

ORDINANCE NO. O2018-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE YUMA CITY CODE, CHAPTER 150, BY ADDING SECTIONS 150-18 AND 150-19, ADOPTING BY REFERENCE THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, AND AMENDMENTS RECOMMENDED BY THE RESIDENTIAL ADVISORY BOARD DATED JUNE 19, 2018 AND THE BUILDING ADVISORY BOARD DATED JUNE 20, 2018, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, on April 3, 2013, the City Council adopted the *2012 International Building Code* and the *2012 International Residential Code for One- and Two-Family Dwellings*; and,

WHEREAS, the 2012 and earlier editions of the building codes included provisions and criteria regulating swimming pools and spas; and,

WHEREAS, subsequent editions of the building codes after 2012 no longer include provisions for swimming pools and spas, with the publication of a separate code for swimming pools and spas; and,

WHEREAS, adoption of this code is necessary in order to provide regulations for swimming pools and spas; and,

WHEREAS, Yuma City Council Resolution No. R2018-033 declared a document titled, "*2018 Swimming Pool and Spa Code*" a public record; and,

WHEREAS, the City Council has considered the recommendation of the Residential Advisory Board based on their actions taken at the meeting of June 19, 2018 and the Building Advisory Board based on their actions taken at the meeting of June 20, 2018 recommending adoption of the *2018 International Swimming Pool and Spa Code*, 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 Swimming Pool and Spa Code*, and the amendments herein, to keep current with the code cycle and to establish criteria for swimming pools and spas; and,

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

SECTION 1: That the Yuma City Code, Section 150, be amended to add Section 150-18, to read as follows:

§ 150-18 Adoption of the 2018 International Swimming Pool and Spa Code

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 2018 International Swimming

Pool and Spa Code, which was made public record by Resolution R2018-033, as amended herein, are hereby adopted by reference and made a part hereof as if fully set out herein.

SECTION 2: That the Yuma City Code, Section 150, be amended to add Section 150-19, to read as follows.

§ 150-19 Amendments

The following amendments, additions, and deletions are hereby made to the 2018 International Swimming Pool and Spa Code, as adopted by this subchapter. Paragraph, section numbers refer to the 2018 International Swimming Pool and Spa 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 Swimming Pool and Spa Code of the 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. Amend all sections of this code that reference the *code official* by replacing to read the ‘building official’”

(C.) Create new section, “**105.1.1 Work exempt from permit.** Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in a manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

1. Replacement of existing pool pumps and filters.
2. Re-plaster of existing pools.
3. Replacement of existing pool decks.”

(D.) **Section [A] 105.6.2 Fee schedule.** 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. Inspections on Weekends and Holidays, \$100 per hour* (minimum charge – 2 hours) 4. Reinspection fees of \$50 per hour*, when work is not ready for inspection. 5. Inspection fees for which no fee is specifically indicated, \$50 per hour* (minimum charge – one-half hour) 6. Additional plan review required by changes, additions or revisions to plans, \$50 per hour* (minimum charge – one-half hour) 7. 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.	

(E.) Create new section, “**105.6.2.1 Plan review fees.** When submittal documents are required by Section [A] 104.2, 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] 105.6 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.”

(F.) **Section [A] 105.6.3 Fee 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 or applicant not later than 180 days after the date of fee payment.”

(G.) Create new section, "**105.6.4 Work commencing before permit issuance.** "Any person who commences work requiring a *permit* on a pool or spa before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees. 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."

(H.) Create new section, "**106.20 Construction Debris.** Construction sites shall be kept reasonably clean of construction debris during the course of construction. Construction debris shall be removed or retained on the lot and not be at risk to be displaced from the lot by wind. Debris shall not be allowed to transfer to adjacent lots or City rights of way.

If the building official determines that the construction site is not in compliance with this section or the debris presents a safety hazard for inspection personnel, inspections shall not be performed until the construction site is cleaned."

(I.) **Section [A] 107.4 Violation penalties.** Amend to read, "Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the building official, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalty and fine described in this ordinance."

(J.) **Section [A] 107.5 Stop work orders.** Amend last sentence to read, "Any person who shall continue any work in or about the structure 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."

(K.) **Section [A] 108.2 Membership of the board.** Amend to read, "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."

(L.) Delete the following sections in their entirety:

- Section [A] 108.2.1 Qualifications
- Section [A] 108.2.2 Alternate members
- Section [A] 108.2.3 Chairman
- Section [A] 108.2.4 Disqualification of member
- Section [A] 111.2.5 Secretary
- Section [A] 111.2.6 Compensation of members
- Section [A] 108.3 Notice of meeting
- Section [A] 108.4 Open hearing
- Section [A] 108.4.1 Procedure
- Section [A] 108.5 Postponed hearing
- Section [A] 108.6 Board decision
- Section [A] 108.6.1 Resolution

Section [A] 108.6.2 Administration

(M.) **Section 303.1.3 Covers.** Add 2nd exception to section:

“2. Where multi-speed or variable speed pumps are installed, covers or other vapor-retardant means shall not be required.”

(N.) **Section [BS] 304.2 Determination of impacts based on location.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(O.) **Section 305.2.1 Barrier height and clearances.** Amend items 1 and 2 and add exception as follows:

“1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade for Residential Pools and Type C Semi-Public Pools, and shall be 72 inches (1829 mm) above grade for all other pools. Heights shall be measured on the side of the barrier that faces away from the pool or spa. Such heights shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

Exception: Barriers used between a pool and the primary dwelling or structure shall be not less than 48 inches (1219 mm) above grade.

2. The barrier shall include a concrete ribbon curb or other approved material around the entire perimeter.”

(P.) **Section 305.4 Structure wall as barrier.** Add item 4 to section as follows:

“4. In one- and two-family dwellings and townhouses, openable windows shall have a latch at minimum 54 inch (1372 mm) height above the finished floor.”

(Q.) **Section 410.1 Toilet facilities.** Amend to read, “Class A and B and C pools shall be provided with toilet facilities having the number of plumbing fixtures in accordance with the International Building Code or the International Plumbing Code or Arizona Department of Environmental Quality Statutes and Rules.”

(R.) **Section 811 Safety features.** Delete section in its entirety.

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.

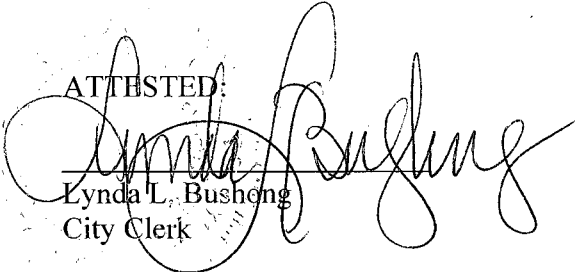
Adopted this 5th day of December, 2018.

APPROVED:




Douglas J. Nicholls
Mayor

ATTESTED:



Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:



Richard W. Files
City Attorney