

AMENDMENT 1 TO INTERNATIONAL SWIMMING POOL AND SPA CODE 2012 EDITION

The International Swimming Pool and Spa 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 102.7.2 is hereby added:

102.7.2 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 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 code official.

Section 105.1 When required is hereby amended as follows:

The following sentence is hereby added to the end of this section: Permits are non-transferable and any change in occupancy, operation, tenancy or ownership shall require a new permit.

Section 105.2 Application for permit is hereby deleted in its entirety and replaced with the following:

105.2 Application for permit. To obtain a *permit*, the applicant shall submit a written application, all required supporting documentation and all applicable fees in accordance with the applicable requirements set forth in the City of Goodyear Administrative Process Manual as adopted and amended by the governing authority and as supplemented herein. If the applicable permit application requires the disclosure of occupancy classifications, the application shall indicate the proposed occupancy classifications for all parts of the building and of that portion of the site or lot, if any not covered by the building or structure.

Section 105.3. Construction documents is hereby deleted in its entirety and replaced with the following:

105.3 Construction documents. Construction documents shall be submitted in accordance with the applicable requirements set forth in the City of Goodyear Administrative Process Manual as adopted and amended by the governing authority and in accordance with the requirements set forth in Sections 107.2.1 through 107.2.5 and all subsections therein and in Section 107.3.4 and all subsections therein of the International Building Code as adopted and amended by the governing authority, as applicable and as otherwise supplemented herein. In the event of a conflict the more restrictive provisions shall apply. All Construction documents, computations and specifications are to be prepared and designed by a registered design professional. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, fittings, and components and shall indicate the materials, and methods for maintaining required structural safety, fire-resistance rating and fireblocking. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that the reviewing of construction documents is not necessary to determine compliance with this code and the authority to waive the requirement that construction documents, calculations and or other data be prepared and designed by a registered design professional if compliance with the requirements of this code can be determined by the building official.

Section 105.4 Time limitation of application is hereby deleted in its entirety and replaced with the following:

105.4 Time limitation of application. In the event a permit has not been issued or an application for a permit has not been denied, an application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceed 90 days each. The extension shall be requested in writing and justifiable cause demonstrated before any extension is granted.

Section 105.5 Permit issuance is hereby deleted in its entirety and replaced with the following:

105.5 Permit issuance. The code official shall examine or cause to be examined applications for permits and amendments thereto in accordance with the requirements set forth in the City of Goodyear Administrative Process Manual as adopted and amended by the governing authority as supplemented herein. If the application and/or supporting documentation does not conform to the requirements of applicable laws, the code official shall reject such application in writing stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto and all applicable fees have been paid, the code official shall issue a permit therefor as soon as practicable.

Section 105.5.3 Expiration is hereby deleted in its entirety and replaced with the following:

105.5.3 Expiration. Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced. Notwithstanding the foregoing, a permittee holding an unexpired permit shall have the right to apply in writing to extend the expiration deadlines set forth herein. The code official is authorized to grant, in writing, one extension of time for a period of not more than 180 days provided that the permittee has demonstrated in writing that no changes have been made or will be made in the original construction documents for the permitted work and that justifiable cause exists for the failure to commence the work within 180 days or for the suspension or abandonment of the work after it was commenced. The fee for the extension shall be the cost of reviewing the application at a rate of \$100.00 per hour with a minimum charge of one hour. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the City.

Section 105.5.4 Extensions is hereby deleted in its entirety.

Section 105.6 Fees is hereby deleted in its entirety and replaced with the following:

105.6 Fees. A permit shall not be issued and shall not be valid until all fees prescribed by law have been paid, nor shall an amendment to a permit be released until all additional fees, if any, have been paid. All permit fees and plan review views shall be paid at the time of application supplemental. If the fees paid at the time of application are based on estimates, final fee adjustments will be made and any additional fees owed shall be made prior to the issuance of the applicable permits.

Section 105.6.1 Work commencing before permit issuance is hereby deleted in its entirety and replaced with the following:

105.6.1 Work commencing before permit issuance. Any person who commences any work, activity, or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee equal to 100% of the amount of the permit fee(s) required for the permit(s) necessary for the work performed, which will result in double the amount of

the adopted permit fees being paid when work is commenced before the appropriate permits have been obtained. The payment of such fee shall not exempt an applicant from complying with the provisions of either this code or other applicable requirements nor does it exempt an applicant from any other penalties prescribed by law.

Section 105.6.2 Fee Schedule is hereby deleted in its entirety and replaced with the following:

105.6.2 Fee Schedule. The fees for permits for all plumbing work 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 105.6.3 Fee refunds is hereby deleted in its entirety and replaced with the following:

105.6.3 Fee refunds. The code official shall be permitted to authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 65 percent (65%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 65 percent (65%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The code official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

Section 107.1 Unlawful acts is hereby deleted in its entirety and replaced with the following:

107.1 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 107.2 Notice of violation is hereby deleted in its entirety and replaced with the following:

107.2 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 code 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 code 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 107.2.1 and 107.2.2 below.

Section 107.2.1 Form of notice is hereby added as follows:

107.2.1 Form of notice. A notice of violation or order prescribed in Section 107.2 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 108.3 Prosecution of violation.

Section 107.2.2 Method of service is hereby added as follows:

107.2.2 Method of service. A notice of violation or order prescribed in Section 107.2 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 107.2.3 Unauthorized Tampering is hereby added as follows:

107.2.3 Unauthorized Tampering. Signs, tags or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official.

Section 107.2.4 Transfer of ownership is hereby added as follows:

Section 107.2.4 Transfer of ownership. It shall be unlawful for the owner of any building or structure who has received a notice of violation or order or upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice of violation or order have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice of violation or order issued by the building official and shall furnish to the building official a signed and notarized statement that the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation or order and fully accepting responsibility without condition for making the correction of repairs required by such notice of violation or order.

Section 107.3 Prosecution of violation is hereby deleted in its entirety and replaced with the following:

107.3 Prosecution of violation. Any person failing to comply with a notice of violation or order prepared and served in accordance with Sections 107.2.1 and 107.2.2 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 107.4 Violation penalties is hereby deleted in its entirety and replaced with the following:

107.4 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 107.2.1 and 107.2.2 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 107.5 Stop work orders is hereby deleted in its entirety and replaced with the following:

107.5 Stop work orders. Whenever the code official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or danger or unsafe, the code official is authorized to issue a stop work order.

Section 107.5.1 Stop work order notices is hereby added as follows:

107.5.1 Stop work order notices. Stop work orders shall be in writing and shall comply with the requirements of section 107.2.1 as supplemented herein. The notice shall include a description of the work that is being performed in a manner that is contrary to the provision of this code, dangerous and/or unsafe and a description of the required repairs, improvements, or actions needed to remove a violation or unsafe condition. Such notice shall require the person served to immediately declare to the code official his or her acceptance or rejection of the terms of the order.

Section 107.5.2 Method of service is hereby added as follows:

107.5.2 Method of service. The notice shall be served on the owner, the owner's agent of the person doing the work. Service of such notice shall be made in accordance with the requirements of section 107.2.2.

Section 107.5.3 Imminent danger is hereby added as follows:

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

Section 107.5.4 Unlawful continuances is hereby added as follows:

107.5.4 Unlawful continuances. Upon issuance of a stop work order, the cited work shall immediately cease. Any person who shall continue any work 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.

Section 107.7.3 Connection after order to disconnect is hereby amended as follows:

The second paragraph in this section is deleted.

Section 108 Means of Appeal including sections 108.1 through 108.7 and all subsections therein is deleted in its entirety and replaced with the following:

**SECTION 108
APPEAL**

108.1 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.

(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.

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

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.

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.

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.

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

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.