



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2022-04

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 “ADMINISTRATION AND PERSONNEL,” CHAPTER 2.65 “VOLUNTEER FIRE DEPARTMENT” AND TITLE 15 “BUILDINGS AND CONSTRUCTION,” CHAPTER 15.50 ‘FIRE CODE” TO ADOPT THE INTERNATIONAL FIRE CODE 2018 EDITION WITH AMENDMENTS.

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, sections 2.65.130, 2.65.140, 15.50.010 and 15.50.020 establish the fire 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 update the fire code by adopting the International Fire Code 2018 Edition, with amendments; and

WHEREAS, the Town Council previously adopted Resolution No. 2022-07 declaring the “International Fire 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, as follows:

SECTION 1. The Code, Title 2, Section 2.65.140 “Adoption of the International Fire Code,” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

2.65.140 Adoption of the International Fire Code.

That certain code entitled “International Fire Code” and ~~supplements~~ amendments thereto, ~~2012~~ 2018 Edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the “Fire Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. ~~At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.~~ Refer to Section 15.50.020 of the town code (buildings and construction) for the adopted amendments to the ~~2012~~ 2018 International Fire Code.

SECTION 2. The Code, Title 15, Section 15.50.010 “Adopted” is amended as follows, with deletions in ~~strike through~~ and additions in underlined text:

15.50.010 Adopted.

That certain code entitled “International Fire Code” and amendments thereto, ~~2012~~ 2018 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Fire 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 3. The Code, Title 15, Section 15.50.020 “Amendments,” is deleted in its entirety and replaced, as follows:

15.50.020 Amendments.

The following provisions of the International Fire 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 Fire Code of the Town of Huachuca City, hereinafter referred to as “this code.”
- B. **At Section 109.1, Board of Appeals Established**, 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 and/or fire code official relative to the application and interpretation of this code shall be heard and decided by the Town Board of Adjustment.
- C. **At Section 109.3, Qualifications**, delete the entire section.
- D. **At Section 507.5.1, Where Required**, change reference in Exception 1 and 2 from “600 feet” to “500 feet”.
- E. **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.
- F. **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 automatic 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 Code Official, 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 Code Official 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.

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.

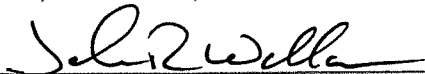
5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this chapter and bring a building or land into compliance with this chapter. Restitution shall include all costs of abatement, including 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, 2016.




Johann Wallace, Mayor

ATTEST:



Brandye Thorpe, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney