

# 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. 2022-07

**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,” CHAPTER 15.10 “RESIDENTIAL CODE,” SECTIONS 15.10.010 AND 15.10.020 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE WITH APPENDICES AND 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 Town Council has determined that it would be in the best interests of the Town and its residents to update the residential code by adopting the 2018 Edition of the International Residential Code, with appendices and amendments; and

**WHEREAS**, the Town Council previously adopted Resolution No. 2022-10 declaring the “International Residential 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, Section 15.10.010 “Adopted” is amended as follows, with deletions in ~~strikethrough~~ and additions in underlined text:

**15.10.010 Adopted.**

That certain code entitled “International Residential Code for One and Two-Family Dwellings” and amendments thereto, ~~2012~~ 2018 Edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Residential 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, Section 15.10.020 “Amended,” is deleted in its entirety and replaced, as follows:

**15.10.020 Amendments.** The following provisions of the International Residential Code, 2018 Edition, as published by the International Code Council, Inc., are hereby amended as follows:

- A. **At Section R101.1, Title**, revise wording as follows: These provisions shall be known as the Residential Code for One and Two Family Dwellings of the Town of Huachuca City, and shall be cited as such and will be referred to herein as "this code."
- B. **At Section R103.2, Appointment**, delete the entire section.
- C. **At Section R103.3, Deputies**, delete the entire section.
- D. **At Section R105.2, Work Exempt from Permit**, delete items 1, 2, 3, 5 & 10 and renumber the remaining items 1, 2, ...
- E. **At Section R106.3.1, Approval of Construction Documents**, delete following wording: "*which states REVIEWED FOR CODE COMPLIANCE.*"
- F. **At Section R108.2, Schedule of Permit Fees**, insert subsection: R108.2.1 – 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.
- G. **At Section R108.2, Schedule of Permit Fees**, insert subsection R108.2.2 – 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 inspection or reinspection.

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.

- H. **At Section R112.1, 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.
- I. **At Section R112.3, Qualifications**, delete the entire section.
- J. **At Section R301.2(1), Wind Design Criteria**, insert the following text in the Table: Ground snow load, insert [5]

Wind speed, insert [115]  
Wind exposure category [C, unless justified as B]  
Seismic Design Category, insert [B]  
Weathering, insert [Negligible]  
Frost line depth, insert [0]  
Termite, insert [Very heavy]  
Decay, insert [none to slight]  
Winter design temp, insert [18-20 degrees]  
Ice barrier underlayment required, insert [No]  
Flood hazards, insert [(a) December 1984, (b) April 2005]  
Air freezing index, insert [50]  
Mean annual temperature, insert [63 degrees]

- K. **At Section R302.1, Exterior Walls**, delete second part of first paragraph beginning with "*or dwellings equipped ...*"
- L. **At Section R302.1, Exterior Walls**, delete exceptions 3, 4 and 5.
- M. **Delete Table R302.1(2)** and footnote "a"
- N. **At Section R302.3, Two-family Dwellings**, delete exception number 1 and change the reference of "*½ inch gypsum board*" in exception 2 to "*5/8 inch Type X gypsum board*".
- O. **At Section R302.5.1, Opening Protection**, insert the following wording at the end of this section: and self-latching device.
- P. **At Table R302.6**, change the three references of "*½ inch gypsum board*" to "*5/8 inch Type X gypsum board or equivalent*." Change the one reference of "*5/8 inch Type X gypsum board*" to "*Two layers of 5/8 inch Type X gypsum board or equivalent*."
- Q. **At Section R302.6, Dwelling/Garage Fire Separation**, insert the following subsection: R302.6.1 Attic Access Opening. The attic access opening protection supports shall be of noncombustible material. Where a pull-down ladder is installed, it shall be a fire-rated ladder assembly.
- R. **At Section R302.7, Under-Stair Protection**, change the reference of "*½ inch gypsum board*" to "*5/8 inch Type X gypsum board*."
- S. **After Section 302.14, Combustible Insulation Clearance**, insert Section 302.15 to read as follows: Fire Protection. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 9, Section 903.2.7 of the International Building Code for Group R shall apply.
- T. **At Section R308.1, Identification**, delete the last sentence of the first paragraph and delete exceptions 1 and 2.
- U. **At Section R308.4.2, Glazing Adjacent Doors**, revise wording of the first part of the paragraph as follows: Glazing in all fixed and operable panels in window units adjacent to a door, side-lite, and fixed panels of patio doors shall be ...
- V. **At Section R308.4.2(1)**, delete the words, "in a closed position"
- W. **At Section R308.4.2(2)**, delete the wording and replace with: Where the glazing is on a wall perpendicular to the plane of a door and within 24 inches of the door.
- X. **At Section R308.4.2**, delete exception 4.
- Y. **At Section R308.4.2, Glazing Adjacent Doors**, delete exceptions 3 and 5 and renumber exception 4 to exception 3.
- Z. **At Section R308.4.6, Glazing Adjacent Stairs and Ramps**, revise wording as follows: Glazing where the bottom exposed edge of the glazing is less than 60 inches ...

- AA. **At Section R308.4.7, Glazing Adjacent to the Bottom Stair Landing**, revise wording as follows: Glazing adjacent to the landings at the bottom of a stairway where the glazing is less than 60 inches above the landing ...
- BB. **At Section R309, Garages and Carports**, insert the following words "or carport of combustible construction" after all references to garage.
- CC. **At Section R309.5, Fire Sprinklers**, delete the entire section.
- DD. **At Section R313, Automatic Fire Sprinkler Systems**, delete the entire section.
- EE. **At Section R314.6, Power Source**, insert the following wording after the second sentence: Smoke alarms shall not be installed on a dedicated circuit and shall originate from a general-purpose branch circuit.
- FF. **At Section R315.5, Interconnectivity**, insert the following after the second sentence: Carbon monoxide alarms shall not be installed on a dedicated circuit and shall originate from a general-purpose branch circuit.
- GG. **At Section R602.3, Design and Construction**, insert the following wording at the end of the first paragraph: "In multi-story structures,, floor ties shall be provided at 48" o.c. or wood structural panels shall be installed with a minimum of a 9" overlap of both floor studs.
- HH. **At Section R602.10.8.2(1), Connections to Roof Framing**, revise wording as follows: For Seismic Design Categories A, B and C, blocking between rafters or roof trusses shall be provided above the braced wall panel. Delete the exception.
- II. **At Section R606.11, Anchorage**, revise wording as follows: Masonry walls shall be reinforced and anchored ...
- JJ. **At Figure R606.11(2)**, retitle and revise wording as follows: "Requirements for Reinforced Grouted Masonry Construction in Seismic Design Category B." and change #6 bars at 10 ft. o.c. to 4' o.c.; add one ½ inch bar @ top of foundation; add two ½ inch bars @ bottom of foundation; add one ½ inch bar @ top of wall; add one ½ inch bar @ roof connection.
- KK. **At Section R606.12.2.3.3, Minimum Reinforcement Requirements for Masonry Shear Walls**, revise the wording at end of first paragraph as follows: ... and at a maximum spacing of 4 feet.
- LL. **At Section R806.5, Unvented Attic and Unvented Enclosed Rafter Assemblies**, delete the entire section.
- MM. **At Section M1502.4.2, Duct Installation**, revise the wording of the 4th sentence as follows: Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.
- NN. **At Section G2439.7.2 Duct Installation**, revise the wording of the 3<sup>rd</sup> sentence as follows: Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.
- OO. **At Section P2603.5.1, Sewer Depth**, revise the wording as follows: "Sewer Depth. Regardless of freezing conditions, all building sewers that connect to a private or public system shall be a minimum of 12 inches below grade."
- PP. **At Section P3201, Fixture Traps**, insert subsection: P3201.8 Water Softener Trap. A water softener shall be provided with a trap installed in the wall and terminating in an approved box.
- QQ. **Chapters 34 through 43, Electrical**, delete all references to "*aluminum conductors*" throughout these chapters. Aluminum conductors are not allowed within any structure or building that resides or is constructed within Town limits.
- RR. **At Section E3406.3, Minimum Size of Conductors**, delete the words "*and 12 AWG aluminum*" from the first sentence.
- SS. **At Section E3601.6.2, Service Disconnect Location**, revise the wording in the first sentence as follows: Service disconnecting means and risers shall be surface

mounted and provided on the outside of the structure. A recessed service entry is not permitted.

- TT. **At Section E3602.1, Ampacity of Ungrounded Conductors**, revise the wording in the second sentence as follows: For one or two family dwellings, the rating of the ungrounded conductors shall be not less than 200 amperes, 3 wire. Exception: Existing structures.
- UU. **At Section E3608.1, Grounding Electrode System**, insert a second paragraph to read as follows: All accessory structures with a poured foundation require the installation of a concrete-encased electrode as required by Section E3608.1.2.
- VV. **At Section E3703, Required Branch Circuits**, insert subsection E3703.8 to read as follows: In residential occupancies, dishwasher and food waste grinder may be on the same 20 ampere branch circuit.
- WW. **At Section E3901.2.2 subparagraph 1 Wall Space**, delete the words "*fireplaces and fixed cabinets*"
- XX. **At Section E3901.11, Foyers**, insert the following wording after the first sentence: Hallways and foyers 5 feet or greater in width shall have receptacle spacing as required by Section E3901.2.
- YY. **At Section E3902.5, Unfinished Basement Receptacles**, revise the wording as follows: ... receptacles installed in ground level rooms and unfinished basements shall have ..." and "For the purposes of this Section, ground level rooms and unfinished basements are defined ..."
- ZZ. **At Section E4003.12, Luminaires in Clothes Closets**, revise the Section title to: Luminaries in Clothes Closets, Pantries and Storage Rooms. (All references in this Section to closet or clothes closet shall apply to clothes closets, pantries and storage rooms.)
- AAA. **At Section E4003.12, Luminaires in Clothes Closets**, insert a new paragraph at the end of this Section to read as follows: Doorbell transformers shall not be permitted in a closet. If a receptacle is installed for an alarm transformer, it shall be located above the door.
- BBB. Specifically adopt Appendices A, B, C, D, E, G, H, J and K.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 26<sup>th</sup> DAY OF MAY, 2022.

  
\_\_\_\_\_  
Johann Wallace, Mayor

ATTEST:

  
\_\_\_\_\_  
Brandy Thorpe, Town Clerk

Approved as to Form:

  
\_\_\_\_\_  
Thomas Benavidez, Town Attorney