

TUCSON, ARIZONA
Supp. No. 125 – 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 January 7, 2020. 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. 125”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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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.

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Sec. 7-451. License required.
Sec. 7-452. Types of licenses; reciprocity.
Sec. 7-453. Alarm business license applications; contents.
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Sec. 7-457. Renewal of license.
Sec. 7-458. Issuance; grounds for denial; petition for review.
Sec. 7-459. Suspension or revocation; grounds.
Sec. 7-460. Suspension or revocation procedure; hearing.
Sec. 7-461. Suspension or revocation; notice to reciprocal licensers.
Sec. 7-462. Application after denial, suspension or revocation of license.
Sec. 7-463. Termination and cancellation of license; notice.
Sec. 7-464. Violation.

Division 2. Alarm User Registration and Fees

Sec. 7-465. Alarm administration.
Sec. 7-466. Alarm business duties.
Sec. 7-467. Alarm user's and proprietor alarm owner duties.
Sec. 7-468. Activation for unauthorized purposes.

However, with respect to exception (a), the chief of police may require such modifications (including but not necessarily limited to repositioning or reduction in size) as do not conflict with such federal, state or local provision(s) and will minimize the negative effect of the sign or notice on an observer's view into the establishment. With respect to exception (b), if the chief of police finds that the size or placement of any particular sign or notice unreasonably obstructs or otherwise affects an observer's view into the establishment, the chief of police may order that the sign or notice be repositioned, reduced in size, or otherwise modified, or may order its removal.

- (2) All doors through which the late night retail establishment normally grants the public access shall be equipped with height markers showing feet and half-feet measured from the floor.
- (3) The owner or operator of the late night retail establishment shall provide and operate an employee safety and crime prevention training program for its employees.

All employees of the late night retail establishment who enter into employment subsequent to the ninetieth day from the date of enactment of this article shall, within thirty (30) days of entering into employment, complete the training program. All employees of the late night retail establishment who have entered into employment prior to or on the ninetieth day from the date of enactment of this article shall complete the training program within one hundred eighty (180) days from the date of enactment of this article; provided that, where a late night retail establishment has provided an employee with safety and crime prevention training within one (1) year prior to the date of enactment of this article, as demonstrated by written records, the late night retail establishment shall not be required to repeat the training for that employee.

- (4) The late night retail establishment shall be equipped with a minimum of one (1) properly installed, positioned, operated and maintained security camera, which shall be capable, under the normal lighting and operating conditions at the particular establishment, of recording and reproducing a color photographic image of persons at or near the cash register of sufficient clarity and recognizability for suspect identification and for introduction in evidence at a criminal trial or hearing, notwithstanding any enlargement or other necessary technical processing of the original image.

If a still camera is used, it shall, in addition to meeting the preceding requirements, be capable of being tripped from the cash register or by other electronic means and thereafter recording a series of images, and, unless otherwise specifically approved by the chief of police, shall be appropriately concealed.

Late night retail establishments shall modify their cash register layout and display racks, and modify, reduce or supplement their counter or overhead indoor lighting, as necessary to meet the requirements of this paragraph.

The chief of police is authorized to and shall promulgate rules and regulations for the implementation of this paragraph, including but not limited to technical specifications for security cameras, their film or videotape, their necessary ancillary equipment and accessories, and their maintenance and operation.

No late night retail establishment shall be in compliance with this article unless its security camera system also conforms to such rules and regulations.

(Ord. No. 8066, § 1, 6-14-93)

Sec. 7-412. Required exterior lighting; deadline for compliance.

(a) All late night retail establishments operating within the city limits of the City of Tucson shall, under appropriate permit from and inspection by the department of development services, install, and thereafter operate from one-half (½) hour before sunset to one-half (½) hour after sunrise, exterior lighting that is in conformity with the following:

- (1) All applicable City Codes, including the “Tucson/Pima County Outdoor Lighting Code, 1987 Edition”, as adopted in Ordinance No. 6786, or any successor provision(s); and
- (2) The Illuminating Engineering Society of North America’s recommendations for Maintained Horizontal Illuminances for the General Parking and Pedestrian Area of Open Parking Facilities with a Medium Level of Activity, as specified in the IES Lighting Handbook, Applications Volume (1987) or any successor provision(s).

(b) The exterior lighting required under subsection A shall, at a minimum, be provided to any outside area that lies either within a 50-foot perimeter around the late night retail establishment, or within the property line of the premises owned or leased by the late night retail establishment, whichever is less.

(c) All late night retail establishments shall have exterior lighting that is in compliance with this section not later than eighteen (18) months from the date of enactment of this article.

(Ord. No. 8066, § 1, 6-14-93)

Sec. 7-413. Non-compliance unlawful; two or more violations good cause for revocation of occupational license.

It shall be unlawful for any late night retail establishment to fail to comply with the requirements of this article. In addition to any other civil or criminal penalty under Arizona law or this Code, two (2) or more violations of the requirements of this article shall constitute good cause for revocation of the late night retail establishment’s occupational license pursuant to section 19-19 of the Tucson Code.

(Ord. No. 8066, § 1, 6-14-93)

Sec. 7-414. Promulgation of regulations.

The chief of police and the director of development services are authorized to and shall promulgate all necessary rules and regulations for the implementation of this article.

(Ord. No. 8066, § 1, 6-14-93)

Secs. 7-415 – 7-424. Reserved.

ARTICLE XVIII. GENERAL PROVISIONS

Sec. 7-425. Fingerprinting procedures.

(a) Each applicant for a license identified in this section that is issued by the city shall provide to the chief of police fingerprint identification. The chief of police shall, pursuant to A.R.S. Section 41-1750 and Public Law 92-184, Section 902, forward those fingerprints accompanied by the appropriate fees, which will be paid by the applicant, to the state department of public safety and the Federal Bureau of Investigation for the purpose of seeking criminal history information on such applicants. Such information shall be used only for the purpose of evaluating the fitness of the applicants applying for the following types of licenses:

- (1) Adult entertainment employee
- (2) Adult entertainment enterprise
- (3) Escort
- (4) Escort bureau
- (5) Fortuneteller
- (6) Massage establishment
- (7) Massage therapist
- (8) Spirituous liquor
- (9) Youth dance hall

(b) The city shall comply with any relevant state and federal rules and regulations that may relate to the dissemination of such criminal history information.

(Ord. No. 8131, § 1, 7-425)

ARTICLE XIX. TOBACCO RETAIL ESTABLISHMENTS

Sec. 7-426. Purpose and intent.

It is the purpose and intent of this article to provide for the regulation of tobacco retail sales, as defined in this article, in order to prevent the illegal sale of cigarettes, e-cigarettes and other tobacco and nicotine-containing products to minors and young adults under the age of twenty-one (21).

The vast majority of smokers begin smoking in their teens or pre-teens. The health hazards posed by cigarettes and other tobacco products are well documented. Recent studies show that youth use of electronic smoking devices such as e-cigarettes continues to increase and is higher than other forms of tobacco use, which has stymied previous progress in reducing the overall tobacco use rate for youth.

Arizona Revised Statutes prohibit selling, giving or furnishing tobacco products to minors and prohibit minors from buying, accepting or receiving tobacco products. However, the present legislative scheme of prohibiting tobacco sales and distribution to minors, defined therein as persons under eighteen (18) years of age, has proven ineffective in preventing tobacco sales and distribution to minors and preventing minors from buying and obtaining tobacco products.

Licensing of retailers to sell tobacco to adults has been shown in several jurisdictions to prevent tobacco sales to minors when the license is issued under the condition that the licensee will not sell tobacco products to minors. In addition, retail tobacco licensing laws have been shown in several jurisdictions to prevent tobacco product sales to minors when the prohibition against tobacco sales to minors is actively enforced to ensure compliance, and when violators face criminal and/or civil penalties as well as license suspension and revocation for violating the prohibition against selling tobacco products to minors. Licensing tobacco retailers and establishing a minimum sales age of twenty-one (21) will therefore promote the health, safety and welfare of the residents of Tucson under twenty-one (21) years of age.

Therefore, the mayor and council find it in the public interest to license tobacco retailers as provided in this article as a reasonable, proven method of preventing sales of tobacco products to minors and young adults under the age of twenty-one (21). The mayor and council further find it is within its police powers and other express Charter authority to prevent disease and protect health and safety to implement and enforce the provisions of this ordinance.
(Ord. No. 11703, § 2, 10-22-19)

Sec. 7-427. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section unless in context it appears that a different meaning is intended:

Department means any department of the City of Tucson that the city manager designates as responsible for the administration and/or enforcement of this article, including, but not limited to, the City of Tucson business services department.

Electronic smoking device means a device that can be used to deliver aerosolized or vaporized nicotine to a person who inhales from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah, and any component, part, or accessory of such a device, whether or not sold separately.

License means a license required for operating a tobacco retail establishment under section 7-428(A) of this code.

Tobacco product means:

(1) any product made or derived from tobacco or that contains nicotine and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including cigarettes, cigars, pipe tobacco, chewing tobacco, shisha, snuff, snus, and liquid nicotine solution; and

(2) any component, accessory, instrument, or paraphernalia that is used in the consumption of a tobacco product or that is solely designed for the smoking or ingesting of tobacco or shisha, including a hookah, water pipe, filter, rolling papers, pipe, or electronic smoking device; except that:

(3) the term "tobacco product" does not include drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Tobacco retail establishment means any place of business where tobacco products are available for sale directly to consumers. The term includes, but is not limited to grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, and other businesses where tobacco products are sold directly to customers.

Tobacco retailer means any person, partnership, joint venture, society, club, trustee, trust, organization, association, or corporation who owns, operates, or manages any tobacco retail establishment. Tobacco retailer does not mean the non-management employees of any tobacco retail establishment.
(Ord. No. 11703, § 2, 10-22-19)

Sec. 7-428. Tobacco retailing - Generally.

(a) No person may sell, furnish, give, or provide tobacco products directly to consumers within the City of Tucson except on the premises of a tobacco retail establishment with a valid license.

(b) It is the responsibility of the tobacco retailer to be informed of all laws applicable to tobacco retailing, including those laws affecting the issuance of a license, and to provide appropriate training to any persons who interact with customers on its premises. The issuance of a license is not a determination by the City of Tucson or the Department that the tobacco retail establishment or tobacco retailer has complied with any laws applicable to tobacco retailing.

(c) During any period that a tobacco retail establishment lacks a valid license, that tobacco retail establishment and its tobacco retailer must:

(1) Not sell, furnish, give, or provide any tobacco product to consumers at that tobacco retail establishment.

(2) Remove all tobacco products from the relevant tobacco retail establishment's retail area.

(3) Remove the license from public view.

(4) Display signage, provided by the department, in a conspicuous manner visible to the general public and within a five (5) foot radius of any tobacco product point of sale area, indicating that the tobacco retailer does not possess a current license to sell tobacco products. If multiple tobacco product point of sale areas exist in a single tobacco retail establishment, such signage must be displayed in each area.

(5) Remove all tobacco advertising that is not permanently affixed to the tobacco retail establishment's structure.

(d) It is a violation of this chapter for any employee of a tobacco retail establishment or for any tobacco retailer on its premises to violate any local or state law applicable to tobacco products or tobacco retailing.

(e) License application, procedure and fees; annual renewal.

(1) Any person, desiring to obtain a tobacco retail license shall apply to the department. An application for a tobacco retail license shall be filed no later than ninety (90) days from the effective date of this subsection.

(2) The applicant for an annual tobacco retail license shall pay an annual license fee of three hundred dollars (\$300.00). All tobacco retail licenses shall expire on December 31 of each calendar year and must be renewed annually. Annual license fees shall only be valid for the location specified in the license application, a separate license being required for each location at which tobacco products are sold.

(3) The application fee and license required by this article shall be in addition to any business license and fee which may be required by chapter 19 of the Tucson Code. The granting of a license under this section shall not be deemed evidence or proof that the licensee has complied with the requirements and provisions of chapter 19 of the Tucson Code.
(Ord. No. 11703, § 2, 10-22-19; Ord. No. 11720, § 1, 1-7-20)

Sec. 7-429. Accessibility of tobacco products.

(a) All tobacco products at any tobacco retail establishment to which persons under twenty-one (21) years old are permitted entry must be maintained:

(1) Behind a counter in an area accessible only to employees of the tobacco retail establishment; or

(2) In a locked container accessible only to employees of the tobacco retail establishment; or

(3) Otherwise out of physical reach of any consumer and only accessible to employees of the tobacco retail establishment.
(Ord. No. 11703, § 2, 10-22-19)

Sec. 7-430. Minimum legal sales age for tobacco products.

(a) A tobacco retailer and/or any employee at a tobacco retail establishment shall not sell, furnish, give, or provide any tobacco product to any person under the age of twenty-one (21).

(b) Before selling, furnishing, giving, or providing a tobacco product to any person who appears to be under the age of thirty (30), a tobacco retailer or any employee at a tobacco retail establishment must examine an approved form of identification and verify that the person is at least twenty-one (21) years of age.

(c) For the purposes of this section, the following forms of identification, if valid, unexpired, and including a picture of the person and the person's date of birth, are approved for age verification:

- (1) A driver license or nonoperating identification card issued by any state or territory of the United States or Canada;
 - (2) A United States Armed Forces identification card;
 - (3) A passport;
 - (4) A resident alien card.
- (Ord. No. 11703, § 2, 10-22-19)

Sec. 7-431. Signage.

(a) A tobacco retail establishment must post a clearly visible sign stating "No tobacco products or electronic smoking devices will be sold to persons under the age of twenty-one (21) at every location where such products are available for purchase. The tobacco retailer for the tobacco retail establishment is responsible for compliance with this requirement.

(b) The City of Tucson will provide signs at the time of the license approval or renewal, or upon request.

(c) Signs must be no smaller than 4 inches by 6 inches, and include the appropriate department website and phone number.

(d) Failure to comply with this section is a violation under section 7-432 only after the tobacco retail establishment or its tobacco retailer has failed to correct any deficiency at the department's request. (Ord. No. 11703, § 2, 10-22-19)

Sec. 7-432. Violation—Penalty.

(a) In addition to any other penalties provided under this article, any person found responsible under this article shall be guilty of a civil infraction and punished in accordance with the mandatory penalties prescribed in minor section 1-8(2) and under the procedures outlined in chapter 8 of this City Code.

(b) If any court of competent jurisdiction determines, or the department finds, that a tobacco retail establishment with a license, or its tobacco retailer or any of its agents or employees, has violated a local, state, or federal law regulating tobacco sales or does not comply with this article, the following penalties also apply:

(1) For a first violation at a tobacco retail establishment, the court or the department will issue the tobacco retailer a fine of five hundred dollars (\$500).

(2) For a second violation at a tobacco retail establishment within thirty-six (36) months of the first violation, the court or the department will assess a fine of seven hundred fifty dollars (\$750) and the tobacco retail establishment's license shall be suspended for a period of seven (7) days, during which time the tobacco retail establishment shall be prohibited from distributing tobacco products.

(3) For a third violation at a tobacco retail establishment within thirty-six (36) months of the first violation, the court or the department will assess a fine of one thousand dollars (\$1000) and the tobacco retail establishment's license shall be suspended for a period of thirty (30) days, during which time the tobacco retail establishment shall be prohibited from distributing tobacco products.

(4) For a fourth violation at a tobacco retail establishment within thirty-six (36) months of the first violation, the court or the department will assess a fine of one thousand dollars (\$1000) and revoke the license for that tobacco retail establishment. The tobacco retail

establishment may not apply for a new license within twelve (12) months following the revocation pursuant to this subsection.

(5) Any such tobacco retail establishment or its tobacco retailer found in violation will also be charged a two hundred dollar (\$200) fee for a re-inspection that the department may conduct within three (3) months of the violation.

(c) If any court of competent jurisdiction determines, or the department finds, that a tobacco retail establishment operating without a valid license, or its tobacco retailer or any of its agents or employees, has violated a local or state law regulating tobacco sales or does not comply with this chapter, the following penalties also apply:

(1) For the first violation within a thirty-six (36) month period, the court or the department will assess a fine of one thousand dollars (\$1000).

(2) For a second violation within a thirty-six (36) month period, the court or the department will assess a fine of one thousand five hundred dollars (\$1500). The tobacco retail establishment will be ineligible to apply for a license for six (6) months.

(3) For each additional violation within a thirty-six (36) month period, the court or the department will assess a fine of two thousand five hundred dollar (\$2500) and the tobacco retail establishment may not apply for a license for thirty-six (36) months.

(4) Any tobacco retail establishment operating without a valid license must also comply with section 7-428 of this chapter.

(d) Multiple violations of this article, or of any other local or state law applicable to tobacco products or tobacco retailing, identified during a single inspection are counted as a single violation with respect to penalties imposed under this article.

(e) All applicable fees must be paid before a license is issued or renewed.

(f) A tobacco retail establishment or its tobacco retailer or any of its employees or agents may appeal the penalties imposed by a court of competent jurisdiction as otherwise provided under Arizona law. A department-issued suspension of a license for a

tobacco retail establishment is subject to section 7-434 below.

(Ord. 11703, § 2, 10-22-19)

Sec. 7-433. Applicability of other laws.

The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity. Nothing in this chapter prohibits the prosecution of criminal offenses under any applicable law. The department may enforce this chapter in a civil action, including administrative or judicial proceedings, civil code enforcement proceedings, and suits for injunctive relief.

(Ord. 11703, § 2, 10-22-19)

Sec. 7-434. Hearing upon suspension or revocation by the department.

(a) The director of the department, upon notification that grounds for suspension or revocation of a tobacco retail establishment's license by the department exist, shall file a written petition for suspension or revocation with the city court, requesting that time and place be set for a hearing and specifying the grounds for suspension or revocation per this article. Within five (5) days a magistrate, special magistrate or limited special magistrate shall schedule a hearing to be conducted within fifteen (15) days of the receipt of the petition to suspend or revoke. The magistrate, special magistrate or limited special magistrate shall notify the parties in the manner provided in this article and shall state the grounds relied upon for the proposed suspension or revocation. Should the licensee fail to appear at the hearing, a default judgment of suspension or revocation shall be entered. A record shall be kept of all proceedings. No license shall be suspended or revoked unless grounds therefor are established by a preponderance of the evidence. The hearing shall be held in an informal manner as to the order of proceeding and presentation of evidence. The Arizona Rules of Evidence shall not apply. Any evidence offered shall be admitted subject to a determination by the magistrate, special magistrate, or limited special magistrate that the offered evidence is relevant and material and has some probative value as to a fact at issue. The magistrate, special magistrate or limited special magistrate shall provide the licensee and other parties written notice of the decision within five (5) days, pursuant to subsection (b) of this section. Suspension or revocation of a license shall be effected by the magistrate, special magistrate or limited special

magistrate's signing of the written notice of the decision. A licensee's right to sell tobacco products under authority of the license shall terminate immediately upon giving or mailing to the licensee a copy of the signed decision suspending or revoking the license; except that the suspension or revocation may be stayed by the superior court pending a timely appeal of the decision by special action. Such appeal must be filed within ten (10) days after the decision to suspend or revoke is signed unless the decision is mailed, in which case the appeal must be filed no later than fifteen (15) days after entry of the decision. The appellee shall bear the cost of preparing the record of appeal. If an appeal is not timely made, the suspension or revocation becomes final.

(b) Notices required by this section shall be served by certified mail to the licensee's attorney or to the licensee at the address as shown on the tobacco retail license, or by personal service.
(Ord. No. 11703, § 2, 10-22-19)

Secs. 7-435—7-439. Reserved.

ARTICLE XX. HOTELS*

Sec. 7-440. Definitions.

(a) *Rent or subrent* means the act of permitting a room to be occupied in exchange for any form of consideration.

(b) *Hotel* is defined in Tucson Code Section 19-1.
(Ord. No. 9240, § 1, 6-21-99)

Sec. 7-441. Guest register required; guest identification required.

(a) It shall be unlawful for any owner, operator, employee or person in control of any hotel to rent, subrent, or otherwise furnish accommodations therein to any person without first requiring the person requesting the accommodations to exhibit a written instrument of identification. The following written instruments are the only acceptable types of identification:

- (1) An unexpired drivers license issued by any state of the United States or Canada, provided such license includes a picture of the licensee;
- (2) A non-operating identification license issued pursuant to A.R.S. Section 28-3165;
- (3) An armed forces identification card;
- (4) A valid unexpired passport or border crossing identification card which is issued by a government; or
- (5) A voter card issued by the government of Mexico and which contains a photograph of the person and the date of birth.

(b) It shall be unlawful for any owner, operator, employee, or person in control of any hotel to rent, subrent, or otherwise furnish accommodations therein to any person without first entering in a register the following information:

- (1) The name and address of each guest furnished with accommodations;
- (2) The correct date and time of day that the accommodations were rented, subrented, or otherwise furnished to the guest;
- (3) The room number or other specific description of the accommodations which were furnished to the guest;
- (4) The signature of the guest to whom the accommodations were furnished; and
- (5) The type of written instrument of identification presented by the guest to verify his/her name and address, and the number of the identification. A photocopy of the instrument of identification is sufficient to satisfy this requirement.

Such register shall be made available for the inspection of any peace officer at all times upon request.
(Ord. No. 9240, § 1, 6-21-99)

Sec. 7-442. Limitation on consecutive rentals.

If any owner, operator, employee, or person in control of any hotel rents, subrents, or otherwise

* **Editor's note**—It should be noted that the provisions of this article shall become effective September 30, 1999.

Chapter 10

CIVIL SERVICE – HUMAN RESOURCES*

Art. I.	In General, §§ 10-1 – 10-30
Art. II.	Compensation Plan, §§ 10-31 – 10-53.7
Art. III.	Reserved, § 10-54

Article I. In General

Sec. 10-1.	Short title.
Sec. 10-2.	General purpose.
Sec. 10-3.	Definitions.
Sec. 10-4.	Officers, employees in classified service; exceptions.
Sec. 10-5.	Reserved.
Sec. 10-6.	Adoption, construction of classification plan.
Sec. 10-7.	Job evaluation grades.
Sec. 10-8.	Procedures for classification review.
Sec. 10-9.	Allocation of positions to appropriate classes.
Sec. 10-10.	Changes in classification.
Sec. 10-11.	Use of class titles.
Sec. 10-12.	Commission rules authorized.
Sec. 10-13.	Payrolls to be certified.
Sec. 10-14.	Recovery of money improperly paid out.
Sec. 10-15.	Retirement ages.
Sec. 10-16.	Officers and employees to comply with, carry out civil service provisions.
Sec. 10-17.	Commission to cooperate with other governmental and private agencies.
Sec. 10-18.	Discrimination prohibited; political activities.
Sec. 10-19.	Unlawful acts.
Sec. 10-20.	Commission's authority to investigate.
Sec. 10-21.	Power to administer oaths, require production of evidence, subpoena witnesses.
Sec. 10-22.	Salaries of civil service commissioners.
Secs. 10-23 – 10-30.	Reserved.

Article II. Compensation Plan

Sec. 10-31.	Establishment and adoption of compensation plan; payment of employees.
Sec. 10-32.	Administration of plan.
Sec. 10-33.	Language communication compensation.
Sec. 10-33.1.	Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish.
Sec. 10-34.	Incentive pay for fire prevention inspectors.
Sec. 10-34.1.	Assignment and incentive pay for maintaining paramedic certification and working as paramedics.
Sec. 10-35.	Fire battalion chief call back shift pay.
Sec. 10-36.	Probationary periods.
Sec. 10-37.	Reallocation.
Sec. 10-37.1.	Reserved.
Sec. 10-37.2.	Reserved.
Sec. 10-38.	Movement within salary ranges.
Sec. 10-39.	Increases for exceptionally meritorious service.

***Editor's note** – The editor added “Human Resources” to the title in order to more accurately reflect the contents of the chapter as expressed in § 10-1.

Charter references – Civil service generally, ch. XXII; department of human resources, ch. XXX.

Cross reference – Civil service statutes of reserve police officers, § 2-122(a).

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- Secs. 10-40 – 10-44. Reserved.
- Sec. 10-45. Computation of hourly rates.
- Sec. 10-46. Part-time employees to be paid by the hour.
- Sec. 10-47. Recruiting referral compensation for commissioned personnel.
- Sec. 10-48. Supplement to military pay.
- 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.
- Sec. 10-50. Reserved.
- Sec. 10-51. Basic working hours; alternate work schedules for city employees are authorized subject to city manager approval.
- Sec. 10-52. Longevity compensation plan.
- Sec. 10-53. Pipeline protection program; compensation.
- Sec. 10-53.1. Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance.
- Sec. 10-53.2. Maintenance management program, assignment and incentive pay compensation.
- Sec. 10-53.3. Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain.
- Sec. 10-53.4. Additional compensation for certain public safety command staff.
- Sec. 10-53.5. Honor guard assignment pay for fire commissioned personnel.
- Sec. 10-53.6. Reserved.
- Sec. 10-53.7. Certified crane operator assignment and incentive pay program.
- Sec. 10-53.8. Certified compressed natural gas inspector assignment and incentive pay program.
- Sec. 10-53.9. Tool enhancement allowance.

Article III. Reserved

- Sec. 10-54. Reserved.

implemented for all classified and unclassified employees, effective June 25, 2017. Ord. No. 11558, § 2, adopted June 5, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11611, § 3, adopted December 18, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11659, § 2, adopted June 18, 2019, ratified, reaffirmed, and reenacted this section for Fiscal Year 2020. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 23, 2018.

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

Commissioned fire guard personnel assigned to the Tucson Fire Department Honor Guard by the fire chief shall receive twenty-five dollars and thirty cents (\$25.30) per pay period in addition to compensation provided by the Annual Compensation Plan Schedules. (Ord. No. 10289, § 6, 6-27-06; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 2, 6-17-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014. Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017. Ord. No. 11558, § 2, adopted June 5, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11611, § 3, adopted December 18, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11659, § 2, adopted June 18, 2019, ratified, reaffirmed, and reenacted this section for Fiscal Year 2020. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 23, 2018.

Sec. 10-53.6. Reserved.

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

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

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

(b) Telescopic boom crane operation work assignments are temporary and at the discretion of the director of the water department; assignment to and removal from (TSS) (BTF) crane operation is not appealable to the city civil service commission.

(c) The director of human resources is responsible for the administration of certified crane operator and assignment compensation, including, but not limited to, fixing competency and proficiency standards and setting criteria to be utilized by the water department director when making a certified crane operator assignment. (Ord. No. 11240, § 1, 2-4-15; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16)

Editor's note – Ord. No. 11273, § 2, adopted June 9, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016. Ord. No. 11464, § 2, adopted June 6, 2017, ratified, reaffirmed, and reenacted this section for Fiscal Year 2018. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 25, 2017. Ord. No. 11558, § 2, adopted June 5, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11611, § 3, adopted December 18, 2018, ratified, reaffirmed, and reenacted this section for Fiscal Year 2019. Ord. No. 11659, § 2, adopted June 18, 2019, ratified, reaffirmed, and reenacted this section for Fiscal Year 2020. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 23, 2018.

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

(a) In addition to the compensation authorized by section 10-31, compensation in the amount of seventy-

six dollars and ninety-two cents (\$76.92) per pay period shall be paid to general services department employees certified as Compressed Natural Gas (CNG) Inspectors, accepted in the CNG Inspection program, and assigned to perform CNG inspections.

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

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

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

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

Sec. 10-53.9. Tool enhancement allowance.

(a) In addition to the compensation authorized by section 10-31, eligible fleet services employees in the environmental general services department, who are required to purchase tools, shall receive compensation in the amount of three hundred dollars (\$300.00) per year.

(b) The director of human resources is responsible for the administration of the tool enhancement allowance including, but not limited to, establishing eligibility criteria and designation of positions.

(Ord. No. 11709, § 1, 11-6-19, eff. 10-17-19)

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.

regulation" without a specific regulatory exemption does not render a product exempt under this section. (Ord. No. 11460, § 2, 5-23-17)

Secs. 11-74 – 11-87. Reserved.

ARTICLE III. SMOKING*

Sec. 11-88. Reserved.

Editor's note—Section 11-88 was repealed by § 2 of Ord. No. 6384. The provisions were reenacted by 4 as a new 11-67.

Sec. 11-89. Smoking prohibited in specified places, exceptions.

No person shall smoke or carry a lighted cigar, cigarette or pipe, or use a match or flame-producing device for lighting any of them in any of the following places and at the following times:

- (1) *Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, pipe, cigarette, weed, plant or other combustible substance, or any activated electronic smoking device as defined in section 7-427(a) of this Code, in any manner or in any form.
- (2) Smoking is prohibited in any public vehicle, any area placarded as a "No Smoking" area, or an enclosed structure, such as, but not limited to, taxicabs, lobbies, hallways, restrooms, stairways, malls, stores, theaters, locker rooms, conference rooms and recreation rooms.
 - (a) Smoking will be permitted by performers when smoking is required by a script as an integral part of a performance.
 - (b) This article does not apply to places where smoking is regulated or prohibited by federal, state or county laws.

* **Editor's note**—Section 1 of Ord. No. 6384, adopted Feb. 3, 1986, changed the title of this article from "Nuisances" to "Smoking."

(c) This section includes structures under the control of the city.

(d) This article does not apply to bars, bowling alleys, pool halls, restaurants, retail tobacco stores, private homes, hotel and motel rooms rented to guests, hotel and motel conference or meeting rooms and public or private assembly rooms when used for private functions, or private vehicles. The exceptions of this provision do not apply if the area is placarded as "No Smoking."

(3) In designated areas of the workplace as defined and set forth herein.

(a) *Purpose.* Because smoking is a danger to health and is a cause of annoyance and discomfort to those who are present in smoky, confined spaces, the purpose of this section is to protect the public health and welfare by regulating smoking in the workplace.

(b) *Definitions.*

(i) *Workplace* means any enclosed area of a structure or portion thereof intended for occupancy by any business entity. "Workplace" includes but is not limited to offices, factories, retail stores, hospitals, libraries, and service establishments.

(ii) *Employer* means any person who employs the services of an individual person.

(iii) *Employee* means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

(c) Within ninety (90) days of the adoption of this section, each employer shall adopt, implement, and maintain a written policy regulating smoking by employees which shall contain at a minimum the following:

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- (i) Prohibition of smoking in employer conference and meeting rooms, classrooms, auditoriums, rest rooms, and hallways.
- (ii) Provision and maintenance of a contiguous no-smoking area of not less than two-thirds of the seating capacity and floor space in cafeterias, lunchrooms, and employee lounges.
- (iii) Any nonsmoking employee may object to his or her employer about smoke in his or her workplace. The employer shall attempt to reach a reasonable accommodation, using already available means of ventilation, separation or partition, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an employer is not required by this subsection to make any expenditures for structural changes in the workplace.
- (iv) If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given workplace, the preference of nonsmoking employees shall prevail; and the employer shall prohibit smoking in that workplace.
- (v) No employee shall be terminated or subject to disciplinary action solely as a result of his or her complaint about smoking in the workplace.
- (vi) The smoking policy shall be communicated to all employees within three (3) weeks of its adoption.

(d) This subsection is not intended to regulate smoking in the following places:

- (i) A private home.
- (ii) An office occupied solely by a single smoker.

(Ord. No. 5890, § 1, 10-11-83; Ord. No. 7089, § 1, 11-14-88; Ord. No. 7202, § 1, 6-5-89; Ord. No. 11703, § 3, 10-22-19)

Editor's note—Section 11-89(3), renumbered from § 11-89(4), was added as the result of an Initiative Special Election held Nov. 5, 1985, pursuant to a citizen-initiated measure – Initiative Petition No. 1985-I002. The amendment became effective on Nov. 12, 1985. The ninety days referred to in § 11-89(3)(c) is Feb. 10, 1986.

Sec. 11-90. Placarding required.

“No Smoking” signs with letters not less than one (1) inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle of not less than six (6) inches and with a red bar across it) shall be clearly, sufficiently and conspicuously posted at the entrance of every place where smoking is prohibited by section 11-89 by the owner, operator, manager or other person having control of such place.

(Ord. No. 5890, § 1, 10-11-83; Ord. No. 7089, § 1, 11-14-88; Ord. No. 7202, § 1, 6-5-89)

Sec. 11-91. Reserved.

Editor's note—Section 11-91 was repealed by § 2 of Ord No. 6384. Section 4 reenacted the provisions as a new § 11-68.

Sec. 11-92. Enforcement; penalty.

(a) Any person found responsible under this article shall be guilty of a civil infraction and punished in accordance with the mandatory penalties of subsection (c) of this section pursuant to the procedures outlined in this section and chapter 28 of the Tucson Code. If there is any conflict between the procedures of this section and the general procedures of chapter 28, this section is controlling.

(b) Violations may be investigated and citations may be issued by police officers and fire department inspectors.

(c) Any person who violates any provision of section 11-89(3) by smoking in a posted “No Smoking” area is guilty of an infraction and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any employer who violates any provision of section 11-89(3) is guilty of an infraction and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). Each day such violation is committed or

permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. No. 5890, § 1, 10-11-83; Ord. No. 6384, § 5, 2-3-86)

Editor’s note—Section 11-92(c) was added as the result of an Initiative Special Election held Nov. 5, 1985, pursuant to a citizen-initiated measure – Initiative Petition No. 1985-1002. The amendment became effective on Nov. 12, 1985.

Sec. 11-93. Tobacco vending machines prohibited in specified places, exceptions.

(a) *Declaration of legislative findings.* The city council finds that the vast majority of smokers begin smoking in their teens or pre-teens. The health hazards posed by cigarettes and other tobacco products are well documented and the sale of tobacco in any form to persons under the age of eighteen (18) is prohibited in Arizona. However, cigarette vending machines in public places have provided unsupervised minors with easy access to cigarettes, in contravention of the policy of this state. Accordingly, the city council finds that the ability of unsupervised minors to obtain cigarettes and other tobacco products in violation of the law will be significantly reduced by prohibiting vending machines which dispense such products, except as allowed in this local law.

(b) *Definitions.*

Bar area means the area within a liquor establishment where beverages containing spirituous liquor are dispensed.

Dispensing of spirituous liquors means the preparation of beverages containing spirituous liquors.

Employee means any person who performs any service at a licensed liquor establishment on a full-time, part-time or contract basis. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the liquor establishment.

Liquor establishment means any public or private place which sells or serves spirituous liquors and is required to be licensed pursuant to A.R.S. § 4-209(b).

Operator means any person who owns, operates or manages a business as a corporation or partnership, firm, organization or other legal entity.

Public place means any area to which the public is invited or permitted.

Spirituous liquors is as defined in A.R.S. § 4-101(27).

Tobacco product means any substance which contains tobacco, including but not limited to cigarettes, cigars, smoking tobacco and smokeless tobacco.

Vending machine means any mechanical, electronic or other similar device that dispenses tobacco products.

(c) *Distribution of tobacco products through vending machines prohibited.*

- (1) No vending machine operator shall place a vending machine dispensing a tobacco product in a public place except as provided in this section.
- (2) No operator shall allow a vending machine dispensing a tobacco product on their premises except as provided in this section.

(d) *Exceptions.* Liquor establishments possessing a liquor license pursuant to A.R.S. § 4-209.B.6., bar license, may allow vending machines dispensing a tobacco product on the licensed premises pursuant to the following procedures:

- (1) Placing a vending machine dispensing tobacco products at a distance no greater than ten (10) feet from the bar area; and
- (2) Placing a vending machine dispensing tobacco products so that it is visible by the operator of the liquor establishment, or his or her employee, during the use of such vending machine.

(e) *Penalties.*

- (1) Any person found to be responsible for a violation of this section shall be guilty of a civil infraction and fined not less than two hundred and fifty dollars (\$250.00) for the first violation; not less than five hundred dollars (\$500.00) for the second violation;

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

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

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

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

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

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

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

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

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

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

Sec. 20-138.1. Speed limit in bicycle boulevards.

The *prima facie* speed limit upon and along all officially designated and substantially constructed bicycle boulevards within the city, unless otherwise specifically provided by ordinance, shall be twenty (20) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. The definition of bicycle boulevard shall be the same as that included in the most recent version of the City of Tucson Department of Transportation Bicycle Boulevard Master Plan. (Ord. No. 11420 § 1, 12-20-16)

Sec. 20-138.2. Designating current streets or parts of streets as bicycle boulevards where twenty miles per hour speed limit is imposed.

(1) N. Fontana Avenue from E. Prince Road to E. Grant Road.

(2) N. Fourth Avenue from Sahuaro Street to E. University Boulevard.

(3) E. Sahuaro Street from N. Sixth Avenue to N. Fourth Avenue.

(4) E. Third Street from N. Campbell Avenue to N. Columbus Boulevard.

(Ord. No. 11420 § 1, 12-20-16)

Sec. 20-139. Speed limit in alleys.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ord. No. 8550 was repealed and new streets were designated by Ord. No. 9049, §§ 1, 2, 5-4-98

Ord. No. 9049 was repealed and new streets were designated by Ord. No. 10408, §§ 1, 2, 6-12-07

Ord. No. 10408 was repealed and new streets were designated by Ord. No. 10543, §§ 1, 2, 6-10-08

Ord. No. 10543 was repealed and new streets were designated by Ord. No. 10728, §§ 1, 2, 11-17-09

Ord. No. 11220 was repealed and new streets were designated by Ord. No. 11527, §§ 1, 2, 2-21-18

Ord. No. 11527 was repealed and new streets were designated by Ord. No. 11604, §§ 1, 2, 12-4-18

Ord. No. 11527 was repealed and new streets were designated by Ord. No. 11678, §§ 1, 2, 9-4-19

Ord. No. 11678 was repealed and new streets were designated by Ord. No. 11692, §§ 1, 2, 10-10-19

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

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

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

Ord. No. 1935, § 3, 8-3-59

Ord. No. 2145, § 3, 2-20-60

Ord. No. 2312, § 2, 7-2-62

Ord. No. 2961, § 1, 2-6-67

Ord. No. 3109, § 1, 4-15-68

Streets designated by Ord. No. 3109 were amended by Ord. No. 3294, § 1, 7-21-69

Streets designated by Ord. No. 3294 were amended by Ord. No. 3749, § 1, 12-13-71

Streets designated by Ord. No. 3749 were amended by Ord. No. 4080, § 1, 7-9-73

Streets designated by Ord. No. 4080 were amended by:

Ord. No. 4271, § 1, 1-20-75

Ord. No. 4505, § 2, 6-21-76

Ord. No. 4558, §§ 1, 2, 8-23-76

Ord. No. 4882, §§ 1, 2, 10-16-78

Ord. No. 4962, § 2, 4-23-79

Ord. No. 5453, §§ 1, 2, 10-19-81

Ord. No. 5655, §§ 1, 2, 10-19-81

Ord. No. 5966, §§ 1, 2, 3-12-84

Ord. No. 5966 was repealed and new streets were designated by Ord. No. 6181, §§ 1, 2, 2-19-85

Ord. No. 6181 was repealed and new streets were designated by Ord. No. 6413, §§ 1, 2, 5-5-86

Ord. No. 6413 was repealed and new streets were designated by Ord. No. 6471, §§ 1, 2, 7-7-86

Ord. No. 6471 was repealed and new streets were designated by Ord. No. 6490, §§ 1, 2, 8-4-86

Ord. No. 6490 was repealed and new streets were designated by Ord. No. 6514, §§ 1, 2, 9-2-86

Ord. No. 6514 was repealed and new streets were designated by Ord. No. 6549, §§ 1, 2, 10-2-86

Ord. No. 6549 was repealed and new streets were designated by Ord. No. 6586, §§ 1, 2, 12-8-86

Ord. No. 6586 was repealed and new streets were designated by Ord. No. 6668, §§ 1, 2, 3-16-87

Ord. No. 6668 was repealed and new streets were designated by Ord. No. 6703, §§ 1, 2, 5-18-87

Ord. No. 6703 was repealed and new streets were designated by Ord. No. 6795, §§ 1, 2, 9-21-87

Ord. No. 6795 was repealed and new streets were designated by Ord. No. 6841, §§ 1, 2, 11-23-87

Ord. No. 6841 was repealed and new streets were designated by Ord. No. 6928, §§ 1, 2, 4-18-88

Ord. No. 6928 was repealed and new streets were designated by Ord. No. 7063, §§ 1, 2, 10-17-88

Ord. No. 7063 was repealed and new streets were designated by Ord. No. 7115, §§ 1, 2, 12-19-88

Ord. No. 7115 was repealed and new streets were designated by Ord. No. 7355, §§ 1, 2, 2-26-90

Ord. No. 7355 was repealed and new streets were designated by Ord. No. 7418, §§ 1, 2, 6-4-90

Ord. No. 7418 was repealed and new streets were designated by Ord. No. 7441, §§ 1, 2, 7-2-90

Ord. No. 7441 was repealed and new streets were designated by Ord. No. 7613, §§ 1, 2, 5-6-91

Ord. No. 7613 was repealed and new streets were designated by Ord. No. 7642, §§ 1, 2, 6-17-91

Ord. No. 7642 was repealed and new streets were designated by Ord. No. 7784, §§ 1, 2, 3-16-92

Ord. No. 7784 was repealed and new streets were designated by Ord. No. 7976, §§ 1, 2, 2-1-93

Ord. No. 7976 was repealed and new streets were designated by Ord. No. 8158, §§ 1, 2, 11-15-93

Ord. No. 8158 was repealed and new streets were designated by Ord. No. 8294, §§ 1, 2, 6-6-94
 Ord. No. 8294 was repealed and new streets were designated by Ord. No. 8340, §§ 1, 2, 8-1-94
 Ord. No. 8340 was repealed and new streets were designated by Ord. No. 8551, §§ 1, 2, 8-7-95
 Ord. No. 8551 was repealed and new streets were designated by Ord. No. 8684, §§ 1, 2, 5-6-96
 Ord. No. 8684 was repealed and new streets were designated by Ord. No. 8715, §§ 1, 2, 6-17-96
 Ord. No. 8715 was repealed and new streets were designated by Ord. No. 8924, §§ 1, 2, 9-2-97
 Ord. No. 8924 was repealed and new streets were designated by Ord. No. 9012, §§ 1, 2, 2-2-98
 Ord. No. 9012 was repealed and new streets were designated by Ord. No. 9050, §§ 1, 2, 5-4-98
 Ord. No. 9050 was repealed and new streets were designated by Ord. No. 9134, §§ 1, 2, 10-5-98
 Ord. No. 9134 was repealed and new streets were designated by Ord. No. 9759, §§ 1, 2, 9-3-02
 Ord. No. 9759 was repealed and new streets were designated by Ord. No. 9964, §§ 1, 2, 5-17-04
 Ord. No. 9964 was repealed and new streets were designated by Ord. No. 10409, §§ 1, 2, 6-12-07
 Ord. No. 10409 was repealed and new streets were designated by Ord. No. 10544, §§ 1, 2, 6-10-08
 Ord. No. 10544 was repealed and new streets were designated by Ord. No. 10729, §§ 1, 2, 11-17-09
 Ord. No. 11221 was repealed and new streets were designated by Ord. No. 11528, §§ 1, 2, 2-21-18
 Ord. No. 11528 was repealed and new streets were designated by Ord. No. 11605, §§ 1, 2, 12-4-18
 Ord. No. 11528 was repealed and new streets were designated by Ord. No. 11679, §§ 1, 2, 9-4-19
 Ord. No. 11679 was repealed and new streets were designated by Ord. No. 11693, §§ 1, 2, 10-10-19

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

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

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

Ord. No. 2145, § 5, 2-20-61
 Ord. No. 2312, § 4, 7-2-62
 Ord. No. 2459, § 1, 5-6-63
 Ord. No. 2965, § 1, 2-6-67
 Ord. No. 3108, § 1, 4-15-68
 Streets designated by Ord. No. 3108 were amended by Ord. No. 3295, § 1, 7-21-69
 Streets designated by Ord. No. 3295 were amended by Ord. No. 3750, § 1, 12-13-71
 Streets designated by Ord. No. 3750 were amended by Ord. No. 4049, § 1, 7-9-73

Streets designated by Ord. No. 4049 were amended by Ord. No. 4272, § 1, 1-20-75
 Ord. No. 4506, § 2, 6-21-76
 Ord. No. 4883, §§ 1, 2, 10-16-78
 Ord. No. 4962, § 1, 4-23-79
 Ord. No. 5656, §§ 1, 2, 9-27-82
 Ord. No. 5967, §§ 1, 2, 3-12-84
 Ord. No. 5967 was repealed and new streets were designated by Ord. No. 6182, §§ 1, 2, 2-19-85
 Ord. No. 6182 was repealed and new streets were designated by Ord. No. 6415, §§ 1, 2, 5-5-86
 Ord. No. 6415 was repealed and new streets were designated by Ord. No. 6472, §§ 1, 2, 7-7-86
 Ord. No. 6472 was repealed and new streets were designated by Ord. No. 6489, §§ 1, 2, 8-4-86
 Ord. No. 6489 was repealed and new streets were designated by Ord. No. 6515, §§ 1, 2, 9-2-86
 Ord. No. 6515 was repealed and new streets were designated by Ord. No. 6550, §§ 1, 2, 10-20-86
 Ord. No. 6550 was repealed and new streets were designated by Ord. No. 6587, §§ 1, 2, 12-8-86
 Ord. No. 6587 was repealed and new streets were designated by Ord. No. 6619, §§ 1, 2, 1-5-87
 Ord. No. 6619 was repealed and new streets were designated by Ord. No. 6669, §§ 1, 2, 3-16-87
 Ord. No. 6669 was repealed and new streets were designated by Ord. No. 6704, §§ 1, 2, 5-18-87
 Ord. No. 6704 was repealed and new streets were designated by Ord. No. 6796, §§ 1, 2, 9-21-87
 Ord. No. 6796 was repealed and new streets were designated by Ord. No. 6842, §§ 1, 2, 11-23-87
 Ord. No. 6842 was repealed and new streets were designated by Ord. No. 6929, § 1, 2, 4-18-88
 Ord. No. 6929 was repealed and new streets were designated by Ord. No. 6951, §§ 1, 2, 5-16-88
 Ord. No. 6951 was repealed and new streets were designated by Ord. No. 7041, §§ 1, 2, 9-19-88
 Ord. No. 7041 was repealed and new streets were designated by Ord. No. 7067, §§ 1, 2, 10-17-88
 Ord. No. 7067 was repealed and new streets were designated by Ord. No. 7116, §§ 1, 2, 12-19-88
 Ord. No. 7116 was repealed and new streets were designated by Ord. No. 7204, §§ 1, 2, 6-5-89
 Ord. No. 7204 was repealed and new streets were designated by Ord. No. 7231, §§ 1, 2, 7-3-89
 Ord. No. 7231 was repealed and new streets were designated by Ord. No. 7356, §§ 1, 2, 2-26-90
 Ord. No. 7356 was repealed and new streets were designated by Ord. No. 7375, §§ 1, 2, 3-19-90
 Ord. No. 7375 was repealed and new streets were designated by Ord. No. 7419, §§ 1, 2, 6-4-90
 Ord. No. 7419 was repealed and new streets were designated by Ord. No. 7482, §§ 1, 2, 9-17-90
 Ord. No. 7482 was repealed and new streets were designated by Ord. No. 7614, §§ 1, 2, 5-6-91
 Ord. No. 7614 was repealed and new streets were designated by Ord. No. 7643, §§ 1, 2, 6-17-91
 Ord. No. 7643 was repealed and new streets were designated by Ord. No. 7810, §§ 1, 2, 5-4-92
 Ord. No. 7810 was repealed and new streets were designated by Ord. No. 7977, §§ 1, 2, 2-1-93
 Ord. No. 7977 was repealed and new streets were designated by Ord. No. 8080, §§ 1, 2, 6-28-93

- Ord. No. 8080 was repealed and new streets were designated by Ord. No. 8159, §§ 1, 2, 11-15-93
- Ord. No. 8159 was repealed and new streets were designated by Ord. No. 8626, §§ 1, 2, 1-8-96
- Ord. No. 8626 was repealed and new streets were designated by Ord. No. 8925, §§ 1, 2, 9-2-97
- Ord. No. 8925 was repealed and new streets were designated by Ord. No. 9013, §§ 1, 2, 2-2-98
- Ord. No. 9013 was repealed and new streets were designated by Ord. No. 9051, §§ 1, 2, 5-4-98
- Ord. No. 9051 was repealed and new streets were designated by Ord. No. 9135, §§ 1, 2, 10-5-98
- Ord. No. 9135, was repealed and new streets were designated by Ord. No. 9618 §§ 1, 2, 10-8-01
- Ord. No. 9618, was repealed and new streets were designated by Ord. No. 9966 §§ 1, 2, 5-17-04
- Ord. No. 9966, was repealed and new streets were designated by Ord. No. 10229 §§ 1, 2, 12-20-05
- Ord. No. 10229, was repealed and new streets were designated by Ord. No. 10410 §§ 1, 2, 6-12-07
- Ord. No. 10410, was repealed and new streets were designated by Ord. No. 10545 §§ 1, 2, 6-10-08
- Ord. No. 10545 was repealed and new streets were designated by Ord. No. 10730, §§ 1, 2, 11-17-09
- Ord. No. 10730 was repealed and new streets were designated by Ord. No. 11222, §§ 1, 2, 12-9-14
- Ord. No. 11222 was repealed and new streets were designated by Ord. No. 11694, §§ 1, 2, 10-10-19

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

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

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

- Ord. No. 1935, § 4, 8-3-50
- Ord. No. 2145, § 4, 2-20-61
- Ord. No. 2312, § 3, 7-2-62
- Ord. No. 2963, § 1, 2-6-67
- Ord. No. 3110, § 1, 4-15-68
- Streets designated by Ord. No. 3110 were amended by Ord. No. 3296, § 1, 7-21-69
- Streets designated by Ord. No. 3296 were amended by Ord. No. 3751, § 1, 12-13-71
- Streets designated by Ord. No. 3751 were amended by Ord. No. 4050, § 1, 7-9-73
- Streets designated by Ord. No. 4050 were amended by:
 - Ord. No. 4273, § 1, 1-20-75
 - Ord. No. 4507, § 2, 6-21-76
 - Ord. No. 4884, §§ 1, 2, 10-16-78
 - Ord. No. 5657, §§ 1, 2, 9-27-82
 - Ord. No. 5968, §§ 1, 2, 3-12-84
- Ord. No. 5968 was repealed and new streets were designated by Ord. No. 6183, §§ 1, 2, 2-19-85

- Ord. No. 6183 was repealed and new streets were designated by Ord. No. 6414, §§ 1, 2, 5-5-86
- Ord. No. 6414 was repealed and new streets were designated by Ord. No. 6474, § 1, 2, 7-7-86
- Ord. No. 6474 was repealed and new streets were designated by Ord. No. 6516, §§ 1, 2, 9-2-86
- Ord. No. 6516 was repealed and new streets were designated by Ord. No. 6551, §§ 1, 2, 10-20-86
- Ord. No. 6551 was repealed and new streets were designated by Ord. No. 6588, §§ 1, 2, 12-8-86
- Ord. No. 6588 was repealed and new streets were designated by Ord. No. 6900, §§ 1, 2, 3-7-88
- Ord. No. 6900 was repealed and new streets were designated by Ord. No. 6952, §§ 1, 2, 5-16-88
- Ord. No. 6952 was repealed and new streets were designated by Ord. No. 7042, §§ 1, 2, 9-19-88
- Ord. No. 7042 was repealed and new streets were designated by Ord. No. 7064, §§ 1, 2, 10-17-88
- Ord. No. 7064 was repealed and new streets were designated by Ord. No. 7232, §§ 1, 2, 7-3-89
- Ord. No. 7232 was repealed and new streets were designated by Ord. No. 7357, §§ 1, 2, 2-26-90
- Ord. No. 7357 was repealed and new streets were designated by Ord. No. 7374, §§ 1, 2, 3-19-90
- Ord. No. 7374 was repealed and new streets were designated by Ord. No. 7483, §§ 1, 2, 9-17-90
- Ord. No. 7483 was repealed and new streets were designated by Ord. No. 7644, §§ 1, 2, 6-17-91
- Ord. No. 7644 was repealed and new streets were designated by Ord. No. 7769, §§ 1, 2, 2-24-92
- Ord. No. 7769 was repealed and new streets were designated by Ord. No. 7811, §§ 1, 2, 5-4-92
- Ord. No. 7811 was repealed and new streets were designated by Ord. No. 7978, §§ 1, 2, 2-1-93
- Ord. No. 7978 was repealed and new streets were designated by Ord. No. 8077, §§ 1, 2, 6-28-93
- Ord. No. 8077 was repealed and new streets were designated by Ord. No. 8627, §§ 1, 2, 1-8-96
- Ord. No. 8627 was repealed and new streets were designated by Ord. No. 8685, §§ 1, 2, 5-6-96
- Ord. No. 8685 was repealed and new streets were designated by Ord. No. 8716, §§ 1, 2, 6-17-96
- Ord. No. 8716 was repealed and new streets were designated by Ord. No. 8926, §§ 1, 2, 9-2-97
- Ord. No. 8926 was repealed and new streets were designated by Ord. No. 9617, §§ 1, 2, 10-8-01
- Ord. No. 9617 was repealed and new streets were designated by Ord. No. 9698, §§ 1, 2, 4-15-02
- Ord. No. 9698 was repealed and new streets were designated by Ord. No. 10230, §§ 1, 2, 12-20-05
- Ord. No. 10230 was repealed and new streets were designated by Ord. No. 10411, §§ 1, 2, 6-12-07
- Ord. No. 10411 was repealed and new streets were designated by Ord. No. 10546, §§ 1, 2, 6-10-08
- Ord. No. 10546 was repealed and new streets were designated by Ord. No. 10731, §§ 1, 2, 11-17-09
- Ord. No. 10731 was repealed and new streets were designated by Ord. No. 11223, §§ 1, 2, 12-9-14
- Ord. No. 11223 was repealed and new streets were designated by Ord. No. 11695, §§ 1, 2, 10-10-19

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

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

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

- Ord. No. 2312, § 5, 6-2-62
- Ord. No. 2962, § 1, 2-6-67
- Ord. No. 5969, §§ 1, 2, 3-12-84
- Ord. No. 5969 was repealed and new streets were designated by Ord. No. 6184, §§ 1, 2, 2-19-85
- Ord. No. 6184 was repealed and new streets were designated by Ord. No. 6416, §§ 1, 2, 5-5-86
- Ord. No. 6416 was repealed and new streets were designated by Ord. No. 6473, §§ 1, 2, 7-7-86
- Ord. No. 6473 was repealed and new streets were designated by Ord. No. 6546, §§ 1, 2, 10-20-86
- Ord. No. 6546 was repealed and new streets were designated by Ord. No. 6589, §§ 1, 2, 12-8-86
- Ord. No. 6589 was repealed and new streets were designated by Ord. No. 6620, §§ 1, 2, 1-6-87
- Ord. No. 6620 was repealed and new streets were designated by Ord. No. 6953, §§ 1, 2, 5-16-88
- Ord. No. 6953 was repealed and new streets were designated by Ord. No. 7066, §§ 1, 2, 10-17-88
- Ord. No. 7066 was repealed and new streets were designated by Ord. No. 8686, §§ 1, 2, 5-6-96
- Ord. No. 8686 was repealed and new streets were designated by Ord. No. 9011, §§ 1, 2, 2-2-98
- Ord. No. 9011 was repealed and new streets were designated by Ord. No. 9699, §§ 1, 2, 4-15-02
- Ord. No. 9699 was repealed and new streets were designated by Ord. No. 9965, §§ 1, 2, 5-17-04
- Ord. No. 9965 was repealed and new streets were designated by Ord. No. 10412, §§ 1, 2, 6-12-07
- Ord. No. 10412 was repealed and new streets were designated by Ord. No. 10547, §§ 1, 2, 6-10-08
- Ord. No. 10547 was repealed and new streets were designated by Ord. No. 10732, §§ 1, 2, 11-17-09
- Ord. No. 10732 was repealed and new streets were designated by Ord. No. 11224, §§ 1, 2, 12-9-14
- Ord. No. 11224 was repealed and new streets were designated by Ord. No. 11696, §§ 1, 2, 10-10-19

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

The *prima facie* speed limit upon such streets, roads, highways or portions thereof as may be designated by ordinance shall be fifty-five (55) miles per hour, which speed limit shall be effective when signs are erected giving notice thereof. Three (3) copies

of current ordinances designating the streets governed by this section shall be kept on file by the city clerk. (Ord. No. 6185, § 1, 2-19-85)

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

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

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

The following ordinances designated specific streets:

- Ord. No. 6185, § 2, 2-19-85
- Ord. No. 6621, § 1, 1-5-87
- Ord. No. 6621 was repealed and new streets were designated by Ord. No. 10413, §§ 1, 2, 6-12-07
- Ord. No. 10413 was repealed and new streets were designated by Ord. No. 10733, §§ 1, 2, 11-17-09
- Ord. No. 10733 was repealed and new streets were designated by Ord. No. 11225, §§ 1, 2, 12-9-14
- Ord. No. 11225 was repealed and new streets were designated by Ord. No. 11697, §§ 1, 2, 10-10-19

Secs. 20-145.1 – 20-145.4. Reserved.

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

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

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

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

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

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

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

The city traffic engineer is hereby authorized to establish a temporary reduced speed limit, within temporary traffic control zones, for the duration of roadway construction or maintenance if the current speed limit set by ordinance is not reasonable nor safe under the existing conditions. Such reduced speed

limits shall be effective when signs are erected giving notice thereof, and the current speed limit signs are removed, covered or turned.

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

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

The city traffic engineer is hereby authorized to establish a reduced speed limit, during nighttime hours, sunset to sunrise, if the current speed limit set by ordinance is not reasonable nor safe under the existing conditions. Such reduced speed limits shall be effective when signs are erected giving notice thereof.

(Ord. No. 7710, § 1, 11-18-91; Ord. No. 9893, § 3, 9-15-03)

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

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

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

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

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

The driver of any vehicle, except one on official business, shall not follow any fire apparatus or fire

rescue vehicle traveling in response to a fire alarm or request for medical or rescue services closer than five hundred (500) feet. Except when on official business, it is unlawful to drive a vehicle within five hundred (500) feet of fire apparatus which has stopped in response to a fire alarm.

(1953 Code, ch. 17, § 77; Ord. No. 5391, § 12, 8-3-81; Ord. No. 5931, § 12, 12-19-83)

Sec. 20-149. Driving over fire hose.

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

(1953 Code, ch. 17, § 78)

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

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

No procession or parade shall occupy, march, or proceed along any street or sidewalk except in accordance with written permission granted by the city traffic engineer and such other regulations as are set forth in this chapter which may apply. Written requests shall be made a minimum of fourteen (14) days in advance. This section shall not apply to funeral processions, except that the chief of police may regulate such processions as unreasonably interfere with normal traffic flow or pose a threat to public peace or safety.

(1953 Code, ch. 17, § 79; Ord. No. 4667, § 1, 6-20-77; Ord. No. 6308, § 1, 9-16-85)

Sec. 20-151. Reserved.

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

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

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(1953 Code, ch. 17, § 81)

5. For purposes of this section a certified audit shall mean any audit authenticated by one (1) or more of the qualified professionals conducting the audit pursuant to section 23A-86(B)(1).
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

DIVISION 3. GENERAL PROVISIONS

Sec. 23A-87. Miscellaneous provisions.

A. *Other development requirements.* Nothing in this article shall restrict the city from requiring the construction of reasonable project improvements required to serve the development project, whether or not such improvements are of a type for which credits are available under section 23A-82 above.

B. *Record keeping.* The development impact fee administrator shall maintain accurate records of the development impact fees paid and any other matters that the city deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice. Records pertaining to individual developments shall be maintained for a minimum of ten (10) years from the date the development impact fee is paid or credits are issued, or for three (3) years after the completion of the development, whichever is later.

C. *Amendment of development impact fee assessments.* A development impact fee may be amended after it has been assessed and paid where there is an error or mistake in the calculation of the fee or applicable credits, or where the actual cost of credits changes after the calculation of credits. Any amounts overpaid by an applicant shall be refunded by the development impact fee administrator to the applicant within thirty (30) days after the acceptance of the recalculated amount. Any amounts underpaid by the applicant shall be paid to the development impact fee administrator within thirty (30) days after the acceptance of the recalculated amount. In the case of an underpayment to the development impact fee administrator, the city may not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the city are not paid within such thirty (30) day period, the city may also rescind any permits issued in reliance on the previous payment of such impact fee.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-88. Severability.

If a provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

Sec. 23A-89. Violation.

Furnishing false information on any matter relating to the administration of this article, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this article.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14)

DIVISION 4. DEVELOPMENT IMPACT FEE SCHEDULES AND EFFECTIVE DATES

Sec. 23A-90. Effective dates.

For the period from December 23, 2014 through and including December 31, 2020, development impact fees shall be assessed and paid at the "phase-in fee" rates represented in Table 1 of Section 23A-91. Commencing January 1, 2021, development impact fees shall be fully assessed and paid thereafter at the "full adopted fee" rates represented in Table 2 of Section 23A-91. Nothing in this Section or any other provision of this Article shall prohibit the Mayor and Council from moving the implementation date of the "full adopted fee" rates to an earlier or later effective date. Any such amendment to the implementation date shall not be deemed to be an increase to the development impact fees as provided in this Article, as Mayor and Council expressly adopt and approve the "full fee" rates represented in Table 2 of Section 23A-91.
(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17; Ord. No. 11565, § 1, 6-19-18; Ord. No. 11632, § 1, 3-19-19; Ord. 11717, § 1, 12-17-19)

Sec. 23A-91. Fee schedule tables.

