



**Ordinance No. O2015-11-005**

**ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, AMENDING CITY CODE CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS BY ADOPTING AMENDED SECTIONS 5-1, 5-2, 5-3, 5-26, 5-27, 5-28, 5-89 AND 5,150 (B); ADOPTING UPDATED BUILDING AND SAFETY CODES AND STANDARDS BY REFERENCE, SUBJECT TO LOCAL AMENDMENTS OF SAME; CREATING THE POSITION OF BUILDING OFFICIAL; AUTHORIZING CITY COUNCIL TO ADOPT A FEE SCHEDULE FOR PERMITS AND INSPECTIONS; AND AUTHORIZING ENFORCEMENT OF SAID CODES BY CRIMINAL MISDEMEANOR SANCTION. (LEGAL)**

BE IT ORDAINED by the Council of the City of Nogales, Arizona, as follows:

- Section 1:** Current Nogales City Code Sections 5-26, 5-27, 5-28, 5-29, 5-89, and 5-150(b) are hereby repealed.
- Section 2:** New Sections 5-1, 5-2, 5-3, 5-26, 5-27, 5-28, 5-89, and 5-150(b) are hereby adopted, which shall read as follows:

**Sec. 5-1. City Building Official.**

The City Planning and Zoning Director is hereby designated as the Building Official tasked with enforcing the codes adopted by Sec. 5-26, including performing or coordinating all reviews and inspections, issuing permits, certificates, notices, stop work orders and citations, and supervising Building Department staff. The Building Official is further authorized to initiate criminal citations and civil litigation as necessary to enforce codes in coordination with the City Attorney's Office. The Building Official has no authority to vary the clear language and standards set forth in the City's Building and Safety Codes, but may issue and apply reasonable interpretations of same, subject to appeal to the Building and Fire Code Board of Appeals.

**Sec. 5-2. Adoption of Building Permit and Inspection Fees.**

All permits, inspections and certificates required by the codes adopted in Sec. 5-26 shall be conditioned on the prior payment of fees in accordance with a fee schedule adopted by resolution of City Council.

**Sec. 5-3. Penalty Clause.**

Any violation of the Building and Safety Codes adopted by Sec. 5-26, in addition to all other remedies provided by law, may be prosecuted as a Class 2 misdemeanor in municipal court in accordance with law.

**Sec. 5-26. Adoption of Building and Safety Codes and Standards.**

The following nationally published codes are hereby adopted by reference as if fully set forth herein as the Building and Safety Codes and Standards of the city, three copies of which are on file with the City Clerk:

2012 International Building Code and Appendix A  
2012 International Building Code Standards  
2012 International Residential Code and Appendix L  
2012 International Mechanical Code  
2012 International Fuel and Gas Code  
2012 International Code for Existing Buildings  
2012 International Plumbing Code  
2011 National Electric Code  
1997 Uniform Code for the Abatement of Dangerous Buildings  
2010 ADA Standards for Accessible Design

**Sec. 5-27. Local Amendments to Building and Safety Codes.**

The codes adopted in Sec. 5-26 are hereby amended by that certain public document titled “2015 City of Nogales Amendments to Building and Safety Codes,” three copies of which are on file with the City Clerk, and which is hereby adopted by reference as if fully set forth herein.

**Sec. 5-28. Swimming Pools.**

That public document titled “2015 City of Nogales Swimming Pool Code,” three copies of which are on file with the City Clerk, is hereby adopted by reference as if fully set forth herein as the City’s building code and standards for construction of swimming pools.

**Sec. 5-89. Permit and Inspection Fees.**

All permits, inspections and certificates shall be conditioned on the prior payment of fees in accordance with a fee schedule adopted by resolution or order of City Council.

**Sec. 5-150(b).**

The Building and Fire Codes Board of Appeals shall serve as the board of appeals referenced in any of the codes adopted by Sections 5-26 and 10-1, and shall have the same authority and limitations set forth in said codes.

**Section 3:** All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

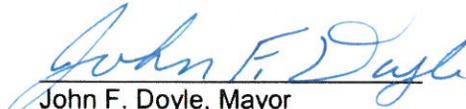
**Section 4:** This Ordinance shall take effect 30 days after adoption.

**Section 5:** In the event any provision in this ordinance is held invalid by any court of competent jurisdiction, the remaining provisions in this ordinance shall be deemed severable and shall remain in full force and effect.

**Section 6:** The City Clerk is directed to publish the text of this Ordinance in a newspaper of general circulation for two (2) consecutive weeks after its effective date, and

further to post a copy of this Ordinance in three (3) or more public places within the City.

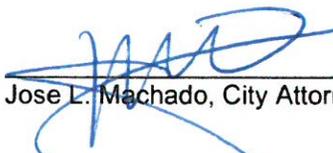
**PASSED, ADOPTED, AND APPROVED** by the Council of the City of Nogales, Arizona, this 04th day of November, 2015.

  
John F. Doyle, Mayor

**ATTEST:**

*for*   
Leticia Robinson, City Clerk

**APPROVED AS TO FORM:**

  
Jose L. Machado, City Attorney

**SUBJECT:** Amending the City Code Chapter 5, Buildings and Building regulations by adopting updated Building and Safety Codes and Standards by reference and authorizing enforcement of said Codes by Criminal Misdemeanor sanction.

**BACKGROUND:** The City of Nogales presently implements the 2006 International Building Codes; presented and approved by the City Council on May 7, 2008. Adopting the 2012 edition will bring the City of Nogales up to date with other cities and counties, such as Santa Cruz County, Sahuarita, City of Tucson, Town of Marana, Pima County and City of Phoenix who have adopted the 2012 International Building Code. The purpose of this code is to continue providing minimum standards to safeguard property and public welfare by regulating and controlling the design, construction quality of materials, use and occupancy.

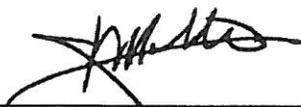
**STAFF RECOMMENDATION:**

It is the recommendation of the City of Nogales Building Department staff that the Council of the City of Nogales adopt the following codes and appendices:

- 2012 International Building Code and Appendix A
- 2012 International Building Code Standards
- 2012 International Residential Code and Appendix L
- 2012 International Mechanical Code
- 2012 International Fuel and Gas Code
- 2012 International Code for Existing Buildings
- 2012 International Plumbing Code
- 2011 National Electric Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings
- 2010 ADA Standards for Accessible Design

**SUGGESTED MOTION:**

"I move to approve Ordinance No: O2015-11-005"

  
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Joe Machado, City Attorney

10/28/2015

  
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Joe Machado, City Attorney

10/29/2015

  
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Shane Dille, City Manager

10/30/2015

# 2015 NOGALES AMENDMENTS TO BUILDING AND SAFETY CODES

## A. International Residential Code 2012 Edition

### 1. Chapter 1 SCOPE AND ADMINISTRATION

- a. Sub-Section **R101.2 Scope**. Amend **Exceptions: 1**. After the word “townhouses” delete the remainder of the Sub-Section and replace with: “An Automatic sprinkler system installed in accordance with Section P2904 may be required by the Building Official.”

Amend **Exceptions: 2**. After the word “Dwellings” delete the remainder of the Sub-Section and replace with: “An automatic sprinkler system installed in accordance with Section P2904 may be required by the Building Official.”

- b. Sub-Section **R105.5 Expiration**. Amend by adding:  
“Every permit shall become invalid unless a final inspection is requested and passed and a Certificate of Occupancy is issued, if applicable, within two years of the date of issuance. Extensions of 180 days may be granted by the Building Official for a fee equal to one-half of the current building permit fee.

**Exceptions:**

1. Electrical and gas permits shall expire six months after issuance.
2. Photovoltaic and solar energy systems shall expire one year after permit issuance.

Each extension must be applied for and the fee paid prior to the expiration of the permit, until the project receives a passing final inspection and a Certificate of Occupancy, if applicable. If the applicant fails to extend the permit before the expiration date, the Building Official may assess a full current permit fee. Applications for which no permit is issued within six months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official.”

- c. Sub-Section **R109.1.3 Floodplain inspections**. Delete in its entirety.

### 2. Chapter 3 BUILDING PLANNING

- a. **TABLE 301.2(1)** Amend to read:

Ground snow load	0 pounds at 3,500 ft 5 pounds at 4,000 ft. 10 pounds at 5,000 ft.
Wind speed (mph)	90 mph
Seismic design category	B
Weathering	Negligible
Frost line depth	12 inches
Termites	Moderate to heavy
Decay	None to slight
Winter design temperature	36
Ice barrier requirements	No
Flood hazard	FEMA

- b. Sub-Section **R303.1 Habitable rooms**. Amend **Exception 1** to read: “The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air changes per hour in the room is installed and the area is provided with artificial light capable of producing an average illumination of six (6) foot-candles over the area of the room at a height of 30 inches above the floor level.”
- Exception 2**. Delete in its entirety.
- c. Sub-Section **R303.4 Mechanical ventilation**. Delete in its entirety.
- d. Sub-Section **R309.5 Fire sprinklers**. Delete in its entirety.
- e. Sub-Section **R311.2 Egress door**. Amend by deleting second sentence and replacing with: “The egress door shall be side-hinged and a minimum of 36 inches in width.”
- f. Sub-Section **R313.1 Townhouse automatic fire sprinkler systems**. Delete in its entirety.
- g. Sub-Section **R313.2 One- and two- family dwellings automatic fire systems**. Delete in its entirety.
- h. Sub-Section **R313.1.1 Design and installation**, and **R313.2.1 Design and installation**. Amend by adding “When provided” at the beginning of the sentence in both cases.
- i. Sub-Section **R315.1 Carbon monoxide alarms**. Amend by adding to the last sentence: “containing gas appliances.”
- j. Sub-Section **R315.3 Where required in existing dwellings**. Delete in its entirety.
- k. Section **R319 Site Address**. Delete in its entirety.
- l. Section **R322 Flood-Resistant Construction**. Delete in its entirety.
- 3. **Chapter 4 FOUNDATIONS** Sub-Section **R401.1. Application**. Delete in its entirety except for the first sentence.
- 4. **Chapter 11 ENERGY EFFICIENCY** Delete all Sections of Chapter 11 in their entirety except **TABLE N1102.1.1** and replace with:

**“SECTION N1101  
GENERAL REQUIREMENTS**

**N1101.1 Minimum insulation values and other options.** All habitable buildings constructed in the City of Nogales shall have a minimum insulation value as required by Table N1102.1 for climate zone 3. The values for fenestration, skylights, SHGC, ceiling, and wood frame wall only are to be adopted. Other options deemed equivalent by the Building Official may be approved. Any references in the adopted codes referring to the International Energy Conservation Code shall now refer to this Sub-Section.”

- 5. **Chapter 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS**

- a. Sub-Section **M1301.5 Third-party testing and certification.** Amend to delete the last sentence.
  - b. Sub-Section **M1305.1.3 Appliances in attics.** Amend to delete and replace with: "Appliances shall not be installed in the attic space unless they can be easily serviced, removed or replaced without disassembly and the safety of the installation and accessibility are approved by the Building Official."
6. **Chapter 24 FUEL GAS** Sub-Section **G2415.8 (IFGC 404.8) Piping in solid floors.** Amend to delete and replace with: "Gas piping underground, beneath buildings, or in a building slab, is prohibited."
  7. **Chapter 26 GENERAL PLUMBING REQUIREMENTS** Sub-Section **P2603.5.1 Sewer depth.** Amend by inserting the number "12" inside both bracket locations.
  8. **Chapter 28 WATER HEATERS**
    - a. Sub-Section **P2801.5.2 Pan drain termination.** Amend by inserting "and not be trapped" at the end of the sentence.
  9. **Chapter 29 WATER SUPPLY AND DISTRIBUTION**
    - a. Sub-Section **P2904.1 General.** Amend by inserting "When installed" to the beginning of the first sentence.
    - b. Sub-Section **P2904.1.1 Required sprinkler locations.** Amend by inserting "When installed" to the beginning of the sentence.
  10. **Chapter 38 POWER AND LIGHTING DISTRIBUTION** Sub-Section **E3902.12 Arc-fault circuit-interrupter protection.** Amend by deleting in its entirety and replacing with: "All branch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the entire branch circuit."

**B. International Mechanical Code 2012 Edition**

1. **Chapter 3 GENERAL REGULATIONS**
  - a. Sub-Section **301.4 Plastic pipe fittings and components.** Amend by adding to the end of sentence: "unless waived by the Building Official."
  - b. Sub-Section **301.5 Third-party testing and certification.** Amend by adding to the last sentence: "unless waived by the Building Official."
  - c. Sub-Section **306.3 Appliances in attics.** Amend to delete and replace with: "Appliances shall not be installed in the attic space unless they can be easily serviced, removed, or replaced without disassembly and the safety of the installations and accessibility are approved by the Building Official."
2. **Chapter 4 VENTILATION** Delete in its entirety and replace with Chapter 4 VENTILATION from the International Mechanical Code 2006 edition.

**C. International Plumbing Code 2012 Edition**

1. **Chapter 3 GENERAL REGULATIONS Section 309 Flood Hazard Resistance.** Delete in its entirety.
2. **Chapter 4 FIXTURES, FAUCETS AND FIXTURE FITTINGS**

- a. Sub-Section **403.3 Required public toilet facilities.** Amend first sentence to read: "Customers, patrons and visitors shall be provided with public toilet facilities in all structures and all tenant spaces intended for public utilization."
- b. Sub-Section **403.3.3 Location of toilet facilities in occupancies other than malls.** Amend by deleting in its entirety and replacing with: "In occupancies other than malls, the required toilet facilities shall be within the building and tenant spaces. No place within a structure may be more than 300 feet (91 m) from a toilet facility."
- c. Sub-Section **403.3.4 Location of toilet facilities in malls.** Amend by deleting the second sentence and replace with: "In mall buildings, the required facilities shall be based on total square footage within a covered mall building or within the perimeter line of an open mall building, and one toilet facility shall be installed in all buildings and tenant spaces in addition to a central toilet facility, if provided, and installed in accordance with this Sub-Section."

- D. **International Fire Code 2012 Edition Chapter 9 Fire Protection Systems Sub-Section 903.2.8 Group R.** Amend by adding "Exception: A sprinkler system is not required in one and two family dwellings or townhouses."

E. **International Building Code 2012 Edition**

1. **Chapter 1 ADMINISTRATION AND ENFORCEMENT** Sub-Section 105.5 Expiration. Amend by adding: "Every permit shall become invalid unless a final inspection is requested and passed and a Certificate of Occupancy is issued, if applicable, within two years of the date of issuance. Extensions of six months may be granted by the Building Official for a fee equal to one-half of the current building permit fee, provided that the extension is applied for and paid before the two year period expires.

Each extension must be applied for and the fee paid prior to the expiration of the permit, until the project receives a passing final inspection and a Certificate of Occupancy, if applicable. If the applicant fails to extend the permit before the expiration date, the Building Official may assess a full current permit fee. Applications for which no permit is issued within six months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official."

2. **Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY** Sub-Section 420.4 Automatic sprinkler systems. Amend by adding: "Exceptions: Automatic sprinkler systems are not required in one and two family dwellings or townhouses."
3. **Chapter 9 FIRE PROTECTION SYSTEMS** Sub-Section [F]903.2.8 Group R. Amend to add "Exception: Automatic sprinkler systems are not required in one and two family dwellings or townhouses."

4. **Chapter 13 ENERGY EFFICIENCY** Delete it its entirety; replace with:

**“SECTION 1301  
GENERAL REQUIREMENTS**

**1301.1 Minimum insulation values and other options.** All habitable buildings constructed in the City of Nogales shall have a minimum insulation value as required by Table N102.1.1 of the International Residential Code 2012 Edition for climate zone 3. The values for fenestration, skylights, SHGC, ceiling, and wood frame wall only are to be adopted. Other options deemed equivalent by the Building Official may be approved. Any references in the adopted codes referring to the International Energy Conservation Code shall now refer to this Sub-Section.”

## 2015 CITY OF NOGALES SWIMMING POOL CODE

1. A swimming pool, hot tub, whirl-pool or other contained body of water that is capable of containing water eighteen (18) inches or more in depth at any point, and is intended for swimming, bathing, or other water related activities, shall be protected by an enclosed barrier surrounding the area as provided in this section.

A pool, spa, hot tub, or other contained body of water which is more than (18) inches in depth at any point shall be similarly enclosed or provided with a safety cover which complies with ASTM F-1346.

- a) The requirements of ASTM F-1346 include, but are not limited to:

- 1) Capable of withstanding of weight of at least 275 pounds; greater than 8 ft. span, 485 lbs.
- 2) Marked with the proper warning labels.
- 3) No openings greater than four (4) inches.
- 4) Equipped with a locking/latching device or require a minimum force of 40 pounds to open.

2. A contained body of water required to be enclosed by subsection (1), whether located above or below ground, shall meet the following requirements.

- a) Shall be entirely enclosed by at least five (5) foot wall, fence or other barrier as measured on the exterior side of the wall, fence, or barrier.
- b) Shall have no openings in the wall, fence, or barrier through which a spherical object four inches (4) in diameter can pass. The horizontal components of any wall, fence, or barrier shall be spaced not less than 45 inches apart, measured vertically or shall be placed on the pool side of a wall, fence or barrier which shall not have any opening greater than one and three-quarter inches measured horizontally, wire mesh or chain link fences shall have a maximum mesh size of one and three quarter inches measured horizontally.

- 1) Perimeter property fences which comply with the above requirements may constitute a portion of the pool enclosure.

- c) The following will be considered to provide sufficient durability and prevent easy access to the pool area;

- 1) Wire-woven mesh, chain link, etc., of No. 11 gauge minimum, and maximum opening size of one and three-quarter inches. No barbed wire is permitted.
- 2) Masonry – any masonry construction which complies with building department standards or approved engineering design which is not climbable.

- 3) Wood – wood postal placed in the ground or into concrete or masonry foundation, with horizontal runners carrying plywood panels, solid boards, pickets or stakes, or any other arrangement of durable material this is not climbable, arranged such that a four inch sphere cannot pass through with horizontals not less than forty five (45”) inches apart.
  - 4) Safety glazing (glass or plastic) – in accordance with Chapter 52 or 54 of the Uniform Building Code.
  - 5) Wrought Iron – fencing having intermediate rails or ornamental pattern such that a four (4) inch diameter sphere cannot pass through and arranged such that is not climbable with horizontals not less than forty five (45”) inches apart.
  - 6) Unacceptable – stacked rocks, natural hedgerow (no exceptions), reeding, cocoa mat, woven bamboo, wooden lattice, fish netting, etc.
- d) Gates for the enclosure shall:
- 1) Be self-closing and self locking with latch located at least 54 inches from the bottom of the gate.
  - 2) Open outward from the pool.
- e) The wall, fence, or barrier shall not contain openings, handholds, or footholds, accessible from the exterior side of the enclosure that can be used to climb the wall, fence, or barrier.
- f) The wall, fence or barrier shall at least be 20 inches from the water’s edge.
- 3) If a residence or living area constitutes part of the enclosure required by subsection 2 for a contained body of water, there shall be:
- a) A barrier at least four (4) feet high between the home and the pool which otherwise meets all of the requirements for a barrier set forth above.
  - b) A motorized, safety pool cover which does not require manual operation other than the use of a key switch which meets the American Society of Testing and Materials (ASTM) emergency standards 13-89 (now ASTM #F 1346-91).
  - c) Self-latching devices on all doors with direct access to the pool. Such latches shall meet the requirements for latches on self-closing gates set forth above.
  - d) Emergency escape or rescue windows from sleeping rooms with access to the pool shall be equipped with a latching device not less than fifty four (54”) inches high.

inches above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed-in-place wire mesh screen, or a keyed lock that prevents opening the window more than four (4") inches, or a latching device located not less than fifty-four (54") inches above the floor.

- e) Exemption from other requirements of the zoning ordinance or adopted building codes shall not eliminate requirements for pool fencing as required by this section.
- f) Indoor swimming pools – doors with direct access to an indoor swimming pool shall comply with sections 3 a-d and/or 1a.
- g) Indoor spas, hot tubs, and whirl-pools – access to indoor spas, hot tubs, whirl-pools, and similar recreational water facilities shall comply with section 1 or section 3a and 3b.

EXCEPTION: When approved by the Building Official, one of the following may be used.

- a) Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of fifty four (54") inches above the threshold of the door.
- b) An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of thirty (30) seconds immediately after the door and its screen, if present, are opened and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at ten (10) feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least fifty four (54") inches above the threshold of the door.

4. This section does not apply to:

- a) A system of sumps, irrigation canals, irrigation flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing, or conveying water.
- b) Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural practices.
- c) Public or semi-public swimming pools.
- d) Ornamental water fixtures not intended for swimming, recreational bathing, or

other water related activities.

- e) A contained body of water or barrier constructed prior to the effective date of this section.
- 5. A person on entering into an agreement to build a swimming pool or contained body of water, or sell, rent, or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership.
- 6. The site of the contained body of water and all accessory equipment shall be subject to this section and shall be located in the side and/or rear yard only and shall comply with Section 326 of the City of Nogales Development Standards Code. Prior approval of the Building Official must be obtained.
- 7. The enclosure requirements contained herein shall be in place and approved prior to admitting water into the swimming pool, hot tub, whirl-pool, or other regulated water container.
- 8. The intent of this Code is to restrict uncontrolled access and promote safety and to meet the minimum requirements of A.R.S. § 36-1681. The wall of a house with openings to the contained body of water will not be considered as meeting the requirements of this section.