

ORDINANCE NO. 2788

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 10, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE II, TECHNICAL CODES, SECTION 10-31 ADOPTION OF BUILDING CODE BY ADOPTING AMENDMENTS TO THE 2018 INTERNATIONAL RESIDENTIAL CODE, PART I – ADMINISTRATIVE, CHAPTER 1 SCOPE AND ADMINISTRATION, PART 1 SCOPE AND APPLICATION, SECTION R102 APPLICABILITY, R.102.4 REFERENCED CODES AND STANDARDS, R102.4.1. CONFLICTS; PART I – ADMINISTRATIVE, CHAPTER 1 SCOPE AND ADMINISTRATION, SECTION R105 PERMITS, R105.2 WORK EXEMPT FROM PERMIT; PART II DEFINITIONS, CHAPTER 2 DEFINITIONS, SECTION R202 DEFINITIONS; AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 10, BUILDINGS AND CONSTRUCTION REGULATIONS, ARTICLE II, TECHNICAL CODES, SECTION 10-37 ADOPTION OF FIRE CODE BY ADOPTING AMENDMENTS TO THE 2018 INTERNATIONAL FIRE CODE, PART I ADMINISTRATIVE, CHAPTER 1 SCOPE AND ADMINISTRATION, PART 1 GENERAL PROVISIONS, SECTION 102 APPLICABILITY, 102.5 APPLICATION OF RESIDENTIAL CODE; PART IV SPECIAL OCCUPANCIES AND OPERATIONS, CHAPTER 39 PROCESSING AND EXTRACTION FACILITIES, SECTION 3903 PROCESSING AND EXTRACTION, 3903.2 PROHIBITED OCCUPANCIES; PART V HAZARDOUS MATERIALS, CHAPTER 50 HAZARDOUS MATERIALS-GENERAL PROVISIONS, SECTION 5003 GENERAL REQUIREMENTS, 5003.1 SCOPE, 5003.1.1 MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA; FIXING THE EFFECTIVE DATE THERETO; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Gilbert (“Town”) desires to amend building and construction regulations of the Town.

NOW THEREFORE BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. Amendment to the Code of Gilbert, Arizona, Chapter 10, Buildings and Construction Regulations, Article II, Technical Codes, Section 10-31 Adoption of Building Code.

The Code of Gilbert, Arizona, Chapter 10, Buildings and Construction Regulations, Article II, Technical Codes, Section 10-31 Adoption of Building Code, is hereby amended to adopt amendments to the 2018 INTERNATIONAL RESIDENTIAL CODE, PART I –ADMINISTRATIVE, CHAPTER 1 SCOPE AND ADMINISTRATION, PART 1 SCOPE AND APPLICATION, SECTION R102 APPLICABILITY, R.102.4 REFERENCED CODES AND STANDARDS, R102.4.1. CONFLICTS and SECTION R105 PERMITS, R105.2 WORK EXEMPT FROM PERMIT, and PART II DEFINITIONS, CHAPTER 2 DEFINITIONS, SECTION R202 DEFINITIONS, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section R102.4.1 Conflicts

Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: WHEN PERMITTED BY ZONING, THE USE OF A RESIDENTIAL OCCUPANCY FOR THE ITEMS LISTED BELOW SHALL BE GOVERNED BY THE REFERENCED CODES NOTED IN R102.4 AND THE 2018 INTERNATIONAL BUILDING CODE SECTION 101.4 INCLUDING THE 2018 INTERNATIONAL BUILDING CODE.

1. MARIJUANA CULTIVATION
2. EXTRACTION PROCESSES
3. INDUSTRIAL-TYPE PROCESSES

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. *One-story* detached NON-HABITABLE *accessory structures*, provided that the floor area does not exceed 200 square feet (18.58 m²) AND SAID STRUCTURE IS NOT USED FOR ANY OF THE ITEMS LISTED BELOW.
 - 1.1 MARIJUANA CULTIVATION
 - 1.2. EXTRACTION PROCESSES
 - 1.3. INDUSTRIAL-TYPE PROCESSES

2018 INTERNATIONAL RESIDENTIAL CODE, PART II DEFINITIONS, CHAPTER 2 DEFINITIONS, SECTION R202 DEFINITIONS is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Section R202 Definitions

CULTIVATION. ANY PROCESS USED IN THE GROWING OF PLANTS, INCLUDING, BUT NOT LIMITED TO, THE USE OF LIGHTS, ENRICHMENT AND INFUSION PROCESSES, ETC.

EXTRACTION. THE PROCESS OF REMOVING ESSENTIAL OILS, BOTANIC MATERIALS OR CHEMICALS FROM A GIVEN PLANT MATERIAL.

INFUSION. A PROCESS BY WHICH CANNABIS, CANNABINOIDS, CANNABIS CONCENTRATES, OR MANUFACTURED CANNABIS ARE DIRECTLY INCORPORATED INTO A PRODUCT FORMULATION TO PRODUCE A CANNABIS PRODUCT.

Section II. Amendment to the Code of Gilbert, Arizona, Chapter 10, Buildings and Construction Regulations, Article II, Technical Codes, Section 10-37 Adoption of Building Code.

The Code of Gilbert, Arizona, Chapter 10, Buildings and Construction Regulations, Article II, Technical Codes, Section 10-37 Adoption of Fire Code, is hereby amended to adopt amendments to the 2018 INTERNATIONAL FIRE CODE, PART I ADMINISTRATIVE, CHAPTER 1 SCOPE AND ADMINISTRATION, PART 1 GENERAL PROVISIONS, SECTION 102 APPLICABILITY, 102.5 APPLICATION OF RESIDENTIAL CODE; PART IV SPECIAL OCCUPANCIES AND OPERATIONS, CHAPTER 39 PROCESSING AND EXTRACTION FACILITIES, SECTION 3903 PROCESSING AND EXTRACTION, 3903.2 PROHIBITED OCCUPANCIES; and PART V HAZARDOUS MATERIALS, CHAPTER 50 HAZARDOUS MATERIALS-GENERAL PROVISIONS, SECTION 5003 GENERAL REQUIREMENTS, 5003.1 SCOPE, 5003.1.1 MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA are hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

102.5 Application of residential code.

Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 shall apply.

2. Administrative, operational, HAZARDOUS MATERIALS and maintenance provisions of this code shall apply.

3903.2 Prohibited occupancies.

Extraction processes utilizing flammable gases or flammable *cryogenic fluids* shall not be located in any building containing a Group A, E, I or R occupancy INCLUDING ACCESSORY STRUCTURES TO R OCCUPANCIES.

5003.1.1.1 RESIDENTIAL USE AND STORAGE

THE MAXIMUM ALLOWABLE QUANTITIES SHALL NOT EXCEED ONE HALF OF THE ALLOWABLE QUANTITIES OF ALL TABLES LISTED IN 5003.1.1 OR 15 GALLONS OF LIQUID OR 150 POUNDS OF SOLIDS, WHICHEVER IS LESS.

Section III. Effective Date.

The provisions of this Ordinance shall become effective thirty (30) days from the date of approval by the Common Council of the Town of Gilbert.

Section IV. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section V. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 19th day of January, 2021, by the following vote:

AYES: Anderson, Koprowski, Peterson, September, Tilque, Yentes

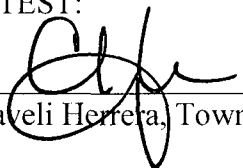
NAYES: Hendrix ABSENT: 0

EXCUSED: 0 ABSTAINED: 0

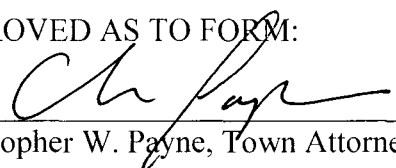
APPROVED this 19th day of January, 2021.


Brigette Peterson, Mayor

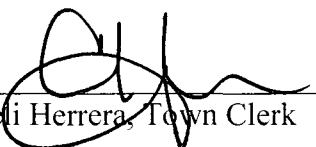
ATTEST:


Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:


Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2788, ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THIS 19TH DAY OF JANUARY, 2021, WAS POSTED IN FOUR PLACES ON THE 19th DAY OF JANUARY, 2021.


Chaveli Herrera, Town Clerk