

TUCSON, ARIZONA
Supp. No. 126 – Instruction Sheet

Enclosed with this instruction sheet are new and replacement pages for your loose-leaf copy of the Code, bringing the Code current through July 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. 126”. If you have any questions, please contact American Legal Publishing at 1-800-445-5588.

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TUCSON CODE

CONTAINING
THE CHARTER AND GENERAL ORDINANCES
CITY OF TUCSON, ARIZONA

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Checklist of Up-to-Date Pages

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

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

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

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

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***Cross references** – Community affairs, ch. 10A; housing and community development, § 10B-1 et seq.; permit appeal board for transportation of hazardous materials, § 13-11; administrative hearing office, ch. 28.

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

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

(c) City of Tucson low income assistance programs for purposes of this section include, but are not limited to, programs to provide assistance for environmental services fees, Tucson water fees, Sun Tran, Sun Link and Sun Van fares, and parks and recreation fees, and any other discount or assistance provided by the City of Tucson.
(Ord. No. 10288, § 1, 6-13-06; Ord. No. 10672, § 1, 6-2-09, eff. 8-1-09; Ord. No. 11182, § 4, 6-17-14, eff. 7-17-14)

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

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

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

(c) The city may use its various box office outlets for sale of tickets to qualified events not held at the community center. Ticket sale agreements for such purpose may be executed in the same manner as permits for use of the community center.
(Ord. No. 4377, § 2, 7-7-75; Ord. No. 4598, § 1, 12-6-76; Ord. No. 7973, § 2, 1-25-93)

Sec. 2-24. Fees chargeable for background check before transfer of handguns.

The police department shall charge a fee, in addition to any other fees prescribed by law, in the amount of ten dollars (\$10.00) to recover the costs of criminal history background information checks which the police department is required to conduct before a handgun is transferred from a federal firearms licensee to an individual who is not a federal firearms licensee. The fee shall be charged for each such check performed.
(Ord. No. 8218, § 1, 2-28-94)

Sec. 2-25. Authorization.

(a) Pursuant to A.R.S. § 41-1750, the City of Tucson's human resources director is hereby authorized to mandate fingerprint clearances and receive criminal history record information for the purpose of evaluating the fitness and suitability of employees, contract employees, volunteers, and interns filling sensitive positions.

(b) Pursuant to A.R.S. § 41-1750 and Public Law 92-544, the chief of police shall submit fingerprints accompanied by the appropriate fees, which will be paid by the human resources department, to the Arizona Department of Public Safety and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information on individuals filling sensitive positions.
(Ord. No. 11756, § 1, 6-9-20)

Editor's note – Ord. No. 11756, § 1, adopted June 9, 2020, repealed § 2-25, pertaining to the fingerprinting and criminal history record check of parks and recreation department personnel and volunteers, and derived from Ord. No. 8491, § 1, adopted April 17, 1995, and Ord. No. 8511, § 1, adopted June 5, 1995.

Sec. 2-25.1. Fingerprint clearance and criminal history check.

(a) The human resources director is hereby directed to identify and maintain a record of classified

sensitive positions for the purposes of evaluating the fitness and suitability of prospective and current employees, contract employees, volunteers, and interns filling sensitive positions.

(b) The human resource director shall be responsible for maintaining and disposing of such records in accordance with applicable laws.

(c) The city shall comply with any relevant state and federal rules and regulations related to the dissemination of such criminal history record information.

(d) For the purpose of this section, "vulnerable adult" has the same meaning prescribed in A.R.S. Title 13.

(e) "Prospective" includes any individual who has been given a conditional offer to fill a sensitive position, regardless of status.

(f) The city may conduct periodic fingerprint background checks to ensure continued qualification of employees, contractors, volunteers, and interns.
(Ord. No. 11756, § 1, 6-9-20)

Editor's note – Ord. No. 11756, § 1, adopted June 9, 2020, repealed § 2-25.1, pertaining to the fingerprinting and criminal history record check of intermittent program instructors, and derived from Ord. No. 8762, § 1, adopted October 14, 1996.

Sec. 2-25.2. Parks and recreation department.

(a) Parks and recreation department positions requiring contact with or access to children or vulnerable adults, as a condition of employment, shall be classified as sensitive positions. Prospective and current employees, contractors, volunteers, and interns who fill these positions must submit a full set of fingerprints to the city to conduct a criminal history records check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability to fill the position.
(Ord. No. 11756, § 1, 6-9-20)

Sec. 2-25.3. Housing and community development department.

(a) Housing and community development department prospective and current employees, contract employees, volunteers, and interns in sensitive positions shall submit a full set of fingerprints to the

city to conduct a criminal history check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability. Housing and community development department positions shall be classified as sensitive if the position's duties and responsibilities include:

(1) Contact with or access to children and vulnerable adults.

(2) Access to confidential financial information.
(Ord. No. 11756, § 1, 6-9-20)

Sec. 2-25.4. Public safety communications and fire department.

(a) Public safety communications and fire department positions with access to criminal justice systems and motor vehicle or driver's license records will be classified as sensitive positions. Prospective and current employees, contract employees, volunteers, and interns filling these positions shall submit a full set of fingerprints to the city to conduct a criminal history check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability.

(b) Public safety communications and fire department positions requiring contact with children or vulnerable adults or emergency management responsibilities will be classified as sensitive positions. Prospective and current employees, contract employees, volunteers, and interns filling these positions shall submit a full set of fingerprints to the city to conduct a criminal history check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability.
(Ord. No. 11756, § 1, 6-9-20)

Sec. 2-25.5. Information technology.

(a) Prospective and current employees, contract employees, volunteers, and interns who have access to: criminal justice programs, systems, and records including the Arizona Criminal Justice Information System (ACJIS), secured areas, facilities, or equipment that processes highly sensitive information and data, or systems or equipment used for the purpose of managing public resources and emergency management shall submit a full set of fingerprints to the city to conduct a

criminal history check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability. (Ord. No. 11756, § 1, 6-9-20)

Sec. 2-25.6. Public resources and emergency management.

(a) Positions in the city's water department, department of transportation & mobility, environmental and general services department with essential functions related to public health and welfare or critical to emergency management shall be classified as sensitive positions. Prospective and current employees, contract employees, volunteers, and interns filling these positions shall submit a full set of fingerprints to the city to conduct a criminal history check for purpose of determining whether the person has been convicted of a crime that bears upon the person's fitness and suitability. Positions shall be classified sensitive if essential functions require:

- (1) Access secured areas, internet, equipment, or systems that processes, stores or manages highly sensitive information or data; or, systems or equipment used for the purpose of managing public resources and emergency management.
- (2) Contact with or access to children or vulnerable adults.

(Ord. No. 11756, § 1, 6-9-20)

ARTICLE II. MAYOR AND COUNCIL

Sec. 2-26. Date, time, and place of meetings; to be public.

Sec. 2-26(1). Except as otherwise specified by mayor and council in an ordinance enacted pursuant to subsection 2-26(2) below, the first, second, third and fourth Tuesdays of each calendar month are established as the meeting dates of the mayor and council. The meetings shall be held in the City Hall, or in such other public place within the corporate limits of the city as the mayor and council shall designate.

Sec. 2-26(2). On or before December 31 of each year, the mayor and council may, by ordinance, approve a schedule of meeting dates for the next calendar year. The ordinance shall schedule a regular meeting during the first full week of each month, as required by Tucson Charter Chapter IX, Section 2, and such additional regular meetings during any month as the Mayor and Council deem necessary or desirable. As used in this section and Tucson Charter Chapter IX, Section 2, the “first full week of each month” begins on Sunday, ends on Saturday, and has all seven days within that month.

Sec. 2-26(3). The meetings shall be held at 5:30 p.m. unless otherwise specified in the notice of the meeting.

Sec. 2-26(4). If any meeting date in the first week of a calendar month, or its preceding Monday, falls on a legal holiday, that week’s meeting shall be held on Wednesday at the same time and place.

Sec. 2-26(5). All meetings shall be open to the public except as otherwise provided by law. (1953 Code, ch. 2, § 1; Ord. No. 2277, § 1, 3-12-62; Ord. No. 2848, § 1, 2-7-66; Ord. No. 3071, § 1, 1-2-68; Ord. No. 5076, § 1, 12-3-79; Ord. No. 5540, § 1, 4-5-82; Ord. No. 6532, § 1, 9-15-86; Ord. No. 9922, § 1, 1-5-04; Ord. No. 9953, § 1, 4-19-04; Ord. No. 10072, § 1, 10-25-04; Ord. No. 10232, § 1, 12-20-05; Ord. No. 10352, § 1, 12-5-06)

Charter reference—Authority to establish times and places for council meetings, ch. IX, § 2.

Secs. 2-27 – 2-29. Reserved.

Editor’s note – Ord. No. 3119, § 1, adopted Apr. 22, 1968, repealed §§ 2-27 – 2-29, pertaining to the rules for the meetings of the mayor and council, and derived from the 1953 Code, ch. 2, §§ 2 – 4, and Ord. No. 2277, § 2, adopted Mar. 12, 1962.

Sec. 2-30. City officers and employees to attend meetings.

Any officer or employee of the city, when requested by the mayor and council, shall attend any meeting of the mayor and council. (1953 Code, ch. 2, § 5)

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

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

(Ord. No. 10426, § 4, 6-19-07, eff. 6-24-07; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11291, § 3, 8-5-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16; Ord. No. 11558, § 2, 6-5-18, eff. 6-24-18; Ord. No. 11611, § 1, 12-18-18)

Editor's note – Ord. No. 11180, § 2, adopted June 3, 2014, ratified, reaffirmed, and reenacted this section for Fiscal Year 2015. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 29, 2014. Ord. No. 11273, § 2, adopted June 9, 2015, and Ord. No. 11291, § 5, adopted August 5, 2015, ratified, reaffirmed, and reenacted this section for Fiscal Year 2016. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 28, 2015. Ord. No. 11373, § 2, adopted June 7, 2016, ratified, reaffirmed, and reenacted this section for Fiscal Year 2017. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 26, 2016. 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. 11659, §§ 1-2, adopted June 18, 2019, ratified, reaffirmed, and reenacted this section for Fiscal Year 2020, with amendments to Schedules B-2, C-2 and F-1 (Schedule F effective December 22, 2019). Ord. No. 11761, §§ 1-2, adopted June 30, 2020, ratified, reaffirmed, and reenacted this section for Fiscal Year 2021, with amendments to Schedules A, B-1, B-2, C-1, C-2, C-3, D, E, F-1, G, G-2, H-1, H-2, and H-3. Appendix A and accompanying schedules are implemented for all classified and unclassified employees, effective June 23, 2018.

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

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

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

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

Ord. No. 2496, § 1, 7-22-63
 Ord. No. 2574, § 1, 1-20-64
 Ord. No. 2651, § 1, 8-13-64
 Ord. No. 2658, § 1, 9-8-64
 Ord. No. 2693, § 1, 11-2-64

Ch. 10, § 36a of the 1953 Code as added by Ord. No. 1980, § 7, 11-16-59 – Amended by:
 Ord. No. 2004, § 2, 2-3-60
 Ord. No. 2105, § 1, 11-7-60
 Ord. No. 2129, § 2, 1-3-61
 Ord. No. 2212, § 4, 9-18-61
 Ord. No. 2390, § 4, 12-17-62
 Ord. No. 2608, § 1, 5-4-64
 Ord. No. 2709, § 1, 12-7-64

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

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

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

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

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

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

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

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

Ord. No. 2754, § 3, 4-5-65
 Ord. No. 2845, § 4, 2-7-66
 Ord. No. 2874, § 1, 5-16-66
 Ord. No. 2908, §§ 1, 2, 8-1-66
 Ord. No. 2930, §§ 1, 2, 10-24-66
 Ord. No. 2940, § 3, 11-28-66
 Ord. No. 2973, § 1, 2-6-67
 Ord. No. 2974, § 1, 2-6-67
 Ord. No. 2986, § 2, 3-20-67
 Ord. No. 3009, §§ 1, 2, 6-5-67
 Ord. No. 3061, § 1, 12-4-67
 Ord. No. 3079, § 1, 1-15-68
 Ord. No. 3123, § 1, 5-20-68
 Ord. No. 3126, § 2, 5-27-68
 Ord. No. 3127, § 1, 6-3-68
 Ord. No. 3137, § 1, 7-1-68
 Ord. No. 3163, §§ 1, 2, 9-9-68
 Ord. No. 3179, § 1, 11-12-68
 Ord. No. 3199, § 1, 12-2-68
 Ord. No. 3208, § 1, 1-13-69
 Ord. No. 3209, §§ 1, 2, 1-13-69
 Ord. No. 3214, § 1, 2-3-69
 Ord. No. 3215, §§ 1, 2, 2-24-69
 Ord. No. 3251, §§ 1, 2, 5-5-69
 Ord. No. 3266, § 1, 6-2-69
 Ord. No. 3279, § 1, 6-23-69
 Ord. No. 3298, § 1, 7-21-69
 Ord. No. 3344, § 2, 10-16-69
 Ord. No. 3405, § 1, 2-2-70
 Ord. No. 3428, § 1, 3-23-70
 Ord. No. 3429, § 1, 3-23-70
 Ord. No. 3444, § 1, 5-18-70
 Ord. No. 3512, § 1, 8-31-70
 Ord. No. 3534, § 1, 10-12-70
 Ord. No. 3581, § 1, 1-4-71
 Ord. No. 3582, § 1, 1-4-71
 Ord. No. 3635, §§ 1, 2, 5-12-71
 Ord. No. 3648, §§ 1 – 4, 5-10-71
 Ord. No. 3710, §§ 1, 2, 9-7-71
 Ord. No. 3768, § 1, 12-20-71
 Ord. No. 3838, §§ 1 – 4, 5-1-72
 Ord. No. 3863, §§ 1 – 4, 6-12-73
 Ord. No. 3914, §§ 1, 2, 9-5-72
 Ord. No. 3968, § 1, 1-22-73
 Ord. No. 4014, § 1, 4-23-73
 Ord. No. 4025, § 1, 5-21-73
 Ord. No. 4027, § 1, 5-29-73
 Ord. No. 4038, § 2, 6-25-73
 Ord. No. 4065, § 1, 7-16-73
 Ord. No. 4075, § 1, 8-6-73

Ord. No. 4105, § 1, 11-5-73
 Ord. No. 4119, § 2, 12-11-73
 Ord. No. 4142, § 1, 2-25-74
 Ord. No. 4182, § 1, 5-28-74
 Ord. No. 4194, § 1, 6-3-74
 Ord. No. 4198, § 2, 6-17-74
 Ord. No. 4203, § 2, 7-1-74
 Ord. No. 4218, § 1, 7-22-74
 Ord. No. 4239, § 1, 9-9-74
 Ord. No. 4241, § 1, 9-9-74
 Ord. No. 4306, § 1, 1-13-75
 Ord. No. 4371, § 1, 6-30-75
 Ord. No. 4381, § 1, 8-4-75
 Ord. No. 4425, § 2, 12-30-75
 Ord. No. 4445, § 1, 2-17-76
 Ord. No. 4523, § 2, 6-21-76
 Ord. No. 4528, § 1, 6-28-76
 Ord. No. 4643, § 1, 5-23-77
 Ord. No. 4682, § 2, 7-5-77
 Ord. No. 4735, § 2, 12-19-77
 Ord. No. 4849, §§ 2, 3, 7-3-78
 Ord. No. 4859, § 1, 8-7-78
 Ord. No. 4872, § 1, 9-5-78
 Ord. No. 4896, § 1, 10-23-78
 Ord. No. 4905, §§ 1, 2, 11-13-78
 Ord. No. 4939, §§ 1, 2, 2-12-79
 Ord. No. 4984, § 2, 6-4-79
 Ord. No. 5007, §§ 1, 2, 7-2-79
 Ord. No. 5032, § 1, 9-4-79
 Ord. No. 5061, §§ 1, 2, 11-13-79
 Ord. No. 5085, § 1, 1-7-79
 Ord. No. 5146, §§ 1, 2, 5-5-80
 Ord. No. 5164, § 2, 5-27-80
 Ord. No. 5199, § 1, 8-4-80
 Ord. No. 5305, §§ 1, 2, 2-9-81
 Ord. No. 5365, § 1, 6-8-81
 Ord. No. 5399, §§ 2, 3, 7, 6-29-81
 Ord. No. 5413, § 1, 8-3-81
 Ord. No. 5599, §§ 1, 3 – 5, 9, 6-28-82
 Ord. No. 5624, § 1, 8-3-82
 Ord. No. 5677, § 1, 11-8-82
 Ord. No. 5798, §§ 1, 3, 8, 7-5-83
 Ord. No. 5832, § 1, 8-1-83
 Ord. No. 5850, §§ 1 – 3, 9-6-83
 Ord. No. 5901, § 1, 11-21-83
 Ord. No. 5903, § 1, 11-21-83
 Ord. No. 5951, § 1, 2-13-84
 Ord. No. 6007, § 1, 4-30-84
 Ord. No. 6040, §§ 1, 3, 8, 6-25-84
 Ord. No. 6071, § 1, 8-6-84
 Ord. No. 6114, §§ 1 – 3, 11-5-84
 Ord. No. 6169, § 1, 2-11-85
 Ord. No. 6264, §§ 1, 3, 8, 6-24-85
 Ord. No. 6302, §§ 1, 2, 9-3-85
 Ord. No. 6329, § 1, 11-18-85
 Ord. No. 6332, § 1, 11-25-85
 Ord. No. 6338, § 1, 11-25-85
 Ord. No. 6452, § 1, 3, 6-16-86
 Ord. No. 6506, § 1, 9-2-86
 Ord. No. 6613, § 1, 1-12-87
 Ord. No. 6643, § 1, 3-16-87
 Ord. No. 6735, §§ 1, 5, 10, 7-6-87
 Ord. No. 6772, §§ 1, 2, 9-14-87
 Ord. No. 6840, § 1, 11-16-87
 Ord. No. 6913, § 1, 3-28-88

Ord. No. 6921, § 1, 4-4-88
 Ord. No. 6945, § 1, 5-9-88
 Ord. No. 6960, §§ 1, 2, 6-6-88
 Ord. No. 7004, §§ 1, 4, 9 – 11, 14, 7-5-88
 Ord. No. 7024, § 1, 9-6-88
 Ord. No. 7097, § 1, 11-28-88
 Ord. No. 7151, §§ 1, 2, 3-6-89
 Ord. No. 7196, §§ 1, 2, 5-15-89
 Ord. No. 7243, §§ 7, 9, 12, 7-3-89
 Ord. No. 7275, §§ 1 – 3, 9-11-89
 Ord. No. 7312, §§ 1, 2, 11-13-89
 Ord. No. 7350 § 1, 2-5-90
 Ord. No. 7383, § 2, 3-19-90
 Ord. No. 7439, § 1, 6-25-90
 Ord. No. 7466, § 1, 8-6-90
 Ord. No. 7497, § 1, 9-17-90
 Ord. No. 7518, § 1, 11-19-90
 Ord. No. 7549, § 1, 1-14-91
 Ord. No. 7566, § 1, 2-25-91
 Ord. No. 7599, §§ 1, 2, 4-1-91
 Ord. No. 7605, §§ 1, 2, 4-15-91
 Ord. No. 7653, §§ 1, 2, 6-24-91
 Ord. No. 7691, §§ 1, 2, 9-16-91
 Ord. No. 7780, §§ 1, 2, 3-16-92
 Ord. No. 7906, § 1, 9-14-92
 Ord. No. 7917, §§ 1, 2, 10-5-92
 Ord. No. 7970, § 1, 1-4-93
 Ord. No. 8022, § 1, 4-12-93
 Ord. No. 8067, §§ 1, 2, 6-21-93
 Ord. No. 8090, § 1, 7-6-93
 Ord. No. 8092, § 1, 8-2-93
 Ord. No. 8149, § 1, 11-1-93
 Ord. No. 8166, § 1, 11-22-93
 Ord. No. 8206, § 1, 2-7-94
 Ord. No. 8316, § 1, 7-5-94
 Ord. No. 8367, § 1, 9-12-94
 Ord. No. 8378, § 1, 10-17-94
 Ord. No. 8439, § 2, 1-23-95
 Ord. No. 8444, § 1, 2-6-95
 Ord. No. 8519, §§ 1, 2, 6-12-95
 Ord. No. 8619, § 1, 1-2-96
 Ord. No. 8712, § 2, 6-10-96
 Ord. No. 8753, § 2, 8-5-96
 Ord. No. 8791, § 1, 1-6-97
 Ord. No. 8842, § 1, 3-17-97
 Ord. No. 8844, § 1, 3-24-97
 Ord. No. 8878, § 1, 6-9-97
 Ord. No. 8975, § 1, 11-3-97
 Ord. No. 9008, § 1, 2-2-98
 Ord. No. 9055, § 1, 5-18-98
 Ord. No. 9068, § 1, 6-8-98
 Ord. No. 9093, § 1, 8-3-98
 Ord. No. 9151, § 1, 11-2-98
 Ord. No. 9191, § 1, 1-11-99
 Ord. No. 9237, § 1, 6-14-99
 Ord. No. 9347, § 1, 2-7-00
 Ord. No. 9352, § 1, 2-28-00
 Ord. No. 9399, § 1, 6-12-00
 Ord. No. 9465, § 1, 9-25-00
 Ord. No. 9475, § 1, 10-16-00
 Ord. No. 9575, § 1, 6-25-01
 Ord. No. 9588, § 1, 8-6-01
 Ord. No. 9677, § 1, 2-25-02 (effective June 30, 2002)
 Ord. No. 9724, §§ 1, 2, 6-17-02
 Ord. No. 9727, §§ 1, 2, 6-24-02

Ord. No. 9742, § 2, 8-5-02 (retroactive to June 30, 2002)
 Ord. No. 10003, § 1, 6-28-04 (effective June 27, 2004)
 Ord. No. 10165, § 1, 6-14-05 (effective June 26, 2005)
 Ord. No. 10289, §§ 1 – 3, 6-27-06 (effective July 9, 2006)
 Ord. No. 10293, §§ 1, 2, 6-27-06 (retroactive to June 25, 2006)
 Ord. No. 10364, § 1, 12-19-06 (amending Ord. No. 10289)
 Ord. No. 10426, § 1, 6-19-07 (effective June 24, 2007)
 Ord. No. 10491, §§ 1, 2, 1-8-08
 Ord. No. 10550, § 1, 6-17-08 (effective July 1, 2008)
 Ord. No. 10619, §§ 1, 2 (Exh. A), 1-6-09 (effective January 1, 2009)
 Ord. No. 10675, § 1, 6-2-09 (effective July 1, 2009)
 Ord. No. 10806, § 1, 6-15-10 (effective July 1, 2010)
 Ord. No. 10900, § 1, 6-28-11 (effective July 1, 2011)
 Ord. No. 10989, § 2, 6-5-12 (effective July 1, 2012)
 Ord. No. 11075, § 5, 5-21-13 (effective July 1, 2013)
 Ord. No. 11134, § 2, 12-17-13
 Ord. No. 11180, § 1, 6-3-14 (effective June 29, 2014)
 Ord. No. 11233, § 1, 12-16-14
 Ord. No. 11273, § 1, 6-9-15 (effective June 28, 2015)
 Ord. No. 11291, § 3, 8-5-15
 Ord. No. 11373, § 1, 6-7-16 (effective June 26, 2016)
 Ord. No. 11407, § 1, 11-9-16 (effective November 27, 2016)
 Ord. No. 11429, § 1, 1-24-17 (effective December 25, 2016)
 Ord. No. 11464, § 1, 6-6-17 (effective June 25, 2017)
 Ord. No. 11511, § 1, 12-19-17 (effective December 24, 2017)
 Ord. No. 11535, § 1, 3-20-18
 Ord. No. 11542, § 1, 4-17-18
 Ord. No. 11558, § 1, 6-5-18 (effective June 24, 2018)
 Ord. No. 11611, § 1, 12-18-18
 Ord. No. 11659, § 1, 6-18-19 (effective June 23, 2018;
 new Sch. F effective December 22, 2019)
 Ord. No. 11761, § 1, 6-30-10

Sec. 10-32. Administration of plan.

(a) Under the direction and supervision of the city manager, the human resources director shall administer the annual position-compensation plan which is predicated on performance and skill based components and principles. A skill based pay component of the position-compensation for any department will not be implemented or administered without prior approval of a department proposal by the human resource director. Consideration and implementation of a proposal for a skill based component requires:

- (1) That a comprehensive review of departmental work practices has been undertaken. This review shall include the evaluation of work practices, the identification of potential improvements that integrate organization change, new work practices and use of new technologies and,
- (2) That benefits and cost savings which will result from the utilization of a skill based pay component for the department have been identified and quantified.

- (3) That there has been a job analysis identifying skill, job description, skill objectives, training program supporting the acquisition of identified skills, and skill based compensation structure.
- (4) That the human resources is satisfied with and approves the proposed skill based component to be appropriate for the classification involved.

(b) In no event shall a skill based pay component for a department be approved if the proposal results in the compensation of positions in a city classification both under the performance and skill based component of the compensation plan.

(1953 Code, ch. 10, § 21; Ord. No. 7369, § 18, 3-12-90; Ord. No. 10003, § 3, 6-28-04)

Cross references – Duties of director of personnel pertaining to pensions, § 22-23; duties pertaining to group insurance, § 22-84.

Sec. 10-33. Language communication compensation.

(a) In addition to the compensation authorized by section 10-31, employees who use a language other than English, with proficiency at a conversational level as verified by the director of the department of human resources, a minimum of five (5) percent of the work week, or occupy a position designated by an appointing authority and approved by the city manager as a “language communication” position, shall receive extra compensation in the amount of thirty dollars (\$30.00) per pay period.

(b) Designation of a “language communication” position by the appointing authority and its authorization by the city manager shall be pursuant to procedures to be set forth in city administrative directives.

(c) The director of the department of human resources is responsible for the administration of the language communication compensation program, including, but not limited to, fixing: competency standards; verification procedures for confirming five (5) percent language usage; and criteria to be utilized by appointing authorities when designating “language communications” positions.

(Ord. No. 7937, § 1, 10-26-92; Ord. No. 9540, § 1, 4-16-01; Ord. No. 9562, § 1, 6-11-01; Ord. No. 9727, § 2, 6-24-02; Ord. No. 10165, § 3, 6-14-05; Ord. No. 10426, § 2, 6-19-07; Ord. No. 10550, § 3, 6-17-08, eff.

7-1-08; Ord. No. 10675, § 2, 6-2-09, eff. 7-1-09; Ord. No. 10806, § 2, 6-15-10, eff. 7-1-10; Ord. No. 10900, § 2, 6-28-11, eff. 7-1-11; Ord. No. 10989, § 3, 6-5-12, eff. 7-1-12; Ord. No. 11075, § 5, 5-21-13, eff. 7-1-13; Ord. No. 11134, § 2, 12-17-13; Ord. No. 11180, § 2, 6-3-14, eff. 6-29-14; Ord. No. 11273, § 2, 6-9-15, eff. 6-28-15; Ord. No. 11373, § 2, 6-7-16, eff. 6-26-16; Ord. No. 11558, § 2, 6-5-18, eff. 6-24-18; Ord. No. 11611, § 3, 12-18-18)

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. 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. 10-33.1. Proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish.

(a) Effective July 1, 2011, commissioned police personnel who are certified as bilingual users of ASL or Spanish, who use ASL or Spanish a minimum of five (5) percent of the work week, or who occupy a position designated by the police chief and approved by the city manager as regularly requiring a certified bilingual user of ASL or Spanish, will receive eighty-five dollars (\$85.00) per pay period.

(b) Designation of a position as regularly requiring the use of a certified bilingual user of ASL or Spanish by the appointing authority and if authorized by the city manager, shall be pursuant to procedures to be set forth in city administrative directives.

(c) Certified bilingual officers who are receiving compensation under this section are not eligible for language communication compensation under section 10-33.

(d) The director of the department of human resources is responsible for establishing and/or

Secs. 10A-140 – 10A-144. Reserved.

**ARTICLE XIV. PARK TUCSON
COMMISSION***

Sec. 10A-145. Declaration of policy.

(a) It is the policy of the city to enhance the quality of life and stimulate economic development within the area defined by the City Center Strategic Vision Plan by creating a partnership between the city and the community that efficiently and creatively utilizes parking resources to improve the overall accessibility and environment of the region. Park Tucson will be responsible for focusing, coordinating, and supporting the city's role in parking issues.

(b) The primary funding source for this program is parking revenues. Therefore, the city will establish, upon adoption of this article, a "Park Tucson reserve of fund" account within the general fund to enable monies generated by Park Tucson to be carried forward from year to year to be reinvested into parking and other related public improvement projects within the city center as approved by the mayor and council.

(c) Although the primary focus of Park Tucson will be within the city center, mayor and council may direct Park Tucson to implement and manage self-supporting parking programs in other areas of the city should the need arise. The city manager or the manager's designee may enter into agreements with private property owners to operate and manage parking lots and parking structures, so long as Park Tucson covers its anticipated costs out of anticipated revenues from the agreements.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

Sec. 10A-146. Park Tucson commission created.

There is hereby created an entity to be called the Park Tucson Commission.
(Ord. No. 10418, § 1, 6-12-07; Ord. No. 11400, § 1, 9-20-16)

Sec. 10A-147. Membership composition; appointment; terms.

(a) *Appointment.* The Park Tucson Commission shall be composed of fifteen (15) members who shall serve without compensation as follows:

- (1) The city manager will make two (2) appointments.
- (2) Councilmembers from Wards I, II, III, IV, V, and VI will each appoint one (1) neighborhood representative.
- (3) The following organizations will each make one (1) appointment:
 - a. Fourth Avenue Merchants Association (FAMA).
 - b. University of Arizona.
 - c. Downtown Tucson Partnership.
 - d. Campus Community Relations Commission (CCRC).
 - e. Marshall Foundation/Main Gate Square.
 - f. Visit Tucson.
 - g. Tucson Metro Chamber.

(b) *Terms.* The commissioners who are first appointed shall be designated to serve for staggered terms, so that the terms of three (3) commissioners shall expire after one (1) year; the terms of three (3) commissioners shall expire after two (2) years; the

***Editor's note** – Ord. No. 10418, § 1, adopted June 12, 2007, amended Art. XIV in its entirety to read as herein set out. Former Art. XIV, §§ 10A-145 – 10A-151, pertained to Transportation Enterprise Area Management (TEAM) Oversight Commission, and derived from Ord. No. 8904, § 1, adopted August 4, 1997; Ord. No. 9053, §§ 1, 2, adopted May 4, 1998; Ord. No. 9190, § 1, adopted Jan. 11, 1999.

terms of four (4) commissioners shall expire after three (3) years; and the terms of five (5) commissioners shall expire after four (4) years. Each commissioner’s initial term will be determined by drawing lots at the commission’s first meeting. All appointments thereafter shall be for four-year terms, except that councilmembers’ neighborhood representative appointments shall not serve beyond the term of the councilmember making such appointment.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11161, § 1, 4-23-14; Ord. No. 11400, § 1, 9-20-16; Ord. No. 11725, § 1, 2-4-20)

Sec. 10A-148. Functions and purposes.

The functions, purposes, powers, and duties of the Park Tucson commission are to:

(a) Advise the Park Tucson administrator on matters related to the integration of on-street and off-street parking with pedestrian, bicycle, and transit programs, special events, and capital improvement district projects within the city;

(b) Assist the Park Tucson administrator in developing parking enhancement projects for the city;

(c) Review on an ongoing basis existing city and neighborhood parking programs and signage programs, pedestrian, bicycle, and transit programs and make recommendations to Park Tucson administrator for future programs and/or revisions to existing programs;

(d) Monitor the progress of installation, construction, operation, replacement, maintenance, repair, and improvement of the property and improvements used for parking in the city;

(e) Annually review and recommend the proposed annual budget for the Park Tucson program;

(f) Recommend revisions to the schedule of user charges for the use of parking facilities provided or furnished by the city, including the placement, times, and rates for on-street, metered parking as well as recommending changes in penalties, interest, collection costs, and other charges for delinquencies in payment of such charges to the Park Tucson administrator;

(g) Consult with the mayor and council when requested on specific parking issues which may develop in the future;

(h) Study the city's specialized parking permit programs and recommend expansion, modification, and/or other changes to the Park Tucson administrator;

(i) Assist the city in coordinating the efforts of merchants and property owners in promoting common plans of action and facilitation of parking, urban design, communications and quality of life improvements in downtown Tucson. However, the commission shall not engage in any anti-competitive practice or discourage any person from locating any legal business in any particular place;

(j) Work with other city and county commissions on issues of mutual interest and concern relating to transportation and parking enhancement.

(k) Recommend such action as it deems necessary or desirable to accomplish the above functions.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

Sec. 10A-149. Commission organization.

(a) The commission shall select a chair and a vice-chair from among its members, who shall serve for one-year terms. The vice-chair shall act as chair in the absence or disability of the chair, or in the event of a vacancy in that office.

(b) The commission shall adopt rules and bylaws for its operations that are consistent with this chapter and other legal authority, and shall meet at such times and places as determined by the commission.

(c) The bylaws and all minutes of commission meetings shall be filed with the city clerk.

(Ord. No. 10418, § 1, 6-12-07)

Sec. 10A-150. Commission reports.

The commission shall submit such reports and recommendations as it deems appropriate or as requested by the Park Tucson administrator and/or mayor and council.

(Ord. No. 10418, § 1, 6-12-07; Ord. No. 10918, § 1, 8-9-11; Ord. No. 11400, § 1, 9-20-16)

- a. Arizona department of transportation (ADOT)
- b. Pima association of governments (PAG)
- c. Pima County department of transportation (PCDOT)

The three (3) staff representatives shall be non-voting members of the CSCC.

(c) *Qualifications.*

- (1) The CSCC's membership should represent the geographic, demographic, and economic diversity of the community.
- (2) Desired qualifications include relevant background, knowledge, and/or expertise in one or more of the following guiding principles and issue areas that relate to the CSCC's functions and purposes. Every guiding principle shall be represented by one or more member(s) of the CSCC based on the information provided in the application:
 - (A) Safety: traffic safety, crime, personal security, traffic enforcement, crash data, emergency response.
 - (B) Accessibility for all abilities: persons with disabilities, elderly, youth, families with young children, limited English proficiency populations, transit-dependent populations, alternative mode users.
 - (C) Equity, diversity, and inclusivity: environmental justice, low-income individuals and households, communities of color, LGBTQ communities, refugees, immigrants, non-English speakers, formerly incarcerated people, residents without a home.

- (D) Land use and sense of place: sense of place, planning, neighborhood character, mixed-use development, infill development, parking, public art, gentrification/displacement, placemaking/placekeeping.
- (E) Environment: natural environment, built environment, sustainability, green infrastructure, climate change, air quality.
- (F) Health and recreation: health care providers, public health, health equity, mental health, recreation, access to medical care, injury prevention.
- (G) Economic vitality: business, local business, real estate, development, homebuilding, tourism, business districts, economic development.
- (H) Transportation and mobility: planning, engineering, construction, walking, biking, transit, Americans with Disabilities Act, electric vehicles, regional commuting, freight, transportation service providers.

- (3) All members, except the non-voting members appointed by PAG, ADOT, and PCDOT, shall reside within the City of Tucson.

(d) *Terms of office and reappointment.* CSCC members appointed by the mayor and each council member shall serve two (2) year terms. In the event that the appointing official leaves office prior to the conclusion of the appointee's two (2) year term, the CSCC member's term of service shall expire coincident with that of the appointing official. Members appointed by the transportation director and city manager shall serve two (2) year terms from the time of appointment, in accordance with Tucson City Code, Chapter 10A. Members may serve no more than four (4) consecutive two (2) year terms (eight (8) years in total).

(e) *Replacement and removal.* All replacement appointments shall be made by the appointing authority named under subsection (b) using an application process with consideration of the guiding principles. The appointing authority may discuss replacement appointments with the CSCC.

If a member fails to attend three (3) consecutive regularly scheduled meetings of the CSCC or fails to attend at least forty (40) percent of regularly scheduled meetings within a calendar year, that member's appointment shall be terminated. In the case of any replacement or removal of a member, the replacement should, to the maximum extent practicable, represent a similar perspective, knowledge, and/or expertise with regard to the policy's guiding principles as the replaced or removed member, and every effort should be made to ensure continued representation on the CSCC of Tucson's diverse populations.

Should a nominee of the boards and commissions identified under item 4 of the nomination and appointment section need to be replaced, and that committee has ceased to exist, a replacement shall be appointed by the transportation director in consultation with the city manager. The appointee shall have expertise in the same transportation focus area as the replaced member.

(f) *Concurrent service.* Consistent with Tucson Code § 10A-134(c), members of the CSCC can serve concurrently on up to two (2) city boards, committees, or commissions.

(g) *Applicability of chapter 10A, article XIII.* Except as otherwise specifically provided in this article, all provisions of Tucson Code chapter 10A, article XIII shall apply to the CSCC. (Ord. No. 11675, § 3, 8-6-19; Ord. No. 11753, § 1, 5-19-20)

Sec. 10A-243. Functions, purposes, powers, and duties.

As a mayor and council advisory committee, the complete streets coordinating council (CSCC) is responsible for actively overseeing and bringing accountability to the complete streets policy implementation process. The CSCC, the TRC, and an integrated team of city staff representing multiple departments shall work collaboratively and inclusively together in coordinated ways to implement the complete streets policy.

- (1) The CSCC shall bring diverse community perspectives to inform the implementation of the complete streets policy about which they shall, with staff, advise and make recommendations for decisions to be made by the mayor and council, the transportation director, and the technical review committee on, but not limited to, the following:
 - a. Development of a complete streets policy implementation plan, using the draft implementation plan outline developed by the complete streets task force, and carrying out the implementation tasks identified in the plan in partnership with city staff and the technical review committee (TRC);
 - b. Prioritization of transportation improvement projects through the development of a project prioritization tool as described in the complete streets policy;
 - c. Allocation of transportation funding for complete streets improvements;
 - d. Design of transportation projects to ensure consistency with the policy and best practices in complete streets; and
 - e. Production and distribution of a biennial report documenting progress on the complete streets policy implementation, in partnership with the TRC and an integrated team of city staff representing multiple departments.
- (2) The CSCC will represent the diverse populations of Tucson. CSCC members will have an important role helping engage and educate the public on complete streets topics, and advocating for complete streets projects.

Community members are fundamental partners in the implementation of the complete streets policy. Therefore, mayor and council, with support and guidance from city staff and the CSCC, shall ensure representative, inclusive, and meaningful

Chapter 11

CRIMES AND OFFENSES*

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Article I. In General

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***Cross references** – General penalty and continuing violation, § 1-8; treatment of prisoners generally, § 1-9 et seq.; motor vehicles and related offenses, ch. 20.

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- Sec. 11-29. Indecent exposure.
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Sec. 11-70. Police authority over Rodeo Parade peddlers.
Sec. 11-70.1. Operating motor vehicle off the roadway prohibited; definitions; exceptions; impoundment; hearing; penalties.
Sec. 11-70.2. Violation declared misdemeanor; penalties.
Secs. 11-70.3, 11-70.4. Reserved.

Article II. Methamphetamine; Synthetic Cannabinoids

- Sec. 11-71. Sale of products containing pseudoephedrine.
Sec. 11-72. Retail establishment's right to refuse sale.
Sec. 11-73. Possession, sale or distribution of certain synthetic cannabinoids.
Secs. 11-74 – 11-87. Reserved.

- (c) When the person is operating a motor vehicle actually used in the process of farming or ranching.
- (d) When the person is operating a motor vehicle owned by a business or enterprise licensed by the city and used in the legitimate off-road operations of the business or enterprise, such as sand and gravel operations, land surveying operations, construction companies, utility companies, and other similar enterprises.
- (e) When the person is a governmental employee operating a vehicle while on government business.
- (f) When the person is operating a golf cart on a golf course.

Sec. 11-70.1(4). Impoundment of the Vehicle, Hearing Procedures. The citing authority shall impound or cause to be impounded any motor vehicle operated in violation of this section and issue a civil citation giving notice that there shall be a hearing within forty-eight (48) hours excluding weekends and holidays before a hearing officer. The hearing officer shall determine the responsibility of the operator and the release of the vehicle pursuant to the following procedures:

- (a) The defendant shall admit or deny the allegations of the citation. If the defendant admits the allegations, the hearing officer shall immediately enter judgment against the defendant. If the defendant denies the allegations, the hearing officer shall hold the hearing immediately. If the defendant fails to appear as directed on the citation, the hearing officer shall enter a default judgment against the defendant and order the police department to continue to hold the impounded vehicle and dispose of the vehicle pursuant to sections 20-13 and 20-14 of this Code.
- (b) Immediately after the hearing, if the hearing officer determines the existence of a violation, the hearing officer shall enter judgment in favor of the plaintiff and penalties shall be assessed pursuant to this section. Otherwise, judgment shall be entered in favor of the defendant.

- (c) If a continuance is granted to the defendant for good cause, the impounded vehicle may be released upon the posting of a cash bond covering the cost of the towing, impoundment and potential fine. If a continuance is granted to the city for good cause, the impounded vehicle shall be released forthwith without the necessity of a bond.
- (d) If a case is continued, the hearing officer shall set the hearing within thirty (30) days.
- (e) If judgment is entered in favor of the defendant the impounded vehicle shall be released forthwith to the operator or owner of the impounded vehicle without any towing or impoundment cost and any bond posted shall be returned to the person posting the bond.
- (f) In the event of a conflict between the provisions of this section and the provisions of chapter 8 of this Code, the provisions of this section shall control.

Sec. 11-70.1(5). Penalties, Return of Impounded Vehicle.

