

ORDINANCE O-23-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE CODE OF THE CITY OF BISBEE, ARTICLE 7.1 BUILDING CODE, SECTION 7.1.3 BUILDING PERMIT FEES ESTABLISHING FEES FOR PHOTOVOLTAIC SOLAR DEVICES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Council of the City of Bisbee have the authority to adopt and amend provisions of the City Code by ordinance, as authorized by the City Charter, Section 7.05(a); and,

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Code of the City of Bisbee to establish fees for the permitting and installation of photovoltaic solar devices.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The City of Bisbee Code, Article 7.1 Building Code, Section 7.1.3 Building Permit Fees is hereby amended by adding additional requirements with additions in all CAPS and deletions in strikeout as set forth below:

ARTICLE 7.1 BUILDING CODE

7.1.3 Building Permit Fees

...

These Permit Fees include one initial inspection and two (2) re-inspections for each stage of the project that does not pass the initial inspection. Additional inspections shall be subject to an additional fee ~~in the amount of \$47.00~~. Inspections during weekends or at times other than normal business hours, when specifically requested by the owner or contractor, shall be subject to an additional fee at a minimum of two hours

~~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.~~

THE CITY SHALL CHARGE A FLAT FEE FOR ANY BUILDING PERMIT, PLAN REVIEW OR INSPECTION SERVICES THAT IS ASSOCIATED WITH THE INSTALLATION OF A PHOTOVOLTAIC SOLAR DEVICE, OTHER THAN 12 VOLT BATTERY CHARGING SYSTEMS, 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 EMISSIONS. THIS FEE WILL 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 TO INCLUDE 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.

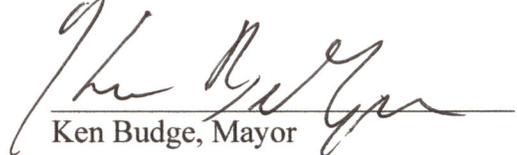
For work which requires a Building permit pursuant to the applicable Code or Codes, and which is initiated without obtaining an appropriate Building Permit and without paying the applicable Permit Fee, the cost for the required Building Permit shall be ~~two times (2x) the otherwise applicable fee for that work~~ SUBJECT TO ADDITIONAL FEES.

Section 2. Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 16th day of January, 2024.

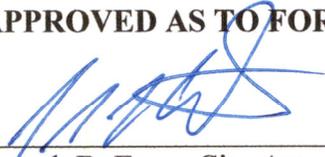
APPROVED:


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph D. Estes, City Attorney
Gust Rosenfeld, P.L.C.