

**ORDINANCE O-14-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE APPLICABLE BUILDING AND SAFETY CODES, ARTICLES 7.1 THROUGH 7.7 OF THE CITY CODE, AND PROVIDING FOR REPEAL AND SEVERABILITY.**

**WHEREAS**, the Mayor and City Council have the authority to adopt and to amend, by ordinance, building and safety codes of the City of Bisbee; and

**WHEREAS**, the City of Bisbee has not updated or revised its building and safety codes significantly since 1994 and the versions that are currently in effect are no longer generally available for use by the contractors, architects, and engineers that will be doing business in this community; and

**WHEREAS** the International Code Council has developed a comprehensive set of building and safety codes that are now in use in all fifty states and have become widely accepted in Arizona, including Cochise County, and throughout the country; and

**WHEREAS**, it is in the best interests of the City of Bisbee and of its citizens to update our building and safety codes to make them easier for architects, engineers, and builders to use, and to better protect our citizens; and

**WHEREAS**, the adoption of these updated codes is in the best interests of the citizens of this community,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bisbee as follows:

**Section 1:** That the City Code of the City of Bisbee, Articles 7.1 through 7.7, is hereby amended as stated in the attached Exhibit A, incorporated herein by reference.

**Section 2:** Adoption by Reference. That the respective, published Codes specifically designated in Exhibit A are hereby adopted by reference, without setting forth all provisions of these Codes. Copies of these adopted Codes shall be maintained in the Office of the City Clerk, for public use and inspection, in the manner required by applicable law.

**Section 3:** Repeal. All prior resolutions, ordinances, and policies are hereby repealed to the extent of any conflict with this Ordinance.

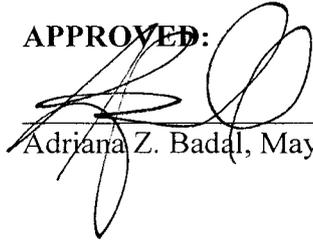
**Section 4:** Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision

of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

**Section 5:** Delayed Effective Date. In order to provide sufficient time for the transition to these new Codes, this Ordinance shall first become effective on August 1, 2014, and shall remain in effect thereafter until amended or rescinded.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee, this 15<sup>th</sup> day of April, 2014.

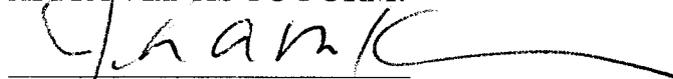
**APPROVED:**

  
\_\_\_\_\_  
Adriana Z. Badal, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
John A. MacKinnon, City Attorney

## EXHIBIT A

### AMENDMENTS TO THE CITY CODE OF THE CITY OF BISBEE ARTICLE 7.1, BUILDING CODE, THROUGH ARTICLE 7.7, BUILDING CONSERVATION CODE

#### New language

~~{Deleted language}~~

#### CHAPTER 7 BUILDING

#### ARTICLE 7.1 BUILDING CODES

(O-94-33; R-94-50; O-90-33; R-90-29; O-96-40)

##### 7.1.1 Adoption of Codes

(O-03-03)

~~The 1997 Uniform Building Code, with its tables, schedule of fees, and appendixes, plus changes from prior uniform building codes, as prepared by the International Conference of Building Officials, is hereby adopted in its entirety as if fully set out in this ordinance, except Sections 105.1 and 105.2 of the 1997 Uniform Building Code pertaining to Board of Appeals, in accordance with A.R.S. Section 9-802.~~

**The 2012 International Building Code, the 2012 International Existing Building Code, and the 2012 International Residential Code, including all tables and appendixes, are hereby adopted for use in this jurisdiction.**

##### 7.1.2 Condition Precedent to Issuance of Building Permits

(O-10-16; O-11-17)

No building permit shall be issued for the construction of a new structure unless that structure and the proposed usage are in compliance with the Zoning Code of the City of Bisbee.

##### 7.1.3 Building Permit Fees

(O-07-14; O-06-05; O-03-03; O-09-05; O-10-03)

~~Building permit fees, re-inspection fees (for two or more re-inspections), plan review fees, and other building fees and charges due the City shall be as specified under the 1997 Uniform Building Code; provided, however, the City shall not charge an initial inspection fee.~~

~~A. The Building Permit Fees for residential and commercial structures shall be as specified in Table 1-A of the 1997 Uniform Building Code, as amended:~~

~~1. For purposes of determining the "total valuation," to compute the building permit fees specified in Table 1-A, the following values shall be used:~~

~~a. New residential structure valuation rate: \$73.00 per square foot.~~

~~b. New residential garages, attached and detached: \$36.50 per square foot.~~

~~c. New commercial structures and additions, alterations, remodel: total value of all such work, based upon contract documents, if available.~~

~~Residential remodel, renovations, roof repairs and alterations: total value of all such work, based upon contract documents, if available.~~

~~2. Permits for the following improvements shall be charged on a flat rate, as specified:~~

- a. ~~Electrical service upgrade (does not include Branch Circuit work): \$55.00 residential and \$60.00 commercial.~~
  - b. ~~Electric or gas water heaters: \$25.00 residential and \$30.00 commercial.~~
  - c. ~~Non-habitable storage buildings, factory storage sheds from 121 square feet and up on residential properties: \$50.00. (No permit required for accessory structures less than 121 square feet).~~
  - d. ~~Utility Clearance Inspection (Green Tag): \$ 25.00~~
  - e. ~~Manufactured Home Installation Permit: \$ 200.00~~
- C. ~~In addition to the fees specified above, a Plan Review Fee in the amount of 65% of the Building Permit Fee will be charged when applicable under the Uniform Building Code. The Plan Review Fee shall not be applicable to those permits that are subject to the specified flat rate fees.~~
- D. ~~Notwithstanding any other provision or law, the City shall not charge any fee for that portion of any building permit, plan review or inspection services that is associated with the installation of a photovoltaic solar device, a solar hot water heater, or any other similar solar device that will convert solar energy to electrical energy or heat and that will result in a decrease in the production of global warming emissions. This fee exemption shall only be applicable to that portion of any such permit directly associated with the installation of any such solar device and shall not exempt other building components from the generally applicable fees. This fee exemption shall not apply to the installation of skylights, windows or other means of providing natural lighting or to building designs that employ passive solar heating or cooling methods for the structure.~~

**Except as may be otherwise specified, the fees included within these Codes are hereby adopted.**

#### **7.1.4 Conformance to Arizonans with Disabilities Act**

Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record of Resolution No. R-96-46, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted by Ordinance O-94-33 and made a part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities" declared a public record by Resolution No. R-96-46, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted by Ordinance O-94-33 ( Chapter 7, City Code) and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.

### **ARTICLE 7.2 PLUMBING CODE (O-94-33; R-94-50; O-90-33; R-90-29; O-88-06)**

#### **7.2.1 Adoption of Code**

~~That certain document known as the Uniform Plumbing Code with its appendixes and changes, 1994 edition, and have been declared as public records by Resolution R 94 50 of the City of Bisbee, Arizona, and said Uniform Plumbing Code is hereby referred to, adopted and made a part hereof as if fully set out in~~

~~this ordinance and as subsequently amended every three (3) years by the International Conference of Building Officials. One (1) copy shall be on file at the Bisbee Municipal Building and one copy shall be filed in the public library, and kept available for public use and inspection.~~

**The 2012 International Plumbing Code, including all tables and appendixes, is hereby adopted for use in this jurisdiction.**

### **7.2.2 Amendments**

The Plumbing Code is amended by adding the following:

- A. Any new connections from inflow sources such as flood waters and seepage waters into the sanitary sewer portion of the City sewer system shall be expressly prohibited.
- B. To ensure that new sewers and connections to the City sewer system are properly designed and constructed, new sewers and connections shall be designed and constructed in accordance with the requirements of the Arizona Department of Health Services, Cochise County Health Department and the City.
- C. All wastewater introduced into the treatment works of the City shall not contain toxins or other pollutants in amounts or concentrations that endanger public safety and physical integrity of the treatment works, or cause violation of effluent or water quality limitations, or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.
- D. Fees provided in the plumbing code are hereby amended. Fees shall be adopted by resolution of the Council.

### **7.2.3. Water Conservation Requirements.**

The following water saving requirements are intended to be applied in connection with the provisions of the adopted Plumbing Code and shall be applicable to all new construction and to that portion of any remodeled or retrofitted commercial construction which includes any substantial replacement or remodeling of the systems or fixtures described in this Article.

#### **A. Plumbing Standards**

- 1. Hot water pipes, including those in any recirculation system, shall be insulated with a minimum thermal resistance (R-value) of R-4.
- 2. Hot water systems shall be designed and shall include such components as may be necessary to deliver hot water at each demand point with no more than 0.6 gallons (2.3 liters) of water delivered prior to the delivery of hot water.
- 3. All new single family residential construction shall include plumbing features that will be readily adaptable, accessible, and clearly marked to allow for the optional use of the "gray water" (aka "greywater") to be produced by the residents, to be used as a source for outdoor irrigation, in the manner allowed by applicable law.
- 4. Water service pressure at the point of delivery for residential occupancies shall not exceed 60 pounds per square inch (psi). The Building Inspector is authorized to allow exceptions where circumstances beyond the control of the property owner may require a higher limit.

## B. Plumbing Fixture Standards

Except as otherwise noted, the following designated plumbing fixtures and appliances shall either be "WaterSense" labeled fixtures, or shall meet or exceed the water conservation standard established for these types of fixtures through the "WaterSense" program. "WaterSense" is a program established by the U.S. Environmental Protection Agency which, among other matters, establishes criteria for water-efficient plumbing fixtures and maintains listings through the EPA website of the designated criteria and approved fixtures. For proposed fixtures or appliances which do not include the "WaterSense" label, the property owner or contractor shall have the obligation of demonstrating that the proposed fixture meets or exceeds these requirements. (Where flow rates are provided in parentheses, these represent maximums at the time of the adoption of this regulation, but may be subject to change as the "WaterSense program efficiencies are improved.)

1. Toilets (1.28 gallons per flush- gpf)
2. Flushing urinals (only for custodial cleaning) or non-water using units.
3. Bathroom sink faucets and faucet accessories. (1.5gpm)
4. Kitchen sink faucets and accessories (2.2 gpm max.).
5. Showerheads, single units.
  - For shower compartments with multiple outlet units, including body sprays, rain systems, waterfalls, and jets, the total flow rate of water from all such outlets into the compartment shall not exceed 2.0 gpm.
6. Residential clothes washers, Energy Star qualified with a water factor equal or less than 6.0 gallons of water per cycle per cubic foot of capacity.
7. Commercial laundry facilities, including for-fee washing machines available to the public or residents of a multifamily housing development, Energy Star qualified with a water factor of 4.5 gallons per cubic foot of capacity, or less.
8. Evaporative cooling systems for single family residences shall use a maximum of 3.5 gallons (13.3 liters) of water per ton-hour cooling, when adjusted to maximum water use.
9. Water softener systems shall be certified to meet the standards of NSF/ANSI 44, Residential Cation Exchange Water Softeners, 2, including the efficiency ratings standards in Section 7.
10. Drinking water treatment systems must be certified to yield at least 85 gallons of treated water for each 100 gallons of water processed.

## C. Prohibited Plumbing Fixtures

The following designated types of plumbing fixtures and systems shall not be permitted in connection with any new or remodeled commercial or multi-family building or other facility. For purposes of this restriction, a "remodeled commercial or multifamily building or facility" would include any such structure or improvement in which these designated types of plumbing fixtures and systems were not already in place.

1. Outdoor air-cooling misters which release water or water vapor, reducing the apparent ambient temperature in that location.
2. Commercial car washing facilities, including dealerships, which do not include systems which recycle a minimum of seventy-five percent (75%) of the water used in the system.

3. Watering or irrigation systems that do not include rainfall shutoff devices, or other mechanisms that reduce or interrupt the delivery of water during effective rain events.

**ARTICLE 7.3            ELECTRICAL CODE**  
**(O-94-33; R-94-50; O-90-33; R-90-29)**

**7.3.1    Adoption of Code**

~~That certain document known as the National Electrical Code with its appendixes and changes, 1993 edition, published by the National Fire Protection Association, and have been declared as public records by Resolution R-94-50 of the City of Bisbee, Arizona, and said National Electric Code is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance and as subsequently amended every three (3) years by the National Fire Protection Association. One (1) copy shall be on file at the Bisbee Municipal Building and one copy shall be filed in the public library, and kept available for public use and inspection.~~

**The 2014 National Electric Code, including all tables and appendixes, is hereby adopted for use in this jurisdiction.**

**7.3.2    Amendments**

~~A. Section 336-30 of the National Electrical Code is hereby amended to read as follows:~~

~~"Uses Not Permitted for either Type NM or NMC. Types NM and NMC cables shall not be used as: (1) service entrance cable, (2) in commercial garages, (3) in theaters and similar locations, except as provided in Article 518, places of assembly, (4) in motion picture studios, (5) in storage battery rooms, (6) in hoist ways, (7) in any hazardous location, (8) embedded in poured cement, concrete, or aggregate, (9) in any commercial structure or occupancy, (10) in any other building or occupancy deemed inappropriate for use of these types by the building official."~~

~~B. Fees shall be adopted by resolution of the Council.~~

**ARTICLE 7.4            FIRE CODE**

**7.4.1    Adoption of Code**

**(O-03-03; O-94-33; R-94-50)**

~~The 1997 Uniform Fire Code, with its tables, schedule of fees, and appendixes, plus changes from prior uniform fire codes, and as prepared by the International Fire Code Institute, is hereby adopted in its entirety as if fully set out in this ordinance, except Section 103.1.4 of the 1997 Uniform Fire Code pertaining to a Board of Appeals, in accordance with A.R.S. Section 9-802.~~

**The 2012 International Fire Code, including all tables and appendixes, is hereby adopted for use in this jurisdiction.**

**ARTICLE 7.5            MECHANICAL CODE**  
**(O-03-03; O-94-33; R-94-50; O-90-33; R-90-29; O-88-06)**

**7.5.1    Adoption of Code**

~~The 1997 Uniform Mechanical Code, with its tables, schedule of fees, and appendixes, plus changes from prior uniform mechanical codes, and as prepared by the International Conference of Building Officials, is hereby adopted in its entirety as if fully set out in this ordinance, except Sections 110.1 and 110.2 of the 1997 Uniform Mechanical Code pertaining to a Board of Appeals, in accordance with A.R.S. Section 9-802.~~

**The 2012 International Mechanical Code, including all tables and appendixes, is hereby adopted for use in this jurisdiction.**

**ARTICLE 7.6        DANGEROUS BUILDING CODE  
(O-03-03; O-94-33; R-94-50)**

**7.6.1    Adoption of Code**

The 1997 Uniform Code for the Abatement of Dangerous Buildings, plus changes from prior uniform codes for abatement of dangerous buildings, and as prepared by the International Conference of Building Officials, is hereby adopted in its entirety as if fully set out in this ordinance, except Sections 205.1 and 205.2 of the 1997 Uniform Code for the Abatement of Dangerous Buildings pertaining to a Board of Appeals, in accordance with A.R.S. Section 9-802.

**ARTICLE 7.7        ~~BUILDING CONSERVATION CODE~~ ADDITIONAL CODES  
(O-94-33; R-94-50)**

**7.7.1    Adoption of Codes**

~~That certain document known as the Uniform Code for Building Conservation with its appendixes and changes, 1994 edition, and have been declared as public records by Resolution R-94-50 of the City of Bisbee, Arizona, and said Uniform Code for Building Conservation is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance and as subsequently amended every three (3) years by the International Conference of Building Officials. One (1) copy shall be on file at the Bisbee Municipal Building and one copy shall be filed in the public library, and kept available for public use and inspection.~~

**The 2012 International Fuel Gas Code, the 2012 Energy Conservation Code, and the 2012 International Property Maintenance Code, including all tables and appendixes, are hereby adopted for use in this jurisdiction.**