

ADOPTED BY THE
MAYOR AND COUNCIL

December 18, 2012

ORDINANCE NO. 11042

RELATING TO BUILDINGS, ELECTRICITY, PLUMBING AND MECHANICAL CODE; AMENDING THE TUCSON CODE CHAPTER 6, BUILDINGS, ELECTRICITY, PLUMBING AND MECHANICAL CODE BY AMENDING ARTICLE III, BUILDINGS, SECTION 6-34, BUILDING CODE ADOPTED BY ADOPTING THE INTERNATIONAL BUILDING CODE 2012 EDITION WITH LOCAL AMENDMENTS; SECTION 6-38, RESIDENTIAL CODE ADOPTED BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION WITH LOCAL AMENDMENTS; SECTION 6-40, ENERGY CONSERVATION CODE ADOPTED, BY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION WITH LOCAL AMENDMENTS; SECTION 6-66, EXISTING BUILDING CODE ADOPTED, BY ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION WITH LOCAL AMENDMENTS; ARTICLE IV, ELECTRICITY, SECTION 6-84, ELECTRICAL CODE ADOPTED, BY ADOPTING THE 2011 NATIONAL ELECTRICAL CODE WITH LOCAL AMENDMENTS; ARTICLE V, PLUMBING CODE, SECTION 6-124, PLUMBING CODE ADOPTED BY ADOPTING THE INTERNATIONAL PLUMBING CODE, 2012 EDITION WITH LOCAL AMENDMENTS; ARTICLE VI, MECHANICAL CODE, SECTION 6-164, MECHANICAL CODE ADOPTED BY ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION WITH LOCAL AMENDMENTS; SECTION 6-167, FUEL GAS CODE BY ADOPTING THE INTERNATIONAL FUEL GAS CODE 2012 EDITION WITH LOCAL AMENDMENTS; 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 III, Buildings, Section 6-34 *Building code adopted* is amended to read as follows:

Section 6-34 Building code adopted.

The document entitled "International Building Code, 2012 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "A" are hereby adopted.

SECTION 2. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III, Buildings, Section 6-38, *Residential code adopted*, is amended to read as follows:

Sec. 6-38. Residential code adopted.

The documents entitled "International Residential Code, 2012 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "B" are hereby adopted.

SECTION 3. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III, Buildings, Section 6-40, *Energy conservation code adopted*, is amended to read as follows:

Sec. 6-40. Energy conservation code adopted.

The document entitled the "International Energy Conservation Code, 2012 Edition" with local amendments, a copy of which amendments are attached as Exhibit "C" to Ordinance No. 11042 are hereby adopted.

SECTION 4. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III, Buildings, Section 6-66, *Existing building code adopted*, is amended to read as follows:

Sec. 6-66. *Existing building code adopted.*

The documents entitled "International Existing Building Code, 2012 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "D" are hereby adopted.

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

Sec. 6-84. *Electrical code adopted.*

The document entitled "2011 National Electrical Code" with local amendments, a copy of which amendments are attached as Exhibit "E" to Ordinance No. 11042 are hereby adopted.

SECTION 6. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article V, Plumbing Code, Section 6-124, *Plumbing code adopted*, is amended to read as follows:

Sec. 6-124. *Plumbing code adopted.*

The document entitled "International Plumbing Code, 2012 Edition, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "F" are hereby adopted.

SECTION 7. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article VI, Mechanical Code, Section 6-164, *Mechanical code adopted*, is amended to read as follows:

Sec. 6-164. *Mechanical code adopted.*

The documents entitled "International Mechanical Code, 2012 Edition" published by the International Code Council, with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "G" are hereby adopted.

SECTION 8. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article VI, Mechanical Code, Section 6-167, *Fuel gas code*, is amended to read as follows:

Sec. 6-167. *Fuel gas code adopted.*

The document entitled "International Fuel Gas Code, 2012 Edition" with local amendments, a copy of which amendments are attached to Ordinance No. 11042 as Exhibit "H" is hereby adopted.

SECTION 9. 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 in Tucson Code Section 8-6.1 for civil infractions which are restated here.

(a) Unless otherwise provided in this Code, when a civil violation or civil infraction is determined, the following penalties shall be imposed:

(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.

(b) 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 10. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 11. 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 12. Sections 1-9 of this Ordinance shall be effective January 2, 2013.

SECTION 13. 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, December 18, 2012.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:



CITY ATTORNEY

CITY MANAGER

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