



CODE CHANGE PROPOSAL

Proposed Amendments to 2012 International Fuel Gas Code Chapter 1, Part 2

Submitted by: Phoenix Planning & Development Department Code Committee

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 (IFGC) DEPARTMENT OF INSPECTION

Reserved

[A] 103.1 General.

~~The Department of Inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~

[A] 103.2 Appointment.

~~The code official shall be appointed by the chief appointing authority of the jurisdiction.~~

[A] 103.3 Deputies.

~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.~~

[A] 103.4 Liability.

~~The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.~~

~~Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

SECTION 104 (IFGC) DUTIES AND POWERS OF THE CODE OFFICIAL

Reserved

[A] 104.1 General.

~~The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided in this code.~~

[A] 104.2 Applications and permits.

~~The code official shall receive applications, review *construction documents* and issue permits for installations and alterations of fuel gas systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.~~

[A] 104.3 Inspections.

~~The code official shall make all of the required inspections, or shall accept reports of inspection by~~

~~approved agencies or individuals. All reports of such inspections shall be in writing and shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

[A] 104.4 Right of entry.

~~Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry.~~

~~When the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.~~

[A] 104.5 Identification.

~~The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

[A] 104.6 Notices and orders.

~~The code official shall issue all necessary notices or orders to ensure compliance with this code.~~

[A] 104.7 Department records.

~~The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.~~

SECTION 105 (IFGC) APPROVALS

Reserved

[A] 105.1 Modifications.

~~Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and that such modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Inspection.~~

[A] 105.2 Alternative materials, methods, appliances and equipment.

~~The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

[A] 105.2.1 Research reports.

~~Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.~~

[A] 105.3 Required testing.

~~Whenever there is insufficient evidence of compliance with the provisions of this code, evidence that a~~

material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

[A] 105.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

[A] 105.3.2 Testing agency.

All tests shall be performed by an *approved* agency.

[A] 105.3.3 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

[A] 105.4 Used material, appliances and equipment.

The use of used materials which meet the requirements of this code for new materials is permitted. Used appliances, *equipment* and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition, and *approved* by the code official.

[A] 105.5 Approved materials and equipment.

Materials, *equipment* and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

SECTION 106 (IFGC) PERMITS

Reserved

[A] 106.1 Where required.

An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department of Inspection.

[A] 106.2 Permits not required.

Permits shall not be required for the following:

1. Any portable heating *appliance*.
2. Replacement of any minor component of an *appliance* or *equipment* that does not alter approval of such *appliance* or *equipment* or make such *appliance* or *equipment* unsafe.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or of other laws or ordinances of this jurisdiction.

[A] 106.3 Application for permit.

Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[A] 106.3.1 Construction documents.

Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The code official shall require *construction documents*, computations and specifications to be prepared and designed by a registered design professional when required by state law. *Construction documents* shall be drawn to scale and

shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. ~~Construction documents~~ for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of ~~construction documents~~, calculations or other data if the nature of the work applied for is such that reviewing of ~~construction documents~~ is not necessary to determine compliance with this code.

[A] 106.3.2 Time limitation of application.

An application for a permit 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 code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 106.4 Preliminary inspection.

Before a permit is issued, the code official is authorized to inspect and evaluate the systems, ~~equipment~~, buildings, devices, premises and spaces or areas to be used.

[A] 106.5 Permit issuance.

The application, ~~construction documents~~ and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.6 have been paid, a permit shall be issued to the applicant.

[A] 106.5.1 Approved construction documents.

When the code official issues the permit where ~~construction documents~~ are required, the ~~construction documents~~ shall be endorsed in writing and stamped "APPROVED." Such ~~approved construction documents~~ shall not be changed, modified or altered without authorization from the code official. ~~Work shall be done in accordance with the approved construction documents.~~

The code official shall have the authority to issue a permit for the construction of part of an installation before the ~~construction documents~~ for the entire installation have been submitted or ~~approved~~, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire installation will be granted.

[A] 106.5.2 Validity.

The issuance of a permit or approval of ~~construction documents~~ shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid.

The issuance of a permit based upon ~~construction documents~~ and other data shall not prevent the code official from thereafter requiring the correction of errors in said ~~construction documents~~ and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

[A] 106.5.3 Expiration.

Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work recommences, a new permit shall be first obtained and the fee, therefor, shall be one-half the amount required for a new permit for such work, provided no changes have been or will be made in the original ~~construction documents~~ for such work, and further that such suspension or abandonment has not exceeded one year.

[A] 106.5.4 Extensions.

A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which he or she will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

[A] 106.5.5 Suspension or revocation of permit.

The code official shall have the authority 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.

[A] 106.5.6 Retention of construction documents.

One set of *approved construction documents* shall be retained by the code 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. One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

[A] 106.5.7 Previous approvals.

This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 106.5.8 Posting of permit.

The permit or a copy shall be kept on the site of the work until the completion of the project.

[A] 106.6 Fees.

A permit shall not be issued until the fees prescribed in Section 106.6.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.

[A] 106.6.1 Work commencing before permit issuance.

Any person who commences work on an installation before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

[A] 106.6.2 Fee schedule.

The fees for work shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

[A] 106.6.3 Fee refunds.

The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than [SPECIFY PERCENTAGE] 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 effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 107 (IFGC) INSPECTIONS AND TESTING

Reserved

[A] 107.1 General.

The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code 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.

[A] 107.2 Required inspections and testing.

The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for scheduling such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, *pipng* is installed and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the *pipng* or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the installation.

The requirements of this section shall not be considered to prohibit the operation of any heating *appliance* installed to replace existing heating *appliance* serving an occupied portion of a structure in the event a request for inspection of such heating *appliance* has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such *appliance* is concealed by any permanent portion of the structure.

[A] 107.2.1 Other inspections.

In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

[A] 107.2.2 Inspection requests.

It shall be the duty of the holder of the permit or his or her duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] 107.2.3 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

[A] 107.2.4 Approved inspection agencies.

The code official is authorized to accept reports of *approved* agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[A] 107.2.5 Evaluation and follow-up inspection services.

Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the installation, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the code official to

determine conformance to this code.

[A] 107.2.5.1 Evaluation service.

The code official shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[A] 107.2.5.2 Follow-up inspection.

Except where ready access is provided to installations, appliances, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

[A] 107.2.5.3 Test and inspection records.

Required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

[A] 107.3 Testing.

Installations shall be tested as required in this code and in accordance with Sections 107.3.1 through 107.3.3. Tests shall be made by the permit holder and observed by the code official.

[A] 107.3.1 New, altered, extended or repaired installations.

New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

[A] 107.3.2 Apparatus, instruments, material and labor for tests.

Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

[A] 107.3.3 Reinspection and testing.

Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[A] 107.4 Approval.

After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

[A] 107.4.1 Revocation.

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

[A] 107.5 Temporary connection.

The code official shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of *occupancy*.

[A] 107.6 Connection of service utilities.

A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

SECTION 108 (IFGC) VIOLATIONS

Reserved

[A] 108.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 108.2 Notice of violation.

The code official shall serve a notice of violation or order to the person responsible for the erection, installation, *alteration*, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, 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.

[A] 108.3 Prosecution of violation.

If the notice of violation is not complied with promptly, the code official shall 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 structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 108.4 Violation penalties.

Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 108.5 Stop work orders.

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

[A] 108.6 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction, restrain, correct or abate a violation, prevent illegal occupancy of a building, structure or premises, or stop an illegal act, conduct, business or utilization of the installations on or about any premises.

[A] 108.7 Unsafe installations.

An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[A] 108.7.1 Authority to condemn installations.

Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective installation after receiving such notice.

When such installation is to be disconnected, written notice as prescribed in Section 108.2 shall

be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

~~[A] 108.7.2 Authority to disconnect service utilities.~~

~~The code official shall have the authority to require disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.~~

~~[A] 108.7.3 Connection after order to disconnect.~~

~~A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations.~~

~~When an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.~~

SECTION 109 (IFGC) MEANS OF APPEAL

Reserved

~~[A] 109.1 Application for appeal.~~

~~A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

~~[A] 109.2 Membership of board.~~

~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.~~

~~[A] 109.2.1 Qualifications.~~

~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.~~

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~
- ~~3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~
- ~~4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~
- ~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~

~~[A] 109.2.2 Alternate members.~~

~~The chief appointing authority shall appoint two alternate members who shall be called by the~~

board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

[A] 109.2.3 Chairman.

The board shall annually select one of its members to serve as chairman.

[A] 109.2.4 Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 109.2.5 Secretary.

The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 109.2.6 Compensation of members.

Compensation of members shall be determined by law.

[A] 109.3 Notice of meeting.

The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

[A] 109.4 Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

[A] 109.4.1 Procedure.

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 109.5 Postponed hearing.

When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 109.6 Board decision.

The board shall modify or reverse the decision of the code official by a concurring vote of three members.

[A] 109.6.1 Resolution.

The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

[A] 109.6.2 Administration.

The code official shall take immediate action in accordance with the decision of the board.

[A] 109.7 Court review.

Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

SECTION 110 (IFGC) TEMPORARY EQUIPMENT, SYSTEMS AND USES

Reserved

[A] 110.1 General.

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

[A] 110.2 Conformance.

Temporary *equipment, systems 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 the public health, safety and general welfare.

[A] 110.3 Temporary utilities.

The code official is authorized to give permission to temporarily supply utilities before an 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 the code.

[A] 110.4 Termination of approval.

The code 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: The deleted provisions are contained in the Phoenix Building Construction Code IBC, which is being used as a centralized location, for the administrative provisions. These provisions may conflict with the adopted administrative code sections and retaining them is redundant.

Cost Impact: No cost impact.

ACTION TAKEN:

2012 Code Committee	Date: 9/10/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board Technical Subcommittee	Date: 9/20/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board	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	
Council Subcommittee	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	
City Council Action	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	