

Sec. 18-21. International Building Code – Adopted and Amended.

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as the "International Building Code, ~~2015~~ 2018 Edition," published by the International Code Council Inc., is hereby adopted, as amended herein, as the Building Code of the City of Peoria.

(B) The International Building Code, ~~2015~~ 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration", is hereby amended as follows:

[A] 101.1 Title. These regulations shall be known as the *Building Code* of The City of Peoria, hereinafter referred to as "this code."

Amend Section 101.2 Scope to read as follows:

[A] 101.2 Scope.

The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use of 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 dwellings and townhouses not more than three stories, above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code, as amended.~~

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

1. Federal, state or county owned projects (building and land) are exempt from the required permits, inspections, and fees of Table 27-6 of the *City of Peoria* 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 a 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.

Amend Section 101.2.1 Appendices to read as follows:

[A] 101.2.1 Appendices. The following appendices are adopted: Appendix C – Group U – Agricultural Buildings, Appendix I – Patio Covers.

Amend Section 101.3 Intent to read as follows:

[A] 101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, ~~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, explosion and other hazards, and to provide a reasonable level of safety 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 Development and Engineering 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.

101.4 Referenced codes. Shall be revised to read as follows:

[A] 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

Exception: Administrative requirements in the City of Peoria Fire Code

[A] 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.

[A] 101.4.2 Mechanical. The provisions of the *International Mechanical Code*, as amended, shall apply to the installation, *alterations*, *repair*, 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.

[A] 101.4.3 Plumbing. The provisions of the *International 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.

[A] 101.4.4 Property maintenance. The provisions of the *International Property Maintenance Code*, as amended, 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.

[A] 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, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

[A] 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.

[A] 101.4.7 Existing Buildings. The provisions of the *International Existing Building Code*, as amended shall apply to matters governing the *repair*, *alteration*, change of occupancy, *addition* to and relocation of existing buildings.

[A] 101.4.78 Electrical. The provisions of the National Electrical Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

[A] 101.4.9 Residential. The provisions of the International Residential Code, as amended, 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 not more than three stories above grade plane in height, shall comply with this code or the International Residential Code, as amended.

SECTION 103 to be amended as follows:

SECTION 103 Development and Engineering Department

[A] 103.1 Creation of enforcement agency.

The authority and responsibility for administration and enforcement of this Code is hereby assigned to the Director of the Development and Engineering 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 Director of the Development and Engineering Department.

[A] 103.3 Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of the Development and Engineering 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*.

SECTION 104 to be amended as follows:

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

Amend Section 104.5 Identification to read as follows:

[A] 104.5 Identification. The *building official* and all Development and Engineering Department employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

SECTION 104.10 is deleted in its entirety and replaced with the following:

[A] 104.10 Administrative review, interpretations, modifications and appeals.

Any person dissatisfied with a technical code decision made by a Development and Engineering 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 technical code decision made by a Development and Engineering 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 Development and Engineering Department, and shall be accompanied by a non-refundable administrative processing fee, equal to the minimum permit fee, as set forth in Table 27-6 of the Peoria City Code. The decision of the building official shall be final except as provided in Section 113 of this Code.

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 Development and Engineering 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 equal to additional plan review as set forth in Table 27-6 of the Peoria City Code. The decision of the building official shall be recorded in the files of the department.

104.10.3 Modifications.

Requests for modification of a code requirement shall be made in writing on a form provided by the Development and Engineering Department, and shall be accompanied by a non-refundable fee equal to additional plan review as set forth in Table 27-6 of the Peoria 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 for the particular code provision to be modified.

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

104.10.3.1 Flood hazard areas. RESERVED.

104.10.4 Appeals. Any person may appeal a decision made by the building official to the Board of Appeals as set forth in Section 113 of this Code.

SECTION 105 to be amended as follows:

SECTION 105 PERMITS

Amend Section 105.1.4 Annual Permits to read as follows:

[A] 105.1.1 Annual permits. See Section 117 of this code

[A] 105.1.2 Annual Permit Records. ~~Deleted in it's entirety 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.~~

Amend Section 105.2 Work exempt from permit to read as follows:

[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. *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 floor area is not greater than 200 square feet (18.58 m²).
2. Fences not over 3 feet (915 mm) high. Fences not included in this exception, not over 7 feet (2134 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 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 ration of the 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. Additional bleachers and grandstands are not included in this exemption.
9. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground. Barriers shall be installed in accordance with Section R326 of the International Residential. 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 moveable 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 Peoria 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 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. Unless part of a rated assembly, 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.

Electrical:

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, by a licensed contractor, 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, and the 2010 Accessibility Standards, 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-inch 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.~~
7. 6. Hot water recirculators
8. 7. Water softeners and soft water loops

Amend Section 105.3 Application for permit to read as follows:

[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 Development and Engineering 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 of 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 owner, or the owner's authorized agent.
7. Give such other data and information as required by the *building official*.

Amend Section 105.3.2 Time limitation of application to read as follows:

[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 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 Table 27-6 of the City of Peoria Code.

[A] 105.3.2.1 Standard plan expiration. Standard plans shall expire upon the adoption of a new code or upon a transition plan approved by the building official.

Amend Section 105.5 Expiration to read as follows:

[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 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 work shall not be considered suspended or abandoned if the permit holder has done one or more of the following:

1. Received an inspection approval from Building Development within 180 days of the previous inspection approval;
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 at a time, for periods not more than one year each. The extension shall be requested in writing, prior to permit expiration or invalidation, and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Table 27-6 of the Peoria City Code.

Exception:

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 inspections (two hour minimum for each discipline) and shall include an administrative fee based on general hourly plan review rate (two hour minimum) as set forth in Table 27-6 of the Peoria City Code.

~~[A] 105.5.2 Reinstatement.~~ When a permit has expired or become invalid, 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 or became invalid less than 180 days 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 Table 2-209 of the Peoria City Code for permit extensions.~~

Exception:

~~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 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 Table 2-209 of the Peoria 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 working 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 be submitted prior to permit expiration and include payment of a non-refundable fee as set forth in Table 27-6 of the Peoria City Code.

Amend Section 105.6 Suspension or revocation to read as follows:

[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 cancelled and the permit fee shall not be refunded except as may be provided in Section 109.6 of this code.

Amend Section 105.7 Placement of permit to read as follows:

[A] 105.7 Placement of permit. ~~Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has 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. The building permit or copy shall be kept on the site of the work until completion of the project. The permit holder shall post a visible sign which identifies the permit number, street address and lot number or suite number where construction work is authorized until completion of the project. Other forms of identification may be used when approved by the building official.~~

The building permit or copy shall be kept on the site of the work until completion of the project. The permit holder shall post a visible sign which identifies the permit number, street address and lot number or suite number where construction work is authorized until completion of the project. Other forms of identification may be used when approved by the building official.

[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 sufficient evidence verifying 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 name 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 Development and Engineering Department inspector at the site prior to performing any special inspections. Any changes to the permitted drawings shall be approved either by the Development and Engineering Department 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. The application shall be accompanied by a nonrefundable processing fee, equal to the minimum permit fee as set forth in Table 27-6 of the Peoria City Code. 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 109.6 of this Code. 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 equal to the minimum hourly charge as set forth in Table 27-6 of the Peoria City Code.

SECTION 107 to be amended as follows:

SECTION 107 SUBMITTAL DOCUMENTS

Amend Section 107.1 General to read as follows:

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* 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.

Amend Section 107.2 Construction documents to read as follows:

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] 107.2.7 Shell Building Permit Application Drawings.

~~Relocate Section 107.2.6.2 Exit Discharge Illumination and to read as follows:~~

[A] 107.2.7.1 Exit Discharge Illumination. If two or more exits are required for a shell building, as determined by the code, then emergency exterior exit discharge illuminations shall be required for all exterior exit doors and the permit application drawings shall show such illuminations for all exterior exit doors.

~~Relocate Section 107.2.6.3 Exterior Exit Door Accessibility and to read as follows:~~

[A] 107.2.7.2 Exterior Exit Door Accessibility. All Exterior doors for a shell building shall be accessible and shall be shown as such on the permit application drawings. Accessible egress doors shall be on an accessible route of travel to the public way or an approved alternate.

~~Relocate Section 107.2.6.4 Exterior Signs and to read as follows:~~

[A] 107.2.7.3 Exterior Signs. Shell building permit application drawings shall comply with NEC 600.5 for each front entrance. Tenant exterior sign locations shall be provided with a 20 amp, 120 volt circuit to a 4-gang junction box. Drawings shall show ¾ inch conduit routed and 3-#12, 1-#12 ground to a junction box inside the building to a tenant

panel or inside the building near the vicinity of a future tenant panel. Drawings shall show separate branch circuits for each sign junction box.

Amend Section 107.4 Amended construction documents to read as follows:

[A] 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 Table 27-6 of the Peoria City Code.

Amend Section 107.5 Retention of construction documents to read as follows:

[A] 107.5 Retention of construction documents.

One set of approved construction documents shall be retained by the *building official* in accordance with the retention schedules set by the Peoria 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 Peoria City Clerk.

Amend Section 108 Temporary structures and uses to read as follows:

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 unless approved by the Planning and Zoning Department.

SECTION 109 to be amended as follows:

SECTION 109 FEES

Amend Section 109.2 Schedule of permit fees to read as follows:

[A] 109.2 Schedule of plan review and permit fees.

On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* and plan review shall be paid as required, in accordance with the schedule set forth in Table 27-6 of the Peoria City Code. Fees paid for plan reviews, permits or other services are not transferable.

109.2.1 Supplemental permits. The fee for a supplemental plan review and 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 this Code.

Amend Section 109.3 Building permit valuations to read as follows:

[A] 109.3 Building permit valuations.

The applicant for a *permit* shall provide an estimated project valuation at time of application. Project valuation 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.

Project valuation is the higher of the minimum project valuation as calculated by Development and Engineering, 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 Peoria. Final building *permit* valuation shall be set by the *building official*.

Amend Section 109.6 Refunds to read as follows:

[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 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 application must be submitted to the Development and Engineering Department before the permit expires or not later than 180 days after the date of the fee payment, whichever occurs first.

Amend Section 109.7 Plan review fees to read as follows:

[A] 109.7 Plan review fees. When submittal documents are required by Section 107.3.4.1 of this code, 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 this Code.

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 this code, 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 for in Table 2-209 of the Peoria 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 a 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 Table 2-209 of the Peoria City Code. In addition, a separate plot 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.

Amend Section 109.8 Inspections and re-inspections to read as follows:

[A] 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 Development and Engineering inspection hours, an additional fee will be required as specified in Table 27-6 of the Peoria City Code.

SECTION 110 INSPECTIONS to be amended as follows:

SECTION 110 INSPECTIONS

Amend Section 110.1 General to read as follows:

[A] 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.

Amend Section 110.3.8.1 Swimming pool inspections to read as follows:

[A] 110.3.8.1 Swimming pool inspections. In addition to the inspections required in section 110.3.1 of this code, 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 a finish coating 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 bibb(s) providing water supply for the pool.
4. Installation of all pool enclosures and barriers required by this Code.

SECTION 111 to be amended as follows:

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefore 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 other ordinances of the City of Peoria.

Exceptions:

1. Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.
2. Certificates of occupancy are not required for one and two family residences. Only final inspection approval and a utility clearance is required prior to occupancy.

[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 Development and Engineering 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 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 design *occupant load*.
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. The fee for a temporary certificate of occupancy shall be as set forth in Table 27-6.

Exception: Where, in the opinion of the building official, there is very little remaining work to obtain a full certificate of occupancy, the fee for a temporary certificate of occupancy may be waived if the duration to resolve outstanding issues will take less than 14 calendar days.

111.3.1 Application. Application for a temporary certificate of occupancy shall be on a form supplied by the Development and Engineering Department and shall include payment of a nonrefundable fee as set forth in Section 109 of this code. Issuance of a temporary certificate of occupancy shall be subject to the property owner and the permit holder agreeing in writing to comply with all stipulations set forth by the Development and Engineering 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 or 60 days, whichever occurs first, at which time all requirements of the Building Code of the City of Peoria, the City of Peoria Fire Code, The City of Peoria Zoning Ordinance and other applicable codes and ordinances shall have been completed.

[A] 111.5 Certificate of occupancy only. Application may be made for the building official to consider issuing a certificate of occupancy only 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 Development and Engineering 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 this Code.

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

SECTION 113 BOARD OF APPEALS is hereby amended as follows:

SECTION 113 BOARD OF APPEALS

Section 113.1 General is deleted in its entirety and hereby amended to read as follows:

[A] 113.1 General. Refer to Chapter 3, Section 3-17 of the Peoria City Code.

SECTION 114 to be amended as follows:

SECTION 114 VIOLATIONS

Amend Section 114.1 to read as follows:

[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 Peoria 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 places 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 Non-permitted construction enforcement. In cases of non-permitted construction, an investigation shall be made before a permit may be issued for the work. Non-permitted construction is grounds for the building official to stop all work on the project until appropriate permits are obtained. Non-permitted construction cases shall be subject to the enforcement procedures set forth herein.

114.1.4.1.1 Application for permit. The owner or authorized agent must apply for or obtain a permit by the date indicated 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, by the complexity of work or other justifiable circumstances prohibiting meeting the designated date to obtain a permit. ~~discretion of the building official.~~

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 or other justifiable circumstances prohibiting meeting the designated date to obtain a permit ~~by the discretion of the building official.~~

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 permit shall be suspended if the jobsite meeting does not occur within 45 calendar 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. Work shall begin no later than 90 days from permit issuance and there shall be no pause in construction of more than 90 days or the permit will expire.

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 Table 27-6 of the Peoria 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 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:

1. 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~~

2. 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 violation.~~ It shall be unlawful and a violation of this Code for any person, firm or corporation to:

1. 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~~

3. ~~2.~~ 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~~

4. ~~3.~~ 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~~

5. ~~4.~~ 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:

1. Cause or to create any unsafe condition as defined in this Code.
2. ~~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.
3. ~~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.
4. ~~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 of this Code.

114.1.9 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.

Amend Section 114.2 to read as follows:

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 Peoria 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 with the County recorder, at the request of the owner or responsible party at the requester's expense.

Amend Section 114.4 to read as follows:

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 Table 27-6 of *The Peoria City Code*.
2. **Permit fees.** The permit fee for work commenced without permits shall be twice the published permit fees as set forth in Table 27-6 of *The Peoria City Code*.

Exceptions:

1. The Development and Engineering 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 Table 27-6 of the Peoria City Code.

SECTION 116 to be amended as follows:

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 shock 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.

In addition to the provisions of this Code, all buildings, structures and property shall be maintained in compliance with the provisions of the International Property Maintenance Code and all unsafe buildings or structures shall be subject to the abatement and enforcement provisions of that code.

[A] 116.2 Definitions. ~~Record~~ Unsafe structures and equipment shall be classified as being an unsafe or imminent unsafe condition.

~~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.~~

UNSAFE CONDITION is a hazard that has the potential to cause harm or damage to life, health or property if not corrected. Sections 116.3, 116.4, and 116.5 include but are not limited to unsafe conditions.

IMMINENT UNSAFE CONDITION is an unsafe condition that is a high, real and immediate risk to life, health or property. Sections 116.3 and 116.4 include but are not limited to imminent unsafe conditions.

[A] 116.3 ~~Notice~~ Unsafe buildings or structures.

~~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.~~

Conditions or defects that render a building or structure unsafe include, but are not limited to:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

Imminent unsafe conditions:

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 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.
3. 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.
4. Where, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
5. 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.

6. 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.

7. Where any swimming pool is not enclosed with all barriers required by this Code.

116.4 Method of service-Unsafe building service equipment.

~~Such notice shall be deemed properly served if a copy thereof is: Delivered to the owner personally; sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or 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 on the owner's agent or on the person responsible for the structure shall constitute service of notice on the owner.~~

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 improperly installed and adjusted controls and appurtenances
3. Equipment locations which will constitute a fire or explosion hazard.
4. Defective or improperly installed equipment.

Imminent unsafe conditions:

1. Defective or deteriorated vents, venting or flues which permit leakage of flue gases through the flue walls.
2. Defective or leaking fuel supply lines.
3. Insufficient fresh air supply for combustion of fuel and vent operation.
4. Heating appliances which are not properly vented.
5. Excessive exhaust in boiler, furnace rooms or areas where gas, liquid or solid fuel fired equipment is located.

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

1. Loose or poor electrical connections creating a fire or shock hazard.

2. Equipment or circuits not properly grounded and bonded.
3. Misuse of flexible cords and cables.
4. Wiring method or equipment not properly supported.
5. Improperly installed or not suitable for the intended use and location.

Imminent unsafe conditions:

1. Uninsulated or exposed live parts and a fire or shock hazard exists.
2. Overloaded branch circuits, feeders or service equipment.
3. Equipment or conductors not properly protected from overload, short circuit or ground fault.
4. Equipment short-circuit, interrupting or withstand ratings insufficient for the available fault current at the line terminals of the equipment.
5. Inadequate maintenance, dilapidation, damage, obsolescence or abandonment.

116.4.3 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 operational controls, burners or other appurtenances.
3. Hazardous operation or location of equipment.
4. Unacceptable means for blowdown where required.
5. Insufficient fresh air supply for complete combustion of fuel and vent operation.
6. A boiler or pressure vessel operated above its allowable pressure or temperature.

Imminent unsafe conditions:

1. Defective or improperly installed safety valves, or safety valves of improper setting, capacity or acceptable means of discharge.
2. Defective or improperly installed vent system for products of combustion.
3. Insufficient fresh air supply for complete combustion of fuel and vent operation.

116.4.4 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.

Imminent unsafe conditions:

1. Systems using ammonia as a refrigerant where inadequate provisions have been made for disposal as required elsewhere in this Code.

116.4.5 Plumbing systems which have any of the following defects:

1. Drainage systems which are clogged, fouled or depositing solids.
2. No trap seal is provided or the seal is inadequate.
3. Lack of sewer venting or venting into an enclosed building or structure.
4. Leaking water, sewage or sewer gas inside or outside a building.
5. Open or abandoned cesspools or septic tanks.

Imminent unsafe conditions:

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.

116.5 Restoration Unsafe excavations.

~~Where the structure or equipment determined to be unsafe by the building official is 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 and change of occupancy shall comply with the requirements of the International Existing Building Code.~~

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 Restoration Notice of violation.

Notices of violation shall describe the unsafe conditions and declare any unsafe conditions that are determined to be an imminent unsafe condition. A specified time must be stated on the notice by which the unsafe / imminent unsafe conditions must be abated by. A building permit must also be obtained to request an inspection to verify the unsafe imminent conditions has been abated.

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.

116.7 Authority for inspection and evaluation.

The building official shall follow the procedures for right of entry noted in Section 104.6. 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 116.8 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 it creates an imminent unsafe condition 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 an unsafe condition and, if so, whether it constitutes an imminent unsafe condition, as defined in Section 116.2 of these administrative provisions.

116.8.1 Unsafe conditions.

If a building, a structure or any building service equipment is determined to be in an unsafe condition, the building official shall issue a written notice to the property owner or occupant of the premises describing the unsafe condition and order its repair or abatement within a specified time. The time allowed for repair or abatement shall be not less than that posted on the Notice of Violation starting from the date of the notice. Failure to repair or abate the unsafe condition within the time specified shall constitute grounds for the building official to initiate formal abatement procedures.

116.8.2 Imminent unsafe conditions.

If a building, structure, or any building service equipment is determined to be in an imminent unsafe condition, 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 imminent 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 unsafe conditions 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 imminent unsafe condition in such detail as to allow the property owner to identify and abate the imminent unsafe condition. The notice shall provide the name and phone number of a city representative to contact concerning the imminent 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 unsafe conditions, the building official shall order the abatement 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 unsafe conditions, the building official shall attach or affix a warning red tag to the equipment declared to be unsafe. Where equipment is declared to be in an imminent unsafe condition, the building official shall order such equipment disconnected or its use discontinued until the condition is abated per Code. 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 shall 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. It shall be unlawful to remove any such posted sign without permission from the building official.

5. Emergency barricades.

If any building or structure is a hazard to life or limb to 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 unsafe condition 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 a cesspool or tank filled at once, all without notice. Such abatement shall be limited to the minimum work necessary to remove the imminent unsafe condition.

7. Abatement by city.

If the owner of any unsafe building, structure or building service equipment fails to abate an imminent unsafe condition within the time specified in the Notice of Violation, the City may abate any such imminent unsafe condition by repair, removal or demolition in accordance with the provisions of The International Property Maintenance Code. The costs of any City abatement, including emergency abatement or temporary repairs, shall be paid by the property owner as set forth in The Peoria City Code

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 Peoria for an order allowing the City to abate any unsafe condition in accordance with the provisions Peoria City Code.

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 Building Board of Appeals in accordance with Peoria City Code.

SECTION 117 to be added as follows:

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 this Code when the proposed work does not increase the floor area. Additional permits shall be required in accordance with Section 105 this Code 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 Development and Engineering Department and shall pay an application and registration fee as set forth in Table 2-209 of the Peoria 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.

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 Table 2-209 of the Peoria 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 this Code shall be a violation of this Code.

117.5 Annual Facilities Permit operation. The agent shall notify the Development and Engineering 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 Development and Engineering Department an hourly fee for professional services rendered as set forth in Table 2-209 of the Peoria 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 this Code.
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 this Code must be obtained and such permit

(2) Chapter 2, "Definitions", SECTION 202, is hereby amended as follows:

SECTION 202 DEFINITIONS

COMMON AREA. For the purposes of ADA compliance for visual notification, a common area shall be a room, space, or element made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants). Common areas shall include restrooms, hallways, lobbies, meeting and conference rooms, classrooms, cafeterias, filing and photocopy rooms, employee break rooms, open office areas exceeding 300 square feet, examination and treatment rooms, and similar areas that are not used solely as employee work areas in accordance with the U.S. Access Board technical Bulletin on Visual Alarms. Mechanical, electrical and telephone closets, janitor's closets, and similar non-occupiable spaces that are not common areas or assigned work areas are not required to have visual alarms.

(3) Chapter 3, "Use and Occupancy Classification", is hereby amended as follows:

SECTION 308 INSTITUTIONAL GROUP I

308.23 Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.23.1 or 308.23.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group Homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

308.23.3 Six to 10 persons receiving custodial care. A facility housing not fewer than six and not more than 10 persons receiving custodial care shall be classified as Group R-4.

308.23.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code*.

308.34.2 Five or fewer persons receiving medical care. A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the *International Residential Code*.

310.56 Residential Group R-4. Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than 5 but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.56.1 or 310.56.2. The persons receiving care are capable of self preservation. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group Homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 or shall comply with the *International Residential Code*, except as otherwise provided for in this code.

- (1) Chapter 9, "Fire Protection Systems," is hereby amended by deleting the entire chapter and replacing with the following:

Chapter 9 Fire Protection Systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with Chapter 9, Sections 9-31, 9-32 and 9-33 of the Peoria City Code (1992).

- (2) Chapter 10, "Means of Egress", is hereby amended as follows:

Amend Exception 4 to Section 1010.1.2 Door Swing. by replacing it in its entirety with the following:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4.

(6) Delete Chapter 11, “Accessibility”, in its entirety and insert the following:

Section 1101 Accessibility. The “Arizonan’s with Disabilities Act” (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the “Arizonan’s with Disabilities Act Implementing Rules” (Arizona Administrative Code, Title 10, Chapter 3, Article 4), which rules incorporate the federal “Americans with Disabilities Act Accessibility Guidelines Checklist for Buildings and Facilities,” is hereby adopted as the Arizonans with disabilities Act of the City. These standards and specifications apply to public entities, public accommodations, and commercial facilities, as defined by those laws, regulations, and guidelines. For public entities, the standards and specifications apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications. For public accommodations and commercial facilities, the standards and specifications shall apply to new construction and alterations commenced after the effective date of such standards and specifications.

Section 1102 Fair Housing in New Construction and Alterations. The “Arizona Fair Housing Act” (Arizona Revised Statutes Title 41, Chapter 9, Article 7) and the “Arizona Fair Housing Act Rules” (Arizona Administrative Code Title 10, Chapter 2, Article 1) which incorporate and reference the “Federal Fair Housing Act Rules” (24 CFR 40) are adopted as the “Fair Housing Act of the City of Peoria,” pursuant to A.R.S. § 41-1492.03, as amended, and shall apply to new construction and alterations, and are not required in buildings or portions of existing buildings that do not meet the standards and specifications and this act is hereby referred to, adopted and made part hereof as though fully set forth in this section.

(7) Chapter 12, “Interior Environment”, is hereby amended as follows:

SECTION 1204 TEMPERATURE CONTROL is amended as follows:

1204.1 Equipment and systems. Habitable spaces shall be provided with active or passive space-heating and space-cooling systems capable of maintaining a minimum indoor temperatures between 70 °F (21°C) and 90°F (32°C) at a point 3 feet (914 mm) above the floor. The installation of portable space heaters or coolers shall not be used to achieve compliance with this section.

Exceptions: Space heating and cooling systems are not required for:

1. interior spaces where the primary purpose of the space is not associated with human comfort.
2. Group F, H, S or U occupancies

SECTION 1207, “SOUND ATTENUATION” is amended as follows by adding the following section:

1207.4 Sound attenuation. All residential buildings or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after

December 31, 2001 in order to achieve a maximum interior noise level of forty-five (45) decibels in areas within the noise contours described in ARS section 28-8461, paragraph 8, subdivision (a), (b) or (c), as applicable.

These sound attenuation requirements do not apply to ancillary buildings used in agricultural land use.

If the gross floor area of a structure or project is expanded by less than fifty (50) percent, the requirements of this section apply only to the area of expansion. If the gross floor area of a structure or project is expanded by fifty (50) percent or more, the requirements of this section apply to the entire structure, except for single family, mobile home, manufactured housing unit or duplex dwellings or any multifamily property used for residential purposes. The Building Official may approve as an alternative, a certification by an architect or engineer registered pursuant to Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five (45) decibels at time of final construction.”

(8) Chapter 15, “Roof Assemblies and Rooftop Structures”, is hereby amended to read as follows:

SECTION 15023 ROOF DRAINAGE WEATHER PROTECTION is amended as follows by adding the following sections:

Amend Section 1503.4 to read as follows:

15023.54.4 Where required. All roofs, paved areas, yards, courts, and courtyards shall drain into a separate storm sewer system, a combined sewer system, or an approved place of disposal.

15023.64.5 Roof design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges, or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

(9) Chapter 16, “Structural Design”, is hereby amended as follows:

SECTION 1607 LIVE LOADS, Table 1607.1, item number 25 is amended as follows:

Table 1607.1

OCCUPANCY OR USE	Uniform (psf)
25. Residential	40
Habitable attics and sleeping areas ^k	

(10)Chapter 16, “Structural Design”, is hereby amended to read as follows:

Amend Section 1612.3, Establishment of flood hazard area, as follows. See Chapter 20 of the Peoria City Code.

(11)Chapter 17, “Special Inspections and Tests”, is hereby amended as follows:

SECTION 1704
SPECIAL INSPECTIONS AND TESTS, CONTRACTOR RESPONSIBILITY AND OBSERVATIONS

Amend Section 1704 by adding the following sections as follows:

1704.1 General. Special Inspections and tests, statements of special inspections, responsibility of contractors, submittals to the *building* official and observations shall meet the applicable requirements of this section.

1704.6.3 1 Structural observations for structures ~~special conditions.~~ Structural observations shall be provided for those structures where one or more of the following conditions exists:

1. The structure is classified as Risk Category IV.
2. The structure is a high-rise building.
3. Such observation is required by the registered design professional responsible for the structural design.
4. Such observation is specifically required by the building official
5. ~~4.~~ The height of the structure is greater than 75 feet (22 860 mm) above the grade plane, or greater than three stories above the base.
6. The structure has more than 3 stories above the grade plane.
7. ~~2.~~ For Elevated post-tensioned concrete structures.
8. ~~3.~~ Prefabricated deferred units and their connections, when such units are utilized structurally in the lateral-force-resisting systems of a structure.
9. ~~When such observation is specifically required by the building official.~~

1704.7 Electrical Observations. The owner shall employ the registered design professional ~~engineer~~ responsible for the electrical design, or another registered

design professional engineer designated by the registered design professional engineer responsible for the electrical design, to perform visual observation of complex electrical equipment and systems for general conformance to the approved plans and specifications, including but not limited to, placement and interconnection of equipment. Electrical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Electrical Observations are in addition to the inspections required by Section 110 of the Peoria Building Code and the special inspections required by Section 1705.19, and shall be provided when one of the following conditions exist:

1. Installation or alteration of that portion of health care facility electrical systems which falls within the scope of Article 517 of the *National Electrical Code*, including such systems installed in facilities where outpatient surgical procedures are performed.
2. Installations or alteration of ~~high voltage~~ electrical systems over 600V ~~which fall within the scope of Article 490 of the *National Electrical Code*.~~
3. Installation or alteration of electrical systems within locations classified as hazardous by provisions of the *National Electrical Code*, except for gasoline dispensing installations and systems located within storage garages, repair garages or lubritoriums.
4. When such observation is specifically required by the building official.

1704.7.1 Procedures. The registered design professional engineer responsible for electrical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring electrical observation as set forth in the inspection and observation program for each project.

The registered design professional engineer responsible for performing electrical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge ~~engineer or architect of record~~ and to the building official.

In addition to individual reports, the registered design professional in responsible charge ~~engineer or architect of record~~ shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans

and specifications and any resulting instructions or change orders issued to the contractor.

1704.7.2 Certificate of Compliance. Upon completion of the portions of the work requiring electrical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional engineer responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for electrical observation shall read as follows:

“I certify to the best of my knowledge the electrical requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring electrical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied.”

1704.8 Mechanical Observations. The owner shall employ the registered design professional engineer responsible for the Mechanical design, or another registered design professional engineer designated by the registered design professional engineer responsible for the Mechanical design, to perform visual observation of complex mechanical equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Mechanical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. ~~These Mechanical Special Observations~~ are in addition to the inspections required by Section 110 of the Peoria Building Code and the special inspections required by Section 1705.20, and shall be provided when one of the following conditions exist:

When such observation is specifically required by the building official.

1704.8.1 Procedures. The registered design professional ~~engineer~~ responsible for mechanical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring mechanical observation as set forth in the inspection and observation program for each project.

The registered design professional engineer responsible for performing mechanical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge engineer or architect of record and to the building official.

In addition to individual reports, the registered design professional in responsible charge engineer or architect of record shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

1704.8.2 Certificate of Compliance. Upon completion of the portions of the work requiring mechanical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional engineer responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for mechanical observation shall read as follows:

“I certify to the best of my knowledge the mechanical requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring mechanical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied.”

1704.9 Plumbing Observations. The owner shall employ the registered design professional engineer responsible for the plumbing design, or another registered design professional engineer designated by the registered design professional engineer responsible for the plumbing design, to perform visual observation of complex plumbing equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Plumbing observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. These plumbing observations are in addition to the special inspections required by Section 1705.21 and shall be provided when one of the following conditions exist:

When such observation is specifically required by the building official.

