

## ORDINANCE 10-11

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF HOLBROOK, ARIZONA, AMENDING CHAPTER 5 OF THE HOLBROOK CITY CODE BY ADOPTING THE 2006 INTERNATIONAL BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL AND FUEL CODES BY REFERENCE WITH EXCEPTIONS TO THE INTERNATIONAL BUILDING CODE.**

**WHEREAS**, the Mayor and the City Council of the City of Holbrook have considered the revisions to the Uniform Building Codes; and

**WHEREAS**, THE Mayor and City Council desire to adopt the 2006 Editions of the international Building and Residential codes with the exceptions as outlined in Section 5-2-2.

**Now, Therefore be it ordained** by the Mayor and City Council of the City of Holbrook that the City of Holbrook Code is amended as follows:

Section 1. That a certain document known as "2006 Edition of the International Residential Code with exceptions, 2006 Edition of the International Plumbing Code, 2006 Edition of the International Mechanical and Fuel Codes" a copy of which are on file in the office of the City Clerk of the City of Holbrook, Arizona, being marked and designated as the "2006 Edition of the International Residential Code with exceptions, 2006 Edition of the International Plumbing Code, 2006 Edition of the International Mechanical and Fuel Codes" which document was made a public record by Resolution No. 10-08 of the City of Holbrook, Arizona, is hereby referred to and made a part hereof as if fully set out in this ordinance.

Section 2. Amendment to Article 5

Chapter 5 of the City of Holbrook City Code, Articles 5-1-1, 5-2-1, 5-2-2, 5-2-3 and 5-2-4 are hereby amended to read as follows, with deletions shown as strikethroughs, and with added language shown in CAPS and underlined.

5-1-1 is amended as follows: It is unlawful to construct any building or addition thereto, or to remodel or improve any real property or the improvements located thereon when the cost such construction, remodeling or improvement exceeds one thousand dollars, EXCEPT REPLACEMENT OF FLOOR OR WALL COVERINGS, WINDOWS, ROOFING AND PAINTING; or to move any building or a part of building from or to any location or site, without having first obtained a permit from the city.

5-2-1 is amended as follows: There is hereby adopted by reference, as if fully set forth herein, the ~~1994 Edition of the Uniform Plumbing Code~~, 2006 EDITION OF THE

INTERNATIONAL PLUMBING CODE, CURRENT edition, or as may be revised from time to time by the International Conference of Building Officials.

5-2-2 (A) is amended as follows: There is hereby adopted by reference as if fully set forth herein, the 1997 Edition of the Uniform Building Code, the 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE.

~~current edition or as may be revised from time to time by the International Conference of Building Officials~~ WITH THE FOLLOWING EXCEPTIONS:

1. THE SNOW LOAD FOR ROOFING SHALL BE A MINIMUM OF 25# PSF.
2. ATTACHED GARAGES: ALL CEILINGS AND WALLS COMMON WITH A DWELLING, SHALL BE 5/8" TYPE X SHEETROCK MINIMUM. SOLID CORE DOORS WITH SELF CLOSING HINGES ARE REQUIRED AT THE DWELLING ACCESS.
3. A BUILDING PERMIT IS REQUIRED FOR ANY STRUCTURE THAT IS 120 SQUARE FEET OR LARGER
4. BASIC WIND SPEED OF 80 MPH FOR WIND DESIGN

THE PREVIOUS EDITION OF BUILDING CODE WILL REMAIN VALID FOR ALL WORK IN PROGRESS ON THE EFFECTIVE DATE OF THE NEW EDITION FOR AN OPEN PERMIT TO BE CONSIDERED AS "IN PROGRESS", WORK SHALL NOT BE INTERRUPTED FOR A PERIOD IN EXCESS OF SIX (6) MONTHS. THE FORMER UNIFORM CODE SERIES ARE RETAINED AS SUPPLEMENTARY REFERENCES.

5-2-3 is amended as follows: There is hereby adopted by reference as is fully set forth herein, the 2008 Edition of the National Electrical Code, current edition, or as it may be revised from time to time by the National Fire Protection Association.

5-2-4 is amended as follows: There is hereby adopted by reference as is fully set forth herein, the 1997 Uniform Mechanical Code, the 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, ~~current edition, or as it may be revised from time to time by the International Conference of Building Officials.~~

Section 3. Addition to Chapter 5 Article 5-2

5-2-8 INTERNATIONAL FUEL CODE IS ADDED AS FOLLOWS: THERE IS HEREBY ADOPTED BY REFERENCE AS FULLY SET FORTH HEREIN, THE 2006 EDITION OF THE INTERNATIONAL FUEL CODE.

5-2-9 VIOLATIONS

A. CIVIL:

1. EVERY PERSON WHO OWNS ANY LAND, BUILDING OR STRUCTURE IN THE CITY IS CIVILLY RESPONSIBLE FOR ANY

VIOLATION OF THIS CHAPTER WHICH EXISTS WITH RESPECT TO SUCH LAND, BUILDING OR STRUCTURE.

2. UPON FINDING A PERSON RESPONSIBLE FOR A CIVIL VIOLATION, THE COURT SHALL IMPOSE UPON SUCH PERSON A CIVIL SANCTION OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) AND NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00). THE COURT SHALL NOT SUSPEND THE IMPOSITION OF THE MINIMUM SANCTION UNLESS THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE PERSON HAS CORRECTED EVERY VIOLATION FOR WHICH HE WAS FOUND RESPONSIBLE, AND THAT THE PERSON IS IN COMPLIANCE WITH THIS CHAPTER. IN THAT EVENT, THE COURT MAY, IN ITS DISCRETION, SUSPEND ALL BUT ONE HUNDRED FIFTY DOLLARS (\$150.00) OF THE SANCTION UPON SUCH CONDITIONS AS THE COURT DEEMS JUST.

B. CRIMINAL.

1. EVERY PERSON WHO OWNS ANY LAND, BUILDING OR STRUCTURE IN THE CITY, AND WHO INTENTIONALLY, KNOWINGLY, WILLFULLY OR RECKLESSLY CAUSES, ALLOWS, SUFFERS OR PERMITS A VIOLATION OF THIS CHAPTER TO EXIST WITH RESPECT TO SUCH LAND, BUILDING OR STRUCTURE COMMITS A CLASS ONE MISDEMEANOR.
2. UPON CONVICTION, THE COURT, AT A MINIMUM, SHALL SENTENCE THE DEFENDANT TO A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) AND TO PROBATION FOR NOT LESS THAN ONE YEAR. THE COURT SHALL NOT SUSPEND THE IMPOSITION OF THE MINIMUM FINE OR PROBATION UNLESS THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE DEFENDANT HAS CORRECTED EVERY VIOLATION FOR WHICH THE DEFENDANT WAS FOUND GUILTY, AND THAT THE DEFENDANT IS IN COMPLIANCE WITH THIS CHAPTER. IN THAT EVENT THE COURT MAY, IN ITS DISCRETION, SUSPEND ALL BUT ONE HUNDRED FIFTY DOLLARS (\$150.00) OF THE FINE ON THE CONDITION THAT THE DEFENDANT DOES NOT COMMIT ANOTHER CRIMINAL VIOLATION OF THIS CHAPTER FOR THREE (3) YEARS FOLLOWING THE DATE OF SENTENCING.

- C. ACTIONS NOT EXCLUSIVE. THE CITY'S ELECTION TO PROSECUTE A CIVIL OR CRIMINAL ACTION TO ENFORCE THE PROVISIONS OF THIS CHAPTER DOES NOT LIMIT OR RESTRICT THE CITY'S ABILITY

TO BRING AGAINST THE DEFENDANT ANY OTHER ACTION AUTHORIZED BY LAW, INCLUDING, BUT NOT LIMITED TO, AN ADMINISTRATIVE ABATEMENT PROCEEDING.

D. VIOLATIONS-SEPARATE VIOLATIONS ON DAILY BASIS

EACH VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A SEPARATE VIOLATION FOR EACH DAY THAT THE OWNER PERMITS THE VIOLATION TO OCCUR, AND MAY BE PROSECUTED AND PUNISHABLE AS AN INDIVIDUAL AND SEPARATE OFFENSE FOR EACH DAY THAT THE OWNER PERMITS THE VIOLATION TO OCCUR.

5-2-10 CORRECTIONS OF VIOLATIONS

A. AUTHORITY. IN ADDITION TO ANY CIVIL SANCTION OR CRIMINAL PENALTY, THE COURT MAY IN ITS DISCRETION ORDER THE DEFENDANT TO CORRECT THE VIOLATION BY A SPECIFIED DATE, AND MAY ORDER THE CITY TO ENTER THE PROPERTY AND CORRECT THE VIOLATION IF THE DEFENDANT FAILS TO COMPLY WITH THE COURT'S CORRECTION ORDER. THE COURT MAY REQUIRE THE DEFENDANT TO CORRECT THE VIOLATION AS A CONDITION OF SUSPENDING A PORTION OF THE CIVIL SANCTION OR CRIMINAL PENALTY.

B. RECOVERY OF COSTS INCURRED BY CITY

1. FOR A CIVIL VIOLATION OF THIS CHAPTER, IF THE CITY CORRECTS A VIOLATION PURSUANT TO THIS CHAPTER, THE CITY MAY PETITION THE COURT TO RECOVER THE COSTS, EXPENSES AND ATTORNEY FEES WHICH THE CITY INCURRED IN CORRECTING THE VIOLATION AND IN BRINGING THE PETITION FOR RECOVERY. IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE CITY IS ENTITLED TO RECOVER, THE COURT MAY ORDER THE DEFENDANT TO PAY TO THE CITY THE AMOUNT OF THE COSTS, EXPENSES AND ATTORNEY FEES REASONABLY INCURRED BY THE CITY, AND MAY ENTER JUDGMENT IN FAVOR OF THE CITY AND AGAINST THE DEFENDANT IN THAT AMOUNT. THE COURT MAY MAKE PAYMENT OF THE JUDGMENT A CONDITION OF SUSPENDING A PORTION OF THE CIVIL SANCTION.

2. FOR A CRIMINAL VIOLATION OF THIS CHAPTER, IF THE CITY CORRECTS A VIOLATION PURSUANT TO THIS CHAPTER, THE CITY MAY PETITION THE COURT TO ORDER THE DEFENDANT TO PAY RESTITUTION TO THE CITY IN THE AMOUNT OF THE COSTS, EXPENSES AND ATTORNEY FEES WHICH THE CITY INCURRED IN CORRECTING THE VIOLATION AND IN

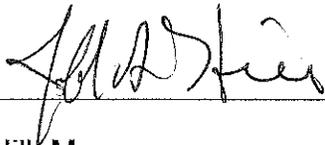
BRINGING THE PETITION FOR RESTITUTION. THE COURT MAY, IN ITS DISCRETION, ORDER THE DEFENDANT TO PAY SUCH RESTITUTION TO THE CITY. THE COURT MAY MAKE THE PAYMENT OF RESTITUTION A CONDITION OF SUSPENDING A PORTION OF THE CRIMINAL PENALTY.

5-2-11 JOINT AND SEVERAL LIABILITY

A. IF MORE THAN ONE PERSON OWNS A PARTICULAR PARCEL OF PROPERTY, THEN ALL SUCH PERSONS ARE JOINTLY AND SEVERALLY LIABLE FOR EVERY CIVIL VIOLATION OF THIS CHAPTER EXISTING WITH RESPECT TO THAT PARCEL.

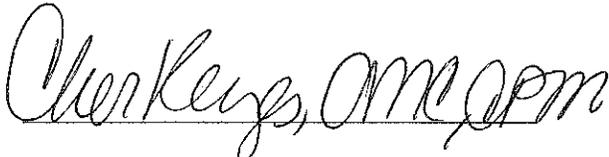
B. IN A CRIMINAL PROSECUTION FOR VIOLATIONS OF THIS CHAPTER, IT SHALL NOT BE A DEFENSE THAT ANOTHER PERSON IS ALSO GUILTY OF A CRIMINAL OR CIVIL VIOLATION OF THIS CHAPTER.

PASSED AND ADOPTED THIS 28<sup>th</sup> day of Sept. 2010



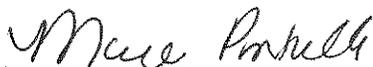
Jeff Hill, Mayor

ATTEST:



Cher Reyes, CMC, City Clerk

APPROVED AS TO FORM:



Marlene Pontrelli, Attorney