

ADOPTED BY THE
MAYOR AND COUNCIL

October 16, 2007

ORDINANCE NO. 10463


RELATING TO BUILDINGS AND CONSTRUCTION; ADOPTING BY REFERENCE PORTIONS OF THE 1998 AMERICAN NATIONAL STANDARD ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES CODE, WITH LOCAL AMENDMENTS, SETTING PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, people over 65 are the fastest growing sector of the American population and life expectancies continue to increase; and

WHEREAS, whether due to injury or age, there is a great likelihood for each of us, at some time in our life, to suffer a temporary or permanent condition that limits mobility or the ability to perform daily tasks of living; and

WHEREAS, the increased cost of constructing a residence with zero step entries and doorways wide enough to permit wheelchair access, electrical outlets reachable by a wheelchair-bound person, and bathroom walls reinforced to permit installation of grab bars is minimal, while the costs and disruption associated with retrofitting an existing home to make it minimally accessible, are substantial; and

WHEREAS, a residence that provides minimal accessibility offers the possibility of occupancy, accessibility or visitation by a disabled person; and

City Clerk File Note: This document reflects the amendments adopted at the Mayor and Council meeting of October 16, 2007. KSD:kad 10/23/2007 

WHEREAS, an occupant of a home that has inclusive design features who becomes disabled, whether temporarily or permanently, may be able to remain at home and avoid or delay the great expense and emotional trauma of institutionalization; and

WHEREAS, under A.R.S. § 9-801 et. seq. The City may adopt nationally recognized and uniform codes by reference; and

WHEREAS, the International Code Council and American National Standards Institute have approved the American National Standard Accessible and Usable Buildings and Facilities Code; and

WHEREAS, Section 201 of the American National Standard Accessible and Usable Buildings and Facilities Code specifically requires the administrative authority to adopt scoping provisions to specify the extent to which such Code's technical standards shall apply to each building and occupancy type; new construction, alterations, temporary facilities, and existing buildings; specific site and building elements; and to multiple elements or spaces provided within a site or building.

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

SECTION 1. That this ordinance shall be known and referred to as "The Inclusive Home Design Ordinance."

SECTION 2. That the City adopt by reference the following provisions of the American National Standard Accessible and Usable Buildings and Facilities Code, ANSI A117.1-1998, as amended by the attached Exhibit A:

Chapter 1. Application and Administration.

Chapter 2. Scoping.

Chapter 3. Building Blocks. Sections 301.1 Scope, 303.1 General, 303.2 Vertical, 303.3 Beveled, 303.4 Ramped, 308.1 General, 308.2.1 Unobstructed Forward Reach, 308.3.1 Unobstructed Side Reach, and 309.3 Height, only;

Chapter 4. Accessible Routes. Sections 401.1 Scope, 402.1 General, 402.2 Components, 403.5 Clear Width, 404.1 General, 404.2.5 Thresholds at Doorways, and 404.2.7 Door Hardware, only;

Chapter 6. Plumbing Elements and Facilities. Sections 604.5 Grab Bars, 607.4 Grab Bars, 609.4 Position of Grab Bars, and 610 Seats, only;

Chapter 10. Dwelling Units. Sections 1001.1 Scoping, 1003.1 General, 1003.2 Primary Entrance, 1003.3 Accessible Route, 1003.4 Walking Surfaces, 1003.5 Doors and Doorways, 1003.9 Operable Parts and 1003.11.2 Grab Bar Reinforcement, only.

SECTION 3. The Director of the Development Services Department is authorized to adopt rules to implement the provisions of Section 2, which shall become effective upon the filing of three copies of such rules with the City Clerk.

SECTION 4. 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 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.

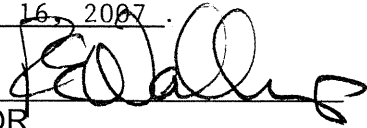
SECTION 5. If any of the provisions of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and to this end the provisions of this ordinance are severable.

SECTION 6. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance, including, but not limited to, providing an instructional pamphlet setting forth in plain language the requirements of this Ordinance.

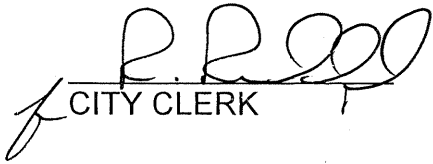
SECTION 7. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately

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, October 16, 2007.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:


CITY MANAGER

FWK:tec
10/17/2007

CITY OF TUCSON LOCAL AMENDMENTS TO THE 1998 AMERICAN NATIONAL
STANDARD ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES CODE

Adopt the provisions of the 1998 American National Standard Accessible and Usable Buildings and Facilities Code with the following Amendments:

Section 103, Compliance Alternatives, is hereby amended to add a new section 103.1 to read as follows:

103.1 Waiver of Provisions of This Standard.

Upon a determination by the Building Official that by virtue of terrain or other unusual characteristics of the building site, there are practical difficulties associated with compliance of any specific provision of this standard, and that the additional cost to comply with the applicable provision of this standard shall exceed two hundred dollars, as shown by clear and convincing evidence presented by the applicant, the Building Official may waive the requirements of that specific provision.

Section 106.5, Defined Terms, is hereby amended to read as follows:

* * *

accessible route: An interior or exterior circulation path that complies with this standard as amended by these local amendments.

* * *

destination-oriented elevator system: An elevator system that provides lobby controls to select destination floors, lobby indicators designating the floors at which the car will stop.

dwelling unit: A detached one, two or three family dwelling unit having one occupiable floor at grade level.

element: An architectural or mechanical component of a building, facility, space or site.

