

TUCSON, ARIZONA
Supp. No. 120 – 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 September 5, 2018. 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. 120”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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

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

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- c. *Shuttle service:* To decrease traffic congestion and parking problems at specific community events. All event shuttles must be self-supporting with the cost off-set by bus advertising and fare revenues. Fares charged are not to exceed the base fare with no premium fares. All event shuttles must be publicized, open to the general public and within the Tucson service area.
- d. *SummerGO Youth Pass:* For youth ages six (6) to eighteen (18) years old, pass valid for seventy-six (76) days between the end of May and beginning of August each year, based on the local K-12 academic calendars, as follows:

	FY 2017 (eff. 5-1-17)	FY 2018 (eff. 1-1-18)
SummerGO Youth Pass*	\$45.00**	\$45.00**

*Not tied to the base fare

**Includes \$15 fee for Parks & Recreation

- e. *3-day Pass:* For unlimited rides for three (3) consecutive days (seventy-two (72) hours) after it is activated on a transit vehicle.

	FY 2019 (eff. 8-9-18)	
3-day Pass*	\$10.00	

*Not tied to the base fare

- f. *\$25 Stored Value for \$20 Purchase (\$25 for \$20) Program:* Allows SunGO Card holders to load \$25 in value for a \$20 purchase price

	FY 2019 (eff. 8-9-18)	
\$25 Stored Value for \$20 Purchase (\$25 for \$20) Program*	\$20.00*	

*Full fare only

- (10) *Administrative processing fee:* An administrative processing fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each pass type.
- (11) *Product fee:* A product fee, to be determined by the city manager in conjunction with the director of the department of transportation, may be added to the cost of each card or ticket to recover the cost of the fare media.

(d) *Seniors, persons with disabilities, Medicare cardholders, and low-income program fare eligibility and prohibited activity:* A special class of riders, referred to as “seniors, persons with disabilities, Medicare cardholders, and qualified low-income individuals” may qualify for the economy fare subject to the following provisions:

- (1) *Eligibility criteria determined by the mayor and council:* Only those individuals who qualify under the mayor and council’s definition of eligibility shall be eligible for this special fare; eligibility for the fare shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager.
- (2) *Seniors:* Persons sixty-five (65) years of age or over shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (3) *Persons with disabilities:* Persons with disabilities shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (4) *Medicare cardholders:* Medicare cardholders shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (5) *Low-income individuals:* Persons qualified through the City of Tucson’s low-income program shall be eligible for the economy fare on the Sun Tran and Sun Link systems.
- (6) *Nonprofit program:* Organizations in the nonprofit program shall be eligible to purchase economy fares on behalf of an organization’s qualified clients on the Sun

Tran and Sun Link systems. The nonprofit program shall be defined and facilitated as determined by the director of transportation.

- a. *Discount one (1) day pass:* Organizations in the nonprofit program shall be eligible to purchase for clients not yet qualified for the economy program as follows:

	FY 2017	FY 2018
Discounted Day Pass	\$2.00	\$2.05

- b. *Economy thirty (30) day ticket:* Organizations in the nonprofit program shall be eligible to purchase an economy thirty (30) day ticket for those clients who have obtained the appropriate ID required for purchase of economy fares as follows:

	FY 2017	FY 2018
Discounted 30 Day Pass	\$18.00	\$22.50

- (7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for reduced fares on the Sun Tran and Sun Link systems, and to establish reasonable standards of proof for eligibility for seniors, persons with disabilities, Medicare cardholders, and low-income individual. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.
- (8) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize benefits of the economy fare program of the Sun Tran and Sun Link systems and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return

receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's economy fare program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

- (9) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city economy fare program. (Ord. No. 4525, § 1, 6-28-76; Ord. No. 4535, § 1, 7-6-76; Ord. No. 4536, § 1, 7-6-76; Ord. No. 4669, § 1, 6-20-77; Ord. No. 5145, § 2, 5-5-80; Ord. No. 5916, § 1, 12-12-83; Ord. No. 6210, § 1, 4-8-85; Ord. No. 6233, § 1, 5-13-85; Ord. No. 6436, § 1, 5-27-86; Ord. No. 7173, § 1, 4-17-89; Ord. No. 7824, § 1 6-1-92; Ord. No. 8284, § 1, 5-23-94; Ord. No. 8778, § 1, 11-25-96; Ord. No. 8781, § 1, 11-25-96; Ord. No. 9404, § 1, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 1, 5-29-13; Ord. No. 11182, § 1, 6-17-14, eff. 7-17-14; Ord. No. 11401, § 1, 9-20-16; Ord. No. 11454, § 1, 4-19-17; Ord. No. 11576, § 1, 8-8-18)

Sec. 2-19. City curb-to-curb barrier-free transportation service called Sun Van, the complementary paratransit service; fares; eligibility and prohibited activity.

(a) *Paratransit service:* The city provides curb-to-curb transportation services to individuals, whose disability prevents them from riding the Sun Tran system. The service is provided by contract providers of the city.

(b) *Fares:* The fares for paratransit service provided by contractors for the city shall be as follows:

	FY 2017	FY 2018
Full Fare, per ride	\$3.00	\$3.20
Low-income Fare, per ride	\$1.50	\$1.60
Children, five (5) years of age when accompanied by a paying adult	Free	Free
Optional ADA*, Full Fare (per ride)	\$5.00	\$6.00
Optional ADA*, Low Income (per ride)	\$3.50	\$4.00

*Optional ADA rides are rides provided outside of ¾ miles of fixed route service; same day service; and will-call service

(c) *Eligibility for low-income fare:* Rider eligibility for the paratransit service low-income fare shall be established under the city paratransit service system fare subsidy program for low-income individuals.

(d) *Paratransit service eligibility and prohibited activity:* Individuals may qualify for the paratransit service subject to the following provisions:

- (1) *Eligibility:* Eligibility shall be demonstrated by an identification card, the form and substance of the card to be determined by the city manager. The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application for the paratransit service, and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk.
- (2) *Revocation of eligibility:* When, in the opinion of the city, a person is continuing to utilize the paratransit service and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person’s eligibility and require that person to surrender his or her identification card to the city. Such notice of

revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person’s eligibility for the city’s paratransit service. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.

(3) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the city paratransit service.

(Ord. No. 4535, § 2, 7-6-76; Ord. No. 4669, § 2, 6-20-77; Ord. No. 5145, § 3, 5-5-80; Ord. No. 5916, § 2, 12-12-83; Ord. No. 6233, § 2, 5-13-85; Ord. No. 6436, § 2, 5-27-86; Ord. No. 8284, § 2, 5-23-94; Ord. No. 8778, § 2, 11-25-96; Ord. No. 8781, § 2, 11-25-96; Ord. No. 9404, § 2, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 2, 5-29-13; Ord. No. 11401, § 1, 9-20-16)

Sec. 2-20. Transit system rules and regulations.

The city manager, in conjunction with the department of transportation, is hereby authorized by the mayor and council to promulgate rules and regulations for operation of the city transit system, such rules and regulations to be in writing and subject to review by the mayor and council. Rules and regulations promulgated by the city manager shall be for the purpose of safe and efficient operation of the city transit system only.

(Ord. No. 4535, § 3, 7-6-76)

Sec. 2-21. Promotional discount fare program for the Sun Tran fixed route bus and Sun Link modern streetcar systems.

Sec. 2-21(1). A promotional discount fare program, aimed at increasing ridership on the Sun Tran fixed route bus and Sun Link modern streetcar systems, is authorized. This experimental program may consist of, but not be limited to, promotional projects implementing a weekend pass, a free fare day, a discounted fare day and a free ride coupon.

Sec. 2-21(2). The city manager shall have the authority to establish and implement reasonable discount fare projects under the program and shall promulgate reasonable rules and regulations, in writing and on file with the city clerk, for each project implemented. The rules and regulations shall be consistent with state and local law, federal law and specifically the statutes and regulations of the Federal Transit Administration, and the goal of increasing Sun Tran and Sun Link ridership.

(Ord. No. 5247, § 1, 11-3-80; Ord. No. 8284, § 3, 5-23-94; Ord. No. 11182, § 2, 6-17-14, eff. 7-17-14)

Sec. 2-22. City Sun Tran, Sun Link and paratransit service systems fare subsidy program for low-income individuals; fare subsidies; eligibility and prohibited activity.

(a) *Program establishment:* The city manager shall have the authority to establish and implement a city Sun Tran and Sun Link fare subsidy program for low-income individuals, nonprofit program clients that qualify for low-income, and paratransit services for individuals, such program to be administered within the department of transportation and funded exclusively from local city revenues. The city manager shall have further authority to promulgate reasonable rules and regulations, in writing and on file with the city clerk, for the implementation of the fare subsidy program.

(b) *Sun Tran and Sun Link system fare subsidy:* The Sun Tran and Sun Link system fare subsidy for qualified low-income individuals shall be as follows:

(1) *Economy fare subsidy:* For riders who qualify for the Sun Tran and Sun Link system economy fare, the subsidies shall be:

	FY 2017	FY 2018
Full Fare (cash) per ride	\$1.00	\$1.00
Full Fare (stored value)	\$0.90	\$0.85
Full Fare 30 Day Pass	\$27.00	\$25.50
Discounted Day Pass, purchased through nonprofit program	\$1.75	\$1.95

(c) *Sun Van fare subsidy:* The Sun Van service fare subsidy for qualified low-income individuals shall be as follows:

	FY 2017	FY 2018
Full Fare, per ride	\$1.50	\$2.00

(d) *Eligibility and prohibited activity:* Low-income individuals and nonprofit program clients may qualify for the fare subsidy program subject to the following provisions:

- (1) *Eligibility for Sun Tran, Sun Link and paratransit service low-income fares:* Applicants for eligibility to qualify for the Sun Tran, Sun Link and Sun Van systems low-income fare must demonstrate an income that meets the most recent income guidelines per the Lower Living Standard Income Level (LLSIL) (100%) as established by the United States Department of Labor, published annually, in the Federal Register.
- (2) *Definition of "income":* Income shall include any money received by all members of the household. Any form of support or payment in the form of rent, food, automobile or any other assistance shall be counted as income. Wages, public assistance, retirement, disability, pension, veteran's compensation, worker's or unemployment compensation, senior benefits, survivor's benefits, strike benefits, support payments, alimony, scholarships, educational grants, fellowships, veteran's educational benefits, dividends, interest and any other form of income shall be counted to determine eligibility.
- (3) *Eligibility requirements for persons under eighteen (18) years of age:* Persons seeking to qualify for the fare subsidy program of the city who are under the age of eighteen (18) must have a parent or guardian signature on the application, or show good cause why such signature is not obtainable. Good cause shall be within the discretion of the city to determine. If the applicant is not living at home and receives more than half of his or

- her support from his or her family, the applicant must declare all family income. If the applicant is not living at home and is not receiving more than half of his or her support from his or her family, then only the actual support from the family need be declared.
- (4) *Unemployed persons:* Unemployed persons applying for the fare subsidy program must have a current registration card from the state employment office. Such applicant must report an estimated probable income that falls within the income guidelines set forth by the U.S. Department of Labor when added to all other family income. Persons unemployed due to strikes, lockouts and labor disputes must count as probable income their wages and wage level as such existed prior to the strike, lockout or other labor dispute that resulted in their being unemployed.
- (5) *Students:* Students not living at home, but who receive more than half of their support from their family must declare all family income. Students not living at home who do not receive more than half their support from their family need only declare the actual amount of support received. Students living at home must declare all family income.
- (6) *Residency requirement:* Applicants for the fare subsidy program for low-income individuals must be residents of the region, an area described in the U.S. Census Bureau's Geographic Base File on file with the city clerk.
- (7) *Proof of eligibility:* The mayor and council hereby authorize the city manager, in conjunction with the director of the department of transportation, to promulgate appropriate forms for application to the program and to establish reasonable standards of proof for eligibility. Such standards shall be in writing, made available to all applicants, and on file with the city clerk. For nonprofit agency clients that qualify, the proof of eligibility requirements stipulating an ID are effective when smart card technology is implemented.
- (8) *Term of eligibility:* Persons eligible for the fare subsidy program shall be deemed eligible from the date of issue of the eligibility identification card for a period of twelve (12) months, unless otherwise found ineligible by the city.
- (9) *Revocation of eligibility, appeal to the city manager:* When, in the opinion of the city, a person is continuing to utilize the benefits of the program and that person no longer meets the eligibility standards set forth herein, the city shall have the authority to revoke that person's eligibility and require that person to surrender his or her identification card to the city. Such notice of revocation shall be in writing, sent to that person by certified mail, registered return receipt, and shall set forth with specificity the reasons for terminating that person's eligibility for the city's fare subsidy program. Any person whose eligibility is revoked by the city shall have the right to appeal the revocation to the city manager within ten (10) days of the date of notice of the revocation.
- (10) *Misdemeanor for using false information in application for eligibility:* It shall be a misdemeanor for any person to knowingly use false information when applying for eligibility for the fare subsidy program. (Ord. No. 6210, § 2, 4-8-85; Ord. No. 6233, § 3, 5-13-85; Ord. No. 7824, § 2, 6-1-92; Ord. No. 8284, § 4, 5-23-94; Ord. No. 8778, § 3, 11-25-96; Ord. No. 8781, § 3, 11-25-96; Ord. No. 9404, § 3, 6-19-00; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 10887, § 1, 4-12-11, eff. 7-1-11; Ord. No. 11082, § 3, 5-29-13; Ord. No. 11182, § 3, 6-17-14, eff. 7-17-14; Ord. No. 11401, § 1, 9-20-16)
- Sec. 2-22.1. False information or refusal to provide information to obtain or retain low income assistance.**
- (a) Any person who uses false information, or who refuses to provide information upon request, in order to obtain or retain low income assistance from the City of Tucson is responsible for a civil infraction and shall be fined five hundred dollars (\$500.00).

