

AMENDMENT 1 TO 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

The 2010 ADA Standards for Accessible Design, as adopted by the Mayor and Council of the City of Goodyear, is hereby amended as follows:

The following Chapter Titled General Administrative Provisions is hereby added as follows:

Chapter 1 GENERAL ADMINISTRATIVE PROVISIONS

101. Purpose. This General Administrative Chapter 1 contains administrative provisions applicable to the enforcement of the Title II regulations at 28 CFR 35.151 (2010 Standards for State and Local Government Facilities); the Title III regulations at 28 CFR part 36, subpart (D) (2010 Standards for Public Accommodations and Commercial Facilities); and the enforcement s, which consist of the Title II regulations at 28 CFR 35.151 and the enforcement of the 2004 ADAAG regulations applicable to both Title II and Title III Facilities at 36 CFR part 1191, appendices B and D

101.1 Incorporation of International Building Code Administrative Provisions. The provisions of this code supplement the International Building Code as adopted and amended by the governing authority, and the following administrative provisions of the International Building Code as adopted and amended by the governing authority are incorporated herein by this reference as if fully set forth herein:

Section 103 Department of Building Safety, including sections 103.1 through 103.3 and all subsections therein

Section 104 Duties and Power of Building Official, including sections 104.1 through 104.11 and all subsections therein

Section 105 Permits, including sections 105.1 through 105.7 and all subsections therein.

Section 107 Submittal Documents, including sections 107.1 through 107.5 and all subsections therein.

Section 109 Fees, including sections 109.1 through 109.6, and all subsections therein.

Section 110 Inspections, including sections 110.1 through 110.6 and all subsections therein.

Section 114 Violations, including sections 114.1 through 114.6 and all subsections therein.

Section 115 Stop Work Order, including sections 115.1 through 115.4 and all subsections therein.

Section 116 Unsafe Structures and Equipment, including section 116.1 through 116.5, including all subsections therein.

102 Conflicts. Where conflicts occur between provisions of this code and standards referenced in this code or between the provision of this code and any state, local and/or federal laws, rules, and regulations, including by way of example, the City of Goodyear Engineering Design Standards and Policies as adopted and amended by the governing authority and technical codes as adopted and amended by the governing authority, the most restrictive requirements apply unless otherwise provided by law or as otherwise expressly provided herein.

Exceptions:

1. Where enforcement of a code provision would violate the conditions of the listing of equipment or appliances as approved by the City of Goodyear, the conditions of the listing and manufacturer's instructions shall apply.
2. Where there is a provision contained in another technical code as adopted and amended by the governing authority that is not addressed in this code then the provision of the technical code shall apply.

103 Appeals. Any person shall have the right to appeal a decision of the building official to the board of appeals as provided in Section 113 Board of Appeals, Sections 113.1 through 113.5 and all subsections therein of the International Building Code as adopted and amended by the governing authority.

104 Scope. Unless otherwise expressly stated, the following words and terms shall, for purposes of this Section General Administrative Provisions, have the meanings set forth herein. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Section General Administrative Provisions, have the meaning shown in this chapter regardless of whether the words are italicized, capitalized, or otherwise designated in the text as being a defined term.

104.2 Definitions.

BUILDING OFFICIAL. The individual charged with the administration and enforcement of this code and all other technical codes, including the construction related provisions of the International Fire Code, governing the construction, installation, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected to or attached to such structures as adopted and amended by the governing authority, or that individual's duly authorized representative(s). The technical codes referred to herein include by way of example, but not limitation, the International Residential Code for One and Two Family Dwellings, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Property Maintenance Code, the NFPA 70 National Electric Code, the International

Energy Conservation Code, the International Swimming Pool and Spa Code, the ICC A117.1 Accessible and Usable Buildings and Facilities, the NFPA 99 Standard for Health Care Facilities, and the 2010 ADA Standards for Accessible Design as adopted and amended by the governing authority.

CONFLICT: A situation in which it is impossible to comply with provisions applicable to the same subject; a conflict does not exist when different provisions address the same subject and can be complied with without violating either provision.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lots.

GOVERNING AUTHORITY: The Mayor and Council of the City of Goodyear.

IMMINENT DANGER: A condition which could cause serious or life-threatening injury or death at any time.

OCCUPANCY. The purpose for which a building, structure, or portion thereof is utilized or occupied.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way including any structures thereon.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.