

TUCSON, ARIZONA
Supp. No. 102 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through December 31, 2013. 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. 102” If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON, ARIZONA
Supp. No. 102 – Instruction Sheet

TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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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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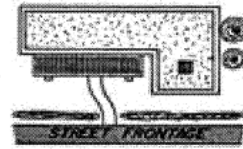
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4. *Real estate directional sign.* An off-site sign that is intended to direct prospects to the unit (non-subdivision) for sale.
5. *Real estate for sale or lease sign.* An on-site wall or freestanding sign placed upon a property advertising that property for sale, rent or lease.
6. *Real estate project identity entrance sign.* An on-site sign displaying the name of the subdivision or development at the major street entrances to the subdivision or development.
7. *Real estate rental development sign.* An off-site sign placed at a location other than the premises of a new rental or for lease project offering housing for lease or rent.
8. *Real estate subdivision sign.* An on-site sign advertising a subdivision as having lots, townhouses, houses or condominiums for sale.
- GGG. *Repair.* To mend, renovate or restore a sign structure to its original existing condition.
- HHH. *Scenic route.* A roadway designated as a scenic route in the Major Streets and Routes Plan.
- III. *School.* Any public, parochial or private school for teaching accredited courses of instruction as approved by the Arizona Department of Education.
- JJJ. *Sign.* Every advertising message, announcement, declaration, display, illustration, insignia, surface or space erected or maintained in a location outside any building and visible to the public for identification, advertising or promotion of the interest of any person, entity, product or service. Signs attached to the interior wall of a shopping mall for identification, advertisement or promotion of the interest of any person, entity, product or service are required to obtain a sign permit to ensure compliance with applicable building, fire, electrical and technical codes but are not otherwise subject to this sign code. Signs within individual mall stores or inside individual business establishments are excluded from this definition.
- KKK. *Sign code administrator.* The person designated and authorized to enforce and administer the provisions of this sign code, or that person's authorized representative or designee. The sign code administrator is the zoning administrator as described in A.R.S. § 9-462 for the purpose of interpreting this code.
- LLL. *Site.* The land area consisting of a lot or contiguous lots, not including dedicated public property, designated for development as a single entity through an approved site plan, plat or development plan.
- MMM. *Street frontage.* The length of a lot or development fronting on a public or private street.



Street Frontage

- NNN. *Subdivision.* Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property that is divided into two (2) or more lots, tracts or parcels of land, or, if any such property, the boundaries of which have been fixed by a recorded plat, that is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.
- OOO. *Temporary sign.* Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light material and not rigidly and permanently installed in the ground or attached to a building. Political

election signs are not included in this definition. The definition includes but is not limited to the following sign types:

1. *Grand opening, sales and civic events banner.* Temporary on-site banner advertising the grand opening, reopening, new management, sales event or civic event at a specific location.
 2. *Banner used as temporary signage.* Temporary on-site banner used to advertise events lasting for a limited time. This type of banner may also be used to temporarily advertise a business location while permanent signage is being constructed, or during a change of business name, exterior remodeling of tenant space or entire center, or periods of road construction.
- PPP. *Tenant.* The occupant of a portion of a site or structure with exclusive control over that portion, regardless of whether it is by individual ownership or lease.
- QQQ. *Time, temperature and weather display.* A sign that displays the current time, temperature or current or forecast weather conditions.
- RRR. *Total allowable sign area.* The length of a site fronting on a public or private street multiplied by the allowable sign area in each district or as outlined in each district. The total allowable sign area for a site in each district can never be exceeded regardless of the number of lots or tenants in a development.
- SSS. *Traffic directional sign.* An on-site sign directing the reader to the location or direction of any place or area.
- TTT. *Unoccupied.* A premises or structure:
1. That is not occupied, or
 2. That is not being put to those uses authorized by the last business privilege license issued by the City of Tucson for that address and business, or

3. Where the public utilities are not in service.

UUU. *Vacant.* A premises or structure:

1. From which the fixtures utilized in conjunction with the business activities as authorized by the last business privilege license for that address issued by the City of Tucson have been removed, or
2. Where the public utilities are not in service.

VVV. *Vehicle signs.* Signs mounted upon, painted upon or otherwise erected on or affixed to trucks, cars, boats, trailers and other motorized vehicles or equipment.

WWW. *Wall.* An exterior building surface thirty (30) degrees or less from vertical including, interior and exterior window and door surfaces.

XXX. *Wall sign.* Any sign that is fastened, attached, connected or supported in whole or in part by a building or structure, other than a sign structure supported wholly by the ground, with the exposed face of the sign in a plane parallel to the plane of the wall.

YYY. *Window sign.* Any sign affixed to the interior or exterior window surface.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 2, 6-28-11; Ord. No. 11076, § 2, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

Editor's note – Ord. No. 11131 provides that the provisions of Ord. No. 10903 shall cease to be effective on December 31, 2015, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Secs. 3-12 – 3-15. Reserved.

ARTICLE III. PERMITS, FEES AND INSPECTIONS

Sec. 3-16. Permits required.

A. It shall be a civil infraction for any person to erect, reinstall, alter, change the copy of, repair or relocate a sign within the city limits, or cause

A. *Animated and intensely lighted signs:*

1. No sign shall be permitted that is animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.
2. No sign shall be permitted that because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

B. *Electronic message center:* An electronic or electronically controlled message board, where scrolling or moving copy changes are shown on the same message board or any sign which changes the text of its copy electronically or by electronic control more than once per hour.C. *Fixed balloon signs:*

1. Except as allowed as a temporary sign, as provided in this Article V.
2. Prohibition does not apply to manned hot air balloons.

D. *Flags or pennants:*

1. Flags, other than those of any nation, state or political subdivision, except as allowed as a temporary sign, as provided in this Article V.
2. Propellers, hula strips and pennants, except as allowed as a temporary sign, as provided in this Article V.

E. *Miscellaneous signs, posters and satellite disks:* The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of a building, barns or sheds, or on trees, poles, posts, fences or other structures, is prohibited. No signage of any type is permitted on satellite dishes or disks.F. *Moving signs:*

1. No sign or any portion thereof shall be permitted that moves or assumes any other motion constituting a non-stationary or non-fixed condition, except as allowed as a historic landmark sign (HLS) per Sec. 3-71.

G. *Roof signs:* Signs that are erected upon, against, or directly above a roof, or on top of or directly above the parapet of a building, except as allowed as a canopy sign per Sec. 3-59, or a historic landmark sign (HLS) per Sec. 3-71.H. *Sound, odor or visible matter:* Any advertising sign or device that emits audible sound, odor or visible matter.I. *Vehicle signs:* Signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers or other motorized vehicles or equipment are prohibited, except as specifically provided in section 3-51.H.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

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Sec. 3-54. Signs creating traffic hazards.

No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators. No sign shall be located at any location where by reason of its position, shape, or color it may interfere with or be confused with any authorized traffic sign, signal or device. No sign may make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-55. Signs in public areas.

No sign shall be permitted on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public

thoroughfare, except as expressly authorized by this sign code.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-56. Awning signs.

A sign constructed of cloth, plastic or metal and permanently affixed to a structure intended to provide shade.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-57. Banners.

A piece of fabric permanently attached by one or more edges to a pole, rod or cord. Banners may be attached to a building, where permitted, or placed along a curb.

- A. Not allowed for nonresidential or home occupation uses.
- B. The area of curbside banners shall not be included in the calculation of total allowable sign area.
- C. Removal: Faded or tattered banners must be replaced or removed at the direction of the sign code administrator.
- D. Right-of-way: Banners may extend or project over a public right-of-way or public property only as provided in section 3-43B.
- E. Copy limitation: Banners may include logos and pictographs but shall not contain any other lettered copy, except:
 - 1. They may include festive or seasonal proclamations or may announce cultural or civic events that are open to the public. In such case, the banner may devote up to twenty-five (25) percent of the surface area to the name and/or logo of one public, private or commercial sponsor.
 - 2. A banner meeting the criteria for festive or seasonal proclamations may be displayed for sixty (60) days or less and shall be removed within forty-eight (48) hours after the seasonal, cultural or civic event.

- F. Maximum area: Twenty-five (25) square feet.
- G. Minimum area: Six (6) square feet.
- H. Maximum number: One (1) for every fifteen (15) feet of building length per street frontage. On buildings having more than one street frontage, the maximum allowable number of banners is not transferable from one street frontage to another.
- I. Minimum distance from ground level to bottom of banner: Ten (10) feet.
- J. Allowable height: May not extend above the facade or eave of the building or structure and shall not exceed forty (40) feet above grade.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08)

Sec. 3-58. Billboards.

A. *Permitted locations:* On undeveloped property in the C-2, C-3, I-1, and I-2 zoned property and only within the general business district and the industrial district as set forth in section 3-77 and section 3-80 of Article VI of this sign code.

B. *Maximum area per face, including embellishments:*

- 1. Generally: Six (6) feet by twelve (12) feet.
- 2. Within two hundred fifty (250) feet of a freeway: Three hundred seventy-eight (378) square feet.
- 3. Limitations:
 - a. No more than two (2) faces per sign.
 - b. Vertical or horizontal stacking is not permitted.

C. *Maximum height:*

- 1. Generally: Sixteen (16) feet from grade to top of sign.
- 2. Within two hundred fifty (250) feet of freeway: Thirty-five (35) feet from freeway grade to top of sign.

- b. Legislative: The planning and development services director will prepare a written recommendation to approve or deny the treatment Plan within ten (10) days of receiving the T-PCHC Plans Review Subcommittee recommendation and forward it to the mayor and council for a public hearing and decision at the earliest practical date. In granting approval, the mayor and council must find that preservation of the sign will contribute to Tucson's unique character, history, and identity.

H. *Review of permits for HLS.* All permits for the installation, repair/restoration, adaptive reuse, relocation, or replication of HLS shall be consistent with an approved HLS treatment plan.

I. *Maintenance.* All maintenance activities relating to HLS shall be consistent with an approved HLS treatment plan.

J. *Demolition.* Demolition of HLS shall be consistent with an approved treatment plan for relocation or subject to a maximum thirty (30) day waiting period to facilitate salvage of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation and salvage activities. (Ord. No. 10903, § 3, 6-28-11; Ord. No. 11076, § 3, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

Editor's note – Ord. No. 11131 provides that the provisions of Ord. No. 10903 shall cease to be effective on December 31, 2015, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

ARTICLE VI. SIGNS BY DISTRICT

Sec. 3-72. Sign districts.

The regulations in this Article VI establish the number, size, type, location, and other provisions relating to signs as permitted in the various sign districts of the city. No sign shall be allowed unless expressly permitted within a particular district by this Article VI or otherwise permitted or exempt under this sign code. In case of a conflict between the regulations in this article and the regulations in other articles of this sign code, the more restrictive regulation shall

apply. The application and interpretation of sign districts shall be in conformance with section 3-4. (Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 4, 5-29-13)

DIVISION 1. RESIDENTIAL DISTRICTS

Sec. 3-73. Single family residential district.

A. *Location:* The single family residential district includes all property in the rural residential zones, the RX-1, RX-2, R-1 and MH-1 zones, Tucson Land Use Code (LUC) Article II, Division 2 and LUC Sec. 2.3.2, 2.3.3, 2.3.4 and 2.3.8. The single family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a single family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

1. Nonresidential uses: Twenty (20) square feet of total sign area per street frontage. On buildings having more than one street frontage, the maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another.
2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs: For nonresidential and home occupation uses only.

- 3. Banners, curbside only. Allowed for residential uses only. Not allowed for nonresidential or home occupation uses.
- 4. Freestanding signs.
 - a. Nonresidential and home occupation uses.
 - b. Monument and low profile only.
 - c. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Allowed uses: Residential and nonresidential uses only. Not allowed for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Wall signs. Nonresidential and home occupation uses only. Not allowed for residential uses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-74. Multiple family residential district.

A. *Location:* The multiple family residential district includes all property in the R-2, R-3 and MH-2 residential zones, Tucson Land Use Code Sec. 2.3.5, 2.3.6 and 2.3.8. The multiple family residential district also includes property in less restrictive zones where the approved site plan, development plan or plat is for a multiple family dwelling as the principal use. The establishment of a more intensive use in conformance with an approved site plan, development plan or plat shall re-designate the property to the applicable sign district.

B. *Maximum total sign area:*

- 1. Residential and nonresidential uses: Fifty (50) square feet.

- 2. Home occupation uses: No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size, as permitted by the Tucson Land Use Code.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, curbside only, for nonresidential uses only.
- 4. Freestanding signs, monument and low profile only.
 - a. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.
 - b. Low profile type sign. Maximum area: Fifty (50) square feet.
- 5. Real estate signs. Not permitted for home occupation uses.
- 6. Temporary signs.
 - a. Not permitted for home occupation uses.
 - b. Maximum area: Six (6) square feet.
- 7. Traffic directional signs. Not permitted for home occupation uses.
- 8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

Sec. 3-75. Park district.

The park district is property containing public parks that are either neighborhood parks, district parks or regional parks.

A. *Permitted signs.*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.

2. Awning signs.

3. Banners, building and curbside.

4. Freestanding signs.

a. Regional parks, consisting of a public park or parks of at least fifteen (15) acres and serving a region of or the entire city.

(1) Two (2) per arterial street.

(2) Maximum height: Fourteen (14) feet.

(3) Clearance: Zero.

b. District parks, consisting of a public park or parks of at least fifteen (15) acres but not more than one hundred (100) acres and serving several neighborhoods.

(1) Two (2) per entrance.

(2) Maximum height: Ten (10) feet.

(3) Clearance: Zero.

c. Neighborhood parks, consisting of a public park or parks of less than fifteen (15) acres and serving the nearby pedestrian population.

(1) One (1) per entrance.

(2) Maximum height: Eight (8) feet.

(3) Clearance: Zero.

5. Special event signs. Allowed only in a regional park.

a. One (1) per arterial.

b. Maximum area is ten (10) feet by ten (10) feet.

c. Maximum height: Seventeen (17) feet.

d. Clearance: Seven (7) feet.

e. Erection: No more than 120 days prior to the event.

f. Removal: Immediately upon termination of the event.

6. Temporary signs.

7. Traffic directional signs.

8. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 5, 5-29-13)

DIVISION 2. NONRESIDENTIAL DISTRICTS

Sec. 3-76. O-1 zone district.

A. *Location:* The O-1 district is property zoned O-1 office zone under Sec. 2.4.1 of the Land Use Code. The O-1 district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Twenty (20) square feet per site.

C. *Illumination and color:* Signs on arterial and collector streets shall be illuminated only by low pressure sodium lighting and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m. Signs located on a local street frontage shall not be illuminated. Color schemes for all sign components, including copy, shall be compatible with surrounding residential areas.

D. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Freestanding signs, low profile type only.
 - a. Maximum number: One (1) per site.
 - b. Location: On arterial or collector streets only.
 - c. Maximum faces: Two (2) per sign, back to back configuration only.
 - d. Maximum area: Twelve (12) square feet per face.
 - e. Maximum height: Four (4) feet from grade.
 - f. Minimum setback: Twelve (12) feet from curb to leading edge of sign.
 - g. Freestanding signs which include or consist of a three-dimensional representation of a figure or object are prohibited.
3. Home occupation signs. No more than one (1) sign may be visible from the exterior of the property used as a home occupation. The sign shall not exceed one (1) square foot in size. Freestanding signs may be the monument and low profile types only.
4. Real estate signs.
5. Temporary signs. Maximum area six (6) square feet.
6. Wall signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-77. General business district.

A. *Location:* The general business district includes property in the O-2 and O-3 office zones, commercial zones, OCR-1, and OCR-2 and MU zones Mixed Use zones, Tucson Land Use Code sections 2.4.2, 2.4.3, 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.6, 2.5.7, 2.6.1, 2.6.2 and 2.6.4. The General Business District does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, the O-1 district or the planned area development (PAD) district.

B. *Maximum on-site total sign area:*

1. Generally: Three (3) square feet per foot of street frontage.
2. If any portion of a parcel is within two hundred fifty (250) feet of a freeway: Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Billboards.
5. Freestanding signs, all types.
 - a. Stand-alone premises:
 - (1) One (1) freestanding sign for each street frontage.
 - (2) One (1) additional freestanding sign on that street frontage for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet.

- (3) For each sign placed on the frontage of a local street, the total allowable number of freestanding signs for the arterial or collector street frontage shall be reduced by one.
- (4) A “stand-alone premises” for the purposes of this subsection is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A stand-alone premises must meet the on-site parking requirements under the Tucson Land Use Code without sharing parking with another premises and must provide its own ingress from and egress to the public right-of-way.
- b. Strip development:
- (1) One freestanding sign per major arterial or collector street to identify the name of the strip development shopping center or for use as an occupant directory. In addition, one freestanding sign will be permitted for each self-contained premises, not to exceed thirty-two (32) square feet in area.
- (2) For the purpose of this subsection, a “self-contained premises” is a piece of land with definite boundaries, which includes the property and the buildings on it, and is separately owned from any other property. A self-contained premises must meet the onsite parking requirements under the Tucson Land Use Code without sharing parking with another premises.
- (3) For the purpose of this subsection, a “strip development” is a development or group of buildings that meets the definition of “premises” found at section 3-34, but shall not include any area treated as a “stand-alone premises” for purposes of this section.
- (4) Malls: One freestanding sign per major arterial or collector street to identify the name of the mall. One freestanding sign not to exceed twenty (20) square feet will be permitted for each detached building included on the same development plan. A “mall” is a shopping center anchored by two (2) or more major department stores with various specialty stores totaling five hundred thousand (500,000) square feet or more of gross building area.
6. Freeway signs.
7. Menu boards.
8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
9. Real estate signs.
10. Temporary signs.
11. Traffic directional signs.
12. Wall signs.
- a. Maximum size:
- (1) Generally: No more than thirty (30) percent of the area of each wall may be utilized for wall signs.
- (2) A wall sign within two hundred fifty (250) feet of a freeway shall be no more than forty (40) percent of the area of each wall.
13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

14. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

Editor’s note – Ord. No. 11131 provides that the provisions of Ord. No. 10903 shall cease to be effective on December 31, 2015, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-78. Planned area development (PAD) district.

A. *Location:* The boundaries of a planned area development (PAD) district are coextensive with each approved PAD, a comprehensively planned development approved by ordinance by mayor and council. The development may combine commercial, administrative, professional, residential, business and other compatible land uses to create an internally oriented, high intensity, mixed use activity center.

B. *PAD compliance:* Sign plans proposed in planned area developments and redevelopment plan areas will be reviewed for consistency with qualitative plan objectives and approved by the city planning director prior to issuance of a sign permit.

C. *Maximum on-site sign area:* Three (3) square feet per foot of street frontage.

D. *Developments with more than one street frontage:* The maximum allowable number and square footage of on-site signs are permitted for each street frontage. The maximum allowance, however, is not transferable either in whole or in part from one street frontage to another, except as provided in subsection E.9, below.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Directory signs: One (1) per five (5) acres of complex with one additional directory sign per each additional five (5) acres of complex.

5. Freestanding signs, all types. Maximum number: One (1) per building or cluster of buildings (when located on the same lot) per street frontage to be located at the building’s street frontage. The allowance for freestanding signs is not transferable either in whole or in part between street frontages, buildings, or lots within the district.

6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Real estate signs, all types.

a. Real estate project identity entrance sign, general requirements:

(1) If integrated with landscaping:

- (a) Maximum number: Two (2).
- (b) Maximum faces: One (1) per sign.
- (c) Maximum size: One hundred (100) square feet per sign.

(2) If not integrated with landscaping:

- (a) Maximum number: One (1).
- (b) Maximum faces: Two (2) per sign.
- (c) Maximum size: One hundred (100) square feet per face.
- (d) Maximum height: Ten (10) feet measured from the average top of curb of adjacent streets.

8. Temporary signs.

9. Traffic directional signs.

10. Wall signs:

a. Maximum size: No more than thirty (30) percent of the area of each wall.

- b. Any portion of wall sign allowance for a building may be transferred from one street frontage to another for wall sign usage on that specific building.
- c. The allowance for wall signs is not transferable between buildings or lots within the district.
- d. The total square feet of wall sign area for a building may be allocated by the building owner among the occupants/tenants of a building.
- e. Sign placement:
 - (1) Tenant identification signage shall be placed only on a sign band as delineated in building elevation drawings approved with the related development plan.
 - (2) The sign band shall not be located more than three (3) stories above the average finished grade at the building line, except that building and/or tenant signage may be placed within discernible parapets.

B. *Maximum total sign area:* Two (2) square feet per foot of street frontage.

C. *Permitted signs:*

- 1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
- 2. Awning signs.
- 3. Banners, building and curbside.
- 4. Directory signs: One (1) per two (2) acres of development.
- 5. Freestanding signs, all types.
 - a. One (1) per street frontage.
 - b. One freestanding sign per building to be located at the building's parking entrance.

11. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.

12. Canopy signs.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

Editor's note – Ord. No. 11131 provides that the provisions of Ord. No. 10903 shall cease to be effective on December 31, 2015, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-79. Medical-business-industrial park district.

A. *Location:* The medical-business-industrial park district is property within a planned medical, business, or industrial complex of two (2) or more acres and consisting of multiple buildings and tenants that share parking, private streets and signage.

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- c. The allowance for freestanding signs is not transferable either in whole or in part from one street frontage to another or one building to another.

6. Real estate signs, all types.
7. Temporary signs.
8. Traffic directional signs.
9. Wall signs. Maximum size: Eight (8) square feet.
10. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 11076, § 6, 5-29-13)

Sec. 3-80. Industrial district.

A. *Location:* The industrial district includes property in the industrial zones, Tucson Land Use Code Sec. 2.7.1, 2.7.2 and 2.7.3. The industrial district does not include property where an approved site plan, development plan or plat provides for a single family dwelling or multi-family dwelling as the principal use, or property in the historic districts, the medical-business-industrial park district, the pedestrian business district, the scenic corridor zone (SCZ) district, or the planned area development (PAD) district.

B. *Maximum total sign area:* Four (4) square feet per foot of street frontage.

C. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Billboards.
5. Freestanding signs, all types. One (1) per street frontage; except, where a developed parcel has in excess of three hundred (300) feet of street frontage, one (1) additional

freestanding sign may be erected for each additional one hundred fifty (150) feet of street frontage in excess of the first three hundred (300) feet of street frontage abutting the developed portion of said parcel.

6. Freeway signs.
7. Menu boards.
8. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.
9. Real estate signs.
10. Temporary signs.
11. Traffic directional signs.
12. Wall signs. Maximum size: no more than forty (40) percent of the area of each wall.
13. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
14. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 6, 5-29-13; Ord. No. 11131, § 1, 12-2-13)
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DIVISION 3. SPECIAL DISTRICTS

Sec. 3-81. Historic district.

A. *Location:* Historic districts include property established as historic preservation zones pursuant to Sec. 2.8.8 of the Land Use Code and designated with the preface "H" which is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. For purposes of this sign code, historic districts are treated as specific mapped districts and are not treated as overlay zones. The established city historic districts are as follows:



Amory Park Historic District

B. *Intent*: Signs in the pedestrian business district should provide clear and understandable identification for buildings, businesses and parking. Signs on historic buildings should be carefully designed and located to respect the visual integrity of the historic architecture, including building scale, proportions, surface texture and decorative ornamentation.

C. *Maximum total sign area*: Three (3) square feet per foot of street frontage.

D. *Permitted signs*.

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Banners, building and curbside.
4. Freestanding signs, low profile and monument type only.
 - a. Maximum number: One (1) per building per street frontage where a building facade is set back at least ten (10) feet from a public right-of-way, or one (1) per street frontage for a surface parking lot where parking is the primary use of the property.
 - b. Maximum area: Twenty (20) square feet per sign.
 - c. Parking lots: Where used to identify a commercial parking facility, each freestanding sign must display the standard Parking I.D. symbol.
 - d. Maximum height: Twelve (12) feet above grade.
5. Parking signs.
6. Portable signs are permitted subject to the provisions of section 3-51.F, except that use in this district is not limited to advertisement related to road or water construction.

7. Projecting signs.
 - a. Allowed for commercial uses only.
 - b. Maximum area: Twenty (20) square feet.
 - c. Maximum height: Twelve (12) feet from grade (pedestrian surface) to top of sign.
 - d. Minimum clearance: Eight (8) feet between grade and bottom of sign.
 - e. Maximum projection from building: Five (5) feet.
8. Real estate signs, all types.
9. Temporary signs.
10. Traffic directional signs.
11. Wall signs. Maximum size: Thirty (30) percent of the area of each wall.
12. Historic landmark signs (HLS), all types. The first HLS on a premise does not count toward the maximum total sign area.
13. Canopy signs.
(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 4, 6-28-11; Ord. No. 11076, § 7, 5-29-13; Ord. No. 11131, § 1, 12-2-13)

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Sec. 3-83. Scenic corridor zone (SCZ) district.

A. *Location*: The scenic corridor zone (SCZ) district includes any portion of property or parcels within four hundred (400) feet, measured in any direction, of the future right-of-way lines of a scenic route, as designated on the Major Streets and Routes (MS&R) Plan map. If any portion of a development is within the SCZ district, the entire development will be treated, for sign purposes only, as though it were entirely within the SCZ district.

B. *Maximum total attached sign area:*

1. For commercial or industrial uses: one and one-fourth (1.25) square feet per foot of building frontage with a minimum allowance of not less than twenty-five (25) square feet and a maximum of two hundred fifty (250) square feet per tenant. Signs must be oriented toward a scenic route, arterial street, collector street, or the interior of the premises.
2. For multifamily complexes: Twenty (20) square feet per street frontage.

C. *Land Use Code compliance:* All signs in this District shall comply with applicable provisions of the Land Use Code and must be approved through the applicable review process.

D. *Colors:* All signs shall use colors that are predominant within the surrounding landscape, such as desert and earth tones, as required in the scenic corridor zone provisions of the Land Use Code.

E. *Permitted signs:*

1. Signs generally permitted by section 3-51 and sign types listed in Article V, except as modified by this subsection for this district, and signs exempt under section 3-52.
2. Awning signs.
3. Freestanding signs, monument and low profile only.

a. Maximum number per premises:

- (1) Scenic route: One (1) for the first four hundred fifty (450) feet of scenic route street frontage with one (1) additional sign for every four hundred (400) feet of additional scenic route street frontage.
- (2) Arterial street: One (1) for the first four hundred fifty (450) feet of arterial street frontage with one (1) additional sign for every two hundred fifty (250) feet of additional arterial street frontage.

- (3) Collector Street: One (1) for the first four hundred fifty (450) feet of collector street frontage within the premises, with one (1) additional sign for every two hundred fifty (250) feet of additional collector street frontage.

b. Maximum area:

- (1) Multifamily residential uses: Twenty (20) square feet per street frontage.
- (2) Commercial or industrial uses: Thirty-five (35) square feet per sign if located within the SCZ buffer, fifty (50) square feet per sign if located outside the SCZ buffer.

c. Maximum height: Ten (10) feet.

d. Location:

- (1) Scenic route: Maximum height signs shall be located no less than seven and one-half (7.5) feet behind the leading edge of the SCZ buffer and within fifty (50) feet of the right-of-way line. Signs may be located one (1) foot closer to the leading edge of the SCZ buffer for each foot (below the maximum) they are reduced in height.
- (2) All other streets: Within twenty (20) feet of the right-of-way line and at least one hundred fifty (150) feet from the centerline of the scenic route.

e. Freestanding signs that include or consist of a three-dimensional representation of a figure or object are prohibited.

f. Lighting: Sign panels shall be opaque. Light shall be emitted through individual translucent letters and/or symbols only, or individual letters and/or symbols may be halo illuminated.

6. The new sign and structure configuration must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angle iron, cables, internal or back framing, bracing, etc.). The pole cover or architectural embellishment may require plan check for construction purposes.
 7. No part of the relocated sign and/or structure may occupy or overhang public right-of-way.
 8. The sign may be relocated, subject to the following:
 - a. If the sign is ten (10) feet tall or less, the sign shall be at least twenty (20) feet behind the existing or future curb whichever is greater.
 - b. If the sign is greater than ten (10) feet tall, the sign shall be at least thirty (30) feet behind the existing or future curb whichever is greater.
 9. The sign has not been declared abandoned, illegal or prohibited.
 10. Any nonconforming sign that is relocated, altered, removed and reinstalled, or replaced pursuant to the provisions of this section retains its classification as a nonconforming sign and shall be treated as such.
- B. Any occupancy not mentioned specifically or about which there is any question shall be classified by the sign code administrator and included in the group which its use most nearly resembles.
 - C. Occupancy categories:
 1. Assembly uses such as theaters, churches, stadiums, review stands and amusement park structures.
 2. Educational uses such as nurseries, child-care and other educational purposes.
 3. Institutional uses such as hospitals, sanitariums, nursing homes, mental hospitals and sanitariums, jails, prisons and reformatories.
 4. Manufacturing and industrial uses such as storage of materials, dry cleaning plants, paint shops, woodworking, printing plants, ice plants, power plants and creameries.
 5. Service facilities such as repair garages, aircraft repair hangers, gasoline and service stations.
 6. Wholesale uses.

(Ord. No. 10481, § 2, 11-27-07, eff. 1-14-08; Ord. No. 10903, § 5, 6-28-11; Ord. No. 10954, § 1, 1-10-12, eff. 7-10-12; Ord. No. 11131, § 1, 12-2-13)

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

Ord. No. 11131 provides that the provisions of Ord. No. 10903 shall cease to be effective on December 31, 2015, unless extended by the Mayor and Council by a separate ordinance. If not extended, the sections shall revert to the language as it existed prior to Ord. No. 10903.

Sec. 3-97. Change of use.

A. Any nonconforming sign may continue to be utilized as long as the occupancy of the use within the structure remains the same. When a use changes from one occupancy category to another, all signs shall be brought into conformance with the provisions of this chapter.

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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

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

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

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

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

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

- (1) Chief deputy city attorney, one hundred ten (110) percent of the range (from minimum to maximum) for principle assistant city attorney.
- (2) Deputy city attorney, one hundred five (105) percent of the range (from minimum to maximum) for principle assistant city attorney.

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

b. This section is subject to yearly readoption and reenactment by the mayor and council as part of the annual compensation plan. (Ord. No. 9724, § 2, 6-17-02; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10365, § 1, 12-19-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10558, § 1, 6-25-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-31(8). Payment for uniform maintenance. Subject to the prior approval of the city manager, the human resources director shall, as part of the budget process, annually recommend payment for uniform maintenance consistent with labor agreements and administrative directives. (Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. 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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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

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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-34. Incentive pay for fire prevention inspectors.

In addition to the compensation authorized by Tucson Code section 10-31, compensation in the amount of sixty-nine dollars and twenty-three cents (\$69.23) per pay period shall be paid to full time employees holding positions in the Fire Prevention Inspector Classification, Class Code 6412, who achieve and maintain any of the following designations:

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

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

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

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

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

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

(Ord. No. 8957, § 1, 9-22-97; Ord. No. 9563, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 2, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No.

10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. 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)

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. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

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. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

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

Sec. 10-48. Supplement to military pay.

City employees, who pursuant to state law are entitled to military leave without loss of pay for a period not to exceed thirty (30) days in any two (2) consecutive years and fire commissioned personnel who are entitled by section 22-94 to military leave not to exceed thirty (30) days in one (1) year, will, when called to active duty which exceeds either of the preceding thirty (30) day periods for a period that exceeds thirty (30) consecutive days, receive pay to supplement their military base pay and allowances to the equivalent of their regular rate of city pay during the following time period and pursuant to the conditions hereafter provided:

- (1) The supplemental pay will commence July 1, 2002, but pursuant to Tucson Code section 10-31(1), shall expire annually subject to re adoption and reenactment as part of the annual compensation plan for the succeeding fiscal year. Notwithstanding, supplemental military pay will not be paid for any period of service if both military operations, Enduring Freedom and Iraqi Freedom, have ended.
- (2) Supplemental military pay is an amount calculated to make the employee's military

base pay and allowances equivalent to the monthly amount of the employee's regular rate of city pay as set forth in the adopted annual compensation plan that the employee would have received, were the employee not on active duty.

- (3) The employee performs extended military service, meaning for a period exceeding thirty (30) consecutive days, while either military operations Enduring Freedom and Iraqi Freedom are in existence.
- (4) The thirty (30) day period of military leave for which the employee is entitled to pay by state law or section 22-94 during military service has been or becomes exhausted during the period of military service.
- (5) The employee's base monthly military pay and allowances during any qualifying period is less than the amount the employee would have received as the employee's regular rate of pay per month from city employment were the employee not on active duty and as provided for in the city annually adopted compensation plan.
- (6) The employee provides proof of military service, base military pay and allowances pursuant to procedures to be established by the human resources director. The director shall certify that the employee's base military pay and allowances received per month is less than the amount the employee would have received as his regular rate of city pay per month were the employee not on active duty before any payment of supplemental military pay will be made to an employee.

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

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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 6th Street as the Northern Border, 12 Street as the Southern Border, I-10 as the Western Border and 4th 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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor’s note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

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)

Editor's note – Ord. No. 11075, § 5, adopted May 21, 2013, ratified, reaffirmed, and reenacted this section for Fiscal Year 2014. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective July 1, 2013.

Sec. 10-53.6. Additional compensation to defray housekeeping costs for commissioned fire personnel.

Commissioned fire personnel shall receive twenty-nine dollars and eighteen cents (\$29.18) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules to defray housekeeping costs.

(Ord. No. 10426, § 5, 6-19-07, eff. 6-24-07; Ord. No. 10558, § 3, 6-25-08, eff. 6-22-08)

Sec. 10-53.7. Reserved.

Editor's note – Ord. No. 10675, § 5, adopted June 2, 2009, effective July 1, 2009, repealed § 10-53.7, which pertained to additional compensation in place of clothing allowance and derived from Ord. No. 10558, § 4, adopted June 25, 2008.

ARTICLE III. RESERVED

Sec. 10-54. Reserved.

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

Chapter 16

NEIGHBORHOOD PRESERVATION*

Art. I. General Provisions, §§ 16-1 – 16-9
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Art. III. Slum Property, §§ 16-20 – 16-29
Art. IV. Unlawful Acts, §§ 16-30 – 16-39.1
Art. V. Administration and Enforcement, §§ 16-40 – 16-59
Art. VI. Abatement, §§ 16-60 – 16-69
Art. VII. Administrative Appeals, §§ 16-70 – 16-79
Art. VIII. Liability; Conflicts; Severability; Acknowledgement, §§ 16-80 – 16-99

Article I. General Provisions

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Sec. 16-2. Purpose and scope; application of other codes.
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Article II. Maintenance Standards

Sec. 16-10. Scope.
Sec. 16-11. Building interior.
Sec. 16-12. Building and structure exteriors.
Sec. 16-13. Exterior premises and vacant land.
Sec. 16-14. Dilapidated structures; vacant and unsecured structures; buildings and structures constituting a nuisance.
Sec. 16-15. Junked or inoperable vehicles.
Secs. 16-16 – 16-19. Reserved.

***Editor's note** – Ord. No. 9816, §§ 1 – 13, adopted Feb. 24, 2003, repealed various provisions of Chs. 6, 11 and 15. Section 15 of Ord. No. 9816 enacted provisions designated as a new Ch. 16 to read as herein set out. The disposition of former Code sections and their respective new designations is as shown below:

NEIGHBORHOOD PRESERVATION ORDINANCE DISPOSITION TABLE

Showing where the subject matter of former sections of the Tucson City Code is incorporated in the Neighborhood Preservation Ordinance, effective _____, 200__.

<i>Former section(s)</i>	<i>Subject matter</i>	<i>New section(s)</i>
6-66 – 6-68	Dangerous buildings and slum property	16-12; 16-14; 16-20 – 16-28
6-71 – 6-73	Minimum housing requirements	16-11; 16-12
11-46	Public nuisance	16-34
11-65	Junked motor vehicles	16-15
11-71 – 11-84	Noise	16-31
11-130 – 11-135	Graffiti	16-30
11-140 – 11-145	Loud or unruly gatherings	16-32
11-170 – 11-170.3	Registration of residential rental properties	16-20, 16-21
15-7 – 15-10	Accumulation of refuse and vegetation; illegal dumping and littering; persons liable; duty to remove weeds and refuse from abutting sidewalks, streets and alleys; abatement by city; composting; and burning of refuse	16-13; 16-33
15-75	Placing rubbish, trash, filth or debris upon the property of another or public property	16-33

TUCSON CODE

Article III. Slum Property

- Sec. 16-20. Slum property; definitions.
- Sec. 16-21. Registration of residential rental property.
- Sec. 16-22. Inspection of residential rental property.
- Sec. 16-23. Abatement of slum property.
- Sec. 16-24. Designation of slum property; recordation.
- Sec. 16-25. Notice of designation.
- Sec. 16-26. Appointment of temporary receiver and recovery of costs.
- Sec. 16-27. Recovery of inspection costs.
- Sec. 16-28. Appeal from designation as slum property.
- Sec. 16-29. Licensed property management company; crime free multihousing program; required training.

Article IV. Unlawful Acts

- Sec. 16-30. Graffiti prevention, prohibition and removal.
- Sec. 16-31. Excessive noise.
- Sec. 16-32. Unruly gatherings.
- Sec. 16-33. Placing refuse upon the property of another or public property; illegal littering or dumping prohibited; persons responsible.
- Sec. 16-34. Public nuisance.
- Sec. 16-35. Obstructing streets, alleys or sidewalks prohibited.
- Sec. 16-36. Posting of handbills prohibited.
- Sec. 16-37. Group dwelling public nuisance; abatement.
- Sec. 16-38. Transfer of group dwelling public nuisance property after remediation plan or court order.
- Sec. 16-39. Shopping cart impoundment.
- Sec. 16-39.1. Limitations on yard sales.

Article V. Administration and Enforcement

- Sec. 16-40. Authority to enforce.
- Sec. 16-41. Rules and regulations.
- Sec. 16-42. Authority and inspections; re-inspection fees; appeal.
- Sec. 16-43. Enforcement independent of other provisions.
- Sec. 16-44. Cooperation of other departments.
- Sec. 16-45. Notice of violation.
- Sec. 16-46. Transfer of property after notice.
- Sec. 16-47. Recording a violation.
- Sec. 16-48. Violations and penalties.
- Sec. 16-49. Jurisdiction of court.
- Sec. 16-50. Commencement of civil infraction proceedings.
- Sec. 16-51. Appeal of court decision.
- Secs. 16-52 – 16-59. Reserved.

Article VI. Abatement

- Sec. 16-60. Court ordered abatement.
- Sec. 16-61. Abatement by the city.
- Sec. 16-62. Temporary abatement.
- Sec. 16-63. Emergency abatement.
- Sec. 16-64. Structures posted as hazardous.
- Sec. 16-65. Abatement by demolition.
- Sec. 16-66. Historic structures.
- Sec. 16-67. Failure to obey abatement order.
- Secs. 16-68 – 16-69. Reserved.

Greenwaste means wastes consisting solely of vegetative materials, including but not limited to, tree trimmings, tree limbs, yard clippings, leaves, grass, weeds, branches, brush, and shrubs. Palm fronds and cactus are not greenwaste.

Handbill includes any sign, notice, placard, poster, paper, advertising circular, sticker, card, leaflet, or other similar item calculated to attract the attention of the public.

Health hazard means the presence of any conditions or item(s) that adversely impact or jeopardize the well being or health of an individual. Such conditions or items include evidence of occupancy without adequate water and sanitation facilities, or may include the presence of human or animal waste, medical or biological waste, drug paraphernalia, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal and decay matter.

Imminent hazard means a condition that places a person's life, health, or property in immediate, impending peril, or could cause serious or life-threatening injury or death at any time.

Industrial property means any property occupied by land uses whose primary operation involves manufacturing, assembling, processing or otherwise treating raw materials, semifinished products, or finished products, for packaging and distribution to either wholesale or retail markets.

Infestation means the apparent presence of unpleasant, damaging, or unhealthful insects, rodents, reptiles or pests.

Junked or inoperable vehicle means any vehicle, including any motor vehicle and any other device in, upon or by which a person or property may be transported or drawn on a street, including but not limited to trailers and camper shells but excluding devices moved by human power, that exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, inoperative, inoperable, scrapped, or unable to be safely operated.

Litter means to cause a condition of uncontained refuse, debris or trash.

Manufactured home shall have the same meaning as defined in A.R.S. § 41-2142(24) or its successor provision.

Mobile home shall have the same meaning as defined in A.R.S. § 41-2142(26) or its successor provision.

Motor vehicle means any self-propelled land vehicle which can be used for transporting persons or property.

Outdoor storage means any small machinery, appliances, neatly stored building material, landscaping materials or equipment, junk motor vehicles (storage must meet restrictions outlined in section 16-15), motor vehicles that are being stored for more than two (2) years, personal property including household goods, boxes or furniture which is not placed for outdoor use and neatly stacked fire wood. Outdoor storage items do not include garbage, refuse or debris. "Store" shall have the same meaning as defined in section 16-3.

Owner means, as applied to a building, structure, or land, any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building, structure or land.

Person means any natural person, firm, partnership, association, corporation, company or organization of any kind, but not the federal government, state, county, city or political subdivision of the state.

Plainly audible means any sound that a person can detect using his or her unaided hearing faculties.

Private property means any real property not owned by the federal government, state, county, city or political subdivision of the state.

Property line means the line that represents the boundary of property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

Recyclable materials (also *recyclables*) means those materials that are listed in the rules, procedures and regulations promulgated by the director of utility services as having recycle value.

Refuse means all waste materials, including but not limited to greenwaste, garbage, waste generated by animals or pets, or recyclables.

Resident means a person that lives in a residence, or a responsible party. Unless specifically used in another context, resident assumes the premises owner, occupant, tenant, lessor, lessee, resident, manager, or licensee to whom a garbage or recycling container has been assigned.

Residential property means a property where the dominant use is nontransient occupancy of residential dwelling units.

Responsible party means an occupant, lessor, lessee, manager, licensee, or person having control over a structure or parcel of land; and in any case where the demolition of a structure is proposed as a means of abatement, any lienholder whose lien is recorded in the official records of the Pima County Recorder's Office.

Sidewalk area means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, whether identified on the ground as a pedestrian walkway or not.

Solidified paint marker means a device that contains paint or other substance in a solid or semi-solid form and releases the paint or other substance in a manner capable of marking surfaces.

Sound amplification system means any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

Sound level meter means an instrument used to measure the intensity of sound that satisfies American National Standards Institute (ANSI) standard S1.4 for type 1 or type 2 sound level meters, or an instrument that will provide equivalent data.

Store means to park, leave, locate, keep, maintain, deposit, allow to remain or allow to have a physical presence.

Structure means a physical element that is erected or constructed with a fixed location on the ground, or is attached to another physical element having a fixed location at, below, or above grade. The term includes, but is not limited to, buildings, walls, fences, posts, patios, improvements and other structures that are constructed or placed on the land.

Uncontained refuse means any refuse that is not contained according to the provisions of this chapter or authorized by the rules, procedures and regulations promulgated by the director of utility services.

Vacant and unsecured building or structure means any vacant or abandoned building or structure, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall, that is: (1) a fire or health hazard because of the accumulation of weeds, debris, or flammable or combustible waste or refuse; or (2) an attractive nuisance or hazard to the public because unsecured doorways or window openings or holes in the exterior of the building or structure permit entry of unauthorized persons.

Vacant structure means any unoccupied or illegally occupied structure.

Weeds includes but is not limited to untended or uncultivated plants, invasive plants, aggressively seeding plants, Russian thistle, ragweed, and plants generally accepted as having no value and frequently of uncontrolled growth.

Yard, front means the area extending the full lot width and situated between the front property lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

Yard, rear means the area extending the full lot width and situated between the rear lot property line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

Yard, side means the area extending between the front yard and rear yard and situated between the side

lot property line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

Yard sale means any event, including yard, garage, estate, rummage or moving sale, where items of personal property owned, utilized or maintained by occupants of the residential property are offered to the general public on the same property.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 1, 3-1-05; Ord. No. 10393, § 1, 4-24-07; Ord. No. 10638, § 1, 3-3-09; Ord. No. 10833, § 1, 8-4-10; Ord. No. 11126, § 1, 11-6-13)

Sec. 16-4. Permits required.

Unless otherwise exempt pursuant to section 301 of the Administrative Code, as adopted by reference per section 6-1 of this Code, or pursuant to any other ordinance or statute, no building, structure or building service equipment regulated by this chapter or by the technical codes adopted by the city shall be built, erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a permit first has been obtained from the building official in the manner provided in the administrative and building codes adopted by the city. (Ord. No. 9816, § 15, 2-24-03)

Secs. 16-5 – 16-9. Reserved.

ARTICLE II. MAINTENANCE STANDARDS

Sec. 16-10. Scope.

In this article, unless otherwise provided, the “building interior” section applies to the interior, utility service, plumbing and mechanical equipment of all residential dwellings and dwelling units. The “building and structure exteriors” section applies to all structures and buildings in the city. The “exterior premises and vacant land” section applies to all land, vacant or improved, in the city. The provisions related to dilapidated, vacant, and nuisance structures apply to all structures and buildings in the city. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-11. Building interior.

(a) Fire safety.

(1) The presence and operations of window openings, size and condition of exits, bars, grills, grates covering windows and openings shall allow for safe and rapid egress in emergency situations. At least one (1) window and all doors in living/sleeping rooms in dwelling units must have an operable release mechanism that allows safe and rapid egress without the use of separate tools.

(2) Every dwelling unit or guest room shall have unobstructed access directly to the outside, or to a public corridor. Every door, stairway, passageway or other means of exit shall be of sufficient size, width and arrangement so as to provide safe and rapid egress in the event of fire. Every walking surface of any means of exit shall be maintained free of warping, rotting, or other damage or obstructions so as to provide safe and rapid egress in the event of fire.

(3) Every existing dwelling unit shall be provided with smoke detectors in good operating condition as required by the Tucson Fire Code of the City of Tucson.

(b) Heating, cooling and ventilation systems.

(1) *Heating.* Every habitable room within a dwelling unit, guest room, and congregate residence shall be provided with safe heating facilities which are properly installed and maintained in a sound condition and are capable of providing adequate heating, appropriate for the climate, to assure a safe living environment. All heating facilities shall be free from health hazards associated with ventilation, mounting, electrical and gas connections and other defects. Unvented fuel-burning heaters must be of a listed and approved type, and are prohibited as the sole source of heating. Ovens, stoves or ranges, or other cooking appliances cannot be used for the purpose of heating any portion of a dwelling. Listed, portable space heaters may

only be used as the sole source of heating on a temporary basis when the permanent heating system is being repaired or replaced.

- (2) *Cooling.* Every dwelling unit, guest room, and congregate residence shall be provided, in at least one (1) habitable room, with either mechanical cooling or an alternate cooling method. Cooling facilities shall be installed and maintained in a safe condition and in accordance with the manufacturer's recommendations, and shall be capable of providing adequate cooling, appropriate for the climate, to assure a safe living environment. Evaporative cooling shall be maintained to be free of excessive rust, corrosion or mineral deposits that limit proper operation. Any mounting apparatus for a cooling facility must be structurally sound. Mechanical fans or portable evaporative cooling devices may only be used on a temporary basis as the sole source of cooling when the permanent cooling system is being repaired or replaced.

(3) *Ventilation.*

- a. Habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than five (5) square feet. A mechanical ventilating system may be provided in lieu of required exterior openings for natural ventilation, so long as such system is capable of providing thirty-five one-hundredths (0.35) air changes per hour and so long as the air supply is taken from the outside.
- b. Bathrooms, laundry rooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one and one-half (1 1/2) square feet. A mechanical ventilation system connected directly to the outside may be provided in lieu of these required exterior openings for natural ventilation in bathrooms that contain a bathtub, shower or combination thereof; laundry rooms;

and similar rooms. Such a system must be capable of providing five (5) air changes at the rate of fifty (50) cubic feet per minute if the system operation is intermittent; or twenty (20) cubic feet per minute if the operation is constant. The point of discharge of exhaust air shall be at least three (3) feet from any opening into the building. In bathrooms containing only a water closet, lavatory or combination thereof; or in similar rooms, ventilation may be provided with an approved mechanical recirculating fan or a similar device designed to remove odors from the room.

(c) *Electrical system.*

- (1) All dwellings and dwelling units shall be provided with electrical service. Electrical facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. The electrical system shall be free from such hazards as bare wiring; overloaded circuits or services; equipment not properly grounded; over-fused circuits; misuse of wiring, including the use of extension cords in lieu of permanent wiring; non-approved wiring; and wiring exposed to moisture or extreme heat. Broken, loose, frayed, inoperable, defective or missing portions of the electrical service, lines, switches, outlets, fixtures and fixture coverings shall be repaired or replaced.
- (2) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner and in accordance with all applicable laws.
- (3) Every habitable room must have at least two (2) electrical receptacle outlets, or one (1) outlet and one (1) electric light fixture. Every bathroom, water closet compartment, and laundry room must have at least one (1) electric light fixture.

(d) *Mechanical equipment.* All mechanical equipment and appliances shall be properly installed, maintained in a safe, working, operating condition, and shall be free of any defect that impairs operability.

(e) *Plumbing systems.*

- (1) Dwelling units shall be provided with one (1) or more bathrooms equipped with a water closet, lavatory, and either a bathtub or shower. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two (2) separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one (1) water closet. Additional water closets shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests or fractional part thereof, in excess of ten (10). Each sink, bathtub and shower shall have hot and cold running water as necessary for its normal operation and use.
- (2) All dwellings or dwelling units shall have a kitchen, which shall include an indoor cooking area. The cooking area must be provided with a sink separate and apart from any bathroom sink or lavatory. Each kitchen sink shall have hot and cold running water necessary for its normal operation and use.
- (3) All plumbing systems are to be maintained safe and hazard free and in a state of good repair. Every dwelling or dwelling unit shall have an adequate potable water supply. Every plumbing fixture, water and waste-pipe, and gas connection shall be properly installed in accordance with all applicable laws and maintained in good and sanitary working condition so as to prevent structural deterioration or health hazards, and are to be free from leaks and obstructions.
- (4) All plumbing fixtures shall be connected to a public sewer system or to an approved private sewage disposal system, with the connections free from leaks, blockages, or other defects. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.
- (5) When a structure is equipped with a gas supply system, it must be installed and maintained in a safe, hazard-free condition.

(f) *Interior surfaces and features.*

- (1) Every wall or vertical support must be sufficient to carry imposed loads safely, and must not lean, buckle, or split due to defect or lack of maintenance.
- (2) Every ceiling, roof, and ceiling and roof support must be sufficient to carry imposed loads safely, and must not buckle, sag or split due to defective material or deterioration.
- (3) Every floor and floor support shall be maintained in a safe and structurally sound condition, and every existing floor covering shall be maintained in safe condition that is free of defect or deterioration that creates an unsafe or unsanitary condition.
- (4) Every interior door, cabinet, and other feature shall be maintained in a safe and structurally sound condition.
- (5) All interior coverings, finishes, surfaces including walls, ceilings and floors shall be maintained in a good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. All walls, ceilings or floors shall be free from holes, breaks and loose or rotting materials. Cracked or loose plaster, wallboard, decayed wood or other defective surface conditions shall be corrected.
- (6) All repair work shall be done in a workman like manner.

(g) *Interior sanitation.*

- (1) The interior of every building or structure shall be maintained free from any unsafe or unsanitary accumulation of refuse.
- (2) All sanitary facilities shall be installed and maintained in a safe and sanitary condition.
- (3) Every dwelling unit must have a kitchen, which shall include a sink. Sinks, drain boards and countertops adjacent to the kitchen sink shall be made of non-absorbent materials, or must be covered by a non-absorbent material.

(h) *Interior insect and rodent control.* The interior of all buildings and structures shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.

(i) *Ceiling heights.* Habitable space, kitchens, halls, bathrooms and toilet compartments must have a ceiling height of not less than seven (7) feet measured to the lowest projection of the ceiling. If any room has a sloping ceiling, at least one-half (1/2) of the room area must have the prescribed minimum ceiling height.

(j) *Access control.*

(1) Exterior doors, including sliding glass doors, must have an operable locking mechanism. Double cylinder dead bolt locks or other mechanisms that prevent rapid egress in case of fire or other emergency are prohibited.

(2) All windows must have an operable locking mechanism.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 2, 3-1-05; Ord. No. 10833, § 2, 8-4-10)

Sec. 16-12. Building and structure exteriors.

(a) *Exterior surfaces*

(1) *Weather protection.* All weather-exposed exterior surfaces of every building, including windows and doors, shall provide weather protection. Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude moisture and dampness.

(2) *Protective treatment.* All exterior wood surfaces, except for decay-resistant woods, must be protected from deterioration and from the elements by paint or other protective treatment or covering. Any exterior wood surface that has paint that is peeling, flaking, cracked, blistered or chipped, resulting in bare, unprotected surfaces, must be repainted. All metal surfaces subject to corrosion or rust must be treated or coated to inhibit corrosion and rust, unless corrosion or rust is a design element.

(3) *Boarded window or door openings.*

a. No occupied structure may have boarded window or door openings, except as necessary on a temporary basis to keep the structure secure while under repair.

b. While vacant structures may temporarily be secured by boarding up window and door openings in accordance with section 16-14(b), having or maintaining boarded window or door openings on a vacant structure for one hundred eighty (180) days or more in any one (1) year period is prohibited.

(4) *Windows, skylights and doors.* Every window, skylight, door and all associated frames, shall be kept in sound condition, repair and weather tight. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easy to open and capable of being held in position by window hardware. All window and door hardware shall be maintained in good condition and shall function properly.

(5) *Decorative features.* All cornices, belt courses, corbels, trim, eaves, fascia, soffit, wall facings and similar decorative features shall be maintained in good repair, free of decay, rot or loose material, and have proper anchorage.

(b) *Foundations, walls, roofs, and chimneys.* Every foundation, wall, roof, chimney and all exterior surfaces of buildings and structures shall be maintained in structurally sound condition and shall provide weather protection. All wood showing evidence of termite damage or decay, where structural or functional integrity is impaired, shall be replaced.

(1) *Foundations.* All foundations shall be maintained in a safe condition and shall be capable of supporting the load placed thereon by normal use. Foundations shall have effective waterproofing.

- (2) *Walls.* Exterior walls shall be maintained in a sound condition that is substantially weathertight and weatherproof, and shall be protected from the elements by paint or other approved protective covering. Exterior walls must be free of loose, crumbling or deteriorated plaster or rotted, split or buckled exterior wall coverings.
- (3) *Roofs.* The roof of every building or structure shall be maintained in a safe condition and shall provide weather protection for that building or structure. Roof coverings shall not be rotted, broken, split, buckled or otherwise deteriorated. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structures. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- (4) *Chimneys.* All chimneys must be maintained to be structurally safe and in sound condition.
- (5) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(c) *Stairways, decks, and porches.* All stairways, decks and porches shall be maintained in a safe condition and shall be capable of supporting the load and resisting all forces placed thereon by normal use. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads, and shall be maintained in good condition.

(d) *Coolers.* Evaporative coolers, cooler stands, and any cooler mounting apparatus must be maintained in a safe condition. Cooler stands and any mounting apparatus must be structurally sound.

(e) *Accessory structures.* All accessory structures, including but not limited to detached garages, fences and walls, must be structurally sound and free of disrepair. Examples of disrepair include missing slats, posts or blocks, or damage, deterioration, or rot. Fences and walls cannot be constructed or covered with materials not designed or commonly used for that purpose, such as pallets and tarps. Fences and walls must be properly anchored so as not to be in danger of failure or collapse.

(f) *Address display.*

(1) *General requirements:*

- a. All structures, whether new or existing, designed for human occupancy or use which have an assigned address shall display the address in a manner to be plainly legible and visible from the street or road fronting the property.
- b. Upon commencement of construction, the assigned address shall be displayed at the primary access of the subject lot parcel or structure. The address display may be temporary signage during construction.
- c. Permanent address display shall be installed on all buildings, tenant spaces and entrance signage, or as otherwise required by this section, prior to building inspection final approval, certificate of occupancy or occupancy of any building or structure. Display shall be required at all times thereafter, conforming to this section.
- d. More than one (1) address or number display may be required for each building or site.
- e. The complete address shall be displayed on all corner buildings at a street intersection, for each side of the building facing any street.
- f. Addresses shall be displayed and visible from both directions of approaching vehicular travel.
- g. Numbers and letters shall be made of durable and clearly visible material. Paint shall not be considered durable for building addresses.
- h. Numbers and letters shall be of colors contrasting with the background of the sign or wall to which they are attached.

- i. Numbers and letters shall have a minimum proportion ratio of height to width of six to one (6:1). The formula is $w = h/6$, where w is width and h is height in inches.
 - j. Numbers shall not be spelled.
 - k. All height requirements stated in this section are minimum sizes.
- (2) *Residential requirements:* The address numbers assigned shall be conspicuously placed immediately at the appropriate location on each building, structure entrance or at the property access point.
- a. For properties containing multiple addresses, addresses shall be placed near the primary entrance in addition to the structure placement.
 - b. A building or structure set back fifty (50) feet or more from the curb line or edge of pavement shall permanently display the address a minimum of thirty-six (36) inches from ground level at the primary access point of the property. Structure display may also be required by the addressing official.
 - c. Minimum number height shall be three (3) inches.
- (3) *Apartments:* The address numbers assigned shall be conspicuously placed immediately at the property access points, appropriate locations on each building, and structure entrances.
- a. Building numbers shall be a minimum of fifteen (15) inches in height.
 - b. Apartment number ranges shall be placed below building numbers or on signage near the building. Apartment number ranges shall be a minimum of eight (8) inches in height.
- c. Individual apartment numbers shall be a minimum of three (3) inches in height for exterior entrances and a minimum of one (1) inch in height for interior (hallway) entrances.
 - d. Both exterior signage and interior numbering may be required by the addressing official on specific development types.
- (4) *Apartment complex with multiple buildings:*
- a. All buildings shall have pedestrian directional signage visible from both directions of pedestrian travel, with numbers a minimum of two (2) inches in height.
 - b. All interior accessory buildings, structures and pool areas shall be identified and have directional signage.
 - c. The apartment complex shall have entrance signage at all access points addressed.
 - d. For access points that enter the complex from other than the addressed street, the complete address shall be displayed on entrance signage.
 - e. Site and building addresses shall be visible at all times.
- (5) *Commercial:* The address number assigned shall be conspicuously placed immediately at each property access point, and the appropriate locations on each building, and each structure entrance.
- a. Buildings or structures set back no more than fifty (50) feet from the curb line or edge of pavement shall display a twelve-inch minimum height number.
 - b. Buildings or structures set back more than fifty (50) feet from the curb line or edge of pavement shall display a fifteen-inch minimum height number.

- c. Individual addresses shall be placed near the primary entrance, a minimum of three (3) inches in height.
 - d. The low and high number range may be displayed on buildings with multiple addresses, a minimum of twelve (12) inches in height.
 - e. Site and building addresses shall be visible at all times.
- (6) *RV and mobile home park:* The address numbers assigned shall be conspicuously placed immediately at each property access point, and at the appropriate locations for each building, structure, and property rental space.
- a. Number height:
 - 1. Space, directional signage and internal street signage numbers shall be a minimum of three inches; and
 - 2. Building numbers shall be a minimum of six (6) inches.
 - b. Park owners shall provide current maps of the park, describing the locations of structures, buildings and spaces, to the fire code official upon request.
- (7) *Entrance signage:* Where this section requires entrance signage, the address or address numbers assigned shall be placed at primary access points immediately and shall be permanently installed prior to first occupancy of any internal structure or building.
- a. Numbers or address shall be a minimum of twelve (12) inches in height on all entrance signage.
 - b. Complete address display shall be required at all street access points in addition to the primary access street.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 3, 3-1-05; Ord. No. 10833, § 3, 8-4-10; Ord. No. 11126, § 2, 11-6-13)

Sec. 16-13. Exterior premises and vacant land.

(a) *Accumulation of vegetation prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of the accumulation or untended growth of vegetation. The accumulation or untended growth of vegetation means the presence of plants on property that create a fire, safety or health hazard, or that attract vermin either on the property, on neighboring properties, or on both, and includes but is not limited to:

- (1) Any lawn grass that exceeds six (6) inches in height.
- (2) All weeds that exceed six (6) inches in height.
- (3) Dead trees or dead shrubs.
- (4) Dead palm fronds within ten (10) feet of the ground, a structure, a fence or wall, or of any combustible other than the tree from which the fronds have grown;
- (5) Any tree, shrub, or other form of vegetation of any kind on the property or on the adjoining right-of-way, street, or alley that extends over or under the sidewalk space or roadway in a manner that may interfere with the reasonable use of the street, sidewalk, or alley for pedestrian or vehicular traffic of any kind or that may obstruct the view or light distribution of traffic-control devices or luminaries. Vegetation must be trimmed and maintained to provide an unobstructed pedestrian path a minimum of forty eight (48) inches in width and eighty (80) inches in height from grade.

(b) *Accumulation of refuse and debris prohibited.* Each owner, lessee, tenant, resident or occupant shall maintain a property so it is free of accumulated refuse and debris. Accumulated refuse and debris means contained or uncontained refuse and debris that is present on the property in a manner not authorized by the Tucson Code. Material recycling facilities meeting the requirements of section 15-24.7 are exempt from this prohibition.

(c) *Composting permitted on residential property; standards and procedures; violation.* The provisions of subsections (a) and (b) of this section do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

- (1) Contained;
- (2) Maintained so as not to produce offensive odors or attract flies or vermin;
- (3) Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
- (4) Maintained in compliance with all rules, regulations and procedures that may be promulgated by the code official.

A compost pile not in compliance with all the provisions of this section is in violation of this chapter.

(d) *Duty to remove weeds, debris and refuse from abutting sidewalks, streets and alleys upon notice.* Upon receipt of notice served pursuant to section 16-45, the owner, lessee, tenant or occupant of any premises shall remove from the premises and the abutting portions of contiguous sidewalks, streets and alleys, all weeds, garbage, debris or other refuse which may endanger the health, safety or welfare of the persons in the vicinity of such premises. This duty extends to and includes any abutting sidewalk area and one-half (1/2) the width of abutting alleys, from the property line to the center line of the alley.

(e) *Exterior insect, rodent and animal control.* All premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the health, safety or welfare of a person or persons.

(f) *Burning of refuse prohibited.* Except as specifically permitted by this or other adopted codes, the open burning or incineration of refuse is prohibited.

(g) *Exterior hazard or attractive nuisance.* All premises shall be kept free of any condition that constitutes a health hazard, imminent hazard, or attractive nuisance. Such prohibited conditions include, but are not limited to, the following:

(1) *Abandoned refrigerators.* All premises shall be kept free of iceboxes, refrigerators or other containers with a capacity of one and one-half (1 1/2) cubic feet or greater that have an attached door or lid, snaplock or other locking device that may not be released from the inside and that are abandoned, discarded or no longer used for refrigeration and are in any place accessible to children. In addition to any other remedy provided under this chapter, a code official may immediately and without prior notice remove an attached door, lid or other locking device or take other similar action to abate the hazard presented.

(2) *Hazardous excavations.* All premises shall be kept free of abandoned or unsecured excavations; or any excavation that creates a hazard to public safety or an attractive nuisance. An excavation made under permit and secured and maintained in a manner that complies with the applicable permit requirements is not considered a violation of this section.

(3) *Hazardous pools.* Any swimming pool or other contained body of water that contains water eighteen (18) inches or more in depth at any point and that is wider than four (4) feet at any point and is intended for swimming must be properly secured and maintained so as not to create a hazard to public safety, a health hazard or attractive nuisance, and shall be entirely enclosed by a wall, fence or other barrier that is adequate to prevent access by children. Water shall not be allowed to stagnate or to harbor insect infestation.

(h) *Outdoor storage.* Outdoor storage on residential properties is prohibited under the following conditions:

- (1) When stored in the front yard.
- (2) When stored in the side yard or rear yard and is not screened by a minimum five (5) foot high solid wall or opaque fence.
- (3) When exceeds twenty five (25) percent of the total lot area.

- (4) When stored in an open covered porch that is visible from beyond the boundaries of the lot.
- (5) When stored in an open carport that is visible from beyond the boundaries of the lot where the amount of storage restricts an automobile from being properly stored within the carport. A double carport will require enough space to store two (2) automobiles.
- (6) When storage items include garbage, refuse or debris.

(i) *Sidewalks, driveways, parking areas.* All paved sidewalks, walkways, stairs, steps, driveways and parking areas shall be kept in a proper state of repair and maintained free from hazardous conditions. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 4, 3-1-05; Ord. No. 10348, § 5, 11-28-06; Ord. No. 10833, § 4, 8-4-10; Ord. No. 11126, § 3, 11-6-13)

Sec. 16-14. Dilapidated structures; vacant and unsecured structures; buildings and structures constituting a nuisance.

(a) *Dilapidated structures.* Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Article VI of this chapter.

(b) *Vacant and unsecured buildings or structures.* Vacant and unsecured buildings or structures are unlawful and are prohibited by this chapter. The requirements of this subsection (b) shall apply to all vacant and unsecured buildings or structures, regardless of whether or not the building or structure is surrounded in whole or in part by a fence or wall.

- (1) *Duty to clean, secure and prohibit trespass.* The owner or responsible party of a vacant building or structure shall remove any accumulation of weeds, combustible waste, or refuse from the interior of the building or structure and the surrounding yards; and shall secure all doors, windows, and other openings to prevent unauthorized entry. The owner or responsible party also shall post

both the structure and the exterior premises with signs to provide conspicuous and reasonable notice prohibiting entry (i.e., “No Trespassing” signs).

- (2) *Reinspection of secured buildings and structures.* The code official shall periodically reinspect a building or structure that was cleaned or secured pursuant to an administrative or judicial order to ensure continued compliance with the order and this chapter. The code official may assess a reinspection fee for actual costs of each inspection in those instances where the building or structure is again found to be vacant and unsecured or in need of debris or weed removal.
- (3) *Abatement of vacant and unsecured buildings or structures.* When ordered abated, a vacant and unsecured building or structure shall be cleaned and secured as follows:
 - a. All accumulated refuse that poses a fire or health hazard within or upon the property or premises shall be removed; and
 - b. All unsecured doorway, windows, or exterior openings shall be barricaded in accordance with standards established by the code official, which shall be kept on file with the city clerk, and in accordance with section 16-12(A)(3) of this chapter; and
 - c. Both the structure and the exterior premises shall be posted with signs that provide reasonable notice prohibiting entry (i.e., “No Trespassing” signs).

(c) *Buildings and structures constituting a nuisance.* All buildings and structures are to be maintained so as not to pose a threat to the health and safety of any person or persons. The condition of a building or structure that meets any or all of the following is a public nuisance, is a violation of this chapter, and subjects the building or structure to abatement as provided in Article VI of this chapter, including demolition as provided in section 16-65:

- (1) The building or structure lacks safe and adequate means of exit in case of fire or panic.
- (2) The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- (3) The building, structure or any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the damage and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (4) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children; or
 - b. A harbor for trespassers or persons committing unlawful acts.
- (5) The building, structure, or any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to partially or completely collapse and thereby injure persons or damage property.
- (6) Any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (7) Any portion of a building or structure that has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) The walls or other vertical structural members of the building or structure list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (9) The building or structure, excluding the foundation, has thirty-three (33) percent or more damage or deterioration to the supporting member or members or structural assembly, or fifty (50) percent damage or deterioration to the nonsupporting members, enclosing or outside walls or coverings.
- (10) The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.
- (11) The building or structure exhibits conditions that present actual or imminent hazards or dangers, or is otherwise unsafe for the purpose for which it is being used.
- (12) The building or structure, whether or not erected in accordance with all applicable laws, has in any nonsupporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (13) A dwelling is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (14) The building or structure, because of obsolescence, dilapidated condition, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.

- (15) The building or structure has been found, upon reinspection, to be vacant and unsecured, and either:
 - a. The code official has issued at least one (1) previous abatement order to secure within the preceding twelve (12) months, or more than three (3) abatement orders to secure over any time frame; or
 - b. The code official has secured the building or structure on at least one (1) previous occasion within the preceding twelve (12) months, or more than three (3) times over any time frame.

- (16) A building or structure or portion thereof remains for any period of time on a site after the demolition or destruction of the building or structure; or normal construction of an unfinished or incomplete building or structure has ceased for a period of more than twelve (12) months.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 5, 3-1-05; Ord. No. 10638, § 2, 3-3-09; Ord. No. 10833, § 5, 8-4-10)

Sec. 16-15. Junked or inoperable vehicles.

(a) *Prohibited storage.*

- (1) No person owning or having custody of any junked or inoperable vehicle may store such vehicle on private property, or on any sidewalks, streets or alleys, within the city, except as otherwise permitted under this section;
- (2) No person owning, occupying or in control of any private property within the city may store any junked or inoperable vehicle on the owned or occupied property, or on any abutting sidewalks, streets or alleys, except as otherwise permitted under this section;

(b) *Permitted storage.* This section shall not apply to any junked or inoperable vehicle stored on private property if the vehicle:

- (1) Is on the premises of a business enterprise operated in a lawful place and manner and licensed by the city under chapter 19 of the Tucson Code, and the storage of the vehicle is necessary to the operation of the business enterprise; or
- (2) Is lawfully enclosed within:
 - a. An enclosed garage or other permanent building lawfully constructed of opaque materials without openings, holes or gaps other than doors and windows;
 - b. A carport, and an opaque car cover designed for that purpose (and not including tarps, bed sheets, plastic sheeting, or similar materials) completely covers the body of the vehicle; or
 - c. The rear yard or side yard and screened by any fence, wall or barrier, not less than five (5) feet in height, constructed of opaque materials which screens it from view from any adjacent properties and the public right-of-way, and is equipped with self-latching gates or doors. Such fence, wall or barrier must comply with section 16-12(e).

(c) *Persons responsible.* Whenever the city finds that any junked or inoperable vehicle is stored on private property or on any abutting sidewalks, streets or alleys in violation of this section, the persons responsible for the violation include the recorded owner, occupant or person in control of the private property, as well as the registered owner or custodian of the vehicle.

(d) *Authorization to enter private property for vehicle removal pursuant to court order.* Any code official or persons as may be directed by such code official may enter private property to remove or cause the removal of a vehicle upon order of the court pursuant to section 16-60.

(e) *Penalty; violation declared a nuisance.*

- (1) A violation of this section is punishable in accordance with section 16-48 of this chapter.

- (2) The unlawful storage of any junked or inoperable vehicle within the city in violation of this section is declared dangerous to the public safety and a public nuisance.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 6, 3-1-05; Ord. No. 10638, § 3, 3-3-09; Ord. No. 11126, § 4, 11-6-13)

Secs. 16-16 – 16-19. Reserved.

ARTICLE III. SLUM PROPERTY

Sec. 16-20. Slum property; definitions.

For the purpose of this article, and unless the context otherwise requires:

Managing agent means a person, corporation, partnership or limited liability company that is authorized by the owner to operate and manage the property.

Residential rental property means property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park or a recreational vehicle park, residential rental property includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

Slum property means residential rental property that has deteriorated or is in a state of disrepair and that manifests one (1) or more of the following conditions that are a danger to the health or safety of the public:

- (1) Structurally unsound exterior surfaces, roof, walls, doors, floors, stairwells, porches or railings.
- (2) Lack of potable water, adequate sanitation facilities, adequate water or waste pipe connections.
- (3) Hazardous electrical systems or gas connections.
- (4) Lack of safe, rapid egress.

- (5) Accumulations of human or animal waste, medical or biological waste, gaseous or combustible materials, dangerous or corrosive liquids, flammable or explosive materials or drug paraphernalia.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-21. Registration of residential rental property.

(a) An owner of residential rental property shall maintain with the assessor in the county where the property is located information required by this section in a manner to be determined by the assessor. The owner shall update any information required by this section within ten (10) days after a change in the information occurs. The following information shall be maintained:

- (1) The name, address and telephone number of the property owner.
- (2) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name, address and telephone number of the statutory agent, if applicable, and the name, address and telephone number of any of the following:
 - a. For a corporation, a corporate officer.
 - b. For a partnership, a general partner.
 - c. For a limited liability company, the managing or administrative member.
 - d. For a limited partnership, a general partner.
 - e. For a trust, a trustee.
 - f. For real estate investment trust, a general partner or an officer.
- (3) The street address and parcel number of the property.
- (4) The year the building was built.

(b) An owner of residential rental property who lives outside this state shall designate and record with the assessor a statutory agent who lives in this state and who will accept legal service on behalf of the owner. The owner shall designate the agent in a manner to be determined by the assessor. The information shall include the name, address and telephone number of the agent.

(c) Residential rental property shall not be occupied if the information required by this section is not on file with the county assessor. This subsection does not affect any lease existing on August 6, 1999.

(d) All records, files and documents that are required by this section are public records.

(e) A person who fails to comply with any provision of this subsection is responsible for a civil infraction and shall be assessed a civil penalty of one thousand dollars (\$1,000.00), plus an additional one hundred dollars (\$100.00) for each month after the date of the original violation until compliance occurs. The court shall not suspend any portion of the civil penalty provided by this subsection.

(f) Notwithstanding subsection (e) of this section, if a person complies within ten (10) days after receiving the complaint that notices the violation, the court shall dismiss the complaint and shall not impose a civil penalty.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-22. Inspection of residential rental property.

The code official is hereby authorized to inspect residential rental property under the following circumstances.

- (1) The property owner fails to comply with the provisions of A.R.S. § 33-1902 or successor provision. If the property is occupied, consent of the tenant shall be requested before entering the interior of the structure. Except as otherwise provided by law, the right of inspection does not extend to the interior of the dwelling unit in a space rental mobile home park or recreational vehicle park if it is not owned by a landlord unless the tenant is in possession of the dwelling

unit, or if the dwelling unit is vacant or abandoned, the owner consents to the inspection. If a tenant refuses to consent to entry, inspection may be obtained by any means provided by law.

- (2) The property has been designated as a slum property, in which case it may be inspected annually for three (3) consecutive years.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-23. Abatement of slum property.

All buildings or portions thereof which are determined after inspection by the code official to be slum properties as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in this chapter.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-24. Designation of slum property; recordation.

(a) A residential rental property may be designated as a slum property if it meets all of the following:

- (1) The definition of slum property;
- (2) Has three (3) or more of the conditions or defects described in Article II of this chapter at the time of the inspection;
- (3) The conditions or defects set forth in a notice of violation provided per section 16-45 of this chapter have not been remedied within the time set forth in the notice of violation; and
- (4) No proper and timely appeal of the notice of violation has been filed.

(b) Where designation of a property as a slum is appropriate pursuant to subsection (a), the code official shall designate a slum property by filing in the office of the county recorder a certificate describing the property and certifying that the property is a slum property and that the owner has been so notified. Whenever the corrections ordered thereafter have been completed or

the building demolished so that it no longer exists as a slum property, the code official shall file a new certificate with the county recorder certifying that all required corrections have been made and that the property is no longer a slum property.
(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-25. Notice of designation.

In addition to any notice provided pursuant to section 16-45 of this chapter, a designation of slum property shall contain a warning stating that any residential rental property designated as a slum property is subject to the provisions of A.R.S. Tit. 33, Ch. 17 providing for penalties, the appointment of a temporary receiver, annual inspections, and payment of costs for inspections.
(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-26. Appointment of temporary receiver and recovery of costs.

In addition to other remedies provided in this Code for the abatement of slum property, the code official is authorized to seek the appointment of a temporary receiver and recover costs associated with such appointment including the filing of liens as provided by law.
(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-27. Recovery of inspection costs.

In addition to any other remedy providing for recovery of costs either by law or otherwise specified by this Code, the code official is authorized to file costs as provided by law associated with inspections of slum properties in accordance with A.R.S. § 33-1904 or its successor sections in the recorder’s office and upon such filing such costs shall be a lien on the property.
(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-28. Appeal from designation as slum property.

A property owner may appeal the designation of the owner’s property as a slum property pursuant to the procedures set forth in Article VII of this chapter.
(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-29. Licensed property management company; crime free multihousing program; required training.

As provided in section 33-1906 of the Arizona Revised Statutes, the code official may require a residential rental property owner whose property has been designated as a slum or exhibits the criteria prescribed in section 16-14(c), relating to violations that materially affect the health and safety of the occupants of the property, to hire a property management firm that is regulated pursuant to Arizona Revised Statutes title 32, chapter 20, article 3.1 to manage the property, participate in the city’s crime free multihousing program, and attend city-approved landlord tenant training classes if available from the city. The code official may also require the property owner to participate in comparable training provided by a nonprofit corporation that is designated as a § 501(c)(3), 501(c)(4), 501(c)(5) or 501(c)(6) corporation and that is certified by the city to provide that training.
(Ord. No. 10512, § 1, 3-25-08)

ARTICLE IV. UNLAWFUL ACTS

Sec. 16-30. Graffiti prevention, prohibition and removal.

(a) *Graffiti prohibited, abatement procedures, penalty.* No person who owns or is in control of any real property within the city shall maintain, permit or allow graffiti to remain on any building, fence, structure or otherwise on such property where the graffiti is visible from the street or other public or private property.

- (1) *Notice of violation and abatement.* Upon the receipt of notice requiring abatement from the graffiti abatement official, any person owning or otherwise being in control of the property shall remove or abate all graffiti within the time frame specified in such notice. The graffiti abatement official shall give notice utilizing the procedures set forth in section 16-45 of this chapter, except that the notice need not include a statement describing the right to an administrative appeal, since none exists. The graffiti abatement official may cause the removal of

- graffiti from private property should the property owner or person in control fail to remove graffiti after the required notice. The city or its authorized representative is expressly authorized to enter private property and abate graffiti.
- (2) *Penalty.* A violation of this subsection constitutes a civil infraction.
- (b) *Prohibited conduct, penalties.*
- (1) No person may write, paint, etch, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property unless permission of the owner or operator of the property has been obtained.
- (2) No person may possess an aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, or etching solution on any private property unless the owner, agent, manager, or other person having control of the property consented to the presence of the aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, etching implement or etching solution.
- (3) No person under the age of eighteen (18) may possess an aerosol spray paint container, broad-tipped indelible marker, solidified paint marker, or etching solution container on any public property unless the possession is for a lawful purpose and the person is accompanied by a parent, guardian, teacher or other person in a similar relationship over the age of eighteen (18).
- (4) No person under the age of eighteen (18) may buy any aerosol spray paint container or etching solution from any person or firm.
- (5) *Penalties.* A violation of this subsection shall constitute a class one (1) misdemeanor and shall be punished as provided below. Except as otherwise provided in this section, no judge shall suspend the imposition of any of the mandatory minimum penalties required by this section.
- a. Together with any other penalties as provided by law, a person convicted of violating subsection (1) shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) and not less than twenty (20) hours community service. In addition to any other punishment, the court shall order restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in an amount to be determined by the court. In cases of financial hardship as determined by the court, additional community service hours may be imposed in lieu of fines. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.
- b. Together with any other penalties as provided by law, a person convicted of violating subsection (2) or (3) shall be punished by a fine of not less than one hundred (\$100.00) dollars and not less than twenty (20) hours of community service. In cases of financial hardship as determined by the court, additional community service hours may be imposed in lieu of fines. Persons under the age of eighteen (18) will be punished as provided for in A.R.S. Tit. 8.
- c. A person convicted of violating subsection (4) shall be punished as provided for in A.R.S. Tit. 8.
- d. The court may order the parent or guardian of a minor child who had knowledge that the minor child intended to engage in or was engaging in an act of graffiti as described in subsection (1) to assist the minor child in payment of restitution and/or performance of community service.
- (c) *Sale, storage and display of spray paint containers or etching solution.*
- (1) No person shall sell, deliver, transfer or give spray paint containers or etching solution to persons under age eighteen (18). Evidence

that a person examined acceptable evidence of age and acted upon such evidence in a transaction or sale shall be a defense to any prosecution under this subsection. This subsection does not apply to the transfer of an aerosol spray paint container or etching solution from a parent to child, guardian to ward, employer to employee, teacher to student or in any other similar relationship when such transfer is for a lawful purpose.

- (2) Spray paint containers or etching solutions sold at retail establishments shall be stored or displayed either (a) in an area that is inaccessible to the public without employee assistance in the regular course of business or (b) within fifteen (15) feet of a cash register and within the line of sight of a cashier at all times.
- (3) Identification shall be required of purchasers of spray paint containers or etching solution appearing to be under the age of twenty-six (26). A retailer shall not be found responsible for violation of this subsection unless the failure to require identification resulted in a sale of spray paint or etching solution to a person under age eighteen (18).
- (4) No person shall sell, deliver, transfer or display spray paint containers or etching solution at swap meets, yard sales, garage sales, or other like events.
- (5) A retailer shall be responsible for the violation of any provision of this section by its employees.
- (6) *Penalty.* A violation of any provision of this subsection constitutes a civil infraction. A person found responsible for a violation of any provision of this subsection shall be fined not less than two hundred dollars (\$200.00). The fine amount of each subsequent violation of any provision of this subsection within a consecutive 365-day period shall increase by increments of three hundred dollars (\$300.00) for each violation. No magistrate, special magistrate or limited

special magistrate may suspend the imposition of the minimum fines prescribed herein.

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 7, 3-1-05; Ord. No. 10393, §§ 2, 3, 4-24-07; Ord. No. 10833, § 6, 8-4-10; Ord. No. 10865, § 1, 12-21-10)

Sec. 16-31. Excessive noise.

(a) *Maximum permissible sound levels.* No person shall conduct or permit any activity that produces a dB(A) beyond that person's property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

(f) *Subsequent violations following court ordered abatement.* If, within twenty-four (24) months of court order issued pursuant to subsection (e) above, the dwelling unit is the location of an additional violation or violations of the City Code or of any criminal laws or statutes, the property owner is responsible for a civil infraction. Upon finding a property owner responsible for a violation under this subsection, the court shall order such person to correct and abate the violations. Such order may include an order to reduce or limit the number of unrelated tenants in the dwelling unit to not more than four (4) and such order may be effective for up to one (1) year. A reduction of the number of tenants for six (6) months or more pursuant to a court order issued under this subsection shall terminate and discontinue the nonconforming use of the group dwelling unit if the order exceeds six (6) months.

(g) *Voluntary abatement.* Where a property owner voluntarily reduces the number of occupants to whom a dwelling unit is leased and occupied to less than five (5) unrelated persons for a period of not less than one (1) year, the designation of the property as a group dwelling public nuisance shall be deemed abated. A subsequent determination that the dwelling unit is a group dwelling public nuisance after the period of voluntary abatement shall be based upon violations occurring after the voluntary abatement period. To qualify for the voluntary abatement in this subsection, the property owner shall provide written notice of the abatement and applicable lease period to the code official, property owners within fifty (50) feet of the property to be abated, and the registered neighborhood association.

(Ord. No. 10965, § 6, 2-15-12)

Sec. 16-38. Transfer of group dwelling public nuisance property after remediation plan or court order.

Fraudulent transfer as a misdemeanor. Any person who has been served with a remediation plan or court order and who then transfers an ownership interest in the real property against which the notice has been served is guilty of a misdemeanor if the transfer is made without first obtaining a written acceptance of responsibility from the new owner for the items listed in the remediation plan or court order.

(Ord. No. 10965, § 6, 2-15-12)

Sec. 16-39. Shopping cart impoundment.

(a) *Definitions.*

1. “Abandoned shopping cart” means a shopping cart, whether marked or unmarked, located outside the premises or parking area of a retail establishment, which parking area shall include parking areas of common usage in multi-store complexes and shopping centers.
2. “Unmarked” means lacking attached identification compliant with A.R.S. § 44-1799.32(b).
3. “Marked” means compliant with A.R.S. § 44-1799.32(b).

(b) Unmarked abandoned shopping carts are declared a nuisance and the city may impound and/or immediately sell, discard, or otherwise dispose of such carts at the city’s discretion without notice.

(c) The city may immediately impound any abandoned shopping cart located in such a manner as to impede emergency services; obstruct vehicle traffic, bicycle traffic, or pedestrian sidewalk traffic; or create a safety hazard to the public on a public right-of-way.

(d) The city may impound a marked abandoned shopping cart if the shopping cart is not retrieved from its place of abandonment within three (3) business days after the date the owner of the shopping cart, or the owner’s agent, receives actual notice from the city of the shopping cart’s discovery and location.

(e) The owner or retailer identified on marked abandoned shopping carts impounded pursuant to subsections (c) or (d) above will be given notice of the fact of impoundment and the location and hours of operation of the impound lot.

(f) If an impounded abandoned shopping cart has not been retrieved from impound by the owner within thirty (30) days of notice pursuant to subsection (e) above, the city may sell, discard, or otherwise dispose of such cart at the city’s discretion.

(g) The owner of any abandoned shopping cart impounded in accordance with subsections (c) or (d)

above shall pay the City a retrieval fee of thirty dollars (\$30.00) per cart. The payment shall be made at the time of retrieval from impound. If the owner does not retrieve the cart from impound within thirty (30) days after notice, the fee shall be applied to the owner's next water service bill. Provisions for discontinuance of water service for non-payment and for customer right to dispute the bill shall apply as provided in section 27-50 of this code.

(Ord. No. 11118, § 1, 10-8-13, eff. 11-11-13)

Sec. 16-39.1. Limitations on yard sales.

(a) An owner or responsible party of residential property shall not operate, conduct, manage, or allow more than four (4) yard sales within a single calendar year at the residential property.

(b) An owner or responsible party of residential property shall not operate, conduct, manage, or allow any yard sale event that exceeds three (3) consecutive days.

(c) A violation of this Section shall be a civil infraction, with a sanction as provided in Section 16-48(2) of this Chapter.

(Ord. No. 11126, § 5, 11-6-13)

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 16-40. Authority to enforce.

(a) The code official shall enforce the provisions of this chapter. In addition, the code official is authorized to make safe any structure, in whole or part, which in the opinion of the code official, is an imminent hazard to the health or safety of any person or persons due to the conditions of such structure.

(b) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city who is lawfully engaged in the enforcement or execution of the provisions of this chapter.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-41. Rules and regulations.

The code official is authorized to make reasonable and necessary rules and regulations to carry out the provisions of this chapter. When approved by the mayor and council, such rules and regulations shall be binding upon and obeyed by all persons affected by this chapter after three (3) copies of any such rules 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 and regulations shall be furnished any member of the public upon request and payment of a reasonable charge therefor as set forth in such printed copy.

(Ord. No. 9816, § 15, 2-24-03)

Sec. 16-42. Authority and inspections; re-inspection fees; appeal.

(a) The code official is authorized to make inspections of property to determine compliance with this chapter. Interior inspections will be done with approval of the owner, occupant or responsible party, or by a court order or as otherwise authorized by law.

(b) Except as expressly provided in section 16-27 or elsewhere in the Tucson Code, no fee shall be charged for an initial inspection to determine the existence of a violation of this chapter. Any person who neglects, fails or refuses to correct the violations contained within a notice of violation issued pursuant to section 16-45 may be assessed a re-inspection fee for inspections that occur after the compliance date specified in the Notice, where such re-inspection demonstrates the failure to comply. The fee for these re-inspections shall be set by resolution or ordinance adopted by mayor and council. Failure to pay re-inspection fees within fourteen (14) days of assessment is a violation of this section. Re-inspection fees may be collected in any manner as provided by law, including as a lien against the real property where the violation occurred.

(c) A person may appeal the imposition of a re-inspection fee to the code official through an administrative conference in the manner provided in section 16-71. The administrative conference shall be

the only administrative appeal of a re-inspection fee, and no appeal may be made to the board of appeals. (Ord. No. 9816, § 15, 2-24-03; Ord. No. 10687, §§ 1, 2, 6-23-09, eff. 7-1-09)

Sec. 16-43. Enforcement independent of other provisions.

The authority of the code official to enforce the provisions of this chapter is independent of and in addition to the authority of city officials to enforce the provisions of any other chapter of the city code or other laws, ordinances, or statutes. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-44. Cooperation of other departments.

The police department and any other department of the city has authority to assist and cooperate with the code official in the performance of duties under this chapter. This cooperation may include assistance in enforcement or abatement actions. This section is not intended to create or expand the authority of any department to perform acts that are otherwise prohibited by law. (Ord. No. 9816, § 15, 2-24-03)

Sec. 16-45. Notice of violation.

(a) If the code official finds a violation of sections 16-4, 16-11, 16-12, 16-13, 16-14, 16-15, 16-30(a), 16-35 or 16-36 of this chapter, the code official may notify the owner or responsible party through the issuance of a notice of violation.

(b) A notice of violation issued pursuant to this section shall include:

- (1) The identification of the property in violation; a street address or legal description of the property is sufficient identification of the property;
- (2) A statement of the violations in sufficient detail to allow an owner or responsible party to identify and correct the problem;
- (3) A statement of the actions required to correct and abate the violations. The statement of required action shall direct the owner or responsible party to perform

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11071	5-21-13 (eff. 7-1-13)	1	22-95		
11072	5-21-13 (eff. 7-1-13)	1	27-16		
			27-16.2		
		2	27-30		
			27-35		
			27-37		
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		11073	5-21-13 (eff. 7-1-13)	1	27-32.1
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		6	10-31(7) (note)		
			10-31(8) (note)		
			10-33 (note)		
			10-33.1 (note)		
			10-34 (note)		
			10-34.1 (note)		
			10-35 (note)		
			10-48 (note)		
			10-49 (note)		
			10-52 (note)		
			10-53 (note)		
			10-53.1 (note)		

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		4	Rnbd 3-71 as 3-72
		5	Rnbd 3-72 – 3-74 as 3-73 – 3-75
		6	Rnbd 3-75 – 3-79 as 3-76 – 3-80 3-77 3-78 3-79 3-80
		7	Rnbd 3-80 – 3-82 as 3-81 – 3-83 3-81 3-82 3-83
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11082	5-29-13	1	2-18
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		2	15-32.5
		3	15-33.2
		4	15-34.7 15-34.8
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		2	Added 17-78
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11091	7-9-13	2	20-179
11104	8-6-13	1	Added 19-1200 – 19-1255
11111	9-24-13	1	8-2.2
11118	10-8-13	1	Added 16-39
11126	11-6-13	1	16-3
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