

**TUCSON, ARIZONA**  
Supp. No. 111 – 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 July 6, 2016. 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. 111” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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# TUCSON CODE

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CONTAINING  
THE CHARTER AND GENERAL ORDINANCES  
CITY OF TUCSON, ARIZONA

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

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

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

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

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

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TUCSON CODE



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

*Sec. 4-99(1).* Upon impounding any licensed dog, the owner shall be promptly notified and such owner may reclaim his dog within five (5) days from the date of the actual notice or mailing of notice, upon proof of ownership and payment of all costs and charges incurred in impounding and maintaining the dog.

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

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

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

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

*Sec. 4-99(6).*

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

(1953 Code, ch. 4, art. II, § 7: Ord. No. 2558, § 1, 12-16-63; Ord. No. 7998, § 4, 6-7-93; Ord. No. 9159, § 5, 11-9-98; Ord. No. 11376, § 1, 6-21-16)

**Sec. 4-100. Reserved.**

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

**Sec. 4-101. Reserved.**

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

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

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

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

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

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

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

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

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

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

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

**Secs. 10-23 – 10-30. Reserved.**

**ARTICLE II. COMPENSATION PLAN\***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to maximum) for principle assistant city attorney.
- (3) Fire fighter, trainee, eighty-five (85) percent of range 401, step 1.
- (4) Water treatment plant operator, trainee, ninety (90) percent of range 916, step 1.
- (5) Utility service worker, trainee, ninety (90) percent of range 915, step 1.
- (6) Code inspector trainee, ninety-five (95) percent of range 918, step 1.
- (7) Emergency 911 operator, police service operator and public safety dispatcher will receive temporary assignment pay for five (5) percent of the employees base hourly rate for all hours when employee is assigned to train and evaluate an operator-trainee or dispatcher-trainee as part of the departments formal training program.

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan.

- 1. (Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

*Sec. 10-31(8). Payment for uniform maintenance.*

Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance.

(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11291, § 3, 8-5-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, and Ord. No. 11291, § 5, adopted August 5, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

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

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

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

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

Ch. 10, § 36a of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 2, 2-3-60  
 Ord. No. 2105, § 1, 11-7-60  
 Ord. No. 2129, § 2, 1-3-61  
 Ord. No. 2212, § 4, 9-18-61

Ord. No. 2390, § 4, 12-17-62  
 Ord. No. 2608, § 1, 5-4-64  
 Ord. No. 2709, § 1, 12-7-64

Ch. 10, § 36b of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 3, 2-3-60  
 Ord. No. 2212, § 5, 9-18-61  
 Ord. No. 2390, § 5, 12-17-62  
 Ord. No. 2651, § 2, 8-13-64  
 Ord. No. 2659, § 1, 9-8-64

Ch. 10, § 36c of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 4, 2-3-60  
 Ord. No. 2074, § 1, 8-1-60  
 Ord. No. 2212, § 6, 9-18-61  
 Ord. No. 2329, § 2, 8-13-62  
 Ord. No. 2574, § 2, 1-20-64

Ch. 10, § 36d of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 1971, § 2, 11-16-59  
 Ord. No. 2004, § 5, 2-3-60  
 Ord. No. 2032, § 1, 5-16-60  
 Ord. No. 2212, § 7, 9-18-61  
 Ord. No. 2390, § 7, 12-17-62  
 Ord. No. 2496, § 2, 7-22-63

Ch. 10, § 36e of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 6, 2-3-60  
 Ord. No. 2212, § 8, 9-18-61  
 Ord. No. 2329, § 3, 8-13-62  
 Ord. No. 2390, § 8, 12-17-62  
 Ord. No. 2460, § 2, 5-6-63  
 Ord. No. 2574, § 3, 1-20-64  
 Ord. No. 2608, § 2, 5-4-64  
 Ord. No. 2695, § 1, 11-9-64

Ch. 10, § 36f of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 7, 2-3-60  
 Ord. No. 2105, § 2, 11-7-60  
 Ord. No. 2212, § 9, 9-18-61  
 Ord. No. 2213, § 1, 9-25-61  
 Ord. No. 2390, § 9, 12-17-62  
 Ord. No. 2460, § 3, 5-6-63  
 Ord. No. 2490, § 3, 7-22-63  
 Ord. No. 2574, § 4, 1-20-64  
 Ord. No. 2693, § 2, 11-2-64

Ch. 10, § 36g of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:  
 Ord. No. 2004, § 8, 2-3-60  
 Ord. No. 2063, § 1, 7-5-60  
 Ord. No. 2105, § 3, 11-7-60  
 Ord. No. 2212, § 10, 9-10-61  
 Ord. No. 2216, § 1, 10-19-61  
 Ord. No. 2390, § 10, 12-17-62  
 Ord. No. 2496, § 4, 7-22-63  
 Ord. No. 2574, § 5, 1-20-64

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

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

- Ord. No. 2754, § 3, 4-5-65  
 Ord. No. 2845, § 4, 2-7-66  
 Ord. No. 2874, § 1, 5-16-66  
 Ord. No. 2908, §§ 1, 2, 8-1-66  
 Ord. No. 2930, §§ 1, 2, 10-24-66  
 Ord. No. 2940, § 3, 11-28-66  
 Ord. No. 2973, § 1, 2-6-67  
 Ord. No. 2974, § 1, 2-6-67  
 Ord. No. 2986, § 2, 3-20-67  
 Ord. No. 3009, §§ 1, 2, 6-5-67  
 Ord. No. 3061, § 1, 12-4-67  
 Ord. No. 3079, § 1, 1-15-68  
 Ord. No. 3123, § 1, 5-20-68  
 Ord. No. 3126, § 2, 5-27-68  
 Ord. No. 3127, § 1, 6-3-68  
 Ord. No. 3137, § 1, 7-1-68  
 Ord. No. 3163, §§ 1, 2, 9-9-68  
 Ord. No. 3179, § 1, 11-12-68  
 Ord. No. 3199, § 1, 12-2-68  
 Ord. No. 3208, § 1, 1-13-69  
 Ord. No. 3209, §§ 1, 2, 1-13-69  
 Ord. No. 3214, § 1, 2-3-69  
 Ord. No. 3215, §§ 1, 2, 2-24-69  
 Ord. No. 3251, §§ 1, 2, 5-5-69  
 Ord. No. 3266, § 1, 6-2-69  
 Ord. No. 3279, § 1, 6-23-69  
 Ord. No. 3298, § 1, 7-21-69  
 Ord. No. 3344, § 2, 10-16-69  
 Ord. No. 3405, § 1, 2-2-70  
 Ord. No. 3428, § 1, 3-23-70  
 Ord. No. 3429, § 1, 3-23-70  
 Ord. No. 3444, § 1, 5-18-70  
 Ord. No. 3512, § 1, 8-31-70  
 Ord. No. 3534, § 1, 10-12-70  
 Ord. No. 3581, § 1, 1-4-71  
 Ord. No. 3582, § 1, 1-4-71  
 Ord. No. 3635, §§ 1, 2, 5-12-71  
 Ord. No. 3648, §§ 1-4, 5-10-71  
 Ord. No. 3710, §§ 1, 2, 9-7-71  
 Ord. No. 3768, § 1, 12-20-71  
 Ord. No. 3838, §§ 1-4, 5-1-72  
 Ord. No. 3863, §§ 1-4, 6-12-73  
 Ord. No. 3914, §§ 1, 2, 9-5-72  
 Ord. No. 3968, § 1, 1-22-73  
 Ord. No. 4014, § 1, 4-23-73  
 Ord. No. 4025, § 1, 5-21-73  
 Ord. No. 4027, § 1, 5-29-73  
 Ord. No. 4038, § 2, 6-25-73  
 Ord. No. 4065, § 1, 7-16-73  
 Ord. No. 4075, § 1, 8-6-73  
 Ord. No. 4105, § 1, 11-5-73  
 Ord. No. 4119, § 2, 12-11-73  
 Ord. No. 4142, § 1, 2-25-74  
 Ord. No. 4182, § 1, 5-28-74  
 Ord. No. 4194, § 1, 6-3-74  
 Ord. No. 4198, § 2, 6-17-74  
 Ord. No. 4203, § 2, 7-1-74  
 Ord. No. 4218, § 1, 7-22-74  
 Ord. No. 4239, § 1, 9-9-74  
 Ord. No. 4241, § 1, 9-9-74  
 Ord. No. 4306, § 1, 1-13-75  
 Ord. No. 4371, § 1, 6-30-75  
 Ord. No. 4381, § 1, 8-4-75  
 Ord. No. 4425, § 2, 12-30-75  
 Ord. No. 4445, § 1, 2-17-76  
 Ord. No. 4523, § 2, 6-21-76  
 Ord. No. 4528, § 1, 6-28-76  
 Ord. No. 4643, § 1, 5-23-77  
 Ord. No. 4682, § 2, 7-5-77  
 Ord. No. 4735, § 2, 12-19-77  
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 Ord. No. 5798, §§ 1, 3, 8, 7-5-83  
 Ord. No. 5832, § 1, 8-1-83  
 Ord. No. 5850, §§ 1-3, 9-6-83  
 Ord. No. 5901, § 1, 11-21-83  
 Ord. No. 5903, § 1, 11-21-83  
 Ord. No. 5951, § 1, 2-13-84  
 Ord. No. 6007, § 1, 4-30-84  
 Ord. No. 6040, §§ 1, 3, 8, 6-25-84  
 Ord. No. 6071, § 1, 8-6-84  
 Ord. No. 6114, §§ 1-3, 11-5-84  
 Ord. No. 6169, § 1, 2-11-85  
 Ord. No. 6264, §§ 1, 3, 8, 6-24-85  
 Ord. No. 6302, §§ 1, 2, 9-3-85  
 Ord. No. 6329, § 1, 11-18-85  
 Ord. No. 6332, § 1, 11-25-85  
 Ord. No. 6338, § 1, 11-25-85  
 Ord. No. 6452, § 1, 3, 6-16-86  
 Ord. No. 6506, § 1, 9-2-86  
 Ord. No. 6613, § 1, 1-12-87  
 Ord. No. 6643, § 1, 3-16-87  
 Ord. No. 6735, §§ 1, 5, 10, 7-6-87  
 Ord. No. 6772, §§ 1, 2, 9-14-87  
 Ord. No. 6840, § 1, 11-16-87  
 Ord. No. 6913, § 1, 3-28-88  
 Ord. No. 6921, § 1, 4-4-88  
 Ord. No. 6945, § 1, 5-9-88  
 Ord. No. 6960, §§ 1, 2, 6-6-88  
 Ord. No. 7004, §§ 1, 4, 9-11, 14, 7-5-88  
 Ord. No. 7024, § 1, 9-6-88  
 Ord. No. 7097, § 1, 11-28-88

Ord. No. 7151, §§ 1, 2, 3-6-89  
 Ord. No. 7196, §§ 1, 2, 5-15-89  
 Ord. No. 7243, §§ 7, 9, 12, 7-3-89  
 Ord. No. 7275, §§ 1 – 3, 9-11-89  
 Ord. No. 7312, §§ 1, 2, 11-13-89  
 Ord. No. 7350 § 1, 2-5-90  
 Ord. No. 7383, § 2, 3-19-90  
 Ord. No. 7439, § 1, 6-25-90  
 Ord. No. 7466, § 1, 8-6-90  
 Ord. No. 7497, § 1, 9-17-90  
 Ord. No. 7518, § 1, 11-19-90  
 Ord. No. 7549, § 1, 1-14-91  
 Ord. No. 7566, § 1, 2-25-91  
 Ord. No. 7599, §§ 1, 2, 4-1-91  
 Ord. No. 7605, §§ 1, 2, 4-15-91  
 Ord. No. 7653, §§ 1, 2, 6-24-91  
 Ord. No. 7691, §§ 1, 2, 9-16-91  
 Ord. No. 7780, §§ 1, 2, 3-16-92  
 Ord. No. 7906, § 1, 9-14-92  
 Ord. No. 7917, §§ 1, 2, 10-5-92  
 Ord. No. 7970, § 1, 1-4-93  
 Ord. No. 8022, § 1, 4-12-93  
 Ord. No. 8067, §§ 1, 2, 6-21-93  
 Ord. No. 8090, § 1, 7-6-93  
 Ord. No. 8092, § 1, 8-2-93  
 Ord. No. 8149, § 1, 11-1-93  
 Ord. No. 8166, § 1, 11-22-93  
 Ord. No. 8206, § 1, 2-7-94  
 Ord. No. 8316, § 1, 7-5-94  
 Ord. No. 8367, § 1, 9-12-94  
 Ord. No. 8378, § 1, 10-17-94  
 Ord. No. 8439, § 2, 1-23-95  
 Ord. No. 8444, § 1, 2-6-95  
 Ord. No. 8519, §§ 1, 2, 6-12-95  
 Ord. No. 8619, § 1, 1-2-96  
 Ord. No. 8712, § 2, 6-10-96  
 Ord. No. 8753, § 2, 8-5-96  
 Ord. No. 8791, § 1, 1-6-97  
 Ord. No. 8842, § 1, 3-17-97  
 Ord. No. 8844, § 1, 3-24-97  
 Ord. No. 8878, § 1, 6-9-97  
 Ord. No. 8975, § 1, 11-3-97  
 Ord. No. 9008, § 1, 2-2-98  
 Ord. No. 9055, § 1, 5-18-98  
 Ord. No. 9068, § 1, 6-8-98  
 Ord. No. 9093, § 1, 8-3-98  
 Ord. No. 9151, § 1, 11-2-98  
 Ord. No. 9191, § 1, 1-11-99  
 Ord. No. 9237, § 1, 6-14-99  
 Ord. No. 9347, § 1, 2-7-00  
 Ord. No. 9352, § 1, 2-28-00  
 Ord. No. 9399, § 1, 6-12-00  
 Ord. No. 9465, § 1, 9-25-00  
 Ord. No. 9475, § 1, 10-16-00  
 Ord. No. 9575, § 1, 6-25-01  
 Ord. No. 9588, § 1, 8-6-01  
 Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)  
 Ord. No. 9724, §§ 1, 2, 6-17-02  
 Ord. No. 9727, §§ 1, 2, 6-24-02  
 Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)  
 Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)

Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)  
 Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)  
 Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)  
 Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)  
 Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)  
 Ord. No. 10491, §§ 1, 2, 1-8-08  
 Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)  
 Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)  
 Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)  
 Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)  
 Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)  
 Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)  
 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  
 Ord. No. 11273, § 1, 6-9-15 (effective June 28, 2015)  
 Ord. No. 11291, § 3, 8-5-15  
 Ord. No. 11373, § 1, 6-7-16 (effective June 26, 2016)

### **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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

### **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 ninety-two dollars and thirty-one cents (\$92.31) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

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

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

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

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

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

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

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, §§ 2, 3, 6-7-16, eff. 6-26-16)

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

Ord. No. 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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

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

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

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

(Ord. No. 9399, § 2, 6-12-00; Ord. No. 9522, § 1, 3-5-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165,

§ 2, 6-14-05; Ord. No. 10289, § 4, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 3, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

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

In addition to the compensation authorized by Tucson Code Section 10-31, compensation in the amount of two hundred fifty dollars (\$250.00) for each twelve-hour shift worked outside of a normally scheduled shift shall be paid to full time employees assigned to suppression duties who hold positions in the Fire Battalion Chief Classification.

(Ord. No. 9091, § 1, 7-6-98; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10948, § 1, 12-5-11; 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

Ord. No. 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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373,

§ 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

#### **Sec. 10-36. Probationary periods.**

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

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

#### **Sec. 10-37. Reallocation.**

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

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

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

(c) When a position is reallocated to a classification that is assigned to a skill based pay structure and the incumbent's current salary is higher than the incumbent's skill pay level the incumbent shall enter the structure with no change to current salary. The anniversary date shall not change. The incumbents

shall not receive any further salary increases until the skill level for the assigned salary has been reached.

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

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

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

(c) When a position is reallocated to a classification assigned a lower salary range an incumbent's salary shall not change if it is greater than the maximum for the classification. The incumbent shall not receive any further salary increases until salary ranges for the classification increase, permitting salary increases under regular administration of the compensation plan.

(Ord. No. 9399, § 3, 6-12-00; Ord. No. 9866, § 3, 6-23-03; Ord. No. 10003, § 3, 6-28-04; Ord. No. 10550, § 4, 6-17-08, eff. 7-1-08)

#### **Sec. 10-37.1. Reserved.**

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

#### **Sec. 10-37.2. Reserved.**

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

#### **Sec. 10-38. Movement within salary ranges.**

Movement within salary ranges shall be based upon performance components and or predicated on acquisition of skills set forth in skill based pay components of the compensation plan and also in accordance with the city managers directives for compensation administration.

(Ord. No. 10003, § 4, 6-28-04)

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

Notwithstanding any other provision of article II of chapter 10, no person compensated under a performance based component of the compensation plan may receive more than one (1) performance based compensation increase within a year, except for exceptionally meritorious service and then only upon the recommendation of the department head and with the approval of the city manager. Performance pay increases for exceptionally meritorious service will not exceed five (5) percent in addition to the basic performance based pay of five (5) percent or a total maximum of ten (10) percent in any twelve (12) month time period. Persons compensated under a skill based component of the compensation plan shall not receive increases for meritorious service but may receive up to three (3) skill based pay level increases per year as provided for by the structure of the skill based component of the compensation plan.

(Ord. No. 8519, § 8, 6-12-95; Ord. No. 10003, § 5, 6-28-04; Ord. No. 10550, § 5, 6-17-08, eff. 7-1-08)

**Editor's note** – Formerly, § 10-38.

#### **Secs. 10-40 – 10-44. Reserved.**

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

**Sec. 10-45. Computation of hourly rates.**

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

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

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

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

(1953 Code, ch. 10, § 31)

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

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

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

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

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

6-28-11, eff. 7-1-11; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**Editor's note** – Ord. No. 10900, § 2, adopted June 28, 2011, ratified, reaffirmed, and reenacted this section for Fiscal Year 2012. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2011. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**Sec. 10-48. Supplement to military pay.**

City employees, who pursuant to state law are entitled to military leave without loss of pay for a period not to exceed thirty (30) days in any two (2) consecutive years and fire commissioned personnel who are entitled by section 22-90(4) to military leave not to exceed thirty (30) days in one (1) year, will, when called to active duty which exceeds either of the preceding thirty (30) day periods for a period that exceeds thirty (30) consecutive days, receive pay to supplement their military base pay and allowances to the equivalent of their regular rate of city pay during the following time period and pursuant to the conditions hereafter provided:

- (1) The supplemental pay will commence July 1, 2002, but pursuant to Tucson Code section 10-31(1), shall expire annually subject to readoption and reenactment as part of the annual compensation plan for the succeeding fiscal year.
- (2) Supplemental military pay is an amount calculated to make the employee's military base pay and allowances equivalent to the monthly amount of the employee's regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.
- (3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days, and only in circumstances where the employee is deployed for military service in an assignment for which hostile fire/imminent danger pay is paid by the military.

- (4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-90(4) during military service has been or becomes exhausted during the period of military service.
- (5) The employee's base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.
- (6) The employee provides proof of military service, hostile fire/imminent danger assignment, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee's base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

(Ord. No. 9641, § 1, 12-10-01; Ord. No. 9709, § 1, 6-3-02; Ord. No. 9866, § 4, 6-23-03; Ord. No. 10003, § 6, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 6-15-10, eff. 7-1-10; Ord. No. 10814, § 1, 7-7-10; 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, §§ 2, 4, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

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

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

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

(Ord. No. 10003, § 7, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, §§ 2, 3, 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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**Sec. 10-50. Reserved.**

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

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

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

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

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

**Sec. 10-52. Longevity compensation plan.**

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

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

Payment of longevity premium will be subject to the following:

- (1) *Years of service.* These are considered as years of full-time service as a city employee of any class beginning with the starting date of the employee’s first appointment. Any time served as a part-time employee (working less than twenty-one (21) hours per week or less than forty-two (42) hours per pay period) will not count toward eligibility for longevity pay. Any time in a leave-without-pay status in excess of ten (10) continuous working days will not count as time of service for longevity eligibility, but also will not be considered as a break in service. Military leave will fully count toward eligibility for longevity pay.
- (2) *Method of payment.* The longevity premium will be paid in two (2) semi-annual installments: Half of the annual amount on the payday for the pay period in which June 1 falls, and half on the payday for the pay period in which December 1 falls. This is done so as to provide additional funds when needed most: around June 1 for vacation expenses, and around December 1 for holiday expenses. Employees becoming eligible for longevity compensation for the first time or becoming eligible for an increased increment will receive the first longevity premiums or increment increase amount on a pro rata basis for the period of eligibility in a method to be determined by the finance department.
- (3) *Percentage of annual pay.* The amount of longevity pay will be based on the stated fixed percentage of the salary actually received by the employee during the six-month period immediately preceding the dates upon which longevity payments shall be made, as set forth in subsection (2) hereof. For purposes of this section the term “salary actually received by the employee” shall not include salary received in excess of the base pay.

- (4) *Deductions.* Longevity pay will be subject to all applicable taxes and pension deductions. Such deductions will be made from longevity pay for amounts withheld.
- (5) *Table.* A table of longevity payments will be established by the finance department showing semiannual longevity payment amounts at each pay step for each “percentage of annual pay” and will be available for use of all concerned.
- (6) *Determination of eligibility.* The personnel department will be responsible for the accurate determination twice each year of each employee’s length of service, including approved prior service credit, if any, and the resulting eligibility for the proper annual percentage of longevity pay.
- (7) *Eligibility for benefits.* The provisions of this section shall not be applicable to any individual entering into employment with the city on or after May 1, 1977.

(Ord. No. 3345, § 1, 10-16-69; Ord. No. 3597, § 1, 1-25-71; Ord. No. 4077, § 1, 8-6-73; Ord. No. 4330, § 1, 2-24-75; Ord. No. 4642, § 1, 5-2-77; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**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. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

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

(a) In addition to the compensation authorized by section 10-31, city water department employees, when

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

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

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

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

(Ord. No. 9519, § 1, 2-26-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

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

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

(Ord. No. 9558, § 1, 6-11-01; Ord. No. 9608, § 1, 10-1-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10633, § 1, 2-10-09, eff. 1-1-09; Ord. No. 10675, § 4, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

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

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

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

(d) This section is subject to annual readoption and reenactment by the mayor.

(Ord. No. 9797, § 1, 12-9-02; Ord. No. 10003, § 8, 6-28-04; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

(a) A career enhancement program (CEP) with a biannual compensation incentive for educational attainment, participation in special assignments and fitness levels is authorized. It shall be developed and administered by the police department with the human resources director having program oversight and control. This oversight and control shall include approval of any competency and proficiency standards, educational standards and other such criteria. The human resources department shall verify that program requirements are met and/or maintained before any biannual compensation is made to anyone authorized to participate in the CEP.

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

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

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

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

(Ord. No. 10136, § 1, 3-22-05; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

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

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

(Ord. No. 10289, § 5, 6-27-06; Ord. No. 10426, § 3, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 3, 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents (\$25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules. (Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

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**Sec. 10-53.6. Reserved.**

**Editor's note** – Section 10-53.6, additional compensation to defray housekeeping costs for commissioned fire personnel, was repealed by § 4 of Ord. No. 11291, adopted August 5, 2015, effective July 12, 2015. The section had been derived from Ord. Nos. 10426, 10558, and 11273.

**Sec. 10-53.7. Certified crane operator assignment and incentive pay program.**

(a) In addition to the compensation authorized by section 10-31, city water department employees, trained, certified, and licensed for the operation and maintenance of telescopic boom cranes (TSS) boom truck fixed cab (BTF), shall receive a pay increase of five dollars per hour (\$5.00) added to the employee's base salary as designated by the annual compensation plan when assigned to and during the operation of the telescopic boom cranes.

(b) Telescopic boom crane operation work assignments are temporary and at the discretion of the director of the water department; assignment to and

removal from (TSS) (BTF) crane operation is not appealable to the city civil service commission.

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

(Ord. No. 11240, § 1, 2-4-15; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

**Editor's note** – Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**Sec. 10-53.8. Certified compressed natural gas inspector assignment and incentive pay program.**

(a) In addition to the compensation authorized by section 10-31, compensation in the amount of seventy-six dollars and ninety-two cents (\$76.92) per pay period shall be paid to general services department employees certified as Compressed Natural Gas (CNG) Inspectors, accepted in the CNG Inspection program, and assigned to perform CNG inspections.

(b) Assignment to the CNG program is temporary and at the discretion of the director of the general services department; assignment to and removal from the CNG Program is not appealable to the city civil service commission.

(c) The director of human resources is responsible for the administration of certified Compressed Natural Gas Inspector and assignment compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the general services department director when making a CNG inspector assignment.

(Ord. No. 11280, § 1, 6-23-15, eff. 7-1-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016.

**ARTICLE III. RESERVED**

**Sec. 10-54. Reserved.**

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

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## Chapter 10A

### COMMUNITY AFFAIRS

Art. I.	Historical Commission, §§ 10A-1 – 10A-9
Art. II.	Tucson Youth and Delinquency Prevention Council, §§ 10A-10 – 10A-20
Art. III.	Veterans' Affairs Committee, §§ 10A-21 – 10A-30
Art. IV.	Founding Date of City of Tucson, §§ 10A-31 – 10A-40
Art. V.	Redistricting Advisory Committee, §§ 10A-41 – 10A-50
Art. VI.	Reserved, §§ 10A-51 – 10A-74
Art. VII.	Commission on Disability Issues, §§ 10A-75 – 10A-85
Art. VIII.	Citizens Police Advisory Review Board, §§ 10A-86 – 10A-99
Art. IX.	Commemorations and Observances, §§ 10A-100 – 10A-109
Art. X.	Tucson-Pima County Metropolitan Energy Commission, §§ 10A-110 – 10A-119
Art. XI.	Independent Audit and Performance Commission, §§ 10A-120 – 10A-129
Art. XII.	Tucson-Pima County Bicycle Advisory Committee, §§ 10A-130 – 10A-132
Art. XIII.	Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules, §§ 10A-133 – 10A-144
Art. XIV.	ParkWise Commission, §§ 10A-145 – 10A-159
Art. XV.	Stormwater Advisory Committee (SAC) and Stormwater Technical Advisory Committee (STAC), §§ 10A-160 – 10A-169
Art. XVI.	Reserved, §§ 10A-170 – 10A-179
Art. XVII.	Landscape Advisory Committee, §§ 10A-180 – 10A-189
Art. XVIII.	Small, Minority and Women-Owned Business Commission, §§ 10A-190 – 10A-199
Art. XIX.	Resource Planning Advisory Committee, §§ 10A-200 – 10A-209
Art. XX.	Climate Change Committee (CCC), §§ 10A-210 – 10A-219
Art. XXI.	Reserved, §§ 10A-220 – 10A-229
Art. XXII.	Reserved, §§ 10A-230 – 10A-239
Art. XXIII.	Citizen Transportation Advisory Committee, §§ 10A-240 – 10A-244
Art. XXIV.	Commission on Food Security, Heritage, and Economy (CFSHE), §§ 10A-250 – 10A-255

#### Article I. Historical Commission

Sec. 10A-1.	Tucson-Pima County Historical Commission: Created; membership; vacancies; officers; quorum; terms; compensation; rules and regulations.
Sec. 10A-2.	Commission expenses and expenditures.
Sec. 10A-3.	Functions and purposes of the commission.
Secs. 10A-4 – 10A-9.	Reserved.

#### Article II. Tucson Youth and Delinquency Prevention Council

Sec. 10A-10.	Created.
Sec. 10A-11.	Membership.
Sec. 10A-12.	Organization.
Sec. 10A-13.	Reports.
Sec. 10A-14.	Limitation of powers.
Sec. 10A-15.	Functions and purposes.
Secs. 10A-16 – 10A-20.	Reserved.

#### Article III. Veterans' Affairs Committee

Sec. 10A-21.	Created.
Sec. 10A-22.	Membership.
Sec. 10A-23.	Committee organization.
Sec. 10A-24.	Reports.
Sec. 10A-25.	Limitation of power.
Sec. 10A-26.	Functions and purposes.
Secs. 10A-27 – 10A-30.	Reserved.

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**Article IV. Founding Date of City of Tucson**

- Sec. 10A-31. Founding date established.
- Sec. 10A-32. Bicentennial anniversary celebration.
- Secs. 10A-33 – 10A-40. Reserved.

**Article V. Redistricting Advisory Committee**

- Sec. 10A-41. Potential redistricting year.
- Sec. 10A-42. Redistricting Advisory Committee established.
- Sec. 10A-43. Membership composition; qualifications and terms.
- Sec. 10A-44. City clerk attendance, committee duties and functions.
- Sec. 10A-45. Committee recommendation submitted.
- Secs. 10A-46 – 10A-50. Reserved.

**Article VI. Reserved**

- Secs. 10A-51 – 10A-74. Reserved.

**Article VII. Commission on Disability Issues**

- Sec. 10A-75. Creation.
- Sec. 10A-76. Functions and purposes.
- Sec. 10A-77. Membership composition, terms and qualifications.
- Sec. 10A-78. Commission organization.
- Sec. 10A-79. Limitation of powers.
- Secs. 10A-80 – 10A-85. Reserved.

**Article VIII. Citizen Police Advisory Review Board**

- Sec. 10A-86. Declaration of policy.
- Sec. 10A-87. Creation.
- Sec. 10A-88. Citizen complaints and concerns: powers and duties.
- Sec. 10A-89. Community-police partnership: powers and duties.
- Sec. 10A-90. Composition, appointment, terms, and attendance.
- Sec. 10A-91. Board organization.
- Sec. 10A-92. Reports.
- Sec. 10A-93. Limitations of powers.
- Sec. 10A-94. Training.
- Sec. 10A-95. Cooperation.
- Secs. 10A-96 – 10A-99. Reserved.

**Article IX. Commemorations and Observances**

- Sec. 10A-100. American Indian Awareness Days.
- Sec. 10A-101. Martin Luther King, Jr. Day.
- Secs. 10A-102 – 10A-109. Reserved.

**Article X. Tucson-Pima County Metropolitan Energy Commission**

- Sec. 10A-110. Created; membership; vacancies; quorum; terms; compensation.
- Sec. 10A-111. Commission expenses and expenditures.
- Sec. 10A-112. Functions and purposes of the commission.
- Sec. 10A-113. Limitation of powers.
- Secs. 10A-114 – 10A-119. Reserved.

#### ARTICLE IV. FOUNDING DATE OF CITY OF TUCSON

##### Sec. 10A-31. Founding date established.

The founding date of the City of Tucson is established as August 20, 1775.  
(Ord. No. 3986, § 1, 2-5-73)

##### Sec. 10A-32. Bicentennial anniversary celebration.

A bicentennial anniversary celebration of the founding of the city is hereby authorized to be prepared and carried forward by the city manager, with the assistance of the Tucson Historical Committee, who shall submit to the mayor and council a report on the proposed project and estimated budget therefor.  
(Ord. No. 3986, § 1, 2-5-73)

##### Secs. 10A-33 – 10A-40. Reserved.

#### ARTICLE V. REDISTRICTING ADVISORY COMMITTEE \*

##### Sec. 10A-41. Potential redistricting year.

As used in this article, "potential redistricting year" means a year in which the redistricting of wards is permitted under the Charter, or whenever redistricting is otherwise mandated by law.  
(Ord. No. 11354, § 1, 5-3-16)

##### Sec. 10A-42. Redistricting Advisory Committee established.

In each potential redistricting year, the mayor and council shall by resolution naming its members, establish a Redistricting Advisory Committee (the "Committee").  
(Ord. No. 11354, § 1, 5-3-16)

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\***Editor's note** – Former Article V, §§ 10A-41 – 10A-43, relating to the Tucson Commission of the Arts and Culture, derived from Ord. No. 4357, § 1, adopted May 27, 1975, and Ord. No. 5933, § 1, adopted Dec. 19, 1983, was repealed by Ord. No. 6024, effective June 25, 1984.

##### Sec. 10A-43. Membership composition; qualifications and terms.

(a) *Appointment.* The Committee shall consist of one (1) voting member appointed by the mayor and one (1) voting member appointed by each councilmember.

(b) *Qualifications.* All members of the Committee shall be qualified city electors, and none shall hold any elective public office, either by election or by appointment, at any time during their membership on the Committee.

(c) *Precinct committee person allowed.* For purposes of this article, the office of precinct committee person shall not be considered an elective public office.

(d) *Terms.* The provisions of Tucson Code Chapter 10A, Article XIII shall govern the Committee, except as otherwise provided in this article.

(e) *Exemption.* The Committee shall be exempt from the provisions of Tucson Code Section 10A-134(c).

(f) *Expiration of terms.* The terms of the Committee and its members shall automatically expire on December 31st of the potential redistricting year in which the Committee is appointed; except that the mayor and council may by resolution extend the Committee's term in the event that they deem such extension beneficial to the city.

(g) *Disqualification from election to office.* Committee members shall be disqualified from election to the office of councilmember for a period of four (4) years from December 31st of the potential redistricting year in which the Committee is appointed.  
(Ord. No. 11354, § 1, 5-3-16)

##### Sec. 10A-44. City clerk attendance, committee duties and functions.

(a) *City clerk to attend meetings.* The city clerk or the city clerk's designee(s), shall attend all Committee meetings, and shall provide the Committee with relevant and necessary information.

(b) *Duties and functions of the Committee.* The duties and functions of the Committee shall be as follows:

(1) To review all relevant data, including but not limited to U.S. Census data, and recommended in writing to the mayor and council whether redistricting is necessary in the potential redistricting year in which the committee is appointed. The review shall consider the following factors.

(A) Maintain a Maximum Population Deviation (MPD) across the city's six (6) wards no greater than 10%.

(B) Maintain established and recognizable ward boundaries with a minimum of disruption.

(C) Sustain the compactness and contiguity of the wards as they presently exist.

(D) Maintain ethnic balance so as to not dilute the Hispanic vote.

(E) Where possible, realign precincts having populations represented by more than one ward.

(2) If it finds, pursuant to subsection (1) above, that redistricting is necessary, then to review all relevant data, hold at least one (1) public hearing, and such other public hearings as it deems necessary, gather information and opinions from the public, and thereafter make recommendations in writing to the mayor and council concerning the manner in which redistricting should occur in order to best comply with the Charter.

(3) To make such other recommendation(s) relating to redistricting as deemed necessary or desirable.  
(Ord. No. 11354, § 1, 5-3-16)

**Sec. 10A-45. Committee recommendation submitted.**

The Committee's written recommendation(s) shall be submitted to the mayor and council no later than October 1st of the potential redistricting year in which the Committee is appointed.  
(Ord. No. 11354, § 1, 5-3-16)

**Secs. 10A-46 – 10A-50. Reserved.**

**ARTICLE VI. RESERVED†**

**Secs. 10A-51 – 10A-74. Reserved.**

**ARTICLE VII. COMMISSION ON DISABILITY ISSUES‡**

**Sec. 10A-75. Creation.**

There is hereby established an entity to be called the “commission on disability issues.”  
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Sec. 10A-76. Functions and purposes.**

The functions and purposes, powers and duties of the commission on disability issues shall be to:

(a) Act as the official advisory body to the mayor and council on the priority of concerns faced by individuals with disabilities within the Tucson community.

(b) Work to formulate policies and recommend activities that address the needs and concerns of individuals with disabilities.

(c) Work with city departments and outside agencies and organizations to ensure equitable delivery of services and initiate new ones that benefit individuals with disabilities.

(d) Support and sponsor community programs and projects that promote public awareness of the problems of individuals with disabilities.

(e) Serve as a liaison between the city and other community agencies serving individuals with disabilities.  
(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 10871, § 1, 1-19-11)

†**Editor’s note** – Article VI, §§ 10A-51 – 10A-64, relating to the Tucson Women’s Commission, derived from Ord. No. 4416, §§ 1 – 9, adopted December 8, 1975; Ord. No. 4770, § 1, adopted March 13, 1978; Ord. No. 7021, § 1, adopted September 6, 1988; and Ord. No. 7266, § 1, adopted August 7, 1989; was repealed by Ord. No. 7845, § 1, adopted June 22, 1992.

‡**Editor’s note** – Section 1 of Ord. No. 7174, adopted Apr. 17, 1989, changed the title of art. VII from “Commission on the Handicapped” to “Commission on Disability Issues”; and § 2 made the same change in the text.



**Sec. 10A-77. Membership composition, terms and qualifications.**

(a) *Appointment.* The commission on disability issues shall be composed of eleven (11) members, who shall serve without compensation as follows: The mayor and each council member shall individually appoint one (1) member of the commission. In addition, the city manager shall appoint four (4) members of the commission.

**(b) Terms.**

- (1) The term of those commission members appointed by the mayor and council individually shall be coterminous with that of the appointing elected official.
- (2) The term of those commission members appointed by the city manager shall be for a term of four (4) years.

**(c) Qualifications.**

- (1) The seven (7) members of the commission on disability issues appointed individually by the mayor and council shall be individuals with disabilities; that is, persons who have a physical or mental impairment which substantially limits one (1) or more of their major life activities.
- (2) The four (4) members of the commission on disability issues appointed by the city manager shall be representatives of agencies and employers dedicated to serving the needs of individuals with disabilities or persons possessing special expertise in dealing with the problems of individuals with disabilities.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89; Ord. No. 7264, § 1, 8-7-89; Ord. No. 7820, § 1, 5-18-92; Ord. No. 10871, § 1, 1-19-11; Ord. No. 11355, § 1, 5-3-16)

**Editor's note** – Section 1 of Ord. No. 7264, adopted Aug. 7, 1989, increased the term of office in subsection (b)(2) from 3 to 4 years. Section 2 specified that these members who were serving 3-year terms prior to the enactment of the ordinance would have their terms extended to 4 years.

**Sec. 10A-78. Commission organization.**

The commission on disability issues chairperson shall be elected by a majority of the commissioners. The commissioners shall adopt rules and regulations in relation to the commission's powers and duties. Procedural matters shall be governed by Robert's Rules of Order.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Sec. 10A-79. Limitation of powers.**

Neither the commission on disability issues nor any member thereof may incur city expenses or obligate the city in any way without prior authorization by the mayor and council.

(Ord. No. 4960, § 1, 4-9-79; Ord. No. 7174, § 2, 4-17-89)

**Secs. 10A-80 – 10A-85. Reserved.****ARTICLE VIII. CITIZEN POLICE ADVISORY REVIEW BOARD\*****Sec. 10A-86. Declaration of policy.**

It is the policy of the city to foster and encourage a citizen police partnership in the prevention of crime and to develop and maintain positive communications and mutual understanding and trust between the police and the community. The mayor and council find that the partnership between police and citizens is strongest when citizens are confident that the internal investigation of citizen complaints against the police department is fair and just. The mayor and council further find that such confidence is best achieved by opening the internal investigative process to public review and comment.

(Ord. No. 8843, § 1, 3-24-97)

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**\*Editor's note** – Ordinance No. 8843, § 1, adopted March 24, 1997, repealed §§ 10A-86 – 10A-93 and added new §§ 10A-86 – 10A-95. Formerly, such sections pertained to similar provisions and derived from Ord. No. 5123, § 2, 3-24-80; Ord. No. 7935, § 1, 11-2-92.

**Sec. 10A-87. Creation.**

In order to promote the goals and objectives of the above-stated policy, there is hereby established an entity to be called the “citizen police advisory review board.”

(Ord. No. 8843, § 1, 3-24-97)

**Sec. 10A-88. Citizen complaints and concerns:  
powers and duties.**

The citizen police advisory review board is authorized to:

- (6) Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these stated exceptions shall be construed to permit any conduct which is otherwise prohibited by law.

- (c) No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

*Section 11-36.3. Penalty.* Violation of this ordinance shall constitute a misdemeanor punishable by community service or fines not to exceed two hundred fifty dollars (\$250.00), by imprisonment not to exceed ten (10) days, and by probation not to exceed one (1) year or both such fine and imprisonment. The rate of substitution of community service work for the fine amount shall be calculated at ten dollars (\$10.00) per hour.

(Ord. No. 8978, § 1, 11-10-97; Ord. No. 9360, § 1, 3-20-00; Ord. No. 11331, § 2, 12-8-15)

**Editor's note**— Ord. No. 3224, § 3, adopted Mar. 10, 1969, amended this Code by repealing former §§ 11-35 and 11-36 derived from 1953 Code, ch. 18, §§ 26 and 27. Said former §§ 11-35 and 11-36 contained provisions relative to the responsibility of parents or guardians for minors and penalty provisions. Subsequently, Ord. No. 8978, § 1, 11-10-97, added a new § 11-36 to read as herein set out.

### **Sec. 11-37. Minors: Playing, loitering about railroad property.**

It shall be unlawful for any minor, under the age of eighteen (18) years, to play or loiter about any railroad depot, roundhouse, machinshop or freight house, or to play or loiter about or ride upon any railroad car, engine, truck or other vehicle belonging to or used upon or in connection with any railroad within the corporate limits of the city without the consent of the owner or lessee of such railroad, or of the agent of such owner or lessee. Any such minor violating the provisions of this section shall be guilty of a misdemeanor and proceedings shall be taken in accordance with and pursuant to the laws of the state regulating juveniles.

(1953 Code, ch. 18, § 28)

### **Sec. 11-38. Prompt payment.**

(a) *Violation.* It shall be a civil infraction and punishable as provided in this section if in bad faith: a) an owner fails to pay for work performed by a general contractor or contractor, or b) a general contractor fails to pay for work performed by a subcontractor, or c) a subcontractor fails to pay for labor or materials provided, within fourteen (14) days or within the time otherwise agreed upon between the parties following the completion of the work or labor or delivery of materials, and delivery of an initial written request for payment evidenced by an affidavit of service or return receipt of certified mail.

A separate violation may be charged for each segment of completed work, or labor or delivery of materials for which payment is not made. Each day for which payment is not made may be charged as a separate violation after the violation accrues.

Bad faith may be established by the conduct between the parties or other means as allowed by the court but shall at a minimum be evidenced by two subsequent written requests for payment delivered not sooner than two weeks after the initial request and at least two weeks apart and testimony that payment in full has not been made and there is no reasonable basis to delay payment which together shall constitute prima facie evidence of bad faith. A party who acts in compliance with applicable contract provisions shall not be deemed to act in bad faith under this section.

(b) *Definitions.* As used in this section:

*Completion of work or labor* means, unless otherwise agreed upon between the parties, the date upon which the work or labor for which payment is requested has been completed, or if an inspection is required by the city for the work or labor, the date such work or labor passed inspection.

*Contractor* includes any person, firm, entity, partnership, corporation, association, or other organization licensed under Title 32 of the Arizona Statutes and that undertakes to perform work directly for an owner.

*General contractor* is synonymous with the terms "commercial contractor" and "contractor"

as used in A.R.S. § 32-1101(A) and includes any person, firm, entity, partnership, corporation, association, or other organization or any combination thereof that uses subcontractors and engages in construction, repair or alteration.

*Owner* means the person, firm, entity, partnership, corporation, association or other organization or combination thereof possessing either a fee or lesser interest that enters into a contract, arrangement or agreement with a general contractor or contractor for the construction, repair or alteration of a structure. Owner includes all assigns and successors in interest of the owner.

*Subcontractor* means any person, firm, entity, partnership, corporation, association or other organization or any combination thereof that undertakes to perform work for a general contractor and has a direct contractual relationship with the general contractor.

(c) *Penalty.* A violation of this section shall result in a fine of not less than two hundred fifty dollars (\$250.00) for the first offense and not less than five hundred dollars (\$500.00) for the second offense.

(d) *Scheduling of hearing.* A violation charged under this section shall be heard by the construction special magistrate not more than sixty (60) days after the violations set forth in the complaint have been answered. For good cause shown, the construction special magistrate may continue the hearing.

(e) *Defenses.* Justification is a defense to a prosecution under this section. Justification means money is unavailable to make payment due to nonpayment by an owner, general contractor, contractor or subcontractor, bankruptcy, force majeure, operation of a stop notice or bonded stop notice or a prima facie showing that any claim for moneys due for work completed, labor performed or materials provided is subject to a legal or equitable defense.

Unavailability of money due to nonpayment is not a defense unless the party asserting nonpayment: a) files an action in a court of competent jurisdiction seeking payment or enters arbitration seeking payment unless to do so would be a futile act in that it would not likely result in the recovery of funds to provide payment, or b) initiates or seeks to initiate an action under this section.

Nonpayment based upon poor quality of work may not be asserted as a defense where there is an agency with jurisdiction over quality issues and a written complaint has not been filed with that agency.

(f) *Limitation on action.* No violation chargeable under this section may be filed more than one (1) year after the violation accrues. A violation accrues under this section on the date of delivery of the last request for payment required by this section. No action may be brought on behalf of any person, firm, corporation or entity that does not hold a license if a license is required by Title 32 of the Arizona Statutes. (Ord. No. 9158, § 2, 11-9-98)

**Sec. 11-39. Permitting or encouraging underage drinking.**

(a) No person eighteen (18) years of age or older may knowingly permit or fail to take reasonable action to prevent the illegal consumption of spirituous liquor by an underage person on premises owned by the person or under the person's control. This subsection does not apply to spirituous liquor used exclusively as part of a religious service.

(b) A person who violates this section is guilty of a class 1 misdemeanor. (Ord. No. 10396, § 1, 5-1-07; Ord. No. 11387, § 1, 7-6-16)

**Editor's Note:** Prior to the reenactment of § 11-39 by Ord. No. 10396, Ord. No. 4520, § 1, adopted June 21, 1976, repealed § 11-39 which had pertained to the frequenting of places where narcotics were used and derived from the 1953 Code, ch. 18, § 32.

**Sec. 11-40. Narcotics – Keeping paraphernalia; acting as lookout.**

If any person shall keep or exhibit any box, pipe, cup, hypodermic needle, thing or apparatus used for unlawfully smoking, eating, inhaling, injecting or consuming any substance defined as a narcotic by A.R.S. section 13-3401, or if any person shall act as a lookout or tender at any place where such acts are practiced or carried on, he shall be guilty of a misdemeanor. (1953 Code, ch. 18, § 33; Ord. No. 5974, § 2, 3-26-84)

Chapter 15

**ENVIRONMENTAL SERVICES DEPARTMENT\***

<b>Art. I.</b>	<b>Definitions, § 15-1</b>
<b>Art. II.</b>	<b>Administration, §§ 15-2 – 15-9</b>
<b>Art. III.</b>	<b>Community Standards for Solid Waste Storage and Removal, §§ 15-10 – 15-15</b>
<b>Art. IV.</b>	<b>City Residential and Commercial Collection Services, §§ 15-16 – 15-30</b>
<b>Art. V.</b>	<b>City Fees and Charges for Residential Collection, Commercial Collection, and Disposal Services, §§ 15-31 – 15-49</b> Div. 1. General Provisions, §§ 15-31 – 15-31.2 Div. 2. Residential Collection, §§ 15-32 – 15-32.5 Div. 3. Commercial Collection, §§ 15-33 – 15-33.9 Div. 4. Disposal Services, §§ 15-34 – 15-35 Div. 5. Special Fees, §§ 15-36 – 15-49
<b>Art. VI.</b>	<b>Disposal Facility Management – Reserved, §§ 15-50 – 15-59</b>
<b>Art. VII.</b>	<b>Plastic Bag Recycling, §§ 15-60 – 15-69</b>
<b>Art. VIII.</b>	<b>Litter Fee, §§ 15-70 – 15-79</b>
<b>Art. IX.</b>	<b>Waste Diversion Reporting, § 15-80</b>

**Article I. Definitions**

Sec. 15-1. Definitions.

**Article II. Administration**

Sec. 15-2. Purpose.  
Sec. 15-2.1. Department of environmental services established; director of environmental services as head of department.  
Sec. 15-2.2. Functions of the director.  
Sec. 15-3. Suspension or revocation of services.  
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**Article III. Community Standards for Solid Waste Storage and Removal**

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Sec. 15-10.2. Prohibited materials.  
Sec. 15-10.3. Scavenging prohibited.  
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Sec. 15-10.5. Commercial recycling facilities.  
Secs. 15-11 – 15-15. Reserved.

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

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

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

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**Article IV. City Residential and Commercial Collection Services**

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**ARTICLE I. DEFINITIONS****Sec. 15-1. Definitions.**

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

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

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

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

*Carryout bag* means a bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

- (a) bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or
- (b) newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

*City* means the City of Tucson.

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

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

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

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

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

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

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

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

*Department* means the city's environmental services department.

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

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

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

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

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

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

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

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

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

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

*Lot* means a separate parcel as recorded in county records.

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

*Mobile home* means a non-motorized dwelling, transportable in one (1) or more sections, constructed on a permanent chassis with wheels, suitable for

year-round residential occupancy and requiring the same method of water supply, waste disposal, and electrical service as a site-built dwelling. This term does not include a recreational vehicle or a trailer with provisions for living.

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

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

*Multifamily establishment* means any real property that has one or more structures and that contains five or more dwelling units for rent or lease that are subject to Arizona Revised Statutes Title 33, Chapter 10, "Arizona Residential Landlord and Tenant Act". This term does not include mobile home parks. This definition is intended to be consistent with "Multifamily residential properties" as defined in Arizona Revised Statutes Section 49-746.

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

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

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

*Recyclable materials* means materials that are diverted from landfill disposal facilities for beneficial use, as part of a public program or private endeavor. The director may list the materials that qualify based on changing markets and practices.

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

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

*Residential establishment* means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, any property with four (4) or fewer dwelling units, any mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family establishments, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service.

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

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

*Retail establishment* means a business making sales at retail, other than a food service establishment, that owns or controls more than ten thousand (10,000) square feet of total retail space, and has more than two (2) locations within the city limits where twenty-five (25) percent or more of gross sales include medicines and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

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

*Salvaging* means the removal of solid waste from a disposal facility, collection site, collection container,

or collection equipment with the permission of the owner or collection agency and in accordance with requirements set by the owner or collection agency.

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

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

*Single use plastic bag* means any carryout bag made from plastic or any material marketed or labeled as “biodegradable” or “compostable” that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than 0.75 mil thick.

*Single use plastic bags per transaction* shall be defined as how many single use plastic bags are given to each customer during a single purchase or transaction. For example, if a store gives out one hundred thousand (100,000) bags during a reporting period and has conducted twenty thousand (20,000) transactions the number reported for that quarter will be five (5) bags per transaction.

*Single use plastic bag recycling formula* shall be defined as tons of single use plastic bag and plastic film collected by the retail establishments single use plastic bag and film plastic recycling collection program multiplied by thirty percent (30%). For example, if the total single use plastic bag and film plastic collected by retail establishments equals one hundred (100) tons, the amount recorded for recycling will be one hundred (100) tons multiplied by three tenths (0.30), or thirty (30) tons.

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

*Small multifamily establishment* means a multifamily establishment with five (5) to twenty-four (24) dwelling units.

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

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

*Town home* means a dwelling unit that is designated for separate ownership on property commonly owned solely by the owners of the separate dwelling units. This term does not include separately owned dwelling units that are operated as a multi-family establishment, however designated. The terms condominium and townhouse have the same meaning.

(B) Words, terms, and phrases used in this chapter and not specifically defined in this section shall have the meaning commonly understood in the solid waste industry.  
(Ord. No. 10539, § 1, 6-3-08, eff. 7-1-08; Ord. No. 10642, § 1, 3-24-09, eff. 9-24-09; Ord. No. 10674, § 1, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 1, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 2, 5-17-11, eff. 7-1-11; Ord. No. 11056, § 1, 3-19-13, eff. 7-1-13; Ord. No. 11178, § 1, 6-3-14, eff. 7-4-14; Ord. No. 11272, § 1, 6-9-15, eff. 7-1-15; Ord. No. 11377, § 1, 6-21-16, eff. 7-5-16)

**ARTICLE II. ADMINISTRATION**

**Sec. 15-2. Purpose.**

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

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

(C) Nothing in this chapter is intended or shall be construed to impinge upon or supplant the authority of the Pima County Health Department, Arizona Department of Health Services or other public agency with jurisdiction.  
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

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

The department of environmental services is established. The head of the department shall be the director of environmental services whose appointment, compensation and removal shall be in accordance with sections 2, 6, and 11 of chapter V of the Charter.  
(Ord. No. 10539, § 2, 6-3-08, eff. 7-1-08)

**Sec. 15-2.2. Functions of the director.**

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

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

- (1) The collection, recycling, disposal, storage, salvaging, hauling and accumulation of solid waste by the city, residents, contractors, or any other person engaged in those activities or processes;

- (2) The operation of a transfer station(s), disposal site(s), recycling site(s), transfer site(s), temporary collection site(s), waste collection program(s), recycling or waste reduction program(s) or similar activities or other similar facilities as approved by the mayor and council;
- (3) The formulation of administrative policies and procedures regarding the collection of fees and applicable charges;
- (4) Such rules, procedures and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules, procedures and regulations shall have been filed in the office of the city clerk as a public record and there kept for use or inspection by any member of the public at any time during the regular office hours of that office. A printed copy of such rules, procedures and regulations shall be furnished any member of the public upon request.

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

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

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

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

**Sec. 15-4. Reserved.**

**Sec. 15-5. Public nuisances, enforcement.**

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

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

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

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(B) *Deposit for accounts without city water service.* A customer who does not have a city water account shall pay the residential account deposit when the account for residential services is established, unless waived by the director. When the account is terminated, the deposit may be refunded in accordance with section 15-31.1.

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

(D) *Container delivery fees.* The APC delivery fee shall be charged when the number of containers at an establishment is increased, and when a customer requests a change in container size (first two (2) per customer at establishment are exempted). The APC removal/delivery fee shall be charged when the department delivers containers at the initiation of an account that does not have city water charges, and when the department picks up containers from a customer who has requested a temporary suspension of residential services.

(E) *Penalty fees.* No penalty fees pursuant to section 15-31.6 shall be charged on residential fees. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12; Ord. No. 11272, § 4, 6-9-15, eff. 7-1-15)

### **Sec. 15-32.3. Fees for level of service.**

The fees to be charged for standard residential collection services are listed in the table in section 15-32.5. The director is authorized to charge additional fees as listed in the table in section 15-32.5, or elsewhere in this chapter, to residential establishments that receive additional or different service.

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

### **Sec. 15-32.4. Environmental services low income assistance program.**

(A) Residential customers with an income at or below one hundred percent (100%) of the U.S. Department of Labor western region lower living standard, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the environmental services fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service, or shared metal service, and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for services to only one dwelling unit.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined before each benefit period.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

(F) The benefit period shall be thirty-six (36) months for approved customers whose primary source of income is Social Security benefits. The benefit period shall be twelve (12) months for other approved customers. The director may request additional information from customers during the benefit period to verify eligibility.

(G) Customers may appeal determinations of eligibility or timing of credit by following the administrative dispute process in this chapter. (Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 11377, § 2, 6-21-16, eff. 7-5-16)

**Sec. 15-32.5. Residential fee schedules.**

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES		
Service	Refuse Container size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cubic yards	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cubic yards	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC delivery fee	Any	\$20.00
APC removal/delivery fee	Any	\$40.00
APC special order container	Any	\$48.00 per initial delivery
Residential account activation fee	Any	\$5.00
Residential account deposit	Any	\$50.00
Account reconciliation fee	Any	\$50.00
Household Hazardous Waste Home Pickup	Per visit	\$25.00

The following requirements apply to residential APC services:

- (1) The additional refuse container fee is imposed for each refuse container of one hundred (100) gallons or less in addition to the first container of one hundred (100) gallons or less per dwelling unit, or in addition to shared three hundred (300) gallon service.

- (2) A “sole use” three hundred-gallon container is dedicated for the exclusive use of one residential establishment. A sole use three hundred-gallon container is only permitted on private property where it is not available to residents of other establishments.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 5, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 4, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 2, 6-18-13, eff. 7-20-13)



**Sec. 15-32.6. APC collection fuel surcharge.**

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be three cents (\$0.03) per month for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The surcharge shall be revised every three (3) months based on the updated city fuel price.

(Ord. No. 10796, § 4, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 5, 5-17-11, eff. 7-1-11)

**Sec. 15-32.7. APC collection recycling surcharge.**

A recycling surcharge shall be added to the monthly fees for collection services to residential or

commercial establishments with APC services. The surcharge shall not be added to APC service fees below fifteen dollars (\$15.00)/month. The surcharge shall be applied to each APC recycling container at locations with front load refuse collection service. The surcharge shall be based on the quarterly revenue from the city's recycling processor. The maximum value of the surcharge shall be when this quarterly revenue is zero dollars (\$0), and the value of the surcharge shall be zero dollars (\$0) when this quarterly revenue exceeds one hundred eighty-seven thousand five hundred dollars (\$187,500) (equivalent to seven hundred fifty thousand dollars [\$750,000] per year). The surcharge shall be revised every quarter (three [3] months) based on the quarterly revenue from the city's recycling processor for the most recent three (3) months. The value of the surcharge shall be as follows:

APC COLLECTION RECYCLING SURCHARGE		
Range of Annual Recycling Revenue	Range of Equivalent Quarterly Recycling Revenue	APC Recycling Surcharge
Below \$250,001	Below \$62,500	\$0.45/month
\$250,001 to \$500,000	\$62,501 to \$125,000	\$0.30/month
\$501,000 to \$750,000	\$125,001 to \$187,500	\$0.15/month
Above \$750,000	Above \$187,500	\$0/month

(Ord. No. 11377, § 3, 6-21-16, eff. 7-5-16)

**DIVISION 3. COMMERCIAL COLLECTION**

**Sec. 15-33. Basis for commercial fees.**

Fees for any commercial collection service are based on the type, volume, and frequency of service, and the type of property use.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 11377, § 4, 6-21-16, eff. 7-5-16)

**Sec. 15-33.1. Commercial fee requirements.**

(A) Commercial fees are subject to the requirements of this section and of administrative rules and regulations under this chapter.

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

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12; Ord. No. 11377, § 4, 6-21-16, eff. 7-5-16)

**Sec. 15-33.2. Commercial fee schedules.**

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

FRONT LOAD COLLECTION SERVICE MONTHLY FEES							
Container size	Collections per week						
	1 per two weeks	1	2	3	4	5	6
Refuse							
2 to 3 cu. yds.	\$66.00	\$95.00	\$159.00	\$223.00	\$286.00	\$350.00	\$414.00
4 cu. yds.	\$68.00	\$101.00	\$169.00	\$238.00	\$306.00	\$374.00	\$445.00
6 cu. yds.	\$71.00	\$111.00	\$190.00	\$269.00	\$348.00	\$428.00	\$506.00
8 cu. yds.	\$74.00	\$121.00	\$211.00	\$300.00	\$390.00	\$479.00	\$568.00
Recycling							
With ES refuse service - any size	\$50.00	\$50.00	\$75.00	\$100.00	\$125.00	\$150.00	
Without ES refuse service - any size	\$80.00	\$80.00	\$133.00	\$186.00	\$239.00	\$292.00	
Container delivery: \$50.00 for any number per request							
Additional recycling container (with ES refuse service) onsite any size: \$15.00							
Additional refuse service per week: \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard							
Additional recycle service per week: \$30.00 per pickup all sizes							
Container cleaning at customer request: \$100.00 per event per container							
Container painting at customer request: \$150.00 per event per container							

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES						
Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$118.00	\$206.00	\$294.00	\$382.00	\$470.00	\$557.00
4 cu. yds.	\$133.00	\$234.00	\$336.00	\$437.00	\$537.00	\$641.00
6 cu. yds.	\$160.00	\$290.00	\$418.00	\$548.00	\$679.00	\$807.00
8 cu. yds.	\$188.00	\$346.00	\$502.00	\$660.00	\$817.00	\$975.00
Additional fee for leasing city compactor: \$300.00 per month per compactor						
Container delivery: \$50.00 for any number per request						
Additional service per week: \$45.00 per pickup per container						
Container cleaning at customer request: \$100.00 per event per container						
Container painting at customer request: \$150.00 per event per container						

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES	
Refuse open top service	\$130.00 per pull plus landfill disposal fees for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees for services contracted before 7/1/2012
Recycle open top service	\$100.00 per pull for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$130.00 per pull for services contracted before 7/1/2012 Loads which are not of standard recyclable materials will be charged the disposal fee from the receiving facility
Roll off compactor service	\$130.00 per pull plus disposal fees for services contracted on or after 7/1/2012
20, 30, 40 cu. yds.	\$165.00 per pull plus disposal fees for services contracted before 7/1/2012 Installation, removal and monthly lease fees also apply for city compactors.
Disposal fees	Weight of contents times the applicable disposal fee from the receiving facility
Initial delivery	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Relocation	\$65.00 per container for services contracted on or after 7/1/2012 \$80.00 per container for services contracted before 7/1/2012
Failed service attempt	\$65.00 per event per container for services contracted on or after 7/1/2012 \$80.00 per event per container for services contracted before 7/1/2012
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

The following requirements apply to roll off services:

- (1) Scheduled/permanent roll off container service agreements are required when a customer has a roll off at the same location for ninety (90) days or more. At a minimum one roll off pull fee will be charged every thirty (30) days for permanent service.

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

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

COMMERCIAL APC COLLECTION SERVICE FEES		
<i>Service</i>	<i>Container size (gallons)</i>	<i>Fees</i>
Standard	48	\$18.50 per month per container
Standard	65	\$19.25 per month per container
Standard	95	\$20.00 per month per container
Standard garbage	300	\$60.00 per month per container
Standard recycling	300	\$53.00 per month per container
Additional service per week	Any	\$25.00 per pickup per container
Standard to small multifamily establishments	48, 65 or 95	Same as Residential
Standard to small multifamily establishments	Any shared alley APC	Same as Residential
Standard to small multifamily establishments	300 sole use	Same as Residential
Individual fee for shared front load weekly refuse and recycling service to small multifamily establishments	Any	Same as Residential
Additional refuse to small multifamily establishments	Less than 100	Same as Residential
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Compostable material	100 or less	\$10.00 per month per container per weekly service
Container delivery	Any	\$20.00 for any number per request

The following applies to commercial APC collection services fees:

- (1) "Standard" means standard commercial APC service consisting of collection once per week (in the selected size).
- (2) Small multifamily establishments may receive standard residential collection service and may enroll in the Environmental Services low income assistance program.

(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES		
Service	Container size	Fees
Temporary APC refuse	48, 65 or 95 gallons	\$50.00 per service per container
Temporary APC refuse	300 gallons	\$75.00 per service per container
Temporary front load refuse	2 – 8 cubic yards	\$100.00 per container for delivery/removal plus \$30.00 per pickup per 2 to 4 cubic yard container, \$35.00 per 6 cubic yard, \$40.00 per 8 cubic yard
Temporary APC recycle	95 gallons	\$20.00 per delivery truck load for delivery/removal plus \$10.00 per pickup
Temporary use of small recycling containers for customers with city refuse	Less than 95 gallons	\$20.00 per delivery truck load for delivery/removal
Temporary front load recycle	2 – 8 cubic yards	\$100.00 per container for delivery/removal and one pickup, plus \$30.00 per additional pickup.
Delinquent retrieval fee	2 – 8 cubic yards	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

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

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

discount off the standard fee for the second container at each location, and a ten percent (10%) discount off the standard fee for the third and all additional containers at each location. The first container at the primary location is charged the standard fee.

- (3) Customers with five (5) or more service locations are eligible for a ten percent (10%) discount off the standard fee for each container at each location, except for the first container at the primary location. The first container at the primary location is charged the standard fee.

(G) *Fees for shared centralized commercial services.* The director may provide commercial services at centralized locations for the shared use of multiple

customers where it is requested by the customers, it reduces service costs compared to other collection methods, and it is advantageous for the community. The director may establish fees for each customer using centralized commercial services based on the following criteria:

- (1) The fees for each customer are equitable and proportional to each customer's usage.
- (2) The sum of fees for each centralized service location shall be at least one hundred percent (100%) and less than one hundred fifty percent (150%) of the sum of the standard fees for each service at the centralized location.
- (3) The fees for each customer shall be revised no more frequently than six (6) months.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 5, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 5, 5-22-12, eff. 7-1-12; Ord. No. 11087, § 3, 6-18-13, eff. 7-20-13; Ord. No. 11178, § 3, 6-3-14, eff. 7-4-14; Ord. No. 11272, § 5, 6-9-15, eff. 7-1-15; Ord. No. 11377, § 4, 6-21-16, eff. 7-5-16)

**Sec. 15-33.3. Commercial fuel surcharge.**

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be 0.20 percent (0.002) for each ten cents (\$0.10) of city fuel price above three dollars and thirty cents (\$3.30) per gallon. The fuel surcharge shall be the applicable surcharge rate multiplied by the applicable fee, then rounded to the nearest cent (\$0.01). The surcharge shall be revised every three (3) months based upon the updated city fuel price.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 6, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 6, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 6, 5-17-11, eff. 7-1-11; Ord. No. 11178, § 3, 6-3-14, eff. 7-4-14)

**DIVISION 4. DISPOSAL SERVICES**

**Sec. 15-34. Basis for disposal services fees.**

Fees for disposal services are based on the type of waste, the amount of waste, the type of customer, and the type of service.

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

**Sec. 15-34.1. Disposal services fee requirements.**

Disposal services fees are subject to the requirements of this section and of administrative rules and regulations under this chapter. The disposal fees collected shall be used for the construction, operation, remediation, closure, and post closure maintenance of city disposal facilities.

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

**Sec. 15-34.2. Residential self-haulers.**

(A) The fee for each load carried in a residential self-haulers vehicle, trailer, or vehicle and trailer combined, and weighing two thousand (2,000) pounds or less shall be the residential self-haul waste disposal fee. For each load weighing more than two thousand (2,000) pounds, the fee shall be an amount equal to the applicable commercial waste disposal fee applied to the weight of the load, prorated and rounded to the nearest dollar. Residential self-haulers shall also be subject to the special handling fee set forth in this chapter, and shall be subject to the unrestrained or uncovered load fee set forth in this chapter in addition to any other fees charged. A deposit may be required upon entry for residential self-haul vehicle loads that, in the judgment of ES staff, may exceed one ton (two thousand (2,000) pounds) in accordance with guidelines established by the director. All fees from residential self-haulers shall be due in cash, or in other form of payment as established by the director, at the time the load is accepted.

(B) Recyclable materials and household hazardous waste, as determined by the director, are exempt from disposal fees.

(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 11272, § 6, 6-9-15, eff. 7-1-15)

**Sec. 15-34.3. Commercial haulers.**

(A) *Calculation of disposal fee.* The per vehicle fee for disposal shall be the greater of the minimum fee or an amount equal to the applicable disposal fee in section 15-34.7 applied to the weight of the load, or the number of items in the load, as appropriate, prorated and rounded to the nearest dollar. Where the term “minimum fee” is used in this section, it shall mean fifteen dollars (\$15.00) or another minimum designated for the applicable fee in section 15-34.7.

(B) *Special-handling waste disposal.* Special handling fees shall be assessed for the use of personnel, equipment or materials in a manner other than what would ordinarily be required in normal daily landfill operations.

(C) *Payment.* Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a disposal service agreement and account in good standing.  
(Ord. No. 10539, § 5, 6-3-08, eff. 7-1-08; Ord. No. 10674, § 7, 6-2-09, eff. 7-1-09; Ord. No. 10796, § 7, 5-25-10, eff. 7-1-10; Ord. No. 10986, § 6, 5-22-12, eff. 7-1-12; Ord. No. 11178, § 4, 6-3-14, eff. 7-4-14)

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

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

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

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

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

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

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

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	\$15.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$42.00 per ton with \$15.00 minimum per load
Large carcass disposal	\$75.00 per ton with \$15.00 minimum per load
Additional special handling	\$50.00 to \$250.00 per hour of special handling activity, depending on needed equipment and staff, in addition to other applicable fees
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, and no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Service	Fees
Uncovered load	\$5.00 per load in addition to other applicable fees

DISPOSAL SERVICES FEES	
Identification tag fee	\$45.00
Household hazardous waste disposal for non-city residents	\$10.00 per load
Purchase of recycled paint	Published schedule of fees based on most recent costs
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; Ord. No. 11272, § 6, 6-9-15, eff. 7-1-15; Ord. No. 11377, § 5, 6-21-16, eff. 7-5-16)

**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
24,500.....	23.00
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; Ord. No. 11272, § 6, 6-9-15, eff. 7-1-15)

**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. SPECIAL FEES**

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

(A) The director shall charge a groundwater protection fee to customers that

- (1) receive city potable water service, excluding those customers not connected to the central system, or
- (2) receive city solid waste collection service and obtain water from a source other than city service.

(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. For locations lacking city water meters, the fee for the smallest meter size shall be charged.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the department, and a portion, based on seven cents (\$0.07)/month (five-eighths [5/8]-inch meter) to customers within the city, shall be used to fund in part the operating expenses of the city storm water program.

(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 Outside City	Fee per Month per Meter Inside City
5/8	\$1.06	\$1.13
3/4	\$1.59	\$1.72
1	\$2.65	\$2.88
1-1/2 and larger	\$5.30	\$5.83

(Ord. No. 10796, § 9, 5-25-10, eff. 7-1-10; Ord. No. 10895, § 8, 5-17-11, eff. 7-1-11; Ord. No. 10986, § 8, 5-22-12, eff. 7-1-12; Ord. No. 11377, § 6, 6-21-16, eff. 7-5-16)

**Secs. 15-37 – 15-49. Reserved.**

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

**Secs. 15-50 – 15-59. Reserved.**

**ARTICLE VII. PLASTIC BAG RECYCLING**

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

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

- (1) Provide a bin(s) for the collection of single use plastic bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling. These bins will be intended solely for the use by the public for voluntary donation of these materials for subsequent recycling. These bins shall meet the Arizona Bag Central Station standard for collection bins for signage and be located near or at the entrance(s) of the retail establishment and be well maintained.

- (2) Recycle returned plastic bags.
- (3) Provide reusable carryout bags for purchase at retail locations.
- (4) Incorporate a “reduce, reuse, and recycle” message on all carry-out plastic bags distributed as part of the retail business.
- (5) Display informational material on the establishment’s plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.
- (6) Retail establishments shall report to the City of Tucson ES director through an independent auditor the single use plastic bags per transaction, total number of single use plastic bags given out and tons of film plastic collected through the single use plastic bag and film collection program in accordance with the following schedule:

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\***Editor’s note** – Ord. No. 10796, § 10, adopted May 25, 2010, effective July 1, 2010, repealed this article and § 15-50, which pertained to disposal facility management and prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County, derived from Ord. No. 10539, § 6C., adopted June 3, 2008, effective July 1, 2008.

Report	Report Period	Report Date
Report 1	4/1/13 - 6/30/13	7/31/13
Report 2	7/1/13 - 9/30/13	10/31/13
Report 3	10/1/13 - 12/31/13	1/31/14
Report 4	1/1/14 - 3/31/14	4/30/14
Report 5	4/1/14 - 6/30/14	7/31/14
Report 6	7/1/14 - 9/30/14	10/31/14
Report 7	10/1/14 - 12/31/14	1/31/15
Report 8	1/1/15 - 3/31/15	4/30/15

The information reported to the city shall be a cumulative number for all retail establishments and not segregated by each store or chain.

ES staff will calculate the number of single use plastic bags recycled by applying the single use plastic bag recycling formula.

The initial report shall include a list of all retail establishments reporting during the initial reporting period. Subsequent reports shall include an updated list and shall include the names of any retail establishments that are new, out of business or failed to report.

- (7) Retail establishments shall provide training for all checkout and bagging clerks upon hire. The training shall include information and instructions to reduce plastic bag consumption. Training shall be reinforced on an ongoing basis.
- (8) Retail establishments shall implement a public educational awareness program for Retail establishment employees and the general public. This program shall provide education to school age children and the general public on reducing plastic bag consumption and increasing plastic bag recycling. The program will include the use of contests, in-store promotions, videos and social media.
- (9) District managers representing all retail establishments shall meet with the ES director or designee on quarterly basis. The

meeting agenda shall include a review of the progress made by retail establishments to reduce the consumption of plastic bags by consumers and increase the in-store recycling of single use plastic bags.

(Ord. No. 10642, § 2, 3-24-09, eff. 9-24-09; Ord. No. 11056, § 2, 3-19-13, eff. 7-1-13; Ord. No. 11178, § 5, 6-3-14, eff. 7-4-14; Ord. No. 11272, § 7, 6-9-15, eff. 7-1-15)

**Secs. 15-61 – 15-69. Reserved.**

**ARTICLE VIII. LITTER FEE**

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

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

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

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

(C) Each commercial hauler required to obtain a permit under this section shall report to the director the weight of refuse and recyclable material, listed separately, that it collected within the City of Tucson. The report shall cover the previous calendar year, and shall comply with the requirements established by the director in administrative rule.

(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10; Ord. No. 10800, § 1, 6-8-10, eff. 7-1-10; Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12; Ord. No. 11178, § 6, 6-3-14, eff. 7-4-14)

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

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

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

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

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

(D) Each licensed vehicle operating within the City of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver’s side of the vehicle. Commercial haulers in the permit program will be subject to an annual inspection by the City of Tucson.  
(Ord. No. 10986, § 9, 5-22-12, eff. 7-1-12)

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

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

codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.  
(Ord. No. 10796, § 11, 5-25-10, eff. 7-1-10)

**Secs. 15-72 – 15-79. Reserved.**

**ARTICLE IX. WASTE DIVERSION REPORTING**

**Sec. 15-80. Refuse and recyclable material collection permit.**

Companies engaged in the acceptance, purchase, processing, or sorting of recyclable materials that is the same as collected by the City of Tucson through their recycling program for the purpose of redistribution, including but not limited to sale or donation, shall report to the director the amount, in tons, of the material accepted and redistributed. The amounts reported shall be limited to recyclable materials collected from within the City of Tucson. The report shall cover the previous calendar year.  
(Ord. No. 11178, § 7, 6-3-14, eff. 7-4-14)

**Sec. 19-55. Business privilege license tax.**

No provision of this division shall be construed to avoid payment of the business privilege license taxes in accordance with this chapter.

**Secs. 19-56 – 19-65. Reserved.**

**DIVISION 5. TAX ON HOTELS RENTING TO TRANSIENTS\***

**Sec. 19-66. Tax imposed; nature and source of transient rental occupational license tax.**

(a) *Six (6) percent tax.* Every person who operates or causes to be operated a hotel within the city is subject to and shall pay an occupational license tax in an amount equal to six (6) percent of the rent charged by the operator to a transient. The transient rental occupational license tax imposed on the class of lodging house operators serving transients as defined in section 19-1 is not on the privilege of doing business within the city, but is a license tax on the transient rental occupation. The tax, when due, constitutes a debt owed by the operator to the city which is extinguished only by payment thereof to the city. If the rent is charged by the operator to the transient in installments, the tax thereon shall be due as provided herein for the calendar month in which the installment was charged. Upon the transient's ceasing to occupy space in the hotel, the tax on any uncharged rent shall be due for that calendar month.

(b) *Four dollar (\$4.00) surtax.* In addition to the measure of tax established in subsection (a), there is imposed upon every person who operates or causes to be operated a hotel within the city an additional amount of tax at the rate of four dollars (\$4.00) for each twenty-four-hour period or fraction thereof that each occupancy is rented. The amount of such additional tax shall be separately identified in the reports required by the rules and regulations for administration of the transient rental tax to be made by the taxpayer to the city and on the books and records of the taxpayer. The administrative rules and regulations aforementioned

shall apply to this additional tax unless in conflict with this paragraph (b).

(c) *Exclusions.* The occupational license tax imposed by subsections (a) and (b) shall not apply to:

- (1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, Arizona, or any other state or a political subdivision of this state or of any other state in a privately operated prison, jail, or detention facility;
- (2) Gross proceeds of sales or gross income that is properly included in another business activity under chapter 19, article II and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity;
- (3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this division;
- (4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under sections 19-410 or 19-475 due to an exclusion, exemption, or deduction;
- (5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel; however, such commissions may be subject to tax under sections 19-445 or 19-450 as rental, leasing, or licensing for use of real or tangible personal property; or
- (6) Income from providing telephone, fax, or internet services to customers at an additional charge that is separately stated to the customer and is separately maintained in the hotel's books and records; however, such gross proceeds of sales or gross income may

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\*Note – Formerly, Art. I, Div. 4. Renumbered Art. I, Div. 5 by § 10 of Ord. No. 10448.

be subject to tax under section 19-470 as telecommunication services.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9838, § 1, 5-5-03; Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07; Ord. No. 10685, § 4, 6-16-09, eff. 7-1-09; Ord. No. 11369, § 1, 6-7-16, eff. 7-1-16)

**Sec. 19-67. Registration.**

Within thirty (30) days after commencing business, each hotel within the city renting occupancy to transients shall be registered with the director of finance in the name of the operator. A transient rental tax license will be issued and will be at all times posted in a conspicuous place on the premises. The first of these licenses will be automatically issued to those hotels currently holding a city business privilege license, but this provision in no way relieves the operator of the responsibility of registering such hotel and obtaining a license after the effective date of the section. Thereafter, such license will be issued with the city business privilege license. The license shall, among other things, state the following:

- (1) Name of the operator;
- (2) Address of the hotel;
- (3) The date upon which the license was issued.  
(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 6, 9-27-93)

**Sec. 19-68. Determination of rent based upon method of reporting.**

The method of reporting chosen by the taxpayer, as provided in section 19-520 shall necessitate the following adjustments to gross income for all purposes under this article:

- (1) *Cash basis.* When a person elects to report and pay taxes on a cash basis, rent for the reporting period shall include:
  - (A) The total amounts received on “paid in full” transactions, against which are allowed all applicable deductions and exclusions; and
  - (B) All amounts received on accounts receivable, conditional sales contract, or other similar transactions against which

no deductions and no exclusions from rent are allowed.

- (2) *Accrual basis.* When a person elects to report and pay taxes on an accrual basis, rent shall include all rent for the applicable period regardless of whether receipts are for cash, credit, conditional, or partially deferred transactions and regardless of whether or not any security document or instrument is sold, assigned, or otherwise transferred to another. Persons reporting on the accrual basis may deduct bad debts, provided that:

- (A) The amount deducted for the bad debt is deducted from rent of the month in which the actual charge-off was made and only to the extent that such amount was actually charged off and also only to the extent that such amount is or was included as taxable rental income; and
- (B) If any amount is subsequently collected on such charged-off account, it shall be included in rental income for the month in which it was collected without deduction for expense of collection.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07)

**Sec. 19-69. Exclusion of vendor issued coupons and rebates from rental income.**

- (a) The following items shall not be included in rent:

- (1) When coupons issued by a vendor are later accepted by the vendor as a discount against the transaction, the discount may be excluded from rental income as a cash discount. Amounts credited or refunded by a vendor for redemption of coupons issued by any person other than the vendor may not be excluded from rental income.
- (2) Rebates issued by the vendor to a customer as a discount against the transaction may be excluded from rental income as a cash discount. Rebates issued by a person other than the vendor may not be excluded from rental income, even when the vendee assigns his right to the rebate to the vendor.

of the tax for which such taxpayer is liable under the provisions of this article, it is the responsibility of the taxpayer either:

- (1) To provide such other records required by this article or regulation; or
- (2) To correct or to reconstruct his records, to the satisfaction of the tax collector.

(Ord. No. 6926, § 1.B, 4-18-88)

DIVISION 4. PUBLIC UTILITY TAX

**Sec. 19-1000. Imposition of public utility tax; credit; presumption.**

(a) There is hereby levied and imposed, subject to all other provisions of this article, a public utility tax for the purpose of raising revenue to be used in defraying the necessary expenses of the city, such tax to be collected by the tax collector, upon persons on account of their public utility business activities, to the extent provided elsewhere in this division, to be measured by the gross income of persons, whether derived from residents of the city or not, or whether derived from within the city or from without, or whether any person is doing business under a franchise.

All franchise payments made by a person to the city shall be credited towards the payment of the public utility tax levied in this article III.

(b) Taxes imposed by this article are in addition to others. Except as specifically designated elsewhere in this article, each of the taxes imposed by this article shall be in addition to all other licenses, fees and taxes levied by law, including other taxes imposed by this article.

(c) *Presumption.* For the purpose of proper administration of this article and to prevent evasion of the taxes imposed by this article, it shall be presumed that all gross income is subject to the tax until the contrary is established by the taxpayer.

(Ord. No. 6926, § 1.B, 4-18-88)

**Sec. 19-1070. Telecommunication services.**

(a) *Tax Rate.* The tax rate shall be levied upon the gross income from the business activity upon every

person engaging or continuing in the business of providing telecommunication services to consumers within this city as follows:

- (1) (i) A tax rate at an amount equal to four and one half (4.5) percent upon the gross income of providing telecommunication services.
- (ii) Gross income from providing telecommunication services under this subsection includes all telecommunication services provided under Titles II and VI of the Federal Communications Act of 1934, as amended, (47 U.S.C. 201 et. seq.), but excludes resellers of solely interstate services.
- (2) (i) A tax rate at an amount equal to an additional one and one-half (1 1/2) percent upon the gross income of providing telecommunication services by any provider who uses any city rights-of-way.
- (ii) Gross income from providing telecommunication services under this subsection includes all telecommunication services provided under Titles II and VI of the Federal Communications Act of 1934, as amended, (47 U.S.C. 201 et. seq.), but excludes:
  - (1) Resellers of solely interstate services;
  - (2) Resellers who do not separately bill customers for local exchange service; and
  - (3) Providers of services provided principally by means of wireless transmitter/receiver cell sites located within the rights-of-way together with not more than one thousand (1,000) feet of facility installation per cell site in rights-of-way, provided the wireless provider has independent

authorization from the city/town to occupy city/town rights-of-way with such facilities.

- (iii) All franchise or license payments made by a person to the city shall be credited toward the payment of the public utility tax levied in this article III. All right-of-way permit payments made by a person to the city shall be credited towards the payment of the public utility tax levied in this subsection (a)(2)(i).

(b) *Resale of Telecommunication Services.* Gross income from sales of telecommunication services to another provider of telecommunications services for the purpose of providing the purchaser’s customers with such service shall be exempt from the tax imposed by this section; provided such purchaser is properly licensed by the city to engage in such business under this article.

(c) *Reserved.*  
 (Ord. No. 6926, § 1.B, 4-18-88; Ord. No. 8998, § 2, 12-8-97; Ord. No. 9870, § 2, 6-30-03; Ord. No. 10685, § 1, 6-16-09, eff. 7-1-09; Ord. No. 11369, § 2, 6-7-16, eff. 7-1-16)

**Sec. 19-1080. Utility services.**

(a) *Tax rate.* The tax rate shall be an amount equal to four and one half (4.5) percent of the gross income from the business activity upon every person engaging or continuing in the business of providing utility services to consumers or ratepayers who reside within the city.

(b) *Resale of 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 the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further provided that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.

(c) *Exemptions.* The tax imposed by this section shall not apply to sales of utility services to any nonprofit primary health care facility, 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. For purposes of this section, “primary health care facility” means any hospital or any licensed nursing care institution, licensed pursuant to A.R.S. chapter 4, title 36, or any licensed kidney dialysis center.  
 (Ord. No. 6926, § 1.B, 4-18-88; Ord. No. 9870, § 3, 6-30-03; Ord. No. 10685, § 2, 6-16-09, eff. 7-1-09; Ord. No. 11369, § 3, 6-7-16, eff. 7-1-16)

**DIVISION 5. ADMINISTRATION**

**Sec. 19-1100. Administration of this article.**

The administration of this article shall be governed by and in accordance with the provisions of division 5, and the regulations following division 5, in article II of this chapter, except those provisions which are unrelated to any provision in this article III.  
 (Ord. No. 6926, § 1.B, 4-18-88)

**Sec. 19-1110. Criminal penalties.**

(a) It is unlawful for any person to knowingly or willfully:

- (1) Fail or refuse to make any return required by this article.
- (2) Fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.
- (3) Make or cause to be made a false or fraudulent return.
- (4) Make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion or credit, or to entitle the person to an allocation or apportionment or receipts subject to tax.
- (5) Fail or refuse to permit any lawful examination of any book, account, record or other memorandum by the tax collector.



**Sec. 20-175. Stop sign required at each intersection with through street.**

Whenever any provision of this Code or any ordinance of the city designates and describes a through street, it shall be the duty of the traffic engineer to place and maintain a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance of the city. (1953 Code, ch. 17, § 94)

**Sec. 20-176. Traffic engineer to designate hazardous intersections for “stop.”**

The traffic engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersections, and shall erect a “stop” sign at every such place where a stop is required. (1953 Code, ch. 17, § 95; Ord. No. 1941, § 1, 8-17-59)

**Sec. 20-176.1. Traffic to stop at intersection when traffic signals are out of service.**

When an intersection traffic signal is out of service for any reason, all vehicles shall come to a complete stop upon any approaching roadway at any such intersection and shall proceed only when safe to do so after yielding to any vehicle on the right, or to any vehicle or pedestrian lawfully within the intersection. This procedure shall be in effect until a traffic or police officer establishes intersection point control. (Ord. No. 7332, § 1, 1-2-90)

**Sec. 20-177. Traffic engineer to designate hazardous intersections for “yield”.**

The traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists and to determine whether vehicles on one of the intersecting streets shall yield the right-of-way to vehicles on the other street or streets and to erect a “yield right-of-way” sign at every place where such a sign is needed. (1953 Code, ch. 17, § 95; Ord. No. 1941, § 1, 8-17-59)

**State law reference** – Location, specifications for stop signs. A.R.S. § 28-855.

**Sec. 20-178. Reserved.**

**Editor’s note** – Section 20-178, requiring obedience to yield right-of-way signs, derived from the 1953 Code, ch. 17, § 96, and Ord. No. 1941, § 2, adopted Aug. 17, 1959, was repealed by § 1 of Ord. No. 5931, adopted Dec. 19, 1983.

**Sec. 20-179. One-way streets and alleys.**

Upon those streets and parts of streets and in those alleys described by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Three (3) copies of current ordinances designating the streets and alleys governed by this section shall be kept on file by the city clerk.

- (1) West on the east-west alley immediately north of the Mission Village apartments at 7001 East Golf Links Road and between the drainageway east to the western property line of the shopping center.
- (2) East on the east-west alley between Chantilly Avenue and Van Buren Avenue and between Broadway Boulevard and Twelfth Street.
- (3) North on the alley immediately east of Alamo Wash between the Monterey Village Shopping Center and Hawthorne Street.
- (4) East on the alley immediately south of the Monterey Village Shopping Center between the Alamo Wash and Rook Avenue.
- (5) East on the east-west alley between Congress Street and Pennington Street, connecting Sixth Avenue and Scott Avenue.
- (6) West on the east-west alley between Congress Street and Broadway Boulevard, connecting Sixth Avenue and Scott Avenue.
- (7) West on the east-west alley between 3rd and 4th Avenues and between 24th and 25th Streets.
- (8) Northeast on the northeast-southwest alley between Princeton Drive and Rutgers Place from Lehigh Drive east to the north-south alleyway.

- (9) West on Alameda Street from Toole Avenue-Sixth Avenue intersection to Church Avenue.
- (10) South on Arizona Avenue from Thirteenth Street to Fourteenth Street.
- (11) East on Broadway Boulevard between the west line of the Broadway Boulevard underpass and the east line of the intersection of Granada Avenue and Broadway Boulevard.
- (12) West on Adams Street from approximately 150 feet west of Camilla Boulevard to Camilla Boulevard.
- (13) West on Congress Street from Herbert Avenue-Toole Avenue intersection to Broadway Boulevard-Granada Avenue intersection.
- (14) West on Eighth Street from Euclid Avenue to Third Avenue. City of Tucson Solid Waste vehicles exempt between the hours of 5:30 a.m. to 7:30 a.m.
- (15) North on El Paso Avenue from Cushing Street to Simpson Street.
- (16) North on Fifth Avenue from Twelfth Street to Thirteenth Street.
- (17) North on Forgeus Avenue from Thirty-Sixth Street to Forgeus Stravenue.
- (18) South on Herbert Avenue from Sixth Street to Eighth Street.
- (19) South on Herbert Avenue from Fifth Street to 215 feet south of Fifth Street.
- (20) North on Hoff Avenue from Eighth Street to Fifth Street.
- (21) South on the southbound Kino Parkway on-ramp (Ramp A) from Twenty-Second Street.
- (22) North on the northbound Kino Parkway off-ramp (Ramp B) to Twenty-Second Street.
- (23) South on the southbound Kino Parkway off-ramp (Ramp C) to Twenty-Second Street.
- (24) North on the northbound Kino Parkway on-ramp (Ramp D) from Twenty-Second Street.
- (25) South on Meyer Avenue from Eighteenth Street to Twenty-Second Street.
- (26) East on Pennington Street from Congress Street to Scott Avenue.
- (27) North on Rubio Avenue from Nineteenth Street to Eighteenth Street.
- (28) South on Scott Avenue from McCormick Street to Fourteenth Street.
- (29) East on Sequoyah Street between Forgeus Avenue and Treat Avenue.
- (30) West on Simpson Street from Stone Avenue to Meyer Avenue.
- (31) East on Sixth Street between Country Club Road and the west end of Fifth-Sixth Street transition.
- (32) Speedway Boulevard underpass frontage roads: East of Union Pacific Railroad, westbound on north frontage road to road connecting north frontage road with south frontage road, south on this connecting road to south frontage road, east on south frontage road to end of frontage road; west of Union Pacific Railroad, east on south frontage road to road connecting south frontage road with north frontage road, north on this connecting road to north frontage road, west on north frontage road to end of frontage road.
- (33) South on Stone Avenue from the south line of the intersection of Stone Avenue, Toole Avenue and Franklin Street to the north line of Broadway Boulevard.
- (34) Northwest on Toole Avenue from Broadway to its intersection with Fourth Avenue.
- (35) West on Corral Street from Scott Avenue to Stone Avenue.

(1953 Code, ch. 17, § 98; Ord. No. 1924, § 3, 7-6-59; Ord. No. 3653, § 1, 1-24-72; Ord. No. 3753, § 1, 12-13-71; Ord. No. 4003, § 1, 4-2-73; Ord. No. 4132, § 1, 2-19-74; Ord. No. 4150, § 2, 6-21-76; Ord. No. 4275, § 1, 1-20-75; Ord. No. 5050, § 1, 10-15-79; Ord. No. 6120 § 1, 11-19-84; Ord. No. 6565, § 1, 11-3-86; Ord. No. 6590, §§ 1 and 2, 12-8-86; Ord. No. 6705, §§ 1 and 2, 5-18-87; Ord. No. 6797, §§ 1 and 2, 9-21-87; Ord. No. 6950, §§ 1 and 2, 5-16-88; Ord. No. 6974, §§ 1 and 2, 6-6-88; Ord. No. 7066, §§ 1 and 2, 10-17-88; Ord. No. 7080, §§ 1 and 2, 10-24-88; Ord. No. 7137, §§ 1 and 2, 2-6-89; Ord. No. 7251, §§ 1 and 2, 8-7-89; Ord. No. 7442, §§ 1 and 2, 7-2-90; Ord. No. 7484, §§ 1 and 2, 9-17-90; Ord. No. 7542, §§ 1 and 2, 1-7-91; Ord. No. 7750, §§ 1 and 2, 1-13-92; Ord. No. 7903, § 2, 9-14-92; Ord. No. 7914, § 2, 10-5-92; Ord. No. 7972, §§ 1 and 2, 1-11-93; Ord. No. 7979, §§ 1 and 2, 2-1-93; Ord. No. 8342, § 2, 8-1-94; Ord. No. 8687, § 2, 5-6-96; Ord. No. 8788, §§ 1 and 2, 12-16-96; Ord. No. 8927, §§ 1 and 2, 9-2-97; Ord. No. 9133, § 2, 10-5-98; Ord. No. 9435, § 2, 8-7-00; Ord. No. 9760, § 2, 9-3-02; Ord. No. 10181, § 1, 8-2-05; Ord. No. 10940, § 1, 10-25-11; Ord. No. 11091, § 2, 7-9-13; Ord. No. 11368, § 1, 6-7-16)

**Secs. 20-180 – 20-199. Reserved.**

## ARTICLE VII. STOPPING, STANDING AND PARKING\*

### DIVISION 1. GENERALLY

**Sec. 20-200. Unlawful parking prohibited; classification; parking defined; parties liable; applicability of regulations; continuous violations; mandatory fines and fees; community service.**

(a) *Classification.* Violation of any provision of this article which regulates the time, place, or method of parking shall constitute a civil infraction.

(b) *Definition.* Parking means the standing of a vehicle, whether occupied or not.

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\***Editor's note** – Ord. No. 9196, § 1, adopted Jan. 25, 1999, repealed the former Art. VII, §§ 20-193 – 20-277, which pertained to stopping, standing and parking, and enacted a new Art. VII, §§ 20-200 – 20-282 to read as herein set out. For more information, see the Code Comparative Table.

(c) *Parties liable.* The owner(s) of the vehicle and the person who parked or placed the vehicle where the violation occurred shall be jointly and individually liable for the violation and for the fine and fees prescribed therefor.

(d) *Applicability of regulations.* The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device.

(e) *Continuous violations.* Where parking is time restricted, each full time period the vehicle is unlawfully parked shall constitute a separate violation. In all other cases, each day the violation continues shall constitute a separate offense.

(f) *Mandatory fines and fees.* Unless otherwise specifically provided by this article, the fines and fees for violating any provision of this article shall be mandatory, no part of which may be suspended or waived by the court.

(g) *Community service.* Community service work may be substituted for fines and fees in accordance with section 1-8(4) of this Code. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07)

**Sec. 20-201. Reserved.**

**Editor's note** – Ord. No. 9492, § 3, adopted Nov. 27, 2000, repealed § 20-201, which pertained to administrative enforcement fee. See the Code Comparative Table.

**Sec. 20-202. Prima facie evidence of parking infraction.**

No civil infraction may be established except upon proof by a preponderance of the evidence; provided, however, that a parking violation notice, or copy thereof, issued in accordance with this chapter and the Local Rules of Practice and Procedure in City Court Civil Proceedings shall be prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the correctness of the facts specified therein.

(Ord. No. 9196, § 1, 1-25-99)

**Sec. 20-203. Failure to respond to citation; default fee; booting and impounding vehicle authorized, booting and impound fees; damages to boot.**

booted or impounded may post a bond in the amount of the booting and/or impound fees, damages or replacement cost of the boot if any, and potential fines in order to have the vehicle released pending the hearing. The limited special magistrate shall conduct the hearing as follows:

(a) *Arizona registered vehicles.* When a citation is issued to a vehicle registered within the State of Arizona, Park Tucson shall within seven (7) working days send a citation letter to the owner address on file with the Arizona Department of Motor Vehicles advising the owner of the citation and containing the date, time, and location of the violation as well as the vehicle description and violation description; or a duplicate copy of the citation.

(b) *[Failure to respond.]* If the owner or operator of the vehicle involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a default fee pursuant to section 8-6.7 shall be assessed and the court shall within seven (7) working days of the default date send a default letter to the owner address on file with the Arizona Department of Motor Vehicles, advising the owner that the citation is in default and that the vehicle may be subject to boot or impoundment as set forth in subsection (d).

(c) *Foreign registered vehicles.* If the owner or operator of the vehicle, registered in a state or jurisdiction other than Arizona, involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a default fee pursuant to section 8-6.7 shall be assessed.

(d) *[Booting, impoundment.]* In addition to actions taken under section 20-203(b) or (c) above, the citing authority may boot, impound or cause to be booted or impounded any motor vehicle owned by a person who has three (3) or more unpaid civil parking infractions or has failed to respond to the civil parking infractions as set forth in section 20-203(b) or (c), giving notice that there shall be a hearing before a limited special magistrate within forty-eight (48) hours of the booting or impoundment, excluding weekends and holidays. The owner of the vehicle which was

**ARTICLE III. RESERVED\***

**Secs. 21-38 – 21-50. Reserved.**

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

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

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

Adults (ages 15 through 61)	
June - Nov.....	\$9.50
Dec. - May..	\$10.50
Senior citizens (ages 62 and over)	
June - Nov.....	\$7.50
Dec. - May..	\$8.50
Children (ages 2 through 14)	
June - Nov.....	\$5.50
Dec. - May..	\$6.50
Reserved school groups (per person).	\$3.50
Children (under age 2) when accompanied by an adult.	Free

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

(Ord. No. 3812, § 1, 3-27-72; Ord. No. 4149, § 1, 3-11-74; Ord. No. 4164, § 1, 4-8-74; Ord. No. 4401, § 1, 10-13-75; Ord. No. 5172, § 3, 6-23-80; Ord. No. 7054, § 1, 10-3-88; Ord. No. 7859, § 6, 7-6-92; Ord. No. 8319, § 1, 7-5-94; Ord. No. 9261, § 11, 8-2-99; Ord. No. 9757, § 20, 8-5-02; Ord. No. 10304, § 1, 7-6-06; Ord. No. 10748, § 1, 1-5-10; Ord. No. 11000, § 7, 6-26-12, eff. 7-1-12; Ord. No. 11367, § 1, 6-7-16, eff. 7-1-16)

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

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

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

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

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

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

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

TUCSON CODE

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

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

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

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

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

(1953 Code, ch. 20, § 64; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74; Ord. No. 11364, § 1, 6-7-16, eff. 6-26-16)

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

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

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

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

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

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

The group insurance or medical health plan service provided for in section 22-80 shall be available but not mandatory for all officers and employees entering the service of the city. For any officer or employee who becomes eligible for Federal Medicare, continued membership in any medical health plan services provided for in this article shall be optional for such officer or employee.

(1953 Code, ch. 20, § 67; Ord. No. 2208, § 1, 9-5-61; Ord. No. 4138, § 1, 2-19-74; Ord. No. 5490, § 2, 1-11-82; Ord. No. 7688, § 1, 9-9-91; Ord. No. 11364, § 2, 6-7-16, eff. 6-26-16)

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

Notwithstanding other provisions of this article, any city officer or employee eligible for medical coverage under the city's medical plan may waive coverage under the city's medical plan and elect to receive a medical insurance incentive allowance of thirty-six dollars and ninety-two cents (\$36.92) per pay period provided that the city officer or employee is not currently covered by the city's retiree medical plan or as a dependent under another city employee or retiree's plan, and provided that the employee provides acceptable proof of non-city medical insurance to the Benefits division of Human Resources. This waiver does not extend to dental coverage or to other plans provided under section 125 of the Internal Revenue Code.

Any city officer or employee may request the incentive for waiver of medical coverage during the initial thirty-one (31) days of city employment, during the annual open enrollment period, or whenever there

is a qualifying life event such as gaining coverage through a non-city medical plan, and provided that the city officer or employee is not currently covered by the city's medical plan.

The actual effective date for the incentive payment will depend upon the reason for the change. For newly hired employees, the effective date for start of the incentive will be the date a new hire employee normally becomes eligible for other city-paid benefits. For an open enrollment change, the effective date for start of the incentive will be the date that the new fiscal year's medical insurance premiums otherwise would take effect. For qualifying life events, the effective date for starting the incentive payment will be the first day the waiver of city medical coverage takes effect. Regardless of the reason, in order for the incentive to take effect on the dates prescribed above, proper documentation supporting the incentive for waiver must be received by the Benefits division of Human Resources before the incentive payment will begin. If documentation is received after the date incentive otherwise would have taken effect, the incentive will begin the pay period that the acceptable documentation is received, and retroactive payments of the incentive will not be made.

When an eligible employee resumes medical coverage on a city plan, the effective date for stopping the incentive will be the last date prior to the date the city medical coverage begins.

Any city officer or employee waiving medical coverage under the city's plan must provide written proof of medical coverage from another non-City of Tucson source. Failure to provide periodic proof of medical coverage from another non-city source, satisfactory to, and at such frequency as determined by the city, will be grounds for the city to discontinue the incentive and recoup any incentive payments made for the time the employee did not maintain medical coverage. Proof of medical coverage from another non-city source must be provided within thirty (30) days of any request.  
(Ord. No. 9857, §§ 1, 2, 6-2-03; Ord. No. 10059, § 1, 10-11-04; Ord. No. 10678, § 2, 6-9-09, eff. 7-1-09; Ord. No. 10991, § 1, 6-12-12, eff. 7-1-12; Ord. No. 11364, § 3, 6-7-16, eff. 6-26-16)

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

**Secs. 22-87 – 22-89. Reserved.**

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

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

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

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

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

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

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



	<i>Per Pay Period</i>	<i>Per Year</i>
0 – 5 years of continuous service:	4 hrs. 0 min.	13 days (104 hrs.)
Over 5 to 10 years of continuous service:	4 hrs. 30 min.	14 days, 5 hrs. (117 hrs.)
Over 10 to 15 years of continuous service:	6 hrs. 0 min.	19 days, 4 hrs. (156 hrs.)
Over 15 to 20 years of continuous service:	7 hrs. 0 min.	22 days, 6 hrs. (182 hrs.)
Over 20 years plus:	8 hrs. 0 min.	26 days (208 hrs.)

- c. Permanent, part-time employees who work twenty (20) or more hours per week accrue a prorated amount of paid vacation leave according to the actual hours worked and hours of paid leave used per pay period.
- d. Permanent employees who work less than twenty (20) hours per week and non-permanent employees do not accrue paid vacation leave.
- e. Employees who have accrued thirty-six (36) days (two hundred eighty-eight (288) hours) of vacation leave in any pay period will not accrue additional vacation leave for that pay period. The number of hours of vacation leave that would otherwise have accrued for that pay period will be credited to the employee as additional sick leave accrual. Commissioned fire personnel at or below the rank of captain may receive a maximum of two hundred eight (208) hours of such additional sick leave accrual each year, starting with the pay period in which April 1 falls. All other employees may receive a maximum of fifty-six (56) hours (seven (7) days) of such additional sick leave accrual each year, starting with the pay period in which April 1 falls.
- f. An employee who is on leave without pay or any unpaid leave status for up to one-half ( 1/2) of the pay period shall accrue vacation leave on a pro-rated basis for that pay period based on the actual hours worked and hours of paid leave used. An employee who is on leave without pay or any unpaid leave status for more than one-half ( 1/2) of a pay period does not accrue vacation leave for that pay period.
- g. Employees on paid leave shall be paid their regular salaries and shall continue to accrue their normal vacation and sick leave.

*Sec. 22-90(2). Sick leave accrual.*

- a. Probationary and permanent, full-time employees, except permanent, full time commissioned fire and commissioned police personnel, shall accrue sick leave as follows:

<i>Per Pay Period</i>	<i>Per Year</i>
4 hrs. 0 min.	13 days (104 hrs.)

- b. Permanent full time commissioned fire and commissioned police employees shall accrue sick leave as follows:

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

- c. Probationary and permanent, part time employees who work twenty (20) or more hours per week (forty (40) or more hours per pay period) shall accrue a pro-rated amount of sick leave according to the actual hours worked and hours of paid leave used per pay period.
- d. Permanent employees who work less than twenty (20) hours per week and non-permanent employees do not accrue sick leave.
- e. Employees on leave without pay or any unpaid leave status for up to one-half ( 1/2) of a pay period shall accrue sick leave on a pro-rated basis for that pay period based on the actual hours worked and hours of paid leave used. An employee who is on leave without pay for more than one-half ( 1/2) of a pay period does not accrue sick leave for that pay period.
- f. Sick leave credit is cumulative with no maximum accrual.

*Sec. 22-90(3). Compensation for unused accrued leave to employees separating from city service.*

- a. Permanent employees shall be fully compensated for unused accumulated vacation day/hours at the employee's base rate of pay at the time of separation.
- b. Employees, excepting commissioned police officers and commissioned fire personnel, who retire from the city, under a normal, early, disability or a retirement incentive program and are eligible for benefits from the Tucson Supplemental Retirement System shall be compensated for accumulated sick leave in accordance with the following schedule and using the employee's base rate of pay at the time of separation for the calculation.

Accrued sick leave hours payment:

0 – 240	0% of total
Over 240 – 480	25% of total balance
Over 480 – 720	35% of total balance
Over 720	50% of total balance

- c. Commissioned police officers and commissioned fire personnel who retire from the city and are eligible for normal or permanent disability retirement benefits from the Public Safety Personnel Retirement System shall be compensated for accumulated sick leave as hereafter provided using the employee's base rate of pay at the time of separation for the calculation.
  1. Those who retire with sick leave balances of two hundred eighty-seven (287) hours or less will be compensated for those hours at fifty (50) percent of the employee's base rate of pay.
  2. Those who retire with sick leave balances of at least two hundred eighty-eight (288) hours will be compensated for two hundred eighty-eight (288) of those hours at one hundred (100) percent of the employee's base rate of pay, however, any sick leave hours remaining, in excess of two hundred eighty-eight (288) hours, will be compensated at the lessor rate of fifty (50) percent of the employee's base rate of pay.
- d. Upon the death of a city employee, the city shall pay the employee's entire accumulated sick leave to the employee's survivor. A survivor for the purpose of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law.

*Sec. 22-90(4). Military leave.*

- a. Excepting commissioned fire employees of the city who are members of any branch, reserve, or auxiliary of the armed forces, and are under orders for active duty, short tour training, attending camps, maneuvers, formation, or drill, employees shall be granted military leave in accordance with this section and state and/or federal law.
- b. Employees of the City of Tucson who are members of any branch, reserve or auxiliary of the Armed Forces, and are under orders for short tour training, attending camps, maneuvers, formations or drills, will be given Military Leave as provided by state and/or federal law or the Tucson Code. This leave is not to exceed thirty (30) days in any two (2) consecutive federal fiscal years (Oct. 1 - Sept. 30), except as otherwise provided by this section. Up to the thirty (30)-day limit, such employees will receive full city salary for normally scheduled working hours that fall within the periods of training duty unless otherwise provided by the Tucson Code. Employees will not be charged military leave for days on which the employee was not otherwise scheduled for work.
- c. Commissioned fire employees of the city who are members of any branch, reserve, or auxiliary of the armed forces, and are under orders for active duty, short tour training, attending camps, maneuvers, formation, or drill, shall be granted military leave as provided by state and/or federal law and this section. Military leave shall be provided to commissioned fire employees up to a maximum of thirty (30) days per federal fiscal year. Such leave shall not be carried forward or accrued. In addition to the usage provided in this subparagraph c, this additional leave may be used to perform inactive duty drills provided that the member establishes that the military leave was required to perform those drills.

**Note**—Ord. No. 10004, § 2, adopted June 28, 2004, reenacted section 22-90(5) for Fiscal Year 2005.

(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 1, 6-18-01; Ord. No. 95-90, § 1, 8-6-01; Ord. No. 9719,

§§ 1, 2, 6-10-02; Ord. No. 9831, § 1, 4-14-03; Ord. No. 9864, § 1, 6-16-03; Ord. No. 10004, §§ 1, 2, 6-28-04; Ord. No. 10057, § 8, 10-11-04; Ord. No. 10163, § 1, 6-14-05; Ord. No. 10425, § 1, 6-19-07; Ord. No. 10557, § 1, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 3, 6-9-09, eff. 7-1-09; Ord. No. 11364, §§ 4, 5, 6-7-16, eff. 6-26-16)

**Editor's note**—Due to a scrivener's error, § 22-90(1) should read effective FY 03.

**Note**—Section 22-90(1)e. is effective July 1, 2007.

**Sec. 22-91. Duties of the human resources director and city manager.**

The human resources director, subject to the supervision and approval of the city manager, is charged with the responsibility for establishing rules and procedures regulating employee leaves, both with and without pay, for other paid and unpaid time off work and for the administration, establishment, and amendment, of those rules and procedures as from time to time may be required in accordance with the preceding provisions and as hereafter set forth. Rules and regulations for paid and unpaid leave shall not exceed the authorizations provided by ordinance.

- a. The human resources director, with the approval of the city manager shall also establish administrative policies and procedures to provide for:
  1. Paid time off not to exceed five (5) days annually to exempt employees in recognition of exceptional performance requiring expenditure of numerous hours beyond the hours normally worked. Such time off must be used when granted and will not be accumulated or otherwise compensated.
  2. Paid time off not to exceed two (2) hours to vote in primary and general elections.
  3. Paid time off not to exceed two (2) hours for the purposes of blood donations.
  4. Paid time off to employees on jury duty.

5. Paid time off to permanent employees on witness duty unassociated with their employment. (Employee attendance as a witness on behalf of the city is an employment duty).
6. Paid time for holidays, which are as follows: New Year's day, Martin Luther King, Jr. Day, Presidents Day, César E. Chávez Day (to be observed on the Monday that is closest in time to March 31), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day and excepting commissioned public safety employees who shall have a birthday day holiday, one (1) employee floating holiday per year.
7. Unpaid or paid time off for a period of bereavement for loss of immediate family not to exceed one workweek annually.
8. Unpaid leave, consistent with the needs of the city, not to exceed one year, but always in conformance with applicable state and federal law.

b. The city manager, when recruiting department directors, deputy or assistant city managers, may as an employment incentive:

1. Grant on commencement of employment up to an additional thirty (30) days of paid vacation leave which shall be in addition to any leave entitlement provided in section 22-90 preceding.
2. Waive any of the time in service requirements for accrual of vacation leave to permit up to the maximum rate of vacation accrual for such employees immediately on commencement of employment.

(Ord. No. 8881, § 1, 6-9-97; Ord. No. 9570, § 2, 6-18-01; Ord. No. 9864, § 2, 6-16-03; Ord. No. 9878, § 1, 8-4-03; Ord. No. 10557, § 2, 6-25-08, eff. 7-1-08; Ord. No. 11146, § 1, 3-4-14)

**Note** – Section 22-91(a)7. is effective July 1, 2008.

**Sec. 22-92. Peace officer recruitment incentive.**

The human resources director, with the approval of the city manager, when recruiting lateral entry commissioned peace officers may, as an employment incentive:

- (1) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of vacation leave.
- (2) On a one-time basis, grant, on commencement of employment, up to an additional seven (7) days of sick leave.

(Ord. No. 9348, § 2, 2-7-00)

**Sec. 22-93. Conditions for annual sick leave payment to fire department commissioned personnel.**

*Sec. 22-93(a).* Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

*Sec. 22-93(b).* Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the annual sick leave hours for which payment is not requested remains subject to the sick leave transfer provisions of city administrative directive 2.01-7.

*Sec. 22-93(c).* Conditions for annual sick leave payment to fire department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

*Sec. 22-93(d).* Employees with five (5) or more years of service as of July 1 of the year of their request for sick leave payment who have three hundred sixty (360) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, or any part of those hours as set forth in the employee's request, in approximately two (2) equal installments during the pay period in which July 1 falls and the next subsequent pay period.

*Sec. 22-93(e).* Employees with ten (10) or more years of service as of July 1 of the year of their request

for sick leave payment who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-93(f).* Employees with seventeen (17) or more years of service as of July 1 of the year of their request for sick leave payment who have five hundred twenty (520) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred four (104) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred sixty (160) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-93(g).* Employees with twenty-two (22) or more years of service as of July 1 of the year of their request for sick leave payment who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty-two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

(Ord. No. 9382, § 1, 5-15-00; Ord. No. 9523, § 1, 3-5-01; Ord. No. 9561, § 1, 6-11-01; Ord. No. 9720, § 1, 6-10-02; Ord. No. 10425, § 2, 6-19-07, eff. 7-1-07)

**Editor's note** – Ord. No. 9382, § 1, adopted May 15, 2000, amended the Code by adding provisions designated as § 22-92. Inasmuch as there already exist provisions so designated, the provisions of Ord. No. 9382 have been included herein as § 22-93 at the discretion of the editor.

**Sec. 22-94. Conditions for annual sick leave payment to police department commissioned personnel.**

*Sec. 22-94(a).* Payment shall be at the employee's base rate of pay in effect at the time of the payment, exclusive of overtime, shift differential, standby pay, temporary promotion pay, longevity pay, and any other type of pay not included in the employee's base rate.

*Sec. 22-94(b).* Payment shall require a request by the employee prior to June 1 preceding the fiscal year of payment. Any of the remaining annual sick leave hours for which payment is not requested remain subject to the sick leave transfer provisions of city administrative directive 2.01-7.

*Sec. 22-94(c).* Conditions for annual sick leave payment to police department commissioned personnel are subject to retroactive and/or prospective alteration, amendment, or repeal at any time.

*Sec. 22-94(d).* Employees with fifteen (15) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have four hundred eighty (480) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional forty-eight (48) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of one hundred four (104) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(e).* Employees with seventeen (17) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have five hundred forty-four (544) hours of sick leave on the first day of the pay period in which April 1 falls, shall, on request, be paid for the unused portion of the first fifty-six (56) hours of their annual sick leave, plus an additional one hundred (100) hours of their accrued sick leave, or any part of those combined hours as set forth in the employee's request, not to exceed a maximum total of hundred fifty-six (156) hours per year, in approximately equal installments commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(f).* Employee with twenty (20) or more years of service in the pay period in which July 1 of the year of their request for sick leave payment falls, who have six hundred (600) hours of sick leave on the first day of the pay period in which April 1 falls shall, on request, be paid for the unused portion of the first seven (7) days (fifty-six (56) hours) of their annual sick leave plus an additional one hundred fifty two (152) hours of their accrued sick leave, or any part of those combined hours, as set forth in the employee's request, not to exceed a maximum total of two hundred eight (208) hours per year, in approximately equal installments, commencing in the pay period in which July 1 falls through the end of that fiscal year.

*Sec. 22-94(g).* Year(s) of prior active duty military service or prior commissioned police service from other jurisdictions shall be included in calculating the years of qualifying service applicable to any payments made under the preceding subparagraphs (d) through (f) of § 22-94.

(Ord. No. 9560, § 1, 6-11-01; Ord. No. 95-90, § 2, 8-6-01; Ord. No. 9864, § 3, 6-16-03; Ord. No. 9878, § 2, 8-4-03; Ord. No. 10425, § 3, 6-19-07, eff. 7-1-07, eff. 7-1-07)

**Sec. 22-95. Wellness attendance incentive.**

The employee groups eligible for representation by a labor organization and employees eligible for overtime who are not eligible to be represented by any labor organization shall be entitled to receive a cash incentive of two hundred fifty dollars (\$250.00) for each six (6) month period in each fiscal year, conditioned that the employee has not used any leave without pay or sick leave, including FML, in the six (6) month measuring period preceding the date of payment. The Wellness Attendance incentive payment will be paid in February for the first six (6) month period and in August for the second six (6) month period.

(Ord. No. 9719, § 3, 6-10-02; Ord. No. 10004, § 3, 6-28-04; Ord. No. 10019, § 1, 8-2-04; Ord. No. 10163, § 2, 6-14-05; Ord. No. 10294, § 2, 6-27-06; Ord. No. 10425, § 4, 6-19-07; Ord. No. 10557, § 3, 6-25-08, eff. 7-1-08; Ord. No. 10678, § 4, 6-9-09, eff. 7-1-09; Ord. No. 10812, § 1, 6-22-10, eff. 7-1-10; Ord. No. 10899, § 1, 6-7-11, eff. 7-1-11; Ord. No. 10991, § 2, 6-12-12, eff. 7-1-12; Ord. No. 11071, § 1, 5-21-13, eff. 7-1-13; Ord. No. 11176, § 1, 6-3-14, eff. 7-1-14; Ord. No. 11292, § 1, 8-5-15)

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

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

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

(c) The administration of accumulated and earned sick and vacation leave, as provided in this section for these employees, shall be in accordance with applicable city code and administrative provisions, as they may be amended from time to time.

(Ord. No. 10125, § 1, 3-1-05)

**Secs. 22-97 – 22-99. Reserved.**

**ARTICLE VI. OTHER INSURANCE BENEFITS**

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

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

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

Effective June 1, 2008, the city shall provide a twenty-five thousand dollar (\$25,000.00) death benefit to the survivor of a city employee who is a member of the employee group eligible for representation by TPOA, who holds a permanent position in the

classified service at the time of death, and who is killed while directly performing duties as a peace officer for the city. A survivor for the purposes of this section shall be the person(s) indicated as the beneficiary of the employee's pension or as otherwise provided by law. (Ord. No. 10005, § 1, 6-28-04; Ord. No. 10163, § 5, 6-14-05; Ord. No. 10557, § 4, 6-25-08, eff. 7-1-08; Ord. No. 10569, § 1, 7-8-08)

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

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

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

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

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

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

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