

ORDINANCE NO. 2335

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, BY AMENDING THE INTERNATIONAL FIRE CODE, 2006 EDITION, AS AMENDED IN THE BUILDING AND CONSTRUCTION REGULATIONS CODE OF THE TOWN OF GILBERT, ARIZONA – 2008 EDITION, BY AMENDING SECTION 10-37 FIRE CODE, SUBSECTION 10-37-2 AMENDMENTS OF FIRE CODE, AMENDING SECTION 106.1 INSPECTION AUTHORITY, RELATED TO INSPECTION FEES, AND AMENDING SECTION 109.3 VIOLATION PENALTIES, RELATED TO PENALTIES FOR VIOLATION OF THE FIRE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

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

Section I. In General.

The International Fire Code, 2006 Edition as adopted in the Building and Construction Regulations Code of the Town of Gilbert, Arizona – 2008 Edition, Section 10-37 Fire Code, Subsection 10-37-2 Amendments of Fire Code, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 10-37-2 Amendments of Fire Code

N. The International Fire Code, 2006 Edition, Chapter 1, ADMINISTRATION, Section 106.1 Inspection Authority shall be amended to read as follows:

106.1 Inspection Authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, or premises in accordance with section 104.3 for the purpose of enforcing this code. THE COUNCIL SHALL BY RESOLUTION ADOPT A SCHEDULE OF HIGH AND LOW RISK OCCUPANCIES AND FEES FOR INSPECTIONS OF HIGH AND LOW RISK OCCUPANCIES. FAILURE TO PAY SUCH FEES SHALL BE A VIOLATION OF THIS CODE AND ANY PERSON FOUND RESPONSIBLE FOR VIOLATING THIS SECTION SHALL BE SUBJECT TO THE CIVIL SANCTIONS AND HABITUAL OFFENDER PROVISIONS SET FORTH IN SECTION 1-5 OF THE GILBERT MUNICIPAL CODE.

O. The international Fire code, 2006 Edition, Chapter 1, Administration, Section 109.3 Violation penalties shall be amended to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, 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 One Misdemeanor Offense], punishable by a fine of not more than [\$2,500] dollars or by imprisonment not exceeding [6 months], or both such fine and imprisonment.~~ A VIOLATION OF THIS CODE AND ANY PERSON FOUND RESPONSIBLE FOR VIOLATING THIS CODE SHALL BE SUBJECT TO THE CIVIL SANCTIONS AND HABITUAL OFFENDER PROVISIONS SET FORTH IN SECTION 1-5 OF THE GILBERT MUNICIPAL CODE. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section II. 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 III. 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.

Section IV. Providing for Penalties.

Any person found responsible for violating this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 23rd day of June, 2011, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray

NAYES: None ABSENT: Sentz

EXCUSED: None ABSTAINED: None

APPROVED this 23rd day of June 2011.

/s/ John W. Lewis, Mayor

ATTEST:

/s/ Susan Roberts, CMC, Deputy Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By Susan Goodwin