

ORDINANCE NO. O2019.24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING TEMPE ADMINISTRATIVE CODE ARTICLE I, SECTIONS 8-104.10 MODIFICATIONS, 8-104.11 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT, 8-105.1.3.2 MAINTENANCE ELECTRICIAN'S OR PLUMBER'S CERTIFICATE OF REGISTRATION, 8-105.1.4.3 PERMIT FEE AND RENEWAL, 8-105.1.5.5 REGISTRATION FEES AND ANNUAL PERMIT FEE, 8-105.3.2 TIME LIMITATION OF PERMIT APPLICATION, EXCEPTIONS, 1., 8-109.1 FEES, 8-109.7 PLAN REVIEW FEES, AND 8-109.7.2 OF THE TEMPE CITY CODE.

WHEREAS, Certain functions pertaining to the approval of private construction activity in the right-of-way and issuance of permits, formerly within the Public Works Department (now know as the Engineering and Transportation Department) are, as a result of a previous city-wide reorganization, currently within the Community Development Department; and

WHEREAS, As a result of this reorganization, the Building Safety Department has identified additional clean-up language within the City Code is needed to provide an accurate reference to Appendix A - Schedule of Fees and Charges, and various sections of the Tempe Administrative Code, Article I, Section 8 of the City Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Tempe Administrative Code Article I, Section 8-104.10 Modifications, of the Tempe City Code, is hereby amended to read as follows:

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Code or the Technical Codes, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided the Building Official shall first find that special individual reason makes the strict letter of the codes impractical and the modification is in compliance with the intent and purpose of this Code and the Technical Codes and that such modification does not impact health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Safety Division. Requests for modifications must be submitted

to the Building Official in writing along with all supporting documentation and the applicable fee as shown in Appendix A – SCHEDULE OF FEES AND CHARGES, Table 2-A, OF THE Tempe City Code.

SECTION 2. That Tempe Administrative Code Article I, Section 8-104.11 Alternative materials, design and methods of construction and equipment, of the Tempe City Code, is hereby amended to read as follows:

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this Code and the Technical Codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code or the Technical Codes, provided any such alternative is approved by the Building Official finds the proposed design is satisfactory and complies with the intent of the provisions of this Code and the Technical Codes, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code and the Technical Codes in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design and method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

Records of alternative materials, designs and methods of construction approvals shall be recorded and entered in the files of the Building Safety Division. Requests for alternative materials, design, and methods of construction must be submitted to the Building Official in writing along with all supporting documentation and the applicable fee as shown in Table 2-A of Appendix A – SCHEDULE OF FEES AND CHARGES, OF THE CITY CODE.

SECTION 3. That Tempe Administrative Code Article I, Section 8-105.1.3.2 Maintenance electrician's or plumber's certificate of registration, subsection 3, of the Tempe City Code, is hereby amended to read as follows:

105.1.3.2 Maintenance electrician's or plumber's certificate of registration. Persons may obtain a maintenance certificate of registration as follows:

1. Any employer may elect to appoint one or more full-time maintenance electricians or plumbers to perform or supervise the alteration, repair or maintenance of electrical wiring and equipment or plumbing system and fixtures in or about buildings, structures or premises owned or occupied by the employer.
2. Every person desiring to hold or renew a maintenance certificate of registration shall make application with the Building Official on a form furnished by the city for that purpose.
3. Every person applying for a maintenance certificate of registration shall pay to the city a fee as prescribed in Appendix A – SCHEDULE OF FEES AND CHARGES, Table 2-A, of the City Code, at the time of application. No portion of any fee shall be returned either upon failure to qualify, or upon revocation of certification, or for any other cause.

SECTION 4. That Tempe Administrative Code Article I, Section 8-105.1.4.3 Permit fee and renewal, of the Tempe City Code, is hereby amended to read as follows:

105.1.4.3 Permit fee and renewal. Every applicant shall submit a proposed dusk to dawn lighting standard installation plan for review and approval. An annual fee shall be paid at the time of application as prescribed in Appendix A – SCHEDULE OF FEES AND CHARGES, Table 2-A, of the City Code. Said fee shall be refunded if the application is disapproved. The permit shall expire on December 31 of each year. The permit may be renewed each year by payment of the fee on or before December 31. Any work performed after permit expiration without obtaining separate permits and inspections required by this Code shall be a violation of this Code.

SECTION 5. That Tempe Administrative Code Article I, Section 8-105.1.5.5 Registration fees and annual permit fee, of the Tempe City Code, is hereby amended to read as follows:

105.1.5.5 Registration fees and annual permit fee. Every applicant for registration shall pay a fee as prescribed in Appendix A – SCHEDULE OF FEES AND CHARGES, Table 2-A, of the City Code, at the time of filing. Said fee shall be refunded if the application is disapproved. Registrations shall expire on December 31 of each year. Registration may be renewed each year by payment of the fee on or before December 31. Any work performed after expiration without obtaining additional separate permits and inspections required by this Code shall be a violation of this Code.

SECTION 6. That Tempe Administrative Code Article I, Section 8-105.3.2 Time limitation of permit application, Exception: 1., of the Tempe City Code, is hereby amended to read as follows:

105.3.2 Time limitation of permit application. An application for a permit for any proposed work shall be valid for a period of one year from the date of filing. The building official is not authorized to grant any extension of time.

Exception:

1. Prior to the date of expiration of any application for which plans have not been approved, the applicant may submit a written request for one-time extension of one-hundred eighty (180) days. The request must explain the justifiable cause for the delay and include a proposed submittal schedule for the completion of the plan review process. If the request for extension is approved, the applicant must submit a new project submittal application along with a renewal fee equal to twenty-five percent (25%) of the original calculated plan review fee. The renewal fee must be paid no later than thirty (30) calendar days after the original expiration date or the original application shall expire. Additional plan review fee may apply as prescribed in APPENDIX A – SCHEDULE OF FEES AND CHARGES, OF THE CITY CODE, Table 1-A – Building Permit Fees; Other Fees; Item 4. Additionally,

all permits must be issued and permit fees paid prior to the end of the one-hundred eighty (180) day of the extension date.

SECTION 7. That Tempe Administrative Code Article I, Section 8-109.1 Fees, of the Tempe City Code, is hereby amended to read as follows:

109.1.1 ESTABLISHMENT OF FEES. FEES FOR BUILDING PERMITS, PRIVATE DEVELOPMENT ENGINEERING PERMITS, USE OF THE RIGHT-OF-WAY, LICENSE, AND OTHER FEES SHALL BE SET BY THE CITY COUNCIL BY RESOLUTION. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE, WITH THE CONCURRENCE OF THE CITY MANAGER, SHALL PROVIDE THE CITY COUNCIL WITH A LIST OF THE VARIOUS CLASSES OF PERMITS, LICENSES, AND OTHER FEES AND THE RECOMMENDED CHARGE FOR EACH CLASS (SEE APPENDIX A – SCHEDULE OF FEES AND CHARGES, OF THE CITY CODE).

109.1.2 ADJUSTMENT OF FEES. AN ANNUAL FEE ADJUSTMENT WILL BE APPLIED TO TABLE 1A – BUILDING PERMIT FEES, TABLE IIA – BUILDING PERMIT FLAT FEES, AND TABLE IIIA – PRIVATE DEVELOPMENT ENGINEERING PERMITTING FEES, LOCATED IN APPENDIX A – SCHEDULE OF FEES AND CHARGES, OF THE TEMPE CITY CODE. SUCH FEES WILL BE ADJUSTED EACH JULY 1, BASED ON THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX-ALL URBAN CONSUMERS, WEST REGION FOR ALL ITEMS (CPI).

(ADJUSTMENT OF FEES ESTABLISHED PURSUANT TO RESOLUTION NO. 2007.30)

~~109.1~~ 109.1.3 Payment of fees. A permit shall not be issued nor considered valid until the applicable fees established by the City of Tempe in Appendix A – SCHEDULE OF FEES AND CHARGES, Table 1-A and 2-A, OF THE CITY CODE, ~~Tables 1-A or 2-A~~ have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

SECTION 8. That Tempe Administrative Code Article I, Section 8-109.7 Plan review fees, of the Tempe City Code, is hereby amended to read as follows:

109.7 Plan review fees. When submittal documents are required by this Code, a plan review fee shall be paid at the time of submitting the documents for such plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Appendix A– SCHEDULE OF FEES AND CHARGES, Table 1-A, OF THE Tempe City Code.

The plan review fees specified in this subsection are separate fees from the permit fees specified elsewhere in this Code and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Appendix A—SCHEDULE OF FEES AND CHARGES, Table 2-A, OF THE Tempe City Code.

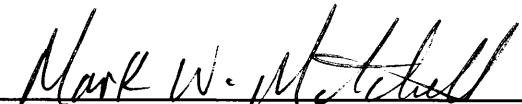
The plan review fees include the initial plan review and two (2) subsequent re-submittals for the same project. If more than three plan reviews are required, or if the permit application shall expire by time limitation, additional fees shall be assessed for each plan review status meeting and for subsequent plan reviews as determined appropriate by the building official. At the time of permit issuance, additional plan review fees for any increase in valuation shall be assessed in conjunction with, and as a condition of, permit issuance.

SECTION 9. That Tempe Administrative Code Article I, Section 8-109.7.2, of the Tempe City Code, is hereby amended to read as follows:

109.7.2 Expedited plan review fees for reviews completed by City staff shall be equal to the amount of plan review fees required by this section. Expedited plan review fees are separate from the plan review fee and permit fees required in Appendix A – SCHEDULE OF FEES AND CHARGES, OF THE CITY CODE are in addition to those fees.

SECTION 10. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.


PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 31st day of July, 2019.


Mark W. Mitchell, Mayor

ATTEST:


Carla R. Reece, City Clerk

APPROVED AS TO FORM:


Judith R. Baumann, City Attorney