



Ordinance No. 2015-11-005

ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, AMENDING CITY CODE CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS BY ADOPTING AMENDED SECTIONS 5-1, 5-2, 5-3, 5-26, 5-27, 5-28, 5-89 AND 5,150 (B); ADOPTING UPDATED BUILDING AND SAFETY CODES AND STANDARDS BY REFERENCE, SUBJECT TO LOCAL AMENDMENTS OF SAME; CREATING THE POSITION OF BUILDING OFFICIAL; AUTHORIZING CITY COUNCIL TO ADOPT A FEE SCHEDULE FOR PERMITS AND INSPECTIONS; AND AUTHORIZING ENFORCEMENT OF SAID CODES BY CRIMINAL MISDEMEANOR SANCTION. (LEGAL)

BE IT ORDAINED by the Council of the City of Nogales, Arizona, as follows:

Section 1: Current Nogales City Code Sections 5-26, 5-27, 5-28, 5-29, 5-89, and 5-150(b) are hereby repealed.

Section 2: New Sections 5-1, 5-2, 5-3, 5-26, 5-27, 5-28, 5-89, and 5-150(b) are hereby adopted, which shall read as follows:

Sec. 5-1. City Building Official.

The City Planning and Zoning Director is hereby designated as the Building Official tasked with enforcing the codes adopted by Sec. 5-26, including performing or coordinating all reviews and inspections, issuing permits, certificates, notices, stop work orders and citations, and supervising Building Department staff. The Building Official is further authorized to initiate criminal citations and civil litigation as necessary to enforce codes in coordination with the City Attorney's Office. The Building Official has no authority to vary the clear language and standards set forth in the City's Building and Safety Codes, but may issue and apply reasonable interpretations of same, subject to appeal to the Building and Fire Code Board of Appeals.

Sec. 5-2. Adoption of Building Permit and Inspection Fees.

All permits, inspections and certificates required by the codes adopted in Sec. 5-26 shall be conditioned on the prior payment of fees in accordance with a fee schedule adopted by resolution of City Council.

Sec. 5-3. Penalty Clause.

Any violation of the Building and Safety Codes adopted by Sec. 5-26, in addition to all other remedies provided by law, may be prosecuted as a Class 2 misdemeanor in municipal court in accordance with law.

Sec. 5-26. Adoption of Building and Safety Codes and Standards.

The following nationally published codes are hereby adopted by reference as if fully set forth herein as the Building and Safety Codes and Standards of the city, three copies of which are on file with the City Clerk:

2012 International Building Code and Appendix A
2012 International Building Code Standards

2012 International Residential Code and Appendix L
2012 International Mechanical Code
2012 International Fuel and Gas Code
2012 International Code for Existing Buildings
2012 International Plumbing Code
2011 National Electric Code
1997 Uniform Code for the Abatement of Dangerous Buildings
2010 ADA Standards for Accessible Design

Sec. 5-27. Local Amendments to Building and Safety Codes.

The codes adopted in Sec. 5-26 are hereby amended by that certain public document titled “2015 City of Nogales Amendments to Building and Safety Codes,” three copies of which are on file with the City Clerk, and which is hereby adopted by reference as if fully set forth herein.

Sec. 5-28. Swimming Pools.

That public document titled “2015 City of Nogales Swimming Pool Code,” three copies of which are on file with the City Clerk, is hereby adopted by reference as if fully set forth herein as the City’s building code and standards for construction of swimming pools.

Sec. 5-89. Permit and Inspection Fees.

All permits, inspections and certificates shall be conditioned on the prior payment of fees in accordance with a fee schedule adopted by resolution or order of City Council.

Sec. 5-150(b).

The Building and Fire Codes Board of Appeals shall serve as the board of appeals referenced in any of the codes adopted by Sections 5-26 and 10-1, and shall have the same authority and limitations set forth in said codes.

Section 3: All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Section 4: This Ordinance shall take effect 30 days after adoption.

Section 5: In the event any provision in this ordinance is held invalid by any court of competent jurisdiction, the remaining provisions in this ordinance shall be deemed severable and shall remain in full force and effect.

Section 6: The City Clerk is directed to publish the text of this Ordinance in a newspaper of general circulation for two (2) consecutive weeks after its effective date, and further to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED, ADOPTED, AND APPROVED by the Council of the City of Nogales, Arizona, this 04th day of November, 2015.

John F. Doyle, Mayor

ATTEST:

APPROVED AS TO FORM:

Leticia Robinson, City Clerk

Jose L. Machado, City Attorney

SUBJECT: Amending the City Code Chapter 5, Buildings and Building regulations by adopting updated Building and Safety Codes and Standards by reference and authorizing enforcement of said Codes by Criminal Misdemeanor sanction.

BACKGROUND: The City of Nogales presently implements the 2006 International Building Codes; presented and approved by the City Council on May 7, 2008. Adopting the 2012 edition will bring the City of Nogales up to date with other cities and counties, such as Santa Cruz County, Sahuarita, City of Tucson, Town of Marana, Pima County and City of Phoenix who have adopted the 2012 International Building Code. The purpose of this code is to continue providing minimum standards to safeguard property and public welfare by regulating and controlling the design, construction quality of materials, use and occupancy.

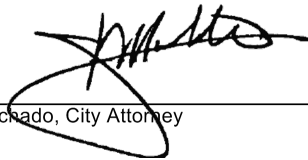
STAFF RECOMMENDATION:

It is the recommendation of the City of Nogales Building Department staff that the Council of the City of Nogales adopt the following codes and appendices:

- 2012 International Building Code and Appendix A
- 2012 International Building Code Standards
- 2012 International Residential Code and Appendix L
- 2012 International Mechanical Code
- 2012 International Fuel and Gas Code
- 2012 International Code for Existing Buildings
- 2012 International Plumbing Code
- 2011 National Electric Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings
- 2010 ADA Standards for Accessible Design

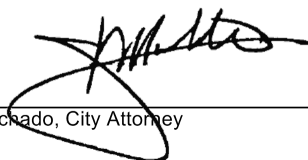
SUGGESTED MOTION:

"I move to approve Ordinance No: O2015-11-005"



Joe Machado, City Attorney

10/28/2015



Joe Machado, City Attorney

10/29/2015

A handwritten signature in black ink, consisting of several overlapping loops and a final vertical stroke on the right side.

Shane Dille, City Manager