CITY OF TUCSON - Development Impact Fee Schedules

Note 1: For the residential land use categories (single-family residential, condo/townhomes, multi-family residential/apartments), fees shown are per residential unit. For the non-residential land use categories (retail, office, industrial), fees shown are per one thousand (1,000) square feet of building area.

Note 2: The tables do not include an administrative fee.

TABLE 1 - "PHASE-IN FEE" RATES*

*Assessed Beginning December 23, 2014 Through and Including December 31, 2020 Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

"PHASE-IN FEE" TABLES

RESIDENTIAL LAND USES*

*Fees are per residential unit

SINGLE-FAMILY RESIDENTIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,838	\$4,838	\$4,838	\$4,838	\$4,838
PARKS	\$1,935	\$1,935	\$1,826	\$1,935	\$218
POLICE	\$379	\$379	\$379	\$379	\$379
FIRE	\$303	\$303	\$303	\$303	\$303
TOTAL	\$7,455	\$7,455	\$7,346	\$7,455	\$5,738

CONDO/TOWNHOMES

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,978	\$3,978	\$3,978	\$3,978	\$3,978
PARKS	\$1,591	\$1,591	\$1,239	\$1,591	\$148
POLICE	\$257	\$257	\$257	\$257	\$257
FIRE	\$206	\$206	\$206	\$206	\$206
TOTAL	\$6,032	\$6,032	\$5,680	\$6,032	\$4,589

MULTI-FAMILY/APARTMENTS

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$2,580	\$2,580	\$2,580	\$2,580	\$2,580
PARKS	\$1,032	\$1,032	\$1,032	\$1,032	\$132
POLICE	\$230	\$230	\$230	\$230	\$230
FIRE	\$183	\$183	\$183	\$183	\$183
TOTAL	\$4,025	\$4,025	\$4,025	\$4,025	\$3,125

NON-RESIDENTIAL LAND USES**

** Fees are per 1000 square feet of building area

RETAIL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,282	\$4,282	\$4,282	\$4,282	\$4,282
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,798	\$4,811	\$4,783	\$4,796	\$4,763

OFFICE

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,797	\$3,797	\$3,797	\$3,797	\$3,797
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,313	\$4,326	\$4,298	\$4,311	\$4,278

INDUSTRIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$806	\$806	\$806	\$806	\$806
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$1,322	\$1,335	\$1,307	\$1,320	\$1,287

TABLE 2 - "FULL ADOPTED FEE" RATES*

*Assessed Commencing January 1, 2021, and Thereafter Unless the Phase-In Period is Changed by the Mayor and Council Pursuant to Section 23A-90.

"FULL ADOPTED FEE" TABLES

RESIDENTIAL LAND USES*

*Fees are per residential unit

SINGLE-FAMILY RESIDENTIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$5,691	\$5,691	\$5,691	\$5,691	\$5,691
PARKS	\$2,945	\$3,953	\$1,826	\$2,775	\$218
POLICE	\$379	\$379	\$379	\$379	\$379
FIRE	\$303	\$303	\$303	\$303	\$303
TOTAL	\$9,318	\$10,326	\$8,199	\$9,148	\$6,591

CONDOS/TOWNHOMES

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$4,059	\$4,059	\$4,059	\$4,059	\$4,059
PARKS	\$1,998	\$2,683	\$1,239	\$1,883	\$148
POLICE	\$257	\$257	\$257	\$257	\$257
FIRE	\$206	\$206	\$206	\$206	\$206
TOTAL	\$6,520	\$7,205	\$5,761	\$6,405	\$4,670

MULTI-FAMILY/APARTMENTS

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,457	\$3,457	\$3,457	\$3,457	\$3,457
PARKS	\$1,788	\$2,400	\$1,108	\$1,685	\$132
POLICE	\$230	\$230	\$230	\$230	\$230
FIRE	\$183	\$183	\$183	\$183	\$183
TOTAL	\$5,658	\$6,270	\$4,978	\$5,555	\$4,002

NON-RESIDENTIAL LAND USES**

** Fees are per 1000 square feet of building area

RETAIL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$6,507	\$6,507	\$6,507	\$6,507	\$6,507
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$7,023	\$7,036	\$7,008	\$7,021	\$6,988

OFFICE

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$3,797	\$3,797	\$3,797	\$3,797	\$3,797
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$4,313	\$4,326	\$4,298	\$4,311	\$4,278

INDUSTRIAL

	<i>Central</i>	<i>West</i>	<i>East</i>	<i>Southeast</i>	<i>Southlands</i>
STREETS	\$806	\$806	\$806	\$806	\$806
PARKS	\$38	\$51	\$23	\$36	\$3
POLICE	\$321	\$321	\$321	\$321	\$321
FIRE	\$157	\$157	\$157	\$157	\$157
TOTAL	\$1,322	\$1,335	\$1,307	\$1,320	\$1,287

(Ord. No. 11203, § 1, 10-9-14, eff. 12-23-14; Ord. No. 11375, § 1, 6-21-16; Ord. No. 11471, § 1, 6-20-17; Ord. No. 11565, § 1, 6-19-18; Ord. No. 11632, § 1, 3-19-19; Ord. 11717, § 1, 12-17-19)

ARTICLE IV. DEFINITIONS*

DIVISION 1. GENERAL PROVISIONS†

Sec. 23A-101. Purpose.

The purpose of this article is to promote consistency and precision in the interpretation of this chapter.

(Ord. No. 9392, § 2(3.1.1), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

Sec. 23A-102. General rules of application.

(a) *Meaning and construction.* The meaning and construction of words and phrases as set forth apply throughout the chapter, except where the context of such words or phrases clearly indicates a different meaning or construction.

(b) *Land Use Code (LUC).* Where the word or term is applicable to the Land Use Code (LUC), the definition in the LUC applies.

(Ord. No. 9392, § 2(3.1.2), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

Sec. 23A-103. General rules for construction of language.

The following general rules of construction apply to the textual provisions of the chapter.

(1) *Headings.* Section and subsection headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the chapter.

(2) *Illustration.* In case of any difference of meaning or implication between the text of any provision and any illustration, the text prevails.

(3) *Tenses and numbers.* Words used in the present tense include the future, and words used in the singular include the plural and the plural the singular, unless the context clearly indicates contrary.

(4) *Conjunctions.* Unless the context clearly indicates contrary, the following conjunctions will be interpreted as follows:

a. “And” indicates that all connected items or provisions apply.

b. “Or” indicates that the connected items or provisions may apply individually or in any combination.

c. “Either . . . or” indicates that the connected items or provisions apply individually but not in combination.

(Ord. No. 9392, § 2(3.1.3), 5-22-00; Ord. No. 10053, § 3, 9-27-04)

Secs. 23A-104 – 23A-110. Reserved.

DIVISION 2. (RESERVED) ‡

***Editor’s note** – Formerly Art. III. See editor's note at Art. III.

†**Editor’s note** – Section 3 of Ord. No. 10053 renumbered Art. IV, Div. 1, §§ 23A-71 – 23A-73 as Art. IV, Div. 1, §§ 23A-101 – 23A-103, respectively.

‡**Editor’s note** – Division 2, "Listing of Words and Terms," of Article IV, Definitions, is repealed by Ord. No. 11203, effective December 23, 2014.

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Ordinance Number	Date	Section	Disposition
11606	12-4-18	2	20-179
11607	12-4-18	1	10A-134
11611	12-18-18	1	10-31
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			10-31(8)
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			10-53.5
			10-53.7
11624	2-20-19 (eff. 3-22-19)	1	23A-81
11626	2-20-19		8-2.1, 8-2.2
11628	3-5-19	1	22-79
		2	22-80
		3	Added 22-81
		4	Added 22-82
		5	Added 22-83
		6	Added 22-84
		7	Added 22-85
		8	Added 22-86
		9	Added 22-87
		10	Rnbd 22-86 as 22-88
11632	3-19-19	1	23A-90, 23A-91
11642	4-23-19	1	Added 22-98
11649	5-21-19	1	10A-251
11653	5-21-19	1	8-2.5
11659	6-18-19	1	10-31
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11675	8-6-19	2	Rpld 10A-240 – 10A-244
		3	Added 10A-240 – 10A-247
11678	9-4-19	2	20-140 (note)
11679	9-4-19	2	20-141 (note)
11692	10-10-19	2	20-140 (note)
11693	10-10-19	2	20-141 (note)
11694	10-10-19	2	20-142 (note)
11695	10-10-19	2	20-143 (note)
11696	10-10-19	2	20-144 (note)
11697	10-10-19	2	20-145 (note)
11703	10-22-19 (eff. 1-1-20)	1	Rpld 7-426 – 7-437
		2	Added 7-426 – 7-434
		3	11-89
11709	11-6-19 (eff. 10-17-19)	1	Added 10-53.9
11717	12-17-19	1	23A-90, 23A-91
11720	1-7-20	1	7-428

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