



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 15 “BUILDINGS AND CONSTRUCTION” BY REPLACING THE CURRENT BUILDING CODE OF THE TOWN, CODIFIED AT CHAPTER 15.05, WITH THE INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH APPENDICES AND AMENDMENTS; AND UPDATING PENALTY PROVISIONS.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, the Code, Chapter 15.05 “BUILDING CODE” establishes the building code for the Town; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to adopt an updated building code for the Town; and

WHEREAS, pursuant to A.R.S. 9-802, the Town Council may adopt an established and published building code by reference thereto, when that code has previously been made a public record; and

WHEREAS, the Town Council previously adopted Resolution No. 2022-04 declaring the “International Building Code, 2018 Edition, with amendments” a public record of the Town; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on April 28, 2022, and at a subsequent meeting on May 26, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City:

SECTION 1. The Code, Chapter 15.05 “BUILDING CODE,” section 15.05.010, is deleted in its entirety, and replaced with the following:

15.05.010 Adoption of the International Building Code.

That certain code entitled “International Building Code” and amendments thereto, 2018 edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the “Building Code

of Huachuca City” and made a part of this title the same as though said code was specifically set forth in full herein.

SECTION 2. The Code, Chapter 15.05 “BUILDING CODE,” section 15.05.020, is deleted in its entirety, and replaced with the following:

15.05.020 Amendments.

The following provisions of the International Building Code, 2018 edition, as published by the International Code Council, Inc., are hereby amended as follows:

- A. At Section 101.1, Title, revise wording as follows: These regulations shall be known as the Building Code of the Town of Huachuca City, hereinafter referred to as “this code”.
- B. At Section 103.1, Creation of Enforcement Agency, revise wording as follows: Enforcement Agency. There exists a Building Inspection Department. The code official in charge thereof shall be known as the building official.
- C. At Section 103.2, Appointment, delete the entire section.
- D. At Section 103.3, Deputies, delete the entire section.
- E. At Section 105.2, Work Exempt from Permit, delete items 1, 2 and 4, and renumber the remaining items 1 thru 10.
- F. At Section 107.3.1, Approval of Construction Documents, delete the following wording “as Reviewed for Code Compliance”.
- G. At Section 109.2, Schedule of Permit Fees, revise wording as follows: Schedule of Permit Fees: On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, fees for each permit shall be paid as required and outlined as follows:
- H. At Section 109.2, Schedule of Permit Fees, insert subsection 109.2.1 – Permit Fees. Permit fees due shall reflect the fee schedule established by the Town.
- I. At Section 109.2, Schedule of Permit Fees, insert subsection 109.2.2 – Plan Review Fees. When a plan review is required for a project, the plan review fee shall reflect the fee schedule established by the Town and shall be collected at the time of document submittal and before any review of such documents by the building official commences.
- J. At Section 109.2, Schedule of Permit Fees, insert subsection 109.2.3 – Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for by the building official are not made. Fees for investigations and work without a permit shall reflect the fee schedule established by the Town.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as a tool for controlling the practice of calling for inspections before the job is ready for such inspections or re-inspections.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the plans requiring approval of the building official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the Town. If the Town has assessed a reinspection fee against an applicant, no additional inspection of the work will be performed until the required fees have been paid.

- K. At Section 113.1, General, insert the following after the first sentence: In the absence of an appointed board of appeals, all appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.
- L. At Section 113.3, Qualifications, delete the entire section.
- M. At Section 406.3.2.1, Dwelling Unit Separation, change all references of ½ - inch gypsum board to 5/8 – inch Type X gypsum board. Revise the second paragraph to read: Garages beneath habitable rooms above by not less than two layers of 5/8 – inch Type X gypsum board. At the end of this section, insert: Doors providing opening protection shall be maintained tight-fitting, self-closing and self-latching. Windows are not permitted in the separation wall. All walls supporting the fire-resistance rated ceiling shall be protected with 5/8 – inch Type X gypsum board.
- N. At Section 708.1, General, insert number 6 to read as follows: Walls separating tenant spaces.
- O. At Section 711, Horizontal Assemblies, insert subsection 711.10 – Garage and Dwelling Unit Separation. Floor/ceiling assemblies providing a garage and dwelling unit separation shall be protected by not less than two layers of 5/8 – inch Type X gypsum board or equivalent applied on the ceiling.
- P. At Section 903.2, Where Required, delete the entire section (to include all subsections) and replace with a new Section 903.2 entitled, "*Where Required*" to read as follows: Automatic fire sprinkler systems shall be provided in the locations described in this Section.
- Q. At Section 903.2, Where Required, insert the following subsections:

903.2.1, General. Unless expressly covered by one of the exceptions set forth below, an approved automatic fire sprinkler system shall be installed in all new commercial buildings and structures of all sizes and approved by the Fire Code Official. Installation of fire sprinkler systems shall be performed by an Arizona State licensed Fire Protection contractor.

Exception 1: Automatic fire sprinklers are not required in Group U occupancies.

Exception 2: Automatic fire sprinklers are not required for buildings or structures which were constructed and in use prior to January 8, 2009. This exception shall not apply if, after such date there is a discontinuation of use for a period of twelve (12)

months, there is in the opinion of the Fire Chief, a change in use to a less restrictive use or there is an enlargement or structural alteration of the building or structure.

Exception 3. In addition to the general authority granted to the Town pursuant to Section 104.9, the Fire Chief shall have discretion to exempt other facilities from automatic fire sprinkler requirements where the size, intended use, and extent of use of that facility does not warrant the installation of fire sprinklers and alternate methods to secure public safety are provided. Such other facilities may include, but are not limited to: 1) unenclosed structures which are less than three thousand (3,000) square feet in size, at least fifty (50) percent open on the sides and used to protect humans, animals, or property from the sun or elements; 2) structures which are less than three hundred (300) square feet in size used to monitor access to a larger facility, site, or area; 3) structures temporarily used for a period not to exceed two (2) years for onsite storage or maintenance purposes, provided that the structure is not used for Group A, E, H, or I occupancies; and 4) mini self-storage units comprising a single building or group of buildings where primary or principal use of the facility is for storage.

- R. At Section 903.3 Installation Requirements, change to read: Automatic sprinkler systems shall be designed and installed in accordance with the 2018 International Fire Code, as amended.
- S. At Section 1008.3.2 Buildings, add number 6 to read: Toilet rooms other than single use toilet rooms.
- T. At Section 1010.1.10 Panic and Fire Exit Hardware, revise wording as follows: Doors serving a Group H occupancy and all other occupancy groups not covered by item 2 in Section 1010.1.9.4 serving rooms or spaces with an occupant load of 50 or more shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.
- U. At Section 1011.7.3, Enclosures Under Interior Stairways, at the exception, change reference to "1/2 – inch" to read "5/8 – inch Type X.
- V. At Section 1013.6.3 Power Source, delete exception.
- W. At Section 1612.3, Establishment of Flood Hazard Areas, insert "Town of Huachuca City" for the name of the jurisdiction and "8-08" for the Date of Issuance.
- X. At Section 2406.3, Identification of Safety Glazing, delete the last sentence of the first paragraph and the following two exceptions.
- Y. At Section 2902.2, Separate Facilities, insert Exception 4 to read: In existing building occupancies, one public/employee restroom is permitted where the occupant load does not exceed 50 other than M occupancies, where the occupant load does not exceed 100 provided that the one restroom for all occupancies is code compliant with ICC A117.1 – 2017. Where it is technically infeasible to comply with the new construction standards, the above shall conform to the requirements to the maximum extend technically feasible.
- Z. Specifically adopt Appendices J and K.

SECTION 3. The Code, Title 15 “BUILDINGS AND CONSTRUCTION,” Chapter 15.80 “VIOLATIONS AND PENALTIES,” Section 15.80.010 (b)(3) is amended as follows, with deletions in ~~strikethrough~~ and additions in underlined text:

3. If a person builds a structure without having a valid permit from the Huachuca City ~~town clerk,~~ building official that person(s) will have 10 days from the date of notice to tear down all structures that were built without a permit, or file a request for hearing with the Huachuca City ~~planning and zoning commission~~ board of adjustment. If corrective action is not taken as outlined above to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which shall issue a criminal citation for violation and may issue additional citations for each violation. Each 24-hour period of noncompliance after receipt of the notice of continued noncompliance shall constitute a separate violation and shall carry a fine no less than \$500.00 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no contest by the town magistrate.

SECTION 4. As provided in the Code, Section 15.080.010, the penalties for violation of this Ordinance are as follows:

Any person, firm, company, association, corporation or other entity (hereinafter referred to as “person”) in violation of any provisions of this title shall be guilty of a class one misdemeanor, and shall be deemed guilty of a separate offense for each 24-hour period after receipt of a notice of noncompliance from the town building official. Any such violation(s) shall be dealt with as follows:

1. Upon receipt of the initial formal written complaint, the town building official may issue a letter of noncompliance and intent to suspend the business license or permit to the person in violation, which shall state the extent and nature of the violation and the actions necessary to remedy the noncompliance. The person in violation shall be given 30 days from the date of the letter to initiate actions approved by the building official necessary to comply with this chapter.

2. If corrective action is not taken as outlined above and to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which may issue a criminal citation for violation and may issue additional citations for each violation. Each 24-hour period of noncompliance after receipt of the notice of continued noncompliance shall constitute a separate violation and shall carry a fine no less than \$500.00 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no contest by the town magistrate. In addition, it shall require an immediate suspension of the business license or permit or both issued by the town of Huachuca City and used by the violator to conduct business within the town limits of Huachuca City upon the determination of guilt or no contest by the town magistrate. Should the person in violation be found guilty or otherwise enter a plea of guilty or “no contest,” the person’s business license or permit shall immediately be suspended until such time as the town building official has determined that the person in violation has remedied the violation, paid all fines in full issued by the town magistrate and is in full compliance with the town code.

3. If a person builds a structure without having a valid permit from the Huachuca City building official, that person(s) will have 10 days from the date of notice to tear down all structures that were built without a permit, or file a request for hearing with the Huachuca City board of adjustment. If corrective action is not taken as outlined above to the satisfaction of the town building official, the person in violation shall receive a notice of continued noncompliance from the town building official, which shall state the extent and nature of the continued noncompliance. Additionally, a copy of the notice of continued noncompliance shall be forwarded to the Huachuca City police department, which shall issue a criminal citation for violation and may issue additional citations for each violation. Each 24-hour period of noncompliance after receipt of the notice of continued noncompliance shall constitute a separate violation and shall carry a fine no less than \$500.00 per violation, plus an additional \$50.00 shall be collected per issued citation as reimbursement to the police department, upon the determination of guilt or no contest by the town magistrate.

4. For purposes of this chapter, a notice shall be deemed received when it is personally served or five days after it is sent by certified U.S. mail.


5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this chapter and bring a building or land into compliance with this chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case.

SECTION 5. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 6. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 7. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

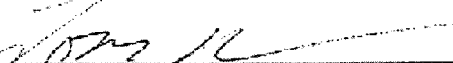
PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 26th DAY OF MAY, 2022.


Johann Wallace, Mayor

ATTEST:


Brandy Thorpe, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney