20-262 for provisions concerning truck parking on streets not designated as truck routes prohibited. See the Code Comparative Table.

Sec. 20-273. Parking in alleys.

It is unlawful to park a vehicle within an alley, whether posted or not, except for the loading or unloading of merchandise and materials, and then not unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic. Notwithstanding the foregoing provision, the director of transportation may authorize limited alley blockage for periods not to exceed twenty (20) minutes at locations where such blockage is necessary for the immediate loading or unloading of persons, merchandise, or materials, provided that vehicles shall remain attended at all times and shall be immediately moved if necessary to accommodate the passage of emergency or city service vehicles. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 9424, § 1, 7-10-00; Ord. No. 9434, § 6, 8-7-00)

Sec. 20-274. Hazardous areas adjacent to schools.

The director of transportation is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property where and when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon such side of a street adjacent to any school property, it is unlawful to stop, stand, or park a vehicle in any such designated place. (Ord. No. 9196, § 1, 1-25-99)

Sec. 20-275. Standing or parking outside of business or residence district.

Upon any highway outside of a business or residence district, it is unlawful to stand or park any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practical to stand or park the vehicle off that part of the highway, but in every event an unobstructed width of the highway opposite the vehicle shall be left for the free passage of other vehicles; and a clear view of the standing or parked vehicle shall be available from a distance of two hundred (200) feet in each direction

upon the highway. This section shall not apply if the vehicle is disabled while on the paved or main-traveled part of a highway and is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. No. 9196, § 1, 1-25-99)

Sec. 20-276. Buses stopping on crosswalks, within intersections prohibited.

It shall be unlawful for any bus to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers. (Ord. No. 9196, § 1, 1-25-99)

Sec. 20-277. Stopping, standing or parking prohibited in specified places.

Except for public buses, which may stop in a no-parking zone marked or sign posted as a bus loading zone, or authorized commercial vehicles or government-plated trucks as defined in section 20-249 in freight curb loading zones, or disabled or handicapped vehicles in disabled zones, or passengers or their effects in passenger curb loading zones, it is unlawful to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with law or directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) On a crosswalk, whether marked or unmarked.
 - (4) Within twenty (20) feet of a crosswalk at the departing side of an intersection whether marked or unmarked.
 - (5) In red zones.
 - (6) Where “no-parking” signs are specifically posted.
 - (7) Within five (5) feet of a driveway.
 - (8) Within ten (10) feet of an alleyway.
- (Ord. No. 9196, § 1, 1-25-99; Ord. No. 11063, § 3, 3-27-13)

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		2	6-38
		3	6-36(note), 6-124(note) 6-84(note), 6-164(note)
		4	6-40
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		1	Rpld 6-66 – 6-68
		2	Rpld 6-71 – 6-73
		4	Rpld 11-46
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		6	Rpld 11-71 – 11-84
		7	Rpld 11-130 – 11-135
		8	Rpld 11-140 – 11-145
		11	Rpld 15-7 – 15-10
		12	Rpld 15-70 – 15-74
		13	Rpld 15-75
		15	Added 16-1 – 16-4 16-10 – 16-15 16-20 – 16-28 16-30 – 16-34 16-40 – 16-51 16-60 – 16-67 16-70 – 16-74 16-80 – 16-83
9826	3-24-03	1	22-50
9831	4-14-03	1	Added 22-90(4)
9838	5- 5-03	1	19-66(a)
9839	5- 5-03	1 – 3	19-53(3), (4)
9840	5- 5-03	1	19-270(f)
		2	19-300(a)(2)
		3	Rnbd 19-600 as 19-130
		4	Rpld 19-601, 19-602
		5	Added 19-600 Added 19-610 Added 19-620 Added 19-630 Added 19-640 Added 19-650 Added 19-660
		6	19-115.1(f)
		7	19-300(a)(4)
		8	19-350.2(5)f.
		9	19-520.1(a)(6)
9841	5-12-03	1	19-100
		2	19-260(c)
		3	Added 19-415.3
9842	5-12-03	1	27-32.1 27-33 27-35, 27-36 27-37(1)f.
			Added 27-27(4) 27-38(1) 27-43(b)
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		5	21-9(1)
		6	21-12
		7	21-13
		8	21-13.1
		9	21-13.2
		10	21-14.1
		11	21-14.2
		12	21-15
		13	21-16(1)
		14	21-16(2)
		15	21-16(3)
		16	21-16(4)
		17	21-19
9851	5-12-03	1	Added 8-6.5
9857	6- 2-03	1	Added 22-86
9859	6-23-03	1	Added 3-59(a)(7)
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9861	6-16-03	3	11-46.1(4)(3)a., (4)
		4	11B-1, 11B-2
		5A	15-1
		5B	15-2(c)
		5C	15-13
		5D	15-14(a)
		5E	15-15
		5F	15-22(b)
		6	29-23A.8.
9864	6-16-03	1	22-90(3) – (5)
		2	22-91a.6.
		3	22-94(d)
			Added 22-94(g)
9866	6-16-03	1	10-31(6)
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		2	Rpld 19-1070(c)
		3	19-1080(a)
9878	8- 4-03	1	22-91a.6.
		2	22-94(b), (d) – (f)
9893	9-15-03	1 – 3	20-146 – 20-146.2
		4	Added 20-112.1
9898	9-15-03	1	Added 17-70 – 17-77
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		16 (eff. 10-1-07)	19-460
		17 (eff. 8-1-14)	19-700
11188	8-5-14	2 (eff. 9-5-14)	3-82
11198	9-9-14	1 (eff. 1-1-15)	19-39
		2 (eff. 1-1-15)	19-310
		3 (eff. 1-1-15)	Rpld 19-310.1
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11209	11-5-14	1	1-19
11219	12-9-14	1 (eff. 1-1-15)	19-300 – 19-380
		2 (eff. 1-1-15)	Rpld Reg. 19-300.1 – 19-360.2
		3 (eff. 1-1-15)	19-480
		5	Rpld 19-1200 – 19-1255
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11221	12-9-14	1, 2	20-141 (note)
11222	12-9-14	1, 2	20-142 (note)
11223	12-9-14	1, 2	20-143 (note)
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