Staff Summary Report

Tempe

City Council Meeting Date:	November 20, 2008	**Agenda Item Number:**	39a

SUBJECT: This is the introduction and first public hearing for an ordinance to amend the Tempe City Code, Chapter 8, relating to Buildings and Building Regulations, by amending the Tempe Administrative Code, and adopting the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Mechanical Code, the 2006 International Plumbing Code, the 2006 International Fuel Gas Code, the 2008 National Electrical Code, the 2006 International Energy Conservation Code and amendments thereto . **The second public hearing is scheduled for December 11, 2008.**

DOCUMENT NAME: 20081120dssf01 **TCC CH 8 – BUILDINGS AND BUILDING REGULATIONS (0503-08) ORDINANCE NO. 2008.72**

SUPPORTING DOCS: No

COMMENTS: This ordinance modifies the Tempe Administrative and adopts the 2006 editions of the International Codes and the 2008 National Electric Code which is used in conjunction with Tempe's Building Codes.

PREPARED BY: Shelly Falcon, Administrative Assistant II (480-350-8654)

REVIEWED BY: Michael Williams, Deputy Development Services Department Manager (480-350-8670)

LEGAL REVIEW BY: Andrew Ching, City Attorney (480-350-8575)

FISCAL NOTE: N/A

RECOMMENDATION Staff recommends that Ordinance No. 2008.72 be adopted

ADDITIONAL INFO: None

ATTACHMENTS: 1) Ordinance No. 2008.72

ORDINANCE NO. 2008.72

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 8, OF THE TEMPE CITY CODE, RELATING TO BUILDINGS AND BUILDING REGULATIONS, BY AMENDING THE TEMPE ADMINISTRATIVE CODE, AND ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, THE 2006 INTERNATIONAL RESIDENTIAL CODE, THE 2006 INTERNATIONAL EXISTING BUILDING CODE, THE 2006 INTERNATIONAL MECHANICAL CODE, THE 2006 INTERNATIONAL PLUMBING CODE, THE 2006 INTERNATIONAL FUEL GAS CODE, AND THE 2008 NATIONAL ELECTRICAL CODE; THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE, AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Tempe City Code, Chapter 8, Section 8-100, Tempe Administrative Code, is amended as follows:

ARTICLE I. TEMPE BUILDING SAFETY ADMINISTRATIVE CODE

Sec. 8-100. Adopted; where filed; amendments.

(a) That certain document known as the Tempe BUILDING SAFETY Administrative Code, three (3) copies of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof.

Section 2. That Tempe City Code, Chapter 8, Section 8-101, is hereby amended as follows:

Sec. 8-101. General.

101.2. Scope. The provisions of this chapter shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, movement, enlargement, replacement, demolition, repair, maintenance, use and occupancy of buildings, structures and building service equipment or appurtenances attached thereto within the City of Tempe, Arizona.

EXCEPTIONS: The provisions of this chapter and the technical codes shall not apply to any of the following:

....

28. WORK LOCATED PRIMARILY IN A PUBLIC WAY.

Section 3. That Tempe City Code, Chapter 8, Section 8-102, is hereby amended as follows:

Sec. 8-102. Applicability.

102.6. International codes references. Within the technical codes and the referenced codes and standards therein, specific references to the following International Codes shall be deemed and interpreted to mean the specific City of Tempe codes as listed herein:

1. International Building Code
2. International Residential Code for One- and Two-Family Dwellings
3. National Electrical Code
4. ~~State Plumbing Code/~~ International Plumbing Code
5. International Mechanical Code
6. International Fuel Gas Code
7. ~~International Fire Code~~
8. **7.** International Existing Building Code
8. INTERNATIONAL ENERGY CONSERVATION CODE

Section 4. That Tempe City Code, Chapter 8, Section 8-104, is hereby amended as follows:

Sec. 8-104. Permits.

104.2.1. Building permits. A building permit shall not be required for the following:

....

R. SPECIAL CASES AS ALLOWED BY THE BUILDING OFFICIAL.

104.9.2. Maintenance electrician's or plumber's certificate of registration. Persons may obtain a maintenance certificate of registration as follows:

....

10. Unless earlier suspended or revoked for cause, all maintenance certificates or registration issued by the city shall expire on March 1 of each year and may be renewed for the following year upon receipt of application and the payment of a fee to the city on or before March 1 of each year. Applications for renewal must include completed renewal exams as specified in Item ~~#4~~ **#5.**

....

12. ~~No person holding a maintenance certificate of registration shall be employed as a maintenance electrician or plumber by more than one employer at any one time.~~ Any person holding a maintenance certificate of registration shall notify building official within five (5) days of the termination of employment with the employer specified in the application for such certificate.

....

104.11.3. Scope. Registered industrial plants are exempt from the permitting requirements of Section 104.1 and 104.2, for work on existing buildings, structures and utilities accessory thereto that does not increase the floor area or height, OR CAUSE THE CHANGE OF USE OR CHARACTER OF USE FOR WHICH A NEW CERTIFICATE OF OCCUPANCY WOULD BE REQUIRED.

EXCEPTION: A registered industrial plant is not exempt from permits and inspections for fire protection systems regulated by the fire code.

This exemption is limited to buildings owned or leased by the registered industrial plant and under the direct control of the holder of the registration. Said buildings or structures qualify for this exemption after the certificate of occupancy has been issued for the structure and all interior improvements covering the initial plant occupancy. This exemption shall not be construed to waive any requirement of this chapter and the technical codes, and all applicable requirements shall be complied with. The plant registration is non-transferable.

104.15. Time limitation of permit application. An application for a permit for any proposed work shall be valid for a period of one year from the date of filing. The building official is not authorized to grant any extension of time.

EXCEPTIONS:

1. Prior to the date of expiration of any application that has been approved for the issuance of permits, ~~but for which a permit has not been issued,~~ the applicant may submit a written request for a ninety ~~(90) day~~ ONE TIME extension of ONE HUNDRED EIGHTY (180) DAYS. The request must explain the justifiable cause for the delay AND INCLUDE A PROPOSED PLAN SUBMITTAL SCHEDULE FOR THE COMPLETION OF THE PLAN REVIEW PROCESS. If the request for extension is approved, the applicant must submit a new project submittal application along with a ~~plan review~~ renewal fee equal to twenty-five percent (25%) of the original calculated plan review fee. THE RENEWAL FEE MUST BE PAID NO LATER THAN THIRTY (30) CALENDAR DAYS AFTER THE ORIGINAL EXPIRATION DATE OR THE ORIGINAL APPLICATION SHALL EXPIRE. ADDITIONAL PLAN REVIEW FEES MAY APPLY AS PRESCRIBED IN TABLE 1-A BUILDING PERMIT FEES, ITEM FOUR; OTHER FEES. ADDITIONALLY, ALL PERMITS MUSH BE ISSUED and ~~pay all~~ permit fees ~~within ninety (90) days of the original expiration date~~ PAID PRIOR TO THE END OF THE ONE HUNDRED EIGHTY (180) DAY EXTENSION DATE.

2. PRIOR TO THE DATE OF EXPIRATION OF ANY APPLICATION THAT HAS BEEN APPROVED FOR THE ISSUANCE OF PERMITS, BUT FOR WHICH A PERMIT HAS NOT BEEN ISSUED, THE APPLICANT MAY REQUEST A ONE TIME EXTENSION OF ONE HUNDRED EIGHTY (180) DAYS. THE REQUEST MUST EXPLAIN THE JUSTIFIABLE CAUSE FOR THE DELAY. IF THE REQUEST FOR EXTENSION IS APPROVED, THE APPLICANT MUST SUBMIT A NEW PROJECT SUBMITTAL APPLICATION ALONG WITH A RENEWAL FEE EQUAL TO TEN PERCENT (10%) OF THE ORIGINAL CALCULATED PLAN REVIEW FEE. THE

RENEWAL FEE MUST BE PAID NO LATER THAN THIRTY (30) CALENDAR DAYS AFTER THE ORIGINAL EXPIRATION DATE OR THE ORIGINAL APPLICATION SHALL EXPIRE. ADDITIONALLY , THE PERMITS MUSH BE ISSUED AND PERMIT FEES PAID PRIOR TO THE END OF THE ONE HUNDRED EIGHTY (180) DAY EXTENSION DATE.

EXCEPTIONS ONE AND TWO ABOVE MAY NOT BE COMBINED.

104.17. Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one ~~hundred eighty (180) days~~ YEAR after its issuance, or if the work authorized on the site by such permit is suspended or declared abandoned by the owner for a period of one ~~hundred eighty (180) days~~ YEAR after the date the work is commenced, or if the building official declares the permit suspended or abandoned after the expiration of one ~~hundred eighty (180) days~~ YEAR from the date of permit issuance. ~~The building official is authorized to grant a one-time extension of one hundred eighty (180) days in accordance with the following:~~

104.17.1. Work not commenced. Every permit issued under the provision of this chapter and the technical code shall be valid for a period of one year from the date of issuance provided, however, that any permit shall expire if work authorized by such permit is not commenced and an approved inspection obtained within one ~~hundred eighty (180) days~~ YEAR from the date of issuance. An approved inspection shall be an inspection that is requested and approved pursuant to Section 106.5. Before work can be commenced on a structure for which the permit has expired, a new permit shall be obtained and the fee therefore shall be based on the total valuation of the structure.

~~EXCEPTION: Where no work has commenced within one hundred eighty (180) days from the date of issuance, the permit may be reinstated, without a fee upon a written or verbal request from the owner or owner's agent, provided work commences and an approved inspection is obtained within one year of the original date of issuance.~~

104.17.2. Work commenced. Every permit issued under the provisions of this code shall be valid for a period of one year from the date of issuance~~, provided, however, that any permit shall expire one hundred eighty (180) days after the last approved inspection~~. An approved inspection shall be an inspection that is requested and approved pursuant to Section 106.5.

Before work can be continued or resumed on a structure for which the permit has expired, a new permit shall be obtained and the fee thereof shall be determined by the building official on the basis of the valuation of the uncompleted portion of the work from the last approved inspection.

~~EXCEPTIONS:~~

~~1. A permit shall not expire if the time between approved inspections does not exceed one hundred eighty (180) days.~~

~~2. If an approved inspection is not obtained within one hundred eighty (180) days of the last approved inspection, the permit may be reinstated once, without a fee upon written or~~

~~verbal request from the owner or owner's agent provided that no substantial changes have been made in the original plans and specifications for such work and provided further that an approved inspection is obtained within one year of the last approved inspection.~~

Section 5. That Tempe City Code, Chapter 8, Section 8-112, is hereby amended as follows:

Sec. 8-112. Suite/unit number assignment.

112.4.2. Numbering. Suite/unit numbers are assigned as three (3) digit numbers. The first digit in the suite number will represent the floor level of the suite/unit.

EXCEPTION: Four (4) digit suite/unit numbers will be used for floors above the ninth floor, and for multifamily residential condominiums and apartments.

Duplicate unit numbers will not be used within MULTIFAMILY projects, even if the project has more than one address or street entry. Projects containing multiple street addresses (areas) and containing a letter designation for each building, will have unit numbers assigned sequentially throughout the project. When numbering sequentially from one area to another, each new area will commence its numbering with the next 100 series left off from the previous area.

Section 6. That Tempe City Code, Chapter 8, Buildings and Building Regulations, Articles II through VIII are hereby repealed.

Section 7. That Tempe City Code, Chapter 8, Article II, International Building Code, is hereby adopted as follows:

ARTICLE II. INTERNATIONAL BUILDING CODE

Sec. 8-200. Adopted; where filed; amendments.

(a) That certain document known as the "International Building Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through thirty-five and appendix chapters C, I and J, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Building Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Building Code.

Section 8. That Tempe City Code, Chapter 8, Article III, International Residential Building Code, is hereby adopted as follows:

ARTICLE III. INTERNATIONAL RESIDENTIAL CODE

Sec. 8-300. Adopted; where filed; amendments.

(a) That certain document known as the "International Residential Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through forty-three and appendix chapters A, B, C, G, H, J and K, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Residential Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Residential Code.

Section 9. That Tempe City Code, Chapter 8, Article IV, International Existing Building Code, is hereby adopted as follows:

ARTICLE IV. INTERNATIONAL EXISTING BUILDING CODE

Sec. 8-400. Adopted; where filed; amendments.

(a) That certain document known as the "International Existing Building Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through fifteen and appendix chapters A, A1 through A5 and B, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Existing Building Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Existing Building Code.

Section 10. That Tempe City Code, Chapter 8, Article V, International Mechanical Code, is hereby adopted as follows:

ARTICLE V. INTERNATIONAL MECHANICAL CODE

Sec. 8-500. Adopted; where filed; amendments.

(a) That certain document known as the "International Mechanical Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through nine, chapters eleven through fifteen and appendix chapter A, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Mechanical Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Mechanical Code.

Section 11. That Tempe City Code, Chapter 8, Article VI, International Plumbing Code, is hereby adopted as follows:

ARTICLE VI. INTERNATIONAL PLUMBING CODE

Sec. 8-600. Adopted; where filed; amendments.

(a) That certain document known as the "International Plumbing Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through fifteen and appendix chapter C and E, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Mechanical Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Plumbing Code.

Section 12. That Tempe City Code, Chapter 8, Article VII, International Fuel Gas Code, is hereby adopted as follows:

ARTICLE VII. INTERNATIONAL FUEL GAS CODE

Sec. 8-700. Adopted; where filed; amendments.

(a) That certain document known as the "International Fuel Gas Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through seven and appendix chapters A, B and C, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Fuel Gas Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Fuel Gas Code.

Section 13. That Tempe City Code, Chapter 8, Article VIII, National Electrical Code, is hereby adopted as follows:

ARTICLE VIII. NATIONAL ELECTRICAL CODE

Sec. 8-800. Adopted; where filed; amendments.

(a) That certain document known as the "National Electrical Code, 2008 Edition," which has been published as a code in book form by the National Fire Protection Association entitled "National Electrical Code, N.F.P.A. No. 70-2008 Edition," Article 90 and chapters one through eight, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code is hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the National Electrical Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the National Electrical Code.

Section 14. That Tempe City Code, Chapter 8, is hereby amended by adding new Article IX entitled International Energy Conservation Code as follows:

ARTICLE IX. INTERNATIONAL ENERGY CONSERVATION CODE

Sec. 8-900. Adopted; where filed; amendments.

(a) That certain document known as the "International Energy Conservation Code, 2006 Edition," which has been published as a code in book form by the International Code Council, chapters two through six, three (3) copies with amendments of which are on file in the office of the city clerk, and this same code and appendices are hereby referred to, adopted and made a part hereof, as if fully set out in this article.

(b) The provisions of this article, other than subsections (a) and (b) of this section, are amendments to the International Energy Conservation Code as now or hereafter adopted in subsection (a). All sections in this article, other than subsections (a) and (b) of this section, shall be considered to be both a part of this code and a part of the International Energy Conservation Code.

Section 15. All ordinances, code sections, and parts of ordinances and code sections in conflict herewith, are expressly repealed. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 16. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption. This Ordinance shall become effective and have application to all buildings and structures for which permits have been applied for on or after January 12, 2009, except that a customer may elect to utilize the previous provisions of Chapter 8 as were in effect since January 2, 2006, for permits submitted during the period of January 12, 2009 through April 1, 2009.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of_____, 2008.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney