ADOPTED BY THE
MAYOR AND COUNCIL

June 12, 2007

ORDINANCE NO. 10417

RELATING TO BUILDINGS, ELECTRICITY, PLUMBING AND MECHANICAL CODE; AMENDING THE TUCSON CODE CHAPTER 6, BUILDINGS, ELECTRICITY, PLUMBING AND MECHANICAL CODE, ARTICLE 1 IN GENERAL, SECTION 6-1 ADMINISTRATIVE CODE ADOPTED BY REPEALING THE UNIFORM ADMINISTRATIVE CODE AND RESERVING SECTION 6-1; AMENDING ARTICLE III, BUILDINGS, DIVISION 1 BUILDING CODE, SECTION 6-34 BUILDING CODE ADOPTED BY ADOPTING THE INTERNATIONAL BUILDING CODE 2006 EDITION WITH LOCAL AMENDMENTS; SECTION 6-38 RESIDENTIAL CODE ADOPTED BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2006 EDITION WITH LOCAL AMENDMENTS; SECTION 6-40 ENERGY CONSERVATION CODE BY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE 2006 EDITION WITH LOCAL AMENDMENTS; AMENDING ARTICLE IV ELECTRICITY, DIVISION 1 ELECTRICAL CODE, SECTION 6-84 ELECTRICAL CODE ADOPTED BY ADOPTING THE 2005 NATIONAL ELECTRIC CODE WITH LOCAL AMENDMENTS; AMENDING ARTICLE VI MECHANICAL CODE SECTION 6-167 FUEL GAS CODE BY ADOPTING THE INTERNATIONAL FUEL GAS CODE 2006 EDITION; ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article I In General, is amended by repealing Section 6-1 *Administrative code adopted* and reserving Section 6-1.

City Clerk File Note:
This document reflects the amendments to Exhibit A to Ordinance 10417 adopted at the Mayor and Council meeting of June 12, 2007. DD:rp:rm 07/05/2007

SECTION 2. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division I Building Code, Section 6-34 *Building code adopted* is hereby amended to read as follows:

Sec. 6-34. *Building code adopted.*

The document entitled "International Building Code, 2006 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance 10417 as Exhibit "A" are hereby adopted.

SECTION 3. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division 1 Building Code, Section 6-38 Residential Code adopted, is hereby amended to read as follows:

Sec. 6-38. *Residential code adopted.*

The documents entitled "International Residential Code, 2006 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 10417 as Exhibit "B" are hereby adopted.

SECTION 4. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division 1 Building Code, Section 6-40 Energy Conservation Code adopted is hereby amended to read as follows:

Sec. 6-40. *Energy conservation code adopted.*

The document entitled the "International Energy Conservation Code, 2006 Edition" with local amendments, a copy of which amendments are attached as Exhibit "C" to Ordinance No. 10417 are hereby adopted.

SECTION 5. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article 4 Electricity, Division 1 Electrical Code, Section 6-84 Electrical code adopted is hereby amended to read as follows:

Section 6-84 *Electrical code adopted*. The document entitled "2005 National Electrical Code" with local amendments, a copy of which amendments are attached as Exhibit "D" to Ordinance No. 10417 are hereby adopted.

SECTION 6. The Tucson Code, Chapter 6 Buildings Electricity Plumbing and Mechanical Code, Article VI Mechanical Code, Section 6-167 Fuel gas code is hereby amended to read as follows:

Section 6-167 *Fuel gas code*. The document entitled "International Fuel Gas Code, 2006 Edition" is hereby adopted.

SECTION 7. Any person violating any of the provisions of this ordinance shall be deemed responsible for a civil infraction and subject to punishment as set forth in this section. A.R.S. § 9-803 requires the penalties for a violation of any of code adopted by reference to be set forth in the adopting ordinance and those penalties shall be as set forth Tucson Code Section 8-6.1 for civil infractions which are restated here.

> (1) A person found responsible for a civil infraction for the first time shall be fined not less than one hundred dollars ($100.00) nor more than twenty-five hundred dollars ($2,500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than two hundred dollars ($200.00) nor more than twenty-five hundred dollars ($2,500.00) per civil infraction. A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than three hundred dollars ($300.00) nor more than twenty-five hundred dollars ($2,500.00) per civil infraction. The imposition of a fine for civil infractions shall not be suspended.

(2) The magistrate, special magistrate or limited special magistrate shall, after a finding of responsibility, order abatement of the civil infraction. An abatement order shall be effective for one (1) year unless stayed on appeal. If stayed on appeal the order shall be effective for one (1) year from the end of the appeal if the finding of responsible and sentence is upheld.

(3) The magistrate, special magistrate or limited special magistrate shall warn a violator that additional fines will be imposed for failure to abate a violation and criminal charges may be brought by the city attorney for failure to obey an order to abate a violation.

(4) Failure of a defendant to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than one hundred dollars ($100.00) nor more than twenty-five hundred dollars ($2,500.00) for each day the defendant fails to comply. A defendant's second failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than two hundred dollars ($200.00) nor more than twenty-five hundred dollars ($2,500.00) for each day after the first determination of the defendant's failure to comply; a defendant's third and subsequent failures to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than three hundred dollars ($300.00) nor more than twenty-five hundred dollars ($2,500.00) for each day after the second or subsequent determination of the defendant's failure to comply; provided, however, that the total fines imposed by this subsection and subsection (a) shall not exceed twenty-five hundred dollars ($2,500.00) per civil infraction.

SECTION 8. The various officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 9. If any provision of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and to this end the provisions of this ordinance are severable.

SECTION 10. WHEREAS it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, June 12, 2007.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

FWK

FWK:tec
05/25/2007 3:25 PM

REVIEWED BY:

CITY MANAGER