

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING TITLE 4, BUILDING REGULATIONS, BY ADDING A NEW CHAPTER 4-10, UNIFORM HOUSING CODE, EDITION 1997

RECITALS:

WHEREAS, the Uniform Housing Code, Edition 1997 (the "Uniform Housing Code"), was adopted by the Flagstaff City Council on July 2, 2013 as one of the suite of codes comprising the "2012 International Family of Codes"; and

WHEREAS, the purpose of the Uniform Housing Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings within this City; and

WHEREAS, in order to provide a more equitable and practicable method, cumulative with and in addition to any of the other remedies provided in the Flagstaff Municipal Code, or otherwise available at law, whereby buildings which, from any cause, endanger the life or limb, health, property and public welfare are required to be repaired, vacated or demolished, it is necessary to amend certain provisions of the Uniform Housing Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That Title 4, Building Regulations, is hereby amended by adding the following chapter:

CHAPTER 4-10 UNIFORM HOUSING CODE, EDITION 1997

Sections:

4-10-001-0001 AMENDMENTS, ADDITIONS, AND DELETIONS

4-10-001-0001 AMENDMENTS, ADDITIONS, AND DELETIONS

The following provisions shall have the effect of either amending, adding to, or deleting from the Uniform Housing Code, Edition 1997, adopted in Flagstaff City Code, Title 4, Building Regulations, Chapter 4-01, Administrative Enactments, Section 4-01-001-0002, Adoption.

CHAPTER 2

Sec. 203 Add a new Sec. 203.3 to read:

203.3 Board. The housing advisory and appeals board described in this code shall be the Building and Fire Code Board of Appeals established in Chapter 2-02 of the Flagstaff Municipal Code.

Sec. 205 Add a new Sec. 205 to read:

CONSTRUCTION AND APPLICATION OF CODE

(1) **Code and Additional Remedy.** Neither this code nor any application thereof shall be deemed to lessen or repeal any power of this jurisdiction to abate nuisances or to collect amounts expended to pay the costs and expenses thereof. This code is intended as an additional remedy for the abatement of nuisances to that of injunction or otherwise; and precludes neither the use of any existing statutory or common law remedies nor the application of any penalty provisions for violation of this code.

(2) **Inclusion of Legal Representative.** Every reference in this code to a person individually or to a class or status declared by Section 1101(c) to be entitled to service of Notice and Order, shall mean and include such person's legal guardian, conservator, attorney in fact, receiver, trustee, executor, administrator, or other such representative.

CHAPTER 3

Sec. 302 is deleted and a new Sec. 302 is added to read:

Sec. 302 – FEES

When a building permit is required by Section 301 of this code, the appropriate fees shall be paid as specified in Section 108 of the Building Code.

Sec. 303 is deleted and a new Sec. 303 is added to read:

Sec. 303 – INSPECTION

Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Section 108 and 1704 of the Building Code.

Sec. 304 a new Sec. 304 is added to read:

Sec. 304 – OTHER APPROVALS REQUIRED

The provisions of this Chapter shall in no way affect any other type of approval required by any other ordinance or statute of the City, State, or any political subdivision of the State, or of the United States, but shall be construed as an added requirement.

CHAPTER 4

Sec. 401 the definitions of “Building Code” and “Mechanical Code” are deleted and new definitions are added that read:

BUILDING CODE is the *International Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

MECHANICAL CODE is the *International Mechanical Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

CHAPTER 5

Sec. 501 is deleted and a new Sec. 501 is added to read:

Sec. 501 – LOCATION ON PROPERTY

All buildings shall be located with respect to property lines and to other buildings on the same property as required by Section 503.1.2 and Chapter 6 of the Building Code and the Zoning Code of this jurisdiction.

Sec. 503.1 is deleted and a new Sec. 503.1 is added to read:

Sec. 503.1 Ceiling Heights. Ceiling heights shall comply with the currently adopted Building Code.

Sec. 503.2 Delete the sentence at the end of the first paragraph that reads: "Where more than two persons occupy a room for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two."

Sec. 503.3 is deleted and a new Sec. 503.3 is added to read:

503.3 Width. No habitable room other than a kitchen shall be less than 7 feet (2134 mm) in any dimension.

Each water closet stool shall be located in a clear space not less than 30 inches (762 mm) in width and a clear space in front of the water closet stool of not less than 21 inches (533 mm) shall be provided.

Sec. 504.2 is deleted and a new Sec. 504.2 is added to read:

504.2 Light. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with an area not less than eight percent (8%) of the floor area of such rooms.

Sec. 504.3 Delete the first sentence of Sec. 504.3 and add a new first sentence to read: "Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural ventilation by means of openable exterior opening with an area not less than four percent (4%) of the area ventilated."

Sec. 505.5 is deleted and a new Sec. 505.5 is added to read:

Sec. 505.5 Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with Section 1210 of the Building Code.

CHAPTER 6

Sec. 601.3 Add the following sentence: "All wood showing evidence of termite damage or decay, where structural or functional integrity is impaired, shall be replaced."

CHAPTER 7

Sec. 701.1 is deleted and a new Sec. 701.1 is added to read:

701.1 Heating. Dwelling units shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

CHAPTER 9

Chapter 9 is deleted in its entirety.

CHAPTER 11

Sec. 1103 is deleted and a new Sec. 1103 is added to read:

Sec. 1103 – REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation, or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this ordinance either shall be repaired in accordance with the current building code or shall be demolished at the option of the building owner.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.
3. The determination of whether the building is a dangerous building shall be made without regard to temporary security measures to prevent access to the building.

If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or occupants, it shall be ordered to be vacated. Notwithstanding the provisions of Section 1104, if the building official determines that the immediate danger must be forthwith corrected or eliminated, he may without further notice correct the conditions or remove the hazard or do both, and notice that such action is being or was done, together with a statement of the reasons for such emergency action, shall be sent to the persons described in Section 1101.3.

CHAPTER 13

Sec. 1306 a new Sec. 1306 is added to read:

Sec. 1306 – COURT REVIEW OF BOARD DECISION

A decision of the board, made at a duly scheduled and publicly noticed meeting, unless otherwise stated by the board in the body of said decision, shall be final. No further appeal is available to City boards, courts, or officials. Persons aggrieved by final decisions of the board must file their appeals in Coconino County Superior Court.

Chapter 15

Sec. 1501.2 is deleted and a new Sec 1501.2 is added to read:

1501.2 Costs. The costs of such work plus ten percent (10%) of paid cost for administrative overhead thereof shall be paid from the repair and demolition fund, and shall be made a special assessment against the property involved.

CHAPTER 16 Chapter 16 is deleted, and a new Chapter 16 is added to read:

CHAPTER 16

RECOVERY OF COST OF REPAIR OR DEMOLITION

The building official shall keep an itemized account of the costs and expenses incurred by this jurisdiction in the repair or demolition of any building, structure, or building service equipment done pursuant to the provisions of Section 1103 or Sections 1401.3.3 and 1501.1 of this Code. Upon the completion of the work of repair or demolition, the building official shall send the bill therefore to the persons whose rights and duties were concluded by the findings, decisions, and orders of the building official or board; and all such persons shall be jointly and severally liable for said costs and expenses. The building official shall prepare and file with the board a report specifying the work done, the itemized and total cost and expense of the work, a description of the real property upon which the building, structure, or equipment is or was located, and the names and addresses of those liable for payment; and shall make the costs and expenses a lien on all real and personal property within any county in the State of Arizona in which any person liable for payment may have a legal, equitable, or security interest. Such lien shall be effective from and after the date it is recorded in the Office of the Coconino County Recorder. Commencing thirty (30) days after recording, the amount thereof shall accrue interest thereon at the rate of ten per cent (10%) per annum, or fraction thereof, until fully paid to this jurisdiction as established by the City’s Management Service Director.

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording, spelling, and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY