

# TECHNICAL CODES OF THE TOWN OF GILBERT – 2020 EDITION

## **Section 10-31        BUILDING CODE**

- 10-31-1        Adoption of Building Code
- 10-31-2        Must Conform to Zoning Ordinance
- 10-31-3        Amendments to International Building Code
- 10-31-4        Amendments to International Residential Code

### **10-31-1        Adoption of Building Code**

The “International Building Code, 2018 Edition” published by the International Code Council, Inc., together with its Appendices C, I, and K thereto, as amended by subsection 10-31-3 (collectively “Building Code”), are hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection. In addition, the 2018 Residential Code, together with Appendices H, P, and Q thereto, as amended by subsection 10-31-4 (collectively “Residential Code”), are hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

### **10-31-2        Must Conform to Zoning Ordinance**

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the Land Development Code, of the Town in addition to the provisions of this chapter.

### **10-31-3        Amendments to International Building Code, 2018 Edition**

**101.1 Title.** Insert the words "Town of Gilbert" as the name of the jurisdiction.

**101.4 Referenced codes.** Amended as follows:

**101.4.3 Plumbing.** Last sentence is deleted.

**101.4.4 Property Maintenance.** Deleted in its entirety and replaced with the following:

**101.4.4 Electrical.** The provisions of the Electrical Code of the Town of Gilbert shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.7 Existing Buildings.** Deleted in its entirety.

**102.6 Existing structures.** Amended to read as follows:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code or the International Fire Code.

**103 DEPARTMENT OF BUILDING SAFETY.** Heading deleted and replaced with **PLAN REVIEW AND INSPECTION DIVISION.**

**103.1 Creation of Enforcement Agency.** Strike “Department of Building Safety” and replace with “Plan Review and Inspection Division.”

**103.2 Appointment.** Strike “Chief Appointing Authority” and replace with “Development Services Director.”

**103.3 Deputies.** The last sentence is deleted.

**104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** Deleted in its entirety.

**104.10.1 Flood hazard areas.** Text deleted in its entirety and replaced with the following:  
Any reference to Flood hazard areas shall be deemed to reference Floodplain Management Chapter 34 of the Code of Gilbert, Arizona.

**105.2 Work exempt from permit.**

**Building:**

2. Amended to read - Fences not over 3 feet (914 mm) high.
11. Amended to read - Swings and other playground equipment accessory to detached one- and two-family dwellings or exterior installations.
14. Added to read - Re-roofing not requiring a structural change.
15. Added to read – Prefabricated non-combustible factory built storage structures not regulated by the Arizona Office of Manufactured Housing, used for the storage of non-hazardous materials provided the floor area does not exceed 160 square feet (11.15m<sup>2</sup>). The structure shall not be served by utilities and shall not be located closer than five (5) feet (1524 mm) to a real or imaginary property line. Only one structure shall be permitted per individual property or leased space.
16. Added to read – when installed by an Arizona licensed contractor, solar photovoltaic systems, solar hot water heating systems, wind turbine systems, and replacements of solar, gas (of equal or less BTU/CFH rating) and electric (of equal or less amperage/voltage rating) water heating systems/appliances (not including tankless systems) that are listed and labeled by a nationally recognized third-party testing agency, indicating that the products are in compliance with nationally accepted applicable building, engineering, and safety standards.

**Electrical:**

**Other:** Added to read – See Building exemption #16 above.

**Gas:**

3. Added to read – See Building exemption #16 above.

**Mechanical:**

8. Added to read – See Building exemption #16 above.

**Plumbing:**

3. Added to read – See Building exemption #16 above.

**105.5 Expiration.** Amended to read as follows:

**105.5 Expiration of permit, extensions.**

Every permit issued shall become invalid unless substantial work, as determined by the building official, and authorized by such permit is commenced and required inspections are requested by the permittee and approved by the building official within 180 days after its issuance, or if more than 180 days elapses between approval of required inspections. The building official shall be authorized to grant one or more extension of time for a period not to exceed 180 days. All requests for extensions shall be in writing. In order to

renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the Town, except as approved by the building official.

**107.3.1 Approval of construction documents.** First sentence amended to read as follows:  
When the building official issues a permit, the construction documents shall be approved in writing or by stamp. (Remainder of paragraph unchanged)

**109.4 Work commencing before permit issuance.** New sentence added to the end of the paragraph to read as follows:  
This fee shall be equal to the amount of the permit fee required by this code.

**109.6 Refunds.** New subsection added to read as follows:

**109.6.1 Refund Policy.** The building official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official shall be permitted to 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.

The building official shall be permitted to 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 examination time has been expended.

Refunds shall be requested by written application and filed by the original permittee not later than 180 days after the date of fee payment.

New subsection added to read as follows:

**109.7 Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, 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.

In instances where reinspection fees have been assessed, no additional inspection(s) of the work will be performed until the required fees have been paid in accordance with the reinspection fee policy established by the building official.

**110.3.8 Energy efficiency inspections.** Text deleted in its entirety and replaced with the following:

Field verification/inspection shall be the responsibility of the owner/builder.

**111.2 Certificate issued.** Number 3 is deleted.

**111.3 Temporary occupancy.** Amended to read as follows:

If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed or before all required on-site and off-site improvements are completed, a Temporary Certificate of Occupancy (TCO) may be issued for the use of a portion or portions of a building or structure prior to the

completion of the entire building or structure. The TCO will be issued for a finite period of time, but in no event for more than sixty (60) calendar days. The TCO may be renewed if satisfactory progress has been made toward completion of outstanding items. The length of any renewal period will be determined at the sole discretion of the building official based on the amount of work remaining, but the extension shall not exceed sixty (60) additional days.

If the TCO and any extensions expire without completion of all outstanding items, the matter will be referred to Code Compliance for enforcement.

Upon satisfaction of the outstanding items on the TCO, a Certificate of Occupancy will be issued.

**113.1 General.** Amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official or the Fire Code Official relative to the application and interpretation of the Building and Construction Regulations Code of the Town of Gilbert and amendments thereto, (hereinafter this “Code”) or suitability of alternate materials and types of construction, there shall be and is hereby created a Building and Construction Regulations Code Board of Appeals. The Building Official and Fire Code Official shall be ex officio members of and shall act as co-secretaries to said Board and shall have no vote on any matters before the Board. The Board of Appeals shall be appointed by the Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render decisions and findings in writing to the appellant with a duplicate copy to the Building Official and the Fire Code Official.

**113.2 Limitations on authority.** Last sentence of the section amended to read as follows:

The Board of Appeals shall have no authority relative to interpretations of the administrative provisions of the codes nor shall the Board be empowered to waive requirements of the code.

**114.1 Unlawful acts.** Amended to read as follows:

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 any code referenced herein, or cause, or allow same to be done, in conflict with or in violation of any of the provisions of this code.

**305.2 Group E, daycare facilities.** New subsection added to read as follows:

**305.2.4 More than five children in a dwelling unit.** A child care facility within a dwelling unit having more than five (5) but not more than ten (10) children shall be classified as R-3 if all of the following are true:

1. The care is for less than 24 hours; and
2. The rooms in which the children are cared for are located on the same level as exit discharge; and
3. Each child care room has an exit door directly to the exterior; and
4. At least one smoke detector shall be located within this child care area and provided with third party monitoring in accordance with section 907.2.10.8 of the International Fire Code as amended.

**308.2 Institutional Group I-1.** Amended by striking the number “16” in the first sentence and replacing with the number “10”.

**308.2.3 Six to sixteen persons receiving custodial care.** Amended to read as follows:

**308.2.3 Ten or fewer persons receiving custodial care.** A facility as described in 308.2 housing ten (10) or fewer persons shall be classified as Group R-4.

**308.2.4 Five or fewer persons receiving custodial care.** Deleted in its entirety.

**308.3.2 Five or fewer persons receiving medical care.** Amended to read as follows:

**308.3.2 Ten or fewer persons receiving medical care.** A facility as described in section 308.3 housing ten (10) or fewer persons shall be classified as group R-4.

**308.5.4 Five or fewer persons receiving care in a dwelling unit.** Amended to read as follows:

A facility such as the above within a dwelling unit and having five or fewer persons receiving custodial or medical care shall be classified as Group R-4.

**310.4 Residential Group R-3.** Amended to read as follows:

Residential occupancies that do not contain more than two dwelling units, where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I. Includes Adult and child care facilities that provide accommodations for ten (10) or fewer persons of any age for less than 24 hours, or as approved by the Building Official and that are not classified as group R-4.

**310.5 Residential Group R-4.** Amended to read as follows:

Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes that provide care for ten (10) or fewer persons excluding staff who reside on a 24 hour basis and that require medical or custodial care. These occupancies shall comply with all the provisions of Section 429.

**310.5.1 Condition 1.** Deleted in its entirety and replaced with the following:

**310.5.1 Five or fewer persons receiving care.** Occupancies as described in Section 310.5 where care is provided for five (5) or fewer persons, excluding staff, shall comply with Sections 429.4.1.5 Emergency Escape and Rescue, 429.5.1 Smoke Alarms and 429.5.2 Sprinkler Systems.

**310.5.2 Condition 2.** Deleted in its entirety.

**406.3.3.1 Carport Separation:** Amended by adding new paragraph to read as follows:

A total separation distance of not less than 10 feet shall be provided between Any Group U carport and the following occupancy types: Group B, F, M and R2 provided the carport is of wholly non-combustible construction and open on 4 sides. The separation distance shall be measured from the edge of the horizontal roof projection of the carport and the closest element of the adjacent building.

New Section added to read as follows:

**429 RESIDENTIAL CARE/ASSISTED LIVING HOMES.**

**429.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 occupants, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides licensed care services.

**429.2 General.** Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

**429.3 Special Provisions.** R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire resistive construction throughout.

#### **429.4 Access and Means of Egress Facilities**

##### **429.4.1 Exits**

**429.4.1.1 Number of Exits.** Every story, basement, or portion thereof shall have not less than two exits as provided in Chapter 10.

**Exception:** Basements and stories above the first floor containing no sleeping rooms or common use areas and provided for staff use only may have one means of egress as provided in Chapter 10.

**429.4.1.2 Travel Distance to Exits.** The maximum travel distance shall comply with section 1017, except that the maximum travel distance from any point in a sleeping room to an exit shall not exceed 75 feet.

**429.4.1.3 Emergency Exit Illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the Electric Code.

**429.4.1.4 Exit Signs.** Exit signs shall be provided in compliance with section 1013.

**429.4.1.5 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1030, except that Exception 1 to Section 1030.1 does not apply to R-4 occupancies.

#### **429.5 Smoke Detectors and Sprinkler Systems**

**429.5.1 Smoke Alarms.** All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10 of the International Fire Code (IFC).

**429.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a modified sprinkler system as defined in Section 202 of the fire code amendments. Sprinkler systems installed under this Section shall be installed throughout including attached garages. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. Such systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible and visual signal at a constantly attended location and exterior of the dwelling facing a public way.

#### **507.1 General.** New paragraph added to read as follows:

With the building official's approval, a Building Code Compliance Covenant and Reciprocal Easement agreement may be used as an alternate method of compliance with building code property line requirements where a single development such as a shopping center is divided by lot or tract lines for financial purposes while the whole development is built and functions like one building on one undivided lot.

#### **Table 602 Fire-resistance rating requirements for exterior walls based on fire separation distance.** Footnote h amended to read as follows:

See Section 406.3.3.1 for carport separation requirements.

**901.1 Scope.** New paragraph added to read as follows:

Wherever the words “Building Official or Fire Code Official” appear in Sections 901 through 912 they shall be understood to mean that either the Building Official or Fire Code Official shall be the authority having jurisdiction. Code sections preceded by [F] shall be considered to be maintained and administered under the International Fire Code. Where there is a conflict regarding fire protection systems between this code and the Fire Code, the most restrictive requirement shall prevail.

**901.5 Acceptance tests.** The last sentence is deleted and the following inserted:

It shall be unlawful to use or allow use, to occupy or allow occupancy, or to allow to be furnished or stocked, or to furnish or stock any portion of a structure until the fire protection systems of the structure have been tested and approved, and authorization provided by the fire code official to do same.

**901.6.1 Automatic sprinkler systems.** Exception 1 amended to read as follows:

1. A supervising station is not required for automatic sprinkler systems protecting one- and two-family dwellings and dwellings classified as Group R-3.

**903 through 908.** Deleted in their entirety. Refer to Fire Code as amended.

**1001.1 General.** Amended by adding a paragraph at the end of the section to read as follows:

Any reference to accessibility requirements for physically disabled persons or to IBC Chapter 11 shall be deemed to reference the accessibility requirements adopted by the Town as part of the Building and Construction Regulations Code - 2020 Edition Section 10-39. Multifamily must comply with the Fair Housing Act. In such cases the latest version of ICC A117 shall be used.

**1010.1.2 Door swing.** Exception 4 is amended to read as follows:

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

**1010.1.9.4 Locks and latches.** Amended by revising sub item 2.2 of item 2 to read as follows:

2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED, or THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters 1 inch (25.4 mm) high on a contrasting background.

**Chapter 11 ACCESSIBILITY.** Deleted in its entirety and replaced with the following:

**1101 – GENERAL**

**1101.1 Scope.** Any reference to accessibility requirements for physically disabled persons or to IBC Chapter 11 shall be deemed to reference the accessibility requirements adopted by the Town as part of the Building and Construction Regulations Code - 2020 Edition Section 10-39. Multifamily must comply with the Fair Housing Act. In such cases the latest version of ICC A117 shall be used.

**1609.4 Exposure category.** Amended by adding a sentence to the end of the paragraph and an exception to read as follows:

The minimum exposure category shall be Exposure C.

**Exception:**

Group R-3 occupancies and their associated accessory structures any of which are three stories or less in height may be designed to Exposure B where otherwise permitted.

**1612.3 Establishment of flood hazard areas.** Text deleted in its entirety and replaced with the following:

Any reference to Flood hazard areas shall be deemed to reference Floodplain Management Chapter 34 of the Code of Gilbert, Arizona.

**1704.2.1 Special inspector qualifications.** Text deleted in its entirety and replaced with the following:

The registered design professional in responsible charge and engineers of record involved in the design of the project are permitted to act as the approved agency and their personnel are permitted to act as the special inspector for the work designed by them.

**2209.1 Storage Racks.** Amended by adding a second paragraph to read as follows:

All racking systems specified in this section shall be required to be secured or anchored in place when in use or permanently installed. The design of such securement or anchorage shall be by a registered design professional, or shall follow the manufactures installation guidelines.

**2406.4.5 Glazing and wet surfaces.** Added the following to the exception:

This exception does not apply to any of the aforementioned amenities located in a bathroom. All glazing in bathrooms must comply with 2406.4.5 above. (per A.R.S. 36-1631)

**2902.1.1 Fixture calculations.** Amended by adding 2nd exception and numbering exceptions.

**Exceptions:**

1. Remains unchanged.
2. Distribution of the sexes is not required where single-user toilet and bathing room fixtures are provided in accordance with Section 2902.1.2.

**2902.1.2 Single-user toilet facility and bathing room fixtures.** Amended to read as follows:

**2902.1.2 Single-user toilet and bathing room fixtures.** The plumbing fixtures located in single-user toilet and bathing rooms, including family or assisted use toilet and bathing rooms that are required by the Arizonans With Disabilities Act, shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Single-user toilet and bathing rooms, and family assisted-use toilet rooms and bathing rooms shall be identified for use by either sex.

The total number of fixtures shall be permitted to be based on the required number of separate facilities or based on the aggregate of any combination of single-user or separate facilities.

**2902.2 Separate facilities.** Amended by adding exceptions 5 and 6 as follows:

**Exceptions:**

- 1-4 Remain unchanged.
5. Separate facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 2902.1.2.
6. Separate facilities shall not be required where rooms designated for use by both sexes provide privacy for water closets and/or urinals by use of full height (floor to ceiling) walls and doors. Doors shall be lockable from the inside.

**2902.4.1 Directional signage.** Deleted in its entirety.

**3002.9 Plumbing and mechanical systems.** Amended by adding a second sentence to the exception to read as follows:

Hydraulic fluids contained in pits or sumps and pumps as required by any federal, state or local jurisdiction shall be conveyed through a sand/oil interceptor to the sanitary sewer or shall be collected in tanks or drums sized to capture three times the volume of the hydraulic system.

**3109 SWIMMING POOLS, SPAS, AND HOT TUBS.** Deleted in its entirety.

**C102.2 One-story unlimited area.** Amended to read as follows:

The area of a one-story Group U agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width and is provided with an approved automatic sprinkler system throughout in accordance with Section 903.3.1.1 of the International Fire Code.

New subsection added to read as follows:

**K102.3.1 Location.** No electrical system or equipment shall be located in any lot other than the lot which is the site of the building or structure served by the electrical system.

**Exception:**

Electrical systems and equipment within legally established easements.

**K103.1 Types of permits.** The last four (4) words of the exception deleted and replaced with “Development Services Department”.

**K103.2 Work Exempt from permit.** Exceptions 6 and 7 added as follows:

6. Added to read – A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus or equipment for the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a serving agency in the exercise of its function as a serving utility. In addition a permit shall not be required for area lighting and associated wiring installed and maintained under contract with the serving agency.
7. Added to read – Refer to amendments to International Building Code, 2018 edition, Section 105.2 Building number 16.

**K105.5 Construction documents.** Amended to read as follows:

The registered design professional shall submit to the building official two (2) or more complete sets of signed and sealed construction documents for the alternative engineered design. The construction documents shall include floor plans and a diagram of the work.

**K107 PREFABRICATED CONSTRUCTION.** Deleted in its entirety.

**K108.1 Testing.** Added the following to the last sentence:

.....or an approved agency.

**K111.4 Nonmetallic – sheathed cable.** Deleted in its entirety.

**K111.6 Smoke Alarm Circuits.** Deleted in its entirety.

**R101.1 Title.** Insert the words "Town of Gilbert" as the name of jurisdiction.

**R102.4. Referenced codes and standards.** Added the following sentence after the first paragraph and before the exception:  
See also amendments to International Building Code 2018 edition section 101.4 Referenced Codes.

**R102.4.1 Conflicts.** Exception added to read as follows:

Exception: when permitted by zoning, the use of a residential occupancy for the items listed below shall be governed by the referenced codes noted in r102.4 and the 2018 international building code section 101.4 including the 2018 international building code.

1. Marijuana cultivation
2. Extraction processes
3. Industrial-type processes

**R104.10.1 Flood hazard areas.** Text deleted in its entirety and replaced with the following:  
Any reference to Flood hazard areas shall be deemed of reference Floodplain Management Chapter 34 of the Code of Gilbert, Arizona.

**R105.2 Work exempt from permit.** Amended as follows:

**Building:**

1. Amended to read – One-story detached non-habitable accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>) and said structure is not used for any of the items listed below.
  - 1.1 Marijuana cultivation
  - 1.2 Extraction processes
  - 1.3 Industrial-type processes
2. Amended to read - Fences not over three feet (914 mm) high.
11. Added to read – Flag poles not over 30 feet (6096 mm) in height.
12. Added to read – Equipment screen walls not over 5 feet (1524 mm) high and not utilized as a perimeter/property line fence.
13. Added to read – Window replacement with same style window in same opening. Egress requirements must be maintained.
14. Added read – Re-roofing not requiring a structural change.
15. Added to read – Water softeners
16. Added to read – When installed by an Arizona licensed contractor, solar photovoltaic systems, solar hot water heating systems, wind turbine systems, and replacements of solar, gas (of equal or less BTU/CFH rating) and electric (of equal or less amperage/voltage rating) water heating systems/appliances (not including tankless systems) that are listed and labeled by a nationally recognized third-party testing agency, indicating that the products are in compliance with nationally accepted applicable building, engineering, and safety standards.

**Electrical:**

6. Added to read – See Building exemption #16 above.

**Gas:**

4. Added to read – See Building exemption #16 above.

**Mechanical:**

7. Self-contained” is deleted and replaced with “replacement” of. (Remainder of sentence is unchanged)
9. Added to read – See Building exemption #16 above.

**Plumbing:**

3. Added to read – See Building exemption #16 above.

**R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** Deleted in its entirety.

**R105.5 Expiration.** Deleted in its entirety. Refer to International Building Code 2018 edition section 105.5 as amended.

**R106.1.4 Information for construction in flood hazard areas.** Deleted in its entirety.

**R108.5 Refunds.** Deleted in its entirety. Refer to Building Code amendment, IBC section 109.6.

New subsection added to read as follows:

**R108.7 Reinspections.** Refer to Building Code amendment, IBC section 109.7 as amended.

**R109.1.2 Plumbing, mechanical, gas and electrical systems inspections.** Amended to read as follows:

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment and before fixtures or appliances are set or installed.

**R109.1.3 Floodplain inspections.** Deleted in its entirety.

**R109.1.4 Frame and masonry inspection.** Amended to read as follows:

Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the rough plumbing, mechanical and electrical are complete.

New subsection added to read as follows:

**R111.1.1 Location.** No utility shall be located in any lot other than the lot which is the site of the building or structure served by the utility.

**Exception:**

Utilities may cross property lines within legally established easements.

**R112 BOARD OF APPEALS.** Deleted in its entirety. Refer to Building Code Section 113 as amended.

**R113.1 Unlawful acts.** Amended to read as follows:

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 any code referenced herein, or cause, or allow same to be done, in conflict with or in violation of any of the provisions of this code.

New section added to read as follows:

**R115 UNSAFE STRUCTURES.**

**R115.1 General.** Refer to Building Code, IBC Section 116.

**R202 DEFINITIONS:**

**Cultivation.** Added to read as follows:

Any process used in the growing of plants, including, but not limited to, the use of lights, enrichment and infusion processes, etc.

**Extraction.** Added to read as follows:

The process of removing essential oils, botanic materials or chemicals from a given plant material.

**Infusion.** Added to read as follows:

A process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation to produce a cannabis product.

**TOWNHOUSE.** Amended to read as follows:

A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and is separated by property lines. Each unit shall have a yard or public way on not less than two sides.

**Table R301.2(1).** Insert the following data and delete bottom portion of table titled MANUAL J DESGN CRITERIA:

- Ground Snow Load: N/A
- Wind speed: 115 (ULT). 89 (ASD)
- Topographic effects: No
- Special wind region: No
- Windborne debris zone: No
- Seismic Design Category: B
- Weathering: NEGLIGIBLE
- Frost Line Depth: 0
- Termite: MODERATE TO HEAVY
- Winter Design Temperature: 34 degrees F
- Ice Shield Under-Layment Required: No
- Flood Hazards: (a) January 16, 1980, (b) November 4, 2015
- Air Freezing Index: N/A
- Mean Annual Temp.: 69 degrees F

**R301.2.4 Floodplain construction.** Deleted in its entirety.

**Table R302.6 Dwelling/garage separation.** Amended by adding footnote (a) as follows:

From habitable rooms above the garage	Not less than 5/8-inch type X gypsum board or equivalent (a)
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- a. In buildings with an automatic fire sprinkler system, including the private garage, the separation shall be permitted to be limited to a minimum 1/2-inch gypsum board applied to the garage side.

**R308.4.4.1 Structural glass baluster panels.** Deleted in its entirety.

**R308.4.5 Glazing and Wet Surfaces.** Amended by adding the following to the exception:

This exception does not apply to any of the aforementioned amenities located in a bathroom. All glazing in bathrooms must comply with R308.4.5 above. (per A.R.S. 36-1631)

**R310.2.3.2 Drainage.** Deleted in its entirety.

**R310.3.2.2 Drainage.** Deleted in its entirety.

**R313 AUTOMATIC SPRINKLER SYSTEMS.** Deleted in its entirety. Refer to Town of Gilbert Fire Code for fire sprinkler requirements.

**R401.3 Drainage.** New exception 2 added. Re-number existing exception as exception 1:  
Exception:

1. (text unchanged)
2. Added to read – Where drainage design is part of an overall subdivision design prepared by a registered professional engineer in conformance to acceptable design standards.

**R403.1.4 Minimum depth.** Strike the number 12 in the first sentence and replace with 18.

**R502.11.4 Truss design drawings.** The 1<sup>st</sup> sentence is deleted.

**N1101.13 (R401.2) Compliance.** Deleted in its entirety and replaced with the following:

**N1101.13 (R401.2) Compliance.** Projects shall comply with one of the following:

1. Section N1101.13.1
2. Section N1101.13.2 and N1101.13.3

Compliance with other provisions of this chapter are optional.

Field verification/inspection shall be the responsibility of the owner/builder.

**N1101.13.1 (R401.2.1) Prescriptive method.**

Fenestration U-factor – 0.40

Skylight U-Factor – 0.65

Glazed Fenestration SHGC – 0.25

Ceiling R-Value – R-38

Wood Frame Wall R-Value – R-13

Mass Wall R-Value – 4.6

Floor R-Value – R-13

**N1101.13.2 (R401.2.2) Alternative approach for compliance.** A Home Energy Rating System (“HERS”) Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used as an alternative Approach. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

**N1101.13.3 (R401.2.3) Mandatory testing.** All mandatory testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network.

New subsection added to read as follows:

**M1307.7 Liquefied petroleum gas appliances.** LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1411.4 Condensate pumps.** Deleted in its entirety.

**M1411.8 Locking access port caps.** Deleted in its entirety.

**M1503.6 Makeup air required.** Amended to read as follows:

Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

**Exception:**

Where all appliances located within the conditioned space of the dwelling are of sealed combustion, power vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute. Such makeup air shall not be required to be automatically controlled to start and operate simultaneously with the exhaust system.

**M1503.6.2 Makeup air dampers.** Deleted in its entirety.

**G2404.11 (307.6) Condensate pumps.** Deleted in its entirety.

New subsection added to read as follows:

**G2406.2.1 (303.3.2) Liquefied Petroleum Gas Appliances.** LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**G2407.6.1 (304.6.1) Two-permanent-openings method.** Amended by adding the following after the 1<sup>st</sup> paragraph:

For LPG appliances, any duct serving the lower opening shall be at floor level and slope to the outdoors without traps or pockets.

New subsection added to read as follows:

**G2412.1.2 Location of piping systems.** No gas piping system shall be located in any lot other than the lot which is the site of the building or structure served by the gas piping system.

**Exception:**

Gas piping systems may cross property lines within legally established easements.

**G2415.8 (404.8) Piping in solid floors.** New sentence added at the end of the subsection to read as follows:

These installations shall be limited to the use of corrugated stainless steel tubing installed without joints.

**G2415.12 (404.12) Minimum burial depth.** Text deleted in its entirety and replaced with the following:

Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**G2415.14 (404.14) Piping underground beneath buildings.** New sentence added at the end of the subsection to read as follows:

These installations shall be limited to the use of corrugated stainless steel tubing installed without joints.

**G2415.17.3 (404.17.3) Tracer.** Amended to read as follows:

An insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG.

**G2417.4 (406.4) Test pressure measurement.** Text deleted in its entirety and replaced with the following:

This inspection shall be made after all piping authorized by the permit has been installed and prior to concealment. An additional inspection is required after all portions thereof which are to be covered or concealed are so concealed and before any fixtures or appliances have been attached thereto. This inspection shall include an air, Co<sub>2</sub> or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure. Test gauges shall have increments of 0.10 psi (0.69kPa) or less. Test pressures shall be held for a length of time satisfactory to the Administrative Authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and piping carrying gas at pressures in excess of fourteen (14) inches (0.4m) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes. Gauges for this test shall have increments of 1 psi (690 kPa) or less. All necessary apparatus for conducting tests shall be furnished by the permit holder.

**G2421.2 (410.2) MP regulators.** Number 7 is deleted.

**P2503.5.1 Rough plumbing.** Exception added after 1<sup>st</sup> paragraph to read as follows:

**Exception:**

Air testing of plastic pipe shall be permitted if specifically allowed by manufacturer's specifications. (Remainder of text unchanged)

**P2503.7 Water-supply system testing.** Exception amended to read as follows:

**Exception:** Air testing of plastic pipe shall be permitted if specifically allowed by manufacturer's specifications.

**P2603.5.1 Sewer depth.** Insert 12 in both spaces where indicated.

New Section added to read as follows:

**P2610 LOCATION OF PLUMBING SYSTEMS.**

**P2610.1 Location.** No plumbing system shall be located in any lot other than the lot which is the site of the building or structure served by the plumbing system.

**Exception:**

Plumbing systems may cross property lines within legally established easements.

**P2801.6 Required pan.** Amended to read as follows:

Where a storage tank-type water heater or a hot water storage tank is installed in an attic or furred space where water leakage from the tank will cause damage, the tank shall be installed in a galvanized steel pan having a material thickness of not less than 0.0236 inch

(0.6010 mm) (No. 24 gage), plastic not less than 0.036 inch (0.9 mm) in thickness, or other pans approved for such use.

**P2801.6.2 Pan drain termination.** Exception added to read as follows:

**Exception:**

Where structural conditions do not permit extending the drain to the exterior the drain may extend to and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent garage floor surface sloped to drain to the exterior.

**P2804.6.1 Requirements for discharge pipe.** Item number 2 deleted and items number 5 and 10 are revised to read as follows:

5. Discharge to an indirect waste receptor or to the outdoors.

10. Shall terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface.

**P2903.5 Water hammer.** Amended to read as follows:

The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. (The remainder of paragraph is deleted)

**P2910 NONPOTABLE WATER SYSTEMS.** Deleted in its entirety.

**P2911 ON-SITE NONPOTABLE WATER REUSE SYSTEMS.** Deleted in its entirety.

**P2912 NONPOTABLE RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS.**

Deleted in its entirety.

**P2913 RECLAIMED WATER SYSTEMS.** Deleted in its entirety.

**P3009 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS.** Deleted in its entirety.

New subsection added to read as follows:

**E3601.8 Location.**

No electrical system or equipment shall be located in any lot other than the lot which is the site of the building or structure served by the electrical system.

**Exception:**

Electrical systems may cross property lines within legally established easements.

**E3609.3 Bonding for communication systems.** Deleted in its entirety.

**E3703.5 Garage branch circuits.** Deleted in its entirety.

**E3901.2.2 Wall space.** Amended item 1 to read as follows:

Any space that is 2 feet (610 mm) or more in width, including space measured around corners, and that is unbroken along the floor line by doorways and similar openings, fireplace, and fixed cabinets.

**E3901.9 Basements, garages and accessory buildings.** Amended to read as follows:

At least one receptacle outlet in addition to any provided for specific equipment, shall be installed in each basement and in each attached garage, and in each detached garage or accessory building that is provided with electric power. Where a portion of the basement is finished into one or more habitable room(s), each separate unfinished portion shall have a receptacle outlet installed in accordance with this section.

**E3902.2 Garage and accessory building receptacles.** Amended by adding the following:

**Exceptions:**

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for 2 applications located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord-and- plug connected.

**E3902.9 Laundry areas.** Deleted in its entirety.

**E3902.10 Kitchen dishwasher branch circuit.** Deleted in its entirety.

**E3902.16 Arc-fault circuit-interrupter protection.** Strike kitchens and laundry areas from first paragraph.

**E4002.9 Fifteen- and 20-ampere receptacles in wet locations.** Amended to read as follows:

Where a 15- and 20-ampere, 125- or 250- volt receptacle is installed in a wet locations and where the product intended to be plugged into it is not attended while in use, the receptacle shall have an enclosure that is weatherproof both when the attachment plug cap is inserted and when it is removed. Where a receptacle is installed in a wet location and where the product intended to be plugged into it will be attended while in use, the receptacle shall have an enclosure that is weatherproof when the attachment plug cap is removed.

When an outlet box hood (“bubble” cover) is installed, it shall be listed and identified as “extra duty”.

Fifteen- and 20-ampere, 125- and 250-volt nonlocking receptacles installed in wet locations shall be listed weather resistant type.

**Section 10-32                    ELECTRICAL CODE**

10-32-1                    Adoption of Electrical Code

10-32-2                    National Electrical Code Amendments

10-32-1                    Adoption of Electrical Code

The “National Electrical Code- 2017 Edition” published by the National Fire Protection Association, as amended by subsection 10-32-2 (“Electrical Code”), is hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-32-2                    Amendments to National Electrical Code, 2017 Edition

**210.8 Ground-Fault Circuit-Interceptor Protection for Personnel.** Amended as follows:

**(A) Dwelling Units**

**(2) Exceptions added as follows:**

**Exceptions:**

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for 2 applications located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord-and- plug connected.

(10) Deleted

(D) **Kitchen Dishwasher Branch Circuit.** Deleted in its entirety.

**210.11 (C)(4) Garage Branch Circuits.** Deleted in its entirety.

**210.12 Arc-Fault Circuit-Interrupter Protection.** Strike kitchens and laundry areas from first paragraph.

**210.52 (A)(2) Wall Space.** Item (1) amended to read as follows:

- (1) Any space that is 2 feet (610 mm) or more in width, including space measure around corners, and that is unbroken along the floor line by doorways and similar openings, fireplaces, and fixed cabinets.

**210.52 (G)(1) Garages.** Deleted in its entirety.

New section added to read as follows:

**230.11 Performance Testing.** All service entrance equipment and associated equipment rated 1000 amperes or more, or where otherwise required by the servicing utility company, or registered design professional shall be performance tested (high potential testing) when first installed on site. The test shall be conducted in accordance with instructions that shall be provided with the equipment. A written record of the test shall be made and shall be available to the authority having jurisdiction.

**250.94 Bonding for Communication Systems.** Deleted in its entirety.

**406.9(B)(1) Receptacles of 15 and 20 Amperes in a Wet Location.** Amended to read as follows:

Where a 15 and 20 ampere, 125 or 250 volt receptacle is installed in a wet location and where the product intended to be plugged into it is not attended while in use, the receptacle shall have an enclosure that is weatherproof both when the attachment plug cap is inserted and when it is removed. Where a receptacle is installed in a wet location and where the product intended to be plugged into it will be attended while in use, the receptacle shall have an enclosure that is weatherproof when the attachment plug cap is removed.

When an outlet box hood (“bubble cover”) is installed, it shall be listed and identified as “extra duty”.

Fifteen and 20 ampere, 125 and 250 volt nonlocking receptacles installed in wet locations shall be listed weather-resistant type.

**Section 10-33            MECHANICAL CODE**

- 10-33-1            Adoption of Mechanical Code
- 10-33-2            Amendments to Mechanical Code

10-33-1            Adoption of Mechanical Code

The “International Mechanical Code, 2018 Edition” published by the International Code Council, Inc., as amended by subsection 10-33-2 (“Mechanical Code”), is hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-33-2      Amendments to Mechanical Code, 2018 Edition

**101.1 Title.** Insert the words "Town of Gilbert" as the name of the jurisdiction.

**102.8 Referenced codes and standards.** Amended by adding the following at the end of the paragraph:

See also amendments to International Building Code 2018 edition section 101.4 Referenced Codes.

**106.2 Permits not required.** Amended as follows:

7. “Self-contained” is deleted and substituted with “Replacement of”. (Remainder of sentence is unchanged)

9. Added to read – refer to amendments to the International Building Code, 2018 edition, Section 105.2, number 16.

**106.4.1 Approved construction documents.** Amend the first sentence to read as follows:

When the code official issues the permit where construction documents are required, the construction documents shall be approved in writing or by stamp. (Remainder of text unchanged)

**106.4.3 Expiration.** Deleted in its entirety. Refer to International Building Code, 2018 edition section 105.5 as amended.

**106.4.4 Extensions.** Deleted in its entirety. Refer to International Building Code, 2018 edition section 105.5 as amended.

**106.5 Fees.** Deleted in its entirety.

**108.4 Violation penalties.** Deleted in its entirety. Refer to International Building Code, 2018 edition section 114.4

**108.5 Stop work orders.** Deleted in its entirety. Refer to International Building Code, 2018 edition Section 115.

**109 MEANS OF APPEAL** Deleted in its entirety. Refer to International Building Code, 2018 edition section 113 as amended.

**307.3 Condensate pumps.** Deleted in its entirety.

**508.1.2 Air balance.** Deleted in its entirety.

**Section 10-34**            **PLUMBING CODE**

- 10-34-1            Adoption of Plumbing Code
- 10-34-2            Amendment to Plumbing Code

10-34-1            Adoption of Plumbing Code

The “International Plumbing Code, 2018 Edition” published by the International Code Council, Inc., together with its Appendix B, as amended by subsection 10-34-2 (collectively “Plumbing Code”), are hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-34-2            Amendments of Plumbing Code, 2018 Edition

**101.1 Title.** Insert the words "Town of Gilbert" as the name of the jurisdiction.

**102.8 Referenced codes and standards.** Amended by adding the following at the end of the paragraph:

See also International Building Code 2018 Edition section 101.4 Referenced Codes.

**106.2 Exempt work.** Number 3 added as follows:

- 3. Added to read – Refer to International Building Code, 2018 Edition, section 105.2, number 16.

**106.5.1 Approved construction documents.** Amended the first sentence to read as follows:  
When the code official issues the permit where construction documents are required, the construction documents shall be approved in writing or by stamp. (Remainder of text unchanged)

**106.5.3 Expiration.** Deleted in its entirety. Refer to International Building Code, 2018 edition section 105.5, as amended.

**106.5.4 Extensions.** Deleted in its entirety. Refer to International Building Code 2018 edition section 105.5, as amended.

**106.6 Fees.** Deleted in its entirety.

**305.4.1 Sewer depth.** Insert “12” in both spaces where indicated.

**403.1.1 Fixture calculations.** Amended by adding 2<sup>nd</sup> exception and numbering exceptions.

**Exceptions:**

- 1. Remains unchanged
- 2. Distribution of the sexes is not required where single-user toilet and bathing room fixtures are provided in accordance with Section 403.1.2.

**403.1.2 Single-user toilet facility and bathing room fixtures.** Amended to read as follows:

**403.1.2 Single-user toilet and bathing room fixtures.**

The plumbing fixtures located in single-user toilet and bathing rooms, including family or

assisted use toilet and bathing rooms that are required by the Arizonans With Disabilities Act shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Single-user toilet and bathing rooms, and family assisted-use toilet rooms and bathing rooms shall be identified for use by either sex.

The total number of fixtures shall be permitted to be based on the required number of separate facilities or based on the aggregate of any combination of single-user or separate facilities.

**403.2 Separate facilities.** Amended by adding exceptions 5 and 6 as follows:

**Exceptions:**

5. Separate facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 403.1.2.
6. Separate facilities shall not be required where rooms designated for use by both sexes provide privacy for water closets and/or urinals by use of full height (floor to ceiling) walls and doors. Doors shall be lockable from the inside.

**403.4.1 Directional signage.** Deleted in its entirety.

**405.3.2 Public Lavatories.** Amended by adding exception as follows:

**Exception:**

When rational submitted by the permit applicant and approved by the Building Official, lavatories that are in close proximity to and within sight of toilet room doors, may be located outside of toilet rooms.

**410.4 Substitution.** The last sentence of the section revised to read as follows:

In other occupancies, where drinking fountains are required, bottled water dispensers or water coolers shall be permitted to be substituted.

**504.6 Requirements for discharge pipe.** Item number 2 deleted and items number 5 and 10 amended to read as follows:

5. Discharge to an indirect waste receptor or to the outdoors.
10. Shall terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface.

**504.7.2 Pan drain termination.** Exception added to read as follows:

**Exception:**

Where structural conditions do not permit extending the drain to the exterior the drain may extend to and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent garage floor surface sloped to drain to the exterior.

**604.9 Water hammer.** Amended to read as follows:

The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. (Remainder of paragraph is deleted)

**608.17.1.1 Carbonated beverage dispensers.** Amended to read as follows:

The water supply connection to each carbonated beverage dispenser shall be protected against backflow by use of a reduced pressure principle backflow assembly. The portion of the backflow preventer device downstream from the second check valve of the device and the piping downstream therefrom shall not be affected by carbon dioxide gas.

**903.1 Roof extension.** Amended by inserting the number 6 as the number of inches and 152 as the number of mm.

**Chapter 13, NONPOTABLE WATER SYSTEMS.** Deleted in its entirety.

**Chapter 14, SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS.** Deleted in its entirety.

**APPENDIX B, RATES OF RAINFALL FOR VARIOUS CITIES.** Amended to read as follows: Arizona: Gilbert.....6.0

**Section 10-35            FUEL GAS CODE**

- 10-35-1            Adoption of Fuel Gas Code
- 10-35-2            Amendments to Fuel Gas Code

10-35-1            Adoption of Fuel Gas Code

The “International Fuel Gas Code, 2018 Edition” published by the International Code Council, Inc., as amended (“Fuel Gas Code”), is hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-35-2            Amendments to Fuel Gas Code, 2018 Edition

**101.1 Title.** Insert the words "Town of Gilbert" as the name of the jurisdiction.

**102.8 Referenced codes and standards.** Amended by adding the following at the end of the paragraph:  
See also International Building Code 2018 edition section 101.4 Referenced Codes.

**106.2 Permits not required.** Number 3 added as follows:  
3. Added to read – Refer to International Building Code, 2018 Edition, Section 105.2, number 16.

**106.5.1 Approved construction documents.** The first sentence is amended to read as follows:  
When the code official issues the permit where construction documents are required, the construction documents shall be approved in writing or by stamp. (Remainder of text unchanged)

**106.5.3 Expiration.** Deleted in its entirety. Refer to International Building Code 2018 edition section 105.5 as amended.

**106.5.4 Extensions.** Deleted in its entirety. Refer to International Building Code 2018 edition section 105.5 as amended.

**106.6 Fees.** Deleted in its entirety.

**303.3 Prohibited locations.** New subsection added to read as follows:

**303.3.2. Liquefied Petroleum Gas Appliances.** LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**307.6 Condensate pumps.** Deleted in its entirety.

New subsection added to read as follows:

**404.1.1 Location of piping systems.**

No gas piping system shall be located in any lot other than the lot which is the site of the building or structure served by the gas piping system.

**Exception:**

Gas piping systems may cross property lines within legally established easements.

**404.8 Piping in solid floors.** New sentence added at the end of the paragraph to read as follows:

These installations shall be limited to the use of corrugated stainless steel tubing installed without joints.

**404.12 Minimum burial depth.** Deleted in its entirety and replaced with the following:

Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**404.12.1 Individual outside appliances.** Deleted in its entirety.

**404.14 Piping underground beneath buildings.** New sentence added at the end of the paragraph to read as follows:

These installations shall be limited to the use of corrugated stainless steel tubing installed without joints.

**404.17.3 Tracer.** Amended to read as follows:

An insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG.

**406.4 Test pressure measurement.** Amended to read as follows and subsections 406.4.1 and 406.4.2 shall be deleted in their entirety:

This inspection shall be made after all piping authorized by the permit has been installed and prior to concealment. An additional inspection is required after all portions thereof which are to be covered or concealed are so concealed and before any fixtures or appliances have been attached thereto. This inspection shall include an air, Co<sub>2</sub> or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure. Test gauges shall have increments of 0.10 psi (0.69 kPa) or less. Test pressures shall be held for a length of time satisfactory to the Administrative Authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and piping carrying gas at pressures in excess of fourteen (14) inches (0.4m) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes. Gauges for this test shall have increments of 1 psi (690

kPa) or less. All necessary apparatus for conducting tests shall be furnished by the permit holder.

**410.2 MP Regulators.** Number 7 is deleted.

**Section 10-36**            **ENERGY CONSERVATION CODE**

- 10-36-1            Adoption of Energy Conservation Code
- 10-36-2            Amendments to Energy Conservation Code

10-36-1            Adoption of Energy Conservation Code

The “International Energy Conservation Code, 2018 Edition” published by the International Code Council, Inc. as amended by subsection 10-36-2 (“Energy Conservation Code”), is hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-36-2            Amendments to Energy Conservation Code, 2018 Edition

**C101.1 and R101.1 Title.** Insert the words "Town of Gilbert" as the name of the jurisdiction.

**C101.2 Scope.** Amended by adding the following:

Group R-2 when defined as a Commercial Building by section C202, shall have the option of complying under the Residential Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

**C103.3.1 and R103.3.1 Approval of construction documents.** First sentence amended to read as follows:

When the Code Official issues the permit where construction documents are required, the construction documents shall be approved in writing or by stamp. (Remainder of text remains unchanged)

**C105 and R105 Inspections.** Text deleted in their entirety and amended to read as follows:

Field verification/inspection shall be the responsibility of the owner/builder.

**C108.4 and R108.4 Failure to Comply.** Deleted in their entirety.

**C109 and R109 Board of Appeals.** Deleted in their entirety. Refer to International Building Code, 2018 Edition Section 113 including amendments.

**C401.2 Application.** Amended item 3 and added item 4 to read as follows:

Commercial buildings shall comply with one of the following:

1. Remains unchanged.
2. Remains unchanged.

3. Deleted C408 at the end of the first sentence.
4. Added – Compliance with the provisions of Section C408 are optional.

**C403.7.6 Automatic control of HVAC systems serving guestrooms (Mandatory).** Deleted in its entirety.

**C403.10.1 Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers (Mandatory).** Items 1 and 2 are deleted.

**C403.10.2 Walk-in coolers and walk-in freezers (Mandatory).** Items 1 and 2 are deleted.

**C403.10.2.1 Performance standards (Mandatory).** Deleted in its entirety.

**C404.3 Heat traps for hot water storage tanks.** Deleted in its entirety.

**C405 ELECTRICAL POWER AND LIGHTING SYSTEMS.** Deleted in its entirety.

**C406.8 Enhanced envelope performance.** Deleted in its entirety.

**C406.9 Reduced air infiltration.** Deleted in its entirety.

**R101.2 Scope.** Amended by adding the following:

Group R-2 when defined as a Residential Building by section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

**R401.2 Compliance.** Deleted in its entirety and replaced with the following:

**R401.2 Compliance.** Projects shall comply with one of the following:

1. Section R401.2.1
2. Sections R401.2.2 and R401.2.3

Compliance with other provisions of the residential energy code are optional.

**R401.2.1 Tropical Zone.** Deleted in its entirety and replaced with the following:

**R401.2.1 Prescriptive method.**

Fenestration U-Factor – 0.40

Skylight U-Factor – 0.65

Glazed Fenestration SHGC – 0.25

Ceiling R-Value – R-38

Wood Frame Wall R-Value – R-13

Mass Wall R-Value – 4/6

Floor R-Value – R-13

**R401.2.2 Alternative approach for compliance.** A Home Energy Rating System (“HERS”) Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

**R401.2.3 Mandatory Testing.** All mandatory testing and inspections shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network.

**Section 10-37            FIRE CODE**

- 10-37-1            Adoption of Fire Code
- 10-37-2            Amendments to Fire Code

10-37-1            ADOPTION OF FIRE CODE

The “International Fire Code, 2018 Edition,” published by the International Code Council, Inc. together with its Appendices B, C, D, E, F, G, H, I, J and L and standards thereto, as amended by subsection 10-37-2 (collectively “Fire Code”), are hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection.

10-37-2            Amendments to International Fire Code, 2018 Edition

**101.1 Title.** Insert the words “Town of Gilbert” as the name of the jurisdiction.

**102.5 Application of residential code.** Number 2 amended to read as follows:  
2. Administrative, operational, hazardous materials and maintenance provisions of this code shall apply.

New subsection added to read as follows:

**105.4.2.2 Electronic Construction Documents.**  
Construction documents shall be provided in an approved electronic file format upon request by the fire code official.

New subsection added to read as follows:

**105.7.26 Fire Fighter Air Replenishment System (FARS).**  
A construction permit is required for installation of or modification to a Fire Fighter Air Replenishment System (FARS). Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**109 Board of Appeals** – Deleted in its entirety. Refer to Building Code IBC Section 113, as amended.

**110.4 Violation Penalties.** Insert the following:  
Class One Misdemeanor (as the offense), \$2,500 (as the fine) and 6 months (as the amount of time)

New subsection added to read as follows:

**110.4.2 Abatement cost recovery.**

The cost of abatement shall be assessed against the property owner pursuant to the provisions of Chapter 42 of the Gilbert Town Code.

**112.4 Failure to Comply.** Insert \$1,000 in first bracket and \$2,500 in second bracket.

**202 GENERAL DEFINITIONS.** Amended as follows:

**FIRE CODE OFFICIAL.**

The fire chief or fire marshal and their designees charged with the administration and enforcement of the code.

**OCCUPANCY CLASSIFICATION.** Deleted. Refer to the Building Code occupancy classifications as amended.

**MODIFIED 13D and 13R SPRINKLER SYSTEM.** Added as follows:

The provisions and requirements of NFPA 13D, 13R and the IFC shall apply as appropriate to include fire sprinkler coverage in bathrooms, closets, garages, attached carports, attached covered patios, entry porches and attics.

**308.1.4 Open Flame Cooking Devices.** Amended to read as follows:

Charcoal burners, chimineas, barbecues fixed or portable, and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

1. One- and two- family dwellings.
2. Deleted in its entirety.
3. Deleted in its entirety.

**308.1.6.3 Sky Lanterns.** Amended to read as follows:

The lighting and release of Sky Lanterns shall be prohibited.

**311.2.2 Fire Protection.** Exceptions deleted in their entirety. The rest of the section to remain the same.

**403.12.3 Crowd Managers.** Deleted in its entirety

New subsection added to read as follows:

**503.1.4 Storage Yards.** Approved fire access shall be provided where required by the Fire Code Official for all new and existing outdoor storage areas. This includes, but is not limited to, storage piles throughout automotive yards, junkyards, and processing and recycling facilities.

New subsection added as follows:

**503.6.1 Electric Gates.** An approved key switch and pre-emption sensor shall be required on all new electric gates installed across a fire apparatus access road. The key switch and pre-emption sensor shall be installed in a location as approved by the fire code official.

**Exception:**

1. A pre-emption sensor is optional for a one and two family dwelling.

New subsection added as follows:

**503.6.2 Manual Security Gates.** An approved dual padlock locking system shall be required on all manual gates installed across a fire apparatus access road. An approved Fire Department pad lock shall be installed on one side and the owner/operator pad lock on the other side.

New subsection added as follows:

**507.2.3 Water Supply.** Sprinkler water supply shall be a separate connection to looped public water supply and shall not serve domestic water service supply lines or fire hydrants.

**Exception:**

Detached one and two family dwellings and townhouses including their accessory structures.

New subsection added as follows:

**507.2.4 Operation of Valves.** Operation of sprinkler control valves, fire hydrants or street control valves shall be allowed only by properly authorized personnel and shall be accompanied by notification of duly designated parties. When the sprinkler protection, hydrant water is being regularly turned off and on to facilitate connection of newly completed segments, the sprinkler control valves, fire hydrants and street control valves shall be checked at the end of each work period to ascertain that protection is in service, this is the responsibility of the fire prevention program superintendent and recorded and maintained on daily logs until such time the project is completed. Fire department personnel may request access to logs at any time to verify valve control. Failure to control or record valves status will constitute a fire code violation for failure to obey orders and notices as required by this code.

**507.3 Fire flow.** Amended to read as follows:

Appendix B shall be used to determine fire flow requirements for buildings or portions of buildings and facilities. Open storage areas or yards are subject to approval of the fire code official.

**510.1 Emergency responder radio coverage in new buildings.** Amended to read as follows:

New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. All buildings and structures with the following characteristics shall comply with Section 510:

1. Buildings or structures more than 3 stories above ground level;
2. Buildings or structures totaling 45,000 square feet (13 716 m<sup>2</sup>) or more on any single floor;
3. Buildings or structures that include a basement or other subterranean space totaling 250 square feet (76.2 m<sup>2</sup>) or more; or
4. Buildings or structures where fire code official has determined to have been constructed in a manner or with materials likely to limit the ability of emergency response personnel to effectively use radio communication while within that building or structure.

**Exceptions:**

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Groups R-3, R-4, R-5, and U occupancies
5. Buildings and structures utilizing only wood framing
6. Buildings and structures less than thirty-five (35) feet (10 668 mm) above ground level and do not utilize any metal framing or metal roofing.

**510.4.1.1 Minimum signal strength into the building.** Amended to read as follows:

The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a minimum signal strength of -95 dBm in 95% of the area on each floor when transmitting to and from a Public Safety Radio System. Applicable to the technology for either analog or digital signals.

New subsection added as follows:

**510.4.1.1.1 Minimum Delivered Audio Quality (DAQ).** A minimum DAQ of 3.4 for signal strength and intelligibility when utilizing the Public Safety Radio System. For public safety, the accepted objective is to provide DAQ 3.4 over the service area. DAQ 3.4 is defined as “speech understandable with repetition only rarely required, and with some noise and/or distortion” and represents a Bit Error Rate (BER) of 2%.

**510.4.2.2 Technical criteria.** Amended to read as follows:

The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder communications coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, the effective radiated power of radio sites, the maximum propagation delay in microseconds, the applications being used and other supporting technical information necessary for system design.

1. The Topaz Regional Wireless Cooperative (TRWC) will provide which donor site will be utilized for any installation of a 700/800 MHz BDA/DAS system that will be using the TRWC public safety network.
2. The TRWC Administration Manager will approve any enhancements for Simplex VHF Hazard Zone Fire network.

New subsection added as follows:

**901.2.2 Plan certification for all other fire protection systems.** Plan certification for all other fire protection systems shall be accompanied by a certification of competence when required.

New subsection added as follows:

**901.2.3 Minimum Design Requirements.** Where an automatic sprinkler system is required in a building of undetermined use, the system design criteria shall meet the maximum use of

the occupancy. Use is considered undetermined or speculative if the quantity and combustibility of contents, expected rates of heat release, total potential for energy release, height of stock piles and the presence of flammable and combustible liquids are not available at the time of plan submission.

New subsection added as follows:

**901.2.4 Water supply hydraulic calculations.** Data for hydraulic calculations shall be based on 90 percent of the available water supply as determined by flow test information taken within the previous 120 days.

**Section 901.4.6 Pump and Riser Room Size.** Amended to read as follows:

At the time of construction, a dedicated interior fire pump and automatic sprinkler system riser room shall be provided with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working space around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances, shall be sufficient to allow inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly. Fire pump and automatic sprinkler riser rooms shall have a minimum dimension of 5 feet (1524mm) by 5 feet (1524mm). Access shall be provided through direct exterior access side hinged door(s) with a minimum 32 inch (813mm) clear width and a minimum height of 80 inches (2031mm).

**Exception:**

1. One and two family dwellings, townhouses, and Groups R-2, R-3 and R-4 with 13D and 13R as approved by the fire code official.
2. Accessory buildings and structures to one and two family dwellings, R-3 and R-4 occupancies located on the same property and as approved by the fire code official.

**901.4.6.2 Marking on access doors.** Amended to read as follows:

Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled with an approved sign. The sign shall be in accordance with Town of Gilbert diagrams and details.

New subsection added as follows:

**901.6.4 Certification.** The building owner shall be responsible for assuring that each fire protection system is maintained in an operable condition at all times. Companies and service personnel providing or conducting inspections, testing, repair, maintenance or installation of fire protection systems and equipment shall possess an appropriate and valid license and/or certificate issued by the Arizona Registrar of Contractors for the type of system and work performed and approved by the fire code official.

**Exception:**

Detached one and two family dwellings and townhouses.

**Sections 903.2 through 903.2.11.3** Deleted in their entirety and replaced with the following:

**903.2 Where required.**

An approved automatic sprinkler system shall be installed throughout all levels of all buildings or structures in excess of zero (0) square feet.

**Exceptions:**

1. Detached one family dwellings, Group R-3 and their associated detached accessory structures not including Group R-4.

2. Detached telecommunication buildings not exceeding 600 square feet in floor area and not intended for occupancy other than maintenance purposes.
3. Detached accessory use structures such as gazebos, ramadas, guardhouses, restroom buildings at golf courses, parks and similar uses.
4. Detached canopies of type I or II construction not exceeding 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
5. Fire rated fabric shade canopies of type I or II framing construction not in excess of 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
6. Portable storage containers of type I or II construction not in excess of 360 square feet located a minimum of 10 feet from buildings structures, property lines and other containers, with no hazardous materials storage.
7. Factory built buildings less than 1,500 square feet used as temporary offices for real estate leasing or construction management and not to exceed 12 months from installation date.
8. Detached U occupancies of less than 3,000 square feet and located a minimum of 10 feet from buildings, structures and property lines.
9. Covered walkways of type I or II construction with no combustible storage underneath and approved by the fire code official.

**903.2.1 Additions to Existing Buildings and Structure.**

All additions to existing buildings or structures and all buildings or structures that are expanded by an addition(s) shall be provided with an approved automatic fire sprinkler system throughout all levels complying with section 903.2.

**Exception:**

The maximum aggregate fire area of an addition(s) is less than 1,000 square feet or 10% of the floor area of the existing building or structure, whichever is less.

**903.2.2 Change of Occupancy within hazard level 1.**

An automatic fire sprinkler system shall be installed when a building, regardless of the building area, under goes a change of occupancy.

**903.3.1.3 NFPA 13D sprinkler systems.** Amended to read as follows:

**903.3.1.3 NFPA 13D or 13R sprinkler systems.**

Automatic sprinkler systems installed in one and two-family dwellings and Group R-3 and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or 13R.

New subsection added as follows:

**903.3.1.4 NFPA 13D or 13R Modified sprinkler system.** An automatic sprinklers system installed in Group R-4 shall be permitted to be installed throughout in accordance with NFPA 13D or 13R modified sprinkler system.

New subsection added as follows:

**903.4.4 Sprinkler System Supervision, Alarms and Monitoring R-4.** All valves controlling the water supply for automatic sprinkler systems and water flow switches on sprinkler systems installed in R-4 occupancies shall be electronically supervised by a listed fire alarm control unit. Alarm, supervisory and trouble signals shall be automatically transmitted to an approved supervising station. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system.

New subsection added as follows:

**907.1.3.1 Fire Alarm Control Panel Location.** The fire alarm control panel shall be installed in the automatic sprinkler system riser room or a system controlling fire alarm annunciation panel shall be installed in the automatic sprinkler system riser room. When an annunciation panel is present in the automatic sprinkler system riser room, a map indicating the location of the main fire alarm control panel shall be present.

New subsection added as follows:

**907.2.10.8 Group R-3 Child care – Special Systems.** A child care facility that provides care for 6 to 10 children of any age for less than 24 hours when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group R-3. At least one smoke detector shall be located within this child care area and provided with third party monitoring.

**3105 TEMPORARY SPECIAL EVENT STRUCTURES.** Deleted in its entirety.

**3903.2 Prohibited occupancies.** Amended to read as follows:

Extraction processes utilizing flammable gases or flammable cryogenic fluids shall not be located in any building containing a Group A, E, I or R occupancy including accessory structures to R occupancies.

New subsection added as follows:

**5003.1.1.1 Residential use and storage.**

The maximum allowable quantities shall not exceed one half of the allowable quantities of all tables listed in 5003.1.1 or 15 gallons of liquid or 150 pounds of solids, whichever is less.

New subsection added as follows:

**5003.4.1 Electronic filing.** The fire code official is hereby authorized to establish procedures for the electronic submittal of hazardous materials information. The format shall be determined by the Fire Code Official.

**5601.1 Scope.** Amended as follows:

**Exceptions:**

1 through 8 unchanged

9. Amended to read – Items preempted by federal or state laws or regulations.

10. Added to read – The possession, manufacture, storage, handling, sale and use of fireworks in accordance with other Town ordinances.

**5601.1.3 Fireworks.** Exception 4 is deleted in its entirety and amended as follows:

**Exceptions:**

1 through 3 unchanged

4. The possession, storage, sale, handling and use of specific types of division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR parts 1500 and 1507, DOTN 49 CFR parts 100-185, and Arizona Revised Statutes (A.R.S.) section 36-1601, et seq., as applicable for consumer fireworks. The use and sale of permissible consumer fireworks as defined under A.R.S. section 36-1601, et seq.

**Figure D103.1 96-Foot Diameter Cul-De-Sac.** Amended as follows:

The minimum turning radius shall be 35 feet inside and 55 feet outside face of curb.

**D104.2 Buildings exceeding 62,000 square feet in area.** Exception deleted.

**D106.1 Projects having more than 100 dwelling units.** Exception deleted.

New subsection added as follows:

**L104.1.2 When Required.**

Buildings and structures five (5) floors or more above grade or underground buildings and structures, or components thereof, totaling ten thousand (10,000) square feet (3048 m<sup>2</sup>) or more that are either more than two (2) floors below grade or more than thirty (30) feet (9144m) below grade.

**L104.13.1 Location.** Amended as follows:

Fill stations for refilling breathing air cylinders shall be located as follows:

1. Fill stations shall be provided at the fifth floor above and the second floor below the ground level floor and every other level thereafter.
2. On floor levels requiring fill stations, one fill station shall be provided adjacent to a required exit stair at a location designated by the Fire code Official. In buildings required to have multiple exits, additional fill stations shall be provided at every stairway.

New section added as follows:

**L108.1 Markings and Record Keeping.** The fire department air connection panel and the remote air fill panels shall be clearly identified by means of permanently installed signage which says: "FIREFIGHTER AIR SYSTEM" in minimum 1-1/2 inch high letters with a ¼ inch brush stroke and shall be located where plainly visible. The building or structure owner shall keep the three (3) feet in and around the fire department air connection panel and remote air fill panels free of objects that may block use of these panels and shall maintain and test the FAR system in accordance with NFPA standards and manufacturer specifications. Records of all maintenance and testing shall be kept on-site for a minimum of three (3) years and be available to fire department personnel upon request.

**Section 10-38                    ENFORCED REMOVAL OR ABATEMENT OF PROHIBITED CONDITIONS CODE**

- 10-38-1            Failure to Act
- 10-38-2            Payment of Costs
- 10-38-3            Addition to Other Powers

10-38-1            Failure to Act

If any person fails to take action to remove or abate a prohibited condition under this article, after receiving notice and demand for removal or abatement thereof, the Town, through the Town Manager, Code Compliance Inspector or Town Attorney, is hereby empowered to take whatever steps are

necessary to remove or abate such prohibited condition including, but not limited to, entry onto the premises, prohibiting entry onto the premises, issuing a stop order, filing an action at law or in equity for relief in the Superior Court of Maricopa County, or obtaining an order from the Magistrate Court of the Town pending prosecution.

10-38-2      Payment of Costs

The person who commits, continues, permits or allows such prohibited condition shall bear all costs and fees of removal or abatement including, but not limited to, towing charges, equipment rental, use or purchase, Town employee time, and Attorney’s fees as actually incurred by Town for such removal or enforcement. If such costs are not paid to the Town within thirty (30) days of assessment, the costs may be collected against the person as in civil proceedings.

10-38-3      Addition to Other Powers

The enforcement powers for removal or abatement set forth in this section shall be in addition to any other powers or remedies provided for by law, and in addition to any criminal penalties provided for by this code.

**Section 10-39            ARIZONANS WITH DISABILITIES ACT**

- 10-39-1      Adoption of Arizonans with Disabilities Act
- 10-39-2      Amendments to Arizonans with Disabilities Act

10-39-1      Adoption of Arizonans with Disabilities Act

That certain document, copies of which are on file in the Office of the Town Clerk being marked and designated as the “Arizonans with Disabilities Act” (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the “Arizonans with Disabilities Act Implementing Rules” (Arizona Administrative Code, Title 10, Chapter 3, Article 4), which incorporate the federal “2010 ADA Standards for Accessible Design,” as amended by this article, is hereby referred to, adopted and made a part hereof as though fully set forth in this section, as the Arizonans with Disabilities Act of the Town, 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.

10-39-2      Amendments to Arizonans with Disabilities Act

- A. The Arizonans with Disabilities Act § 41-1492.07 “Exemptions for private clubs and religious organizations.” Reserved.

**Section 10-40            GREEN CONSTRUCTION CODE**

- 10-40-1 Adoption of Green Construction Code as a voluntary code
- 10-40-2 Amendments to Green Construction Code

10-40-1 Adoption of Green Construction Code as a -voluntary code

The “International Green Construction Code 2018 Edition” published by the International Code Council, Inc., as amended by subsection 10-40-2 (“Green Construction Code”), is hereby adopted by reference as if set out at length in the Code of the Town of Gilbert, copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection. The Green Construction Code shall serve as a voluntary code to encourage regulation of the impact of buildings and structures on the environment.

10-40-2 Amendments to Green Construction Code, 2018 Edition

**101.1 Title.** Insert the words “Town of Gilbert” as the name of the jurisdiction.

**10-50-1 VIOLATIONS OF SECTIONS 10-31, 10-32, 10-33, 10-34, 10-35, 10-36 OR 10-39; ENFORCEMENT; PENALTIES.**

(a) *Notice.* Before issuing a citation for a violation of Sections 10-31, 10-32, 10-33, 10-34, 10-35, 10-36 or 10-39, the Code Compliance Supervisor or designee shall provide a written notice of the violation to the builder, contractor, property owner, person in control, or authorized agent of the property. The notice shall set forth:

- 1 The violation;
- 2 What is required to bring the property into compliance; and
- 3 The time period allowed to bring the property into compliance.

(b) *Time period.* The time period provided to correct violations of Sections 10-31, 10-32, 10-33, 10-34, 10-35, 10-36 or 10-39, shall be a minimum of ten (10) days unless the violation has created an immediate safety concern as determined by the Building or Fire Code Official. In such cases the provisions of the building and/or fire code shall take precedence.

(c) *Failure to receive notice.* Failure of the builder, contractor, property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

(d) *Citation.* If a violation of Sections 10-31, 10-32, 10-33, 10-34, 10-35, 10-36 or 10-39, continues past the time set forth in the notice of violation, a citation shall be issued to the builder, contractor, property owner, person in control, or authorized agent of the property owner.

1. Citations may be issued by the Code Compliance Supervisor, a Code Compliance Inspector, a Building Inspector, the Fire Marshal, a Town of Gilbert Police Officer, or their designees.

2. Each day a violation continues, or the failure to perform any act or duty required by this article shall constitute a separate offense.

(e) *Penalties.*

- 1 Penalties for violations of Sections 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-39 or 10-40 shall be as imposed as follows:
  - a. A maximum of \$250 for the first violation.
  - b. A maximum of \$500 for the second violation.
  - c. A maximum of \$1000 for the third and any subsequent violation.
- 2 After the third violation, the person may be subject to a penalty of up to six months in jail. Upon conviction thereof shall be punishable by imprisonment for a period not to exceed six months.

(f) *Town Attorney.* The Town Attorney may commence an action in Superior Court to abate a violation of this article.

**10-50-2**

**VIOLATIONS OF SECTION 10-37; ENFORCEMENT; PENALTIES**

(a) Violations of Section 10-37 shall be subject to the enforcement actions and penalties set forth in Sections 110 and 112 of the Fire Code, including the penalties set forth in 110.4 and 112.4:

110.4 *Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a class one misdemeanor, punishable by a fine of not more than \$2,500 or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.4.1 *Abatement of violation.* In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

110.4.2 *Abatement cost recovery.* The cost of abatement shall be assessed against the property owner pursuant to the provisions of Chapter 42 of the Gilbert Town Code.

112.4 *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$1,000 or more than \$2,500.

- (b) “Persons” for the purpose of this section shall include a builder, contractor, property owner, person in control, or authorized agent of the property owner
- (c) Failure of a person to receive a notice shall not preclude the assessment of penalties.