

**AMENDMENT 1 TO INTERNATIONAL PROPERTY MAINTENANCE CODE
2012 EDITION**

The International Property Maintenance Code 2012 Edition as adopted by the Mayor and Council of the City of Goodyear is hereby amended as follows:

(1) CHAPTER 1, "SCOPE AND ADMINISTRATION" is hereby amended as follows:

Section 101.1 Title. is hereby amended as follows:

Insert the words "City of Goodyear" as the name of jurisdiction.

Section 102.7 Referenced codes and standards is hereby amended as follows:

The exception is hereby deleted in its entirety.

Section 102.7.1 is hereby deleted in its entirety and replaced with the following:

102.7.1 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.

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.

Section 102.7.2 Provisions in referenced codes and standards is hereby deleted in its entirety.

Section 103.1 General is hereby deleted in its entirety and replaced with the following:

103.1 Creation of Enforcement Agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official or in the alternative the code official.

Section 103.5 Fees is hereby deleted in its entirety and replaced with the following:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be paid in accordance with the schedule as established by the applicable governing authority, including the fees set forth in the International Building Code as adopted and amended by the governing authority.

Section 106.1 Unlawful acts is hereby deleted in its entirety and replaced with the following:

106.1 Unlawful acts. It shall be unlawful for:

1. Any person to erect, construct, install, alter, extend, repair, move, remove, demolish any building, structure, premises, system or equipment regulated by this code in violation of any of the provision of this code; or to cause or allow same to be done;
2. Any person to erect, construct, install, alter, extend, repair, move, remove, or demolish any building, structure, premises, system or equipment in violation of approved construction plans or any direction of the building official or of a permit or certificate issued under the provisions of this code or to cause or allow same to be done;
3. Any person to occupy or use any building, structure, premises, system, or equipment regulated by this code in violation of any provisions of this code or any direction of the building official or of a permit or certificate issued under the provisions of this code, or to cause or allow same to be done;
4. Any Owner to fail to take actions necessary to correct conditions in any building, structure, or equipment regulated by this code that is in violation of any provisions to bring such building, structure or equipment in compliance with the provisions of this code;
5. Any person to violate or fail to comply with notices and orders issued pursuant to the enforcement of this code, including by way of example, but not limitation, provisions of notices of violations, notices of unsafe conditions, and stop work orders.

Section 106.3 Prosecution of violation is hereby deleted in its entirety and replaced with the following:

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order prepared and served in accordance with Sections 107.2 and 107.3 shall be deemed guilty of a misdemeanor and shall be subject to the penalties as prescribed by law. Such violations shall be deemed a strict liability offense. If the notice of violation is not complied with the code official is authorized to request legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity (or both) to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provision of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.4 Penalties is hereby deleted in its entirety and replaced with the following:

106.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof; erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code; or who fails to comply with a notice of violation or order prepared and served in accordance with Sections 107.2 and 107.3 shall be deemed guilty of a misdemeanor and shall be subject to the penalties as prescribed by law. Violations shall be deemed a strict liability offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 107.1 Notice to persons responsible is hereby deleted in its entirety and replaced with the following:

107.1 Notice of violation. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the building official may provide a written warning by attaching the warning in a conspicuous place in or about the structure affected by such notice. Such warnings shall include at least the following, a description of the real estate sufficient for identification, description of the violation(s) and why the notice is being issued and the corrective actions that need to be taken. Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred and the building official wants to prosecute such violation, notice of the violation or order shall be given to the person(s) responsible for the violation in the manner prescribed in Sections 107.2 and 107.3 below.

Section 107.2 Form is hereby deleted in its entirety and replaced with the following:

107.2 Form of notice. A notice of violation or order prescribed in Section 106.2 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Correction orders shall be included in the notice which shall provide a reasonable time to make the repairs and improvements required or to take other such actions needed for compliance with the provisions of this code.
5. Include information on the right to appeal the notice of violation.
6. Include a statement of the right to file a lien in accordance with the provisions of Section 106.3 Prosecution of violation.

Section 107.3 Method of service is hereby deleted in its entirety and replaced with the following:

107.3 Method of service. A notice of violation or order prescribed in Section 106.2 shall be deemed to be served if a copy of the notice or order is:

1. Delivered personally; or
2. Sent by certified or first class mail addressed to the last known address; or
3. If the notice or order is returned showing that the notice or order was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice or order.
4. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested to the last known address.

If more than one person owns a building or structure that is the subject of a notice or order service to just one of the owners satisfies the requirement of providing the owner notice.

Service of a notice or order in the foregoing manner upon an owner's agent, or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 108.1 General is hereby deleted in its entirety and replaced with the following:

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official shall have the authority to condemn the structure pursuant to the provisions of this code.

Section 111 Means of Appeal, including sections 111.1 through 111.8 and all subsections therein, is deleted in its entirety and replaced with the following:

SECTION 111 MEANS OF APPEAL

111.1 Appeal. Any person shall have the right to appeal a decision of the code 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.

Section 112.3 Emergencies is deleted in its entirety and replaced with the following:

112.3 Imminent danger. Where an imminent danger exists, the building official shall not be required to give a written notice prior to stopping the work.

Section 112.4 Failure to comply is deleted in its entirety and replaced with the following:

112.4 Failure to comply. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as prescribed by law.

(2) **CHAPTER 2, “Definitions”** is hereby amended as follows:

Section 201.1 Scope is hereby deleted in its entirety and replaced with the following:

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, 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.

Section 201.3 Terms defined in other codes is hereby deleted in its entirety and replaced with the following:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Mechanical Code, International Plumbing Code, International Residential Code for One and Two Family Dwellings, International Property Maintenance Code, or International Swimming Pool and Spa Code as adopted and amended by the governing authority, such terms shall have the meanings ascribed to them in those codes.

Section 202 General Definitions is hereby amended as follows:

The definition of CODE OFFICIAL in Section 202 General Definitions is hereby deleted in its entirety and replaced with the following:

CODE OFFICIAL. The Building Official as defined in the International Building Code as adopted and amended by the governing authority.

Section 202 is amended to add the following definitions:

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.

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.

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.