

ORDINANCE NO. O2018-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE YUMA CITY CODE, CHAPTER 150, SECTIONS 150-170 AND 150-171, ADOPTING BY REFERENCE THE *2018 INTERNATIONAL EXISTING BUILDING CODE*, INCLUDING APPENDIX A, AND AMENDMENTS RECOMMENDED BY THE BUILDING ADVISORY BOARD DATED MAY 16, 2018, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, on April 3, 2013, the City Council adopted the *2012 International Existing Building Code*; and,

WHEREAS, Yuma City Council Resolution No. R2018-031 declared a document titled, "*2018 International Existing Building Code*" a public record; and,

WHEREAS, the City Council has considered the recommendation of the Building Advisory Board based on their actions taken at the meeting of May 16, 2018 recommending adoption of the *2018 International Existing Building Code*, with Appendix A and the amendments herein; and,

WHEREAS, up to date modern codes help protect the built environment from natural disasters and fires, and offer safe environments for the occupants for both residential and commercial structures; and,

WHEREAS, the City of Yuma is desirous of adopting the *2018 International Existing Building Code*, with Appendix A and the amendments herein, to keep current with the code cycle and amendments to reflect modern technology, materials and techniques; and,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: The Yuma City Code Title 15, Chapter 150, Section 170 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-170 Adoption of the ~~2012~~ 2018 International Existing Building Code.

(A) That certain documents, three copies of which are on file as public record in the office of the City Clerk of the City of Yuma, being marked and titled as the ~~2012-2018~~ International Existing Building Code, which was made public record by Resolution ~~R2013-08~~ R2018-031, including Appendix A, of said Existing Building Code, as amended herein, are hereby adopted by reference and made a part hereof as if fully set out in the entirety herein.

(B) Arizona Revised Statutes, Title 41, Chapter 9, Article 8 (A.R.S. § 41-1492 et seq). is hereby adopted by reference as if fully set out in the entirety in this section.

SECTION 2: The Yuma City Code Title 15, Chapter 150, Section 171 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-171. Amendments

The following amendments, additions, and deletions are hereby made to the ~~2012~~ 2018 International Existing Building Code, as adopted by this subchapter. Paragraph, section numbers refer to the ~~2012~~ 2018 International Existing Building Code edition number system. Code reference not amended in this section shall be enforced as published in the reference document.

(A.) **Section [A] 101.1 Title.** Amend to read, "These regulations shall be known as the *Existing Building Code* of City of Yuma, hereinafter referred to as 'this code.'"

(B.) **Section [A] 103.1 Creation of enforcement agency.** Amend to read, "The Department of Community Development, Building Safety Division is hereby created and the official in charge thereof shall be known as the *building official*."

(C.) ~~Create new section,~~ "[A] 103.1.1. Amend all sections of this code to substitute '*building official*' for the term '*code official*.'"

(D.) **Section [A] 105.2 Work exempt from permit.** Add new item #7, under "Building:"

"7. Window replacements of like size where framing is not altered and any required emergency egress dimensions are not diminished from existing, in Group R-3 one- and two-family dwellings and installed by either a licensed contractor or owner-occupant of the residence."

(E.) **Section [A] 105.3.2 Time limitation of application.** Amend first sentence to read, "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each."

(F.) **Section [A] 106.2.2 Fire protection system(s) shop drawings.** Amend to read, "Plan submittal documents shall include either a statement of the design criteria for the fire protection system(s) to also include a current fire flow test within the past 12 months or the complete design, plans, calculations and data for the fire protection system(s). If only the design criteria is initially submitted, the complete design, plans, calculations and data for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be *approved* prior to the start of system installation. In addition, where applicable, shop drawings, calculations and data shall be submitted and shall contain all information as required by the referenced installation standards in Chapter 9 of the *International Building Code*."

(G.) **Section [A] 108.2 Schedule of permit fees.** Amend by adding Building Permit Fee Table 1-A:

TABLE 1-A: BUILDING PERMIT FEES

Schedule of Building Permit Fees	
Total Valuation	Fee
\$1 to \$500	\$50.00
\$501 to \$2,000	\$50.00 for the first \$500 plus \$4 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$110.00 for the first \$2,000 plus \$16 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$478.00 for the first \$25,000 plus \$12 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$780.00 for the first \$50,000 plus \$8 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,180.00 for the first \$100,000 plus \$6 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,580.00 for the first \$500,000 plus \$6 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$6,580.00 for the first \$1,000,000 plus \$4 for each additional \$1,000, or fraction thereof
Other Inspections and Fees:	
<ol style="list-style-type: none"> 1. Permit fees for mechanical, plumbing and electrical shall be as indicated per applicable fee tables of the respective ordinances. 2. Inspections outside of normal business hours, \$50 per hour* (minimum charge – 2 hours) 3. Reinspection fees of \$50 per hour*, for work not ready for inspection. 4. <u>Inspections on Weekends and Holidays, \$100 per hour* (minimum charge – 2 hours)</u> 4 <u>5.</u> Inspection fees for which no fee is specifically indicated, \$50 per hour* (minimum charge – one-half hour) 5 <u>6.</u> Additional plan review required by changes, additions or revisions to plans, \$50 per hour* (minimum charge – one-half hour) 6 <u>7.</u> For use of outside consultant. For plan checking and inspections, or both Actual Costs** 	
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employee involved.	
** Actual costs include administrative and overhead costs.	

(H.) ~~Create new section,~~ “[A] **108.2.1 Plan review fees.** When submittal documents are required by Section [A] 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A.

The plan review fees specified in this section are separate fees from the permit fees specified in Section [A] 108.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table 1-A.”

(I.) **Section [A] 108.6 Refunds.** ~~Amend to read,~~ “The *building official* shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The *building official* shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.”

(J.) **Section [A] 108.4 Work commencing before permit issuance.** Add to end of section, “An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be determined by the *building official*, based on the circumstances, nature, and severity of the infraction. The minimum investigation fee shall be \$50.00 and the maximum shall be an amount up to the same as the fee set forth in Table 1-A.”

(K.) **Section [A] 109.3.5 Lath or gypsum board inspection.** Delete exception to section.

~~(L.)~~ **Section [A] 109.6 Approval required.** ~~Add to end of section, “Inspection comments shall include code section references, when requested.”~~

~~(M.)~~ **Section [A] 112.1 General.** Add to end of section, “The membership of the Residential Advisory Board, as prescribed in Section 150-175 of the Yuma City Code, will be the Board of Appeals for Residential appeals (one-and two-family dwellings). The membership of the Building Advisory Board, as prescribed in Section 150-008 of the Yuma City Code, will be the Board of Appeals for Commercial appeals.”

~~(N.)~~ **Section [A] 112.3 Qualifications.** Delete section in its entirety.

~~(O.)~~ **Section [A] 113.4 Violation penalties.** Amend to read, “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs* or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the *building official* or of a permit or certificate issued under the provision of this code, shall be subject to the penalty and fine described in this ordinance.”

~~(P.)~~ **Section [A] 114.3 Unlawful continuance.** Amend to read, “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty and fine described in this ordinance.”

(P.) **Section 302.3 Additional codes.** Amend “*International Fire Code*” in first sentence to “current adopted fire code”. Add to end of section, “Substitute ‘current adopted fire code’ throughout this code for the term ‘*International Fire Code*’.”

(SQ.) **Section 410 305 ACCESSIBILITY FOR EXISTING BUILDINGS.** Delete section and subsections in its entirety and add new section to read, “Section 410 305 ACCESSIBILITY FOR EXISTING BUILDINGS.”

Create new Section, "305.1 Scope. Accessibility provisions for maintenance, *change of occupancy, additions and alterations to existing buildings*, including those identified as *historic buildings*, shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), unless it is *technically infeasible*. Where compliance with this section is *technically infeasible*, the alteration shall provide access to the maximum extent that it is technically feasible."

(Q.R.) ~~Section [B] 403.2 [BS] 401.3 Flood hazard areas.~~ Delete section in its entirety in favor of adopted City floodplain ordinances.

(R.S.) ~~Section [B] 404.5 [BS] 502.3 Flood hazard areas.~~ Delete section in its entirety in favor of adopted City floodplain ordinances.

(T.) ~~Section [B] 606.2.4 [BS] 503.2 Flood hazard areas.~~ Delete section in its entirety in favor of adopted City floodplain ordinances.

(U.) ~~SECTION 705 ACCESSIBILITY.~~ Delete section in its entirety and add new section to read, "**SECTION 705 ACCESSIBILITY** A *facility* that is altered shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), unless it is *technically infeasible*. Where compliance with this section is *technically infeasible*, the alteration shall provide access to the maximum extent that is technically feasible."

Section [BS] 701.3 Flood hazard areas. Delete section in its entirety in favor of adopted city floodplain ordinances.

(V.) ~~Section [B] 706.3.2 Roof diaphragms resisting wind loads in high wind regions.~~ Amend first sentence to read, "Where roofing materials are removed from more than 50% of the roof diaphragm or section of a building located where the basic wind speed is greater than 115 mph (per IBC Figure 1609A) or in a special wind region, as defined in Section 1609 of the *International Building Code*, roof diaphragms, connections of the roof diaphragms to roof framing members, and roof to wall connections shall be evaluated for the wind loads specified in the *International Building Code*, including wind uplift."

(W.) ~~Section 801.1 Scope.~~ Amend exception to read:

"**Exception:** Buildings in which the reconfiguration is exclusively the result of accessibility improvements for the path of travel to *primary function* areas shall be permitted to comply with Chapter 7."

(XV.) **Section 805.4.4 Panic Hardware.** Amend first sentence to read, "In any *work area*, and in the egress path from any *work area* to the exit discharge, in buildings or portions thereof of Group A assembly occupancies and Group E educational occupancies with an occupant load greater than 50, all required exit doors equipped with latching devices shall be equipped with approved approved panic hardware."

(Y.) ~~SECTION 806 ACCESSIBILITY.~~ Delete section in its entirety and add new section to read, "~~SECTION 806 ACCESSIBILITY~~ A building, *facility*, or element that is altered shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."

(Z.) ~~Section 901.1 Scope.~~ Amend exception to read:

"~~Exception:~~ Buildings in which the reconfiguration of space affecting exits or shared egress access is exclusively the result of accessibility improvements for the path of travel to *primary function* areas shall not be required to comply with this chapter."

(AA.) ~~SECTION 906 ACCESSIBILITY.~~ Delete section in its entirety and add new section to read, "~~SECTION 906 ACCESSIBILITY~~ A building, *facility*, or element that is altered shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."

(BB.) ~~Section 1012.8 Accessibility.~~ Amend to read, "~~Existing buildings~~ that undergo a change of group or occupancy classification shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."

(CC.) ~~Section 1012.8.1 Partial change in occupancy.~~ Delete section in its entirety.

(DD.) ~~Section 1012.8.2 Complete change of occupancy.~~ Delete section in its entirety.

(EE.) ~~Section [B] 1103.5 Flood hazard areas.~~ Delete section in its entirety in favor of adopted city floodplain ordinances.

(FF.) ~~SECTION 1105 ACCESSIBILITY.~~ Amend to read, "Accessibility provisions for new construction shall apply for additions, and shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."

(GG X) ~~Section [B] 1201.4 Flood hazard areas.~~ Delete section in its entirety in favor of adopted city floodplain ordinances.

(HH.) ~~Section 1204.1 Accessibility Requirements.~~ Amend to read, "Accessibility provisions for facilities designated as historic structures that undergo *alterations* shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), unless *technically infeasible*. Where compliance with the requirements for accessible routes, entrances, or toilet rooms would

threaten or destroy the historic significance of the building or facility, as determined by the building official, the alternative requirements of Sections 1204.1.1 through 1201.1.4 for that element shall be permitted.”

(H.) **Section 1205.15 Accessibility requirements.** Amend to read, “Accessibility provisions for facilities designated as historic structures that undergo a *change of occupancy*, shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), unless *technically infeasible*. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet rooms would threaten or destroy the historic significance of the building or facility, as determined by the building official, the alternative requirements of Sections 1204.1.1 through 1201.1.4 for those elements shall be permitted.”

(Y.) **Section [BS] 1301.3.3 Compliance with flood hazard provisions.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(JJ.) **Section [B] 1401.2 Applicability.** Amend first sentence to read, “Structures existing prior to 1985, in which there is work involving *additions, alterations, or changes of occupancy* shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13.”

(KK.) **Section [B] 1401.2.5 Accessibility requirements.** Amend to read, “Accessibility provisions for buildings or portions of buildings proposed for *change of occupancy*, shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG).”

(LL.) **Section [B] 1401.3.3 Compliance with flood hazard provisions.** Delete section in its entirety in favor of adopted city floodplain ordinances.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, effective thirty (30) days from the adoption hereof. All ordinances or parts of ordinances not amended or repealed by the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.


SECTION 6: Violations of this Ordinance are subject to the following penalties:

It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class 1 misdemeanor and shall be punished by a fine not to

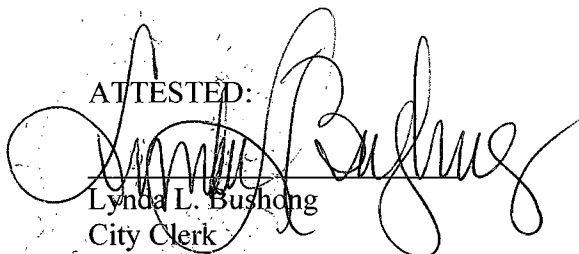
exceed \$1,000, or by imprisonment for not more than ten days, or by both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

Adopted this 5th day of December, 2018.


APPROVED:


Douglas J. Nicholls
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Richard W. Files
City Attorney