

MARANA ORDINANCE NO. 2019.011

RELATING TO BUILDING SAFETY; ADOPTING BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE (IBC), THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE 2018 INTERNATIONAL PLUMBING CODE (IPC), THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC), THE 2018 INTERNATIONAL MECHANICAL CODE (IMC), THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2017 NATIONAL ELECTRICAL CODE (NEC), THE 2018 INTERNATIONAL FIRE CODE (IFC), THE 2018 INTERNATIONAL FUEL GAS CODE (IFGC), AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSA); ADOPTING LOCAL AMENDMENTS TO THE FOREGOING CODES; AMENDING MARANA TOWN CODE TITLE 7 BY REVISING SECTIONS 7-1-2 AND 7-1-6; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Town is authorized by A.R.S. § 9-467 to require building permits and A.R.S. §9-499 to regulate property maintenance; and

WHEREAS the Town is authorized by A.R.S. § 9-802 to adopt codes and public records by reference; and

WHEREAS the Town Council finds that the building codes established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The following, declared by Marana Resolution No. 2019-032 to be public record and available for review in the Town Clerk's office, are hereby adopted by reference:

- A. The 2018 International Building Code (IBC) and the local amendments to it.
- B. The 2018 International Existing Building Code (IEBC) and the local amendments to it.
- C. The 2018 International Plumbing Code (IPC) and the local amendments to it.
- D. The 2018 International Residential Code (IRC) and the local amendments to it.
- E. The 2018 International Mechanical Code (IMC) and the local amendments to it.

- F. The 2018 International Property Maintenance Code (IPMC) and the local amendments to it.
- G. The 2018 International Energy Conservation Code (IECC) and the local amendments to it.
- H. The 2017 National Electrical code (NEC) and the local amendments to it.
- I. The 2018 International Fire Code (IFC) and the local amendments to it.
- J. The 2018 International Fuel Gas Code (IFGC) and the local amendments to it.
- K. The 2018 International Swimming Pool and Spa Code (ISPSC) and the local amendments to it.

SECTION 2. The following penalty clauses are including in the building codes and local amendments adopted pursuant to this ordinance.

- A. The 2018 international building code (IBC) with local amendments contains the following penalty clauses:

Section 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 115.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- B. The 2018 International Existing Building Code (IEBC) with local amendments contains the following penalty clauses:

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 114.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- C. The 2018 International Plumbing Code (IPC) with local amendments contains the following penalty clauses:

Section 108.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- D. The 2018 International Residential Code (IRC) and the local amendments contains the following penalty clauses:

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

Section 114.2 Unlawful continuance.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- E. The 2018 International Mechanical Code (IMC) with local amendments contains the following penalty clauses:

Section 108.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- F. The 2018 International Property Maintenance Code (IPMC) with local amendments contains the following penalty clauses:

Section 108.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate

placarded equipment shall be liable for the penalties provided by this code.

Section 112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine that shall not exceed \$1,000 unless otherwise designated in this code, a town ordinance or under state law.

- G. The 2018 International Energy Conservation Code (IECC) with local amendments contains the following penalty clauses:

Section C108.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set by the applicable governing authority.

Section R108.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set by the applicable governing authority.

- H. The 2018 International Fire Code (IFC) with local amendments contain the following penalty clauses:

Section 110.4 Violation penalties.

Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Marana Town Code Title 7, section 7-1-5.

- I. The 2018 International Fuel Gas Code (IFGC) with local amendments contain the following penalty clauses:

Section 108.4 Violation penalties.

Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 108.5 Stop work orders.

Upon notice from the code official that plumbing work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

- J. The 2018 International Swimming Pool and Spa Code (ISPSA) with local amendments contain the following penalty clauses:

Section 107.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

Section 107.5 Stop work orders

Upon notice from the *code official*, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an

emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation. Violation penalties are set forth in Marana Town Code Title 7, section 7-1-5.

SECTION 3. Chapter 7-1 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

[Section 7-1-1 remains unchanged]

7-1-2 Building codes adopted

A. The Marana building code consists of the following code documents incorporated by this reference in this title, all of which are on file with the town clerk's office:

1. The 2012~~8~~ international building code, with local amendments.
2. The 2018 international existing building code, with local amendments.
- ~~23.~~ The 2012~~8~~ international plumbing code, with local amendments.
- ~~34.~~ The 2012~~8~~ international residential code, with local amendments.
- ~~45.~~ The 2012~~8~~ international mechanical code, with local amendments.
- ~~56.~~ The 2012~~8~~ international property maintenance code, with local amendments.
- ~~67.~~ The 2012~~8~~ international energy conservation code, with local amendments.
- ~~78.~~ The 2014~~7~~ national electrical~~l~~ code, with local amendments.
- ~~89.~~ The 2012~~8~~ international fire code, with local amendments.
- ~~910.~~ The 2012~~8~~ international fuel gas code, with local amendments.
- ~~1011.~~ The 2018 international swimming pool and spa code, with local amendments.

B. The Marana building code adopts by reference the 2008 Marana outdoor lighting code ~~following local ordinances and codes~~, which are is on file with the town clerk's office:

- ~~1. The 2006 Marana pool and spa code.~~
- ~~2. The 2008 Marana outdoor lighting code.~~

[Sections 7-1-3 through 7-1-5 remain unchanged]

7-1-6 Administrative appeal process

A. Whenever a violation of this building code is determined, whether during construction or at the plan review stage, and the applicant wishes to appeal the decision of the staff because of code interpretation, unreasonable hardship

or other acceptable reasons, the applicant may appeal to the building official as follows:

1. The applicant shall file a written appeal on the forms provided by the building official. If the building official rules in favor of the applicant, the issue is closed.
2. If an appeal is denied by the building official, the applicant shall either comply with the decision or appeal to the board of ~~appeals~~ adjustment in accordance with the building code.

SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. For a six-month period after the effective date of this ordinance, the Marana Building Official is expressly given discretion and authority to allow projects already under design when this ordinance becomes effective to be reviewed based on the codes in effect immediately prior to the effective date of this ordinance.

SECTION 6. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 16th day of April, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney