

## EXHIBIT B

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### **Chapter 15.05**

### **ADOPTION OF BUILDING CODES**

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### **15.05.010 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. [Code 2004 § 7-1-1; Ord. 18-08 § 1; Res. 18-23.]

### **15.05.020 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. [Code 2004 § 7-1-2; Ord. 18-08 § 1; Res. 18-23.]

### **15.05.030 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 MCC 15.05.040 through 15.05.120, the definitions set forth in this section shall prevail.

- A. "Administrative authority," when used in the codes, 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, 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 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and effect unless such boards are specifically appointed and commissioned pursuant to this subsection and are hereby superseded by this section.
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- C. "Codes" shall mean the codes listed and adopted in MCC 15.05.040 through 15.05.120.
- D. "Building official," "code official," shall each mean the building official as established by MCC 15.05.130, 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, refers to the use of a building, addition or structure for business, religious, educational, institutional, recreational, industrial or any other nonresidential purpose.
- F. "Jurisdiction" shall mean the incorporated areas of the city of Maricopa.
- G. "Noncommercial" 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 MCC 15.05.040 through 15.05.120. [Code 2004 § 7-1-3; Ord. 18-08 § 1; Res. 18-23.]

### **15.05.040 Adoption of International Building Code.**

A. That certain document entitled and known as "The International Building Code, 2024 Edition," published by the International Code Council, together with appendages 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) of this section. An electronic 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.

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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 the City of Maricopa Development Services Fee Schedule as approved by City Council. 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 City of Maricopa Development Services and Fee Schedule as approved by City Council.

4. Amend 308.5 through 5.4.

Replace five with ten.

5. Amend 310.5 Residential Group R-4.

Replace 16 with ten.

6. Amend Section 310.4 Residential Group R-3 by revising the last item of the list of R-3 occupancies to read as follows:

Congregate living facilities with 10 or fewer persons. Where these facilities occur in a single-family home, shall be permitted to comply with the International Residential Code.

7. Amend Section 1101.1 by inserting after disabilities.

Including the A.R.S sections 41-1492.

8. Amend Section 1907 by adding Section 1907.5 Post Tension.

All post-tensioned slabs on ground shall be permanently stamped, marked, or otherwise identified in a conspicuous location indicating a slab is a post-tensioned slab. Conspicuous locations included, but are not limited to, entrance porches, slabs at garage doors, or patio slabs.

9. Amend Section 2304.12 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 fills which is used to support a concrete slab shall be treated against termite

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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~~, U Occupancies less than 200 square feet 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.

10. Amend [P] Section 2902 Table 2902.1 by adding footnote G.

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.

11. 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.

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

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

13. Amend Referenced Standard to ICC A117 by replacing 17 with 23.
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### **15.05.050 Adoption of International Residential Code.**

A. That certain document entitled and known as "The International Residential Code, 2018 Edition," published by the International Code Council, together with appendices, Excluding B, BB, NB, NG, NH, and N2, 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 this section. An electronic copy of said code shall be filed with 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 1 as follows:

One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (11.15 m<sup>2</sup>) and the wall plate height measured at the highest point does not exceed 8 feet (2134 mm), and no; Mechanical, Electrical, or Plumbing components.

3. 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.

4. Amend Section R105.2 by adding item #12.

Replacement of a roof cover where the replacement roof covering classification is equal to or greater than the existing roof covering classification and does not increase the loads upon the structural frame.

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5. R105.5 "Expiration" is hereby amended by adding a new Subsection R105.5.1 to read as follows:

R105.5.1 Reinstatement. The Building Official is authorized to reinstate a permit that has expired upon payment of a reinstatement fee provided: 1. The permit has not been expired for more than 180 days and, 2. Code requirements that would affect the project have not changed.

6. Amend Section R106.1 by adding the Arizona Registered Design Professional requirement at the end of the section.

7. Amend Section R108.2 Schedule of permit fees by replacing with the following text:

Building permit fees shall be assessed in accordance with the City of Maricopa Development Services Fee Schedule as approved by City Council. 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 City of Maricopa Development Services and Fee Schedule as approved by City Council.

8. Amend Section R109.1.5 Lath or gypsum board inspection. Inspection of the lath or gypsum board shall be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished

9. 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.

10. Amend Section R202 Definitions: FIRE SEPARATION DISTANCE.

The distance measured from the building face to one of the following:

1. To the closest interior lot line.
  2. To the centerline of a street, an alley or a public way.
  3. To an imaginary line between two buildings on the lot.
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The distance shall be measured at the right angle from the face of the wall framing.

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

Ground Snow Load - None

Wind Speed - 105 mph

Seismic Category – B

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

12. Amend Table R302.1(1):

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

13. Amend R302.6. Delete everything after table R702.3.5.

14. Amend R302.6 Dwelling/Garage Separation: Change gypsum wallboard from 1/2 inch to 5/8 inch Type X.

- C. Amend Section R303.10 Required heating by revising the title to read “Required Heating and Cooling” and by adding the following sentence to the end of the paragraph:
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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.

D. Delete Section R309.2 in its entirety and refer to A.R.S. § 9-807.

E. Delete R313 Automatic Fire Sprinkler Systems in its entirety. Refer to A.R.S. § 9-807.

F. Amend Section R305.2 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.

G. Amend Section R325.8 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.

H. Amend Table N1102.1.1 (R402.1.1) by changing Glazed Fenestration SHGC from 0.25 to 0.40.

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I. 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.”

J. Amend Section G2415.12 (IFC 404.12) by replacing 12 with 18.

K. Delete Section G2417.4.1 Test pressure in its entirety and replace with the following:

Test pressure shall be minimum 10psi for minimum of 10 minutes.

L. Amend Section P2603.5.1 by replacing [number] with 12 in both locations.

M. Amend Section P2604.3 by replacing 12” to 6” of tamped earth for water service, building drain and building sewer.

N. Add Section E3703.8.

O. Amend Section 3901.4.2 by deleting everything after receptacle outlets and add shall be required per Section 3901.4.2 of the 2018 IRC.

P. Amend Section E3902.14, exemption 3, by deleting everything after equipment and replacing it with the following:

GFCI protection shall not be required for listed HVAC equipment.

### **15.05.060 Adoption of International Property Maintenance Code.**

A. That certain document entitled and known as “The International Property Maintenance Code, 2024 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) of this section. An electronic copy of said code shall be filed with 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:

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The City of Maricopa Development Services and Fire/Medical Fee Schedule as approved by City Council.

3. Section 304.14 Insect screen delete the date reference in its entirety.
4. Amend the title to Section 602 by adding the words “and Cooling” after “Heating.”
5. Amend Section 602.3 Heat supply by adding the following in the inserts: September to May.
6. Add a new Section 602.3.1 to read as follows:

Section 602.3.1 Cooling. Dwellings shall be provided with heating facilities capable of maintaining a room temperature for heating of 68°F (20°C) and cooling of not more than 80 degrees in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

7. 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.”

8. Amend Section 302.4 Weeds as follows:

Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 107.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the

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weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

### **15.05.070 Adoption of International Mechanical Code.**

A. That certain document entitled and known as “The International Mechanical Code, 2018 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) of this section. An electronic copy of said code shall be filed with 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 their designee shall be the person responsible for the enforcement of the provisions of this Code.

3. Amend Section 108.2 Fee Schedule by placing the following in the insert at the end:

The City of Maricopa Development Services as approved by City Council.

4. Delete Section 113.1 in its entirety.
5. Amend Section 114.1 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.
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### 7. Replace Section 309.1 Space Heating Systems with Space-heating and Cooling systems.

Interior spaces intended for human occupancy shall be provided with active or passive space-heating and cooling systems capable of maintaining an indoor temperature of not less than 68°F (20°C) for heating and 80 degrees for cooling at a point 3 feet (914 mm) above floor on the design heating day. The installation of portable space heaters or coolers shall not be used to achieve compliance with this section

8. Amend Section 407.1. by adding text to the end of the section, “shall be verified by a qualified third-party Special Inspector. The Special Inspector/testing agency shall be an independent third-party individual or firm and shall not be the install contractor. A report shall be generated by the third-party individual or firm showing compliance.

9. Amend Section 607.2. By adding text to the end of section, Dampers shall be tested by an approved testing agency or a qualified third-party special inspector. The Special Inspector/testing agency shall be an independent third-party individual or firm and shall not be the install contractor.

## **15.05.080 Adoption of International Plumbing Code.**

A. That certain document entitled and known as “The International Plumbing Code, 2018 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) of this section. An electronic copy of said code shall be filed with 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 their designee shall be the person responsible for the enforcement of the provisions of this Code.

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3. Amend Section 106.6.2 Fee Schedule by placing the following in the insert at the end:

The City of Maricopa Development Services as approved by City Council.

4. Delete Section 114.4 in its entirety.
5. Amend Section 115.1 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
7. Amend Section 403.2 by changing the number 15 in Exception 2 to 30 and deleting Exception 3.

### **15.05.090 Adoption of International Fuel Gas Code.**

A. That certain document entitled and known as “The International Fuel Gas Code, 2018 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) of this section. An electronic copy of said code shall be filed with the office of the city clerk and kept available for public use and inspection.

#### **B. Amendments to the Fuel 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 their designee shall be the person responsible for the enforcement of the provisions of this Code.

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3. Amend Section 108.2 Fee Schedule by placing the following in the insert at the end:

The City of Maricopa Development Services as approved by City Council.

4. Delete Section 113.4 Violation penalties is hereby deleted in its entirety and replaced with the following:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof; erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the fire code official or of a permit or certificate issued under the provisions of this code; or who fails to comply with a notice of violation or order prepared and served in accordance with Sections 113.3 and 113.3.1 shall be deemed guilty of a misdemeanor and shall be subject to the penalties as prescribed by law. Violations shall be deemed a strict liability offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. Amend Section 114.1 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 112 in their entirety.

### **15.05.100 Adoption of National Electric Code.**

A. That certain document entitled and known as “National Electric Code, 2023 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) of this section. A 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 Electric Code.*

1. Amend Section 210.52 (C)(2). Delete in its entirety and replace with:
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At least one receptacle shall be installed at each island countertop space with a long dimension of 600 mm (24 in.) or greater and a short dimension of 300 mm (12 in.) or greater.

### **15.05.110 Adoption of International Energy Conservation Code.**

A. That certain document entitled and known as “International Energy Conservation Code, 2018 Edition,” published by the International Code Council, is hereby adopted as the energy 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) of this section. An electronic copy of said code shall be filed with 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.

### **15.05.120 Adoption of the International Fire Code.**

A. That certain document entitled and known as “International Fire Code, 2024 Edition,” published by the International Code Council, is hereby adopted as the fire 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, amendments, and appendices to the code as set forth in subsection (B) of this section. An electronic copy of said code shall be filed with the office of the city clerk and kept available for public use and inspection.

B. *Amendments to the Fire Code.*

1. Amend Section 101.1:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Maricopa, hereinafter referred to as “this code.”

2. Amend Section 101.2.1:
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Section 101.2.1 Appendices. The following appendices are adopted as part of this code by the City of Maricopa: Appendices B, C, D, E, F & G, H, I, J, K, L, M, N, & O. Other provisions in the appendices shall not apply.

### 3. Amend Section 202 Definitions:

Section 202 STANDBY PERSONNEL. Qualified fire service personnel, whether City employees or otherwise as reasonably approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization of city employees as standby personnel shall be as set forth in the City of Maricopa Fee Schedule or as customary.

Section 202 SPECIAL FIRE RISK AREA. Land which is covered with grass, grain, brush, tires, refuse or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in a great or unusual damage through fire or such areas designated by the code official.

### 4. Amend Section 503.6 by deleting in its entirety and replace with:

All areas where secured gates are installed on an apparatus access road, shall be equipped with a preemptive device and shall be approved for emergency operation." The security gates and emergency operations shall always be maintained in an operational state. Electric gate operators shall be listed in accordance with UL 325. All fire apparatus access gates shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

### 5. Add Section 507.5.2.1:

Section 507.5.2.1 Water distribution system failure notification. Each water service provider serving areas within the city, whether municipal or private, shall notify the Fire Department of any failure or changes in their water distribution system, hydrant repair main breaks, pump failures, or other interruptions of water supply that may affect water supply and or reduction in pressure in relation to current fire protection requirements as soon as possible.

Out of service hydrants. Any hydrant that is out of service shall have an out of service ring located on the largest diameter discharge and shall remain in place until the hydrant is operational and verified by the Fire Department.

### 6. Add Section 509.1.2 "Electric vehicle charging systems.

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Section 509.1.2 Electric vehicle charging systems. All electric vehicle charging systems, to include new and existing locations, are to have an approved sign attached or placed in close proximity to the charging system that details the location of the means of disconnect, to include when required, panel designation and circuit breaker numbers. The approved sign is to be permanent in nature and clearly identifiable.

7. Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS) is hereby deleted in its entirety and replaced with the following:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the *fire code official*, an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other *approved* statement shall include electronic reporting acceptable to the fire code official. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-*closed systems*.
9. Amount in use-*open systems*.

8. Section 903.2 "Where required," is hereby deleted in its entirety and replaced with the following:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 as amended herein, except for telecommunication buildings, existing structures, special amusement buildings and exempt locations as follows:

Exceptions:

Telecommunications building: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the International Building Code or not less than

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2-hour horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both.

Existing Structures: An automatic sprinkler system shall not be required to be retrofitted in existing buildings where the occupancy is changed provided the new or proposed use is no more hazardous, based on life safety and fire risk, than the existing use and the existing structure is not increased more than an aggregate total of all additions of 500 square feet. The determination of whether the new or proposed use is less hazardous shall be made by the fire code official in his/her discretion.

Special Amusement Buildings: Automatic sprinkler systems shall not be required for temporary special amusement buildings pursuant to the Exception in Section 411.2 of the International Building Code.

9. Amend Section 903.2.1 through 903.2.1.5:

10. Amend Section 903.2.1.1 "Group A-1," is hereby deleted in its entirety and replaced with the following:

Section 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided throughout buildings containing Group A-1 occupancies.

11. Amend Section 903.2.1.2 "Group A-2," is hereby deleted in its entirety and replaced with the following:

Section 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided throughout buildings containing Group A-2 occupancies.

12. Amend Section 903.2.1.3 "Group A-3," is hereby deleted in its entirety and replaced with the following:

Section 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout buildings containing Group A-3 occupancies.

13. Amend Section 903.2.1.4 "Group A-4," is hereby deleted in its entirety and replaced with the following:

Section 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout buildings containing Group A-4 occupancies.

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14. Amend Section 903.2.1.5 "Group A-5," is hereby deleted in its entirety and replaced with the following:

Section 903.2.1.5 Group A-5. An automatic sprinkler system shall be provided for all enclosed Group A-5 occupancies, including all accessory use areas, which includes, but is not limited to: concession stands, retail areas, and press boxes.

15. Amend Section 903.2.2 "Group B," is hereby deleted in its entirety and replaced with the following:

Section 903.2.2 Group B. An automatic sprinkler system shall be provided throughout buildings containing Group B occupancies. Exception: Existing Building less than 2001 square feet of a Fire Area.

16. Amend Section 903.2.2.1 "Ambulatory care facilities," is hereby deleted in its entirety and replaced with the following: "903.2.2.1 Ambulatory care facilities. An automatic sprinkler system shall be provided throughout the area containing ambulatory care facilities."

17. Amend Section 903.2.3: "Group E," is hereby deleted in its entirety and replaced with the following:

Section 903.2.3 Group E. An *automatic sprinkler system* shall be provided throughout buildings containing Group E occupancies.

18. Amend Section 903.2.4 through 903.2.4.1:

19. Amend Section 903.2.4 "Group F-1," is hereby deleted in its entirety and replaced with the following

Section 903.2.4 Groups F-1, F-2 and U. An *automatic sprinkler system* shall be provided throughout buildings containing Groups F-1, F-2, and U occupancies.

20. Amend Section 903.2.4.1 "Woodworking operations," is hereby deleted in its entirety. Delete everything after Group F occupancies.

21. Amend Section 903.2.7 "Group M," is hereby deleted in its entirety and replaced with the following:
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Section 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing Group M occupancies. Exception: Existing Building less than 2001 square feet of a Fire Area.

22. Amend Section 903.2.7.1 "High-piled storage," is hereby deleted in its entirety.

23. Amend Section 903.2.8 "Group R," is hereby deleted in its entirety and replaced with the following:

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, to include "Build for Rent" type multifamily project, except as follows:

Exception:

Automatic sprinkler systems shall not be required in one- and two-family dwellings, R-3 and R-4 occupancies, condition 1, with 10 or fewer person's receiving care, occupancies that are less than 5,000 square feet when there is adequate water supply and an approved fire apparatus access road. When there is inadequate water supply or limited fire department access, automatic sprinkler systems shall not be required in one- and two-family dwellings and R-3 occupancies that are less than 3,600 square feet. The square footage shall be determined based on the total floor area, which includes the living area, attached garages and areas under roof or horizontal projections, including but not limited to, porches, sunrooms, courts, etc. Detached structures not satisfying the required fire separation distance shall be considered as part of the total square footage of the main structure.

This exception does not apply to care facilities located in one- or two-family dwellings where the occupants are incapable of self-preservation or Build to Rent properties.

24. Amend Section 903.2.8.5 "Special Requirements for Arizona State Department of Health Facilities," is hereby added as follows:

Special Requirements for Arizona State Department of Health Facilities. All facilities as licensed by the State of Arizona Department of Health, further known, but not limited to, such as direct care, personal care and supervisory care, housing at least six and not more than 10 persons shall be considered a Group R-4.

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25. Amend Section 903.2.9 "Group S-1," is hereby deleted in its entirety and replaced with the following:

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing Group S-1 occupancies.

26. Amend Section 903.2.9.1 "Repair garages," is hereby deleted in its entirety.
27. Amend Section 903.2.9.2 "Bulk storage of tires," is hereby deleted in its entirety.
28. Amend Section 903.2.9.3 "Group S-1 distilled spirits or wine," is hereby deleted in its entirety.
29. Amend Section 903.2.9.4 "Group S-1 upholstered furniture and mattresses," is hereby deleted in its entirety.
30. Amend Section 903.2.10 "Group S-2," is hereby deleted in its entirety and replaced with the following:

Section 903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout all buildings containing Group S-2 occupancies.

31. Amend Section 903.2.10.1 "Commercial parking garages," is hereby deleted in its entirety.
32. Amend Section 903.2.10.2 "Mechanical access enclosed parking garages," is hereby deleted in its entirety.
33. Amend Section 903.2.11 "Specific buildings areas and hazards," is amended as follows:

Section 903.2.11 Specific buildings areas and hazards. In all occupancies requiring automatic sprinkler systems, an automatic sprinkler system shall be installed for building design or hazards in locations set forth in Sections 903.2.11.1 through 903.2.11.6 as amended herein:

34. Amend Section 903.2.11.1 "Stories without openings," is hereby deleted in its entirety and replaced with the following:

Section 903.2.11.1 Stories without openings. An automatic sprinkler system shall be provided throughout all stories, including basements.

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35. Section 903.2.11.3 "Buildings 55 feet or more in height," is hereby deleted in its entirety and replaced with the following:

Section 903.2.11.3, Buildings height. An automatic sprinkler system shall be installed throughout all buildings regardless of the occupant load and the use.

36. Amend Section 903.3.1.1.2 "Bathrooms." is hereby deleted in its entirety and replaced with the following:

Section 903.3.1.1.2 Accessory exempt locations. An *automatic sprinkler system* shall not be required in the following buildings, rooms or areas:

1. Detached storage sheds, detached private garages, detached gazebos and ramadas for private, residential and non-commercial uses not exceeding 1,500 square feet.
2. Detached restroom buildings at parks, golf courses and similar locations not exceeding 1,500 square feet with storage areas not exceeding 100 square feet.
3. Non-combustible detached gazebos, ramadas and greenhouses for public use not exceeding 1,500 square feet.
4. Non-combustible detached wash racks and canopies with flame retardant sunscreen.
5. Agricultural buildings, animal shelters, greenhouses, grain silos and barn accessories to a residential occupancy not exceeding 1,500 square feet with no habitable space.
6. Detached hay barns with no accessory storage or uses and no habitation areas.
7. Open shade horse stalls of non-combustible construction for private, residential, non-commercial use not exceeding 5,000 square feet with no storage of combustible products, vehicles, or agricultural equipment.
8. Detached non-combustible carports for residential and commercial developments with covered parking. Each non-combustible carport shall not exceed 2,000 square feet and shall be separated a minimum of ten (10) feet from the main building. Where there are a group of carports and each one does not exceed 2,000 square feet, the minimum separation required between carports shall be ten (10) feet.
9. Temporary tents and membrane structures for approved special events.
10. Detached temporary modular sales offices.
11. Special use structures as approved by the *fire code official*.

37. Amend Section 903.3.1.2.4 "Floor control valve assemblies," is hereby added as follows:

Section 903.3.1.2.4 Floor control valve assemblies. Floor control valve assemblies shall be required for all multistory buildings, 3 or more stories in height. Floor control valve assemblies are to include a control valve, check valve, main drain valve, and flow switch for isolation, control, and annunciation of water flow for each individual floor level.

Exception: When approved by the Fire Code Official

38. Amend Section 903.3.5.3 "Sprinkler design safety factor," is hereby added as follows:
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Section 903.3.5.3 Sprinkler design safety factor. Automatic sprinkler systems for NFPA 13, NFPA 13R, and NFPA 13D systems shall be designed with a minimum safety factor as follows:

1. When the static pressure exceeds 80 psi, the maximum design static pressure shall be 80 psi, or 10 psi less than the actual test pressure, whichever is lower.
2. The actual flow test pressures shall be used to determine the need for sizing fire pumps, pressure reducing valve, and hanger requirements in accordance with NFPA 13, NFPA 13D, and NFPA 13R.
3. When the static pressure is less than 80 psi, a minimum 10 psi safety factor shall be provided between the available water supply and the system flow and pressure demand and shall include hose stream allowances required by NFPA 13, NFPA 13D, and NFPA 13R.

### 39. Amend Section 907

#### Fire alarm and Detection Systems

Section 907.2.1 "Group A." is hereby deleted in its entirety and replaced with the following:

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 100 or more. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

#### Exception:

1. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.
2. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for Group A-5 outdoor bleacher-type seating having an occupant load of greater than or equal to 300 and less than 15,000 occupants, provided that all of the following are met:
  - 2.1 A public address system with standby power is provided.
  - 2.2 Enclosed spaces attached to or within 5 feet (1524 mm) of the outdoor bleacher type seating compose, in the aggregate, a maximum of 10 percent of the overall area of the outdoor bleacher-type seating or 1,000 square feet (92.9 m<sup>2</sup>), whichever is less.
  - 2.3 Enclosed accessory spaces under or attached to the outdoor bleacher-type seating shall be separated from the bleacher-type seating in accordance with Section 1030.1.1.1.
  - 2.4 All means of egress from the bleacher-type seating are open to the outside.
3. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communications system are not required for temporary Group A-5 outdoor bleacher-type seating, provided that all of the following are met:
  - 3.1. There are no enclosed spaces under or attached to the outdoor bleacher-type seating.
  - 3.2. The bleacher-type seating is erected for a period of less than 180 days.
  - 3.3. Evacuation of the bleacher-type seating is included in an approved fire safety plan.



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Section 907.2.2 "Group B." is hereby deleted in its entirety and replaced with the following:

907.2.2 Group B. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 100 or more.
2. The fire area contains an ambulatory care facility.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Section 907.2.3 "Group E." is hereby deleted in its entirety and replaced with the following:

### Section 907.2.3 Group E.

A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 shall be installed in the opinion of the fire code official in accordance with Section 907.6 in Group E occupancies. Where *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be provided in accordance with the building fire alarm system.

#### Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
  2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
  3. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
    - 3.1 Interior corridors are protected by smoke detectors.
    - 3.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
    - 3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
  4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
    - 4.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section
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903.3.1.1.

4.2. The emergency voice/alarm communication system will activate on sprinkler water flow.

4.3. Manual activation is provided from a normally occupied location.

Section 907.2.4 "Group F." is hereby deleted in its entirety and replaced with the following:

Section 907.2.4 Group F. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where the occupant load due to the Group F occupancy is 100 or more.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Section 907.2.5 "Group F." is hereby deleted in its entirety and replaced with the following:

Section 907.2.5 Group H. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group H-1 through H-4 occupancies where the occupant load is 100 or more, Group H-5 occupancies, and in occupancies used for the manufacture of organic coatings. An automatic smoke detection system shall be installed for highly toxic gases, organic peroxides and oxidizers in accordance with Chapters 60, 62 and 63, respectively.

Section 907.2.7.1 "Occupant load." is hereby deleted in its entirety and replaced with the following:

Section 907.2.7.1. Occupant load. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where the following exists:

1. The combined Group M occupant load of all floors is 100 or more persons.

Exceptions:

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402 of the International Building Code.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.

Section 907.2.9.1 "Manual fire alarm system." is hereby deleted in its entirety and replaced with the following:

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Section 907.2.9.1 Manual fire alarm system. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.

Section 907.2.10 "Group S." is hereby deleted in its entirety and replaced with the following:

907.2.10 Group S. A fire alarm system shall be installed in a Group S occupancy as required by Sections 907.2.10.1, 907.2.10.2, and 907.2.10.3.

Section 907.2.10.3 "Other Groups S." is hereby added as follows:

Section 907.2.10.3 Other Group S. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group S occupancies where the occupant load is 100 or more persons. Visible notification appliances are not required within public and self-storage occupancies storage units.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

Section 912.1.1 "Sizing," is hereby added as follows"

Section 912.1.1 Sizing. Fire department connections shall be sized to support the system demand or fire flow demand, whichever is greater, for the system that they are connected to. The piping from the system connection to the fire department connection outlets is to be sized to flow the required demand. A sufficient number of fire department connection inlets is to be provided, at a rate of two hundred fifty (250) gpm per outlet, to meet the system demand

Section 912.1.1 "Locations" is hereby deleted in its entirety and replaced with the following:

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Section 912.2. Locations With respect to hydrants, driveways, buildings and landscaping, fire department connections in reference to section 903.3.7. shall be located within 130' of a fire lane. Hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

Section 912.6 "Backflow protection," is hereby deleted in its entirety and replaced with the following:

Section 912.6 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code and the City of Maricopa Engineering Design Standards and Policies Manual.

40. Amend Section 5704.2.9.6.1:

Location where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by City of Maricopa Zoning Code.

41. Amend Section 5706.2.4.4:

Locations where above ground tanks are prohibited. The Storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by City of Maricopa Zoning Code.

42. Amend Section 6104.2:

Maximum capacity within established limits. Within the limits established by the City of Maricopa Zoning Code restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2000 gallons (7570L).

These additional requirements may be increased based on occupancy type or if reasonably necessary for adequate protection of life safety as determined by the fire code official.

Where required by the fire code official, each application for a permit shall include an electronic Hazardous Materials Management Plan (HMMP) in a format acceptable to the fire code official. The HMMP shall include a facility site plan designating the following:

1. Storage and use areas.
  2. Maximum amount of each material stored or used in each area.
  3. Range of container sizes.
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4. Locations of emergency isolation and mitigation valves and devices.
5. Product conveying piping containing liquids or gases, other than utility owned fuel gas lines and low-pressure fuel gas lines.
6. On and off positions of valves for valves that are of the self-indicating type.
7. Storage plan showing the intended storage arrangements, including the location and dimension of aisles.
8. The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

Where required by the fire code official, an application for a permit shall include an electronic HMIS in a format acceptable to the fire code official. The HMIS shall include the following information:

1. Manufacturer's name.
2. Chemical name, trade names, hazardous ingredients.
3. Hazard classification.
4. MSDS.
5. United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identifications number.
6. Maximum quantity stored or used on-site at one time.
7. Storage conditions related to the storage type, temperature and pressure.

In addition to the requirements of the 2018 International Fire Code, the Fire Code Official may require an approved automatic sprinkler system to be installed in all expanded, remodeled, and newly constructed buildings.

### **15.05.130 Adoption of International Swimming Pool and Spa Code.**

A. That certain document entitled and known as "International Energy Conservation Code, 2024 Edition," published by the International Code Council, is hereby adopted as the energy 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

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subsection (B) of this section. An electronic copy of said code shall be filed with the office of the city clerk and kept available for public use and inspection.

*B. Amendments to the Swimming pool and Spa Code.*

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

### **15.05.140 Adoption of ICC A117.1-23 ACCESSIBILITY AND USABLE BUILDINGS AND FACILITIES CODE**

A. That certain document entitled and known as "International Energy Conservation Code, 2023 Edition," published by the International Code Council, is hereby adopted as the energy 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) of this section. An electronic copy of said code shall be filed with the office of the city clerk and kept available for public use and inspection.

*B. Amendments to Accessibility and Usable Buildings and Facilities Code*

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

### **15.05.150 Adoption of International Wildland- Urban Interface Code**

A. That certain document entitled and known as "International Energy Conservation Code, 2024 Edition," published by the International Code Council, is hereby adopted as the energy 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) of this section. An electronic copy of said code shall be filed with the office of the city clerk and kept available for public use and inspection.

*B. Amendments to Wildland – Urban Interface Code.*

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

### **15.05.160 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.

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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.

### **15.05.170 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.

### **15.05.180 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.

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### **15.05.190 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.

### **15.05.200 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.

### **15.05.210 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 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 A.R.S. § 13-105, who violates any provision of this chapter shall be subject to a civil penalty, as an alternative method of enforcing this chapter.
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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 dollars (\$1,000.00) for an individual or ten thousand dollars (\$10,000) 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. [Code 2004 § 7-1-10; Ord. 18-08 § 1; Res. 18-23.]

### **15.05.220 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.

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### **15.05.230 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.

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