

ORDINANCE NO. 15-1319

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING SECTION 9-1-1 OF ARTICLE 9-1 OF CHAPTER 9 OF THE GOODYEAR CITY CODE TO PROVIDE FOR THE ADOPTION OF MORE CURRENT EDITIONS OF UNIFORM CODES AND REGULATIONS FOR BUILDINGS, STRUCTURES AND USES THEREOF; FOR THE ADOPTION OF AMENDMENTS TO THE UNIFORM CODES AND REGULATIONS FOR BUILDINGS AND USES THEREOF BEING ADOPTED; TO ADD SECTIONS 9-1-3 THROUGH 9-1-6 TO PROVIDE FOR PENALTIES, REMEDIES AND ACTIONS FOR VIOLATIONS OF ANY PROVISIONS OF ARTICLE 9-1 OF CHAPTER 9 OF THE GOODYEAR CITY CODE; TO PROVIDE FOR THE REPEAL OF EXISTING ORDINANCES OR PORTIONS THEREOF THAT CONFLICT WITH ARTICLE 9-1 OF CHAPTER 9 OF THE GOODYEAR CITY CODE AS AMENDED; PROVIDING FOR THE PRESERVATION OF EXISTING RIGHTS AND DUTIES; PROVIDING FOR CORRECTIONS OF SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2015.

WHEREAS, the Mayor and Council deem it necessary, in order to protect the public health, safety and welfare and public and private property, to adopt certain rules and regulations controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of heating, cooling, ventilating, process piping, refrigerator systems, incinerator or other heat-producing appliance and to adopt certain rules and regulations to regulate the erection, construction, enlargement, alteration, repair, moving, removal, and demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures; and

WHEREAS, there is available a complete family of building, plumbing and mechanical code regulations known as the International Codes which have been developed through a process permitting involvement and input by all affected parties; and

WHEREAS, there is available a set pf national electric codes that have been developed through a process permitting involvement and input by all affected parties; and

WHEREAS, these International Codes and National Codes have been designed to be used nationally across the United States in lieu of multiple regional codes; and

WHEREAS, this family of codes has been supported by organizations such as the Arizona Building Officials, National Association of Homebuilders, FEMA and the American Institute of Architects.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA as follows:

SECTION 1. AMENDMENT OF SECTION 9-1-1 OF ARTICLE 9-1 OF THE GOODYEAR CITY CODE:

Effective July 1, 2015, Section 9-1-1 of Article 9-1 of Chapter 9 of the Goodyear City Code is hereby amended by replacing Section 9-1-1 of Article 9-1 of Chapter 9 of the Goodyear City Code with the following:

§ 9-1-1 ADOPTION BY REFERENCE

- A. *Adoption of International Building Code.* Effective July 1, 2015, that certain document known as the International Building Code 2012 Edition including only the following appendices: Appendix C – Group U – Agricultural Buildings and Appendix E – Supplementary Accessibility Requirements (“International Building Code”) as published by the International Code Council, and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. *Adoption of Amendment 1 to International Building Code.* Effective July 1, 2015, that certain document known as “Amendment 1 to International Building Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Building Code as adopted by the Mayor and Council of the City of Goodyear.
- B. *Adoption of International Residential Code.* Effective July 1, 2015, that certain document known as the International Residential Code For One and Two Family Dwellings, 2012 Edition including the following appendices: Appendix A (IFGS) Sizing and Capacities of Gas Piping; Appendix B- Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents; and Appendix C Terminals of Mechanical Draft and Direct Vent Venting Systems as published by the International Code Council and declared a public record by the Mayor and Council of the City of Goodyear by Resolution No. 15-1697 is hereby referred to, adopted, and made a part hereof as fully and completely as if fully set forth herein.
1. *Adoption of Amendment 1 to International Residential Code.* Effective July 1, 2015, that certain document known as Amendment 1 to International Residential Code for One and Two Family Dwellings 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Residential Code for One and Two Family Dwellings for One and Two Family dwellings as adopted by the Mayor and Council of the City of Goodyear.

- C. ***Adoption of International Plumbing Code.*** Effective July 1, 2015, that certain document known as the International Plumbing Code 2012 Edition as published by the International Code Council and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. ***Adoption of Amendment 1 of International Plumbing Code.*** Effective July 1, 2015, that certain document known as Amendment 1 to International Plumbing Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Plumbing Code as adopted by the Mayor and Council of the City of Goodyear.
- D. ***Adoption of International Fuel Gas Code.*** Effective July 1, 2015, that certain document known as the International Fuel Gas Code 2012 Edition as published by the International Code Council and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. ***Adoption of Amendment 1 of International Fuel Gas Code.*** Effective July 1, 2015, that certain document known as Amendment 1 to International Fuel Gas Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Fuel Gas Code as adopted by the Mayor and Council of the City of Goodyear.
- E. ***Adoption of International Mechanical Code.*** Effective July 1, 2015, that certain document known as the International Mechanical_Code 2012 Edition as published by the International Code Council and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. ***Adoption of Amendment 1 to International Mechanical Code.*** Effective July 1, 2015, that certain document known as Amendment 1 to International Mechanical Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Mechanical Code as adopted by the Mayor and Council of the City of Goodyear.
- F. ***Adoption of International Property Maintenance Code.*** Effective July 1, 2015, that certain document known as the International Property Maintenance Code 2012 Edition as published by the International Code Council, and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. ***Adoption of Amendment 1 to International Property Maintenance Code.*** Effective July 1, 2015, that certain document known as Amendment 1 to International Property Maintenance Code 2012 Edition and declared a public record by the

Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Property Maintenance Code as adopted by the Mayor and Council of the City of Goodyear.

- G. *Adoption of NFPA 70 National Electric Code.* Effective July 1, 2015, that certain document known as the NFPA 70 National Electric Code 2011 Edition, including ANNEXES A-I as published by the National Fire Protection Association International Code Council, and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. *Adoption of Amendment 1 to NFPA 70 National Electric Code.* Effective July 1, 2015, that certain document known as Amendment 1 to NFPA 70 National Electric Code 2011 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending NFPA 70 National Electric Code 2011 Edition, as adopted by the Mayor and Council of the City of Goodyear.
- H. *Adoption of International Energy Conservation Code.* Effective July 1, 2015, that certain document known as the International Energy Conservation Code 2012 Edition as published by the International Code Council, and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. *Adoption of Amendment 1 of International Energy Conservation Code.* Effective July 1, 2015, that certain document known as Amendment 1 to International Conservation Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Energy Conservation Code as adopted by the Mayor and Council of the City of Goodyear.
- I. *Adoption of International Swimming Pool and Spa Code.* Effective July 1, 2015, that certain document known as the International Swimming Pool and Spa Code 2012 Edition as published by the International Code Council, and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
1. *Adoption of Amendment 1 to International Swimming Pool and Spa Code.* Effective July 1, 2015, that certain document known as Amendment 1 to International Swimming Pool and Spa 2012 Edition declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Swimming Pool and Spa Code as adopted by the Mayor and Council of the City of Goodyear.

- J. *Adoption of ICC A117.1 Accessible and Usable Buildings and Facilities Code.*** Effective July 1, 2015, that certain document known as the ICC A117.1 Accessible and Usable Buildings and Facilities Code 2009 Edition, as published by the International Code Council, and adopted as a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
- 1. *Adoption of Amendment 1 to ICC A117.1 Accessible and Usable Buildings and Facilities.*** Effective July 1, 2015, that certain document known as Amendment 1 to ICC A117.1 Accessible and Usable Buildings and Facilities 2009 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the ICC A117.1 Accessible and Usable Facilities 2009 Edition as adopted by the Mayor and Council of the City of Goodyear.
- K. *Adoption of NFPA 99 Standard for Health Care Facilities Code.*** Effective July 1, 2015, that certain document known as the NFPA 99 Standard for Health Care Facilities Code 2012 Edition, as published by the National Fire Protection Association and adopted as a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
- 1. *Adoption of Amendment 1 to NFPA 99 Standard for Health Care Facilities Code.*** Effective July 1, 2015, that certain document known as Amendment 1 to NFPA 99 Standard for Health Care Facilities Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the NFPA 99 Standard for Health Care Facilities Code 2012 Edition as adopted by the Mayor and Council of the City of Goodyear.
- L. *Adoption of 2010 ADA Standards for Accessible Design.*** Effective July 1, 2015, that certain document known as the 2010 ADA Standards for Accessible Design, as published by the Department of Justice and adopted as a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697 is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein.
- 1. *Adoption of Amendment 1 to 2010 ADA Standards for Accessible Design.*** Effective July 1, 2015, that certain document known as Amendment 1 to 2010 ADA Standards for Accessible Design and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1697, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the 2010 ADA Standards for Accessible Design as adopted by the Mayor and Council of the City of Goodyear.
- M. *Adoption of Sound Transmission Control Near Luke Air Force Base.*** Effective July 1, 2015, that certain document known as “Sections 1215 through 1229 of Appendix Chapter 12 of the Uniform Building Code and Exhibits and Appendix Thereto Providing for

Sound Transmission Control Near Luke Air Base, 1996, as published by Maricopa Association of Governments” and declared a public record by Resolution 15-1697 is hereby referred to, adopted, and made a part hereto as if fully and completely set forth herein.

SECTION II. AMENDMENT OF ARTICLE 9-1 OF THE GOODYEAR CITY CODE:

Effective July 1, 2015, Article 9-1 of Chapter 9 of the Goodyear City Code is hereby amended to add the following:

§ 9-1-3 PENALTIES

- A. Any person, firm, corporation, partnership or association, whether principal, owner, agent, tenant or otherwise found guilty of violating any of the provision of Article 9-1 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars (\$50.00) and not greater than two thousand five hundred dollars (\$2,500.00) for an individual or not less than four hundred dollars (\$400.00) and not greater than twenty thousand dollars (\$20,000.00) for an Enterprise, or imprisonment not to exceed six (6) months or by both such fine and imprisonment. The term Enterprise as used in this subsection shall mean any corporation, partnership, association, labor union, or other entity or any group of associated persons although not a legal entity
- B. Notwithstanding the provisions in subsection A providing for the enforcement of violations of provisions of Article 9-1 as misdemeanors, violation of any provisions of Article 9-1 are declared to be civil code violations that may be adjudicated and enforced by the city court pursuant to Chapter 18 of the Goodyear City Code, as an additional enforcement alternative to other remedies provided in this section. Use of this civil code enforcement alternative is not mandatory and shall be at the discretion of the city official undertaking enforcement action on an alleged violation of any provision of Article 9-1.
- C. Upon a finding of responsible to a civil violation of any provision of Article 9-1, the court shall impose a civil sanction not less than fifty dollars (\$50.00) and not greater than two thousand five-hundred dollars (\$2,500.00) for an Individual and not less than two-hundred and fifty dollars (\$250.00) and not less than four hundred dollars (\$400.00) and not greater than twenty thousand dollars (\$20,000.00) for an Enterprise. The term Enterprise as used in this subsection shall mean any corporation, partnership, association, labor union, or other entity or any group of associated persons although not a legal entity.

§ 9-1-4 EACH DAY A SEPARATE VIOLATION

- A. Each day a violation continues shall constitute a separate offense.

§ 9-1-5 VIOLATIONS NOT EXCLUSIVE

- A. Violations of the provisions of Article 9-1 are in addition to any other violation of applicable Goodyear ordinance or code provision and in no way limits the penalties, actions, or abatement procedures which may be taken by the City of Goodyear for any

violation of the provisions of Article 9-1 which is also a violation of any other ordinance or code provision of the City of Goodyear, or statutes of the State of Arizona.

§ 9-1-6 INJUNCTIONS

- A. If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of Article 9-1, the city, or any property owner or tenant in such building or structure, in addition to other remedies, may institute any appropriate action or proceedings:
 - 1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
 - 2. To prevent the occupancy of the building structure or land;
 - 3. To prevent any illegal act, conduct, business or use in or about the premises; or
 - 4. To restrain, correct or abate the violation.
- B. When any such action is instituted by a property owner or tenant, notice of such action shall be served upon the City at the time suit is begun, by serving a copy of the complaint on the City Clerk.
- C. In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of Article 9-1.

SECTION III. REPEAL. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed as of July 1, 2015.

SECTION IV. PRESERVATION OF RIGHTS AND DUTIES. The repealing provisions of this Ordinance do not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the repeal.

SECTION V. CORRECTIONS. The City Clerk and his/her designee, the City Attorney and his/her designee, and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION VI. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or parts thereof.

SECTION VII. EFFECTIVE DATE. This Ordinance shall become effective July 1, 2015 and

in the manner prescribed by law."

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this
_____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk