

ORDINANCE NO. O2018-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE YUMA CITY CODE, CHAPTER 150, SECTIONS 150-090 AND 150-091, ADOPTING BY REFERENCE THE *2018 INTERNATIONAL PROPERTY MAINTENANCE CODE*, INCLUDING APPENDIX A, AND AMENDMENTS RECOMMENDED BY THE RESIDENTIAL ADVISORY BOARD DATED JUNE 5, 2018 AND THE BUILDING ADVISORY BOARD DATED JUNE 20, 2018, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

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

WHEREAS, Yuma City Council Resolution No. R2018-032 declared a document titled, "*2018 International Property Maintenance Code*" a public record; and,

WHEREAS, the City Council has considered the recommendation of the Residential Advisory Board based on their actions taken at the meeting of June 5, 2018 and the Building Advisory Board based on their actions taken at the meeting of June 20, 2018 recommending adoption of the *2018 International Property Maintenance Code*, with Appendix A and the amendments herein; and,

WHEREAS, the City of Yuma is desirous of adopting the *2018 International Property Maintenance Code*, with Appendix A and the amendments herein, to keep current with the code cycle and establish criteria for prevention of deterioration of the built environment and unsafe structures; 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,

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 090 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-090 Adoption of the ~~2012~~ 2018 International Property Maintenance Code.

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 Property Maintenance Code, which was made public record by Resolution ~~R2013-06~~ R2018-032, including Appendix A, of said Property Maintenance Code, as amended herein, are hereby adopted by reference and made a part hereof as if fully set out in the entirety herein.

SECTION 2: The Yuma City Code Title 15, Chapter 150, Section 091 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-091. Amendments.

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

numbers refer to the ~~2012~~ 2018 International Property Maintenance Code edition number system. Code reference 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 *International Property Maintenance Code* of the City of Yuma, hereinafter referred to as ‘this code’.”

(B.) **Section [A] ~~102.3~~ 302.3 Application of other codes.** Amend “*International Fire Code*” in first sentence to “current adopted fire code.” Amend “*International Zoning Code*” in last sentence to “*City of Yuma Zoning Code*.” Add to end of section, “Substitute ‘current adopted fire code’ throughout this code for the term ‘*International Fire Code*’.”

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

(D.) ~~Create new section,~~ “[A] **103.1.1.** Amend all sections of this code to substitute ‘*building official*’ for the term ‘*code official*.’”

(E.) **Section [A] 106.3 Prosecution of violation.** Amend first sentence to read, “Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a class 1 misdemeanor as described in this ordinance.”

(F.) **Section [A] 106.4 Violation penalties.** Amend to read, “Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to the penalty and fine described in this ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense”

(G.) **Section [A] 111.2 Membership of the board.** Amend to read, “The membership of the Residential Advisory Board, as prescribed in Section 150-175 of the Yuma City Code, will be the Board of Appeals for Residential appeals (one-and two-family dwellings). The membership of the Building Advisory Board, as prescribed in Section (~~150-016~~ 008) of the Yuma City Code, will be the Board of Appeals for Commercial appeals.”

(H.) Delete the following sections in their entirety:

Section [A] 111.2.1 Alternate members
Section [A] 111.2.2 Chairman
Section [A] 111.2.3 Disqualification of member
Section [A] 111.2.4 Secretary
Section [A] 111.2.5 Compensation of members
Section [A] 111.3 Notice of Meeting
Section [A] 111.4 Open Hearing
Section [A] 111.4.1 Procedure
Section [A] 111.5 Postponed hearing
Section [A] 111.6 Board decision
Section [A] 111.6.1 Records and copies
Section [A] 111.6.2 Administration

(I.) **Section [A] 112.2 Issuance.** Insert the following between the first and second sentences, "In absence of anyone present on site, the order shall be conspicuously posted on the premises."

(J.) **Section [A] 112.4 Failure to comply.** 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 as described in this ordinance."

(K.) **Section 302.4 Weeds.** Amend first sentence to read, "All premises and exterior property shall be maintained free from weeds or plant growth not properly controlled."

(L.) **Section 302.8 Motor Vehicles.** Amend to read, "~~Section 302.8 Inoperable motor vehicles.~~ Any vehicle or motor vehicle that cannot be legally operated, that is disassembled, dismantled, or partially dismantled, that is incapable of being propelled under its own power, or that is not currently licensed or able to be licensed, and is kept or allowed to remain upon any property in the city in such a manner so as to be visible from beyond the boundary of the lot are prohibited. Painting of vehicle is prohibited unless conducted inside an approved spray booth. These provisions shall not apply to any inoperable vehicle stored on private property within the city if the vehicle:

- a) — Is lawfully enclosed within a structure;
- b) — Is completely covered with an opaque car cover specifically designed and sold for such use;
- c) — Is a vehicle registered and licensed to a resident of the property and is ——— undergoing repair, and that the total period during which the vehicle is inoperable did not exceed 15 days;
- d) — Is completely enclosed by any fence, wall or barrier, not less than five feet in height, constructed of opaque materials without openings, holes or gaps other than gates or doors which shall also be constructed of opaque material. If the inoperable vehicle is located in the rear yard of the property then the fence, wall or barrier need not be constructed of opaque material as long as said vehicle is completely covered by an opaque car cover specifically designed and sold for such use; or
- e) — Is a legally established use on such property."

(~~M~~L.) **Section 303.2 Enclosures.** Amend first sentence to read, "All swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool."

(N.) **Section 303.2 Enclosures.** Add second exception to section:

~~"2. Above ground pools with 48" (1219 mm) high walls with removable ladder."~~

(~~O~~M.) **Section 304.14 Insect Screens.** Delete section in its entirety

(~~P~~N.) **Table 404.5 – Minimum Area Requirements.** Add exception as footnote "c" to table:

"c. **Exception.** The minimum area requirements do not apply to immediate family members. Immediate family is defined to include parent or grandparent (including in-law and step);

child or grandchild (including adopted, foster, step or legal ward) regardless of age; sibling (including in-law, step, half) and spouse.”

(EQ.) **Section 602.2 Residential Occupancies.** Amend last sentence to read, “Cooking appliances shall not be used, nor shall any portable space heaters be used, as a means to provide required heating.”

(RP.) **Section 602.3 Heat Supply.** Amend first sentence to read, “Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.”

(SQ.) **Section 602.4 Occupiable work spaces.** Amend first sentence to read, “Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.”

(F.) **Section [F] 702.1 General.** Amend last sentence to read, “Means of egress shall comply with the adopted fire code.”

(U.) **Section [F] 702.2 Aisles.** Amend to read, “The required width of aisles shall comply with the adopted fire code and shall be unobstructed.”

(V.) **Section [F] 703.3 Locked doors.** Amend to read, “All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms with the adopted fire code.”

(WR.) **CHAPTER 8 REFERENCED STANDARDS.** Delete reference to ICC IZC-12 18 International Zoning Code.

(X.) **APPENDIX A BOARDING STANDARD.** Adopted by Reference.

(Y.) **Section A103.1, Boarding Installation.** Add to end of section, “Boarding materials shall be painted to match the exterior of the building.”

(S.) Replace APPENDIX A as follows:

“APPENDIX A
CITY OF YUMA BOARDING REQUIREMENTS”

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 3/16-inch (4.76 mm) thick polycarbonate clear board panels.

A102.2 Boarding framing material. Boarding framing material shall be the clear boarding bracing system (polyethylene) minimum 1-inch (25.4 mm) thick.

A102.3 Boarding fasteners.

Option 1 - Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

Option 2 - Boarding fasteners shall be minimum #8 Torx screw, minimum 2-inch (51 mm) long, alternating every 6 inches (152 mm) on center into existing 2-inch nominal king stud or trimmer (if king studs do not exist, nominal 2x material shall be added around opening.).

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

Option 1. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

Option 2. Boarding material can overlap door opening to be secured with screws to the existing king stud and trimmer. Boarding sheet material shall be secured with screws (min. #8 Torx screw) alternating every 6 inches (152 mm) on center.

A103.4 Door walls.

Option 1 - The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically.

Option 2 - Boarding material can overlap door opening to be secured with screws to the existing king stud and trimmer. Boarding sheet material shall be secured with screws (min #8 Torx screw) alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104
REFERENCED STANDARD

IBC—18 International Building Code A102.1, A102.2, A102.3”

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.

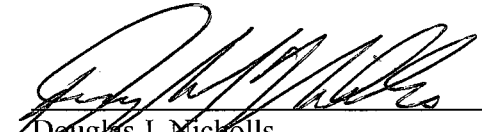
SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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.

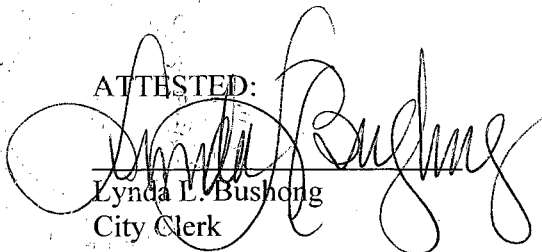
Adopted this 5th day of December, 2018.

APPROVED:




Douglas J. Nicholls
Mayor

ATTESTED:



Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:



Richard W. Files
City Attorney