

ORDINANCE NO. 1475

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 7: BUILDINGS, BY REPEALING AND REPLACING IN ITS ENTIRETY ALL ARTICLES UNDER CHAPTER 7 AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2019 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOL. I, CHAPTER 7: BUILDINGS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-276(14) allows cities and their governing bodies to prescribe the thickness, strength and manner of constructing stone, brick and other buildings; and

WHEREAS, A.R.S. § 9-276(15) allows cities and their governing bodies by ordinance, to prescribe special fire limits, within general fire limits, requiring therein building material to be used and additional precautions to be observed in the construction of new buildings, and in the repairing and maintenance of buildings, as may from time to time be designated for the prevention of fires and the spread thereof; and

WHEREAS, A.R.S. § 9-240(7) allows cities and towns to regulate the construction of chimneys, furnaces and fireplaces; and

WHEREAS, A.R.S. § 9-276(16) allows cities and their governing bodies to define nuisances and to abate them; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies or one paper copy and one electronic copy of the code or public record are filed in the office of the city clerk of the municipality and are made available for public use and inspection; and

WHEREAS, Chapter 7 Buildings, of the Apache Junction City Code, was amended in October 2000 by Ordinance No. 1101, wherein the mayor and city council adopted more current versions of certain health, safety and welfare uniform codes; and

WHEREAS, Chapter 7 Buildings, of the Apache Junction City Code, Vol. I, was amended in September 2006 by Ordinance No. 1273, wherein the mayor and city council adopted more current versions of certain health, safety and welfare uniform and international codes; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include a compilation of rules or regulations prepared by a technical trade association, and includes, but is not limited to: any building, plumbing, electrical wiring, health or sanitation, fire prevention, flammable liquids code, or any other code which embraces rules and regulations pertinent to a subject which is a proper subject of municipal legislation; and

WHEREAS, since the 2006 amendment, many of the codes listed above have been rewritten by their respective technical trade associations to more currently reflect modern technological advances and societal tolerances; and

WHEREAS, portions of current standard uniform and international codes are not applicable or appropriate for the community of Apache Junction and need to be specifically tailored to meet the actual need; and

WHEREAS, City staff has determined that for administrative efficiency, it is more appropriate to update the uniform and international codes by repealing Chapter 7, Buildings, in its entirety, and replacing it with an updated version to include all applicable articles; and

WHEREAS, City staff presented these amendments to the city council at multiple council meetings (March 19, 2019, April 15, 2019, May 6, 2019, May 20, 2019 and June 3, 2019).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

1. That the existing Apache Junction City Code, Vol. I, Chapter 7, Buildings, is hereby repealed in its entirety and is replaced with new provisions.

2. That certain document known as "2019 Amendments to Apache Junction City Code, Chapter 7, Buildings", at least three paper copies or one paper copy and one electronic copy of which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 19-14 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II

REPEALING ANY CONFLICTING PROVISIONS

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III

PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the codes or regulations adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

SECTION IV

PROVIDING FOR PENALTIES

Any violation of any provision of this ordinance, or any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Vol. I, Chapter 1: GENERAL, Article 1-1: General, Section 1-1-11.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2019.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

R. JOEL STERN
City Attorney