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JUN 27 2013

ORDINANCE NO. 4466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF CHANDLER BY ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND AMENDING IT AS SPECIFICALLY SET FORTH.

WHEREAS, Chapter 28 of the Code of the City of Chandler provides that the City of Chandler, Arizona has adopted the 2009 edition of the International Fire Code, subject to specified amendments thereto as set forth in Chapter 28 of the Code of the City of Chandler, and

WHEREAS, the City of Chandler Fire Department recommends that the City of Chandler adopt the 2012 edition of the International Fire Code and to clarify and amend the exception provisions to the Fire Code that are presently set forth in Chapter 28 of the 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: PUBLIC RECORD DESIGNATION. The City Council designates as a public record that certain publication entitled the International Fire Code, 2012 Edition, published by the International Code Council; three (3) copies of which shall remain on file in the office of the City Clerk.

SECTION 2: ADOPTION OF 2012 FIRE CODE. The City Council authorizes the deletion of Chapter 28 of the Code of the City of Chandler in its entirety and replacement with a new Chapter 28 to read as follows:

Chapter 28. Fire Prevention.

28-1. International Fire Code adopted.

The City Council of Chandler adopts by reference the International Fire Code, 2012 edition and incorporates it herein as if fully set out in this Chapter 28 with the additions, insertions, deletions and changes set forth herein. The term "code" without further description when used in the portions of the International Fire Code which are not amended and in this Chapter 28 shall mean the 2012 edition of the International Fire Code as amended herein by the additions, insertions, deletions and changes set forth and adopted herein. Whenever the code refers to other publications of the International Code Council, including, but not limited to, the International Building Code, which have been adopted by the City, such references shall be to the version of the publications as amended by the City.

28-2. Jurisdiction.

Section 101.1 of the code is hereby deleted in its entirety and replaced by a new Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the City of Chandler Fire Code, hereinafter referred as this or the "code." The terms "City" and "City of Chandler" are used interchangeably in this code.

28-3. Appointment of *fire code official*.

Section 103.2 of the code is hereby deleted in its entirety and replaced with a new *Section 103.2* to read as follows:

103.2. Appointment. The City Fire Chief has designated and appointed the City Fire Marshal to act as the *fire code official*.

28-4. Permits required.

Section 105.1.1 of the code is hereby deleted in its entirety and replaced with a new *Section 105.1.1* to read as follows:

105.1.1. Permits required. Permits required by this code shall be obtained from the *fire code official* prior to engaging in any of the activities, operations, practices or functions requiring a permit. Permit fees, if any, shall be adopted by the City by resolution and shall be paid prior to issuance of the permit.

28-5. Hazardous materials.

Section 105.6.20 of the code is hereby deleted in its entirety and replaced with a new *Section 104.6.20* to read as follows:

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20. The Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) to be submitted in conjunction with the operating permit shall be updated and submitted to the *fire code official* for approval annually.

28-6. Open burning.

Section 105.6.30 of the code is hereby deleted in its entirety and replaced with a new *Section 105.6.30* to read as follows:

105.6.30. Open burning. An operational permit is required for the handling and maintenance of an open fire or a fire on any public street, alley, road or other public or private ground. Instructions and stipulations of the permit shall be adhered to. An applicant for any open burning permit under this section shall establish compliance with the permitting requirements of the Maricopa County Department of Air Pollution Control prior to being issued an open burning permit by the *fire code official*.

Exception: Recreational fires.

28-7. Incinerators.

Section 105.6 of the code is hereby further amended by adding a new section 05.6.47 entitled "Incinerators" to read as follows:

105.6.47. Incinerators. An operational permit is required to construct, operate or maintain an incinerator. Instructions and stipulations of the permit shall be followed. An applicant for any incinerator permit under this section shall establish compliance with the permitting requirements of the Maricopa County Department of Air Pollution Control prior to being issued an incinerator permit by the *fire code official*.

28-8. Fire protection equipment.

Section 105.6 of the code is hereby further amended by adding a new section 105.6.48 entitled "Fire protection equipment" to read as follows:

105.6.48. Fire protection equipment. In addition to obtaining a City of Chandler privilege tax license, and the appropriate Arizona State Contractor's License, an operational permit is required for any person, corporation, partnership or other entity engaged in the primary business of selling, servicing or installing portable fire extinguishers, fire alarms and fire detection equipment or fixed fire-extinguishing equipment within the City of Chandler.

28-9. Self inspection.

Section 106 of the code is hereby amended by adding a new Section 106.5 entitled "Self inspection" to read as follows:

106.5. Self inspection. The *fire code official* is hereby authorized to establish procedures regarding inspections of business, commercial and industrial facilities within the City. Any owner or occupant of a business, commercial or industrial facility who fails to perform a self inspection as requested by the *fire code official* in accordance with the procedures established may be charged the cost for the *fire code official*, or his/her designee, to perform such inspection.

28-10. Board of Appeals.

Sections 108.1 and *108.3* of the Code are hereby deleted in their entirety. Section 108.1 is replaced with a new Section 108.1 entitled "Appeals to Chandler Board of Appeals" to read as follows:

108.1 Appeals to Chandler Board of Appeals. The Chandler Board of Appeals shall hear and decide appeals of orders, decisions, or determination made by the *fire code official* relative to the application and interpretation of this code.

28-11. Enforcement & Violations.

Section 109.1 of the code, shall be deleted in its entirety and replaced with a new Section 109.1 to read as follows:

109.1 Unlawful acts. It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises, or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Each day that a violation continues after notice of violation, in accordance with Section 109.3, has been served shall be deemed a separate offense.

28-12. Civil & Criminal Penalties.

Sections 109.4 and *109.4.1* of the code are hereby deleted in their entirety and the penalties and civil remedies are set forth below in Section 3 of this ordinance.

28-13. Fire re-inspection fee and council action.

Section 113 of the code is hereby amended by adding a new Section 113.6 entitled "Fire re-inspection fee" and a new Section 113.7 entitled "Council action" to read as follows:

113.6. Fire re-inspection fee. Facilities that are re-inspected to ensure that a code violation has been properly addressed may be assessed a re-inspection fee. A re-inspection fee may be assessed for the second re-inspection for the same violation.

113.7. Council action. All fees identified in this code shall be adopted by the City Council by resolution.

28-14. Expense recovery.

Section 304.1.2 of the code is hereby amended by adding new Sections 304.1.2.1 entitled "Expense recovery" to read as follows:

304.1.2.1. Expense recovery. Any owner, operator, occupant or other person responsible for property, who fails to correct a violation of Section 304 within fifteen (15) days of the *fire code official* issuing an order or notice which is served pursuant to the provisions of Section 109.5, shall be charged for any costs incurred by the City of Chandler in responding to any fire at the subject property while the violation continues to exist. The provisions of this Section are for the purpose of reimbursing the City of Chandler's costs and shall be in addition to any penalties that may apply. The *fire code official* shall keep or cause to be kept an itemized account of the expenses involved in responding to each fire, including personnel, equipment and administrative costs, as well as the costs incurred by other fire departments responding to calls within the City of Chandler, due to City of Chandler fire crews being unavailable for service as a result of said fire. The collection and appeal provisions set forth in Section 108 and Chapter 26 of the Code of the City of Chandler, shall apply to this Section 304.1.2.1.

28-15 Open Flames

Section 308 of the code is hereby amended by adding section 308.1.1.1 entitled "Sky Lanterns" to read as follows:

308.1.1.1 Sky Lanterns. The lighting of, and the release of, sky lanterns or any other devices designed to carry an open flame shall be prohibited.

28-16. Premises identification.

Section 505.1 of the code is hereby deleted in its entirety and replaced with a new Section 505.1 to read as follows:

505.1. Address numbers. Approved numbers or addresses shall be placed on all new or existing buildings within the City in accordance with criteria specified in the latest version of the Street Naming and Addressing Procedures adopted by the City of Chandler, three (3) copies of which are on file in the Office of the City Clerk. Properties annexed into the City shall display only a city-assigned premises identification number. Said number shall be permanently affixed to all premises within thirty (30) days of notification of the City of the new address. No building address

shall be changed except in the manner prescribed in the City of Chandler Street Naming and Addressing Procedures.

28-17. Emergency radio communication.

Section 510 of the code is hereby deleted in its entirety and replaced with a new Section 510 entitled "Emergency radio communications" to read as follows:

510. Emergency radio communications.

510.1. General. Reliable emergency radio communications are critical for emergency response operations. Lack of radio communications within a structure presents dangerous conditions for both emergency response personnel and the occupants of the structure.

510.2. Applicability. Except as set forth in Section 510.3, the requirements of this Section 510 shall apply to all buildings and structures located in the City that satisfy any of the following characteristics:

1. Buildings or structures that are more than three (3) stories above ground level;
2. Buildings or structures totaling forty-five thousand (45,000) square feet or more on any single floor;
3. Buildings or structures that include a basement or other subterranean space totaling two hundred fifty (250) square feet or more; or
4. Buildings or structures that the *fire code official* has determined to have been constructed in a manner or with materials likely to limit the ability of emergency response personnel to effectively use radio communication while within that building or structure.

510.3. Exception. The requirements set forth in this Section 510 shall not apply to the following:

1. U occupancies and R3 occupancies that are single family detached residences;
2. Buildings and structures utilizing only wood framing; and
3. Buildings and structures that are less than thirty-five (35) feet above ground level and do not utilize any metal framing or metal roofing.

510.4. Adequate radio coverage.

510.4.1. Minimum requirements. Except as set forth in Section 510.4.2, all buildings or structures subject to the provisions of Section 510 shall meet all of the following minimum radio coverage requirements utilizing the 800 MHz and 700 MHz City public safety radio systems:

1. Radio coverage measuring a Delivered Audio Quality (DAQ) level of "3" or better must be achieved over ninety percent (90%) of the general floor area of the building or structure. A DAQ3 level means that speech is understandable with slight effort; requiring only occasional repetition due to background noise or voice distortion.
2. Radio coverage measuring a DAQ3 level or better must be achieved over ninety-nine percent (99%) of all "critical areas" of the building or structure. Critical areas include fire control rooms, fire pump rooms, exit stairs, exit passageways, areas that house fire sprinkler control valves and similar areas as determined by the *fire code official*.
3. A minimum signal strength of negative ninety-five (-95) decibels per

milliwatt (dBm) shall be received over ninety percent (90%) of the general floor area of the building or structure, and over ninety-nine percent (99%) of all critical areas of the building or structure, when transmitted by the City's public safety radio systems.

510.4.2. Modified standard. For buildings or structures covered by this Section 510 solely because they include a basement or other subterranean space totaling two hundred fifty (250) square feet or more, the minimum requirements set forth in Section 510.4.1 shall apply only to that subterranean space rather than the entire building or structure.

510.4.3. Amplification system. If initial compliance testing establishes that a building or structure covered by this Section 510 fails to meet minimum radio coverage requirements, an amplification system meeting the requirements of Section 510.5 will need to be installed in the building or structure by a technician holding a Federal Communication Commission (FCC) General Radiotelephone Operator's License to achieve those minimum radio coverage requirements.

510.5. Amplification system requirements. Any amplification system required to meet the minimum radio coverage standards set forth in Section 510.4 shall meet the following:

1. The system shall be FCC-certified, bi-directional and compatible with 800 MHz and 700 MHz public safety radio systems.
2. The system shall include multi-band pass filters.
3. All electrical components of the system shall be supplied with independent auxiliary battery power or a generator enabling them to operate at full capacity for at least twelve (12) hours. Such auxiliary power source shall be housed in a National Electrical Manufacturers Association (NEMA) 3 R (or equivalent) vented enclosure separate from the enclosures used to house the electrical components.
4. All electrical components of the system shall be FCC certified and housed in a NEMA 4 (or equivalent) dust proof and water proof case.
5. All frequency licensing associated with the system shall be coordinated with, and authorized by, all appropriate license holders.
6. The system shall be properly maintained in accordance with manufacturer's recommendations and properly repaired or replaced as necessary to ensure that minimum radio coverage requirements continue to be satisfied.

510.6. Compliance testing.

510.6.1. Qualifications. All testing to determine compliance with the back-up power supply associated with any amplification system and minimum radio coverage requirements set forth in this Section 510 shall be conducted by technicians holding an FCC General Radiotelephone Operators License.

510.6.2. Grid system utilized. All building areas to be tested for compliance with the minimum radio coverage requirements set forth in Section 510.4 shall be divided into equal grids and tested on a grid by grid basis. All measurements taken in each grid will be recorded and the

results averaged to determine compliance.

510.6.3. Initial testing. The test to determine compliance with the minimum radio coverage requirements set forth in Section 510.4 shall occur after all construction on the building or structure has been completed. Additional testing will be required, if applicable, after the installation of an amplification system necessary to achieve the minimum radio coverage requirements set forth in Section 510.4.

510.6.4. Auxiliary power. All auxiliary power systems used in conjunction with an amplification system to ensure that minimum radio coverage requirements are satisfied shall be tested under load for a period of one (1) hour to insure that the amplification system will operate properly in the event of a power outage.

510.6.5. Inspection and subsequent testing. The *fire code official* may periodically inspect any amplification system or ancillary power system installed to meet minimum radio coverage requirements including, without limitation, undertaking or requiring subsequent compliance testing.

510.6.6. City notice and participation. The *fire code official* shall be notified at least twenty-four (24) hours in advance of any compliance testing and shall be permitted to observe such testing.

510.7. Technical specifications. The *fire code official* may adopt technical specifications addressing the amplification system requirements and compliance testing requirements set forth in Sections 510.5 and 510.6 that are consistent with those Sections.

28-18. Fire extinguishing system installations.

Section 903 of the code is hereby amended by deleting Sections 903.2 through 903.2.10 in their entirety, reserving Section Number 903.2.10 and adding new Sections 903.2 through 903.2.9 to read as follows:

903.2. Where required. Subject to the exceptions set forth herein, approved automatic sprinkler systems shall be provided in the locations within the City described in this Section. Installation of fire sprinkler systems shall be performed by an Arizona licensed fire protection contractor.

Exception 1. An automatic sprinkler system is not required for 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 2-hour *horizontal assemblies* constructed in accordance with Section 712 of the *International Building Code*, or both.

Exception 2. An automatic sprinkler system is not required for buildings or structures which were constructed and in use prior to September 11, 1996 and for which a change in use or occupancy of any structure has not occurred as set forth in Section 102.3. This exception shall not apply if

there has been a change in use or occupancy of any structure in accordance with Section 102.3 or the use or occupancy has been discontinued for a period to twelve (12) consecutive months or there is an enlargement or structural alteration of the building or structure.

Exception 3. In addition to the general authority granted to the *fire code official* pursuant to Section 104.9, the *fire code official* shall have discretion to exempt other facilities from automatic sprinkler system requirements where the size, intended use, and extent of use of the facility does not warrant the installation of fire sprinklers and alternate methods to secure public safety are provided. Such other facilities may include, but are not limited to: (1) enclosed structures which are less than three thousand (3,000) square feet in size, at least fifty (50) percent open on the sides and used to protect humans, animals, or property from the sun or elements; (2) structures which are less than three hundred (300) square feet in size used to monitor access to a larger facility, site, or area; and (3) structures temporarily used for a period not to exceed two (2) years for onsite storage or maintenance purposes provided that the structure is not used for Group A, E, F, H or I occupancies.

903.2.1 Group A. Subject to the exception set forth herein, an automatic sprinkler system shall be provided throughout all buildings and all portions of all Group A occupancies.

Exception: When any Group A-3 occupancy is constructed specifically as a church and used for regularly scheduled religious activities for not more than eight (8) hours per day or more than twenty-four (24) hours per week, calculated on an annual basis, including such buildings used for educational purposes and not classed as Group E or Group B occupancies, an automatic fire alarm system, employing a Class A circuit configuration and monitoring through a remote station, proprietary or central station facility, may be installed in lieu of the required automatic fire sprinkler system. Administrative and clerical offices and similar rooms which are ancillary to the church use and which do not exceed twenty-five (25) percent of the floor area of the major use group may be included in this exception, provided these areas are protected by the fire alarm system. Basements constructed as Group A-3, occupancies which are ancillary to the church use that are larger than one thousand five hundred (1,500) square feet, or any part of which is more than seventy-five (75) feet from openings required in this Section, shall be equipped with an automatic fire sprinkler system.

903.2.2 Group B An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group B occupancies.

903.2.3 Group E. An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group E occupancies.

903.2.4 Group F An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group F occupancies.

903.2.5 Group H. An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group H occupancies.

903.2.6 Group I. An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group I occupancies.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group M occupancies.

903.2.8 Group R. Subject to the exceptions set forth herein, an automatic sprinkler system shall be provided throughout all buildings and all portions of all Group R occupancies.

Exception 1. Subject to Section 903.2.8.1, an automatic sprinkler system is not required for Group R-3 occupancies that are single family detached residences or multiplexes that contain less than three (3) dwelling units within the structure.

Exception 2. An automatic sprinkler system is not required for Group R-4 occupancies occupied by less than six (6) persons not related by blood, marriage or adoption.

903.2.9. Group S. An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group S occupancies.

28-19. Specific Building Area Hazards.

Section 903.2.11 of the code is hereby amended by adding an exception to the opening paragraph of Section 903.2.11 to read as follows:

Exception: An automatic sprinkler system shall be provided throughout all buildings and all portions of all Group U occupancies that are larger than three thousand (3,000) square feet, and as set forth in sections 903.2.11.1 through 903.2.11.6.

28-20. Breathing air replenishment system.

Chapter 9 of the code is hereby further amended by adding a new Section 915 entitled "Breathing air replacement system" to read as follows:

915. Breathing air replenishment systems.

915.1. General. A breathing air replenishment system (BAR System) is a complete, self-contained high pressure breathing air replenishment system consisting of a fire department air connection panel, remote air fill panels and high pressure interconnected piping, permanently installed with a structure, allowing fire department personnel to replenish empty self-contained breathing apparatus cylinders within close proximity to the location of the incident requiring emergency response, thus reducing the amount of travel distance, time and support personnel needed at an emergency incident.

915.2. Applicability. The requirements of this Section 915 shall apply to all buildings and structures to include expansions, alterations, and modifications meeting the specifications set forth in Section 915.3.

915.3. Buildings and structures requiring BAR System. A BAR System shall be installed in buildings and structures located in the City meeting either of the following criteria:

1. Buildings and structures five (5) floors or seventy-five (75) feet in height or more above grade or which are otherwise characterized as high rise buildings; and
2. Underground buildings and structures, or components thereof, totaling ten

thousand (10,000) square feet or more that are either more than two (2) floors below grade or more than thirty (30) feet below grade.

915.4. Plans. Two (2) sets of engineered stamped design drawings of the BAR System shall be submitted to the City building official and the *fire code official*. The plans shall include equipment/component drawings, system calculations, and manufacturer's technical product data, to include all piping, fittings, valves, gauges, cabinets, locking devices, hangers, supports and all other system components as may be necessary to install the BAR System. The installation of the BAR System shall not commence until the plans therefore have been approved. A fee for plan review and inspection shall be adopted by the City by resolution and shall be paid prior to plan review.

915.5. Contractor qualifications. The BAR system shall be installed, tested and maintained by a contractor with the appropriate Arizona Registrar of Contractors license classification.

Any contractor responsible for installation, testing, or maintenance of a BAR system shall also have a Chandler Fire Department operational permit for Fire Protection Contractors pursuant to Section 105.6.48.

915.6. BAR System requirements. The BAR System shall allow fire department personnel to simultaneously replenish four (4), forty-five (45) cubic foot self-contained breathing apparatus cylinders at any one (1) time; two (2) at three thousand (3,000) psi and two (2) at four thousand five hundred (4,500) psi. Fire department personnel shall be able to connect into the BAR System's fire department air connection panel from a mobile air support apparatus thereby providing a constant source of breathing air supplied directly from the air support apparatus to the system's remote air fill panels.

915.7. BAR System components. The BAR System shall consist of the following minimum components:

1. Fire department air connection panel;
2. Remote air fill panels;
3. Interconnected piping; and
4. Low pressure monitoring switches and alarm.

915.8. Fire department air connection panel. A fire department air connection panel shall be installed on the exterior of the building or within a remote monument at a location approved by the *fire code official* and shall be interconnected to the building's interior remote air fill panels. The fill inlet and associated components of the air connection panel shall be contained in a lockable, weather tight enclosure.

The exterior fire department connection panel shall contain all of the necessary gauges, isolation valves, pressure relief valves, pressure regulating valves, check valves, tubing, fittings, supports, connectors, adapters and other necessary components as may be required to allow the fire departments mobile air unit to connect and augment the system with a constant source of breathing air.

The fire department air connection panel shall be installed in an area

protected from physical damage. The panel shall be locked at all times, unless in use by fire department personnel. The locking mechanism for the panel cover shall be contained in an approved key box installed at a location approved by the *fire code official*. The key to unlocking the cover shall be stored in the approved key box.

915.9. Remote air fill panels. Unless otherwise approved by the *fire code official*, the remote air fill panels shall be installed in the above grade portion of applicable structures in stairwells commencing on the third floor above grade level and every other floor above grade level thereafter. Unless otherwise approved by the *fire code official*, the remote air fill panels shall be installed in the below grade portion of applicable structures in stairwells, or other areas of ingress or egress approved by the *fire code official*, commencing on the third floor below ground level and every other floor below grade level thereafter or, if there are less than three (3) floors below ground level, the lowest floor.

The remote air fill panels shall contain all of the necessary gauges, isolation valves, pressure relief valves, pressure regulating valves, check valves, tubing, fittings, supports, connectors, adapters and other necessary components as may be required to allow firefighters and other first responders to safely and reliably replenish a minimum of two (2) forty-five (45) cubic feet breathing air cylinders simultaneously.

915.10. Piping, valves and fittings. Unless otherwise approved by the *fire code official*, all piping, valves and fitting shall be compatible and support a minimum working pressure of five thousand (5,000) psi with a safety factor of 4 to 1.

Piping shall be supported at not less than five-foot intervals. The entire system shall be protected by a minimum of two-hour rated fire wall that protects the system from possible damage.

When piping must pass through a fire rated or solid material, the piping shall be protected by a sleeve that is at least three (3) times the pipe diameter. Both ends of the sleeve shall be filled with an approved fire stop.

915.11. Low pressure monitoring and alarm. When not being utilized by fire department personnel, the BAR System shall maintain a constant pressure of at least four thousand five hundred (4,500) psi. An alarm or monitoring system capable of detecting, and that is set to detect, a pressure drop of one thousand (1,000) psi shall be included and maintained with the BAR System. A building or structure owner, or his or her designee, shall notify the fire department of any alarm signaling a loss of pressure to the system and of any scheduled test of the system to be conducted by the owner of the building or structure. Unless otherwise approved by the *fire code official*, the low pressure alarm shall be tied into the fire and smoke alarm system for the building or structure.

915.12. Markings and record keeping. The fire department air connection panel and the remote air fill panels shall be clearly identified by means of permanently installed signage stating FIREFIGHTER AIR

SYSTEM in minimum one and one-half (1½) inch letters and be located where plainly visible. The owner and/or occupant of the building or structure shall keep the area in and around the fire department air connection panel and the remote air fill panels free of objects that may block use of these panels.

915.13. Initial testing requirements. When fabrication, assembly and installation of the Bar System is complete, the entire system shall be tested in accordance with the following:

1. The system shall be inspected for leaks by pneumatically pressure testing the system to five thousand (5,000) psi using oil-free, dry air. An approved solution shall be used on each joint and fitting in the system. All leaks or failure to maintain five thousand (5,000) psi pneumatic pressure shall be documented by the system installer and forwarded to the system manufacturer for inspection, repair and/or replacement.
2. Upon successful completion of the five thousand (5,000) psi pressure testing, the entire system shall be pneumatically pressure tested to one and one-half (1 1/2) times the working pressure (seven thousand five hundred (7,500) psi) using oil free, dry air for at least one (1) hour. All leaks or failure to maintain seven thousand five hundred (7,500) psi pneumatic pressure shall be documented by the system installer and forwarded to the system manufacturer for inspection, repair and/or replacement.
3. Upon successful completion of the seven thousand five hundred (7,500) psi pressure testing, the entire system shall be retested for a period of twenty-four (24) hours. All leaks or failure to maintain five thousand (5,000) psi pneumatic pressure shall be documented by the system installer and forwarded to the system manufacturer for inspection, repair and/or replacement.

915.14. On-going testing and maintenance requirements. Breathing air samples from the BAR System shall be taken by an independent, qualified entity on an annual basis and shall be analyzed by an accredited testing laboratory in the manner specified in NFPA 1989, Section 5.3. Testing pursuant to this Section and Section 915.13 shall also be required after the BAR System is utilized or upon determination by the *fire code official* that contamination of the air in the BAR System may be contaminated. The BAR System shall otherwise be tested and maintained in accordance with NFPA Standards and manufacturer specifications.

915.15. Inspection and record keeping. Records of all maintenance and testing of the BAR System shall be kept on-site for a minimum of three (3) years and be available to fire department personnel upon request. Fire department personnel shall either in conjunction with a fire inspection of the building or structure or, after providing reasonable notice to the owner or occupant of the building or structure, or his or her designee, have the right to enter onto the property to inspect the BAR System and the records relating to the maintenance and testing of that system.

28-21. Electronic filing.

Section 5001.5 of the code is hereby amended by adding a new *Section 2701.5.3* entitled "Electronic filing" to read as follows:

5001.5.3. Electronic filing. The *fire code official* is hereby authorized to establish procedures requiring the electronic filing of HMMP and HMIS. An approved HMMP and/or HMIS must remain on site.

28-22. Fireworks Preemption.

Section 5601.1 of the code is hereby amended by deleting *Exception 9* in its entirety and adding new *Exceptions 9 and 10* to read as follows:

Exception 9. Items preempted by federal or state regulations.

Exception 10. The possession, manufacture, storage, handling, sale and use of fireworks in accordance with other City ordinances.

28-23. Above ground tanks location.

Section 5704.2.9.6.1 of the code entitled "Locations where above-ground tanks are prohibited and *Section 5706.2.4.4* entitled "Locations where above-ground tanks are prohibited" are hereby amended by adding new language to the end of such Sections to read as follows:

In addition to any other location restrictions that may apply, storage of Class I and Class II liquids in above-ground tanks, located outside a building, that were first utilized after November 23, 1993, shall be located at least one thousand (1,000) feet from any residence, church, school, hospital or similar facility and at least one-half (1/2) mile from any bulk storage facility for liquefied petroleum gases. Tanks first utilized prior to November 23, 1993 must comply with all such restrictions if, after such date, there is a discontinuance of the use for a period of twelve (12) months, there is, in the opinion of the *fire code official*, a change in use to a less restrictive use or there is an enlargement of the use. The *fire code official* may reduce the location restrictions set forth above upon request based on best available hazard analysis modeling approved by the *fire code official*.

28-24. LP-gas containers location.

Section 6104.3 of the code entitled "Container location" is hereby amended by adding new language to the end of that Section to read as follows:

Additionally, any storage of LP gas initiated after November 23, 1993, shall be located at least one thousand (1,000) feet from any residence, church, school, hospital or similar facility and at least one-half (1/2) mile from any bulk storage facility for liquefied petroleum gases. Such storage initiated prior to November 23, 1993 must comply with all such restrictions if, after such date, there is a discontinuance of the use for a period of twelve (12) months, there is, in the opinion of the *fire code official*, a change in use to a less restrictive use or there is an enlargement of the use. The *fire code official* may reduce the location restrictions set forth above upon request based on best available hazard analysis modeling approved by the *fire code official*.

28-25. Appendices.

This code is hereby further amended by deleting Appendix A in its entirety and

specifying that Appendix E is included for informational purposes only and is not adopted by the City as part of this code. All other Appendices set forth in this code are hereby adopted as part of this code.

SECTION 3: PENALTIES FOR VIOLATIONS.

28-26. Criminal penalties. Except violations of IFC Subsections 503.4 and 507.5.4, persons (or legal entities included in the definitions of “person” in Section 202) 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, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Class 1 misdemeanor punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or twenty thousand dollars (\$20,000.00) if a legal entity, by imprisonment for a term not exceeding six (6) months, or by probation for a term not exceeding three (3) years, or by any combination thereof. Violations of IFC Subsections 503.4 and 507.5.4 shall be punishable as civil infractions under the Chandler City Code Subsection 1-8.7.

a. The imposition of a criminal penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

b. The imposition of criminal penalties does not prevent enforcement and any enforcement available under Section 28-27.

28-27. Abatement of violations. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action by injunctive or other equitable remedies, including pursuant to Section 110 of this code, Chapter 26 of the Chandler Code, or state law, to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

a. The imposition of any remedy in Section 28-27 does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

b. The imposition of any remedy in Section 28-27 does not prevent criminal enforcement options.

28-28. Abatement expenses. To the extent that the responsible person does not comply with the terms of any abatement order received, the City may seek recovery of its expenses in abating the violation cited, including, without limitation, those expenses associated with orders issued pursuant to this code, or the procedures set forth in state law or Chapter 26 of the Chandler Code.

28-29. Provisions deemed continuation of existing ordinances. The provisions of this code, insofar as they are substantially the same as legislation previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

SECTION 4: EFFECTIVE DATE. This ordinance shall be effective at 12:01 a.m. on August 1, 2013.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY(*hb*)

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4466 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

Published: