

CITY OF SOUTH TUCSON ORDINANCE NO. 08-05

AN ORDINANCE OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO CHAPTER 6, FIRE PREVENTION AND PROTECTION, ARTICLE III, DIVISION 2, TECHNICAL CODES, SECTIONS 6-41 AND 6-43; DIVISION 3, CREATING SECTION 6-60; ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND APPENDICES THEREIN BY REFERENCE; REPEALING ADOPTED ORDINANCE PROVISIONS; PROVIDING FOR CONFLICTING PROVISION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA:

SECTION 1: City of South Tucson City Code, Chapter 6, Article I — IN GENERAL, Section 6-1 is AMENDED to repeal any reference to the “Director of Public Safety” and to replace said reference(s) with “City of South Tucson Fire Chief.”
(Code 1976, § 5.104(d); Ord. 85-10, § 1, 9-9-85; Code 2006, Ord. No. 06-11 § 1, 9-11-06) (Ord. No. 08-05, § 1, 11-17-08)

SECTION 2: City of South Tucson City Code, Chapter 6, Article II — FIRE DEPARTMENT, Section 6-16 is AMENDED to repeal any reference to the “Director of Public Safety” and to replace said reference(s) with “City of South Tucson Fire Chief.”
(Code 2006, Ord. No. 06-11 § 2, 9-11-06) (Ord. No. 08-05, § 2, 11-17-08)

Cross Reference — Department of Public Safety, § 2-1.

SECTION 3: City of South Tucson Code, Chapter 6, Article III, Division 2, Technical Codes and Sections 6-41 and 6-43 related thereto are hereby Amended, Repealed and Adopted as follows:

ARTICLE III – FIRE PREVENTION

DIVISION 2 – TECHNICAL CODES

Sec. 6-41: Adopted.

The document entitled “**International Fire Code, 2006 Edition**,” including all appendices therein; published by the International Code Council, a copy of which is attached to **Ordinance 08-05** as **Exhibit A**, is adopted herein by reference.

(Code 1976, § 5.104(a); Ord. 85-10, § 1, 9-9-85) (Code 2006, Ord. No. 06-11 § 3, 9-11-06) (Code 2008, Ord. 08-05, § 3, 11-17-08)

State law reference C Adoption by reference, A.R.S. § 9-801 1

Cross Reference C Building and Building Regulations, Chapter 4.

Cross Reference C Building Technical Codes, § 4-20, International Building Code

State law reference C State Fire Code, A.R.S. § 41-2146 (Eff. 7/1/06), §41-2166; smoke detectors, A.R.S. §§36-1636 et seq., 36-1645 et seq.

Sec. 6-43: Conflicting Provisions.

Whenever the provisions of this Ordinance conflict or overlap with any other ordinance, code provision, regulation, or statute, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail.

(Code 1976, § 5.107) (Code 2006, Ord. 06-11, § 3, 9-11-06) (Code 2008, Ord. 08-05, § 3, 11-17-08)

Sec. 6-60: Appeals Adopted

- (a) In order to hear and decide appeals of order, decision or determinations made by the building officials relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.
- (b) Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.
- (c) Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
- (d) The hearing committee created and structured pursuant to Chapter 2, Section 204 of the Administrative Code adopted in Chapter 4, Section 4-19 of the City Code, shall determine the alternative materials and methods of construction and provide reasonable interpretation of the provisions of this code. For such purposes, the building official shall be an ex-officio member. *Notice of appeal shall be given upon a form provided by building official and shall be perfected within ten (10) days after receipt of disapproval or notice of action.* The

hearing committee shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the mayor and council such new legislation as is consistent therewith.

(2005 Code; Ord. No. 02-05, § 1 (Art. II); 8-19-02) (Code 2008; Ord. 08-05, § 3, 11-17-08)

SECTION 4: Repealed Provisions of Chapter 6, Code 1976, Ordinance 85-10; Code 2006, Ordinance 06-11. If any provision, section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to Chapter 6, Fire Prevention and Protection, adopted herein by reference, or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance and to this end, the provisions of this Ordinance are severable.

(Code 2006, Ord. No. 06-11 § 4, 9-11-06) (Code 2008, Ord. 08-05, § 4, 11-17-08)

SECTION 5: The various City Officers, Employees, Fire Official(s) and/or Building Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all duties authorized under the City Code.

(Code 2006, Ord. No. 06-11 § 5, 9-11-06) (Code 2008, Ord. 08-05, § 5, 11-17-08)

SECTION 6: Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

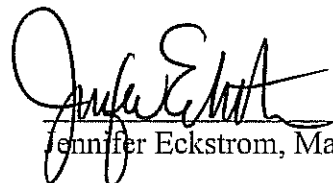
(Code 2006, Ord. No. 06-11 § 6, 9-11-06) (Code 2008, Ord. 08-05, § 6, 11-17-08)

SECTION 7: The City Clerk shall certify to the adoption of this Ordinance and cause same to be maintained and/or published as required by law. It is necessary for the preservation of the peace, health and safety of the residents of the City of South Tucson, Arizona that this Ordinance shall become effective upon its passage, adoption and posting in three (3) public places in compliance with A.R.S. 9-813.

(Code 2006, Ord. No. 06-11 § 7, 9-11-06) (Code 2008, Ord. 08-05, § 7, 10-27-08)

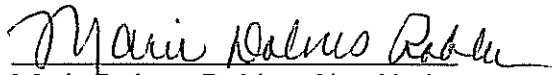
PASSED AND ADOPTED by the Mayor and Council of the City of South Tucson, Arizona, this 8th day of December, 2008.

APPROVED/EXECUTED

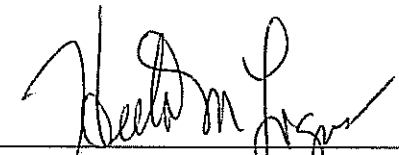


Jennifer Eckstrom, Mayor

ATTEST:


Marie Dolores Robles, City Clerk

APPROVED AS TO FORM:


Hector M. Figueroa, Esq., City Attorney