(b) Any person found responsible of a civil infraction as described in paragraph (a) may be deemed ineligible for low income assistance from the City of Tucson for a period up to five (5) years.

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for environmental services fees, Tucson water fees, Sun Tran, Sun Link and Sun Van fares, and parks and recreation fees, and any other discount or assistance provided by the City of Tucson.

(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 11182, § 4, 6-17-14, eff. 7-17-14)

Sec. 2-23. Permits for use of community center.

(a) Notwithstanding any other provision of this Code, permits for use or occupancy of any of the community center facilities may, upon written application therefor, be issued by the community center director if the permits are for less than thirty (30) days; or subject to the approval by resolution of the mayor and council if for thirty (30) days or more.

(b) Competitive bidding is not required for issuance of permits. If two (2) or more persons apply for community center facilities for the same type of use or event or series of uses or events which is considered by the community center director to be mutually exclusive, then the selection shall be made by the governing body, by motion, based upon which application it determines will be most beneficial to the public and will be in the best interest of the city.

Chapter 5

BICYCLES*

Art. I.	In General, §§ 5-1—5-3
Art. II.	Motorized Bicycle or Tricycle, §§ 5-4—5-11
Art. III.	Electric Bicycles, §§ 5-12—5-14
Art. IV.	Shared Mobility Devices, §§ 5-15—5-23

Article I. In General

Sec. 5-1.	Parking of bicycles.
Sec. 5-2.	Riding on sidewalks and pedestrian paths, and through underpasses; yielding the right of way and passing or overtaking.
Sec. 5-2.1.	Postal employees and law enforcement officers exempt from certain riding and parking provisions.
Sec. 5-3.	Enforcement.

Article II. Motorized Bicycle or Tricycle

Sec. 5-4.	Regulating motorized bicycle or tricycle; purpose and intent.
Sec. 5-5.	Definition.
Sec. 5-6.	Applicability of traffic laws.
Sec. 5-7.	Prohibited operation.
Sec. 5-8.	Helmet use requirement.
Sec. 5-9.	Nighttime use requirements.
Sec. 5-10.	Responsibilities of parents, guardians, and legal custodians.
Sec. 5-11.	Violation declared a civil traffic violation.

Article III. Electric Bicycles

Sec. 5-12.	Definition.
Sec. 5-13.	Applicability of traffic laws; specific rules for electric bicycles.
Sec. 5-14.	Violation declared a civil traffic violation.

Article IV. Shared Mobility Devices

Sec. 5-15.	Purpose and intent.
Sec. 5-16.	Definitions.
Sec. 5-17.	Shared mobility prohibition without permit.
Sec. 5-18.	Rules and regulations.
Sec. 5-19.	Violations and penalties.
Sec. 5-20.	Enforcement authority.
Sec. 5-21.	Jurisdiction of court.
Sec. 5-22.	Commencement of proceedings.
Sec. 5-23.	Appeal of court decision.

* **Cross reference**—Traffic regulations, ch. 20.

State law references—Traffic regulations applicable to bicycles, A.R.S. §§ 28-811—28-817; municipal authority to regulate bicycles, A.R.S. § 28-627(A)(8).

ARTICLE I. IN GENERAL***Sec. 5-1. Parking of bicycles.**

It shall be unlawful to park a bicycle upon any public sidewalk or street in a manner that substantially impedes pedestrian or vehicular traffic or obstructs access to public or private facilities.
(Ord. No. 7276, § 1, 9-11-89)

Sec. 5-2. Riding on sidewalks and pedestrian paths, and through underpasses; yielding the right of way and passing or overtaking.

(a) It shall be unlawful to ride a bicycle on any public sidewalks, or upon a designated pedestrian path in any public park, unless signs are posted specifically permitting bicycling.

(b) It shall be unlawful to ride a bicycle through any underpass when signs are posted prohibiting bicycling.

(c) A person riding a bicycle on a multi-use path, trail, or shared use path under the jurisdiction of the City of Tucson must yield the right-of-way to any pedestrian or horse and shall slow to ten (10) miles per hour and communicate to the pedestrian or equestrian rider before overtaking or passing.
(Ord. No. 7276, § 1, 9-11-89; Ord. No. 11582, § 1, 9-5-18)

Sec. 5-2.1. Postal employees and law enforcement officers exempt from certain riding and parking provisions.

The provisions of sections 5-1 and 5-2 shall not apply to U.S. Postal Service employees engaging in the collection or delivery of mail or to law enforcement officers while engaged in the performance of law enforcement duties. For purposes of this section, law enforcement officer shall include local traffic enforcement agents.
(Ord. No. 7276, § 1, 9-11-89; Ord. No. 9046, § 1, 4-20-98)

Sec. 5-3. Enforcement.

Any violation of a provision of this chapter shall be a civil infraction, unless otherwise specified, subject to the provisions of chapter 8 of this Code.

Violations of this chapter shall be deemed civil infractions subject to a sanction of twenty-five dollars (\$25.00).
(Ord. No. 7276, § 1, 9-11-89; Ord. No. 8958, § 1, 9-22-97)

ARTICLE II. MOTORIZED BICYCLE OR TRICYCLE**Sec. 5-4. Regulating motorized bicycle or tricycle; purpose and intent.**

The state has granted municipalities express authority to regulate or prohibit the operation of motorized gas-powered bicycles or tricycles. It is the purpose and intent of this article to provide for the regulation of motorized gas-powered bicycle or tricycle ("motorized bicycle or tricycle") to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of motorized bicycles or tricycles. The mayor and council find it is in the public interest to regulate the operation of motorized bicycles or tricycles by prohibiting their use on sidewalks, multi-use paths, shared use paths and pedestrian paths, and by imposing age restrictions and safety requirements for the riders of motorized bicycles or tricycles.
(Ord. No. 10321, § 1, 9-19-06; Ord. No. 11582, § 2, 9-5-18)

Sec. 5-5. Definition.

As used in this article "*motorized bicycle or tricycle*" means a gas-powered bicycle or tricycle that is equipped with a helper motor that has a maximum piston displacement of forty-eight (48) cubic centimeters or less, that may also be self-propelled and that is operated at speeds of less than twenty (20) miles per hour.
(Ord. No. 10321, § 1, 9-19-06; Ord. No. 11582, § 2, 9-5-18)

* **Editor's note**—Section 1 of Ord. No. 7276, adopted Sept. 11, 1989, repealed former art. I, §§ 5-1—5-6, derived from 1953 Code, ch. 7, §§ 1—6, and Ord. No. 5336, § 2, adopted Apr. 6, 1981, and added a new art. I, §§ 5-1—5-3.

Sec. 5-6. Applicability of traffic laws.

In the City of Tucson, a person riding a motorized bicycle or tricycle is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, except as otherwise provided herein.

Motorized bicycles or tricycles that are operated at speeds in excess of nineteen (19) miles per hour are regulated by state law and must comply with state law requirements. (Ord. No. 10321, § 1, 9-19-06; Ord. No. 11582, § 2, 9-5-18)

Sec. 5-7. Prohibited operation.

(a) It shall be unlawful for a person under sixteen (16) years of age to operate a motorized bicycle or tricycle.

(b) It shall be unlawful to operate a motorized bicycle or tricycle on any public sidewalk, multi-use path, and shared-use path or on any designated pedestrian path in any public park.

(c) It shall be unlawful to use a motorized bicycle or tricycle to carry more persons at one time than the number for which it is designed and equipped.

(d) It shall be unlawful to ride a motorized bicycle or tricycle through any underpass or at any other location where signs are posted prohibiting bicycling. (Ord. No. 10321, § 1, 9-19-06)

Sec. 5-8. Helmet use requirement.

No person under eighteen (18) years of age shall operate a motorized bicycle or tricycle or be a passenger on motorized bicycle or tricycle, ride in a restraining seat attached to a motorized bicycle or tricycle, or ride in a trailer towed by a motorized bicycle or tricycle unless the person is wearing a properly fitted and fastened bicycle helmet which meets the current standards of the American National Standards Institute for protective headgear. (Ord. No. 10321, § 1, 9-19-06)

Sec. 5-9. Nighttime use requirements.

A motorized bicycle or tricycle that is used at nighttime shall have a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and a red reflector in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear where the reflector is directly in front of the upper beams of head lamps on a motor vehicle. A motorized bicycle or tricycle may have a lamp that emits a red light visible from a distance of five hundred (500) feet to the rear in addition to the red reflector. (Ord. No. 10321, § 1, 9-19-06)

Sec. 5-10. Responsibilities of parents, guardians, and legal custodians.

(a) The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this article.

(b) If a fine is imposed upon a minor who is found to be in violation of this section, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the fine, whether or not the parents or guardian knew of, or anticipated, a violation of this section. (Ord. No. 10321, § 1, 9-19-06)

Sec. 5-11. Violation declared a civil traffic violation.

(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of one hundred dollars (\$100.00).

(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in Civil Traffic Violation Cases and applicable state and local law. (Ord. No. 10321, § 1, 9-19-06)

ARTICLE III. ELECTRIC BICYCLES

Sec. 5-12. Definition.

An "*electric bicycle*" is defined as a bicycle or tricycle equipped with fully operable pedals and an electric motor and that meets the requirements of one of the following classes:

(a) A "Class 1 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.