- (a) If judgment is entered against the defendant, the hearing officer shall impose a fine for a first offense of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per violation. For a second offense, the hearing officer shall impose a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per violation. The imposition of any fine under this section shall not be suspended. If there is a bond posted, the bond shall be forfeited except when posted by a person other than the defendant.

When the bond is posted by someone other than the defendant, the bond shall be held for ten (10) days, unless the penalties are paid earlier. Notice shall be sent to the person posting the bond informing the person that the bond will be forfeited unless the penalties are paid within ten (10) days from the date judgment was entered. If after notice has been sent to the poster of the bond and the

penalties are not paid within the prescribed 10-day period, the hearing officer shall order the bond to be forfeited.

- (b) The hearing officer shall order the release of the impounded vehicle to the operator or owner upon payment of the fine, towing and impoundment fees.
- (c) If the fine, towing and impoundment fees are not paid within ten (10) days, the hearing officer shall inform the police department to proceed pursuant to section 20-13 and 20-14 of this Code.

(Ord. No. 6675, § 1, 3-23-87; Ord. No. 8958, § 3, 9-22-97)

Editor’s note—Section 1 of Ord. No. 6675, adopted Mar. 23, 1987, added § 11-70, which the editor has redesignated § 11-70.1 in order to avoid duplication of section numbers.

Sec. 11-70.2. Violation declared misdemeanor; penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(Ord. No. 10494, § 2, 1-15-08)

Editor’s note—Ord. No. 10494, § 2, adopted Jan. 15, 2008, added § 11-71, which the editor has redesignated as § 11-70.2 in order to avoid duplication of section numbers.

Secs. 11-70.3, 11-70.4. Reserved.

Editor’s note—Sections 11-70.3, 11-70.4, relating to police restricted areas, derived from Ord. No. 11746, § 1, adopted April 21, 2020, were repealed by § 2 of Ord. No. 11770, adopted July 7, 2020.

**ARTICLE II. METHAMPHETAMINE;
SYNTHETIC CANNABINOIDS***

Sec. 11-71. Sale of products containing pseudoephedrine.

(a) Definitions. For the purposes of this article, the following definitions apply:

- (1) Pseudoephedrine product means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudoephedrine product.
- (2) *Retail establishment* means any place of business that offers any pseudoephedrine product for sale at retail.
- (3) *Permittee* means any person who holds or is required to hold a license or permit to sell drugs at retail pursuant to Title 32, Chapter 18 of the Arizona Revised Statutes.

(b) The operator and the permittee of a retail establishment shall keep all pseudoephedrine products behind a store counter or otherwise in a manner that is inaccessible to customers without the assistance of the operator or an employee of the establishment.

(c) A violation of this section is a class 1 misdemeanor.

* **Editor’s note**—Prior to reenactment by Ord. No. 10211, § 1, adopted Oct. 18, 2005, effective Nov. 1, 2005, Ord. No. 9816, § 6, adopted Feb. 24, 2003, repealed former Art. II, §§ 11-71 – 11-84, and enacted similar provisions set out in new § 16-31. Former Art. II pertained to noise and derived from Ord. No. 5890, § 1, adopted Oct. 11, 1983; Ord. No. 6043, § 21, June 25, 1984; Ord. No. 8956, § 1, adopted Nov. 3, 1997; Ord. No. 9394, §§ 1 – 3, adopted June 5, 2000. See the Code Comparative Table.

(d) Any pseudoephedrine products found to be displayed in a retail establishment in violation of subsection (b) constitute a nuisance and are subject to seizure and disposal by the city in the manner provided in subsection (e) of this section.

(e) Products subject to seizure under this section may be seized by a peace officer under the authority of a search warrant or upon probable cause to believe that the products are subject to seizure pursuant to subsection (d). Before removing any products subject to seizure from the retail establishment, the peace officer shall give the operator or permittee of the establishment a reasonable opportunity to remove the products from the area of the establishment accessible to the public, unless the operator or permittee has been afforded this opportunity on a previous occasion within the preceding twelve (12) months.

(f) At the time of seizing any products under this section, the peace officer shall deliver a notice of intent to dispose of the seized products. This notice shall include the date and location of the seizure, an inventory of the items seized, a description of how a post-seizure hearing may be requested, the time limit for requesting that hearing, and a warning that failure to request the hearing in a timely manner will result in the disposal and destruction of the seized property. The notice required under this subsection shall be served on the operator or permittee of the retail establishment present at the time of the seizure, or if that person cannot be identified at the time of the seizure, on any employee of the establishment.

(g) A person receiving a notice of intent to dispose under this section may request a post-seizure hearing to determine the validity of the seizure within fifteen (15) days of receiving the notice. The court shall conduct the hearing within ten (10) days of the court's receipt of the request, excluding weekends and holidays. Failure to request the hearing in a timely manner, or failure to attend a scheduled hearing, constitutes a waiver of the right to challenge the validity of the seizure. At the hearing, the city shall have the burden of establishing by a preponderance of the evidence that the property was subject to seizure pursuant to subsections (b) and (d) of this section. At the hearing, the court may admit any reliable and relevant evidence. If the court finds that the products were not subject to seizure, it shall order the immediate return of all seized items. If the court finds that the

products were properly seized pursuant to this section, the court shall order that the products are forfeited to the city, and shall direct the city to destroy and dispose of the products.

(h) The requirements of this section are in addition to any requirements under state and federal law.

(Ord. No. 10211, § 1, 10-18-05)

Sec. 11-72. Retail establishment's right to refuse sale.

Any operator, permittee, or employee of a retail establishment may refuse to sell any pseudoephedrine product to any person if the operator, permittee or employee has reason to believe that the product will be used in the unlawful manufacture of methamphetamine or other controlled substance. Facts that give rise to the reason to believe that the product will be used unlawfully include but are not limited to a "suspicious transaction" as defined in Section 13-3401 of the Arizona Revised Statutes; the attempted purchase of pseudoephedrine products in excess of the amounts permitted by Arizona law; the attempt to purchase pseudoephedrine products in a series of transactions in an effort to circumvent the limitations on sales; or the attempt to purchase pseudoephedrine products in conjunction with other products, such as red phosphorous or iodine, that are known to be used in manufacturing methamphetamine. Any person who refuses to make a retail sale in accordance with this section is not liable to its customer or any other person for any loss or damage caused in whole or in part by the refusal to sell.

(Ord. No. 10211, § 1, 10-18-05)

Sec. 11-73. Possession, sale or distribution of certain synthetic cannabinoids.

(a) *Definitions.* For the purposes of this section:

Licensee means the person licensed or required to be licensed pursuant to Chapter 19 of this Code.

Prohibited synthetic cannabinoid means any material, compound, mixture or preparation that contains any quantity of the following cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, whenever the existence of

such salts, isomers and salts of isomers is possible within the following specific chemical designation:

- (1) Any synthetic cannabinoid designated within A.R.S. Section 13-3401; and
- (2) EG-018.

Retail establishment means any business or other establishment that is engaged in the business of sales of tangible personal property at retail.

(b) *Prohibitions.* It is unlawful for any person or any operator or licensee of a retail establishment to sell, offer for sale, display for sale, or distribute any prohibited synthetic cannabinoid in the corporate limits of the city. This prohibition is in addition to any act otherwise prohibited under Arizona or federal law, and nothing in this section limits or in any way affects any other provision of Arizona or federal law.

(c) *Classification and penalties.* Any violation of this section is a public nuisance and is punishable as follows:

1. A violation of this section is a class 1 misdemeanor. Each day during which a violation of this section occurs shall constitute a separate offense. In addition to any other penalties imposed according to law, any person found guilty of this section shall be liable for payment of the costs of prosecution and all investigative costs incurred, including but not limited to any cost for forensic or laboratory testing.
2. Alternatively, a violation of this section may be charged as a civil infraction, with penalties and sanctions as provided in Chapter 8 of this Code. In addition to any other penalties imposed under Chapter 8, any person found responsible for a civil infraction violation of this section shall be liable for payment of the costs of prosecution and all investigative costs incurred, including but not limited to any cost for forensic or laboratory testing. Upon finding a person or retail establishment responsible for a civil infraction violation of this section, the court or hearing officer shall issue an abatement order as provided in Section 8-6.1 of this

Code, ordering the person and/or retail establishment to abate the violation(s) and to remain in compliance with the abatement order for one (1) year, and advising the person and/or retail establishment that any violation of the order shall result in the imposition of additional fines and penalties, and may cause the filing of a criminal charge for failure to obey an order to abate, the penalties for which include mandatory jail pursuant to Section 11-122 of this Code.

3. In addition to the remedies and penalties described above, the City of Tucson shall have the authority to seek an injunction against any person or retail establishment violating the provisions of this section. In any action seeking an injunction, the city shall be entitled to collect its enforcement expenses, including forensic costs, law enforcement costs and reasonable attorney fees and costs incurred.
4. In addition to the remedies and penalties described above, for any retailer who is a licensee under Chapter 7, Article XIX of this Code relating to retail tobacco sales, violations of this section shall be a basis for the suspension of that license as follows:
 - i. The license of a licensee who violates this section on two (2) separate dates within a twelve (12) month period shall be suspended for a period of thirty (30) days.
 - ii. The license of a licensee who violates this section on three (3) separate dates within a twelve (12) month period shall be suspended for a period of twelve (12) months.

License suspensions under this subsection shall be administered as provided in Section 7-436 of this Code. A licensee under Chapter 7, Article XIX shall be notified in writing within ten (10) days by the police department whenever an operator or employee of the licensee is cited for a violation of this section, and the license shall not be suspended in the absence of such notification.

(d) *Seizure.* Any product found to be displayed for sale or offered for sale in violation of this section constitutes a nuisance and is subject to seizure by law

enforcement. Products subject to seizure under this section may be seized by a peace officer under the authority of a search warrant or upon probable cause to believe the product is subject to seizure as provided in this section.

(e) *Injunctive relief.* The City of Tucson shall have the authority to seek an injunction against any person or retail establishments violating the provisions of this section. In any action seeking an injunction, the city shall be entitled to collect its enforcement expenses, including forensic and laboratory costs, law enforcement costs and reasonable attorney fees and costs incurred.

(f) *Defense.* It shall be a defense to any prosecution under this section that a product is specifically exempted by, or regulated within and in compliance with, state or federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is specifically exempt from regulation; mere "non-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.
 - (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.

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

(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:

Sec. 14-1. Purpose.

The purpose of this chapter is to improve relations between city employees and city management. This chapter establishes procedures for the designation of labor organizations to represent certain employee groups, and an orderly process to allow regular employees and their representatives, who have been certified as the exclusive representative of a particular employee group, to meet and confer with the city manager relating to wages, hours, benefits and other conditions of employment and enter into labor agreements.

This chapter also establishes procedures for the recognition of employee associations that represent professional or supervisory employees and an orderly process to allow the employee associations to meet with the city manager and participate in the formulation of policies effecting annual salaries and benefits.

This chapter will be interpreted and implemented consistent with the city's authority under the Arizona Constitution and statutes, City Charter, ordinances, resolutions and civil service rules and regulations. (Ord. No. 10880, § 2, 3-8-11)

Sec. 14-2. Definitions.

The words, terms and phrases as used in this chapter shall have the same meanings as defined in Sec. 10-3. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Confidential employee* means any individual who regularly assists or acts in a confidential capacity to an individual, manager, or supervisor who formulates, determines, and effectuates management, personnel, or labor relations policies, or who has access to confidential or discretionary information regarding the formulation of city policy or procedures; or whose functional responsibilities or knowledge concerning employee relations makes the employee's membership in a labor organization incompatible with that employee's duties.
2. *Day* means calendar day except as otherwise stated.
3. *Employee association* means the group that represents or seeks to represent professional or supervisory City employees in the meet and discuss process.
4. *Employee group* may be members of an employee association or labor organization.
5. *Excluded employee* means employees of the city manager's office except employees of the manager's program offices; employees of the offices of mayor and council; employees of the human resources department; police chief, deputy police chief and assistant police chief; fire chief and assistant fire chief; all department directors and deputy directors; program directors; and nonpermanent employees.
6. *Fiscal year* means the budget term adopted by the city, July 1 through June 30.
7. *Initial probationary period* means an employee's initial probationary period in conformance with the civil service commission rules which must be completed before the employee becomes a permanent city employee. For purposes of this Chapter, an initial probationary employee may be eligible for representation if designated in the labor agreement and may sign a petition or vote in a representation election if represented under a current labor agreement.
8. *Labor agreement* means a statement of agreed upon goals and intentions to be implemented through the city's standard legislative and administrative procedures. A labor agreement cannot contradict, supersede, conflict with or modify the Tucson Charter, the Tucson Code, and the civil service commission rules.
9. *Labor organization* means an organization recognized by the mayor and council as authorized to represent employees in permanent positions in specified classifications in the meet and confer process as described in this chapter for the purpose of meeting and conferring relating to wages, hours, benefits and other conditions of employment.

- 10. *Management employee* means any city employee who is engaged primarily in executive and management functions and/or is charged with the responsibility of developing, administering or effectuating management policies.
- 11. *Meet and confer* means a process requiring the city manager or designee, together with other management representatives to meet with the representatives of a labor organization to discuss and develop mutual recommendations on issues affecting the city and members of the employee group represented by the labor organization, with such mutual recommendations being reduced to a written labor agreement signed by the parties subject to ratification by the members of the employee group and adoption by the mayor and council. The meet and confer process includes discussions of work issues including wages (for purposes of Tucson City Charter Chapter VII, Section 2), benefits, hours and other terms and conditions of employment.
- 12. *Meet and discuss* means the process for providing participation by professional and/or supervisory employees in the formulation of policies affecting their annual salaries and benefits, and requiring representatives of the city manager and representatives of the employee association to personally meet at reasonable times in advance of the budget making process and to discuss the proposals for consideration before any recommendations are submitted to the city council by the city manager.
- 13. *Professional employee* means city employees in classifications identified as professional in accordance with the Fair Labor Standards Act.
- 14. *Supervisory employee* means any individual, except lead persons, police sergeants and fire captains, having authority in the interest of the city either to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust

their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

Sec. 14-3. Labor organizations.

Sec. 14-3(a). The maximum number of labor organizations to be designated for employee representation shall be limited to a total of four as follows:

- 1. One organization may represent employees consisting of commissioned personnel of the Tucson police department through the rank of sergeant and non-commissioned personnel employed as Community Service Officers (CSO).
- 2. One organization may represent employees consisting of commissioned personnel of the Tucson fire department through the rank of captain.
- 3. One organization may represent employees consisting of all clerical, administrative, professional and technical non-supervisory city employees as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.
- 4. One organization may represent employees consisting of all labor and trades non-supervisory employees (including lead persons) as set forth in the position compensation plan and designated by the director of human resources and filed with the city clerk.

Sec. 14-3(b). Employees who have not successfully completed the initial probationary period in conformance with the civil service commission rules may be members of a labor organization subject to the labor agreement. Membership and representation shall not affect the at-will status of the probationary employee. For purposes of this Chapter, an initial probationary employee may be eligible for representation if designated in the labor agreement and

may sign a petition or vote in a representation election if represented under a current labor agreement. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16; Ord. No. 11733, § 1, 3-3-20)

Sec. 14-4. Employees ineligible for representation by a labor organization.

Sec. 14-4(a). The following employees are ineligible for representation by a labor organization:

1. All commissioned fire personnel at or above the rank of battalion chief.
2. All commissioned police personnel at or above the rank of lieutenant.
3. All other city employees who are supervisory, professional, excluded or confidential employees.
4. Non-permanent (intermittent, seasonal and/or temporary employees as defined in Tucson Code Section 10-3) employees and persons employed on a contract basis.

Sec. 14-4(b). The director of human resources shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are eligible for representation in employee groups consistent with the provisions of this chapter. An employee or a labor organization representing the employee group to which the employee would belong may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager's decision to either uphold or overturn the initial determination of eligibility shall be final. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

Sec. 14-5. Petitioning for election to determine representation by labor organizations.

Sec. 14-5(a). If there is no current labor agreement in existence, eligible members of the employee group may petition the city clerk to conduct an election not later than one hundred eighty (180) days prior to the

beginning of the city's fiscal year to determine if representation is desired within the employee group.

Sec. 14-5(b). During the existence of a current labor agreement between the city of Tucson and an employee group, eligible members of said group may petition the city clerk to conduct an election to determine representation within that group, not earlier than one hundred eighty (180) days prior to the expiration date of the current existing agreement and no later than ninety (90) days prior to the expiration of the then current existing agreement.

Sec. 14-5(c). At any time not earlier than one hundred eighty (180) days and no later than ninety (90) days prior to the expiration of an applicable labor agreement, any member of an employee group can initiate an election to decertify an exclusive representative by submitting a petition containing not less than thirty-three percent (33%) of the eligible employees in the employee group. The petition verification and election shall be conducted in the same manner as a representation election.

Sec. 14-5(d). No more than one (1) election per employee group may be held within a fiscal year. (Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

Sec. 14-6. Employee associations.

Sec. 14-6(a). The maximum number of employee associations to be designated for representation of professional and supervisory employees shall be limited to a total of four (4) as follows:

1. One association may represent employees consisting of commissioned personnel of the Tucson police department with the rank of lieutenant and above.
2. One association may represent employees consisting of commissioned personnel of the Tucson fire department with the rank of battalion chief and above.
3. One association may represent employees consisting of all city employees in professional classifications as set forth in the city's position compensation plan.

4. One organization may represent employees consisting of all supervisory employees (excluding lead persons) as set forth in the city's position compensation plan.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

Sec. 14-7. Employees ineligible for representation by an employee association.

Sec. 14-7(a). The following employees are ineligible for representation by an employee association:

1. Employees eligible for representation by a labor organization.
2. All other city employees who are excluded or confidential employees.

Sec. 14-7(b). The human resources director shall have the authority and responsibility, subject to city manager review and approval, for determining which employees are eligible for representation consistent with the provisions of this chapter. An employee may request that this determination be reviewed by the city manager. The request for review shall set forth the reasons for the disagreement in writing. On review, the city manager's decision to either uphold or overturn the initial determination of ineligibility shall be final.

(Ord. No. 10880, § 2, 3-8-11; Ord. No. 11395, § 1, 8-9-16)

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
 Ord. No. 11693 was repealed and new streets were designated by Ord. No. 11734, §§ 1, 2, 3-3-20

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
 Ord. No. 11694 was repealed and new streets were designated by Ord. No. 11735, §§ 1, 2, 3-3-20

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
 Ord. No. 11695 was repealed and new streets were designated by Ord. No. 11736, §§ 1, 2, 3-3-20

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
- Ord. No. 11696 was repealed and new streets were designated by Ord. No. 11737, §§ 1, 2, 3-3-20

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)

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

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

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

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

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

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

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

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

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

Sec. 20-178. Reserved.

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

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

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

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

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

(37) Northwest on Toole Avenue from Broadway to its intersection with Fourth Avenue. (1953 Code, ch. 17, § 98; Ord. No. 1924, § 3, 7-6-59; Ord. No. 3653, § 1, 1-24-72; Ord. No. 3753, § 1, 12-13-71; Ord. No. 4003, § 1, 4-2-73; Ord. No. 4132, § 1, 2-19-74; Ord. No. 4150, § 2, 6-21-76; Ord. No. 4275, § 1, 1-20-75; Ord. No. 5050, § 1, 10-15-79; Ord. No. 6120 § 1, 11-19-84; Ord. No. 6565, § 1, 11-3-86; Ord. No. 6590, §§ 1 and 2, 12-8-86; Ord. No. 6705, §§ 1 and 2, 5-18-87; Ord. No. 6797, §§ 1 and 2, 9-21-87; Ord. No. 6950, §§ 1 and 2, 5-16-88; Ord. No. 6974, §§ 1 and 2, 6-6-88; Ord. No. 7066, §§ 1 and 2, 10-17-88; Ord. No. 7080, §§ 1 and 2, 10-24-88; Ord. No. 7137, §§ 1 and 2, 2-6-89; Ord. No. 7251, §§ 1 and 2, 8-7-89; Ord. No. 7442, §§ 1 and 2, 7-2-90; Ord. No. 7484, §§ 1 and 2, 9-17-90; Ord. No. 7542, §§ 1 and 2, 1-7-91; Ord. No. 7750, §§ 1 and 2, 1-13-92; Ord. No. 7903, § 2, 9-14-92; Ord. No. 7914, § 2, 10-5-92; Ord. No. 7972, §§ 1 and 2, 1-11-93; Ord. No. 7979, §§ 1 and 2, 2-1-93; Ord. No. 8342, § 2, 8-1-94; Ord. No. 8687, § 2, 5-6-96; Ord. No. 8788, §§ 1 and 2, 12-16-96; Ord. No. 8927, §§ 1 and 2, 9-2-97; Ord. No. 9133, § 2, 10-5-98; Ord. No. 9435, § 2, 8-7-00; Ord. No. 9760, § 2, 9-3-02; Ord. No. 10181, § 1, 8-2-05; Ord. No. 10940, § 1, 10-25-11; Ord. No. 11091, § 2, 7-9-13; Ord. No. 11606, § 2, 12-4-18; Ord. No. 11728, § 2, 2-19-20; Ord. No. 11738, § 2, 3-3-20)

Secs. 20-180 – 20-199. Reserved.

ARTICLE VII. STOPPING, STANDING AND PARKING*

DIVISION 1. GENERALLY

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

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

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

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

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

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

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

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

(g) *Community service.* Community service work may be substituted for fines and fees in accordance with section 1-8(4) of this Code. (Ord. No. 9196, § 1, 1-25-99; Ord. No. 10418, § 3, 6-12-07; Ord. No. 11400, § 3, 9-20-16)

Sec. 20-201. Reserved.

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

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

No civil infraction may be established except upon proof by a preponderance of the evidence; provided, however, that a parking violation notice, or copy thereof, issued in accordance with this chapter and the Local Rules of Practice and Procedure in City Court Civil Proceedings shall be prima facie evidence thereof

and shall be admissible in any judicial or administrative proceeding as to the correctness of the facts specified therein.

(Ord. No. 9196, § 1, 1-25-99)

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

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

(b) *Failure to respond.* If the owner or operator of the vehicle involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a \$50.00 default fee pursuant to T.C.C. section 8-6.7 shall be assessed, and a \$20.00 Time Payment Fee pursuant to A.R.S. 12-116, and, a \$20.00 Case Processing Fee pursuant to T.C.C. section 8-6.5(a), plus surcharge and the court shall within seven (7) working days of the default date send a default letter to the owner address on file with the Arizona Department of Motor Vehicles, advising the owner that the citation is in default and that the vehicle may be subject to boot or impoundment as set forth in subsection (d).

(c) *Foreign registered vehicles.* If the owner or operator of the vehicle, registered in a state or jurisdiction other than Arizona, involved in a civil parking violation or infraction fails to respond within thirty (30) calendar days from the day the citation was issued by Park Tucson or one (1) of the prescribed methods in Rule 7 of the Local Rules of Practice and Procedure in City Court Civil Proceedings, a default fee pursuant to T.C.C. section 8-6.7 shall be assessed, and a \$20.00 Time Payment Fee pursuant to A.R.S. 12-116, and, a \$20.00 Case Processing Fee pursuant to T.C.C. section 8-6.5(a) plus surcharge.

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

- (1) The limited special magistrate shall conduct a hearing where the sole issue shall be to determine whether the vehicle was owned by the person at the time of the civil parking infractions, determine whether the infractions have been paid or otherwise responded to, and determine whether the boot was damaged or taken from the vehicle.

(c) Notwithstanding the provisions of subsection 21-7(a), possession of a firearm in violation of section 21-3(5)(2) shall constitute a class two misdemeanor and shall be punishable by a fine of not less than three hundred dollars (\$300.00) and not exceeding seven hundred fifty dollars (\$750.00), by imprisonment of not more than four (4) months, by not more than two (2) years probation or by any combination thereof. No judge may suspend the imposition of the minimum fine prescribed herein.

(Ord. No. 5558, § 4, 5-3-82; Ord. No. 9341, § 2, 1-31-00; Ord. No. 9417, § 1, 7-10-00; Ord. No. 9757, § 4, 8-5-02)

(2) Hi Corbett Field;

(3) Reid Park Zoo.

Sec. 21-8. Consumption of spirituous liquor.

(a) It shall be unlawful for any person to consume or have in their possession any spirituous liquor in a public park. "Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.

(b) "Malt beverage" includes any beverage containing more than one-half of one (0.5) percent of alcohol by volume obtained by the alcoholic fermentation, infusion or decoration of barley malt or hops, including but not limited to beer, ale and malt liquor.

(c) Subsection (a) shall not apply to the consumption or possession of wine, beer or malt beverage by those persons or groups who possess a valid permit under subsection (f) below.

(d) Notwithstanding subsection (b) of this section, it is unlawful for any person to consume or have an open container of any spirituous liquor within parking lots or vehicles within a city park.

(e) The following areas are exempt from this section:

(1) City golf courses during established hours of operation;

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(f) The parks director is empowered to issue permits authorizing the consumption and possession of wine and malt beverages in public parks and to adopt rules and procedures for the issuance of such permits. (Ord. No. 5558, § 3, 5-3-82; Ord. No. 7530, § 1, 12-17-90; Ord. No. 9261, § 2, 8-2-99; Ord. No. 9757, § 5, 8-5-02; Ord. No. 9850, § 4, 5-12-03; Ord. No. 11331, § 4, 12-8-15; Ord. No. 11749, § 1, 5-5-20)

Sec. 21-9. Adult major sports; fees; rosters; minimum number of players per sponsor team; disposition of fees.

Sec. 21-9(1). The adult basketball, softball, volleyball, and baseball programs shall be self-supporting as far as direct costs of personnel, space rental, and supplies are involved. Therefore, once each year, or more often in the discretion of the department of parks and recreation, the department shall publish and make available to members of the general public a schedule of team and player fees for the adult basketball, softball, volleyball, and baseball programs.

Fees – adult sports leagues. The fees for adult sports leagues (per team, per season) shall be:

Baseball.....	\$980.00
Basketball.....	\$449.00
Basketball (fall).....	\$191.00
Flag football.....	\$680.00
Sand volleyball.....	\$102.00
Softball fastpitch (spring).....	\$400.00
Softball fastpitch (fall).....	\$338.00
Softball fastpitch (women).....	\$338.00
Softball slowpitch (spring).....	\$293.00
Softball slowpitch (spring).....	\$235.00
Softball slowpitch (fall).....	\$277.00
Ultimate Frisbee.....	\$150.00
Volleyball.....	\$465.00

Placement of teams in divisions shall be in accordance with regulations or rules of the city parks and recreation director. All fees shall be received by the city on or before the annual league inception date.

Track and Field/Road Races

(per adult).....	\$3.00
(per child).....	\$2.00

(Ord. No. 5213, § 1, 8-4-80; Ord. No. 6758, § 1, 8-3-87; Ord. No. 9261, § 3, 8-2-99; Ord. No. 9757, § 6, 8-5-02; Ord. No. 9850, § 5, 5-12-03; Ord. No. 10260, § 2, 3-7-06; Ord. No. 10748, § 1, 1-5-10)

Sec. 21-9(2). The minimum number of players for sponsored league teams shall be at the discretion of the parks director. (Ord. No. 6758, § 1, 8-3-87)

Sec. 21-9(3). On or before the league inception date, the city parks and recreation director shall receive from each team a roster of participants from whom a fee is required by this section. The director shall be promptly notified of any changes in the roster during the season; and no person shall play who has not paid the required fee, or who is a replacement for such person and notice thereof has not been so given the director. No team shall utilize city facilities until these roster requirements have been fulfilled. Appropriate league sanction shall be imposed for any violation of this minor section and shall include forfeiture of any game in, or in connection with which, such violation occurred. A second violation of this minor section during a league season shall result in immediate expulsion from the league of that team and forfeiture of all sponsor and participant fees paid to the city.

Sec. 21-9(4). All fees paid pursuant to this section shall be deposited in the general fund. (Ord. No. 9757, § 6, 8-5-02) (Ord. No. 3557, § 1, 11-23-70; Ord. No. 4466, § 1, 4-12-76; Ord. No. 9757, §§ 5, 6, 8-5-02; Ord. No. 9850, § 5, 5-12-03)

Sec. 21-10. Fees – Tennis courts.

The fees for use of city tennis courts at the Randolph Tennis Center, the Ft. Lowell Park, and the Himmel Park tennis courts shall be:

Daytime:

Adults: Two dollars and fifty cents (\$2.50) per person per one and one-half (1 1/2) hour increment*.

Seniors (62 and older): Two dollars (\$2.00) per person per one and one half (1 1/2) hour increment*.

Youth (17 and under): One dollar (\$1.00) per person per one and one-half (1 1/2) hour increment*.

Adult monthly daytime pass. \$30.00

With reservation (per court, per use)..... \$4.00
 Junior (youth 17 and under) monthly daytime pass. \$15.00
 Senior monthly daytime pass..... \$20.00

Evening:

Ten dollars (\$10.00) per court for each one and one-half (1 1/2) hour increment.

**Note:* Unlimited play will be allowed during daytime hours on Monday through Friday. If all courts are in use, play will be limited to the one and one-half (1 1/2) hour increment. Saturday mornings from opening to 11:00 a.m., the adult and youth rates are two dollars and fifty cents (\$2.50).

(Ord. No. 4348, § 1, 5-12-75; Ord. No. 4658, § 1, 5-23-77; Ord. No. 5785, § 1, 6-13-83; Ord. No. 7104, § 2, 12-12-88; Ord. No. 7859, § 1, 7-6-92; Ord. No. 9261, § 4, 8-2-99; Ord. No. 9757, § 7, 8-5-02; Ord. No. 11000, § 1, 6-26-12, eff. 7-1-12)

Sec. 21-11. Same – Handball courts.

The fees for use of city handball courts at the Randolph Park center shall be:

Daytime: Five dollars (\$5.00) per court for each one and one-half (1 1/2) hour increment.

Evening: Six dollars (\$6.00) per court for each one and one-half (1 1/2) hour increment.

(Ord. No. 4348, § 1, 5-12-75; Ord. No. 4658, § 2, 5-23-77; Ord. No. 5213, § 2, 8-4-80; Ord. No. 5785, § 2, 6, 3.83; Ord. No. 7104, § 3, 12-12-88; Ord. No. 7859, § 2, 7-6-92; Ord. No. 9261, § 5, 8-2-99)

Sec. 21-12. Same – Swimming pool admission, swim lesson, competitive swimming program, and synchronized swimming program fees and rental rates.

Fees for admission to and use of city swimming pools and swim lessons shall be as follows:

- (1) *Daily admission:*
 - Adults (18 years and older)..... \$2.00
Includes wading pools
 - Youth (17 and under)..... \$1.00
Includes wading pools
- (2) *Multiple admission punch pass (30 visits):*
 - Adults (18 years and older)
 - Resident..... \$51.00
 - Non-resident. \$63.00
 - Youth (17 years and under)
 - Resident..... \$21.00
 - Non-resident. \$24.00
- (3) *Swimming passes:*
 - Adults (18 years and older)..... \$75.00
 - Youth (17 years and under)..... \$30.00
 - Family (includes 2 adults/2 children)..... \$100.00
 - Each additional child, same family..... \$20.00
 - Annual pass:
 - Adults (18 years and older)..... \$100.00
 - Juniors (under 18 years)..... \$40.00
 - Family (includes 2 adults/2 children)..... \$150.00
 - Each additional child, same family..... \$25.00

Unlimited use during pool hours subject to available water space.

(1) *Spousal consent.* Any member who is married and wishes to designate a non-spouse beneficiary must provide spousal consent to the beneficiary designation. The consent of a member's spouse to a beneficiary designation shall be in writing, acknowledge the effect of such an election and be witnessed by a notary public or a designated representative of the system administrator. No spousal consent will be required if the system administrator determines, in its sole discretion, that such consent cannot be obtained because the spouse cannot be located or other circumstances exist that preclude the member from obtaining such consent.

(2) *Changes in marital status.* Except as set forth herein, a member who intends to change their beneficiary as a result of a change in marital status must update the beneficiary designation to reflect the member's wishes. A member's divorce generally does not impact the validity or enforceability of a beneficiary designation on file with the system administrator. Beneficiary designation provisions contained in a domestic relations order accepted by the system administrator in accordance with section 22-43.1 will be enforced, however, notwithstanding any beneficiary designation or provision of the system to the contrary. Effective with regard to deaths occurring after December 31, 2018, the member's spouse will become the member's default beneficiary even if the member enters into a marriage after having filed a beneficiary designation with the system administrator, unless and until the member files a new designation with the consent of the member's current spouse.

(3) *Designation of a trust as beneficiary.* A trust may be designated as a beneficiary only if the trust is established by the member, the trust is or becomes irrevocable at the time of the member's death and both the member and the trustee of the member's trust provide all requested information regarding the trust to the system administrator.

(4) *Finality of Designations.* A designation of a beneficiary(ies) shall become effective and shall remain effective upon receipt and acceptance of the designation by the system administrator and except as set forth in paragraph (1) above. If the system administrator does not receive sufficient information to implement a member's beneficiary designation, the system administrator may exercise its discretion to declare a designation invalid. Upon ratification by the board of a member's application for retirement benefits,

the member's designation of a retirement benefit survivor shall become irrevocable with regard to any joint and survivor annuity elected in accordance with section 22-42(c) or section 22-42(d). All other beneficiary designations become irrevocable upon the member's death. There shall be no liability on the part of the city, the board or the system administrator with respect to any payment made in accordance with this section 22-33(f).

(Ord. No. 10657, § 1, 4-28-09, eff. 7-1-09; Ord. No. 10711, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10712, § 2, 9-9-09, eff. 7-1-09; Ord. No. 10915, § 2, 6-21-11, eff. 7-1-11; Ord. No. 11020, § 2, 9-11-12, eff. 7-1-09; Ord. No. 11327, §§ 2, 3, 12-8-15, eff. 1-1-16; Ord. No. 11595, § 2, 10-23-18)

Sec. 22-34. Membership contributions.

Sec. 22-34(a). Fixed contribution rate. Each member hired prior to July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to five (5) percent of the member's compensation. The finance director shall deduct this amount and credit it to the member's accumulated contributions account.

Sec. 22-34(b). Variable contribution rates. Each member hired on or after July 1, 2006, shall make mandatory member contributions to the system for every pay period during which the member receives compensation in an amount equal to the applicable percentage of the Employee Segment Normal Cost: For purposes of this Section 22-34(b), the applicable percentage shall equal the percentage determined by the City on an annual basis prior to the beginning of each fiscal year, and which shall equal no less than fifty (50) percent and no more than one hundred (100) percent. Notwithstanding the foregoing, the member's annual contribution rate (1) shall in no event be less than five (5) percent of compensation and (2) shall be subject to an annual fiscal year adjustment (increase or decrease) equal to no more than two and one-half (2 1/2) percent of member compensation. The finance director shall deduct the applicable member contributions from each member's compensation and credit it to the member's accumulated contributions account. Notwithstanding the foregoing and effective only for the period beginning on July 1, 2020 and ending on June 30, 2021 ("FY2021"), the variable contribution rates required pursuant to this Section 22-34(b) are suspended. The member contribution

rates approved by the City for Tier I Members and Tier II Members for the period beginning on July 1, 2019 and ending on June 30, 2020 shall continue with no change for FY2021. The variable contribution rate calculation provisions of this Section are being suspended temporarily in light of the Federal, Arizona and City of Tucson emergency declarations currently in effect with regard to the coronavirus pandemic and the economic consequences of the measures being implemented to limit the spread of COVID-19.

Sec. 22-34(c). Contribution rates for rehired members. If a member separates from employment with the city and is later re-hired, the rate of mandatory member contributions applicable to the rehired member shall be determined in accordance with this section. Any member who was originally hired by the city prior to July 1, 2006, who was a vested member at the time of separation from employment with the city and who does not request a refund of member contributions in accordance with section 22-41 prior to his date of reemployment with the city shall make mandatory member contributions to the system in accordance with section 22-34(a) above. All other rehired members shall make mandatory member contributions in accordance with section 22-34(b) above.

Sec. 22-34(d). Employer pick-up/member contributions. All member contributions to the system are mandatory and are picked up by the city in accordance with Code Section 414(h). As a result of the city's pick-up arrangement, the member contributions are contributed to the system on a pre-tax basis and shall not be included in the member's gross income until the member requests a refund of contributions or receives retirement benefit payments. All member contributions are deposited into the individual accumulated contributions account maintained by the system administrator on behalf of each contributing member.

Sec. 22-34(e). Qualified military service. A member who leaves employment for qualified military service and is timely reinstated by the city and meets all other applicable requirements for benefits following qualified military service including, without limitation, the requirements set forth in the city's Administrative Directive 2.01-7G regarding military leave, as amended, shall be permitted (but not required) to make up missed member contributions to the system. Any reinstated member who wishes to make up missed

member contributions shall contribute all or a portion of the member contributions that would have been made by the member but for the qualified military service, calculated at the compensation rate in effect for the member immediately preceding the commencement of the qualified military service and the member contribution rate in effect during the qualified military service, and without interest or any other adjustment. The missed member contributions shall be contributed to the system during a period that begins on the date of reinstatement and ends on the earliest of (1) the date that is five (5) years from the date of reinstatement; (2) the date that marks the end of a period which is three (3) times the length of the member's most recent period of qualified military service; or (3) the member's termination date. Any and all member contributions made up pursuant to this section shall be treated as regular member contributions made in accordance with section 22-34(d). Following the contribution of missed member contributions to the system, the system administrator shall take all steps necessary to increase the member's accrued benefit to include the portion of the member's qualified military service covered by the missed member contributions. Notwithstanding the foregoing, to the extent the member is paid his full city salary during military leave in accordance with Section IV of the city's Administrative Directive 2.01-7G, as amended (Paid Military Leave Not to Exceed 30 Calendar Days in any Two (2) Consecutive Federal Fiscal Years), member contributions shall be deducted from the member's military leave pay on the same basis as member contributions would be made by the member under section 22-34 if the member was actively employed.

Sec. 22-34(f). Accrued vacation cash out. All hours of accumulated vacation earned by a tier I member and cashed out by the city as of the earlier of the member's termination date or election to enter the end of service program shall be included in a member's compensation for member contribution purposes, provided that member contributions are made in accordance with this section. The member contributions applicable to accumulated vacation shall be calculated using the tier I member's compensation and member contribution rate as in effect immediately preceding the tier I member's termination date. The calculation and collection of member contributions under this section shall trigger the city's obligation to make corresponding employer contributions under section 22-35(a) for the accumulated vacation hours.

Sec. 22-34(g). Non-forfeiture and refund of contributions. It is the right of each member to request a refund of the member's accumulated contributions, plus interest, upon separation from city service and the right of each beneficiary to be paid the member's accumulated contributions, plus interest, upon the member's death before retirement or unused contributions, plus interest, upon the member's death after retirement, whichever is applicable. All refunds, and the related forfeiture of credited service, shall be administered in accordance with section 22-41.

Sec. 22-34(h). Employment status changes. Effective July 1, 2011 and notwithstanding any provision of the Code to the contrary, the mandatory

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member contribution rate for an employee who first becomes a member in the system after the employee's date of hire or rehire with the city will be determined pursuant to this section. If an employee is hired or rehired by the city in an employment position that does not qualify for membership in the system and later becomes a member, the applicable member contribution rate shall be determined as of the date on which the employee first satisfies the requirements for membership under section 22-33, as opposed to the employee's date of hire or rehire. The member contribution rate for a reemployed member shall be determined in accordance with section 22-34(c). (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 10915, § 3, 6-21-11, eff. 7-1-11; Ord. No. 11062, § 3, 3-27-13, eff. 7-1-13; Ord. No. 11243, § 1, 2-18-15, eff. 7-1-15; Ord. No. 11327, §§ 4, 5, 12-8-15, eff. 1-1-16; Ord. No. 11349, § 1, 4-5-16, eff. 7-1-16; Ord. No. 11430, § 1, 1-24-17, eff. 7-1-17; Ord. No. 11529, 2-21-18, eff. 7-1-18; Ord. No. 11752, § 1, 5-19-20, eff. 7-1-20)

Sec. 22-35. City contributions.

Sec. 22-35(a). Contribution by the city. At the end of each payroll period, the finance director shall cause the city to contribute to the trust fund an amount equal to the employer contribution for the particular payroll period, plus any and all member contributions picked up by the city in accordance with section 22-34(d) and section 22-36(g)(2).

Sec. 22-35(b). Certification of rates and charges. The board shall certify to the city manager, on a fiscal year basis, the annual required contribution, the member contribution rate and the employer contribution for the system.

Sec. 22-35(c). City's funding requirement for system. The city council shall appropriate no less than one hundred (100) percent of the employer contribution for a particular fiscal year.

Sec. 22-35(d). Determination and deposit of employer contributions. The finance director at the end of each pay period shall apply the appropriate employer contribution and member contribution rates to the total compensation of members for such period and shall transfer this amount to the trust fund. (Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09)

Sec. 22-36. Accumulation of credited service.

Sec. 22-36(a). Credited service generally. A member will receive credited service for purposes of determining the benefits to which the member or the member's beneficiary(ies) will be entitled. Credited service is the total of the member's accrued service and additional service. Accrued service shall be used to determine whether a member is vested, as well as to determine the member's accrued benefit. Additional service shall be considered for benefit accrual purposes only.

Sec. 22-36(b). Accrued service for city employment.

- (1) *Employment periods.* A member shall earn 1/2080 of one (1) year of accrued service credit for each hour of regular time compensation, including authorized periods of absence for which the member receives compensation. A member who is compensated for two thousand eighty (2,080) or more hours of regular time during twelve (12) consecutive calendar months shall receive one (1) year of accrued service. A member who is compensated on less than a full-time basis shall receive credit for a proportionate part of a full year of accrued service.
- (2) *Periods of leave.* With regard to tier I members, all service and periods of leave with pay, accrued and unused vacation and sick leave at the date of retirement, workers compensation and qualified military service shall be used in calculating a member's total accrued service. The accrued service of tier II members shall include all service and periods of leave with pay, workers compensation and qualified military service, but shall exclude all accrued and unused vacation and sick leave at the date of retirement. Special rules regarding qualified military service are set forth in subparagraph three (3) below. Notwithstanding the foregoing, accumulated vacation earned by a tier I member and cashed out by the city as of the member's termination date shall be treated as accrued service only if the member makes member

contributions on the value of the leave that is cashed out by the city as set forth in section 22-34(f).

- (3) *Military leave during active employment.* An active city employee who leaves employment to complete qualified military service, makes a timely return to the city following an honorable discharge (as defined below), and who makes up missed member contributions in accordance with section 22-43(e) may receive accrued service for periods of qualified military service. Accrued service credited to a member who satisfies the conditions of this section and section 22-43(e) shall not exceed sixty (60) months of accrued service for qualified military service, plus accrued service for reasonable periods of absence from employment which are necessitated by the qualified military service, except as provided by applicable federal law. The member's return to city service shall be deemed to be timely if the member is reinstated or requests reinstatement in accordance with the following time frames: (A) The first full regularly scheduled work period on the first full calendar day following completion of the qualified military service for periods of qualified military service of less than thirty-one (31) days; (B) not later than fourteen (14) days after completing qualified military service for periods of qualified military service of at least thirty (30) days and not more than one hundred eighty (180) days; or (C) not later than ninety (90) days after completing qualified military service for periods of qualified military service of more than one hundred eighty (180) days. If the member is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of qualified military service, the member's return to city service shall be deemed to be timely if the member returns as of the earlier of the end of the period of recovery or the date which is two (2) years after the completion of qualified military service. Notwithstanding the foregoing, an active city employee who leaves employment for military leave in accordance with Section IV

of the city's Administrative Directive 2.01-7G, as amended (Paid Military Leave Not to Exceed 30 Calendar Days in any Two (2) Consecutive Federal Fiscal Years) shall be credited with accrued service for the period of military leave during which member contributions are made, regardless of the employee's subsequent return or failure to return to employment.

- (4) *Furlough.* An active city employee who is subject to a city mandated furlough during the period beginning on July 1, 2009, and ending on June 30, 2010, shall be credited with accrued service for the furlough period(s), up to a maximum of seventy-two (72) hours of accrued service credit. This shall include reductions in pay which correlate with furlough hours.

Sec. 22-36(c). Transfers from other Arizona Systems.

- (1) *ASRS.* A contributing member who has service credits in the Arizona State Retirement System may have such retirement service credits transferred to the system in accordance with Arizona Revised Statute Sections 38-730, as amended. In no event shall any transfer of service credit processed in accordance with this section create a significant detriment to the funded status of the system. Any service credit transferred pursuant to this section shall be accrued service hereunder.
- (2) *Other systems.* A contributing member who has service credits in a public retirement system maintained by the State of Arizona (other than ASRS) or any municipality of the State of Arizona may have such retirement service credits transferred to the system in accordance with Arizona Revised Statute Sections 38-923 and 38-924, as amended. In no event shall any transfer of service credit processed in accordance with this section cause the system to incur any unfunded accrued liabilities as a result of the transfer. Any service credit transferred pursuant to this section shall be additional service hereunder.

required under Section 401(a)(9) of the Code; (iii) the portion of any distribution that is not includible in gross income; and (iv) any other distribution that is reasonably expected to total less than two hundred dollars (\$200.00) during a year. A portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax member contributions which are not includible in gross income. However, such portion may be transferred only to (1) an individual retirement account or annuity described in Section 408(a) or (b) of the Code, (2) to a qualified defined contribution plan described in Section 401(a) of 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or (3) for taxable years beginning after December 31, 2006, to a qualified trust or to an annuity contract described in Section 403(b), if such trust or contract provides for separate accounting for amounts so transferred (including interest thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

Sec. 22-43(h). Assignments prohibited. Except as set forth in section 22-43.1, none of the money, pensions or other benefits payable by the system shall be assignable either in law or in equity or be subject to execution, levy, attachment, garnishment or other legal process.
(Ord. No. 10657, § 2, 4-28-09, eff. 7-1-09; Ord. No. 11020, § 4, 9-11-12, eff. 7-1-09)

Sec. 22-43.1. System approved domestic relations orders.

Sec. 22-43.1(a). Benefits subject to domestic relations orders. The right of a member to a retirement benefit, to the refund of a member's accumulated contributions account, or any other benefit under the provisions of the system shall be subject to award pursuant to a system approved domestic relations order.

Sec. 22-43.1(b). System administrator review and approval. The system administrator is responsible for the review and approval of any domestic relations order impacting benefits or rights of a member under this system and which is presented to the system administrator in a timely fashion. The system administrator shall determine whether the domestic relations order can be administered and benefits paid in accordance with the applicable requirements of the order, the system and the Code. Any domestic relations order accepted by the system administrator shall be referred to as a system approved domestic relations order. To the extent permitted by law, the system administrator's decision regarding a domestic relations order shall be final and binding. The city, the board, and the system administrator shall not be responsible for the payment of any system benefits in contravention of a domestic relations order when the domestic relations order is not timely presented to the system administrator for review. Additionally, upon ratification of a member's retirement application by the board, all benefit payment elections (including those filed by the member, ordered pursuant to a system approved domestic relations order or filed by an alternate payee) shall become irrevocable and no change in benefit options shall be permitted, regardless of any changes in the marital status of the member or the alternate payee.

Sec. 22-43.1(c). System approved domestic relations order. No domestic relations order shall be accepted by the system administrator if the order requires the system to provide any type, form or time of payment that is not provided under this Code, as determined by the system administrator in its discretion. Additionally, any system approved domestic relations order must reasonably identify the Tucson Supplemental Retirement System and specify all of the following: (1) the name and last known mailing address of the member; (2) the name and last known mailing address of each alternate payee covered by the order; (3) the method of determining the amount of the member's system benefits to be paid to each alternate payee covered by the order; (4) the number of payments or period to which the order applies; and (5) whether survivor benefits are payable to the alternate payee upon the death of the member.
(Ord. No. 10657, § 3, 4-28-09, eff. 7-1-09; Ord. No. 11327, § 15, 12-8-15, eff. 1-1-16)

DIVISION 2. ADMINISTRATION OF THE SYSTEM

Sec. 22-44. Board of trustees.

Sec. 22-44(a). Administration. The board of trustees shall be responsible for, and shall have the power and authority necessary to effectuate the administration, management and operation of the system. The board shall construe, interpret and implement the provisions of this article, in its discretion and pursuant to uniform and non-discriminatory rules, policies and procedures.

Sec. 22-44(b). Membership. The membership of the board shall be exempt from all provisions of section 10A-134 of the Tucson Code. The board shall consist of the following seven (7) members:

- (1) A chairman, to be appointed by the mayor, subject to the approval of the city council;
- (2) The city's human resources director or his/her designee;
- (3) The city's finance director or his/her designee;
- (4) Two (2) contributing members nominated and elected by the contributing members of the system in a manner that the board shall prescribe by regulation;
- (5) One (1) retired member nominated and elected by the retired members of the system in a manner that the board shall prescribe by regulation;
- (6) One (1) member appointed by the city manager.

Sec. 22-44(c). Qualifications. The individuals appointed to the board by the mayor, as chairman of the board, and by the city manager shall be appointed based on the individual's business experience with emphasis on a discipline such as law, retirement administration, accounting or investments.

Sec. 22-44(d). Compensation. The members of the board shall serve without compensation but shall be reimbursed for expenses incurred by them in the performance of their board duties.

Sec. 22-44(e). Term of office. The term of office of board members nominated and elected by members in accordance with section 22-44(b)(4) and (5) above shall be four (4) years. The chairman of the board shall serve a term of four (4) years. The city manager's appointee shall serve at the discretion of the city manager or until the appointee resigns by providing advance notice to the board and the city manager. The directors of human resources and finance shall be standing members of the board and not subject to annual terms. Any employee or retiree representative board member who is elected to two (2) consecutive terms shall not be eligible to succeed themselves.

Sec. 22-44(f). System budget. The board shall annually prepare and maintain a budget setting forth the administrative costs of the system. The system budget shall include separate line items for the primary administrative expenses of the system, including, but not limited to, recordkeeping, accounting fees, actuarial expenses, investment fees and expenses, audit expenses, staffing costs, other independent professional expenses, and professional development fees and expenses for board members and the system administrator. The system budget shall be presented to mayor and council in connection with the board's annual report on the system.

Sec. 22-44(g). Employment of professionals. The board may employ managers, consultants, actuaries, technical advisors and professionals, including legal counsel and medical practitioners, and staff personnel as may be necessary for the proper administration of the system. Professionals employed by the board shall discharge their duties in accordance with and be subject to the highest prevailing industry standard of care for their respective disciplines.

Sec. 22-44(h). Establishing interest rates and actuarial assumptions; actuarial studies. The board shall establish, from time to time, the interest rate(s) applicable to member accumulated contributions accounts and the assumed earnings rate applicable to end of service program benefits, as well as the applicable crediting methodologies. The board also shall adopt from time to time such mortality, service and other tables, as well as the assumed interest rate, as are necessary and proper for the administration and funding of the system. Additionally, the board shall cause an actuarial study to be completed with regard to all of the experience of the system no less frequently

borrowed from the board. The board shall discharge its duties with respect to the system solely in the interest of, and for the exclusive purpose of providing benefits to, members and beneficiaries.

Sec. 22-44(k). Additional powers and duties. In addition to all other powers and duties, the board shall:

- (1) Keep a record of all of its proceedings, and such record shall be open to inspection by members and the public;
- (2) Determine the credited service, the compensation, the average final monthly compensation, and the age of all members; and when the same cannot be determined from the records, it may make the best available estimates thereof;
- (3) Make annually a report to the mayor and city council covering the operations of the system for the preceding fiscal year, including its financial conditions as of fiscal closing;
- (4) Review and provide written recommendations to the mayor and city council on all proposed ordinances and resolutions not originating from the board that amend, modify or delete provisions of the system. The board shall be given forty-five (45) days advance notice prior to any such mayor and council action regarding the system;
- (5) Invest the assets of the system;
- (6) Adopt necessary rules and regulations governing the administration of the system;
- (7) Hear and resolve employee, member and beneficiary claims relating to the system; and
- (8) Do all other things necessary for the proper administration of the provisions of the system.

Sec. 22-44(l). Advisory committees and subcommittees. The board may establish advisory committees and subcommittees consistent with the needs of administering the system. Advisory committees and subcommittees shall report directly to

the board and have no authority to make decisions on behalf of the board.

(Ord. No. 10657, § 4, 4-28-09, eff. 7-1-09; Ord. No. 11327, § 16, 12-8-15, eff. 1-1-16; Ord. No. 11743, § 1, 4-14-20, eff. 7-1-20)

Sec. 22-45. Investments.

Sec. 22-45(a). Investments. The board shall have full power to invest and reinvest all moneys belonging to the system's trust fund and to hold, purchase, sell, assign, transfer or dispose of the securities or investment in which such moneys have been invested. The board or any agents employed by the board may:

- (1) Invest and reinvest the principal and income of the trust fund without distinction between principal and income;
- (2) Sell, exchange, convey, transfer or otherwise dispose of any investments of the trust fund held in the name of the system by private contract or at public auction;
- (3) And with regard to trust fund investments:
 - (A) Vote upon any stocks, bonds or other securities;
 - (B) Give general or special proxies or powers of attorney with or without power of substitution;
 - (C) Exercise any conversion privileges, subscription rights or other options and make any payments incidental thereto;
 - (D) Consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities and delegate discretionary powers and pay any assessments or charges in connection therewith;
 - (E) Generally exercise any of the powers of any owner with respect to securities or other investments held in the trust fund;
- (4) Make, execute, acknowledge and deliver any and all other instructions that may be necessary or appropriate to carry out the powers herein granted;

- (5) Register any investment held in the trust fund in the name of the system or in the name of the nominee;
- (6) At the expense of the system, enter into agreement with a trustee or manager for the acquisition and safekeeping and handling of securities and other investments coming into the possession of the board; the agreement shall be entered into under such terms and conditions as shall secure the proper safeguarding, inventory, withdrawal and handling of the securities and other investments; no access to, and no deposit or withdrawal of, the securities from any place of deposit selected by the board shall be permitted or made except as the terms of the agreement may provide; and
- (7) Do all other acts and engage in other transactions whether or not expressly authorized which may be deemed necessary or proper for the growth and protection of the investment held in the trust fund.

Sec. 22-45(b). Due diligence. In making each and all such investments, the board shall exercise the judgment and care under the circumstances then prevailing which persons of ordinary prudence, discretion and intelligence exercise in management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of the capital. The board shall not be held liable for the exercise of more than ordinary care and prudence in the selection of investments and shall not be limited to so-called "legal investments for trustees"; but all assets of the system shall be invested subject to all conditions, limitations and restrictions imposed by law.
(Ord. No. 10657, § 4, 4-28-09, eff. 7-1-09)

Sec. 22-46. Finance director duties.

The finance director or his/her designee shall deposit the system's assets in the trust fund held by the custodial financial institution selected by the board to maintain the assets in trust for the benefit of the members. The finance director shall be responsible for maintaining a system of accounts for the assets in

accordance with generally accepted accounting principles for pension funds. The finance director also shall be responsible for oversight of the payroll procedures connected to the system administration, such as the collection of contributions pursuant to section 22-35(d). The finance director shall serve as the secretary of the board.

(Ord. No. 10657, § 4, 4-28-09, eff. 7-1-09; Ord. No. 11327, § 17, 12-8-15, eff. 1-1-16)

Sec. 22-47. Human resources director duties.

The human resources director or his/her designee shall provide the board with all relevant information available in the city's human resources department concerning the employment status of members.

(Ord. No. 10657, § 4, 4-28-09, eff. 7-1-09; Ord. No. 11327, § 18, 12-8-15, eff. 1-1-16)

Sec. 22-48. System administrator.

The system administrator is charged with the day to day administration of the system and oversight of the city's retirement office and personnel. The system administrator shall be an individual having a demonstrated familiarity with one or more disciplines such as finance, accounting, actuarial evaluations, investments or tax law. The system administrator shall attend board meetings, consult with other professionals employed by the board and shall report to the board on such matters as may affect the administration of the system. The system administrator shall make all such decisions as are necessary for the daily operation of the system, exercise the discretion necessary to carry out its functions hereunder and supervise such employees who may be assigned to assist in the operation of the system.

(Ord. No. 10657, § 5, 4-28-09, eff. 7-1-09)

Sec. 22-49. Indemnification.

To the extent permitted by law, the board, the individual members of the board and the system administrator shall be indemnified and held harmless against any and all liabilities (including defense costs and expenses) arising by reason of an act or failure to act in their fiduciary and administrative capacities to the system, and for liability and costs resulting from the acts and omissions of their duly appointed agents, except

Chapter 27

WATER*

Art. I.	In General, §§ 27-1 – 27-27
Art. II.	Rates and Charges, §§ 27-28 – 27-59
Art. III.	Citizens' Water Advisory Committee, §§ 27-60 – 27-65
Art. IV.	Groundwater Consultant Board, §§ 27-66 – 27-69
Art. V.	Backflow Prevention and Cross-Connection Control, §§ 27-70 – 27-89
Art. VI.	Emergency Water Conservation Response, §§ 27-90 – 27-99
Art VII.	Water Consumer Protection Act, §§ 27-100 – 27-109
Art VIII.	Drought Preparedness and Response Plan, §§ 27-110 – 27-119

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Sec. 27-2.	Duty of superintendent to inspect, make repairs.
Sec. 27-3.	Superintendent to report violations; prosecution by city manager.
Sec. 27-4.	Superintendent to control water supply; notice of shutting off pipelines.
Sec. 27-5.	Superintendent subject to city manager and mayor and council.
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Sec. 27-37.	Agreements for construction of water facilities authorized.

*Cross references – Plumbing code, § 6-121 et seq.; sewerage and sewage disposal, ch. 24.

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- Sec. 27-38. Provisions for refund of cost of water mains or water facilities installed by private contract under certain conditions authorized.
- Sec. 27-38.1. Provisions for refund of cost of water mains or facilities funded and installed by the city under certain conditions authorized.
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- Sec. 27-40. Sales taxes and in-lieu-of franchise taxes.
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- Sec. 27-61. Functions and purposes.
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- Sec. 27-78. Inspections.
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(f) If the hearing officer requires a more complete set of facts than can be gathered at the time of the hearing, the officer shall make whatever investigation is necessary before rendering a decision.

(g) The customer's water service shall not be terminated until and unless the hearing officer completes the investigation and finds the customer's dispute to be without merit. However, the hearing process does not relieve the customer of the obligation to pay water bills. The customer must continue to pay in a timely manner, all water bills received or be subject to delinquent service charges should the account balance exceed seventy-five dollars (\$75.00).

(h) The hearing officer's determination regarding disputed customer account balance is final.

(1953 Code, ch. 25, § 26; Ord. No. 2665, § 10, 9-21-64; Ord. No. 3394, § 14, 1-12-70; Ord. No. 4626, § 10, 3-3-77; Ord. No. 4874, § 1, 9-5-78; Ord. No. 5355, § 5, 4-20-81; Ord. No. 9043, § 5, 4-13-98; Ord. No. 9238, § 6, 6-14-99; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10359, § 2, 12-12-06, eff. 1-16-07; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 10897, § 2, 5-24-11, eff. 7-5-11; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-51. Resuming service after discontinued for nonpayment or violations.

(1) In no case shall any individual or plumber turn on the water supply when the supply has been turned off for nonpayment of amounts owing on the customer's account or for any other cause referenced in chapter 27. All water service that has been turned off by the water utility shall be turned on again solely by the water utility.

(2) If the utility has removed the customer's meter to prevent illegal use of water after the customer's account had been terminated for delinquency or any other cause, the customer shall pay thirty-two dollars and ninety-five cents (\$32.95) to have the meter reinstalled, in addition to any other outstanding balance on the customer's account, before the utility restores water service to the customer.

(1953 Code, ch. 25, § 27; Ord. No. 9388, § 1, 5-22-00; Ord. No. 9555, § 1, 5-14-01; Ord. No. 9704, § 2, 5-13-02; Ord. No. 10510, § 2, 3-18-08, eff. 7-1-08; Ord. No. 11072, § 2, 5-21-13, eff. 7-1-13)

Sec. 27-52. Customer service relief and courtesy adjustments.

Adjustments are offered to customers upon their request when there is a valid high water use such as leaks, theft, vandalism, or other known consumption. They are also given when there is unexplained high water use. All other applicable water charges and taxes are applied after the adjustment is given.

(1) Adjustments are given when all of the following conditions are met:

(a) Water use by the customer has returned to normal levels.

(b) The use in question was more than twenty (20) Ccfs.

(c) An adjustment has not been given on the account within the past three (3) years.

(d) The water use in question must have occurred within the past seven (7) months.

(e) No adjustments are made available for reclaimed water or construction water accounts.

(2) *Customer relief adjustment.*

(a) A customer relief adjustment is calculated by charging a residential customer for high water use at the current adopted rate for the same water use block of the same month of the prior year.

(b) The customer relief adjustment applies to the residential single family and duplex-triplex customer classes.

(3) *Courtesy adjustment.*

(a) A courtesy adjustment is calculated by taking the difference of water use between the high water use month and the same month in the previous year and allowing one half (1/2) of that amount to be dismissed.

(b) The courtesy adjustment is for customer classes of multifamily, mobile home parks w/sub-meters, commercial, and industrial.

(Ord. No. 10999, § 1, 6-19-12)

Editor’s note – Section 4 of Ord. No. 10999, adopted June 19, 2012, provides that the fee adjustments approved by Ord. No. 10999 shall take effect for water meters read on or after July 2, 2012.

Sec. 27-53. Reserved.

Editor’s note – Ord. No. 4489, § 12, adopted May 24, 1976, specifically amended the Code by repealing §§ 27-52 and 27-53, which had pertained to charges for industrial water users and commercial water rates. The sections had been derived from Ord. No. 3167, §§ 1 and 2, adopted Sept 16, 1968; Ord. No. 4130, § 5, adopted Mar. 11, 1974; and Ord. No. 4178, § 1, adopted May 20, 1974.

Sec. 27-54. Returned checks.

The city may impose a reasonable charge to handle the processing of checks received as payment for charges referenced in any article of chapter 27, which checks are returned for nonpayment for any reason. Should such check or bank draft be received for a delinquent balance in excess of seventy-five dollars (\$75.00), whose balance (1) has been outstanding for forty (40) days or more, and (2) is either not being formally disputed in accordance with section 27-50(2) or the hearing officer under section 27-50(2) has found in favor of the water utility, the customer’s service may be turned off and the meter locked without prior notification.

(Ord. No. 9043, § 6, 4-13-98; Ord. No. 9388, § 1, 5-22-00; Ord. No. 10305, § 1, 7-6-06, eff. 8-7-06)

Sec. 27-55. Monthly green stormwater infrastructure fee.

Monies collected pursuant to this section will be managed by the City of Tucson Water Department for funding green stormwater infrastructure projects within the City of Tucson.

2020: \$0.13 per Ccf of water usage (748 gallons)
2021: \$0.13 per Ccf of water usage (748 gallons)
2022: \$0.13 per Ccf of water usage (748 gallons)

(Ord. No. 11726, § 1, 2-4-20)

Secs. 27-56 – 27-59. Reserved.

ARTICLE III. CITIZENS’ WATER ADVISORY COMMITTEE*

Sec. 27-60. Creation.

There is hereby established an entity to be called the Citizens’ Water Advisory Committee to the city. (Ord. No. 4638, § 1, 4-25-77)

Sec. 27-61. Functions and purposes.

The functions, purposes, powers and duties of the committee shall be to:

- (a) Act as the official advisory body on water capital improvement program planning and rate structure formulation to city government;
- (b) Annually review the proposed water system capital improvement program, and recommend to the governing body an annual and a six-year capital budget;
- (c) Annually review the water revenue requirements of the water system and recommend to the governing body rate adjustments as required; promote the concerns of Tucson Water customers by ensuring that recommended water rate adjustments are kept to the absolute minimum necessary, consistent with adopted mayor and council plans and policies; and ensure that the water system delivers safe, high-quality water to all its customers.

***Editor’s note** – Ord. No. 4638, § 1, adopted Apr. 25, 1977, specifically amended the Code by adding art. III, §§ 27-60 – 27-62. Sections 2 – 4 did not expressly amend the Code; hence codification as §§ 27-63 – 27-65 was at the discretion of the editor.

- (d) Review and report to the governing body on the long-term (twenty (20) to thirty (30) years) water source and capital needs of the water system, utilizing staff of the water utility and other sources for the information necessary for such review;
- (e) Consult with the governing body from time-to-time as may be required by the mayor and council relative to water resource development needs;
- (f) Annually review the "Tucson Water Resources Plan 1990 – 2100" and recommend revisions thereto to the governing body as required;
- (g) Initiate comprehensive revision of the "Tucson Water Resources Plan 1990–2100" at five-year intervals or more frequently as required and recommend the necessary changes thereto to the governing body.
- (h) Review or make recommendations on policies affecting those water issues which the committee deems appropriate.

(Ord. No. 4638, § 1, 4-25-77; Ord. No. 7279, § 1, 9-11-89; Ord. No. 8183, §§ 1, 2, 2-7-94; Ord. No. 8262, § 1, 4-25-94)

Sec. 27-62. Membership composition, terms and qualifications.

(a) *Appointment.* The citizens' water advisory committee shall be composed of fifteen (15) members who shall be customers of the Tucson Water utility, as either a residential user or owning an enterprise using Tucson Water, and shall serve without compensation.

(b) *Selection process.* The mayor and each council member shall appoint one (1) member of the committee. The city manager, utilizing the resources of his office, shall nominate eight (8) members for final approval by the mayor and council.

It is suggested that appointed members have professional or technical competence in one of the following areas:

- (1) Utility rate making;

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CODE COMPARATIVE TABLE – SUBSEQUENT ORDINANCES

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
			10-31(7)
			10-31(8)
		3	10-33
			10-33.1
			10-34
			10-34.1
			10-35
			10-47
			10-48
			10-49
			10-52
			10-53
			10-53.1
			10-53.2
			10-53.3
			10-53.4
			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
		2	10-31(7)
			10-31(8)
			10-33
			10-33.1
			10-34
			10-34.1
			10-35
			10-47
			10-48
			10-49
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11659 (Contd.)			10-53 10-53.1 10-53.2 10-53.3 10-53.4 10-53.5 10-53.7
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
11725	2-4-20	1	10A-147
11726	2-4-20	1	Added 27-55
11728	2-19-20	2	20-179
11733	3-3-20	1	14-3
11734	3-3-20	1, 2	20-141 (note)
11735	3-3-20	1, 2	20-142 (note)
11736	3-3-20	1, 2	20-143 (note)
11737	3-3-20	1, 2	20-144 (note)
11738	3-3-20	2	20-179
11743	4-14-20 (eff. 7-1-20)	1	22-44
11746	4-21-20	1	Added 11-70.3, 11-70.4
11749	5-5-20 (eff. 6-4-20)	1	21-8
11752	5-19-20 (eff. 7-1-20)	1	22-34
11753	5-19-20	1	10A-242
11756	6-9-20 (eff. 7-9-20)	1	Rpld 2-25, 2-25.1
			Added 2-25 – 2-25.6
11761	6-30-20	1	10-31
		2	10-31(7) 10-31(8) 10-33 10-33.1 10-34 10-34.1 10-35

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Ordinance Number	Date	Section	Disposition
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11765	6-30-20	1	11-70.3, 11-70.4
11770	7-7-20	2	Rpld 11-70.3, 11-70.4

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COMMUNITY ENGAGEMENT. See: PUBLIC COMMUNICATION, COMMUNITY ENGAGEMENT, AND INTEGRATED PLANNING		CONDEMNATION	
COMMUNITY POLICE ADVISORY REVIEW BOARD		Interference with fire department	
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Discontinuing service for non-payment of water bill; customer right to dispute account balance.	Separate connections for premises required.
Resuming service after.	Shutting off pipelines, notice of.
Established by mayor and council.	Stopcock required.
Excavations, flooding, charge for water used in.	Superintendent
Fire protection service, charge for.	Also known as director of the water department to oversee city water services.
Flooding excavations, charge for water used in.	Controlling water supply.
Green stormwater infrastructure fee.	Duty of to inspect, make repairs.
Installation of water service connections, charges for.	Notice of shutting off pipelines.
Liability for charges where one service pipe serves multiple premises.	Reporting violations.
Liability of customer of record or property owner for charges.	Subject to city manager and mayor and council.
Meter not registering properly, charge when.	Supervision of charges and collections.
Meter removed, charge when.	System equity, Central Arizona Project, and areas-specific fees.
Monthly potable water service charges.	Taps, connections to be by department; exception.
Monthly reclaimed water service charges.	Temporary services authorized, conditions, rates.
Public works or improvements, water used for, charge for.	Toilets, installation of ultra-low-flush water closets in low income owner-occupied housing.
Reclaimed potable water service, charges for.	Turning on water without authority.
Refund of cost of water mains or water facilities under certain conditions	Violations
Installed by city.	Authority to withhold water for.
Installed by private contract.	Escaping water; violation declared a civil infraction.
Resuming service after discontinuance for nonpayment or violations.	Interfering with, tampering with water facilities; removing water
Returned checks.	Minimum penalty; subsequent conviction.
Sales tax and in-lieu-of franchise taxes.	Violation declared a civil infraction.
Service charge.	Reporting to superintendent, prosecution by city manager.
Standby service.	Waste or unreasonable use of water; violation declared a civil infraction.