

## ORDINANCE NO. 15-1320

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING SECTION 5-2-1 OF ARTICLE 5-2 OF CHAPTER 5 OF THE GOODYEAR CITY CODE TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE (2012 EDITION), AND FOR THE ADOPTION OF AMENDMENTS TO THE INTERNATIONAL FIRE CODE (2012 EDITION); TO AMEND ARTICLE 5-3 OF CHAPTER 5 OF THE GOODYEAR CITY CODE TO PROVIDE FOR PENALTIES, REMEDIES AND ACTIONS FOR VIOLATIONS OF ANY PROVISIONS OF ARTICLE 5-2 OF CHAPTER 5 OF THE GOODYEAR CITY CODE; TO PROVIDE FOR THE REPEAL OF EXISTING ORDINANCES OR PORTIONS THEREOF THAT CONFLICT WITH ARTICLES 5-2 AND/OR 5-3 OF CHAPTER 5 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 of the City of Goodyear, Maricopa County, Arizona desire to protect the public health and safety of the residents from fire and/or explosion; and

WHEREAS, the International Code Council, established with the membership of three model code development groups, promulgated the International Codes to provide and protect the public health, safety and welfare; and

WHEREAS, the fire code is the companion code to the other International Codes and correlation of the adopted codes by the jurisdiction is essential for the application and understanding of the codes;

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

### SECTION 1. AMENDMENT OF SECTION 5-2-1 OF ARTICLE 5-2 OF THE GOODYEAR CITY CODE.

Effective July 1, 2015, Section 5-2-1 of Article 5-2 of Chapter 5 of the Goodyear City Code is hereby amended by replacing Section 5-2-1 of Article 5-2 of Chapter 5 of the Goodyear City Code with the following:

#### **§ 5-2-1 INTERNATIONAL FIRE CODE ADOPTED**

- A. *Adoption of Code and Standards.* Effective July 1, 2015 that certain document known as the International Fire Code 2012 Edition, including only the following appendices: Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, and Appendix I 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. 15-1698 is hereby referred to, adopted, and made a part hereof as if fully and completed set forth herein except as amended below.

1. ***Adoption of Amendment 1 to International Fire Code. Effective July 1, 2015, that certain document known as “Amendment 1 to International Fire Code 2012 Edition and declared a public record by the Mayor and Council of the City of Goodyear by Resolution 15-1698, is hereby referred to, adopted, and made a part hereof as if fully and completely set forth herein amending the International Fire Code as adopted by the Mayor and Council of the City of Goodyear***

**SECTION 2. AMENDMENT OF SECTION 5-2-1 OF ARTICLE 5-2 OF THE GOODYEAR CITY CODE.**

Effective July 1, 2015, Article 5-3 PENALTIES and all sections therein of Chapter 5 of the Goodyear City Code is hereby deleted in its entirety and replaced with the following:

**ARTICLE 5-3: PENALTIES**

**§ 5-3-1 PENALTIES**

- A. Any person, firm, corporation, partnership or association, whether principal, owner, agent, tenant or otherwise found guilty of violating any of the provisions of Article 5-2 of the Goodyear City Code 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 5-2 of the Goodyear City Code as misdemeanors, violation of any of the provisions of Article 5-2 of the Goodyear City Code 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 of the provisions of Article 5-2 of the Goodyear City Code.
- C. Upon a finding of responsible to a civil violation of any of the provisions of Article 5-2 of the Goodyear City Code, 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.

### **§ 5-3-2 EACH DAY A SEPARATE VIOLATION**

Each day a violation continues shall constitute a separate offense.

### **§ 5-3-3 VIOLATIONS NOT EXCLUSIVE**

Violations of the provisions of Article 5-2 of the Goodyear City Code 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 5-2 of the Goodyear City Code which is also a violation of any other ordinance or code provision of the City of Goodyear, or statutes of the State of Arizona.

### **§ 5-3-4 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 5-2 of the Goodyear City Code, 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 5-2 of the Goodyear City Code.

### **SECTION 3. 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 4. 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 5. 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 6. 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 7. 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 )

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 15-1320 is a true, correct and accurate copy of Ordinance No. 15-1320, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at which a quorum was present and, by a \_\_\_\_\_ vote, \_\_\_\_\_ voted in favor of said ordinance.

Given under my hand and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

seal

City Clerk