

ORDINANCE NO. 1686-319

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING BY REFERENCE THE “2018 INTERNATIONAL BUILDING CODE,” THE “2018 INTERNATIONAL RESIDENTIAL CODE,” THE “2018 INTERNATIONAL EXISTING BUILDING CODE,” THE “2018 INTERNATIONAL MECHANICAL CODE,” THE “2018 INTERNATIONAL PLUMBING CODE,” THE “2017 NATIONAL ELECTRICAL CODE,” THE “2018 INTERNATIONAL FUEL GAS CODE,” THE “2018 INTERNATIONAL ENERGY CONSERVATION CODE” AND “THE AVONDALE AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2017 NATIONAL ELECTRICAL CODE, THE 2018 INTERNATIONAL FUEL GAS CODE AND THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE;” AMENDING THE AVONDALE CITY CODE, CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, RELATING TO BUILDING CODES; ESTABLISHING AN EFFECTIVE DATE AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, many neighboring communities have adopted, or are in the process of adopting, the most-current editions of national and international building codes; and

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to bring uniformity to the building community and to prohibit unsafe construction procedures and materials; and

WHEREAS, Chapter 4 of the Avondale City Code specifies the building construction codes that are to be followed within the City of Avondale (the “City”); and

WHEREAS, the City Council desires to amend the Avondale City Code, Chapter 4, Buildings and Building Regulations, to amend provisions relating to the codification of the previously-adopted 2012 International Building Code, 2012 International Residential Code, 2012 International Mechanical Code, 2012 International Plumbing Code, 2011 National Electrical Code, 2012 International Fuel Gas Code, 2012 International Energy Conservation Code and the Avondale Amendments to the 2012 International Building Code, the 2012 International Residential Code, the 2012 International Mechanical Code, the 2012 International Plumbing Code, the 2012 International Fuel Gas Code, the 2012 International Energy Conservation Code and the 2011 National Electrical Code and to adopt the most-current editions of such codes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Those certain documents known as the “2018 International Building Code,” the “2018 International Residential Code,” the “2018 International Existing Building Code,” the “2018 International Mechanical Code,” the “2018 International Plumbing Code,” the “2017 National Electrical Code,” the “2018 International Fuel Gas Code,” the “2018 International Energy Conservation Code” (collectively, the “Building Codes”) and “The Avondale Amendments to the 2018 International Building Code, the 2018 International Residential Code, the 2018 International Existing Building Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2017 National Electrical Code, the 2018 International Fuel Gas Code, and the 2018 International Energy Conservation Code” (the “Avondale Amendments”) (the Avondale Amendments and the Building Codes are collectively referred to herein as the “Technical Codes”) three paper copies and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 of which are on file in the office of the City Clerk as required by ARIZ. REV. STAT. § 9-802 and Article VII, Section 13 of the Avondale City Charter, and are available for public use and inspection during normal business hours, which Technical Codes are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the City Clerk.

SECTION 3. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article II (Building Code), Section 4-16 (Adopted), is hereby amended to reflect the adoption of the 2018 International Building Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Building Code and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, the 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Building Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Building Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the installing, construction, remodeling, alteration, repair and conversion of buildings within the corporate limits of the City of Avondale, and it is hereby declared to be unlawful to construct, erect, install, alter, repair, change, move, remove, maintain or use any house, building or structure in the City of Avondale, or cause or permit the same to be done, contrary to or in violation of said Building Code as herewith adopted by the City Council of the City of Avondale.

SECTION 4. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), is hereby amended to add a new Article VIII (Existing Building Code) to reflect the adoption of

the 2018 International Existing Building Code and the Avondale Amendments, to read as follows:

4-101- Adopted.

That certain document designated and marked as the 2018 International Existing Building Code, and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and those portions of that certain document entitled “The Avondale Amendments to the 2018 International Building Code, the 2018 International Residential Code, 2018 International Existing Building Code, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2017 National Electrical Code, the 2018 International Fuel Gas Code, and the 2018 International Energy Conservation Code” applicable to the 2018 International Existing Building Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Existing Building Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the remodeling, alteration, repair and conversion of existing buildings within the corporate limits of the City of Avondale, and is hereby declared to be unlawful to alter, repair, change, move, remove, maintain or use any house, building or structure within the corporate limits of City of Avondale, or cause or permit the same to be done, contrary to or in violation of any of the provisions of said Existing Building Code as herewith adopted by the Council of the City of Avondale.

4-17 - Fees.

The fees for building permits and plan review related to existing buildings shall be established by the City Council as part of the annual budget process or as otherwise adopted by City Council resolution.

SECTION 5. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article III (Electricity), Section 4-31 (Electrical code adopted), is hereby amended to reflect the adoption of the 2017 National Electrical Code and the Avondale Amendments, as follows:

That certain document designated and marked as the and the ~~2011~~ 2017 National Electrical Code and all appendices therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2011~~ 2017 National Electrical Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Electrical Code of the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the installing, construction, remodeling, alteration, repair, conversion, maintenance, use and removal of houses, buildings, structures and premises and of electrical installations of any type whatsoever therein or thereupon within the corporate limits of the City of Avondale, and it is hereby declared to be unlawful to construct, erect, install, remodel, alter, change, repair, convert,

maintain, use, remove or demolish any house, building, structure or premises or any electrical installation of any type whatsoever therein or thereupon within the City of Avondale, or cause or permit the same to be done, contrary to or in violation of the said Electrical Code as herewith adopted by the Council of the City of Avondale.

SECTION 6. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article IV (Fuel Gas Code), Section 4-46 (Adopted), is hereby amended to reflect the adoption of 2018 International Fuel Gas Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Fuel Gas Code, and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and those portions of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Fuel Gas Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Fuel Gas Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the alteration, repair, improvement, removal, equipping, use and maintenance of any fuel gas systems and gas-fired appliances within the City of Avondale, and is hereby declared to be unlawful to cause or permit the same to be done, contrary to or in violation of any of the provisions of the said Fuel Gas Code as herewith adopted by the Council of the City of Avondale.

SECTION 7. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article V (Mechanical Systems), Section 4-61 (Mechanical code adopted), is hereby amended to reflect the adoption of the 2018 International Mechanical Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Mechanical Code and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Mechanical Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Mechanical Code of the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the design, erection, construction, installation, quality of materials, location, operation, maintenance, repair, relocation, replacement, addition to and use of any heating, ventilating, comfort-cooling or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, and it is hereby declared to be unlawful to erect, install, alter, repair, add or replace, use or maintain heating, ventilating, comfort-cooling, incinerator or refrigeration equipment or other heat-

producing appliances within the City of Avondale, or cause or permit the same to be done, contrary to or in violation of any of the provisions of said Mechanical Code as herewith adopted by the Council of the City of Avondale.

SECTION 8. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article VI (Plumbing), Section 4-76 (Plumbing code adopted), is hereby amended to reflect the adoption of the 2018 International Plumbing Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Plumbing Code, and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Plumbing Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Plumbing Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of any plumbing systems on premises within the City of Avondale, and it is hereby declared to be unlawful to cause or permit the same to be done, contrary to or in violation of the said Plumbing Code as herewith adopted by the Council of the City of Avondale.

SECTION 9. The Avondale City Code, Chapter 4 (Building and Building Regulations), Article VII (Energy Conservation Code), Section 4-91 (Adopted), is hereby amended to reflect the adoption of the 2018 International Energy Conservation Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Energy Conservation Code, and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Energy Conservation Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Energy Conservation Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the installation, alteration, repair, improvement, removal, equipping, use and maintenance of any energy conservation system within the City of Avondale, and it is hereby declared to be unlawful to cause or permit the same to be done, contrary to or in violation of any of the provisions of the said Energy Conservation Code as herewith adopted by the Council of the City of Avondale.

SECTION 10. The Avondale City Code, Chapter 4 (Buildings and Building Regulations), Article XI (Residential Code), Section 4-151 (Adopted), is hereby amended to reflect the adoption of the 2018 International Residential Code and the Avondale Amendments, as follows:

That certain document designated and marked as the ~~2012~~ 2018 International Residential Code and all appendices contained therein, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, and that portion of that certain document entitled “The Avondale Amendments to the ~~2012~~ 2018 International Building Code, the ~~2012~~ 2018 International Residential Code, 2018 INTERNATIONAL EXISTING BUILDING CODE, the ~~2012~~ 2018 International Mechanical Code, the ~~2012~~ 2018 International Plumbing Code, the ~~2011~~ 2017 National Electrical Code, the ~~2012~~ 2018 International Fuel Gas Code, and the ~~2012~~ 2018 International Energy Conservation Code” applicable to the ~~2012~~ 2018 International Residential Code, three (3) copies of which are on file in the office of the City Clerk of the City of Avondale, together are hereby adopted as the Residential Code for the City of Avondale by reference as if set forth herein in full and made a part and parcel of the section for regulating and controlling the erection, construction, enlargement, alteration, repair, moving, improvement, removal, equipping, use, occupying and maintenance of any residential building on premises within the City of Avondale, and it is hereby declared to be unlawful to erect, construct, enlarge, alter, repair, maintain, move, improve, remove, demolish, equip, use, occupy or maintain any one- or two- family residential building or premises within the City of Avondale or cause or permit the same to be done, contrary to or in violation of any of the provisions of the said Residential Code as herewith adopted by the Council of the City of Avondale.

SECTION 11. Any person found guilty of violating any provision of the Technical Codes shall be guilty of a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 12. This Ordinance shall become effective 30 days after its passage, but the Technical Codes adopted herein shall not become effective until at 12:01 a.m. on July 1, 2019, or if the effectiveness of this Ordinance is prohibited by Arizona law at such time, then this Ordinance shall become effective at the earliest such later time as authorized by Arizona law.

SECTION 13. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, March 4, 2019.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney