

CHAPTER 7 BUILDING REGULATION¹

ARTICLE 7-1 ADOPTION OF BUILDING CODES

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Section 7-1-1 Title and Purpose.

This chapter may be cited and referred to collectively as the Maricopa Building Code. The purpose of this chapter is to enact rules and procedures to regulate the quality, type of material and workmanship of all aspects of construction and maintenance of buildings or structures within the incorporated areas of the City of Maricopa.

Section 7-1-2 Application.

This chapter shall apply to the construction, repair, additions to, installation and maintenance of all buildings, structures, and property appurtenant thereto, including all construction in city owned right of way, within the incorporated areas of the City of Maricopa, except as otherwise provided by statute, regulation or ordinance.

Section 7-1-3 Rules and Definitions

The following rules and definitions shall be used when interpreting the provisions of this chapter and the Codes adopted thereby. If the definitions provided herein conflict in any way with the definitions of the Codes adopted in section 7-1-4 herein, the definitions set forth in this section shall prevail.

- A) Administrative Authority - When used in the Codes, "Administrative Authority" shall mean the Maricopa Building Official, Code Official, Planning Director or City Council as appropriate.
- B) Board of Appeals - When used in the Codes or this Chapter, the term "Board of Appeals" shall refer to a board comprised by the City Council and Mayor or such other board or boards as may be commissioned by the City Council and Mayor to fulfill such duties from time to time. The Board(s) of Appeals shall be the sole entity to hear appeals from the decisions of the Building Official, determine the suitability of

Revised
As of September 12, 2012

alternative materials and constructions and to permit interpretations of the provisions of the Codes (but not administrative provisions of the Codes). References to any other boards in the Codes shall have no force and effect unless such boards are specifically appointed and commissioned pursuant to this paragraph and are hereby superseded by this section.

- C) Codes - "Codes" shall mean the codes listed and adopted in Section 7-1-4 of this Article.
- D) "Building Official," "Code Official," "Mechanical Inspector" and "Chief Electrical Inspector" shall each mean the Building Official as established by section 7-1-5 of this article, or such other person as may be charged with the enforcement of the Codes by the City Council and Mayor from time to time.
- E) Commercial - When used herein, the word "Commercial" refers to the use of a building, addition or structure for business, religious, educational, institutional, recreational, industrial or any other non-residential purpose.
- F) Jurisdiction - The term "Jurisdiction" shall mean the incorporated areas of the City of Maricopa.
- G) Non-Commercial - "Non Commercial" refers to the use of a building, structure or addition for a residential purpose.
- H) References to chapters, articles, sections, subsections, paragraphs, subparagraphs and tables, unless otherwise specified, refer to the Codes set forth in section 7-1-4 of this article.

Section 7-1-4 Adoption of Specific Codes

Section 7-1-4-1 Adoption of International Building Code

- A. That certain document entitled and known as "The International Building Code, 2012 Edition," published by the International Code Council, together with appendix I & C thereto, is hereby adopted as the Building Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.
- B. Amendments to the Building Code.
 - 1. **Amend Section 101.1 Title.** ,by adding the following in the insert: City of Maricopa.
 - 2. **Amend Section 105.2 Annual permit records.** ,by adding Item 14 as follows:
 - 14. Roof covering provided no structural alterations would be required by this code due to additional loads.

3. **Amend Section 109.2 Schedule of permit fees.** ,as follows:

“109.2 Schedule of permit fees. Building permit fees shall be assessed in accordance with Table 1-A. For electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the applicable schedule.”

Table 1-A, Building Permit Fees is hereby added as follows:

"Table 1-A --Building Permit Fees

FOR ISSUING EACH PERMIT	\$10.00
IN ADDITION, FOR: TOTAL VALUATION ¹	FEE
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00

\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof
<p>Other Inspections and Fees:</p> <ol style="list-style-type: none"> 1. Inspections outside of normal business hours: \$70.00 per hour² (minimum charge - two hours) 2. Re-inspection fees assessed under provisions of Section 305(g): \$70.00 per hour² 3. Inspections for which no fee is specifically indicated: \$70.00 per hour² (minimum charge: one-half hour) 4. Additional plan review required by changes, additions or revisions to approved plans: \$95.00 per hour² (minimum charge - one-half hour)" 5. For use of outside consultants to provide Development Services: Actual Costs³ X 1.25 6. Valuations shall be determined using the current building valuation data published by ICBO/ICC. 7. Or the total hourly cost to the jurisdiction X 1.25, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. 8. Actual costs include administrative and overhead costs. 	

1. **Amend Section 310.5 Residential Group R-3.** is amended by revising the last item of the list of R-3 occupancies to read as follows:

Congregate living facilities with 5 or fewer persons. Where these facilities occur in a single-family home, shall be permitted to comply with the *International Residential Code*.

2. **Amend Section 310.5.1 Care Facilities within a dwelling.** By deleting the text "provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the International Residential Code".

3. **Amend Table 1004.1.2 Maximum Floor Area Allowances Per Occupant**

By deleting:

Exercise rooms	50 gross
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and replacing with:

Exercise rooms with fixed equipment	50 gross
Exercise rooms without fixed equipment	15 gross

4. **Amend Section 2304.11.6 General Construction Requirements Termite Protection.,** by adding new paragraphs after the last sentence as follows:

“Within the perimeter of the foundation of any building which requires a building permit, the base course of all fill which is used to support a concrete slab shall be treated against termite infestation. The soil treatment shall be applied by a duly licensed applicator in accordance with the rules and regulations of the Arizona Structural Pest Control Commission.

“Termite retardant chemicals shall be applied prior to placing the concrete. If the soil has been treated and the fill is disturbed prior to pouring the slab, or if the concrete, is not poured within the time limit specified for the chemical used, the soil must be retreated according to the same standards. If a concrete slab has been poured prior to pre-treatment, the site must be treated in accordance with the rules and regulations references herein above.

“EXCEPTION: Buildings accessory to Group R, Division 3 and buildings with floors and walls built of metal, masonry, concrete or other non-wood product.

“Certification of such soil treatment shall be furnished to the Building Official when requested and shall include the name of the applicator, state license number, chemical used, time and location of application and length of warranty.”

5. **Amend [P] Section 2902 Table 2902.1** by adding footnote H.

H. Within individual B or M occupancy tenant suites ADA accessible bottled water dispenser may substitute for a drinking fountain when the occupant load is 50 or less.

6. **Amend [P] Section 2902.2 Separate Facilities** by revising the following exception:

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or less.

7. **Amend Section 3001.1 General Scope.** , by adding a sentence at the end of the paragraph as follows:

8.

“See Article 12, Chapter 2, Title 23, Arizona Revised Statutes for additional requirements.”

9. **Amend 3109.1 Swimming Pool Enclosures and Safety Devices General** by adding a sentence to read as follows:

“Swimming pools shall also comply with A.R.S. 36-1981 and the most stringent requirements of each shall apply.”

10. **Amend Section 3412.2 [EB] Compliance Alternatives Applicability.** ,by including the following language in the insert:

[“The initial effective date of the ordinance first adopting building codes in the City of Maricopa. “]

Section 7-1-4-2 Adoption of International Residential Code

A. That certain document entitled and known as “The International Residential Code, 2012 Edition,” published by the International Code Council, together with appendices A, B, C, G, H and J thereto, is hereby adopted as the Residential Building Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

B. Amendments to the Residential Building Code.

1. **Amend Section R101.1 Title**, by adding the following in the insert: City of Maricopa.

2. **Amend Section R105.2 Work exempt from permit** by adding a new item 11 as follows:
 Patio and Porch covers not exceeding 120 square feet of projected roof area with a maximum depth of 8 feet. Provided such cover:

Is constructed as an addition, uses minimum of 2"x 6" rafter material and 4"x 4" posts with beams securely fastened, and the attached end of rafter is supported by existing bearing wall and not from the fascia, and the proposed roof does not encroach on the required yard setbacks or exceed the allowable lot coverage.

3. **Amend Section R108.2 Schedule of permit fees** by replacing text with the following text and table:

Building permit fees shall be assessed in accordance with Table 1-A. For electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the applicable schedule.

Table 1-A, Building Permit Fees is hereby added as follows:

"Table 1-A --Building Permit Fees

FOR ISSUING EACH PERMIT	\$10.00
IN ADDITION, FOR: TOTAL VALUATION ¹	FEE
\$1.00 TO \$500.00	\$23.50

\$501.00 TO \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof
<p>Other Inspections and Fees:</p> <ol style="list-style-type: none"> 1. Inspections outside of normal business hours: \$70.00 per hour² (minimum charge - two hours) 2. Re-inspection fees assessed under provisions of Section 305(g): \$70.00 per hour² 3. Inspections for which no fee is specifically indicated: \$70.00 per hour² (minimum charge: one-half hour) 4. Additional plan review required by changes, additions or revisions to approved plans: \$95.00 per hour² (minimum charge - one-half hour)" 5. For use of outside consultants to provide Development Services: Actual Costs³ X 1.25 6. Valuations shall be determined using the current building valuation data published by ICBO/ICC. 7. Or the total hourly cost to the jurisdiction X 1.25, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved. 8. Actual costs include administrative and overhead costs. 	

4. **Amend Section R111 Service Utilities** by adding a new subsection as follows:

R111.4 Utility Company Agreement. Inspection of service equipment and related apparatus will be required prior to re-connection of electric power or gas service for all buildings that have been vacant more than six months.”

5. **Amend Table R301.2 (1) Climatic and Geographic Design Criteria** by inserting the following:

Ground Snow Load - None
Wind Speed - 90 mph
Seismic Category - C
Weathering - Moderate
Frost line depth - 12"
Termite - Moderate to Heavy
Winter Design Temperature – 32 degrees F
Ice Barrier Underlayment Required – No
Flood Hazards – Per City Of Maricopa Flood Administrator
Air Freezing Index – 0
Mean Annual Temperature – 72.9

6. **Amend Table R302.1(1)**

Projections - Not Fire Resistant Rated – Minimum Fire Separation Distance Change 5 Feet to 4 Feet.

7. **Delete Section R303.4 and related Section N1102.4.1.2**

8. **Amend Section R303.9 Required heating.**, by revising the title to read

“**Required Heating and Cooling**” and by adding the following sentence to the end of the paragraph:

“Every dwelling unit and guest room shall be provided with cooling facilities capable of maintaining a room temperature of not more than 80 degrees F at a point 3 feet above the floor in all habitable rooms under the average local climate conditions.”

9. **Delete R313 Automatic Fire Sprinkler Systems** in its entirety. Refer to **ASRS 9-807**.

10. **Amend Section R318.2 Protection against subterranean termites Chemical termiticide treatment.**, by adding new paragraphs after the last sentence As follows:

“Within the perimeter of the foundation of any building which requires a building permit, the base course of all fill which is used to support a concrete slab shall be treated against termite infestation. The soil treatment shall be

applied by a duly licensed applicator in accordance with the rules and regulations of the Arizona Structural Pest Control Commission.

“Termite retardant chemicals shall be applied prior to placing the concrete. If the soil has been treated and the fill is disturbed prior to pouring the slab, or if the concrete, is not poured within the time limit specified for the chemical used, the soil must be retreated according to the same standards. If a concrete slab has been poured prior to pre-treatment, the site must be treated in accordance with the rules and regulations references herein above.

“EXCEPTION: Buildings accessory to Group R, Division 3 and buildings with floors and walls built of metal, masonry, concrete or other non-wood product.

“Certification of such soil treatment shall be furnished to the Building Official when requested and shall include the name of the applicator, state license number, chemical used, time and location of application and length of warranty.”

11. **Amend Table N1102.1.1 (R402.1.1)** by changing Glazed Fenestration SHGC from 0.25 to 0.40.
12. **Delete Section M1301.4 and the last sentence of M1301.5.**
13. **Amend Section N1103.2.2** by changing 4 cfm to 6 cfm in the text of subsection 1 and 2.
14. **Amend Section E4201.2 Definitions** by changing the references to 42 inches to 24 inches in the definition of **PERMANENTLY INSTALLED SWIMMING AND WADING POOLS** and in the definition of **STORABLE SWIMMING OR WADING POOLS**.
15. **Amend section AG105.1 Application.**, by adding a sentence to read as follows:
Swimming pool shall also comply with A.R.S. 36-1981 and most stringent requirements of each shall apply.

BUILDING REGULATION

Section 7-1-4-3 Adoption of International Property Maintenance Code

- A. That certain document entitled and known as “The International Property Maintenance Code, 2012 Edition,” published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

B. Amendments to the Property Maintenance Code.

1. **Amend Section 101.1 Title**, by adding the following in the insert: City of Maricopa.
2. **Amend Section 103.5 Fees** by placing the following in the insert at the end: “Maricopa Building Code, Table 1-A, Building Permit Fees”
3. **Delete Section 302.3 Sidewalks and driveways** in its entirety.
4. **Delete Section 302.4 Weeds** in its entirety.
5. **Delete Section 302.8 Motor vehicles** in its entirety.
6. **Delete Section 302.9 Defacement of property** in its entirety.
7. **Delete Section 304.2 Protective treatment** in its entirety.
8. **Delete Section 304.14 Insect screen** in its entirety.
9. **Amend Section 305.3 Interior surfaces** by deleting all the text after the first sentence.
10. **Amend the Title to Section 602** by adding the words “and COOLING”, after HEATING.
11. **Amend Section 602.3 Heat supply** by adding the following in the inserts: “September to May”
12. **Add a new Section 602.3.1** to read as follows:

Section 602.3.1 Cooling. In addition to the requirements of Section 602.3. cooling facilities shall be capable of maintaining a temperature of not greater than 80 degrees.
13. **Amend Chapter 8, Referenced Standards** by (a) deleting the reference to the International Zoning Code and (b) adding a new standard as follows:

All references to the International Zoning Code shall be deleted and replaced with “The City of Maricopa Zoning Code.”

Section 7-1-4-4 Adoption of International Mechanical Code

- A. That certain document entitled and known as “The International Mechanical Code, 2012 Edition,” published by the International Code Council is hereby adopted as the Mechanical Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code

shall be filed in the office of the city clerk and kept available for public use and inspection.

B. Amendments to the Mechanical Code.

1. **Amend Section 101.1 Title**, by adding the following in the insert: City of Maricopa.
2. **Amend Section 103.1 General** by replacing the entire text of that section with the following language: “The Building Official or other Code Official or their designee shall be the person responsible for the enforcement of the provisions of this Code.”
3. **Amend Section 106.5.2 Fee Schedule** by placing the following in the insert at the end: “Maricopa Building Code, Table 1-A, Building Permit Fees.”
4. **Delete Section 108.4** in its entirety.
5. **Amend Section 108.5 Stop Work Orders** by deleting all language after the words “unsafe conditions” and replacing it with the following language: “shall be guilty of a violation of this code and subject to the penalties set forth by the authority with jurisdiction for violations thereof.”
6. **Delete Sections 109.2 through 109.7** in their entirety.
7. **Amend Section 309.1 Space Heating Systems** by adding the words “and Cooling” after Heating so the title reads “Heating and Cooling Systems.” Add the following sentence to the end of the paragraph:

“Such spaces shall also be provided with a cooling system capable of maintaining a maximum indoor temperature of 80° F (62° C) at a point three feet above the floor.”

Section 7-1-4-5 Adoption of International Plumbing Code

- A. That certain document entitled and known as “The International Plumbing Code 2012 Edition”, is hereby adopted as the Plumbing Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.
- B. Amendments to the Plumbing Code.

1. **Amend Section 101.1 Title**, by adding the following in the insert: City of Maricopa.

2. **Amend Section 103.1 General** by replacing the entire text of that section with the following language: "The Building Official or other Code Official or their designee shall be the person responsible for the enforcement of the provisions of this Code."
3. **Amend Section 106.6.2 Fee Schedule** by placing the following in the insert at the end: "Maricopa Building Code, Table 1-A, Building Permit Fees."
4. **Delete Section 108.4** in its entirety.
5. **Amend Section 108.5 Stop Work Orders** by deleting all language after the words "unsafe conditions" and replacing it with the following language: "shall be guilty of a violation of this code and subject to the penalties set forth by the authority with jurisdiction for violations thereof."
6. **Delete Sections 109.2 through 109.7** in their entirety.
7. **Amend Section 403.2** by changing the number 15 in Exception 2 to 30 and deleting Exception 3.
8. **Amend Section 410.3 Substitution** by changing the last sentence to read as follows: "In other occupancies where drinking fountains are required that have an occupant load of less than 50, water coolers or bottled water dispensers shall be permitted to be substituted for the required number of drinking fountains."
9. **Amend Section 1106.1** by adding sentence as follows:
"Any room or space with an occupant load greater than 50 shall use 6" rainfall per hour to base the size of conductors and leaders."

Section 7-1-4-6 Adoption of International Fuel Gas Code

- A. That certain document entitled and known as "The International Fuel Gas Code 2012 Edition", is hereby adopted as the Fuel Gas Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.
- B. Amendments to the Fuel and Gas Code.
 1. **Amend section 101.1 Title**, by adding the following in the insert: City of Maricopa.
 2. **Amend Section 103.1 General** by replacing the entire text of that section with the following language: "The Building Official or other Code Official or their designee shall be the person responsible for the enforcement of the provisions of this Code."
 3. **Amend Section 106.6.2 Fee Schedule** by placing the following in the insert at the end: "Maricopa Building Code, Table 1-A, Building Permit Fees."

4. **Delete Section 108.4** in its entirety.
5. **Amend Section 108.5 Stop Work Orders** by deleting all language after the words “unsafe conditions” and replacing it with the following language: “shall be guilty of a violation of this code and subject to the penalties set forth by the authority with jurisdiction for violations thereof.”
6. **Delete Sections 109.2 through 109.7** in their entirety.

Section 7-1-4-7 Adoption of National Electric Code

- A. That certain document entitled and known as “National Electric Code 2011 Edition,” published by the National Fire Protection Association is hereby adopted as the Electric Code of the City of Maricopa and made a part of this chapter the same as though said code was specifically set forth in full herein, with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.

Section 7-1-4-8 (Intentionally left blank)

Section 7-1-4-9 Adoption of International Energy Conservation Code

- A. That certain document entitled and known as “International Energy Conservation Code, 2012 Edition,” published by the International Code Council, is hereby adopted as the Energy Code of the City of Maricopa and made a part of his chapter the same as though said code was specifically set forth in full herein with changes and amendments to the code as set forth in subsection B. At least one copy of said code shall be filed in the office of the city clerk and kept available for public use and inspection.
- B. Amendments to Energy Code.
 1. **Amend Section 101.1 Title** by adding the following in the insert: City of Maricopa.

Section 7-1-5 Building Code Administration

- A. The Position of the Building Official is an administrative position and shall be an exempt position. Said administrator shall be responsible for the administration and enforcement of the Codes and this Chapter and shall be appointed by the City Manager, with the approval of the City Council.
- B. The City Manager shall appoint and remove such other inspectors and employees as he/she deems appropriate within the requirements of the City of Maricopa personnel rules and budget restrictions.

- C. The Building Official shall keep careful and comprehensive records of applications for permits, of permits issued, of inspections made, of revenue received, of reports rendered and of notices or orders issued. The Building Official shall further retain on file copies of all documents in connection with building work for the minimum time required by the Codes or other laws, or for such additional time as he or she deems necessary and prudent.
- D. The Building Official may adopt such rules and regulations as he/she deems necessary to secure the public health, safety and general welfare; to implement the provisions of this Chapter and to carry out its intent. All such rules and regulations shall require the approval of the City Manager and shall be subject to review and amendment by the City Council. No rules or regulations adopted pursuant to this Section shall have the effect of waiving the technical requirements stipulated in the Codes or of violating accepted engineering practices involving public safety.

Section 7-1-6 Applications for Permits

The Building Official may require with an application for a building permit whatever data and information is deemed necessary to reasonably determine that the proposed work is in compliance with requirements of the Codes and other pertinent laws and ordinances.

Section 7-1-7 Variances from Code

The Building Official may grant a variance to the Codes as permitted therein or, if the Codes do not specifically provide for a variance procedure the Building Official may nonetheless grant a variance from the use of materials or methods set forth in the Codes when unnecessary hardship or a result inconsistent with the general intent of the Codes to provide for the safety of occupants will occur as a result of its strict or literal interpretation.

Section 7-1-8 Appeals to Board of Appeals

A person shall have the right to appeal a decision of the Building Official to the Board of Appeals as set forth in the Codes or, if the Codes do not specifically provide for the right of appeal, in any case where the person claims that the provisions of the Codes have been incorrectly interpreted, do not fully apply, an equally good or better form of construction is proposed, or that an undue hardship would occur if the Codes were strictly applied and the variance requested would not adversely impact the safety of the occupants, neighbors, property or City in general.

Section 7-1-9 Violations

It is unlawful for any person, firm, corporation, entity or enterprise to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or property in the Jurisdiction, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter or the Codes adopted herein.

Section 7-1-10 Penalties and Enforcement

A. Criminal Penalties.

1. Any person, as defined in the Building Code, Section 202, who violates any provision of this chapter shall be guilty of a Class One (1) misdemeanor, punishable as set forth in this code and state law.
2. Each failure to obtain a required permit clearance, certification, review, approval or inspection shall constitute a separate violation.

B. Civil Penalties.

1. Any person, as defined in the Building Code, Section 202, or enterprise, as defined pursuant to Arizona Revised Statutes Section 13-105, who violates any provision of this chapter shall be subject to a civil penalty, as an alternative method of enforcing this chapter.
2. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provisions of this section.
3. The amount of the civil penalty for the violation of this chapter shall be determined by the city magistrate, subject, however, to the directions of the city council which may, but is not required to, establish a schedule of such penalties. Said penalties shall not exceed the amount of One Thousand (\$1,000) Dollars for an individual or Ten Thousand (\$10,000) Dollars for an enterprise for each offense.
4. Any person alleged to be subject to a civil penalty under this section shall be entitled to an administrative hearing regarding their liability and a review of that decision by the city council if requested in writing within seven days of the decision at the administrative hearing. The administrative hearing shall take place before the city magistrate, subject to any rules of procedure for the same as may be adopted by the city council from time to time.

C. Other Methods of Enforcement

The city council, the city attorney, the building official, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this chapter, may initiate other remedies provided by law (e.g. an injunction, writ of mandamus, abatement) or any other appropriate action, proceeding or proceedings to prevent, abate or remove such violation of this chapter.

D. Separate Offenses.

Any person, firm, corporation or other enterprise as defined above violating this chapter shall be deemed guilty of a separate offense for each and every day during which a violation of the provisions of this chapter is committed, continued or permitted.

Section 7-1-11 Liability

Neither the board of appeals, the building official or any other officer or employee charged with the enforcement of this chapter, while acting in good faith, without malice and for the jurisdiction, shall be rendered liable personally, and are hereby relieved of all personal liability for any damage accruing to persons or property as a result of an act or failure to perform an act required or permitted in the discharge of official duties.

Section 7-1-12 Conflicting Provisions

- A. Where, in any specific case, different sections of the Codes or city code specify the use of different materials, different construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general and specific requirement, the specific requirement shall be applicable.
- B. Notwithstanding the foregoing, if there is a conflict between a portion the plumbing code and any other code adopted herein, the provisions of the plumbing code shall govern unless a variance is granted thereto.

Section 7-1-13 Severability

If any section, subsection, clause, phrase or portion of this chapter, or any part of the codes adopted by reference herein, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.