* * *

Chapter 2. Scoping is hereby amended to add a new section 204, Application to Dwelling Units to read as follows:

204 Application to Dwelling Units. Pursuant to Sections 201 and 202, the provisions of Chapter 10 of this Code, as adopted and amended by the administrative authority, shall extend to and apply to new construction of all dwelling units for which plans are submitted to the Building Official beginning

January 1, 2008. Dwelling units for which plans have already been certified prior to the enactment of this ordinance shall be exempt from its provisions until the date of their next annual renewal.

Section 308 Reach Ranges, is hereby amended to read as follows:

308.1 General. Reach ranges shall comply with Section 308.

308.2 Forward Reach.

308.2.1 Unobstructed. Where a forward reach is unobstructed, the high forward reach shall be 48 inches (1220 mm) maximum and the low forward reach shall be 15 inches (380 mm) minimum above the floor or ground.

308.2.2 Obstructed High Reach. Deleted.

308.3 Side Reach.

308.3.1. Unobstructed. Where a clear floor or ground space allows a parallel approach to an element and the side reach is unobstructed, the high side reach shall be 48 inches (1220 mm) maximum and the low side reach shall be 15 inches (380 mm) minimum above the floor or ground.

EXCEPTION: Existing elements shall be permitted at 54 inches (1370 mm) maximum above the floor or ground.

308.3.2 Obstructed High Reach. Deleted.

* * *

309.3 Height. Operable parts shall be placed within one or more of the reach ranges specified in Section 308.2.1 and 308.3.1.

EXCEPTIONS:

1. Where the use of special equipment dictates otherwise.
2. Where electrical and communication systems receptacles are not normally intended for use by building occupants.

Section 402.2 Components is hereby amended to read as follows:

402.2 Components. Accessible routes shall consist of one or more of the following components: Walking surfaces with a slope not steeper than 1:20,

doorways, ramps, curb ramps, elevators, and wheelchair (platform) lifts. All components of an accessible route shall comply with the applicable portion of this standard adopted by the City and as amended by these local amendments.

Section 404.1 General is hereby amended to read as follows:

Section 404.1 General. Doors and doorways that are part of an accessible route shall comply with Sections 404.2.5 and 404.2.7.

Section 404.2.5 Thresholds at Doorways, is hereby amended to read as follows:

404.2.5 Thresholds at Doorways. Thresholds, if provided, at doorways shall be ½ inch (13 mm) high maximum. Raised thresholds and changes in level at doorways shall comply with Section 303.

Section 404.2.7 Door Hardware is hereby amended by adding the following:

This requirement does not apply to pocket doors.

Section 1003.1 General is hereby amended to read as follows:

1003.1 General. Dwelling units shall comply with Sections 1003.2, 1003.3, 1003.5, 1003.9 and 1003.11, as amended by these local amendments.

Section 1003.2 Primary Entrance is hereby amended to read as follows:

1003.2 Accessible Entrance. There shall be at least one accessible entrance on an accessible route from public and common areas, including, but not limited to, a driveway or public street or sidewalk. This entrance shall not be to a bedroom. This entrance may be through a garage using the overhead garage door for ingress.

Section 1003.3 Accessible Route is hereby amended to read as follows:

1003.3 Accessible Route. Accessible routes within dwelling units shall comply with Sections 1003.3.1 and 1003.3.2.

EXCEPTION: The following are not required to be on an accessible route:

1. A raised floor area in a portion of a living, dining, or sleeping room
2. A sunken floor area in a portion of a living, dining, or sleeping room
3. A mezzanine that does not have plumbing fixtures or an enclosed habitable space
4. Rooms located on a floor other than that served by the accessible entrance.

Section 1003.5 Doors and Doorways is hereby amended to read as follows:

1003.5 Doors and Doorways. Doors and doorways on an accessible route shall comply with Sections 1003.5.1 and 1003.5.2 as amended by these local amendments.

1003.5.1 Accessible Entrance Door. The accessible entrance door to the dwelling unit shall comply with Section 404.2.5 and 404.2.7, as amended by these local amendments.

1003.5.2 User Passage Doorways. Doorways on an accessible route intended for user passage shall comply with Sections 404.2.7 and 1003.5.2.1 through 1003.5.2.3.

1003.5.2.1 Clear Width. Doorways shall have a clear opening of 30 inches (765 mm) minimum. Clear opening of swinging doors shall be measured between the face of the door and stop, with the door open 90 degrees.

1003.5.2.2 Thresholds. Thresholds shall comply with Section 303.

1003.5.2.3

Double Leaf Doorways. Where an inactive leaf with operable parts more than 48 inches (1220 mm) above the floor or ground is provided, the active leaf shall provide the clearance required by Section 1003.5.2.1.

Section 1003.9 Operable Parts is hereby amended to read as follows:

1003.9 Operable Parts. Lighting controls, electrical receptacles, environmental controls, and user controls for security or intercom systems shall comply with Section 309.3.

EXCEPTIONS:

* * *

Section 1003.11.2 Grab Bar Reinforcement is hereby amended to read:

1003.11.2 Grab Bar Reinforcement. In bathrooms on the accessible route, reinforcement shall be provided for future installation of grab bars and shower seats at water closets, bathtubs, and shower compartments so as to permit installation of grab bars and seats complying with Section 604.5, 607.4 or 610.

Reinforcement shall be provided for future installation of grab bars meeting those requirements.

EXCEPTION: Reinforcement is not required in a room containing only a lavatory and a water closet, provided that the room does not contain the only lavatory or water closet on the accessible level of the dwelling unit. Blocking need not be installed behind a fiberglass shower surround. Nothing in this ordinance shall be construed as requiring the installation of grab bars or shower seats referred to in Sections 604.5, 607.4 and 610.