(b) A "Class 2 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle or tricycle reaches the speed of twenty (20) miles per hour.

(c) A "Class 3 electric bicycle" is a bicycle or tricycle that is equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle or tricycle reaches the speed of twenty-eight (28) miles per hour.
(Ord. No. 11582, § 3, 9-5-18)

Sec. 5-13. Applicability of traffic laws; specific rules for electric bicycles.

(a) In the City of Tucson, a person riding an electric bicycle is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, including Article I of this Chapter 5, except as otherwise provided herein.

(b) Electric bicycles are permitted on bicycle, shared and multiuse paths under the jurisdiction of the City of Tucson, in the same manner as any other bicycle and when operated at posted or regulated speeds, or under twenty (20) miles per hour, whichever is lower.

(c) No person under the age of sixteen (16) may operate an electric bicycle. A person under the age of sixteen (16) may ride as a passenger on an electric bicycle designed to accommodate passengers.

(d) All electric bicycles shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. Part 1512).

(e) All electric bicycles must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.
(Ord. No. 11582, § 3, 9-5-18)

Sec. 5-14. Violation declared a civil traffic violation.

(a) Violation of this article shall constitute a civil traffic violation punishable by a mandatory minimum fine of twenty-five dollars (\$25.00).

(b) All complaints for violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Court Procedure for Civil Traffic and Civil Boating Violations, as they may from time to time be amended or replaced.
(Ord. No. 11582, § 3, 9-5-18)

ARTICLE IV. SHARED MOBILITY DEVICES*

Sec. 5-15. Purpose and intent.

It is the purpose and intent of this article to provide for the regulation of bicycles, electric scooters and other "shared mobility devices" to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of shared mobility devices. The mayor and council find it is in the public interest to regulate the operation of shared mobility devices by prohibiting their use unless authorized and permitted by the director of the department of transportation and by imposing age restrictions and safety requirements for the users of shared mobility services.
(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-16. Definitions.

In this article, unless the context otherwise requires:

* **Editor's note**—Article IV, Shared Mobility Devices, shall expire and cease to be effective on September 5, 2019 unless extended by the mayor and council by separate ordinance.

(a) *Applicant* means an entity or person authorized to apply for a Mobility Share Permit.

(b) *Director* means the director of the department of transportation or the director's designee.

(c) *Electric scooter* means a self-propelled device that has an electric motor, a deck on which a person may ride, at least two (2) tandem wheels in contact with the ground and is designed to be operated in a standup mode.

(d) *Mobility share entity* means any person, corporate or otherwise, offering a shared mobility device for hire for use in the City of Tucson right of way (ROW), whether the use in the ROW is intended or not, pursuant to a Mobility Share Permit.

(e) *Mobility Share Permit* means a non-exclusive license to offer shared mobility devices for hire within the City of Tucson or a portion thereof.

(f) *Permittee* means any entity or person granted a Mobility Share Permit.

(g) *Shared mobility device* means any motorized or non-motorized wheeled device, including, but not limited to, an electric scooter:

- (1) offered for hire on a short-term use basis (typically for a half hour or less, or one (1) or two (2) trips);
- (2) designed for moving one (1) or more persons by means of human or electric power, or any combination thereof; and
- (3) not required to be returned to a specific origin point. This may include, but is not limited to, bicycles, electric bicycles, and electric scooters.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-17. Shared mobility prohibition without permit.

(a) It is unlawful for a mobility share entity to operate within the corporate limits of the City of Tucson unless they hold a valid Mobility Share Permit through a mobility share program authorized by the director.

(b) A mobility share entity operating pursuant to a valid Mobility Share Permit as described in paragraph (a) shall comply with all permit requirements and regulations promulgated by the director.

(c) The director is authorized to develop and adopt a mobility share pilot program with reasonable and necessary rules to carry out the purposes of this article. Such rules shall, at a minimum, address the following areas:

- (1) Minimum safety requirements;
- (2) Parking of shared mobility devices;
- (3) Operations and rebalancing;
- (4) Data sharing and privacy;
- (5) Fees;
- (6) Application requirements;
- (7) Indemnification, bond and insurance requirements.

(d) The director shall provide three (3) copies of the above rules to the city clerk for a public review. In addition, the rules shall be posted on a City website in a timely manner.

(e) The rules for the mobility share pilot program shall be effective only upon the approval of the mayor and council.
(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-18. Rules and regulations.

(a) Notwithstanding Tucson Code Chapter 20, Article I, Sec. 30(C)(1), an electric scooter, when operated as a shared mobility device as part of an authorized mobility share program, is granted all of the rights and is subject to all the duties applicable to a bicycle rider under state and local law, except as provided herein.

(b) It is unlawful for a person under the age of sixteen (16) to operate an electric scooter pursuant to this article.

(c) It is unlawful for a person under the age of eighteen (18) to operate an electric scooter pursuant to this article unless the person is wearing a properly fitted and fastened helmet which meets the current standards of the American National Standards Institute for protective headgear.
(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-19. Violations and penalties.

(a) The penalty for a violation of this article shall be as follows:

- (1) Any mobility share entity or an employee of a mobility share entity who commits, causes, permits, facilitates, or aids or abets any violation of, or who fails to perform any act or duty required by, this article is responsible for a civil infraction and is subject to a civil sanction of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00).
- (2) Any user of a shared mobility device who commits a violation of, or who fails to perform any act or duty required by, this article is responsible for a civil traffic violation punishable by a mandatory minimum fine of twenty-five dollars (\$25.00).
- (3) Each day any violation of any provision of this article or the failure to perform any act or duty required by this article exists shall constitute a separate violation or offense.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-20. Enforcement authority.

(a) Any law enforcement officer or any other employee of the city with the authority to issue civil infraction or civil traffic citations may enforce the provisions of this article. This section is not intended to create or expand the authority of any department to perform acts that are otherwise prohibited by law.

(b) Any shared mobility device operated in violation of this article may be seized and impounded under the direction of the police department. Upon impound, TDOT shall cause the mobility share entity having ownership of the shared mobility device, if known, to be notified in writing of the removal, the reason therefor, and the place to which the shared mobility device is removed to, within a period of three (3) days of the impound date. If the mobility share entity is not known or not readily ascertainable, TDOT shall make available to the public a written report of the complete description of the shared mobility device, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the shared mobility device is stored. The shared mobility device may be recovered upon compliance with this article and payment of all costs of removal, storage and any assessments provided for pursuant to the applicable mobility share program rules, provided this is done within sixty (60) days following date of impoundment. The city, upon order of the city magistrate, may dispose of or destroy any shared mobility device not claimed nor made to comply with the provisions of this article within a period of sixty (60) days.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-21. Jurisdiction of court.

(a) Jurisdiction of all proceedings to enforce the provisions of this chapter shall be in the city court of the city.

(b) Civil infraction proceedings to enforce this chapter may be adjudicated by a magistrate or a special limited magistrate.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-22. Commencement of proceedings.

(a) Any civil infraction proceedings to enforce the provisions of this chapter shall be commenced and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, city ordinance, or as provided in the Local Rules of Practice and Procedure - City Court - City of Tucson. If the city is unable to personally serve the complaint, the complaint may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure or by certified or registered mail, return receipt requested.

(b) All complaints for civil traffic violations of this article shall be issued and adjudicated in accordance with the Arizona Rules of Procedure in Civil Traffic Violation Cases and applicable state and local law.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 5-23. Appeal of court decision.

Any party may appeal the judgment of city court to the superior court. Appeals from civil infraction proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure - Civil.

(Ord. No. 11583, § 2, 9-5-18)

Sec. 19-54. Vending machines license fees.

(a) Before being granted a distributor’s license, each applicant therefor shall pay an annual license tax which is hereby imposed in the amount of one hundred fifty dollars (\$150.00) for licenses issued prior to April 1; one hundred twelve dollars and fifty cents (\$112.50) for licenses issued after March 31 and prior to July 1; seventy-five dollars (\$75.00) for licenses issued after June 30 and prior to October 1; and thirty-seven dollars and fifty cents (\$37.50) for licenses issued after September 30 of each calendar year. All distributors’ licenses will expire on December 31 of each calendar year. In addition, there shall be paid an annual tax of six dollars (\$6.00) per machine operating or operated in the city, listed in the application. For each machine placed in operation by a new licensee and for each additional machine placed in operation by existing licensees on and after July 1 of each calendar year, the six dollars (\$6.00) tax shall be reduced to three dollars (\$3.00) for the calendar year remainder.

(b) Each owner-operator shall pay a six dollar (\$6.00) annual registration tax for each machine placed in operation prior to July 1 of each year and a three dollar (\$3.00) proportional registration tax for each machine placed in operation on or after that date. All machine registrations shall expire on December 31 of each year and must be renewed annually. (Ord. No. 7885, § 2, 8-3-92)

Sec. 19-55. Business privilege license tax.

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

Secs. 19-56 – 19-65. Reserved.

DIVISION 5. TAX ON HOTELS RENTING TO TRANSIENTS*

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

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

(b) *Variable dollar amount surtax.* In addition to the measure of tax established in subsection (a), there is imposed upon every person who operates or causes to be operated a hotel within the city an additional amount of tax at the rate of four dollars (\$4.00) and, effective August 1, 2018, upon every person who operates or causes to be operated a recreational vehicle park within the city an additional amount of tax at the rate of zero dollars (\$0.00) for each twenty-four (24) hour period or fraction thereof that each occupancy is rented. The amount of such additional tax shall be separately identified in the reports required by the rules and regulations for administration of the transient rental tax to be made by the taxpayer to the city and on the books and records of the taxpayer. The administrative rules and regulations aforementioned shall apply to this additional tax unless in conflict with this paragraph (b).

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

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

- (1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, Arizona, or any other state or a political subdivision of this state or of any other state in a privately operated prison, jail, or detention facility;
- (2) Gross proceeds of sales or gross income that is properly included in another business activity under chapter 19, article II and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity;
- (3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this division;
- (4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under sections 19-410 or 19-475 due to an exclusion, exemption, or deduction;
- (5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel; however, such commissions may be subject to tax under sections 19-445 or 19-450 as rental, leasing, or licensing for use of real or tangible personal property; or
- (6) Income from providing telephone, fax, or internet services to customers at an additional charge that is separately stated to the customer and is separately maintained in the hotel's books and records; however, such gross proceeds of sales or gross income may be subject to tax under section 19-470 as telecommunication services.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9838, § 1, 5-5-03; Ord. No. 10360, § 3, 12-19-06, eff. 1-1-07; Ord.

No. 10685, § 4, 6-16-09, eff. 7-1-09; Ord. No. 11369, § 1, 6-7-16, eff. 7-1-16; Ord. No. 11472, § 1, 6-20-17, eff. 9-1-17; Ord. No. 11550, § 1, 5-22-18, eff. 8-1-18)

Sec. 19-67. Registration.

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

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

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

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

- (1) *Cash basis.* When a person elects to report and pay taxes on a cash basis, rent for the reporting period shall include:
 - (A) The total amounts received on "paid in full" transactions, against which are allowed all applicable deductions and exclusions; and
 - (B) All amounts received on accounts receivable, conditional sales contract, or other similar transactions against which no deductions and no exclusions from rent are allowed.

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11464 (Contd.)			10-53.3 10-53.4 10-53.5 10-53.7
11469	6-20-17 (eff. 7-1-17)	1	22-90
11471	6-20-17	1	23A-90, 23A-91
11472	6-20-17 (eff. 9-1-17)	1	19-1, 19-66
11478	8-8-17 (eff. 9-7-17)	1	6-34
11479	8-8-17	1	19-410, 19-415–19-417, 19-425, 19-427, 19-430, 19-435, 19-445, 19-450, 19-455, 19-460, 19-470, 19-475, 19-480, 19-610
11483	8-8-17 (eff. 9-1-17)	1	22-90
11485	8-8-17	1	Ch. 19, Art. II 21-51
11488	9-6-17	1 2	Rpld 2-142 Ch. 2, Art. IX, title
11492	9-19-17 (eff. 10-1-17)	1	19-53
11496	10-24-17	3 4	Rpld Ch. 10A, Art. X, XX Added Ch. 10A, Art. XX
11498	10-24-17	1	20-255
11508	12-5-17	2 (eff. 2-1-18) 9 (eff. 2-1-18) 10 (eff. 1-4-18) 11 (eff. 1-4-18)	Rpld Ch. 3 Ch. 2 (note) 10A-134 11B-3
11509	12-19-17	2	Rpld 10A-200–10A-204
11511	12-19-17	1	10-31
11512	12-19-17	1 2	Rpld 9-1–9-3 Added 9-1–9-3
11513	12-19-17	1	20-210
11515	12-19-17	1	22-37
11518	1-23-18 (eff. 2-1-18)	1 2	19-410, 19-415–19-417, 19-425, 19-427, 19-430, 19-435, 19-445, 19-450, 19-455, 19-460, 19-470, 19-475, 19-480, 19-610 Added Ch. 21, Art. V
11519	1-23-18	1	15-32.4
11520	1-23-18	1 (eff. 2-1-18)	20-160
11524	2-6-18	1	12A-1–12A-8
11525	2-21-18	1 2	Rpld 12-1–12-191 Added 12-1–12-191
11527	2-21-18	1, 2	20-140 (note)
11528	2-21-18	1, 2	20-141 (note)
11529	2-21-18	1 (eff. 7-1-18)	22-34
11534	3-20-18	1	Added 22-97
11535	3-20-18	1	10-31
11537	4-3-18	2	10A-87 - 10A-93, 10A-95
11542	4-17-18	1	10-31
11544	5-8-18	1	10A-26
11550	5-22-18 (eff. 8-1-18)	1	19-66
11551	5-22-18	1	27-32.1, 27-33, 27-34
11556	6-5-18	1	13-3

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			10-34.1
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		2	Added 5-15-5-23

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