



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 101.2**

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 101.2 Scope.**

The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

~~**Exception:** Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *International Residential Code*.~~

**Exceptions.** The provisions of this code shall not apply to:

1. Federally, state or county owned projects (building and land) are exempt from the required, permits, inspections and fees of Appendix A.2 of the *Phoenix City Code*.
2. Work primarily located within a public way such as streets, roads, sidewalks, bridges, drainage structures, street lights and traffic control signs or equipment. Pedestrian tunnels or bridges which cross a public way are regulated by this code when they directly connect one or more buildings located outside of the public way.
3. Canals, dams and hydraulic flood control structures constructed by or under contract with a governmental agency or jurisdiction.
4. Utility towers, poles, equipment or systems under the exclusive control of an electric utility and directly used to generate, transmit, transform, control or distribute electrical energy to utility customers.

Electrical installations in buildings used by the electric utility, such as office buildings, that are not an integral part of a generating plant, substation or control center, and electrical installations located on the premises of a utility customer, such as exterior lighting, service entrance equipment or customer- owned substation equipment, are regulated by this code.

5. Installation of communications equipment under the exclusive control of communications utilities and located outdoors or in building spaces used exclusively for such installations. Communications wiring run inside a building is regulated by this code.
6. Piping and equipment owned and operated by a public service utility and directly used to produce, treat, distribute or meter water to utility customers, or directly used to collect, treat or dispose of sewage or waste water from utility customers. Domestic plumbing systems within water or sewer utility plants are regulated by this code.
7. Piping and equipment owned and operated by a public service utility and directly used to produce, distribute or meter natural gas to utility customers.
8. Construction methods and sequencing. This code does not regulate construction methods or the scheduling or coordination of construction work, except that the contractor(s) and property owner(s) are responsible for obtaining all permits, tests and city inspection approvals as specified in this code.

9. Construction site safety. This code does not regulate construction means, methods or safety. The property owner(s), the contractor(s) and all construction workers are each responsible for compliance with applicable federal and state occupational health and safety laws and regulations

**Reasons:**

These provisions for scoping more accurately delineate the City's responsibilities and establish the limits of this code pertaining to utilities, jobs under construction and other jurisdictions.

**Cost Impact:** No Impact

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 10/24/2012  
 No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 101.3

**Submitted by:** Phoenix Planning & Development Department Code Committee

**101.3 Intent.** The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code. Although the Planning & Development Director (hereinafter referred to as the "Director") or designee is directed to obtain substantial compliance with the provisions of this code, a guarantee that all buildings, structures or utilities have been constructed in accordance with all the provisions of the code is neither intended nor implied.

**Reasons:**

This establishes that the Director will endeavor to obtain substantial compliance with the Code, but cannot guarantee that the project complies in all respects. The responsibility for compliance with this code lies with the owner of the project.

**Cost Impact:** No Impact

**ACTION TAKEN:**

<b>2012 Code Committee</b>			Date: 6/12/12
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken

<b>Development Advisory Board Administrative Subcommittee</b>			Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken

<b>Development Advisory Board</b>			Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken

<b>Council Subcommittee</b>			Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken

<b>City Council Action</b>			Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 101.4**

**Submitted by:** Phoenix Planning & Development Department Code Committee

**101.4 Referenced codes.**-The other codes listed in Sections 101.4.1 through 101.4.68 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Gas.** The provisions of the International Fuel Gas Code, as amended, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the International Mechanical Code, as amended, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

**101.4.3 Plumbing.** The provisions of the Uniform Plumbing Code, as amended, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the ~~International Private Sewage Disposal Code~~ Uniform Plumbing Code shall also apply to private sewage disposal systems.

**101.4.4 Property maintenance. ~~RESERVED~~** ~~The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.~~

**101.4.5 Fire prevention.** The provisions of the International Fire Code, as amended, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the International Energy Conservation Code, as amended, shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Electrical.** The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.8 Existing Building Code.** The provisions of the International Existing Building Code shall apply to existing buildings.

**101.4.9 Residential Code.** The provisions of the International Residential Code shall apply to detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures.

**Reasons:**

The changes reflect the current codes and local amendments that will apply in the City.

**Cost Impact:** No impact

**ACTION TAKEN:****2012 Code Committee**

Date: 10/24/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee**

Date: 4/16/13

Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action**

Date: 5/15/13

Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 102.6

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 102.6 Existing structures.**

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code ~~the *International Property Maintenance Code*~~ or the *International Fire Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

**Reasons:**

The City uses the Neighborhood Preservation Ordinance for maintenance of existing and abandoned buildings, therefore the Property Maintenance Code is not adopted.

**Cost Impact:** No Impact

**ACTION TAKEN:**

**2012 Code Committee** Date: 6/12/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 102.7

**Submitted by:** Phoenix Planning & Development Department Code Committee

**102.7 Applicability of this Code.** All applications submitted on or after the effective date of this code shall be subject to the requirements of the codes adopted by Ordinance G- XXXX.

Exception:

1. Application under the provisions of the International Code Council Performance Code requires approval of the Building Official.

**Reasons:**

This addition allows the use of International Performance Code by approval of the Building Official.

**Cost Impact:** Use of this code may produce considerable construction cost savings.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied

Date: 6/12/12

No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied

Date: 11/15/12

No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied

Date: 11/15/12

No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied

Date: 4/16/13

No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied

Date: 5/15/13

No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

### Section 103

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 103 DEPARTMENT OF BUILDING SAFETY**

#### **Planning and Development Department**

#### **[A] 103.1 Creation of enforcement agency.**

The ~~Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.~~ The authority and responsibility for administration and enforcement of this Code is hereby assigned to the Director of the Planning & Development Department. The Director may designate a person or persons to fulfill these duties.

#### **A] 103.2 Appointment.**

The *building official* shall be appointed by the ~~chief appointing authority of the jurisdiction.~~ Director of the Planning & Development Department.

#### **[A] 103.3 Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the ~~*building official*~~ Director of the Planning & Development Department shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*. ~~For the maintenance of existing properties, see the *International Property Maintenance Code*.~~

**103.4 City Manager's Representative.** The Director shall appoint a representative to hear initial technical appeals of various development-related city codes, ordinances, policies and procedures as provided for in *The Phoenix City Code* and *City of Phoenix Zoning Ordinance*, and shall be known as the City Manager's Representative for Technical Appeals.

#### **Reasons:**

This is the organization of the department as dictated by the City Charter.

**Cost Impact: No Impact**

#### **ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 8-29-12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken





# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 104.5

**Submitted by:** Phoenix Planning & Development Department Code Committee

**104.5 Identification.**

The *building official* and all Planning & Development employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**Reasons:**

City policy requires all employees to carry City identification.

**Cost Impact:** No impact.

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 6/27/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code Section 104.10**

**Submitted by:** Phoenix Planning & Development Department Code Committee

**104.10 Modifications. Administrative review, interpretations, modifications and appeals.** Any person dissatisfied with a code enforcement decision made by a Planning & Development Department employee may request an administrative review, formal interpretation, or a modification of a code requirement.

**104.10.1 Administrative review.** Any person dissatisfied with a code enforcement decision made by a Planning & Development Department employee may request a review of that decision by the employee's supervisor.

Any person dissatisfied with a decision of the supervisor may appeal that decision to the building official. The appeal shall be made in writing on a form provided by the Planning & Development Department, and shall be accompanied by a non-refundable administrative processing fee as set forth in Appendix A.2 of the *Phoenix City Code*. The decision of the building official shall be final except as provided in Section 113 of these administrative provisions.

**104.10.2 Interpretation.** Any person may request a written interpretation of a code requirement. The request shall be in writing on a form provided by the Planning & Development Department, shall include all information, calculations or other data necessary to describe the specific condition in detail, and shall be accompanied by a non-refundable administrative processing fee as set forth in Appendix A.2 of the *Phoenix City Code*. The decision of the building official shall be recorded in the files of the department.

#### **104.10.3 Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

Requests for modification of a code requirement shall be made in writing on a form provided by the Planning & Development Department, and shall be accompanied by a non-refundable fee as set forth in Appendix A.2 of the *Phoenix City Code*. The applicant is responsible for providing all information, calculations or other data necessary to document or substantiate each request. The building official may approve, approve with stipulations, or deny the application based upon the substantiating data submitted and the building official's determination that the modification results in substantial compliance with the intent of this code. In deciding each case, the building official may consider or require alternate methods or systems to be used in compensation for the particular code provision to be modified.

The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.10.4.3.1 Flood hazard areas. Reserved.** The building official shall not grant modifications to any provision required in *flood hazard areas* as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612.3 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood

heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.

**104.10.4 Appeals.** Any person may appeal a decision made by the building official to the Development Advisory Board as set forth in Section 113 of these administrative provisions.

**Reasons:**

This code change sets up a policy of easy second opinions, reviews, interpretations and modifications providing customers alternative means of appealing a decision made by any single employee of Planning & Development

**Cost Impact:** No Cost Impact.

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 6/27/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 104.12**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 104.12 LOCATION ON PROPERTY**

**104.12.1 General.** Buildings shall adjoin or have access to a public way or yard on not less than one side. Required yards shall be permanently maintained.

For the purpose of this section, the center line of an adjoining public way shall be considered an adjacent property line. (See also Section 1206.)

Required yards and all sewer and water services shall be on the same property as the building, and no building or sewer or water service shall be built across a recorded property line, except in accordance with the following provisions:

**104.12.1.1 Utility Easements.** A modification request is required to approve the provision of private sewer or water services to a lot or building site when such service is located within a permanent, non-revocable private utility easement duly-recorded in the deed records of Maricopa County for all the properties involved.

**104.12.1.2 Lot Combinations.** Where two or more adjacent lots or parcels are owned by the same person or persons, such lots or parcels shall be combined into a single building site by platting or replatting such lots or parcels into a single lot, or shall be combined by recording in the deed records of Maricopa County for all of the lots or parcels involved, a permanent, non-revocable lot combination agreement in a form approved by the building official. In addition, the property owner shall provide evidence that all of the lots or parcels combined are taxed and assessed by the Maricopa County Assessor as a single tax parcel.

**104.12.1.3 Integrated Developments with Multiple Owners.** As a modification to the Building Code (see Section 104.10.3), the building official may approve a permanent agreement between multiple property owners for purposes of considering two or more separately owned properties as one building site for purposes of this code. Such agreement shall stipulate the reasons for the lot consolidation and the permanent requirements or prohibitions necessary to fully comply with this code as if all improvements were located on the same single lot.

**104.12.1.4 Open Space Easements.** As a modification to the Building Code (see Section 104.9, Item 3), the building official may approve a permanent open space, nonbuilding easement on one property for purposes of providing yard areas or open space sufficient to satisfy building code setback or egress requirements on the adjacent property.

**104.12.1.5 Agreement Conditions.** Agreements proposed or required under this section shall be permanent and binding on all property owners, their heirs and assigns. The agreements shall be in writing, shall be approved by the building official and shall be recorded in the deed records of Maricopa County for all the properties involved. The agreements shall be enforceable by the building official and by each of the property owners, their heirs and assigns. The agreements shall require physical modification of any structures to fully comply with all applicable code requirements prior to alteration or expiration of the agreement. Alteration of the agreements or any condition or provision therein, or expiration or elimination of any such agreement, is prohibited

except with the prior written approval of the building official. The building official shall have authority to revoke any agreement for noncompliance with any of its provisions, and thereafter to require the property owners to individually make each of their properties physically and fully compliant with all applicable code requirements without benefit of the agreement conditions. The building official shall not initiate or negotiate any such agreement, but shall consider agreements offered jointly by adjacent property owners.

**Reasons:**

This change brings an IBC amendment into the relevant administrative portion for transparency.

**Cost Impact:** No impact

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied     No action taken

Date:6/27/12

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 11/15/12

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 11/15/12

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 4/16/13

**City Council Action**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 5/15/13



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 105.1

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit for each building, structure or building service equipment*.

1. Separate permits shall be obtained from the fire marshal for automatic fire extinguishing systems, fire alarm systems, and other uses or equipment regulated by the *Phoenix Fire Code*.

2. Separate permits shall be obtained from the Planning & Development Department for work within the public right of way including off-site sewer or water extensions; sewer or water taps and all connections to public sewer and water; paving, curb-cuts, driveways and sidewalks, and landscaping. See Chapter 32 of the International Building Code for permits and restrictions on work within the public right of way.

3. Separate permits shall be obtained from the Planning & Development Department for site development work in accordance with the Phoenix City Code.

4. Factory-built buildings, manufactured homes and mobile homes require permits from both the State of Arizona Office of Manufactured Housing in accordance with ARS Title 41, Chapter 16, Article 2, and from the Planning & Development Department in accordance with Section 31 of the *International Building Code* or Appendix E of the *International Residential Code*.

**~~[A] 105.1.1 Annual permit.~~**

~~In lieu of an individual *permit* for each *alteration* to an already *approved* electrical, gas, mechanical or plumbing installation, the *building official* is authorized to issue an annual *permit* upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the *permit*.~~

**~~[A] 105.1.2 Annual permit records.~~**

~~The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.~~

**Reasons:**

Carried over from previous codes. Specifies requirements for permits from other municipalities and departments within the city. Requirements for annual permits are specified in IBC Section 117.

**Cost Impact:** N/A

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 7/11/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
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<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 105.2 (also see next document for full listing)

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.2 Work exempt from permit.**

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other codes, laws or ordinances of the city of Phoenix. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the aggregate floor area is not greater than 200 square feet (18.58 m<sup>2</sup>).

**Reasons:**

Aggregate was an added amendment to clarify multiple structures, without required separations, to be considered as one structure not exceeding 200 sf. The term has caused confusion by implying that all accessory structures on a property, even with proper separations, could not have a total combined area greater than 200 sf. The removal of the term aggregate brings the provision back to the original base code language.

**Cost Impact:**

Specific exemptions save the customer time and money if a permit is not required.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 11/20/13  
 No action taken

**Development Advisory Board Technical Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/21/13  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 1/16/14  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 2/18/14  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 2/26/14  
 No action taken



## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 105.2

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.2 Work exempt from permit.**

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other codes, laws or ordinances of ~~this jurisdiction~~ the city of Phoenix. *Permits* shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the aggregate floor area is not greater than ~~420~~ 200 square feet (~~44~~ 18.58 m<sup>2</sup>).
2. Fences not over ~~3~~ 7 feet (2134 mm) high. Fences not included in this exception, not over 7 feet (1829 mm) high, shall require a building permit demonstrating compliance with the zoning ordinance requirements and city code requirements for site drainage only.
3. Oil derricks.
4. Retaining walls that are not over ~~4 feet~~ 40 inches (1219 1016 mm) in height measured from the ~~bottom~~ top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television, seasonal celebration and theater stage sets and scenery. Associated bleachers and grandstands are not included in this exemption.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that ~~are less than 24 inches (610 mm) deep~~, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground. Barriers shall be installed in accordance with Appendix G, Section AG105 of the International Residential Code. A permit is required for the barrier.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment ~~accessory to detached one- and two-family dwellings~~.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Ground or roof supported structures, such as radio and television antenna towers and flagpoles which do not exceed 200 pounds (90 kg) in weight or 45 feet (13 700 mm) in height above the ground surface.
15. Contractors' temporary construction offices which are associated with a permitted construction project in compliance with the city of Phoenix Zoning Ordinance and are intended to be removed from the site upon completion of the project. Structures which include sales offices which are open to the public do require a permit.
16. Re-roofing with the same type of material as the original roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
17. Installation of a nonstructural weatherproof exterior covering over an existing weatherproof



covering on an existing structure so long as the new covering will not affect the fire-resistive classification of the existing structure.

**Exception:** Installation of an Exterior Insulation and Finish System (EIFS).

18. Minor repair or replacement in kind of non-structural components such as glass or glazing materials, sash, doors and hardware, patching walls or ceilings and replacing pieces of siding, soffits or fascia. Installation of locking or security hardware on egress doors, or changing the types of locking devices requires a permit.

19. Existing Construction. Construction that has existed for at least 15 years before the adoption date of this code, provided there are no visible unsafe conditions, defects, or zoning violations.

#### **Electrical:**

**Repairs and maintenance:** ~~Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~

**Radio and television transmitting stations:** ~~The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.~~

**Temporary testing systems:** ~~A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

1. Installation or replacement of equipment such as appliances, lamp holders, lamps and other utilization equipment manufactured, approved and identified for cord- and plug-connection to suitable permanently installed receptacles.

2. Repair or replacement of motors rated 50 HP or less, transformers rated 45 kVA or less, or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting approved and identified for cord- and plug-connection.

4. Repair or replacement in kind of any switch, other than a service disconnect, receptacle, contactor, control device or other utilization equipment rated 60 amperes or less.

5. Replacement in kind of any circuit breaker other than a service disconnect, rated at 125 amperes or less, or any fuse.

6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

7. Temporary wiring for experimental purposes in suitable experimental laboratories.

8. Temporary wiring for theaters, motion picture and television studios, performance areas, and similar locations where not accessible to the general public.

9. Class 2 and Class 3 control and signal circuits not essential for safety to human life.

10. Installation, repair or replacement of electrical systems and components within machinery or equipment which is not defined by this Code as building service equipment.

#### **Gas:**

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

#### **Mechanical:**

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

8. Repair or replacement in kind of refrigeration units not over 5 tons (17.5 kW) of refrigeration capacity, when located outdoors. Replacement equipment shall be in the same location and equal to or less than the weight of that which is replaced. Repair or replacement of refrigeration

systems located inside a building shall require a permit and compliance with all requirements of this Code for the classification of refrigerant utilized in the new equipment.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Replacement of water closets, valves or fixtures with new valves or fixtures complying with the water conservation requirements of this Code, except that a permit shall be required for the relocation of any valves, pipes or fixtures.
4. Repair or replacement of portable or built-in appliances which are not regulated by this code as building service equipment and which connect to the building water, drain or gas piping systems by approved means.
5. Replacement, in kind, of an existing water heater in one-and two-family dwellings when the work is performed by a licensed contractor.
6. Repair or replacement of existing 2" and smaller secondary backflow prevention assemblies. A test report, completed by a certified backflow assembly tester, shall be submitted for approval to the authority having jurisdiction at the time of installation or repair.

**Reasons:**

Majority of the exceptions are carried over from previous codes. IRC exempts one story detached accessory structures up to 200 sf. Allows for placement of 8' x 20' shipping containers (standard size) without a permit. Retaining wall heights are consistent with maximum allowable heights per the Phoenix Zoning Ordinance. Addition of platforms not more than 30" provides more flexibility and is consistent with past amendments. Construction that has been maintained and has existed for at least 15 years has demonstrated that it poses no obvious danger to the occupant or the public. Permitting existing construction is problematic, in that the inspections may not reveal all the defects, but the city is, in effect, stating it is substantially code compliant when it is finalized. Specific exemptions for electric, mechanical and plumbing provide for more consistency and allows for additional permit exemptions for routine maintenance.

**Cost Impact:**

Specific exemptions save the customer time and money if a permit is not required.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 11/5/12  
 No action taken

**Development Advisory Board Technical Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 2/12/13  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 2/21/13  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

### Section 105.3

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.3 Application for permit or standard plan.**

To obtain a *permit or standard plan approval*, the applicant shall first file an application therefor in writing on a form furnished by the ~~department of building safety~~ Planning & Development Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the ~~applicant owner~~, or the ~~applicant's~~ owner's authorized agent.
7. Give such other data and information as required by the *building official*.

**Reasons:**

Carried over from previous codes. Clarifies department responsibilities and identifies who can apply for the permit.

**Cost Impact:** N/A

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 8/29/12

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 4/16/13

**City Council Action**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 5/15/13



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 105.3.2

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.3.2 Time limitation of application.**

An application for a *permit* or *standard plan approval* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Appendix A.2 of the Phoenix City Code.

**Reasons:**

Carried over from previous codes. The proposed change provides more flexibility to resume abandoned projects and allows P&D to recover administrative costs associated with the application extension.

**Cost Impact:**

Extension application fees are set in Appendix A.2 of the Phoenix City Code. The additional time could save the owner money in applicable extension fees.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 8/29/12  
 No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 105.3.2.1

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.3.2.1 Standard plan expiration.**

Standard plans shall expire upon the adoption of a new code.

**Reasons:**

Clarifies the time limitation and expiration of standard plans. Standard plans are unique as multiple permits can be issued at various times.

**Cost Impact:** N/A

**ACTION TAKEN:**

**2012 Code Committee**

Date: 8-29-12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee**

Date: 4/16/13

Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action**

Date: 5/15/13

Approved as submitted     Modified and approved     Denied     No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 105.5**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **[A] 105.5 Expiration.**

Every *permit* issued, ~~except demolition permits and permits subject to section 114 of this code, shall expire 24 months after the date of permit issuance or become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The work shall not be considered suspended or abandoned if the permit holder has done one or more of the following:~~

1. Requested one or more Planning & Development inspections that demonstrate substantial progress in construction;
2. Conducted legally authorized site preparation such as demolition, clearing or excavation; or
3. Pursued other activities deemed by the building official to indicate intent to start and complete the project.

**[A] 105.5.1 Extension.** The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall be requested in writing and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Appendix A.2 of the Phoenix City Code.

#### **Exception:**

1. The building official is authorized to extend a permit for 30 days if it can be demonstrated the permit holder requires no more than two inspections per each discipline to obtain a Certificate of Occupancy or Certificate of Completion. The fee for a 30 day extension shall be based on the hourly rate for Building Safety Inspections (two hour minimum for each discipline) and shall include an administrative fee based on the general hourly plan review rate (two hour minimum) as set forth in Appendix A.2 of the Phoenix City Code.

**[A] 105.5.2 Reinstatement.** When a permit has expired, as described in section 105.5, the building official is authorized to grant, in writing, reinstatement of the permit for a period of not more than one year provided the following conditions are met:

1. No changes have been made or will be made in the original plans and specifications for such work; and
2. The original permit expired less than one year from the request to reinstate.

The reinstatement shall be requested in writing and justifiable cause demonstrated. The application for reinstatement shall include payment of a non-refundable fee as set forth in Appendix A.2 or the Phoenix City Code.

#### **Exception:**

1. The building official is authorized to reinstate a permit for 30 days if it can be demonstrated the permit holder requires no more than two inspections per each discipline to obtain a Certificate of Occupancy or Certificate of Completion. The fee for a 30 day extension shall be based on the hourly rate for Building Safety Inspections (two hour minimum for each discipline) and shall include an administrative fee based on the general hourly plan review rate (two hour minimum) as set forth in Appendix A.2 of the Phoenix City Code.

**[A] 105.5.3 Demolition.** Demolition permits shall expire if the work authorized by such permit is not commenced within 30 days or completed within 60 days from the date of permit issuance, or if active and continuous demolition work is suspended or abandoned for any period of five days or more prior to final completion and clearance of all debris from the site. Reasonable and continuous progress shall be made to complete all demolition work as expeditiously as possible. See Section 3303 of the International Building Code for demolition permit conditions.

The building official is authorized to grant, in writing, one extension of not more than 30 days. The extension shall be requested in writing and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Appendix A.2 of the Phoenix City Code.

The *building official* is authorized to grant, in writing, reinstatement of an expired demolition permit, for a period of not more than 30 days. The reinstatement shall be requested in writing and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Appendix A.2 of the Phoenix City Code.

**Reasons:**

The proposed changes provide more flexibility to extend and reinstate permits and allows P&D to recover administrative costs associated with the approvals.

**Cost Impact:**

Greater flexibility with extensions and reinstatements saves the developer unnecessary costs associated with resubmittal of plans and payment of new permit fees.

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 8/1/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 105.6

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 105.6 Suspension or revocation.**

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information; or in violation of any ordinance or regulation or any of the provisions of this code; or reasonable and continuous progress has not been made to complete the construction; or the continuance of any work becomes dangerous to life or property.

It shall be unlawful to proceed with any work for which a permit was issued after notice of permit suspension or revocation is served on the permit holder, the owner or the person having responsible charge of the work. Reinstatement of a suspended permit shall be by written notice from the building official authorizing work to resume, with or without conditions. Revoked permits shall be canceled and the permit fee shall not be refunded except as may be provided in Section 108.6 of these administrative provisions.

**Reasons:**

Carried over from previous codes and gives the building official greater flexibility to suspend or revoke a permit when necessary.

**Cost Impact:** N/A

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 8/1/12

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 11/15/12

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 11/15/12

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 4/16/13

**City Council Action**

Approved as submitted     Modified and approved     Denied     No action taken

Date: 5/15/13





# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

### Section 105.7

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A]105.7 Placement of permit.**

The building ~~permit~~ or copy shall be kept on the site of the work until the completion of the project. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted a visible sign which identifies the permit number and the street address or suite number where construction work is authorized. This sign may be a copy of the permit or a permit notice card provided by the building official. Other forms of identification may be used when approved by the building official. This permit notice shall be maintained by the permit holder until the required final approval has been granted by the building official.

**Reasons:**

Carried over from previous codes. Informs the public of permitted construction activity. Identifies premises for construction inspections.

**Cost Impact:** N/A

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 8/1/12  
 No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 105.8**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **[A] 105.8 Record changes.**

**[A] 105.8.1 Owner name change.** Any time after a permit has been issued a new owner may be substituted for the original owner, provided the new owner submits an affidavit of ownership and agrees to assume all code compliance obligations related to the permit, including responsibility for correcting any work previously installed in violation of any code requirement.

**[A] 105.8.2 Business name change.** Any time after a permit has been issued, the name of the tenant or business may be changed provided the intended occupancy or use of the premises is not changed.

**[A] 105.8.3 Contractor change.** Any time after a permit has been issued, the recorded owner of the property may by affidavit request substitution of a new contractor for the contractor named on the original permit, provided the new contractor agrees to assume all code compliance obligations related to the permit including assuming responsibility for correcting any work previously installed in violation of any code requirement. Nothing in this section shall be construed as preventing a new contractor from obtaining a new permit to authorize only that work intended to be performed by the new contractor.

**[A] 105.8.4 Registered Design Professional Change.** Any time after a permit has been issued, a new architect or engineer shall submit a new special inspection certificate to the Planning & Development Inspector at the site prior to performing any special inspections. Any changes to the permitted drawings shall be approved either by the Planning and Development Inspector at the site or in the plan review process as revision submittal. The new registered design professional must be registered in the state of Arizona.

**[A] 105.8.5 Address changes.** A permit is not transferable from one property to another and no address change shall be processed which would have this effect. Any time after a permit has been issued or any time a property owner wishes to change the official address of any property, the recorded owner may request an address change in writing on a form provided by the department. The application shall be accompanied by a nonrefundable processing fee as set forth in section 108 of these administrative provisions. The department shall assign all addresses in accordance with established City regulations and may approve, modify or deny any request accordingly. Where an address change requires revising more than 10 records, the department may charge an administrative fee based upon the hourly rate for plan revisions.

**[A] 105.8.6 Scope of work changes.** Permit records shall be changed to increase or decrease the scope of work or valuation of any project. Any increase in scope of work or valuation requires an application for a new permit and payment of additional permit fees for the supplemental work. Any decrease in scope of work or valuation will be grounds for changing the permit record. In the case where a project scope is reduced after permit issuance, the original permit shall be revised to authorize the reduced scope of work, or, if no work has been started, the owner may in writing request to cancel the original permit and obtain a refund in accordance with Section 108.6 of these administrative provisions. In this case a new permit shall then be obtained for the actual work proposed.

**[A] 105.8.7 Fees.** The fee for record changes shall be as set forth in Appendix A-2 of The Phoenix City Code.

**Reasons:**

Carried over from previous codes and gives specific requirements for various record changes.

**Cost Impact: N/A**

**ACTION TAKEN:****2012 Code Committee**

Date: 8/1/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee**

Date: 4/16/13

Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action**

Date: 5/15/13

Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 105.9

**Submitted by:** Phoenix Planning & Development Department Code Committee

**105.9 Annexations.** A building under construction with a building permit issued by the Maricopa County Building Department prior to the effective date of annexation, and the footings and stem walls of which have been completed, shall not be required to have a city building permit; however the Planning & Development Department shall inspect for compliance with the documents upon which the County permit was issued. A city building permit shall be required for any construction remaining uncompleted 24 months after the effective date of annexation.

A building under construction on the effective date of annexation which is completed to a lesser degree than stated above, shall be required to have a city building permit and all the fees paid as set forth in Appendix A.2 of the *Phoenix City Code*. If in such cases plan review has been done by Maricopa County, the city permit may be issued based upon approved plans from the County with no additional plan review fee.

In either case, construction shall conform to pertinent County zoning regulations in effect at the time the permit is issued.

**Reasons:**

Carried over from previous codes. Provides requirements for projects started in Maricopa County and then annexed into the city of Phoenix.

**Cost Impact:** N/A

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 8/1/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 107.1

**Submitted by:** Phoenix Planning & Development Department Code Committee

**107.1 General.**

Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* ~~where required by the statutes of the jurisdiction in which the project is to be constructed.~~ as required by the State of Arizona Board of Technical Registration.

Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional* licensed by the state of Arizona.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

**Reasons:**

Carried over from previous code

**Cost Impact:**

No additional cost impact. Continues department policy to waive construction documents when deemed to be unnecessary.

**ACTION TAKEN:**

**2012 Code Committee** Date: 8/8/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code, Section 107.2**

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 107.2 Construction documents.**

*Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

**[A] 107.2.1 Information on construction documents.**

*Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

**107.2.1.1 Fire Life Safety Report (FLSR).** Prior to submitting construction drawings for high-rise buildings, covered mall buildings, buildings containing atriums and other structures as determined by the building official, the design team shall prepare and submit a Fire Life Safety Report. This FLSR shall provide a description of the occupancies, design codes, egress, emergency systems, smoke control and other related systems, and a conceptual description of the suppression system. The first submittal of the building construction plans must incorporate the first review comments of the FLSR.

**[A] 107.2.2 Fire protection system shop drawings.**

Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**[A] 107.2.3 Means of egress.**

The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**[A] 107.2.4 Exterior wall envelope.**

*Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site plan.**

A site plan shall be submitted prior to submittal of construction documents. The site plan shall include information as specified on the published City of Phoenix pre-application submittal

requirements. Upon receipt of preliminary site plan approval, construction documents may be submitted.

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

**[A] 107.2.5.1 Design flood elevations.**

Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**Reasons:**

Continues department policy.

**Cost Impact:**

No additional cost impact.

**ACTION TAKEN:**

**2012 Code Committee**

Date: 8-22-12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee**

Date: 4/16/13

Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action**

Date: 5/15/13

Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code, Section 107.3

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 107.3 Examination of documents.**

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The plans may also be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction.

**Reasons:**

Carried over from previous code.

**Cost Impact:**

No additional costs from current policies in place.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 8/15/12

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 4/16/13

**City Council Action**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 5/15/13





# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code, Section 107.4

**Submitted by:** Phoenix Planning & Development Department Code Committee

**107.4 Amended construction documents.**

Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*. Amended sets of construction documents shall be subject to revision fees as set forth in Appendix A.2 of *The Phoenix City Code*.

**Reasons:**

Carried over from previous code. Identifies the method to collect plan review fees.

**Cost Impact:**

No additional costs or requirements from current policies.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 8/15/12  
 No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 107.5

**Submitted by:** Phoenix Planning & Development Department Code Committee

**107.5 Retention of construction documents.**

One set of approved construction documents shall be retained by the *building official* ~~for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.~~ in accordance with the retention schedules set by the Phoenix City Clerk Department Records Management Program.

**107.5.1 Standard plans.** Standard plans are valid under the code in effect at the time of submittal and valid for the duration of the code cycle as long as the plan remains active. Upon adoption of a new code, standard plans shall expire and be discarded by the *building official* in accordance with the retention schedules set by the Phoenix City Clerk Department Records Management Program.

**Reasons:**

**107.5**

- \*\* Continues department policy.
- \*\* Coordinates department policy with city clerk records management program requirements.

**(opening paragraph)**

\*\* "The State recently gave cities and towns more flexibility in how records are managed...the State only sets minimum timeframes for retention; cities and towns can keep records for longer periods of time as long as the State minimums are met." Ben Lane – Deputy City Clerk

**Cost Impact:**

No additional cost impact.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 8/22/12

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 11/15/12

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 4/16/13

**City Council Action**

Approved as submitted     Modified and approved     Denied     No action taken    Date: 5/15/13



## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code, Section 108

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### SECTION 108 TEMPORARY STRUCTURES AND USES

**108.1 General.**

The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

**Exception:** Temporary fences not associated with a construction project, shall not be permitted for more than one year unless approved by a use permit granted by the Planning & Development department.

**[A] 108.2 Conformance.**

Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**108.3 Temporary power.**

The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70 - National Electrical Code.

**[A] 108.4 Termination of approval.**

The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

**Reasons:**

**108.1** - The exception helps to control the use of temporary fences per the zoning ordinance.

**108.3** - For clarification.

**Cost Impact:**

No additional costs from current policies in place.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied    Date: 8/8/12  
 No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied    Date: 11/15/12  
 No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied    Date: 4/16/13  
 No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied    Date: 5/15/13  
 No action taken



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

Proposed Amendments to the 2012 International Building Code

Section 109.1

Submitted by: Phoenix Planning & Development Department Code Committee

[A] 109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.1.1 Administrative fees. The building official is authorized to charge and collect administrative service fees for providing goods and services such as code consultation; inspections or plan review services not specifically listed in this Code; extensive research of official records; providing copies of codes, records or department documents; recovering the cost of postage, handling or special data transmission services; and the cost of providing special functions such as education seminars given for trade or industry groups. Administrative services fees shall be in the amount set by the City Manager's Office for citywide services or shall be based on the department's hourly rate for professional services. The retail charge for sale of books or supplies shall be set to recover purchase costs plus reasonable inventory, handling and overhead expenses as determined by the department.

109.1.2 Record change fees. An administrative service fee shall be assessed and collected by the building official for each request to change a permit record. No permit fee shall be reduced or refunded because of any record change.

Reasons:

Carried over from previous code.

Cost Impact: Recovers costs for administrative services

ACTION TAKEN:

Table with 5 rows and 4 columns: Committee Name, Action (Approved/Modified/Denied), and Date. All 'Approved as submitted' checkboxes are checked.



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code, Section 109.2

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 109.2 Schedule of permit fees.**

On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule ~~as established by the applicable governing authority~~ set forth in Appendix A.2 of the Phoenix city code. Fees paid for plan reviews, permits or other services are not transferable.

**109.2.1 Supplemental permits.** The fee for a supplemental permit to cover any additional work or additional valuation not included in the original permit shall be computed based on the valuation of the supplemental work. A new permit for a building addition shall be required to increase the building area authorized by a permit. Supplemental work started prior to obtaining a supplemental permit is subject to an investigation fee set forth in Section 109.4 of these administrative provisions.

**Reasons:** Carried over from previous code.

**Cost Impact:**

**ACTION TAKEN:**

**2012 Code Committee** Date: 9/20/2012  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 109.3

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 109.3 Building permit valuations.**

The applicant for a *permit* shall provide an estimated ~~permit value~~ project valuation at time of application. ~~Permit Project~~ valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment, finish work and permanent systems. ~~If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official.~~ Project valuation is the higher of the minimum project valuation as calculated by Planning & Development, or the project valuation as provided by the applicant. The minimum project valuation is calculated using the International Code Council Building Valuation Data adjusted for the city of Phoenix. Final building permit valuation shall be set by the building official.

**Reasons:**

Carried over from previous code and clarifies “minimum” project valuation.

**Cost Impact:**

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 9/20/2012
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



**BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

**Proposed Amendments to the 2012 International Building Code,  
Section 109.6**

**Submitted by:** Phoenix Planning & Development Department Code Committee

**[A] 109.6 Refunds.** The *building official* is authorized to establish a refund policy.

**109.6.1 Unused permits.** The *building official* may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code or where the permit issued is found to be a duplication of a previously issued permit. In all cases, a minimum amount shall be retained to pay for processing the refund request.

**109.6.2 Withdrawn applications.** The *building official* may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. In all cases, a minimum amount shall be retained for processing the refund request.

**109.6.3 Special conditions.** In paragraphs 1 and 2 above, the *building official* may at their discretion authorize a refund of more than 80 percent of the permit fee or plan review fee when the applicant demonstrates unique and unusual circumstances, provided the department retains an amount sufficient to recover all direct and indirect costs attributable to the project. In all cases, a minimum amount shall be retained for processing the refund request.

**109.6.4 Impact fees.** Requests for recalculation and refund of development occupation fees or impact fees shall be subject to an hourly charge for staff time plus a minimum amount shall be retained for processing the refund.

**109.6.5 Refund requests.** The *building official* shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder. The written request must be submitted to the Planning & Development Department before the permit expires or no later than 180 days after the date of fee payment, whichever occurs first.

**Reasons:**

Carried over from previous code.

**Cost Impact:** Ensures cost recovery for administrative work involved in fee refunds.

**ACTION TAKEN:**

**2012 Code Committee** Date: 9/20/2012  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL
Proposed Amendments to the 2012 International Building Code
Section 109.7

Submitted by: Phoenix Planning & Development Department Code Committee

109.7 Plan review fees. When submittal documents are required by Section 107.3.4.1 of these administrative provisions, a plan review fee shall be paid at the time of submittal. The plan review fees specified in this section are separate fees from, and in addition to, the permit fees specified in Section 109.2 of these administrative provisions.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1 of these administrative provisions, an additional plan review fee shall be charged as set forth in this section.

109.7.1 Deferred submittals. When the building official has agreed to accept deferred submittals on a project, the full plan review fee for the entire project shall be paid upon first submittal. Thereafter, the plan review fee for each additional submittal shall be determined as set forth in Appendix A.2 of the Phoenix city code.

109.7.2 Plan review corrections. No additional fee shall be charged for checking corrections required by the building official on the first re-submittal. However, if the same or related corrections must again be noted on subsequent submittals, an additional rechecking fee shall be assessed and paid prior to re-submittal for a third or subsequent review.

109.7.3 Plan revisions. When plans are changed or revised so as to require additional plan review, an additional plan review fee shall be assessed. Changes or revisions which add to the scope of work included in the original plan submittal or on an issued permit shall be treated as new work requiring a new permit application, new plan review fee and new permit fee.

109.7.4 Standard plans. The plan review fee for a non-site specific standard plan shall be determined as set forth in Appendix A.2 of the Phoenix city code. In addition, a separate site plan review fee shall be assessed each time a reviewed standard plan is referenced and used for purposes of obtaining a site specific building permit.

109.7.5 Special plan review services. Additional fees shall be charged for special plan review services, but in no case less than an hourly rate sufficient to pay all direct and indirect expenses related to any special services provided.

Reasons: Carried over from previous code.

Cost Impact: Recovers staff costs for deferred submittals, standard plans, revisions, and corrections.

ACTION TAKEN:

Table with 5 rows and 2 columns. Rows include: 2012 Code Committee (Date: 9/20/2012), Development Advisory Board Administrative Subcommittee (Date: 11/15/12), Development Advisory Board (Date: 11/15/12), Council Subcommittee (Date: 4/16/13), and City Council Action (Date: 5/15/13). Each row contains checkboxes for 'Approved as submitted', 'Modified and approved', 'Denied', and 'No action taken'.





# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 109.8

**Submitted by:** Phoenix Planning & Development Department Code Committee

**109.8 Inspections and re-inspections.** Permit fees provide for customary inspections only. When inspections are requested for weekends, holidays, or any time other than the regular working hours of the building official, an additional fee will be required.

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Re-inspection fees may also be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

When inspections are requested for weekends, holidays, or any time other than the regular Planning & Development inspection hours, an additional fee will be required.

**Reasons:** Carried over from previous code.

**Cost Impact:**

Recovers staff costs for after-hours and re-inspections

**ACTION TAKEN:**

**2012 Code Committee** Date: 9/20/2012  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 110.1

**Submitted by:** Phoenix Planning & Development Department Code Committee

**110.1 General.** Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans where existing, legal corner boundary markers are not readily verifiable.

**Reasons:**

Greater specificity in what is required by the permit applicant. This clarifies the responsibilities of the public and the city.

**Cost Impact:**

The cost of the survey.

**ACTION TAKEN:**

**2012 Code Committee**

Approved as submitted     Modified and approved     Denied

Date: 9-26-2012

No action taken

**Development Advisory Board Administrative Subcommittee**

Approved as submitted     Modified and approved     Denied

Date: 11/15/12

No action taken

**Development Advisory Board**

Approved as submitted     Modified and approved     Denied

Date: 11/15/12

No action taken

**Council Subcommittee**

Approved as submitted     Modified and approved     Denied

Date: 4/16/13

No action taken

**City Council Action**

Approved as submitted     Modified and approved     Denied

Date: 5/15/13

No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 110.3.8.1

Submitted by: Phoenix Planning & Development Department Code Committee

**110.3.8.1 Building service equipment inspections.** All building service equipment for which a permit is required by this Code shall be inspected by the *building official*. No portion of any building service equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the *building official*.

**1. Electrical inspections.** A rough-in inspection is required for all conduit, semi-rigid piping or wiring after installation but prior to being concealed. A final inspection is required when all conduit, wires, fixtures and equipment including covers has been installed and connected, but prior to energizing any such circuit or equipment.

**2. Mechanical inspections.** All mechanical equipment and systems for which a permit is required by this Code, including all associated ductwork, flues, condensate and refrigeration lines, shall be subject to inspection and shall remain accessible and exposed for inspection purposes until approved.

**3. Plumbing inspections.** A rough-in or underground inspection is required for all sewer, drainage and vent piping, and for all water and gas distribution systems prior to their being buried or concealed. A final inspection is required when all fixtures are set and operating or ready to operate pending final utility connection. Tests shall be performed as required by the *applicable Plumbing Code*.

**4. Operation of building service equipment.** The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing equipment serving an occupied portion of the building in the event a request for inspection of such equipment has been filed with the *building official* not more than 72 hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

**Reasons:**

Clarifies required inspections

**Cost Impact:** None- no change to current procedure.

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 9-12-2012
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code

#### Section 110.3.8.2

**Submitted by:** Phoenix Planning & Development Department Code Committee

**110.3.8.2 Swimming pool inspections.** In addition to the inspections required in Section 110.3.1 of these administrative provisions, a rough-in inspection is required after all fixed metal parts are in place and electrically bonded but prior to concealing or placement of any concrete or gunite. A final inspection is required before plaster is placed and before the pool is filled with water. At the time of final inspection, all of the following must be complete:

1. Installation of all motors, lights and electrical circuits, including connection to approved overcurrent protection devices.
2. Installation and electrical bonding of all fixed metal parts within 5 feet (1524 mm) of the inside edge of the pool.
3. Installation of approved backflow prevention devices on the nearest hose bib(s) providing water supply for the pool.
4. Installation of all pool enclosures and barriers required by this Code.

**Reasons:**

Clarifies required inspections for pools.

**Cost Impact:**

None-no change to current procedure

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 9-12-2012
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 111**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 111 CERTIFICATE OF OCCUPANCY**

##### **[A] 111.1 Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the ~~jurisdiction~~ City of Phoenix.

**Exception:** Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

##### **[A] 111.2 Certificate issued.**

After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the ~~department of building safety~~, Planning and Development Department, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The ~~name of the building official~~ date of issuance.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The area, story location, and the design occupant load for each occupancy group in the building.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

##### **[A] 111.3 Temporary occupancy.**

The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**111.3.1 Application.** Application for a temporary certificate of occupancy shall be on a form supplied by the Planning & Development Department and shall include payment of a nonrefundable inspection fee as set forth in Section 108 of these administrative provisions. Issuance of a temporary certificate of occupancy shall be subject to the property owner and the permit holder agreeing in writing to compliance with all stipulations set forth by the Planning and Development Department.

**111.3.2 Duration.** The maximum duration for temporary occupancy of a building, or a portion thereof, shall be the expiration date of the permit under which the temporary Certificate of Occupancy was issued, at which time all requirements of the Phoenix Building Construction

Code, Phoenix Fire Code, the City of Phoenix Zoning Ordinance and other applicable codes and ordinances shall have been completed.

**[A] 111.4 Revocation.**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

**111.5 New use certificate of occupancy.** Application may be made for the building official to consider issuing a new certificate of occupancy for a change in use or for new use of an existing building when no construction permit has been issued. Application for such a certificate shall be on a form provided by the Planning and Development Department, and shall include payment of a nonrefundable application and inspection fee. This fee shall be in addition to any plan review fee or subsequent permit fee that may be required by Section 109 of these administrative provisions.

**111.6 Duplicate certificates of occupancy.** Duplicate copies of a valid certificate of occupancy may be obtained from the Planning and Development Department upon payment of an administrative service fee sufficient to cover records search and copy costs.

**Reasons:** To be consistent with current administrative code language and procedures.

**Cost Impact:** N/A

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 8/29/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendment to the 2012 International Building Code

### Section 113.1

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### SECTION 113 BOARD OF APPEALS

##### [A] 113.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals called the Development Advisory Board (hereinafter called "the board"). The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The scope and responsibility of the board shall ~~adopt rules of procedure for conducting its business~~ be governed by City Code Section 2, Article IX.

##### Reasons:

To provide the name of the City's Board of Appeals and the City Code Section that governs the Board.

**Cost Impact:** No impact

##### ACTION TAKEN:

<b>2012 Code Committee</b>	Date: 10/3/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendment to the 2012 International Building Code

### Section 113.3

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### SECTION 113 BOARD OF APPEALS

#### ~~[A] 113.3 Qualifications. RESERVED~~

~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

#### Reasons:

Development Advisory Board members are appointed by City Council as designated in City Code Section 2, Article IX.

#### Cost Impact:

No impact

#### ACTION TAKEN:

##### 2012 Code Committee

Approved as submitted     Modified and approved     Denied    Date: 10-3-2012

No action taken

##### Development Advisory Board Administrative Subcommittee

Approved as submitted     Modified and approved     Denied    Date: 11/15/12

No action taken

##### Development Advisory Board

Approved as submitted     Modified and approved     Denied    Date: 11/15/12

No action taken

##### Council Subcommittee

Approved as submitted     Modified and approved     Denied    Date: 4/16/13

No action taken

##### City Council Action

Approved as submitted     Modified and approved     Denied    Date: 5/15/13

No action taken

No action taken





## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 114**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 114 VIOLATIONS**

**[A] 114.1 Unlawful Acts.** ~~It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

Whenever, by the provisions of this Code, the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the erection, alteration, repair, maintenance, demolition or occupancy of any building, structure or building service equipment, a failure to comply with the provisions of this Code shall constitute a violation. Every day on which a violation exists shall constitute a separate violation and a separate offense. The remedies herein are cumulative and the city of Phoenix may proceed under one or more such remedies.

**114.1.1 Responsible parties.** For the purpose of this Code, unless a particular section, subsection or clause placed compliance responsibility upon a different person, the property owner, the tenant or occupant in responsible control of the premises and the person, firm or corporation performing the work all have the duty to ensure that all applicable requirements of this Code are complied with. Failure to comply with the provisions of this Code or with a lawful order of the Building official, subjects the owner, the tenant or occupant, and the person, firm or corporation performing the work to the criminal penalties and civil remedies prescribed in this section.

**114.1.2 Submittal information.** It shall be unlawful and a violation of this Code for any person, firm or corporation to falsify or to materially misrepresent information submitted to the Building official as part of any application or request for approval required by this Code.

**114.1.3 Alternate methods, materials and equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to use any method, material or equipment as an alternate to the methods, materials or equipment permitted by this Code without first having obtained approval from the Building official in the manner provided in this Code.

**114.1.4 Permits.** It shall be unlawful and a violation of this Code for any person, firm or corporation to perform any work for which a permit is required by this Code until such permit has been obtained from the *building official* and been posted on the premises where the work is to be performed. Working beyond the authorized scope of a permit constitutes work without a permit,

It shall also be unlawful and a violation of this Code for any person, firm or corporation to occupy, use or maintain any building, structure or other property improvement that was built, erected, altered or improved without a valid permit issued by the building official when such permit is required by this Code.

**114.1.4.1 Nonpermitted construction enforcement.** In cases of nonpermitted construction, an investigation shall be made before a permit may be issued for the work. Nonpermitted construction is grounds for the building official to stop all work on the project until appropriate permits are obtained. Nonpermitted construction cases shall be subject to the enforcement procedures set forth herein.

**114.1.4.1.1 Application for permit.** The applicant must apply for a permit within 15 calendar days of receipt of a notice of violation or the date indicated on the notice of violation by which to obtain a permit.

**Exception:** Additional time may be granted when deemed necessary depending on the complexity of work.

**114.1.4.1.2 Permits.** Permits for work commenced without a permit must be obtained no later than 60 calendar days from the date of application.

**Exception:** Additional time may be granted when deemed necessary depending on the complexity of work.

**114.1.4.1.3 Job-site meeting.** Upon issuance of the permit(s) a job meeting will be scheduled for the inspector to meet with the owner or authorized agent at the job site. The purpose of the job meeting is to determine corrective action required for compliance and to establish an inspection schedule. The fee for the job-site meeting shall be set forth in Appendix A-2 of the *Phoenix City Code*. The Planning and Development Department may waive the job-site meeting fee where it can be demonstrated that the nonpermitted construction was completed by a previous owner. The permit shall be suspended if the jobsite meeting is not held within 45 days of permit issuance.

**114.1.4.1.4 Completion of work.** All work must be completed within 180 calendar days from date of permit issuance. No action or inaction by the City shall relieve the permit holder from their duty to complete construction with 180 days from the permit issuance.

**114.1.4.1.5 Extension.** A one-time extension, not-to-exceed 90 calendar days, may be granted with the approval of the building official and is subject to a fee as set forth in Appendix A-2 of the *Phoenix City Code*. Applications for permit extensions must be received prior to expiration of the permit.

**114.1.5 Approval conditions.** It shall be unlawful and a violation of this Code for any person, firm or corporation to install or perform any construction work or to maintain, occupy or use any building, structure or other property improvement that deviates from the plans, designs, specifications or materials approved by the building official at the time of permit issuance, unless such deviation has received subsequent approval from the building official.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any condition or stipulation required by the building official as part of the approval of any modification request; any request for use of alternate methods, materials or equipment; any plan approval; any permit issuance; any inspection notice; or any conditional or permanent certificate of occupancy approval.

It shall be unlawful and a violation of this Code for any person, firm or corporation to violate any requirement, condition, specification or prohibition contained in any provision of this Code.

**114.1.6 Inspections.** It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to request all inspections required by the provisions of this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to cover or conceal any work requiring inspection until such inspection has been made and approved by the building official.

**114.1.7 Certificate of Occupancy.** It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy or use any building or structure without first having obtained a Certificate of Occupancy as required by the provisions of this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy or use any building or structure for any use or activity other than that authorized by a Certificate of

Occupancy for such building or structure.

It shall be unlawful and a violation of this Code for any person, firm or corporation to change the occupancy, use or character or use of any building or structure without first obtaining a new Certificate of Occupancy for such new use.

It shall be unlawful and a violation of this Code for any person, firm or corporation to continue to occupy or use any building or structure in violation of the conditions of any temporary Certificate of Occupancy or after the expiration of a temporary Certificate of Occupancy.

**114.1.8 Unsafe buildings and building service equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to cause or to create any unsafe condition as defined in this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to use or occupy any building or structure, or to use or operate any building service equipment, when such building, structure or building service equipment has been declared unsafe in accordance with the provisions of this Code. These requirements shall apply to all buildings, structures and building service equipment, whether new, existing, under construction or being demolished.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to make repairs or otherwise fail to correct or abate any unsafe condition as defined in this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with an unsafe condition abatement order issued by the building official in accordance with Section 116.8 of these administrative provisions.

**114.1.9 Rubbish and debris.** It shall be unlawful and a violation of this Code for any person, firm or corporation to allow any rubbish, refuse or loose material resulting from construction operations to remain uncontained or to be swept, thrown, blown or deposited on any public property or any adjoining private property.

**114.1.10 Public streets and sidewalks.** It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy, obstruct, block-off, damage, remove or remove from service any public street, alley or sidewalk without first obtaining and complying with a barricade permit from the City.

**114.1.11 Lawful orders.** It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any lawful notice or order of the building official issued in accordance with the provisions of this Code.

**114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Notices of violation of this Code shall be in writing and shall be served by personal service or by certified mail with return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address or legal description of the property in question and shall state the nature and extent of the violation in such detail as to allow the correction or abatement of the violation. The notice shall provide the name and phone number of a City representative to contact concerning the violation and acceptable methods of correction or abatement. The notice shall state the remedies available to the City for correction or abatement of the violation and the procedures to follow should the recipient wish to appeal the issuance of the notice.

Nothing herein shall preclude the building official from giving additional verbal or written information

notices. Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

**114.2.1 Recording a violation.** The City of Phoenix may record a notice of violation with the County recorder. A recorded notice of violation shall run with the land. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be filed at the request of the owner or responsible party at the requester's expense.

### **114.3 Prosecution of violation.**

If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

### **114.4 Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**114.4.1 Fees.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system without first obtaining the necessary permit(s) shall be subject to the following penalties and fees in addition to the required permit fees.

**1. Investigation fee.** An investigation fee, in addition to the permit fee, shall be assessed whether or not a permit is then or subsequently issued. The investigation fee shall be as set forth in Appendix A-2 of *The Phoenix City Code*.

**2. Permit fees.** The permit fee for work commenced without permits shall be twice the published permit fees as set forth in Appendix A-2 of *The Phoenix City Code*.

#### **Exceptions:**

**1.** The Planning and Development Department may waive the investigation fee and/or additional permit fee where it can be demonstrated that the nonpermitted construction was completed by a previous owner.

**2.** When work without permits is to be totally demolished by the owner, the demolition permit fee shall be as set forth in Appendix A-2 of the *Phoenix City Code*.

**114.4.2 Abatement orders.** The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders to the property owner of record, as recorded in the Maricopa County Recorder's Office, to abate unsafe conditions or any other violation of this Code, or to issue orders permitting the City of Phoenix to abate unsafe conditions as defined in this Code. Abatement orders may be issued by the Municipal Court pursuant to a request from the Building official, or may be initiated by the Court in addition to any civil sanction or criminal penalty assessed for violations of this Code. The costs of any abatement by the City shall be the responsibility of the property owner and may be collected as set forth in Article 4 of the *Phoenix City Code* Chapter 39.

**114.4.3 Civil actions.** Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this Code or who fails to perform any act or duty required by this Code is subject to a civil sanction of not less than 500 dollars (\$500) nor more than 2,500 dollars (\$2,500).

**114.4.3.1 Commencement of civil action.** Any civil action to enforce the provisions of this Code shall be commenced, and summons shall be issued, in accordance with the procedures set forth in Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure – City Court – City of Phoenix.

**114.4.3.2 Admission or denial of allegation; hearing; findings of Court; civil sanction.**

1. A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.
2. If the allegations are admitted, the Court shall enter judgment for the City and impose a civil sanction.
3. If the person denies the allegations, the Court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City of Phoenix is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the Court at least 10 days prior to the hearing date. Hearings may be recorded. If the Court finds in favor of the person, the Court shall enter an order dismissing the citation or complaint. If the Court finds in favor of the City, the Court shall enter judgment for the City and impose a civil sanction.
4. If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the Court, the allegations shall be deemed admitted and the Court shall enter judgment for the City and impose a civil sanction.

**114.4.4 Criminal Penalties.** Whenever in any section of this Code the doing of any act is required, prohibited or declared to be unlawful or a violation, any person, firm or corporation who shall be convicted of a violation of any such section shall be guilty of a Class I misdemeanor.

**114.4.5 Injunctive Relief.** The imposition of any civil action or criminal penalty provided in this Code shall not preclude the Building official from instituting any appropriate action or proceeding to require compliance with the provisions of this Code and with administrative orders and determinations made hereunder. In the event that any building, structure or building service equipment is erected, constructed, reconstructed, altered, repaired, converted, demolished, moved or maintained, or any building, structure or building service equipment is used or occupied in violation of this Code, the Building official may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair,

**Reasons:**

Non-permitted construction continues to be a serious problem for the City and its citizens. These code provisions outline clear procedures and processes to deal with this problem. Substantial fines are provided to deter unscrupulous contractors/owners, but provides relief for owners who purchase property with unpermitted construction done before their ownership.

**Cost Impact:**

The cost of enforcement of these code sections is subsidized by the citizens who purchase building permits; the civil fines generated are allocated to the general fund of the City.

**ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 10/3/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>	Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 116**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

##### **[A] 116.1 Conditions.**

~~Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.~~

##### **[A] 116.2 Record.**

~~The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.~~

##### **[A] 116.3 Notice.**

~~If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.~~

##### **[A] 116.4 Method of service.**

~~Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

##### **[A] 116.5 Restoration.**

~~The structure or equipment determined to be unsafe by the *building official* is permitted to be restored to a safe condition. To the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such repairs, *alterations*, *additions* or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.~~

**116.1 General.** All buildings or structures regulated by this Code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is an unsafe use.

In addition to the provisions of this Code, all buildings, structures and property shall be maintained in compliance with the provisions of *Phoenix City Code* Chapter 39, the "Neighborhood Preservation Ordinance," and all unsafe buildings or structures shall be subject to the abatement and enforcement provisions of that ordinance.

**116.2 Definitions.** Unsafe conditions or defects shall be classified as imminent or incipient hazards.

**IMMINENT HAZARD** is defined as a high, real and immediate risk to life, health or property.

**INCIPIENT HAZARD** is defined as a condition that can become an imminent hazard if further deterioration occurs or if reasonable additional loads are applied.

**116.3 Unsafe buildings or structures.** Conditions or defects that render a building or structure unsafe include, but are not limited to:

1. Where any door, aisle, passageway, stairway or other means of egress is locked, blocked or constricted so as to prevent safe and adequate means of egress in case of fire or panic.
2. Where the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in this code for new buildings of similar structure, purpose or location.
3. Where any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this Code for new buildings of similar structure, purpose or location.
4. Where any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in this code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.
5. Where any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of similar new construction.
6. Where the building or structure, or any portion thereof, is likely to partially or completely collapse because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause.
7. Where, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
8. Where the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle of one-third of the base.
9. Where the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing our outside walls or coverings.
10. Where the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals or immoral persons.
11. Where any building or structure which, whether or not erected in accordance with all applicable laws and ordinances or not, has any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the strength or fire-resisting qualities required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
12. Where any swimming pool is not enclosed with all barriers required by this Code.

**116.4 Unsafe Building Service Equipment.** Unsafe building service equipment is equipment which constitutes a fire hazard or hazard to life, health, property or the public welfare by reason of use, construction, quality of materials or inadequate maintenance or dilapidation. Conditions or defects that render equipment unsafe include, but are not limited to:

**116.4.1 Gas-fired, oil-fired or solid-fuel-fired appliance, devices or apparatus which have any of the following defects:**

1. Defective heat exchangers.
2. Defective or deteriorated vents, venting or flues which permit leakage of flue gases through the flue walls.
3. Defective or leaking fuel supply lines.
4. Insufficient fresh air supply for combustion of fuel and vent operation.
5. Heating appliances which are not property vented.

6. Defective or improperly installed and adjusted controls and appurtenances.
7. Equipment locations which will constitute a fire or explosion hazard.
8. Defective or improperly installed equipment.
9. Excessive exhaust in boiler, furnace rooms or areas where gas, liquid or solid fuel fired equipment is located.

**116.4.2 Elevators, escalators, dumbwaiters or similar conveyances or apparatus which have any of the following defects:**

1. Hoisting, counter-weight or governor ropes with frayed or broken strands.
2. Storage of any material other than elevator equipment within any hoistway, including the pit and the elevator equipment and control room
3. The accumulation of dust or other highly combustible material on the elevator mechanism or in the hoistway, pit or elevator or equipment and control room.
4. Defective or inoperable elevator or escalator brake mechanism.
5. Defective, disconnected or inoperable safety devices.
6. Hoistway entrance protection which does not meet the requirements of this Code.
7. Missing, damaged or defective escalator guardrails, handrails or treads.

**116.4.3 Electrical systems, appliances, devices or apparatus which have any of the following defects:**

1. Uninsulated or exposed live parts and a fire or shock hazard exists.
2. Loose or poor electrical connections creating a fire or shock hazard.
3. Overloaded branch circuits, feeders or service equipment.
4. Equipment or circuits not properly grounded and bonded.
5. Equipment or conductors not properly protected from overload, short circuit or ground fault.
6. Misuse of flexible cords and cables.
7. Wiring method or equipment not properly supported.
8. Equipment short-circuit, interrupting or withstand ratings insufficient for the available fault current at the line terminals of the equipment.
9. Improperly installed or not suitable for the intended use and location.
10. Inadequate maintenance, dilapidation, damage, obsolescence or abandonment.

**116.4.4 Boilers or pressure vessels which have any of the following conditions:**

1. Excessive scaling or corrosion, or cracks in seams, tubes or shells.
2. Defective or improperly installed safety valves, or safety valves of improper setting, capacity or acceptable means of discharge.
3. Defective or improperly installed operational controls, burners or other appurtenances.
4. Defective or improperly installed vent system for products of combustion.
5. Hazardous operation or location of equipment.
6. Unacceptable means for blowdown where required.
7. Insufficient fresh air supply for complete combustion of fuel and vent operation.
8. A boiler or pressure vessel operated above its allowable pressure or temperature.

**116.4.5 Refrigeration equipment which has any of the following defects:**

1. Inadequate ventilation of machinery rooms.
2. Inadequate sizing, setting capacity or venting of pressure-relief valves.
3. Hazardous location or operation of equipment.
4. Defective or improperly installed safety controls.
5. Refrigerants of a type or quantity which is prohibited for conditions under which it is used.
6. Systems using ammonia as a refrigerant where inadequate provisions have been made for disposal as required elsewhere in this Code.

**116.4.6 Plumbing systems which have any of the following defects:**

1. Where the water does not meet the standards for potability as required by the Maricopa County Environmental Services Department.
2. The existence of cross connection, backflow or back siphonage, which creates health hazards or pollution.



3. Lack of running water to operate plumbing fixtures required for the use or occupancy of the premises.
4. Drainage systems which are clogged, fouled or depositing solids.
5. No trap seal is provided or the seal is inadequate.
6. Lack of sewer venting or venting into an enclosed building or structure.
7. Leaking water, sewage or sewer gas inside or outside a building.
8. Open or abandoned cesspools or septic tanks.

**116.5 Unsafe excavations.** An unsafe excavation is any abandoned swimming pool or any active or abandoned mining shaft, test hole, well, pit, trench or other excavation which is more than 4 inches (102 mm) in any lateral dimension and more than 3 feet (914 mm) in depth, whenever such excavation is not covered, fenced or otherwise enclosed such that the general public is exposed to an imminent hazard. This does not apply to active sand or gravel mines being operated in compliance with City and State laws.

**116.6 Reporting of unsafe conditions.** The person or persons occupying or having control of any unsafe building, structure or building service equipment who knows or should have known an unsafe condition exists shall take immediate steps to vacate the building or structure or to otherwise safeguard the health and safety of the public including all building occupants, and shall notify the appropriate agency or agencies of the situation as follows:

1. The fire department shall be notified immediately of all personal injuries, fires, explosions or hazardous materials incidents.
2. The Water Services Department shall be notified immediately of all backflow, back siphonage or cross-connection incidents according to City procedures.
3. The gas utility shall be notified immediately of any unsafe conditions relating to gas piping or gas-fired building service equipment.
4. The electric utility shall be notified immediately of any shock injuries, fire or explosion relating to any electrical building service equipment.
5. In addition to the above notifications, the building official shall be notified within four hours of the occurrence of any structural failure or of any unsafe condition.
6. In addition to the above notifications, the building official shall be notified within 72 hours of the occurrence of any fire that caused structural damage or damage to required building service equipment, any plumbing cross-connection, or any other unsafe condition relating to building service equipment.

Notification of the building official shall be deemed to have occurred upon receipt of a request for inspection or upon receipt of an application for a permit to barricade, demolish, repair or replace the unsafe condition or defective building service equipment.

**116.7 Authority for Inspection and Evaluation.** The building official may inspect any property, building, structure or building service equipment to determine compliance with this section whenever the building official has probable cause to suspect that an unsafe condition exists. Except in cases of emergencies or readily apparent imminent hazards, the building official shall make reasonable attempts to obtain permission from the property owner or the person or persons occupying or having control of the property prior to conducting the inspection. All entry onto property or into buildings or structures for purposes of this inspection shall be in accordance with legal requirements governing such entry.

When the building official has reason to suspect that an unsafe condition exists, the building official is authorized to immediately issue abatement orders in accordance with Section 115.8 of these administrative provisions, or the building official may require the property owner to obtain a detailed engineering evaluation of the suspected unsafe condition before the building official determines the extent of abatement required.

1. When so ordered by the building official, the owner of any building or property suspected of containing an unsafe condition shall engage the services of a design professional registered in Arizona to conduct a detailed investigation and analysis of the suspected unsafe condition. The cost of such an investigation and report shall be paid by the property owner.
2. The registered design professional retained by the owner shall conduct a detailed investigation and evaluation of the suspected unsafe condition and shall issue a written report to the property owner and to the building official on the condition of the building, structure, or building service equipment, including recommendations for steps necessary to abate any unsafe condition found. The report shall be delivered to the building official on or before the date specified in the building

official order requiring such report.

3. The content, findings and recommendations contained in the owner's engineering report may be utilized by the building official to determine whether or not an unsafe condition exists, whether the condition creates an imminent or incipient hazard and what, if any, abatement orders shall be issued.

4. Failure of a property owner to produce an engineering report on or before the date specified in the building official order shall be grounds for the building official to proceed with abatement proceedings up to and including orders to immediately vacate or demolish the subject building or structure.

**116.8 Abatement of Unsafe Buildings, Structures or Building Service Equipment.** The building official shall, after inspection, determine whether a building, structure or building service equipment is unsafe and, if so, whether it constitutes an imminent hazard or an incipient hazard, as defined in Section 116.2 of these administrative provisions.

**116.8.1 Incipient hazards.** If a building, a structure or any building service equipment is determined to be an incipient hazard, the building official shall issue a written notice to the property owner or occupant of the premises describing the incipient hazard and ordering its repair or abatement within a certain time as necessary to prevent creation of an imminent hazard. The time allowed for repair or abatement shall be not less than 10 days and not more than 90 days from the date of the notice. Failure to repair or abate the incipient hazard within the time specified shall constitute grounds for the building official to declare the condition an imminent hazard and to thereafter initiate formal abatement procedures.

**116.8.2 Imminent hazards.** If a building, structure, or any building service equipment is determined to be unsafe and an imminent hazard, the building official shall serve a written notice of violation on the person or persons occupying or having control of the building, structure or building service equipment and on the person or persons having recorded interest in the property. The notice of violation shall declare the unsafe condition to be a nuisance and shall order its immediate abatement in accordance with the provisions of this section.

**1. Notice of Violation.** Notices of violation declaring imminent hazards shall be served by personal service or by certified mail return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address and legal description of the property in question and shall state the nature and extent of the unsafe condition in such detail as to allow the property owner to identify and abate the unsafe condition. The notice shall provide the name and phone number of a city representative to contact concerning the unsafe condition and acceptable methods of abatement. The notice shall state the City's authority to abate the violation if the owner fails to do so and the City's ability to assess the costs of such abatement against the property. The notice shall state the procedures to follow should the owner wish to appeal the decision of the building official.

Nothing shall preclude the building official from giving additional oral or written information notices. Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

**2. Unsafe buildings or structures.** In the case of an unsafe building or structure containing imminent hazards, the building official shall order the hazard abated by repair or by demolition of the building or structure. The unsafe building or structure and any buildings or structures placed in jeopardy by the unsafe buildings or structures shall be posted in accordance with this Code. The buildings or structures shall not be occupied or reoccupied until determined safe by the Building official.

**3. Unsafe building service equipment.** In the case of an unsafe building service equipment installation containing imminent hazards, the building official shall attach or affix a warning red tag to the equipment declared to be unsafe. Where equipment is declared to be unsafe, the building official shall order such equipment disconnected or its use discontinued until the nuisance created thereby is abated. In addition, the building

official may order any building or structure which is placed in jeopardy by the unsafe equipment to be vacated, or the building official may order the disconnection of the affected utility service to the building, structure or equipment, and these buildings or structures shall not be occupied, reoccupied or building service equipment reconnected until determined safe by the building official.

**4. Posting of signs.** When necessary to protect life, health or public welfare, the building official may post signs which shall prohibit entry into an unsafe building or structure provided, however, that with permission of the building official it shall be lawful to enter the building for the purposes of removing personal property or affecting any required repairs, rehabilitation or demolition.

It shall be unlawful to remove any such sign without permission from the building official. It shall be unlawful to enter, occupy or inhabit such unsafe building or structure without the express written permission of the building official.

**5. Emergency barricades.** If any building or structure is a hazard to life or limb of persons using a public street, alley or sidewalk, the public way shall be barricaded to prevent public use. The necessary barricades shall be erected on order from the building official. The costs for barricading of a public way under this section shall be assessed to and paid by the owner of the unsafe building or structure causing the need for such barricades.

**6. Emergency abatement.** In the event an emergency should occur wherein the continued existence of a building, structure or building service equipment would constitute an imminent hazard to life, health or other property, the building official may cause such building or structure to be demolished, building service equipment removed or disconnected, swimming pool fenced or pumped dry or cesspool or tank filled at once, all without notice. Such abatement shall be limited to the minimum work necessary to remove the imminent hazard.

**7. Abatement by City.** If the owner of any unsafe building, structure or building service equipment fails to abate an imminent hazard within the time specified in the notice of violation, the City may abate any such unsafe condition by repair, removal or demolition in accordance with the provisions of *Phoenix City Code*, Chapter 39, Sections 39-22 through 39-24. The costs of any City abatement, including emergency abatement or temporary repairs, shall be paid by the property owner as set forth in *Phoenix City Code* Chapter 39, Sections 39-22 through 39-24.

**8. Court-ordered abatement.** In addition to any other abatement procedures provided in this Code, the building official may apply to the Municipal Court of the City of Phoenix for an order allowing the City to abate any unsafe condition in accordance with the provisions of *Phoenix City Code* Chapter 39, Section 39-20.

**116.8.3 Appeals.** Decisions, orders and notices of violation relating to unsafe buildings, structures or building service equipment may be appealed to the building official and to the Development Advisory Board in accordance with Section 113 of this Code, except that any appeal of an order by the building official to vacate an unsafe building or to demolish part or all of an unsafe building or structure shall be made to the Rehabilitation Appeals Board in accordance with Article 5 of the *Phoenix City Code*, Chapter 39.

**116.10 Conditions.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**Reasons:**

Provisions in our previous Code are more specific and definitive.

**Cost Impact:** N/A

**ACTION TAKEN:****2012 Code Committee**

Date: 10/3/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board**

Date: 11/15/12

Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee**

Date: 4/16/13

Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action**

Date: 5/15/13

Approved as submitted     Modified and approved     Denied     No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code, Section 117**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 117**

#### **ANNUAL FACILITIES PERMIT**

**117.1 Scope.** The Annual Facilities Program is an administrative system intended to simplify the permitting and inspection process for qualified facilities. This program allows inspector review of plans and maintains an inspection staff familiar with the construction history of qualified facilities. Qualified facilities enrolled in this program are exempt from Section 105 of these administrative provisions when the proposed work does not increase the floor area. Additional permits shall be required in accordance with Section 105 of these administrative provisions for work that increases floor area or establishes or changes the occupancy of a space. The Annual Facilities Program shall administer all permits issued for qualified facilities registered under this program. This permit process shall not preempt compliance with the technical requirements of this Code or with other city, county, state or federal laws and regulations.

**117.2 Definitions.** For the purpose of this section, certain terms are defined as follows:

**AGENT** means a person employed by a qualified facility owner as full-time staff or by contract, who is an architect or engineer registered and residing in the State of Arizona.

**CAMPUS** means two or more buildings located on the same property and under the control of the qualified facility owner.

**QUALIFIED FACILITY** means a building, campus, structure, or building service equipment registered with the Annual Facilities Permit Program.

**QUALIFIED FACILITY OWNER** means a firm, corporation, political entity or property management company that occupies or controls the buildings, campus, structure or building service equipment and maintains such buildings and equipment in compliance with all provisions of this Code.

#### **117.3 Annual Facilities Permits.**

**117.3.1 Initial application.** Every applicant for an Annual Facilities Permit shall fill out a form provided by the Planning & Development Department and shall pay an application and registration fee as set forth in Appendix A.2 of the *Phoenix City Code*. The form shall include the following:

1. The name of the person authorized to act on behalf of the qualified facility owner(s).
2. The name of the agent who will be responsible for code compliance of the work performed under the Annual Facilities Permit. When the agent is employed by contract, the builder and the person who is authorized to act on behalf of the qualified facility owners cannot be the same individual.
3. The location and total square footage of the entire facility at the site(s) intended to be included in the program.

The building official shall take action on the application and the applicant shall be notified accordingly.

**117.3.2 Validity of the annual facilities permits.** An Annual Facilities Permit shall be valid only as long as the named agent remains in the employ of the qualified facility owner in an active capacity.

If the agent should leave the employ of the qualified facility owner, such facility shall notify the *building official* within seven calendar days. The qualified facility owner shall obtain a replacement agent within 45 days of notification to the *building official*. If the *building official* is not notified within the prescribed period that a new agent has been obtained, the Annual Facilities Permit shall be suspended until such agent is obtained.

**117.3.3 Annual facilities permit transfers.** An Annual Facilities Permit is not transferable.

**117.4 Annual facilities permit renewal.** Annual Facilities Permits shall be renewed every 12 months by payment of a renewal fee as set forth in Appendix A.2 of the *Phoenix City Code*. Renewal fees shall be due and payable before the date of expiration of the permit or when a new application is required.

Any work performed after expiration or without a permit as specified in Section 105 of these administrative provisions shall be a violation of this Code.

**117.5 Annual Facilities Permit operation.** The agent shall notify the Planning & Development Department before the start of any work on facilities registered with the Annual Facilities Permit Program. The *building official* shall determine the nature and extent of plan review or inspections required. The qualified facility shall pay to the Planning & Development Department an hourly fee for professional services rendered as set forth in the Appendix A.2 of the *Phoenix City Code*.

The agent shall be responsible for ensuring that qualified facilities comply with the substantive provisions of this Code. The agent, as authorized by rules established by the Arizona Board of Technical Registration, shall assure work has been performed in accordance with this Code.

**117.5.1 Plan reviews.** Plans, drawings, diagrams, and /or other data describing such work shall be provided to the *building official* for review before work commences. Plans shall be complete and comply with all of the codes and ordinances applicable to the proposed work.

**117.5.2 Work report and inspections.** All structural, architectural, plumbing, mechanical and electrical installations or construction shall be inspected in accordance with this Code. Facilities shall be subject to inspection at regular intervals not to exceed six months.

**117.5.3 Construction Compliance.** The agent and the qualified facility owner are jointly responsible for assuring that all work performed at the qualified facility complies with all technical requirements of all applicable construction codes whether or not such work is specifically inspected.

**117.6 Revocation of annual facilities permit.** The *building official* may suspend or revoke an Annual Facilities Permit when the qualified facility fails to comply with any of the program policies or for willful violation of any provision of this Code. Violations that may result in annual permit suspension or revocation include, but are not limited to, one or more of the following:

1. Performing construction work without an agent as required in this section.
2. Performing construction work without the agent's knowledge or consent.
3. Concealing work without inspection approval or authorization.
4. Refusal to uncover concealed work.
5. Construction or installing work contrary to inspection orders.
6. Performing construction work prior to approval from the Annual Facilities Program.

7. Failure to report all construction work done under authority of the annual permit.
8. Refusal to eliminate unsafe hazards listed in Section 116 of these administrative provisions.
9. Failure to remain current on payment for plan review and inspection services.

An Annual Facilities Permit may be reinstated after all violations have been remedied to the satisfaction of the *building official*. If compliance involves actual work, a separate permit as required under Section 105 of these administrative provisions must be obtained and such permit is subject to regular permit fees as required under Section 109 of these administrative provisions. An investigation fee shall be paid in the amount equal to that prescribed in Section 114 of these administrative provisions.

Reinstatement of an annual permit, which has been suspended or revoked, requires payment of a new Annual Facilities Permit Fee as prescribed in this Section.

**Reasons:**

These provisions create the Annual Facilities Permit and are carried forward from previous editions of the Phoenix Building Construction Code.

**Cost Impact:** This program frequently represents a time and cost savings for customers.

**ACTION TAKEN:**

**2012 Code Committee** Date: 10/17/2012  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code, Section 118**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 118**

#### **BUILDING MAINTENANCE REGISTRATION**

**118.1 General.** The holder of a building maintenance registration is exempt from Section 105.1 of these administrative provisions for Level 1 alterations as defined in Section 503 of the *International Existing Building Code* and repair or maintenance of the electrical, mechanical or plumbing equipment in or on buildings, structures or premises owned and controlled by the registrant when he or she complies with all the provisions of this section. All other provisions of this Code shall be complied with, including but not limited to, requirements for city inspection of structural, plumbing, mechanical or electrical installations prior to covering any such work.

**118.2 Definition.** For the purpose of this section, this term is defined as follows:

**BUILDING MAINTENANCE REGISTRATION** means authority granted to a person, firm, corporation or political entity to perform work as specifically authorized in this section when such parties have full-time supervisory employees in the proper classification as described in Section 118.3 of these administrative provisions.

**118.3 Supervisor(s) required.** All structural, electrical, mechanical or plumbing work done under a building maintenance registration shall be performed or supervised by a licensed supervisor of the proper classification.

A licensed electrical supervisor may perform or supervise the electrical work.

A licensed mechanical supervisor may perform or supervise the mechanical work.

A licensed plumbing supervisor may perform or supervise the plumbing work.

A licensed structural supervisor may perform or supervise the structural work.

**118.3.1 Application and fee for supervisor licenses.** Every person desiring to qualify for a supervisor's license shall file an application with the Planning and Development Department. The application shall be accompanied by a nonrefundable application fee as set forth in Appendix A.2 of the *Phoenix City Code*. Unless revoked for cause, a supervisor's license shall run with the building maintenance registration as long as the supervisor is employed by the registrant.

**118.3.2 Supervisor qualification.** A qualified supervisor must meet one of the following criteria:

A person licensed by the State of Arizona as a licensed contractor (qualified person) in a category of work covered by this section.

A licensed electrical supervisor must hold a current IAEI Electrical General or ICC Commercial Electrical Inspector certification.

A licensed mechanical supervisor must hold a current IAPMO Mechanical Inspector or ICC Commercial Mechanical Inspector certification.



A licensed plumbing supervisor must hold a current IAPMO Plumbing Inspector or ICC Commercial Plumbing Inspector certification.

A licensed structural supervisor must hold a current ICC Commercial Building Inspector certification.

**118.3.3 Revocation of supervisor's license.** The *building official* may revoke or temporarily suspend any supervisor's license granted hereunder for cause. Before taking such action, the *building official* shall request, in writing, the person against who such action is contemplated to appear before him or her to show cause why such disciplinary action should not be taken. The supervisor whose license is revoked or suspended shall be notified of such action by certified mail. It shall be unlawful to perform any work in conflict with such notice.

**118.4 Application and fee for building maintenance registration.** Every applicant for a building maintenance registration shall fill out a form provided by the Planning and Development Department and shall pay an application fee at time of filing in the amount as set forth in Appendix A.2 of the *Phoenix City Code* for each class of supervisor in his or her employ. The form shall include at least the following:

1. The name of the holder of the registration who is authorized and has the authority to act for the building owner(s).
2. The name of the licensed supervisor(s) or the contractor who will supervise or perform the work.

Action shall be taken by the *building official* on such application and the applicant shall be notified accordingly.

**118.5 Registration renewal.** Registrations shall be renewed not later than 12 months after initial registration by payment of a renewal fee equal to the application fee. Any work performed after expiration shall be a violation of this Code.

**118.6 Validity of registration.** The registrations shall be valid only as long as the named licensed supervisor(s) shall remain in the employ of the registrant in an active full-time capacity. If these personnel should leave the employ of the registrant, the registrant shall notify the *building official* immediately. The registrant shall be required to obtain proper personnel according to the requirements of this code within 90 days of notification to the *building official*. If personnel are not obtained within the 90-day period, the registration shall be deemed suspended until such personnel are obtained.

**118.7 Revocation of registration.** The *building official* may suspend or revoke a registration when the registrant fails to comply with any of the registration responsibilities or for violation of any provision of this Code. Violations which may result in revocation of a building maintenance registration include, but are not limited to, one or more of the following:

1. Performing construction work outside the scope of the registration without obtaining a separate permit.
2. Performing construction work without a licensed supervisor as required in this section, or without the supervisor's knowledge, consent or oversight.
3. Concealing work without inspection approval or authorization.
4. Refusal to uncover concealed work.
5. Constructing or installing work contrary to inspection orders.
6. Failure to report all construction work done under authority of the building maintenance registration.
7. Refusal to eliminate unsafe conditions listed in Section 116 of this code.

When the building official determines that a violation has occurred and that suspension or revocation of the registration is warranted, the registrant shall be notified in writing by certified mail and shall be given an opportunity for an administrative hearing with the *building official*. The suspension or revocation shall take effect 10 days after the date of notification unless, within such time, the registrant requests an administrative hearing. When an administrative hearing is requested, the *building official* shall consider all

evidence submitted at the hearing and shall notify the registrant in writing of the final decision within 10 days following such hearing. All final decisions of the *building official* to suspend or revoke a building maintenance registration may be appealed in accordance with Section 113 of these administrative provisions.

**118.8 Work report and inspections.** A brief outline of all work done under the registration shall be prepared by the licensed supervisor(s) and shall be available to the *building official* during periodic inspections. Work shall not be concealed without first obtaining inspection approval from the building official. Work performed under the building maintenance registration shall be inspected at regular intervals not exceeding six months.

**Reasons:**

These provisions create the Building Maintenance Registration and are carried forward and expanded from previous editions of the Phoenix Building Construction Code. This allows minor work to be done under the supervision of a Licensed Supervisor without plan review or prior approval from P&D.

**Cost Impact:** This simplification and streamlining of the process for minor projects at registered facilities would save customers time and money.

**ACTION TAKEN:**

**2012 Code Committee** Date: 10/24/2012  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board Administrative Subcommittee** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Development Advisory Board** Date: 11/15/12  
 Approved as submitted     Modified and approved     Denied     No action taken

**Council Subcommittee** Date: 4/16/13  
 Approved as submitted     Modified and approved     Denied     No action taken

**City Council Action** Date: 5/15/13  
 Approved as submitted     Modified and approved     Denied     No action taken



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

### Proposed Amendments to the 2012 International Building Code Section 119 (also see next document)

**Submitted by:** Phoenix Planning & Development and Journeyman Exam Committee

#### SECTION 119 JOURNEYMAN AND APPRENTICE LICENSES

**119.2 Definitions.** For purposes of this section, terms are defined as follows:

JOURNEYMAN LICENSE is the authority to perform or observe work requiring certain skills as identified in this section and is issued by the *building official* upon successful completion of an examination administered by the City of Phoenix.

LICENSED JOURNEYMAN is a person skilled in an area of work covered by this section with sufficient work experience to pass the Journeyman Test administered by the City of Phoenix or approved testing agency, and is capable of performing work covered by their Journeyman License and supervising the work of Apprentices covered by this section.

APPRENTICE is a person learning a skill and working in an area of work covered by this section and working under the direct supervision of a Licensed Journeyman or State of Arizona Licensed Contractor.

**119.5 Application for licenses.** Applicants shall submit either verification of experience (Journeyman) or notarized letter of request (Apprentice) with appropriate fees and application forms supplied by the Planning & Development Department. Applicants for Journeyman licenses shall schedule a test date subsequent to their application being accepted, or provide evidence that they have passed an approved third-party Journeyman license exam.

#### **119.7 Examinations.**

**119.7.1 Frequency of examinations.** ~~The Planning & Development Department~~ Approved third-party agencies shall hold examinations no less frequently than once every three months, in a suitable place, and for each classification for which there are applications on file. Examinations shall be held more frequently when necessary. The Planning & Development Department may also hold examinations when necessary.

#### **Reasons:**

The Journeyman Exam Committee has worked with the International Code Council (ICC), and local representatives of the Piping Industry Progress and Education Trust Fund (P.I.P.E.), Plumbing, Heating and Cooling Contractors (PHCC), and the Arizona Sheet Metal Joint Apprenticeship Training Committee to develop exams that can be offered and proctored by these organizations. This will increase flexibility for trade workers, allowing them to choose from multiple sites and test dates and times. The committee proposes changing the above three code sections to accommodate this change in testing procedure.

**Cost Impact:** The city's cost of administering an exam will be reduced. The cost to the applicant may increase slightly based on third-party testing charges; however, the increased flexibility in testing times will allow applicants to take the exam without missing a day of work (generally unpaid in the construction industry).

#### **ACTION TAKEN:**

<b>2012 Code Committee</b>	Date: 11/20/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board Technical Subcommittee</b>	Date: 11/21/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Development Advisory Board</b>	Date: 1/16/14
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>Council Subcommittee</b>	Date: 2/18/14
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

<b>City Council Action</b>	Date: 2/26/14
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



## **BUILDING CONSTRUCTION CODE CHANGE PROPOSAL**

### **Proposed Amendments to the 2012 International Building Code**

#### **Section 119**

**Submitted by:** Phoenix Planning & Development Department Code Committee

#### **SECTION 119**

#### **JOURNEYMAN AND APPRENTICE LICENSES**

**119.1 License Required.** All work performed on plumbing and mechanical systems where a permit is required according to Section 105 of these administrative provisions, is required to be performed by a Licensed Journeyman or by an Apprentice as defined in this Section.

#### Exceptions:

A person licensed by the State of Arizona as a licensed contractor (qualified person) in a category of work covered by this section.

The owner/occupant of a single-family residence when performing work covered by this section on their residence or accessory buildings or structures.

**119.2 Definitions.** For purposes of this section, terms are defined as follows:

JOURNEYMAN LICENSE is the authority to perform or observe work requiring certain skills as identified in this section and is issued by the *building official* upon successful completion of an examination administered by the City of Phoenix.

LICENSED JOURNEYMAN is a person skilled in an area of work covered by this section with sufficient work experience to pass the Journeyman Test administered by the City of Phoenix and is capable of performing work covered by their Journeyman License and supervising the work of Apprentices covered by this section.

APPRENTICE is a person learning a skill and working in an area of work covered by this section and working under the direct supervision of a Licensed Journeyman or State of Arizona Licensed Contractor.

**119.3 Journeyman licenses.** Journeyman licenses shall be divided into classifications as follows:

1. **Journeyman plumber.** A Journeyman plumber may install plumbing systems within the scope of the *Phoenix Building Construction Code*.
2. **Journeyman gas fitter.** A Journeyman gas fitter may install gas appliances, including the piping and venting of these appliances within the scope of the *Phoenix Building Construction Code*.
3. **Journeyman mechanical systems installer.** A Journeyman mechanical systems installer may install all heating, ventilating, cooling, refrigeration or other mechanical systems and equipment within the scope of the *Phoenix Building Construction Code*.
4. **Apprentice.** An Apprentice license may be issued to an individual who cannot qualify for the Journeyman status in one of the categories listed above. Apprentice licenses are valid for a period of one year.

**119.4 Apprentice.** An apprentice must work under the supervision of a Licensed Journeyman or Arizona State Licensed Contractor at all times work is being performed. The Licensed Journeyman or state licensed contractor is responsible for the work of the apprentice.

**119.5 Application for licenses.** Applicants shall submit either verification of experience (Journeyman) or notarized letter of request (Apprentice) with appropriate fees and application forms supplied by the

Planning & Development Department. Applicants for Journeyman licenses shall schedule a test date subsequent to their application being accepted.

**119.6 Fees.** Fees shall be paid upon submittal of the application for licensing. Test fees are refundable with cause prior to any test being taken. No fees are refundable after a test has been taken, regardless of the outcome. Fees are set forth in Appendix A.2 of the *Phoenix City Code*.

**119.7 Examinations.**

**119.7.1 Frequency of examinations.** The Planning & Development Department shall hold examinations no less frequently than once every three months, in a suitable place, and for each classification for which there are applications on file. Examinations shall be held more frequently when necessary.

**119.7.2 Scope of examinations.** Each written examination shall relate specifically to that aspect of the trade(s) for which licensing is being requested. Examinations shall be in writing, and shall be sufficiently comprehensive to test the Code related knowledge of an applicant seeking Journeyman status. A prerequisite to testing is verification that the applicant has four or more years of practical experience in the discipline for which licensing is requested.

**119.7.3 Notification of test results.** Licenses shall be issued to successful candidates within reasonable time after successful completion of an examination. Applicants who fail to pass their examination(s) shall be notified within 10 days after the examination. A retest date shall be established within 30 days.

**119.8 Expiration and Renewal.** Unless revoked for cause, all Journeyman licenses shall expire 36 months after the month in which they were issued. To renew a Journeyman license it is necessary to pass a renewal examination and to pay a renewal fee as set forth in Appendix A.2 of the *Phoenix City Code*. An examination will be mailed to each holder of a Journeyman license prior to expiration of the current license. This examination is to be completed and returned within 60 days of license expiration. Failure to renew within 60 days after expiration of a license will result in its revocation, and will require that the initial Journeyman examination be taken before issuance of a new Journeyman license.

**119.9 Journeyman or Apprentice Identification Card.** At the time of licensing each Journeyman or Apprentice, and at the time of renewing each license, the Planning & Development Department shall provide each successful applicant with an identification card showing the classification for which that person is licensed.

At all times when performing work that requires a license, such person shall have a Journeyman or Apprentice card in their immediate possession, and shall produce it upon request of a Planning & Development Department representative. It shall be the responsibility of the contractor to determine that their workers are properly licensed.

Journeyman or apprentice licenses shall be issued only to individual persons and shall not be transferable.

**119.10 Revocation of Licenses.** The Planning & Development Department may revoke any license granted hereunder for cause. Upon notification, the licensee shall be given 30 days to justify in writing why revocation of the license is unwarranted. Failure to respond to such notification will be taken as voluntary forfeiture of the license and acceptance of any action revoking said license. Appeal of a final administrative decision may be filed within 10 days of formal notification as provided in Section 113 of these administrative provisions.

**Reasons:**

This retains the Journeyman Licensing program that has historically been in place in Phoenix. The program helps to insure quality construction and is supported by the construction industry.

**Cost Impact:** There may be a minimal additional cost to a project due to the requirement to use qualified staff, however this is frequently offset by reduction in rework. The provision has been included in the Phoenix Building Construction Code for many years.

<b>ACTION TAKEN:</b>			
<b>2012 Code Committee</b>			Date: 10/31/2012
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board Administrative Subcommittee</b>			Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Development Advisory Board</b>			Date: 11/15/12
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>Council Subcommittee</b>			Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
<b>City Council Action</b>			Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken