



MEMORANDUM Transportation & Development Memo No. TDA11-097

DATE: MAY 12, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
PAT MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*
R. J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *[Signature]*

FROM: DAVE NAKAGAWARA, BUILDING OFFICIAL *DN*

SUBJECT: ORDINANCE NO. 4303 ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, THE 2008 NATIONAL ELECTRICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2009 INTERNATIONAL EXISTING BUILDING CODE.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4303 adopting the 2009 International Building Code, the 2008 National Electrical Code, the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Residential Code, the 2009 International Fuel Gas Code, the 2009 International Energy Conservation Code, and the 2009 International Existing Building Code.

BACKGROUND: The 2009 editions of the International Code Council series of codes are being adopted in lieu of the current 2006 editions. Specifically, the 2009 International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, and International Fuel Gas Code are replacing the older editions. In addition, this ordinance adopts the 2008 National Electrical Code; and for the first time, the challenges associated with the renovation or remodeling of existing buildings are specifically addressed through the proposed adoption of the 2009 edition of the International Existing Building Code. A housekeeping revision is also being made to Chapter 51 of the City code, which deals with Wastewater.

As with past code adoptions, these codes were sent to the Board of Appeals for review and comment at various public meetings. Board meetings were attended by stakeholders including the Home Builders Association of Central Arizona (HBACA) as well as builders who do not belong to the HBACA. Commercial developers have been informed of the impending changes

through the pre-development review and permit application time-extension processes. The Board approved the adoption of these codes with amendments. This code is updated to the 2009 edition.

Chapter 29 of the City Code contains the Building Safety provisions. This chapter is being restructured and renumbered in addition to adopting the current 2009 codes.

- Article II, International Building Code. Sections were renumbered due to formatting changes in the standard code, and in addition an existing amendment regarding plain concrete was deleted in order to conform to the national standards.
- Article IV, International Plumbing Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article V, International Mechanical Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article VI, International Residential Code. Arizona House Bill 2153, signed by Governor Brewer on March 9, 2011, does not allow municipalities to adopt ordinances mandating residential fire sprinklers in new single family residences. Therefore, Section R313.2 of the 2009 International Residential Code, requiring mandatory residential sprinklers, is shown in the proposed ordinance language to be deleted in its entirety. Also, an amendment was made to refer to the City of Chandler Fee Schedule.
- Article VII, International Fuel Gas Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article VIII, International Energy Conservation Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article IX, International Existing Building Code. This is the first time we have adopted an Existing Building Code. Previous building codes have addressed existing buildings and the remodeling and renovation of such buildings. This code is expected to provide more clarity and well-defined paths to compliance for older buildings where building to new construction standards have proven to be infeasible, while still ensuring a reasonable level of life safety. The adoption of the International Existing Building Code has necessitated the renumbering and rearrangement of several sections and has required the addition of several administrative provisions.

Chapter 51 of the City Code is being revised by removing an obsolete reference to the Uniform Plumbing Code for the purposes of regulating grease and oil separators. Through this proposed code amendment, it now properly references the current International Plumbing Code for this purpose.

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4303 adopting the 2009 International Building Code, the 2008 National Electrical Code, the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Residential Code, the 2009 International Fuel Gas Code, the 2009 International Energy Conservation Code, and the 2009 International Existing Building Code.

Attachment: Ordinance No. 4303

ORDINANCE NO. 4303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE AND UPDATED VERSIONS OF PREVIOUSLY ADOPTED CODES RELATING TO BUILDING REGULATIONS PURSUANT TO CHAPTER 29, CODE OF THE CITY OF CHANDLER, AMENDING CHAPTER 29, CODE OF THE CITY OF CHANDLER, BY UPDATING THE PROVISIONS INCLUDED THEREIN AND ADDING A NEW ARTICLE ENTITLED INTERNATIONAL EXISTING BUILDING CODE AND AMENDING SECTION 51-25 OF CHAPTER 51, CODE OF THE CITY OF CHANDLER, TO REFLECT THE ADOPTION OF THE INTERNATIONAL PLUMBING CODE, 2009 EDITION.

WHEREAS, the City of Chandler believes that adoption of the International Existing Building Code, 2009 Edition, will promote the safe, efficient and sustainable use of existing building stock located within the City of Chandler and is in the best interests of the residents of the City of Chandler; and

WHEREAS, the City of Chandler further believes it to be prudent to adopt the updated editions of certain codes previously adopted by reference and to otherwise update the provisions set forth in Chapters 29 and 51, Code of the City of Chandler.

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

SECTION 1: That, effective July 1, 2011, those documents identified below, three (3) copies of each to remain on file in the office of the City Clerk, each are hereby adopted by reference, with the additions, insertions, deletions and changes set forth herein and each are hereby declared to be a public record.

- A. International Building Code, 2009 edition.
- B. National Electrical Code, 2008 edition.
- C. International Plumbing Code, 2009 edition.
- D. International Mechanical Code, 2009 edition.
- E. International Residential Code, 2009 edition.
- F. International Fuel Gas Code, 2009 edition.
- G. International Energy Conservation Code, 2009 edition.
- H. International Existing Building Code, 2009 edition.
- I. 40 Code of Federal Regulations, Part 60, Subpart AAA as in effect on July 1, 1990.

SECTION 2: That, effective July 1, 2011, Subsections 29-1.1 and 29-1.2 of Section 29-1 of Chapter 29, Code of the City of Chandler, are hereby amended read as follows:

29-1.1. Application. This Article applies to the administration of Articles II through ~~IX~~ ~~VIII~~ of this Chapter and the codes adopted by reference thereunder. In the event of a conflict between the provisions of this Article and the provisions set forth in, or codes adopted by reference pursuant to, Articles II through ~~IX~~ ~~VIII~~ of this Chapter, the provisions of this Article shall be controlling.

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29-1.2. Designation of building official. The City Transportation and Development Department Building Official ~~City Development Services Manager~~ is hereby designated as the building official, or such other official designated as the applicable code official in any code adopted by reference in this Chapter, for purposes of this Article and the codes adopted by reference in this Chapter.

SECTION 3: That, effective July 1, 2011, Article II of Chapter 29, Code of the City of Chandler is hereby amended to read as follows:

ARTICLE II. INTERNATIONAL BUILDING CODE.

29-2. International Building Code adopted.

That certain code designated and known as the "International Building Code," ~~2009~~ ~~2006~~ Edition (IBC), inclusive of Appendix C thereto, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as is fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

~~29-2.1.~~ Subsection ~~101.4.1~~ of the IBC entitled "Electrical" is hereby amended by substituting the term "National Electrical Code" for the term "ICC Electrical Code".

~~29-2.1~~ ~~29-2.2.~~ Subsection 102.2 of the IBC entitled "Other laws" is hereby amended by adding the following provisions to the end thereof:

Additionally, the building official will enforce the provisions of such other laws when mandated by state or federal law.

~~29-2.2~~ ~~29-2.3.~~ Subsection 102.6 of the IBC entitled "Existing Structures" is hereby amended to read as follows:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

~~29-2.329-2.4.~~ Subsection 103.3 of the IBC entitled "Deputies" is hereby amended by deleting the last sentence thereof.

~~29-2.429-2.5.~~ Paragraph 6 of subsection 105.2 of the IBC is hereby amended by adding the term "decks" immediately after the term "sidewalks" and before the term "and driveways".

~~29-2.529-2.6.~~ Subsection ~~109.2108.2~~ of the IBC entitled "Schedule of Permit Fees" is hereby deleted in its entirety and replaced with a new Subsection ~~109.2108.2~~ to read as follows:

109.2108.2. Permit Fees. Permit fees, if any, shall be adopted by the City by resolution.

~~29-2.7.~~ Subsection ~~110.1~~ of the IBC entitled "Use and Occupancy" is hereby amended by adding an exception thereto to read as follows:

~~Exception: Detached one (1) and two (2) family dwelling structures housing not more than one family per unit are exempt from this requirement. If such structures are used for any purpose other than one family per unit residency, whether as a principle, secondary, or accessory use, the applicability of the exception from the requirement to obtain a Certificate of Occupancy will be at the discretion of the building official.~~

~~29-2.629-2.8.~~ Section ~~111.110~~ of the IBC entitled "Certificate of Occupancy" is hereby amended by adding a new Subsection ~~111.5110.5~~ to read as follows:

111.5110.5 Certificate of Completion. A Certificate of Completion may be issued for commercial shell structures for which additional tenant improvement(s) are required to make the building ready for occupancy if the commercial shell structure has been completed in accordance with the approved drawings and this code. A Certificate of Completion does not permit the commercial shell structure to be occupied. A separate inspection of the tenant improvements completed for a commercial shell structure for which a Certificate of Completion has been issued will be required before a Certificate of Occupancy is issued.

~~29-2.729-2.9.~~ Section ~~113.112~~, entitled "Board of Appeals", Section ~~114.113~~, entitled "Violations", and Section ~~115.114~~, entitled "Stop Work Order" of Chapter 1 of the IBC are hereby deleted in their entirety and Section numbers 113, 114 and 115 are hereby reserved.

~~29-2.829-2.10.~~ Section ~~116.115~~, entitled "Unsafe Structures and Equipment", is hereby renumbered as Section ~~112~~ and amended by deleting subsection ~~116.5115.5~~ (what would

be section ~~112.5~~ after renumbering) entitled "Restoration" in its entirety and adding new subsections ~~116.5~~ through ~~116.11~~ to read as follows:

~~116.5~~*112.5. Recordation of Notice.* If compliance with the notice is not satisfied within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed, or the building demolished so that it no longer exists as an unsafe building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer unsafe, whichever is appropriate.

~~116.6~~*112.6 Repair, Vacation and Demolition.* The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any unsafe building or structure:

1. Any building declared as an unsafe building under this code shall be made to comply with one of the following:
 - (a) The building shall be repaired in accordance with this code; or
 - (b) The building shall be demolished at the option of the building owner; or
 - (c) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.
3. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

116.742.7. *Notice to Vacate*. Every notice to vacate shall, in addition to being served as provided in subsection 116.342.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
..... of

Whenever such notice is posted, the building official shall include a notification thereof in the notice issued under subsection 116.342.3, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of this code.

116.842.8. *Failure to Commence Work*. Whenever the repair or demolition is not commenced within 30 days after any final notice or order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING
DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
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2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a Certificate of Occupancy issued pursuant to the provisions of this code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building unsafe as set forth in the notice; or, if the notice required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

116.9112.9. *Extension of Time to Perform Work.* Upon receipt of an application from the person required to conform to the notice and by agreement of such person to comply with the notice if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice.

116.10112.10 *Interference with Repair or Demolition Work Prohibited.* No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or hold any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

116.11112.11. *Abatement and Cost Recovery.* Unless timely appealed to the board of appeals, a notice issued pursuant to subsection 116.3112.3 shall constitute a final abatement order. The failure to comply with the terms of such notice, in addition to constituting a violation of the Code of the City of Chandler, shall permit the City to institute the abatement and cost recovery provisions set forth in Section 26-11, Code of the City of Chandler.

~~29-2.929-2.11.~~ Chapter 1 of the IBC is hereby amended by adding a new Section ~~117113~~ to read as follows:

Section ~~117113~~. Fireplaces.

~~117.1113.1.~~ *Fireplace standards adopted.* Notwithstanding any code provision to the contrary, it shall be unlawful for anyone to construct, install, convert or alter any fireplace, stove or any other recreational or aesthetic solid fuel burning device unless such device and its installation is certified by a nationally recognized testing agency as satisfying the requirements of 40 Code of Federal Regulations, Part 60, Subpart AAA as in effect on July 1, 1990.

~~29-2.1029-2.12.~~ Subsection 1604.4 of the IBC, entitled "Analysis" is hereby amended by adding a new sentence to the end of the last paragraph of such subsection to read as follows:

Additionally, all buildings, structures and parts thereof shall be designed and constructed to resist the more stringent of the following: (a) wind load effects of a three (3) second wind gust with a wind speed of ninety (90) miles per hour, exposure B, and (b) earthquake load effects of seismic design category C.

~~29-2.1129-2.13.~~ Subsection 1604.10 of the IBC, entitled "Wind and Seismic Detailing" is hereby amended by adding a new sentence to the end of such subsection to read as follows:

In no event shall the detailing requirements be less stringent than the minimum requirement permitted for buildings, structures and parts thereof pursuant to seismic design category C.

~~29-2.14.~~ ~~Subsection 1909.2 of the IBC, entitled "Limitations" is hereby amended by adding a new paragraph 4 to read as follows:~~

~~4. Non load bearing structures.~~

~~29-2.1229-2.15.~~ The first sentence of subsection 3109.3 of the IBC entitled "Public Swimming Pools" is hereby amended to read as follows:

Public swimming pools shall be completely enclosed by a fence at least 5 feet (1524 mm) in height or a screen enclosure.

~~29-2.1329-2.16.~~ The first sentence of subsection 3109.4.1 of the IBC entitled "Barrier height and clearances" is hereby amended to read as follows:

The top of the barrier shall be at least 60 inches (1524 mm) above the grade measured on the side of the barrier that faces away from the swimming pool.

29-2.1429-2.17. Subsection 3109.4.1.8 of the IBC entitled "Dwelling wall as a barrier" is hereby amended by adding a new paragraph 4 to read as follows:

4. Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located not less than fifty-four (54) inches above the floor. All other openable dwelling unit or guest room windows facing within a swimming pool enclosure shall be equipped with a screwed-in-place wire mesh screen, a keyed lock that prevents opening the window more than four (4) inches, or a latching device located not less than fifty-four (54) inches above the floor.

SECTION 4. That, effective July 1, 2011, Article III of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE III. NATIONAL ELECTRICAL CODE

29-3. National Electrical Code adopted.

That certain code designated and known as the "National Electrical Code," ~~2008~~2005 Edition (NEC), three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter.

SECTION 5. That, effective July 1, 2011, Article IV of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE IV. INTERNATIONAL PLUMBING CODE.

29-4. International Plumbing Code adopted.

That certain code designated and known as the "International Plumbing Code," ~~2009~~2006 Edition (IPC), inclusive of Appendices B and E thereof, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

29-4.1. Subsections 106.6.2 and 106.6.3 of the IPC entitled "Fee schedule" and "Fee refunds", respectively, are hereby deleted in their entirety and replaced with new Subsections 106.6.2 and 106.6.3 to read as follows:

106.6.2. Fee schedule. Permit fees, if any, shall be adopted by the City by resolution.

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106.6.3. Fee refunds. The building official is authorized to establish a refund policy.

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~~29-4.21.~~ Section 108 entitled "Violations" and Section 109 entitled "Means of Appeal", of Chapter 1 of the IPC, are hereby deleted in their entirety and Section numbers 108 and 109 are hereby reserved.

~~29-4.32.~~ Subsection 604.1 of the IPC entitled "General" is hereby amended by adding a new paragraph 604.1.1 to read as follows:

604.1.1. Polybutylene piping prohibited. Polybutylene (PB) plastic piping shall not be an approved material for any water distribution system or water supply system. This prohibition applies to any proposed use of PB plastic piping within the interior or exterior of a building or structure regardless of whether such piping is exposed or concealed.

SECTION 6. That, effective July 1, 2011, Article V of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE V. INTERNATIONAL MECHANICAL CODE.

29-5. International Mechanical Code adopted.

That certain code designated and known as the "International Mechanical Code," ~~20092006~~ Edition (IMC), three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

~~29-5.1.~~ Subsections 106.5.2 and 106.5.3 of the IMC entitled "Fee schedule" and "Fee refunds", respectively, are hereby deleted in their entirety and replaced with new Subsections 106.5.2 and 106.5.3 to read as follows:

106.5.2. Fee schedule. Permit fees, if any, shall be adopted by the City by resolution.

106.5.3. Fee refunds. The building official is authorized to establish a refund policy.

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~~29-5.21~~ Section 108 entitled "Violations" and Section 109 entitled "Means of Appeal", of Chapter 1 of the IMC, are hereby deleted in their entirety and Section numbers 108 and 109 are hereby reserved.

SECTION 7. That, effective July 1, 2011, Article VI of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE VI. INTERNATIONAL RESIDENTIAL CODE.

29-6. International Residential Code adopted.

That certain code designated and known as the "International Residential Code," ~~2009~~~~2006~~ Edition (IRC), three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

29-6.1. Section R108.2 of the IRC is hereby amended by adding the following sentence to the end of such section: "Permit fees, if any, shall be adopted by the City by resolution."

29-6.2. Section R112 entitled "Board of Appeals", Section R113 entitled "Violations" and Section R114 entitled "Stop Work Orders", of Chapter 1 of the IRC, are hereby deleted in their entirety and Section numbers R112, R113 and R114 are hereby reserved.

29-6.3. Section R313.2 of the IRC entitled "One- and two-family dwellings automatic fire systems" is hereby deleted in its entirety.

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SECTION 8. That, effective July 1, 2011, Article VII of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE VII. INTERNATIONAL FUEL GAS CODE.

29-7. International Fuel Gas Code adopted.

That certain code designated and known as the "International Fuel Gas Code," ~~2009~~~~2006~~ Edition (IFGC), three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

29-7.1. Subsections 106.6.2 and 106.6.3 of the IFGC entitled "Fee schedule" and "Fee refunds", respectively, are hereby deleted in their entirety and replaced with new Subsections 106.6.2 and 106.6.3 to read as follows:

106.6.2. Fee schedule. Permit fees, if any, shall be adopted by the City by resolution.

106.6.3. Fee refunds. The building official is authorized to establish a refund policy.

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~~29-7.21.~~ Section 108 (~~IFGC~~) entitled "Violations" and Section 109 (~~IFGC~~) entitled "Means of Appeal", of Chapter 1 of the IFGC, are hereby deleted in their entirety and Section numbers 108 and 109 are hereby reserved.

SECTION 9. That, effective July 1, 2011, Article VIII of Chapter 29, Code of the City of Chandler, is hereby amended to read as follows:

ARTICLE VIII. INTERNATIONAL ENERGY CONSERVATION CODE.

29-8. International Energy Conservation Code adopted.

That certain code designated and known as the "International Energy Conservation Code," 2009~~2006~~ Edition (IECC), three (3) copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

29-8.1. Section 107.2 of the IECC entitled "Schedule of permit fees" is hereby deleted in its entirety and replaced with a new Section 107.2 to read as follows:

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107.2. Schedule of permit fees. Permit fees, if any, shall be adopted by the City by resolution.

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29-8.2 Section 108 entitled "Stop Work Order" and Section 109 entitled "Board of Appeals" of the IECC are hereby deleted in their entirety and Section numbers 108 and 109 are hereby reserved.

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SECTION 10: That, effective July 1, 2011, a new Article IX is added to Chapter 29, Code of the City of Chandler, to read as follows:

ARTICLE IX. INTERNATIONAL EXISTING BUILDING CODE.

29-9. International Existing Building Code adopted.

That certain code designated and known as the "International Existing Building Code", 2009 Edition (IEBC), three copies of which are on file in the office of the City Clerk, is hereby adopted by reference and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes set forth herein.

29-9.1. Paragraph 1 of Subsection 105.2 of the IEBC is hereby amended by adding the term "decks" immediately after the term "sidewalks" and before the term "and driveways".

29-9.2. Subsection 108.2 of the IEBC entitled "Schedule of Permit Fees" is hereby deleted in its entirety and replaced with a new Subsection 108.2 to read ad follows:

108.2. *Permit Fees.* Permit fees, if any, shall be adopted by the City by resolution.

29-9.3 Subsection 110.1 of the IEBC is hereby amended to read as follows:

110.1 Relocated buildings ~~*Altered area use and occupancy classification change.*~~ No ~~altered area of a building and no~~ relocated building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

29-9.4. Section 112 entitled "Board of Appeals", Section 113 entitled "Violations", Section 114 entitled "Stop Work Order", Section 116 entitled "Emergency Measures" and Section 117 entitled "Demolitions" of Chapter 1 of the IEBC are hereby deleted in their entirety and Section numbers 112, 113, 114, 116 and 117 are hereby reserved.

29-9.5 Section 115 entitled "Unsafe Buildings and Equipment", is hereby amended by deleting subsection 115.5 entitled "Restoration" in its entirety and adding new subsections 115.5 through 115.11 to read as follows:

115.5. Recordation of Notice. If compliance with the notice is not satisfied within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed, or the building demolished so that it no longer exists as an unsafe building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer unsafe, whichever is appropriate.

115.6 Repair, Vacation and Demolition. The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any unsafe building or structure:

1. Any building declared as an unsafe building under this code shall be made to comply with one of the following:
 - (a) The building shall be repaired in accordance with this code; or

(b) The building shall be demolished at the option of the building owner; or

(c) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of subsection 105.2.2 and Chapter 34.

3. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

115.7. Notice to Vacate. Every notice to vacate shall, in addition to being served as provided in subsection 115.3 be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
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Whenever such notice is posted, the building official shall include a notification thereof in the notice issued under subsection 115.3, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of this code.

115.8. Failure to Commence Work. Whenever the repair or demolition is not commenced within 30 days after any final notice or order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
..... of

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a Certificate of Occupancy issued pursuant to the provisions of this code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building unsafe as set forth in the notice; or, if the notice required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

115.9. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the notice and by agreement of such person to comply with the notice if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice.

115.10 Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any

person who owns or hold any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

115.11. Abatement and Cost Recovery. Unless timely appealed to the board of appeals, a notice issued pursuant to subsection 115.3 shall constitute a final abatement order. The failure to comply with the terms of such notice, in addition to constituting a violation of the Code of the City of Chandler, shall permit the City to institute the abatement and cost recovery provisions set forth in Section 26-11, Code of the City of Chandler.

29-9.6. Chapter 1 of the IEBC is hereby amended by adding a new Section 118 to read as follows:

Section 118. Fireplaces.

118.1. Fireplace standards adopted. Notwithstanding any code provision to the contrary, it shall be unlawful for anyone to construct, install, covert or alter any fireplace, stove or any other recreational or aesthetic solid fuel burning devise unless such devise and its installation is certified by a nationally recognized testing agency as satisfying the requirements of 40 Code of Federal Regulations, Part 60, Subpart AAA as in effect on July 1, 1990.

SECTION 11. That, effective July 1, 2011, Section 51-25 of Chapter 51, Code of the City of Chandler is hereby amended to read as follows:

51-25. Enforcement responsibility for industrial/commercial interceptor/separator requirements. It shall be the responsibility of the building official to enforce provisions relating to grease, sand and oil interceptors as required in Chapter 107 of the International Uniform Plumbing Code, which has been adopted by reference pursuant to Section 29-4 of this Code. ~~incorporated into the Chandler City Code, section 29-4.~~

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SECTION 12: Except as otherwise provided by law or ordinance, a person convicted of a violation of a code adopted by reference in Chapter 29, Code of the City of Chandler shall be guilty of a Class 1 misdemeanor. A Class 1 misdemeanor is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), by imprisonment for a term not exceeding six (6) months, by probation for a term not exceeding three (3) years, or by

any combination thereof. A Class 2 misdemeanor is punishable by a fine not exceeding seven hundred fifty dollars (\$750.00), by imprisonment for a term not exceeding four (4) months, by probation for a term not exceeding two (2) years, or by any combination thereof. A Class 3 misdemeanor is punishable by a fine not exceeding five hundred dollars (\$500.00), by imprisonment for a term not exceeding thirty (30) days, by probation for a term not exceeding one (1) year, or by any combination thereof. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ___ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

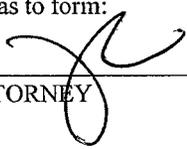
PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ___ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

Approved as to form:



CITY ATTORNEY

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4303 duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of _____, 2011, and that a quorum was present thereat.

Published: _____
CITY CLERK