1704.9.1 Procedures. The registered design professional engineer responsible for plumbing observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring plumbing observation as set forth in the inspection and observation program for each project.

The registered design professional engineer responsible for performing plumbing observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for

correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge ~~engineer or architect of record~~ and to the building official.

In addition to individual reports, the registered design professional in responsible charge ~~engineer or architect of record~~ shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

1704.9.2 Certificate of Compliance. Upon completion of the portions of the work requiring mechanical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional ~~engineer~~ responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for mechanical observation shall read as follows:

“I certify to the best of my knowledge the plumbing requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring mechanical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied.”

SECTION 1705 REQUIRED SPECIAL INSPECTIONS AND TESTS is amended as follows:

Section 1705.4, “Masonry construction”, is amended by adding two additional exceptions to read as follows:

4. Masonry fences seven feet or less in height above grade.
5. Masonry retaining walls ~~four feet~~ 40 inches or less in height from top ~~bottom~~ of footing to top of wall unless supporting a surcharge or impounding flammable liquids.

Section 1705.6, “Soils”, is amended to read as follows:

1705.6 Soils.

Special inspections and tests of existing site soil conditions, fill placement and load-bearing requirements shall be performed in accordance with this section and Table 1705.6. The *approved* geotechnical report and the *construction documents* prepared by the *registered design professionals* shall be used to determine compliance. During fill placement, the special inspector shall verify that proper materials and procedures are used in accordance with the provisions of the *approved* geotechnical report.

Exceptions:

1. Where Section 1803 does not require reporting of materials and procedures for fill placement, the special inspector shall verify that the in-place dry density of the compacted fill is not less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D1557.
2. *Special inspections of existing site soil conditions will not be required for foundations complying to Exception 2 of Section 1803.2.*

Add the following sections:

1705.19 Special Electrical Inspections. The types of equipment or installations noted below shall be tested or inspected by a special inspector.

1. Ground-fault protection performance tests for equipment provided with ground-fault protection.
2. Switchboards, panelboards, motor control centers and other equipment rated at 1,000 amperes or more, or over 600 volts.
3. Transformers rated 100 kVA or more, single phase, or 300 kVA or more, three phase.
4. Conductors that supply equipment rated at 1,000 amperes or more, or over 600 volts.
5. Emergency and standby power systems, including switchboards, panelboards, distribution boards, transfer equipment, power source, conductors, fire pumps and exhaust and ventilation fans. ~~This also includes verification of the installation in accordance with the required selective coordination study.~~
6. Selective Coordination - This includes verification of the installation in accordance with the required selective coordination study.
7. ~~6.~~ Special cases – Work which, in the opinion of the building official, involves unusual hazards or conditions.

Exception: The building official may waive the requirement for the employment of a special inspector if the construction is of a minor nature.

1705.20 Mechanical Special Inspections. The types of equipment or installations noted below shall be tested or inspected by a special inspector in accordance with regulations established by the building official:

1. Duct smoke detectors for air distribution systems as required by *International Mechanical Code* section 606.5.
2. Fire, fire/smoke, radiation, and smoke damper operation for dampers required by *International Mechanical Code* section 607.2.
3. Installation of grease duct enclosure alternative systems allowed under the exceptions to the *International Mechanical Code* section 506.3.11.
4. Special cases—Work which, in the opinion of the building official, involves unusual hazards or conditions.
5. Test and balance report for air balance of ventilation systems installed in abulatory care and I-2 occupancies designed and installed in accordance with ASHRE 170 as required by the International Mechanical Code section 407.1.

Exception: ~~Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by T~~the building official may waive the requirement for special inspection if the construction is of a minor nature.

1705.21 Plumbing Special Inspections. The types of equipment or installations noted below shall be tested or inspected by a special inspector.

1. Medical Gas and Vacuum Systems as required by *International Plumbing Code* section 1202.
2. Special cases - Work which, in the opinion of the building official, involves unusual hazards or conditions.

Exception: Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by Tthe building official may waive the requirement for special inspection if the construction is of a minor nature.

(12) Chapter 18, "Soils and foundations", is hereby amended to read as follows:

SECTION 1803 GEOTECHNICAL INVESTIGATIONS is amended as follows to add the following section:

1803.2 Investigation required.

Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exceptions:

1. The *building official* shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

2. Foundations may be designed in accordance with Section 1806 without a geotechnical investigation on sites with Class of Material 4 or 5 soils per Table 1806.2 and where all the following are met. The *building official* shall be permitted to require a geotechnical investigation where the classification, strength, or compressibility of the soil is in doubt.

2.1. The *structure* is limited to a maximum of two stories with maximum column axial loads of 25,000-pounds, and maximum wall axial loads of 2000 pounds per foot at the foundation as derived from the load combinations in Section 1605.3.

2.2. Fill material is not used to resist loads associated with a *structure*.

2.3. The *structure* is not located in a new subdivision;

2.4. The *structure* is not located on a hillside lot.

2.5. The *registered design professional* responsible for foundation design has determined the Class of Material and the *construction documents* include the following information:

2.5.1. A statement indicating that the foundations are designed using the presumptive load-bearing values of Table 1806.2;

2.5.2. A statement indicating the Class of Material;

2.5.3. A statement indicating the allowable vertical foundation pressure, allowable lateral bearing pressure, and allowable lateral sliding resistance from Table 1806.2 associated with the Class of Material on the site;

2.5.4. A statement of the minimum required foundation bearing depth below finished grade.

1803.5.13 Post-tensioned slabs on ground. A geotechnical ~~soil~~ investigation is required for the design of all post-tensioned slabs on ground. The investigation report shall include all soil parameters as outlined in PTI DC-10.5. ~~the applicable design manuals published by the Post Tensioning Institute.~~ Information required on the drawings includes, but is not limited to, slab type, soil parameters, bearing value and depth, coefficient of subgrade friction, soil subgrade modulus, e_m and y_m for expansive soils and all special inspection requirements.

Table 1806.2 Presumptive Load - Bearing Values is hereby amended to read as follows:

**TABLE 1806.2
PRESUMPTIVE LOAD-BEARING VALUES**

<u>CLASS OF MATERIALS</u>	<u>VERTICAL FOUNDATION PRESSURE (psf)</u>	<u>LATERAL BEARING PRESSURE (psf/ft below natural grade)</u>	<u>LATERAL SLIDING RESISTANCE</u>	
			<u>Coefficient of friction^a</u>	<u>Cohesion (psf)^b</u>
1. <u>Crystalline bedrock</u>	<u>12,000</u>	<u>1,200</u>	<u>0.70</u>	---
2. <u>Sedimentary and foliated rock</u>	<u>4,000</u>	<u>400</u>	<u>0.35</u>	---
3. <u>Sandy gravel and gravel (GW and GP)</u>	<u>3,000</u>	<u>200</u>	<u>0.35</u>	---
4. <u>Sand, silty sand, clayey sand, silty gravel and clayey gravel (SW, SP, SM^c, SC^c, GM, and GC)</u>	<u>2,000-1,500</u>	150	0.25	---
5. <u>Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL^c, ML, MH, and CH^c)</u>	<u>4,500-1,000</u>	100	---	130

For SI: 1 pound per square foot = 0.0479kPa, 1 pound per square foot per foot = 0.157 kPa/m

a. Coefficient to be multiplied by the dead load.
b. Cohesion value to be multiplied by the contact area, as limited by Section 1806.3.2.
c. This soil classification may be prone to expansive, collapsible or cyclic properties with changes to soil moisture content. The registered design professional shall determine if the use of this table is appropriate for this soil classification.

(13) Chapter 19, "Concrete", is hereby amended to reads as follows:

Section 1907 MINIMUM SLAB PROVISIONS is amended as follows:

1907.2 Post-tensioned slabs on ground. All post-tensioned slabs on ground shall be stamped, marked or otherwise identified in a conspicuous location indicating the slab is a post-tensioned slab. Conspicuous locations include, but are not limited to, entrance porches, slabs at garage doors or patio slabs.

(14) Chapter 21, "Masonry" is hereby amended to read as follows:

Section 2106 Seismic Design is amended as follows:

2106.1 Seismic design requirements for masonry.

Masonry structures and components shall comply with the requirements in Chapter 7 of TMS 402 depending on the structure's *seismic design category*. All new masonry

structures and components, regardless of seismic design category, shall meet the following minimum reinforcement requirements:

1. Vertical wall reinforcement of at least 0.20 square inch (129 mm²) in cross-sectional area shall be provided continuously from support to support at each corner, at each side of each opening, at the ends of walls, at each side of movement joints, and at a maximum spacing of 4 feet (1219 mm) apart horizontally throughout the wall.

2. Horizontal wall reinforcement not less than 0.20 square inch (129 mm²) in cross-sectional area shall be provided (1) at the bottom and top of wall openings and extend at least 24 inches (610 mm) but not less than 40 bar diameters past the opening, (2) continuously at structurally connected roof and floor levels and at the top of walls, (3) at the bottom of walls or in the top of foundations when doweled in walls, and (4) at a maximum spacing of 10 feet (3048 mm) unless uniformly distributed joint reinforcement is provided.

3. Where anchor bolts are used to connect horizontal elements to the tops of columns, anchor bolts shall be placed within lateral ties. Lateral ties shall enclose both the vertical bars in the column and the anchor bolts. There shall be a minimum of two No. 4 (M #13) or three No. 3 (M #10) in the top 5 inches (127 mm) of the column.

(15) Chapter 23, "Wood", is hereby amended to read as follows:

Section 2304, "General Construction Requirements" is amended as follows:

2304.11.1.3 Roof framing.

Minimum dimensions of roof framing shall be in accordance with Table 2304.11. ~~Every roof girder and not less than every alternate roof beam shall be anchored to its supporting member to resist forces as required in Chapter 16.~~

(16) Chapter 27, "Electrical", is hereby amended to read as follows:

Section 2702, "Emergency and Standby Power Systems" is amended as follows:

[F] 2702.2.12 Laboratory suites.

Standby or emergency power shall be provided in accordance with Section 5004.7 of the International Fire Code where laboratory suites are located above the sixth story above grade plane or located in a story below grade plane.

(17) Chapter 29, "Plumbing Systems", is hereby amended to read as follows:

Section 2902, "Minimum Plumbing Facilities" is amended as follows:

[P] 2902.2 Separate facilities.

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is ~~25~~ 50 or fewer.

[P] 2902.6 Small occupancies.

Drinking fountains shall not be required for an occupant load of ~~45~~ 50 or fewer.

(18) Chapter 31, "Special Construction", is hereby amended to reads as follows:

Amend Section 3105 as follows: SECTION 3105 AWNINGS, CANOPIES, AND SHADE STRUCTURES

3105.1 General. *Awnings*, shade structures ~~or~~ and *canopies* shall comply with the requirements of this section and other applicable sections of this Code. All provisions of this Code shall apply to nonresidential shade structures except as specifically modified by this section. The intent of this section is to provide less restrictive construction standards than this Code would otherwise require, provided all of the special design and construction requirements of these sections are met.

3105.2 1.5 Definitions.

For the purposes of this section and as used elsewhere in this Code, the following shall have the meanings shown herein.

INDUSTRIAL SHADE CANOPY. An industrial shade canopy is an awning, canopy or roof structure which provides solar protection for outdoor Group F or Group S factory, industrial or storage uses or equipment. Industrial shade canopies shall be classified as to Occupancy Group in accordance with Chapter 3 of this Code.

MERCANTILE SHADE CANOPY. A mercantile shade canopy is an awning, canopy or roof structure which provides solar protection for the outdoor storage, display or sale of merchandise as part of a Group M occupancy and includes the following:

1. A roof structure with not less than 50 percent of its perimeter wall area unenclosed; or
2. A slatted, lattice or louvered roof structure with not less than 25 percent of the roof area open to the sky; or

3. An open structural framework covered with shade cloth fabric as specified in Section 3105.4.

Mercantile shade canopies shall not apply to motor fuel dispensing facilities.

NON-RESIDENTIAL PATIO COVER. A non-residential patio cover is an awning, canopy or roof structure which provides solar protection for outdoor seating, dining, walkway or pedestrian entry areas accessory to a building of any occupancy and includes the following:

1. A roof structure with not less than 50 percent of its perimeter wall area unenclosed; or
2. A slatted, lattice or louvered roof structure with not less than 25 percent of the roof area open to the sky; or
3. An open structural framework covered with shade cloth fabric as specified in Section 3105.4.

Non-residential patio covers shall not apply to canopies or roof structures over vehicle drive-through lanes or porte-cocheres used by motor vehicles.

PARKING LOT SHADE STRUCTURE. ~~A parking lot shade structure is a modified S-2 open parking garage.~~ A parking lot shade structure is a Group U Occupancy with a freestanding roof supported on columns and entirely open on all sides with no enclosures beneath the roof.

RETRACTABLE AWNING. A retractable awning is a cover with a frame that retracts against a building or other structure to which it is entirely supported.

3105.32 Design and construction. *Awnings*, shade structures and *canopies* shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. *Awnings* shall have frames of noncombustible material, *fire-retardant-treated wood*, heavy timber complying with Section 2304.11 ~~wood of Type IV size~~, or 1-hour construction with combustible or noncombustible covers and shall either be fixed, retractable, folding or collapsible.

3105.4 3 Awnings, shade structure, and Canopy materials, and shade structure materials ~~Awnings, shade structures, and Canopies and shade structures shall be constructed of a rigid frame work with an approved covering that meets the fire propagation performance criteria of Test Method 1 or Test Method~~ Awnings, shade structures, and Canopies and shade structures shall be provided with an approved covering that complies with one of the following: constructed of a rigid frame work with an approved covering that meets the fire propagation performance criteria of Test Method 1 or Test Method

~~2, as appropriate, of NFPA 701 or has a *flame spread index* not greater than 25 when tested in accordance with ASTM E 84 or UL723.~~

1. The fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.

2. Has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.

3. Meets all of the following criteria when tested in accordance with NFPA 286:

3.1 During the 40 kW exposure, flames shall not spread to the ceiling.

3.2 Flashover, as defined in NFPA 286, shall not occur.

3.3 The flame shall not spread to the outer extremity of the sample on any wall or ceiling.

3.4 The peak heat release rate throughout the test shall not exceed 800 kW.

Exception: The fire propagation performance and flame spread index requirements shall not apply to awnings installed on detached one- and two-family dwellings.

Adding the following sections:

3105.5 4 Industrial shade canopies. Industrial shade canopies shall comply with the provisions of Chapter 3 for their designated occupancy except as specifically modified below.

3105.54.1 Construction and Height. Industrial shade canopies shall be limited to one story in height and shall be entirely of Type I or Type II non-combustible construction. Industrial shade canopies shall meet the design requirements of Chapter 16.

3105.54.2 Location on Property. Industrial shade canopies shall comply with Table 601 and 602 for the fire resistive protection. Shade canopies attached to unlimited area buildings shall not encroach within the required 60 foot (18288 mm) open yard area. Not less than 50 percent of the shade canopy perimeter area shall be unenclosed.

3105.54.3 Allowable Area. Industrial shade canopies may be attached to a Group F or a Group S occupancy building of any construction type when the total combined area of the building and the shade canopy does not exceed the area limits specified in Sections 503 and 506 for the type of construction for the building.

3105.54.4 Sprinkler Systems. Industrial shade canopies shall be protected by an automatic sprinkler system as specified in this code and the Peoria Fire Code.

3105.54.5 Special Hazards. Outdoor hazardous material storage areas including compressed gas storage tanks, portable tanks or cylinders and related equipment, required by the Peoria Fire Code to be weather protected, may be covered by a non-combustible industrial shade canopy when all of the following additional

conditions are met. In all cases, the most restrictive requirement of the building code or the fire code shall apply.

3105.54.5.1 Fire code requirements. The location of outdoor hazardous material storage areas and weather protection shade canopies shall comply with the Peoria Fire Code for distance to buildings, property lines, streets, alleys, public ways and exits to a public way based upon the type and quantity of material stored. No hazardous material shall be stored or used under an industrial shade canopy except in compliance with the fire code.

3105.54.5.2 Building code requirements. In addition to fire code requirements, weather-protection shade canopies attached to buildings shall also comply with Table 601 and 602 for the fire-resistive protection. Weather-protection shade canopies shall not encroach into or obstruct any yard area, fire access or exit path required by this code.

3105.54.5.3 Extent of enclosure. H occupancies utilizing, weather-protection shade canopies, supports and walls shall not obstruct more than 25 percent of the perimeter wall area of the canopy or storage area. Openings shall be arranged to permit natural ventilation and air flow through the space.

1. Where a weather-protection shade canopy is located less than 5 feet (1524 mm) from a building or a property line, a four-hour fire-resistive concrete or masonry separation wall without openings shall be provided.
2. Where a weather-protection shade canopy is located 5 feet (1524 mm) or more but less than 20 feet (6096 mm) from a building or a property line, a two-hour fire-resistive concrete or masonry separation wall without openings shall be provided. Where allowed by the Peoria Fire Code, this two-hour separation wall may be a line of sight shield or protective structure less than the full height of the canopy.
3. Where a weather-protection shade canopy is located 20 feet (6096 mm) or more from a building or a property line, the requirement for installation of a fire-resistive separation wall, shield or protective structure shall be as determined by the Peoria Fire Code.

3105.54.5.4 Sprinkler Systems. Weather-protection shade canopies shall be protected by an automatic sprinkler system when required in this code and the Peoria Fire Code.

3105.65 Mercantile shade canopies and non-residential patio covers. Mercantile shade canopies and nonresidential patio covers shall comply with the provisions of Chapter 3 for their designated occupancy except as specifically modified below.

3105.65.1 Construction and Height. Mercantile shade canopies and non-residential patio covers shall be limited to one story in height and shall be entirely of type I or type II non-combustible construction. Tables 601 and 602 shall not apply for these structures.

Exception: Shade membrane fabric compliant with Section 3105.43.

Mercantile shade canopies and non-residential patio covers including the supporting framework for membrane fabric shall meet the design requirements of Chapter 16.

3105.65.2 Location on Property. Mercantile shade canopies and non-residential patio covers shall be located not less than 5 feet (915 mm) from the property line. Mercantile shade canopies and non-residential patio covers attached to unlimited area buildings shall not encroach within the required 60 foot (18 288 mm) open yard area.

3105.65.3 Allowable Area. Mercantile shade canopies may be attached to a Group M occupancy building and non-residential patio covers may be attached to any non-residential building when the total combined area of the building and the shade canopy does not exceed the area limits specified in Sections 503 and 506 for the occupancy and type of construction of the building. Mercantile shade canopies and non-residential patio covers with a roof covering of shade membrane fabric shall not exceed 5,000 square feet in area.

3105.76 Parking lot shade structures. Parking lot shade structures shall be used exclusively for the solar protection of parked motor vehicles and shall not be used to shelter any other use.

3105.76.1 Construction and Height. Parking lot shade structures shall be entirely of type I or type II noncombustible construction.

Exception: Shade membrane fabric compliant with Section 3105.4 can only be used with a maximum allowable area of 12,000 square feet in compliance with Section 3105.7.3.

Parking lot shade structures shall meet the design requirements of Chapter 16.

Parking lot shade structures shall have a clear height of not less than 7 feet (2134 mm). Where van accessible shaded parking is required by this code or by the Peoria Zoning Ordinance, the clear height shall be not less than 98 inches (2490 mm).

3105.76.2 Location on Property. Parking lot shade structures shall be located not less than 3 feet (915 mm) from any building or property line. Parking lot shade structures which meet all the requirements of this section shall be permitted in any

required yard without affecting any of the general building limitations specified in Chapter 5 of this code.

3105.76.3 Allowable Area. Parking lot shade structures shall not exceed 300 feet (91440 mm) in length or 40 feet (12192 mm) in width. A clear separation of not less than 20 feet (6096 mm) shall be maintained between shade structures on the same property. No shade structure shall cover or encroach into any required fire lane.

3105.76.3.1 Allowable area for minimum 21 feet clear high parking lot shade structures.

The allowable area may be determined by Section 406.5.5 of this code provided the site fire apparatus access is approved by the Fire Marshal.

3105.76.4 Roof-top Shade Structures. Parking lot shade structures complying with the provisions of this section may be installed to shade open parking on the roof of Group S-2 parking garages. This installation shall not be construed as affecting the construction type, allowable area, height, or number of tiers of the parking garage. Where the parking garage is required to be protected by an automatic sprinkler system, all parking lot shade structures on the roof shall also be so protected.

3105.76.5 Sprinkler Systems. Parking lot shade structures shall be protected by an automatic sprinkler system as specified in this code and the Peoria Fire Code.

Revise Section 3109 as follows:

311409 SECTION SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

311409.1 General. The provisions of this Section shall control the design and construction of swimming pools, spas and hot tubs.

311409.2 Definitions. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See Swimming pool.

BARRIER. A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See Swimming pool.

IN-GROUND POOL. See Swimming pool.

SPA, NONPORTABLE. See Swimming pool.

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, spas, and fixed in place wading pools.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.
311409.3 SWIMMING POOLS.

311409.3.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC ~~NSPI~~- 5 as listed in Section 311409.87

311409.3.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC ~~NSPI~~-4 as listed in Section 311409.87.

311409.4 SPAS AND HOT TUBS

311409.4.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC ~~NSPI~~-3 as listed in Section 311409.87

311409.4.2 Portable spas and hot tub Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC ~~NSPI~~-6 as listed in Section 311409.87.

311409.5 BARRIER REQUIREMENTS

311409.5.1 Application. The provisions of this chapter shall control the design of barriers for all swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.

The swimming pool barrier detail requirements of this section apply to all new swimming pools installed on or after July 20 ~~January 1~~, 2017, and to all additions, alterations, repairs or replacements made to existing swimming pool barriers.

311409.5.2 Outdoor swimming pool

It is the responsibility of the property owner and any other person in charge of a swimming pool to ensure that the required swimming pool barrier, including all gates, doors, locks,

latches, and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct, or replace the barrier in compliance with the provisions of this section. All barriers shall be installed, inspected, and approved prior to plastering or filling with water. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier that shall comply with the following:

1. The top of the barrier shall be at least 5 feet (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool.
3. The maximum clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid, non-removable surface.
4. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
- ~~5~~ 5. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

~~6~~ 3. Solid barriers which do not have openings, such as a masonry or stonewall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

~~7~~ 4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

~~8~~ 5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

~~9~~ 6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square and provided with slats fastened at the top or the bottom which reduce the

openings to not more than 1.75 inches (44 mm). The mesh shall not be less than 11 gage.

10 ~~7~~. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

11 ~~8~~. Access gates shall comply with the requirements of Section 3114.5.2, items 1 through 10 ~~7~~, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. ~~Gates other than pedestrian access gates need not be self-closing or self-latching and shall be equipped with a padlock or similar locking device.~~

If a set of double gates or multiple gates is the only access to the yard area where the pool is located, they shall have not fewer than one leaf secured in place and the adjacent leaf shall be self-closing and be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 3114.5.2.11. If a pedestrian gate is present in conjunction with the double or multiple gates, the double or multiple gates need not be self-closing or self-latching and shall be equipped with a padlock or similar locking device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

11 ~~8~~.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

11 ~~8~~.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

12 ~~9~~. Where a building wall serves as part of the barrier, one of the following conditions shall be met:

12 ~~9~~.1. The pool shall be equipped with a key operated powered safety cover in compliance with ASTM F1346. The keyed pool cover switch shall be located not less than 54 inches (1372 mm) above the floor or adjacent ground level and where the entire pool cover can be visually inspected; or

12 ~~9~~.2. All doors leading from the building, directly into a yard with a swimming pool, shall swing away from the pool, shall be self-closing and self-latching, and shall be equipped with a locking device. The release mechanism for the latch, shall be located not less than 54 inches (1372 mm)

above the floor. A locking latch which uses a key, electronic opener, or integral combination lock may be located at any height on the door. Sliding doors shall not form any part of a required barrier unless the self-closing and self-latching mechanism is specifically approved.

129.3. Multi panel sliding doors or walls shall meet the requirements of Section 3114.9.2 or shall be secured in place by a permanent fastening method that requires a tool to remove. If a sliding glass door or panel is the only door to the pool area, it shall meet the requirements of Section 3114.9.2.

129.4. Windows used for emergency escape or rescue which face into a yard with a swimming pool shall be equipped with a latching device located not less than 54 inches (1372 mm) above the floor. All other operable windows facing into a yard with a swimming pool shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4 inches (102 mm), or a latching device not less than 54 inches (1372 mm) above the floor.

129.35. Pet doors with direct access to the pool are not allowed.

129.46. Required exit doors or means of egress serving an occupant load of 50 or more shall not open into or pass through a swimming pool enclosure.

Exception: R-3 Occupancies, in an age restricted community, are not required to have the house wall serve as a barrier requirement, as long as there are no children under the age of 6 permanently residing on the property.

1340. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

1340.1 The ladder or steps shall be capable of being secured in an inaccessible position with a lock or latch located 54 inches (1372 mm) above the adjacent ground level, or

1340.2 The ladder or steps shall be surrounded by a barrier that meets the requirements of Section 3109.5.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

1444. Where there are natural barriers between properties, such as lakes and solid rock vertical cliffs not less than 10 feet (3050 mm) in height and a slope of not less than 1 horizontal to 10 vertical, fence barriers shall not be required between properties where the natural barriers exist. To ensure proper natural barriers are maintained, barrier fences shall project a minimum of 24 inches (610 mm) into

lakes to where there is at least 24 inches (610 mm) depth from the lake surface to the top of the submerged horizontal member or the lake bottom when there is no submerged horizontal member. There shall be no horizontal member less than 45 inches above the lake surface. Where the solid rock cliff extends above the property, the intersecting barriers, with the solid rock cliff, shall not allow passage of a 4 inch diameter (102 mm) sphere.

311409.5.3 Indoor swimming pool All walls surrounding an indoor swimming pool shall comply with Section 311409.5.2, Item 129.

311409.5.4 Prohibited locations. Barriers shall be located not less than 45 inches (1143 mm), measured horizontally from permanent structures, equipment or similar objects from being used to climb the barriers.

311409.5.5 Barrier exceptions.

1. For portable spas and hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section 3109, shall be exempt from the provisions of 311409.5.2, Item 9.

2. For spas and hot tubs, a hard safety cover that is latched or locked may be used provided the spa or hot tub is not more than 8 feet (2.44 m) in width at any point.

3. Existing swimming pools located on one-family dwelling property on or before July 20 May 4, 2017, need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six years of age or older or there is a door alarm. The alarm shall be listed in accordance with UL 2017. All other portions of the swimming pool barrier separating properties shall be installed and maintained as in this section.

1. This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.

2. This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever:

1. One or more children under six years of age become occupants of the property
2. There is a change of use or character to the primary building occupancy on the property
3. A new pool or spa is being installed on the same property including spa additions to the existing swimming pool.

4. Alterations to existing buildings: New work that changes an existing element of the pool barrier (whether the barrier is compliant or not) shall meet the current barrier requirements of Section 3114.

311409.6 PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

311409.6.1 Suction Entrapment Avoidance. Pools, spas, hot tubs, catch basins and other similar bather accessible bodies of water associated with swimming pool construction shall be designed to produce circulation throughout the body of water and provide means to protect against user suction entrapment.

311409.6.2 Surface skimming or perimeter overflow system. To avoid suction entrapment, fully submerged suction outlets (main drains) shall not be required in swimming pools, wading pools, spas, hot tubs and catch basins. Surface skimming or perimeter overflow system shall be permitted in lieu of fully submerged suction outlet fittings and shall provide 100% of the required system flow.

311409.6.3 Fully submerged suction outlets (main drains). Fully submerged manufactured suction outlets (main drains) for use in swimming pools, wading pools, hot tubs and catch basins shall be listed by a nationally recognized testing laboratory in accordance with ASME/ANSI A112.19.9M.

Exception: Custom designed suction outlet fittings certified by a licensed professional engineer that conform to Section 3, General requirements of ASME/ANSI A112.19.8M.

311409.6.4 Methods of entrapment avoidance. Entrapment avoidance of fully submerged suction outlets can be achieved by one of the following methods:

311409.6.4.1 Dual Drains. A minimum of two (2) suction outlets shall be provided for each pump or pumps in the suction outlet system, separated by a minimum of three (3) feet (91.44 cm) measured from center to center of suction pipes or located on two (2) different planes; i.e. one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate vertical walls. These suction outlets shall be plumbed such that water is drawn through them simultaneously through a common line to the system. Each suction outlet fitting shall be rated for the maximum system flow.

311409.6.4.2 Channel Drain System. One or more channel gates shall be acceptable as protection against suction entrapment if they are 3 inches or greater in width and 31 inches or greater in length and fastened to prevent removal as specified in ASME/ANSI A112.19.8M.

311409.6.4.3 Gravity flow system. A Gravity Flow system shall be acceptable as protection against suction entrapment if it has one or more submerged suction outlet(s)

with approved cover/grates in any combination fed by gravity into a collection tank vented to atmosphere. However, a modulating float valve allowing direct suction is not permitted.

311409.6.4.4 Combination Inlet/Outlet Fixtures for Swim Jets. Combination Inlet/Outlet Fixtures shall be acceptable as protection against suction entrapment for a Swim Jet system not related to the filtration system, if they are manufactured and have their own dedicated pump(s), and the suction outlet and the return are located in a single fitting.

311409.6.4.5 Venturi Debris Removal Systems. Venturi Debris Removal Systems shall be acceptable as protection against suction entrapment if they are intended to remove debris through a single, floor mount suction outlet where low pressure is created by the entrainment of water within a deck mount canister that is not directly or indirectly connected to a pump's suction. The single action outlet shall have an approved cover/gate.

311409.6.5 Shallow Water Suction Outlets. Where all suction fittings are located less than 24 inches below normal operating water level, one of the following shall be required:

1. Gravity flow system
2. One (1) additional drain
3. Vent system to atmosphere
4. Suction vacuum release device tested and approved for the purpose by a nationally recognized testing laboratory in accordance with ASME A112.19.17

3109.6.6 Wall Vacuum Fittings. Where provided, the vacuum cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches and no greater than 18 inches below the water level and shall comply with IAPMO SPS 4.

SECTION 3109.7 ABBREVIATIONS

3109.7.1 General.

ANSI. American National Standards Institute

11 West 42nd Street, New York, NY 10036

ASTM. American Society for Testing and Materials

1916 Race Street, Philadelphia, PA 19103

~~APSPNSPI. National Spa and Pool Institute Association~~
of Pool and Spa Professionals

2111 Eisenhower Avenue, Alexandria, VA 22314

SECTION 3109.8 STANDARDS

3109.8.1 General.

IAPMO

~~IAPMO SPS 4-2009 Special Use Suction Fittings for swimming pools, spas and hot tubs (for suction side automatic swimming pool cleaners).....3109.6~~
~~ANSI/APSP/ICC 4-12/NSPI 4-99 Standard for Above-ground/On-ground Residential Swimming Pools.311409.6~~
~~ANSI/APSP/ICC 16-11/ASME A112.19.8M-1987 American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs and Whirlpool Bathing Appliances 3109.5311409.6~~

ASME

~~ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool.....3109.6~~

ASME

~~ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool.....3109.6~~