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#6

AUG 14 2008

MEMORANDUM

Development Services – Staff CC Memo No. DS08-002

DATE: AUGUST 14, 2008

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR

FROM: CHARLES COLEMAN, DEVELOPMENT SERVICES MANAGER

SUBJECT: ADOPTION OF NEW BUILDING CODE SERIES
Introduction and tentative adoption of Ordinance No. 4082

RECOMMENDATION

After review at numerous public meetings by the Board of Appeals and comprehensive Staff review, the Board of Appeals and Staff request approval and adoption of a new building code series.

BACKGROUND

The 2006 editions of the International Code Council series of codes are being adopted in lieu of the current 2003 editions. Specifically, the 2006 International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, and International Fuel Gas Code are replacing the older editions. In addition, this ordinance adopts the 2005 National Electrical Code; and for the first time, energy conservation is addressed with the adoption of the 2006 edition of the International Energy Conservation Code.

As with past code adoptions, these codes were sent to the Board of Appeals for review and comment at various public meetings. The Board approved the adoption of these codes with amendments. This code is updated to the 2006 edition, as well as providing for a number of relocated regulations.

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

- In Article I, Building Administration. The 1994 Uniform Administrative Code is deleted and is being replaced with an administrative code of our creation since this Code is no longer published, and the language is old and will no longer mesh with the current code language. Specifically, the “Violation” section, as well as the “Appeals” section of each

of the codes has been moved in a common administrative section. The result is a common violation and appeals process with the remainder of the individual codes left in tact.

- Article IV, Plumbing Code. The major change to the plumbing code is the deletion of the “low flow” amendments, which have been a standard amendment to this code for at least the last 20 years. The reason for this deletion is the proposed code contains low flow requirements at least as restrictive as those required in the past; therefore, the old amendments have been dropped. The prohibition of polybutylene plastic piping remains in place. The issue of using the current generation of plastic tubing was topic of discussion by the Board during the hearing process. Staff supports the Board of Appeals’ recommendation of the use of new plastic-tubing products that are listed as an approved material in this code adoption.
- Article VI, Uniform Swimming Pool and Spa is deleted. The requirements for pools and spas have been moved to the building code. Since the new building code has a comprehensive swimming pool barrier requirement section, the current “Swimming Pool, Spa, and Hot Tub” code is deleted. Any requirement from the old code, not contained in the requirements of the new building code, were incorporated into the new code. Specifically, the barrier requirements of the building code have been amended to require that windows from the house into a pool enclosure must be wire mesh screen screwed-in-place, if it does not have the required latch.
- Article VII, Uniform Code for the Abatement of Dangerous Buildings is deleted. The requirements of the dangerous building code have been moved to the Unsafe Buildings section in the building code.
- Article VIII, Uniform Housing Code is deleted. The housing code is deleted as these requirements are the purview of the Neighborhood Resources Department and they have adopted a different set of requirements.
- Article IX, Uniform Fireplace Code is deleted. The requirements for fireplaces have been moved to the building code as a new section “113 Fireplaces”.
- Article III, National Electrical Code. There are no amendments or changes to the electrical code.
- Article V, International Mechanical Code. There are no amendments or changes to the mechanical code.
- Article VI, International Residential Code. There are no amendments or changes to the residential code.
- Article VII, International Fuel Gas Code. There are no amendments or changes to the fuel gas code.

- Article VIII, International Energy Conservation Code. This is the first time we have adopted an energy conservation code. This code is expected to form the basis of a minimum set of requirements for energy conservation in new and remodeled structures. It is also expected to play a part in the “green building” initiative the Long Range Planning Division has introduced.

RECOMMENDED ACTION

The Board of Appeals and Staff recommend approval and adoption of the 2006 International Building Code, the 2005 National Electrical Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Residential Code, the 2006 International Fuel Gas Code, and the 2006 International Energy Conservation Code, as outlined in Ordinance No. 4082.

PROPOSED MOTION: Motion to introduce and tentatively adopt Ordinance No. 4082, adopting the amendments and changes to Chapter 29, Code of the City of Chandler.

Attachment

1. Ordinance 4082

ORDINANCE NO. 4082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND UPDATED VERSIONS OF PREVIOUSLY ADOPTED CODES RELATING TO BUILDING REGULATIONS PURSUANT TO CHAPTER 29, CODE OF THE CITY OF CHANDLER, AMENDING CHAPTER 1, SECTION 1-7, CODE OF THE CITY OF CHANDLER REGARDING APPEAL PROCEDURES, AND AMENDING CHAPTER 29, CODE OF THE CITY OF CHANDLER, BY UPDATING THE PROVISIONS INCLUDED THEREIN AND ADDING A NEW ARTICLE ENTITLED INTERNATIONAL ENERGY CONSERVATION CODE.

WHEREAS, the City of Chandler believes that adoption of the International Energy Conservation Code, 2006 Edition, will promote a healthier environment 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 Chapter 29, Code of the City of Chandler.

WHEREAS, Section 1-7 of Chapter 1, Code of the City of Chandler, needs to be amended to comport with the appeal procedures set forth in Chapter 29, 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 those documents identified below, three (3) copies of each to remain on file in the office of the City Clerk, each are hereby declared to be a public record.

- A. International Building Code, 2006 edition.
- B. National Electrical Code, 2005 edition.
- C. International Plumbing Code, 2006 edition.
- D. International Mechanical Code, 2006 edition.
- E. International Residential Code, 2006 edition.
- F. International Fuel Gas Code, 2006 edition.
- G. International Energy Conservation Code, 2006 edition.
- H. 40 Code of Federal Regulations, Part 60, Subpart AAA as in effect on July 1, 1990.

SECTION 2: That Chapter 1, Section 1-7, Code of the City of Chandler is hereby amended by modifying the first sentence thereof to read as follows:

Except where alternative appeal procedures are expressly provided, whenever any provision of this Code authorizes any person to appeal any decision, the following procedures shall apply:

SECTION 3: That Chapter 29, Code of the City of Chandler, is hereby amended by amending the Chapter title to read “Building Regulations”.

SECTION 4: That Article I of Chapter 29, Code of the City of Chandler is hereby deleted in its entirety and replaced with a new Article I to read as follows:

ARTICLE I. CODE ENFORCEMENT

29-1. Code Enforcement.

29-1.1. Application. This Article applies to the administration of Articles II through 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 VIII of this Chapter, the provisions of this Article shall be controlling.

29-1.2. Designation of building official. The 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.

29-1.3. Violations.

A. *Unlawful Acts.* It shall be unlawful for any person to violate any code adopted by reference in this Chapter or any order or decision rendered by the building official pursuant to any code adopted by reference in this Chapter. Unlawful acts constitute a violation of the Code and shall be subject to enforcement pursuant to Section 1.8 of the Code.

B. *Stop Work Order.* Whenever the building official finds any work regulated by a code adopted by reference in this Chapter being performed in a manner contrary to the provisions of a code adopted by reference in this Chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order. Absent an emergency, a stop work order shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume. Where an

emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

C. *Notice of Violation.* Upon finding a building, premises, vehicle, storage facility or outdoor area that is in violation of a code adopted by reference in this Chapter, the building official may, at his or her sole discretion, prepare a written notice of violation describing the violations prior to initiating the formal enforcement mechanisms set forth in Section 1.8 of the Code and, when compliance is not immediate, specifying a time for such compliance and re-inspection. A notice of violation issued pursuant to this paragraph shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both. A notice of violation issued or served as provided by this paragraph shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

D. *Abatement.* Nothing in this Article shall be deemed to preclude the City from seeking an abatement order pursuant to a code adopted by reference in this Chapter or Section 26-10 of the Code. To the extent that the terms of any such abatement order are not complied with, the City may seek recovery of its expenses in abating the nuisance cited pursuant to the procedures set forth in Section 26-11 of the Code.

29-1.4. Board of appeals established; procedural rules. A board of appeals is hereby established to provide a means by which persons may (a) appeal interpretations of this Chapter made by the building official, or (b) seek a determination of the suitability of alternate materials and methods of construction or (c) appeal a designation of slum property or (d) appeal abatement orders issued pursuant to Chapter 26 of the Code. The board of appeals may also evaluate model codes, or any amendments associated with any such codes, for recommendations of adoption by the City. The following rules and regulations governing the establishment and procedures of the board of appeals are hereby adopted. The procedures set forth herein shall supersede any previous rules and procedures.

A. *Creation and appointment.* The board of appeals shall consist of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City. Members of such board shall be appointed as set forth in section 6.01 of the City Charter. Only one (1) member may be appointed from any single company, corporation, business or organization concurrently. The secretary of the board shall be an ex officio member and shall be the building official or his authorized

representative. Members shall serve without compensation.

B. Term of office. The term of the members shall be as set forth in Section 6.01 of the City Charter, except that the expiration dates of members' terms shall be so scheduled to provide the continuity of at least two (2) members with a minimum of one (1) year of previous board experience.

C. Meetings.

1. The board shall meet monthly, unless otherwise rescheduled by a majority vote of the members when no appeals are pending. Meeting locations and times may be set at the discretion of the board. All such meetings shall be open to the public.

2. Notice of the time and place of any regular or special meeting, including an agenda of the matter(s) to be discussed, shall be given at least ten (10) days prior to the meeting.

3. The board shall elect a chairman in May of each year who shall have the power to administer oaths and take evidence, and appoint any such officers deemed desirable. The chairman will serve for a term of one (1) year, and may serve as chairman for a successive year if so elected by a majority of the other board members. The secretary of the board shall keep a record of its actions and render a report to the mayor and council of each meeting. Any finding, ruling or decision of said board shall be fully reported in the minutes of City Council. Written minutes of board proceedings showing the vote of each member and all actions taken shall be kept.

D. Powers.

1. The board shall reasonably interpret this Chapter, and the codes adopted by reference in this Chapter, when the meaning of any word or phrase of a section is in doubt; when there is a dispute as to such meaning between the appellant and the enforcing officer; or when it is alleged that there is error in any order, requirement, decision or determination made by the building official in the enforcement of this Chapter.

2. The board may approve alternate materials, design or methods of construction, provided it finds that the proposed alternate is suitable for the intended application, and complies with the intent of this Chapter, and is, for the purposes intended, at least the equivalent of that prescribed in the International Building Code adopted by reference in this Chapter in quality, strength, effectiveness, fire resistance, durability and safety.

3. The board shall hear and determine appeals regarding the designation of

slum property and code enforcement and nuisance abatement orders pursuant to Chapter 26 of the Code.

E. *Quorum and voting.* Three (3) members of the board shall constitute a quorum. In recommending the approval of an appeal or alternate materials or methods of construction, the affirmative vote of three (3) members shall be required. If recommending amendments to this Chapter or new legislation, the affirmative vote of four (4) members is required.

F. *Appeals.*

1. An appeal to the board may be initiated by any property owner, or an authorized representative of such property owner, who disputes a decision of the building official relating to that person's property. A written notice of appeal must be filed with the City Clerk within thirty (30) days after the property owner, or the authorized representative of such property owner, receives notice of such decision. Self-imposed hardships shall not be grounds for an appeal. The City Clerk shall cause to be transmitted to the board all records pertaining to the appealed action.

2. An appeal to the board of slum property designations and code enforcement or nuisance abatement orders may be filed by the owner or other responsible party in accordance with the provisions of Chapter 30 and/or Chapter 26 of the Code.

3. Upon receipt of the notice of appeal in proper form, and upon proper public notice, the board shall proceed to hold a public hearing of the appeal at their next regular meeting. The board, however, may refuse to grant a hearing of any case in which the notice of appeal requests a waiver of any provisions of this Chapter.

4. A timely filed notice of appeal stays all proceedings against the appellant in the matter appealed, unless the building official certifies to the board that, in his opinion and by the facts stated, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed, except by restraining order to the building official by a court having jurisdiction or as may be determined by the board in a special meeting which may be held after twenty-four (24) hours' posting for public notification.

G. *Board decision; time limit.* The board shall decide on any matter within fifteen (15) days after the date of said hearing, unless a specified extension of time for deliberation is agreed upon by the appellant. The failure to issue a decision within fifteen (15) days after the date of the hearing shall be deemed to constitute a decision adverse to the appellant. A decision in favor of the appellant shall be implemented by the building official in accordance with the terms and conditions

set forth in that decision.

H. *Court review.* Appeal from the decision of the board of appeals shall be to a court having jurisdiction in the matter under consideration and shall proceed in the manner prescribed by law.

I. *Reapplication.* In the event that an appeal is denied (or technically denied) by the board, the board shall reserve the right to refuse to consider another appeal on the same subject matter under like circumstances within one (1) year from the date of hearing on the previous appeal.

J. *Executive sessions.* Executive sessions of the board of appeals may be held for only those reasons and pursuant to those conditions authorized by state law or the City Charter. Executive sessions may be held upon twenty-four (24) hours' posting and notification of the board.

K. *Financial.* The board of appeals shall not incur debts, nor make any purchases or enter into any contracts binding upon the City.

L. *Conflict of interest.* Any member of the board who has a conflict of interest in any matter brought before this board of appeals shall make known such interest in the minutes of the board and shall refrain from voting upon or otherwise participating in any manner in such matter. The existence of a conflict of interest shall be determined by reference to state law.

M. *Amendments of procedural rules.* Any proposed amendments of these procedural rules shall be considered at a public meeting of the board for which notice has been given.

SECTION 5: That Article II of Chapter 29, Code of the City of Chandler is hereby deleted in its entirety and replaced with a new Article II 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," 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".

29-2.2. 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.

29-2.3. 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 Property Management Code~~ or 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.

29-2.4. Subsection 103.3 of the IBC entitled “Deputies” is hereby amended by deleting the last sentence thereof.

29-2.5. 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”.

29-2.6. Subsection 108.2 of the IBC entitled “Schedule of Permit Fees” is hereby deleted in its entirety and replaced with a new Subsection 108.2 to read as follows:

108.2. 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.

29-2.8. Section 110 of the IBC entitled “Certificate of Occupancy” is hereby amended by adding a new Subsection 110.5 to read as follows:

110.5 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.

29-2.9. Section 112, entitled “Board of Appeals”, Section 113, entitled “Violations”, and Section 114, entitled “Stop Work Order” of Chapter 1 of the IBC are hereby deleted in their entirety.

29-2.10. Section 115, entitled “Unsafe Structures and Equipment” is hereby renumbered as Section 112 and amended by deleting subsection 115.5 (what would be Section 112.5 after renumbering) entitled “Restoration” in its entirety and adding new subsections 112.5 through 112.11 to read as follows:

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.

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.

112.7. Notice to Vacate. Every notice to vacate shall, in addition to being served as provided in Section 112.3, 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 Section 112.3, 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.

112.8. 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.

112.9. 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.

112.10 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.

112.11. Abatement and Cost Recovery. Unless timely appealed to the board of appeals, a notice issued pursuant to Section 112.3 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.

29-2.11. Chapter 1 of the IBC is hereby amended by adding a new Section 113 to read as follows:

Section 113. Fireplaces.

113.1. 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.

29-2.12. 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.

29-2.13. 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.

29-2.15. 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 4 feet ~~(1290 mm)~~ 5 feet (1524 mm) in height or a screen enclosure.

29-2.16. 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 ~~48 inches (1219 mm)~~ 60 inches (1524 mm) above the grade measured on the side of the barrier that faces away from the swimming pool.

29-1.17. 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 6. That Article III of Chapter 29, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Article III 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,” 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 7. That Article IV of Chapter 29, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Article IV 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,” 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. Section 108 entitled “Violations” and Section 109 entitled “Means of Appeal”, of Chapter 1 of the IPC, are hereby deleted in their entirety.

29-4.2. 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 8. That Article V of Chapter 29, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Article V 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,” 2006 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 Section 108 entitled “Violations” and Section 109 entitled “Means of Appeal”, of Chapter 1 of the IMC, are hereby deleted in their entirety.

SECTION 9. That Article VI, VII, VIII and IX of Chapter 29, Code of the City of Chandler, are hereby deleted in their entirety.

SECITON 10. That Article X of Chapter 29, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Article VI 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,” 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 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.

SECTION 11. That Article XI of Chapter 29, Code of the City of Chandler, is hereby deleted in its entirety and replaced with a new Article VII 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,” 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. 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.

SECTION 12. That a new Article VIII is added to Chapter 29, Code of the City of Chandler, 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,” 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.

SECTION 13: 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 _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

Approved as to form:



CITY ATTORNEY

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4082 duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

Published: