

**ORDINANCE NO. O2018-050**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE YUMA CITY CODE, CHAPTER 150, SECTIONS 150-015 AND 150-016, ADOPTING BY REFERENCE THE 2018 INTERNATIONAL BUILDING CODE, INCLUDING APPENDICES C, I, and J, AND THE AMENDMENTS RECOMMENDED BY THE BUILDING ADVISORY BOARD DATED MAY 16, 2018, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

WHEREAS, on April 3, 2013, the City Council adopted the *2012 International Building Code*; and,

WHEREAS, Yuma City Council Resolution No. R2018-029 declared a document titled, “*2018 International Residential Code*” a public record; and,

WHEREAS, the City Council has considered the recommendation of the Building Advisory Board based on their actions taken at the meeting of May 16, 2018 recommending adoption of the *2018 International Building Code*, with Appendices C, I, and J and the amendments herein; and,

WHEREAS, up to date modern codes help protect the built environment from natural disasters and fires, and offer safe environments for the occupants for both residential and commercial structures; and,

WHEREAS, the City of Yuma is desirous of adopting the *2018 International Building Code*, with Appendices C, I and J and the amendments herein, to keep current with the code cycle and amendments to reflect modern technology, materials and techniques; and,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: The Yuma City Code Title 15, Chapter 150, Section 15 is amended to delete the following strikethrough text and add the following underlined text:

**§ 150-015 Adoption of the ~~2012~~ 2018 International Building Code.**

(A) That certain documents, three copies of which are on file as public record in the office of the City Clerk of the City of Yuma, being marked and titled as the ~~2012~~ 2018 International Building Code, which was made public record by Resolution ~~R2013-05~~ R2018-029, including Appendices C, I, and J, of said Building Code, as amended herein, are hereby adopted by reference and made a part hereof as if fully set out herein.

(B) Arizona Revised Statutes, Title 41, Chapter 9, Article 8 (A.R.S. § 41-1492 et seq.) is hereby adopted by reference as if set out in full in this section.

SECTION 2: The Yuma City Code Title 15, Chapter 150, Section 16 is amended to delete the following strikethrough text and add the following underlined text:

**§ 150-016. Amendments.**

The following amendments, additions, and deletions are hereby made to the ~~2012~~ 2018 International Building Code, as adopted by this subchapter. Paragraph, section numbers refer

to the International Building Code, 2012 2018 edition numbering system. Code references not amended in this section shall be enforced as published in the reference document.

(A.) **Section [A] 101.1 Title.** ~~Amend to read,~~ “These regulations shall be known as the *Building Code* of the City of Yuma, herein after referred to as ‘this code.’”

(B.) **Section [A] 101.4.5 Fire prevention.** ~~Amend to read,~~ “The provisions of the current adopted fire code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling, or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair, alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.”

(C.) **Section [A] 103.1 Creation of enforcement agency.** ~~Amend to read,~~ “The Department of Community Development, Building Safety Division is hereby created and the official in charge thereof shall be known as the *building official*.”

(D.) **Section [A] 104.10.1 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(E.) **Section [A] 105.2 Work exempt from permit.** Add the following additional item under the heading, “**Building:**”

14. “Window replacements of like size where framing is not altered and any required emergency egress dimensions are not diminished from existing, in Group R-3 one-and two-family dwellings and installed by either a licensed contractor or owner-occupant of the residence.”

(F.) **Section [A] 105.3.2 Time limitation of application.** ~~Amend first sentence to read,~~ “An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

(G.) **105.8 Construction Debris.** Construction sites shall be kept reasonably clean of construction debris during the course of construction. Construction debris shall be removed or retained on the lot and not be at risk to be displaced from the lot by wind. Debris shall not be allowed to transfer to adjacent lots or City rights of way.

If the *Building Official* determines that the construction site is not in compliance with this section or the debris presents a safety hazard for inspection personnel, inspections shall not be performed until the construction site is cleaned.

(GH.) **Section [A] 107.2.2 Fire protection system shop drawings.** ~~Amend to read,~~ “Plan submittal documents shall include either a statement of the design criteria for the *fire protection system(s)* to also include a current fire flow test within the past 12 months, or the complete design, plans, calculations and data for the *fire protection system(s)*. If only the design criteria is initially submitted, the complete design, plans, calculations and data for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction*

documents and shall be approved prior to the start of system installation. In addition, where applicable, shop drawings, calculations and data shall be submitted and shall contain all information as required by the referenced installation standards in Chapter 9.”

(H I.) Section [A] 107.2.6.1 Design flood elevations. Delete section in its entirety in favor of adopted City floodplain ordinances.

(I J.) Section [A] 109.2 Schedule of permit fees. Amend by adding Building Permit Fee Table 1-A:

**TABLE 1-A: BUILDING PERMIT FEES**

<b>Schedule of Building Permit Fees</b>	
Total Valuation	Fee
\$1 to \$500	\$50.00
\$501 to \$2,000	\$50.00 for the first \$500 plus \$4 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$110.00 for the first \$2,000 plus \$16 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$478.00 for the first \$25,000 plus \$12 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$780.00 for the first \$50,000 plus \$8 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,180.00 for the first \$100,000 plus \$6 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,580.00 for the first \$500,000 plus \$6 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$6,580.00 for the first \$1,000,000 plus \$4 for each additional \$1,000, or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Permit fees for mechanical, plumbing and electrical shall be as indicated per applicable fee tables of the respective ordinances.	
2. Inspections outside of normal business hours, \$50 per hour* (minimum charge – 2 hours)	
3. Reinspection fees of \$50 per hour*, for work not ready for inspection.	
4. <u>Inspections on Weekends and Holidays, \$100 per hour* (minimum charge – 2 hours)</u>	
4 5. Inspection fees for which no fee is specifically indicated, \$50 per hour* (minimum charge – one-half hour)	
5 6. Additional plan review required by changes, additions or revisions to plans, \$50 per hour* (minimum charge – one-half hour)	
6 7. For use of outside consultant. For plan checking and inspections, or both Actual Costs**	
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employee involved.	
** Actual costs include administrative and overhead costs.	

(J K.) ~~Create new section, [A] 109.2.1 Plan review fees.~~ When submittal documents are required by Section [A] 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A.

The plan review fees specified in this section are separate fees from the permit fees specified in Section [A] 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table 1-A.

(~~K~~ L.) **Section [A] 109.4 Work commencing before permit issuance.** Add to end of section, "An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be determined by the *building official*, based on the circumstances, nature, and severity of the infraction. The minimum investigation fee shall be \$50.00 and the maximum shall be an amount up to the same as the fee set forth in Table 1-A."

(~~E~~ M.) **Section [A] 109.6 Refunds.** ~~Amend to read,~~ "The *building official* shall 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 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent 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 plan review effort has been expended.

The *building official* shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment."

(~~M~~ N.) **Section [A] 110.3.5 Lath and gypsum board inspection.** Delete exception to section.

(~~N~~ O.) **Section [A] 110.3.11.1 Flood hazard documentation.** ~~Amend to read,~~ "If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in adopted City floodplain ordinances shall be submitted to the *building official* and the City floodplain administrator prior to the final inspection."

(~~O~~ P.) **Section [A] 113.1 General.** Add to end of section, "The membership of the Building Advisory Board, as prescribed in Section 150-008 of the Yuma City Code, will be the Board of Appeals."

(~~P~~ Q.) **Section [A] 113.3 Qualifications.** Delete section in its entirety.

(~~Q~~ R.) **Section [A] 114.4 Violation penalties.** ~~Amend to read,~~ "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who 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, shall be subject to the penalty and fine described in this ordinance."

(~~R~~ S.) **Section [A] 115.3 Unlawful continuance.** ~~Amend to read,~~ "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 penalty and fine described in this ordinance."

(§ T.) **CHAPTER 11 ACCESSIBILITY.** Delete entire text of Chapter 11 and amend to read, "Buildings and facilities shall be designed and constructed to be accessible in accordance with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."

(U.) **Section 1609.3 Basic design wind speed.** Add to end of Section, "The basic design wind speed, V, for all locations in City of Yuma, shall be as follows:

Risk Category I:	93 mph
Risk Category II:	99 mph
Risk Category III:	106 mph
Risk Category IV:	110 mph

(F V.) **SECTION 1612 FLOOD LOADS.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(W.) **Section 1613.2.5 Determination of seismic design category.** Add to end of section, "Regardless of design methodology utilized, all locations in City of Yuma shall be classified as *Seismic Design Category D.*"

(X.) **Section 1611.1 Design rain loads.** Add to end of section, "Design hourly rainfall for all locations in City of Yuma shall be taken as 2.25 inches (56 mm)."

(U Y.) **Section 1705.6 Soils.** Amend exception to read: "**Exception:** Where Section 1803 does not require reporting of materials and procedures for fill placement, the *special inspector* shall verify that the in-place dry density of the compacted fill is not less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557, or not less than 95 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 698 where *approved* by the *building official.*"

(V Z.) **Section 1804.6 Compacted fill material.** Amend exception to read: "**Exception:** Compacted fill material 12 inches (305 mm) in depth or less need not comply with an *approved* report, provided that the in-place dry density is not less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557, or not less than 95 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D 698 where *approved* by the *building official.* The compaction shall be verified by *special inspection* in accordance with Section 1705.6"

(W AA.) **Section 2304.10.5.1 Fasteners and connectors for preservative-treated wood.** Add second exception to section:

"2. Fasteners for *preservative-treated wood* sill plates to studs in areas not normally subjected to high moisture."

(X BB.) **Section 2512.1.2 Weep screeds.** Amend second sentence to read, "The weep screed shall be placed not less than 4 inches (102 mm) above the earth or ¾" (19 mm) above paved areas and be of a type that will allow trapped water to drain to the exterior of the building."

(CC.) Section 2902.6 Small Occupancies. Add to end of section, "In other than Assembly uses and Educational facilities, drinking fountains are not required for an occupant load of 25 or fewer."

(Y DD.) [P] Table 2902.1 Minimum Number of Required Plumbing Fixtures. Add second sentence to footnote "f" of table, "In other than Group A and E Occupancies, drinking fountains are not required for an occupant load of 25 or fewer."

~~(Z) Section 3109.3 Public swimming pools.~~ Amend to read, "**3109.3 Public, semi-public, and residential swimming pools.** Public swimming pools shall be completely enclosed by a fence not less than 6 feet (1935 mm) in height or a screen enclosure. Semi-public and residential swimming pools shall be completely enclosed by a fence not less than 5 feet (1524 mm) in height or a screen enclosure. Openings in the fence shall not permit passage of a 4" diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self closing and self latching gates. The primary fence shall include a concrete ribbon curb or other approved material around the entire perimeter."

~~(AA) Section 3109.4 Residential swimming pools.~~ Amend to read, "**3109.4 Swimming Pool Requirements.** Public, semi-public, and residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3. Public and semi-public swimming pools shall also comply with applicable Arizona Statutes and ADEQ requirements which may supersede code requirements."

~~(BB) Section 3109.4 Residential swimming pools.~~ Delete exception to section.

~~(CC) Section 3109.4.1 Barrier height and clearances.~~ Amend first sentence to read, "The top of the barrier shall be not less than the minimum height above grade as specified in Section 3109.3, measured on the side of the barrier that faces away from the swimming pool."

~~(DD) Section 3109.4.1.7 Gates.~~ Add to end of section, "Where provided, card access readers for gates shall be mounted at 54 inches (1372 mm) above grade, shall be 'fail-secure' on the away side of the pool in event of a power loss, and gates shall be operable from the inside for egress during normal operation and in the 'fail secure' mode."

~~(EE) Section 3109.4.1.8 Dwelling wall as barrier.~~ Section is amended as follows:

- ~~1.~~ "Amend section title to read as follows: '**3109.4.1.8 Building wall as barrier.**'"
- ~~2.~~ Substitute 'building' for the term 'dwelling' wherever it is used throughout this section.
- ~~3.~~ Add item 4 to section as follows:
- ~~4.~~ The swimming pool shall be provided with a secondary barrier not less than 4 feet (1219 mm) in height, meeting requirements of Section 3109.4.1 through 3109.4.1.7."

~~(FF EE.)~~ Create new section, **3304.2 Dust Control.** Prior to construction, a plan shall be submitted to the *building official* outlining the steps that will be taken throughout construction to minimize and control dust associated with the project.

~~(GG) SECTION 3411 ACCESSIBILITY FOR EXISTING BUILDINGS. Delete entire text of section 3411 and amend to read, "Accessibility provisions for maintenance, change of occupancy, additions, and alterations to existing buildings, including those identified as historic buildings, shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)."~~

~~(HH FF.) Section J101.1 Scope. Add to end of section, "The provisions of this chapter are intended to be used in conjunction with the provisions set forth in City Ordinance No. 1670; and 1836; and O2004-72; and O2005-15; and O2006-38; and O2007-78."~~

~~(H GG.) Section J103.1 Permits required. Amend by adding Grading Permit Fee Table J-1, in accordance with fee provisions of Section [A] 109 Fees:~~

**TABLE J-1 – GRADING PERMIT FEES**

<b>Schedule of Grading Permit Fees</b>	
<b>Cubic Yards</b>	<b>Fee</b>
1 to 50	\$23.50
51 to 100	\$37.00
101 to 1000	\$37.00 for the first 100 plus \$17.50 for each additional 100 cubic yards, over 100 cubic yards, or fraction thereof
1,001 to 10,000	\$194.50 for the first 1,000 cubic yards plus \$14.50 for each additional 1,000 cubic yards, over 1,000 cubic yards, or fraction thereof
10,001 to 100,000	\$325.00 for the first 10,000 plus \$66.00 for each additional 10,000 cubic yards, over 10,000 cubic yards, or fraction thereof
100,001 or more	\$919.00 for the first 100,000 cubic yards plus \$36.50 for each additional 10,000 cubic yards over 100,000 cubic yards, or fraction thereof
<b>Other Inspections and Fees:</b>	
<ol style="list-style-type: none"> <li>1. Inspections outside of normal business hours, \$50 per hour* (minimum charge – 2 hours)</li> <li>2. Reinspection fees of \$50 per hour*, for work not ready for inspection.</li> <li>3. Inspection fees for which no fee is specifically indicated, \$50 per hour* (minimum charge – one-half hour)</li> <li>4. <u>Inspections on Weekends and Holidays, \$100 per hour* (minimum charge – 2 hours)</u></li> <li>5. For use of outside consultant. For inspections, Actual Costs**</li> </ol>	
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	

~~(H HH.) Create new section, "J104.5 Plan review fees. When submittal documents are required by Section J104.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with Table J-2 Grading Plan Review Fees.~~

The plan review fees specified in this section are separate fees from the permit fees specified in Section J103.1 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table J-2”

**TABLE J-2 – GRADING PLAN REVIEW FEES**

<b>Schedule of Grading Permit Fees</b>	
Cubic Yards	Fee
0 to 50	No fee
51 to 100	\$23.50
101 to 1000	\$37.00
1,001 to 10,000	\$49.25
10,001 to 100,000	\$49.25 for the first 10,000 plus \$24.50 for each additional 10,000 cubic yards, over 10,000 cubic yards, or fraction thereof
100,001 to 200,000	\$269.75 for the first 100,000 cubic yards plus \$13.25 for each additional 10,000 cubic yards over 100,000 cubic yards, or fraction thereof
200,001 or more	\$402.25 for the first 200,000 cubic yards plus \$7.25 for each additional 10,000 cubic yards over 200,000 cubic yards, or fraction thereof
<b>Other Fees:</b>	
<ol style="list-style-type: none"> <li>1. Additional plan review required by changes, additions or revisions to plans, \$50 per hour* (minimum charge – one-half hour)</li> <li>2. For use of outside consultant. For plan checking, Actual Costs**</li> </ol>	
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	

~~(KK II.)~~ **Section J107.5 Compaction.** ~~Amend to read,~~ “All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, or 95 percent of maximum density as determined by ASTM D 698, Standard Proctor where approved by the *building official*, in lifts not exceeding 12 inches (305 mm) in depth, or as recommended in the certified geotechnical report.”

**SECTION 3:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, effective thirty (30) days from the adoption hereof. All ordinances or parts of ordinances not amended or repealed by the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4:** This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

**SECTION 5:** 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 a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

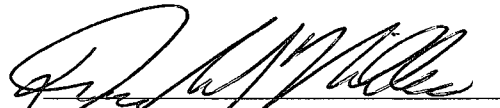


SECTION 6: Violations of this Ordinance are subject to the following penalties:

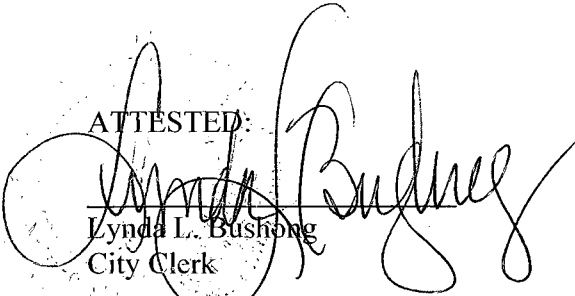
It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class 1 misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment for not more than ten days, or by both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

Adopted this 5th day of December, 2018.


APPROVED:

  
\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

ATTESTED:

  
\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Richard W. Files  
City Attorney