

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, RELATING TO PUBLIC HEALTH AND SAFETY, REPEALING TITLE 4, BUILDING REGULATION, CHAPTER 8, MESA EXISTING BUILDING CODE, SECTION 1 INTERNATIONAL EXISTING BUILDING CODE ADOPTED AND SECTION 2 PENALTY CLAUSE OF THE MESA CITY CODE; ADOPTING THE 2018 INTERNATIONAL EXISTING BUILDING CODE BY REFERENCE; ADOPTING AMENDMENTS TO CERTAIN PROVISIONS IN THE 2018 INTERNATIONAL EXISTING BUILDING CODE; ADDING A NEW TITLE 4, CHAPTER 8, SECTION 1 MESA EXISTING BUILDING CODE AND 2 PENALTY CLAUSE; AND AN EFFECTIVE DATE OF FEBRUARY 10, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA as follows:

Section One. **REPEAL.**

That Title 4 Chapter 8, Section 1, Section 2, Section 3 and Section 4 as amended, of the Mesa City Code is repealed.

Section Two. **ADOPTION BY REFERENCE.**

SECTION 4-8-1. That Title 4, Chapter 8, Section 1 of the Mesa City Code shall now read as follows:

The following publications are hereby adopted by reference as if set out at length in this Code, three copies of which shall be filed in the office of the City Clerk and kept available for public use and inspection:

The 2018 International Existing Building Code:

Section Three: **AMENDMENTS TO THE 2018 INTERNATIONAL EXISTING BUILDING CODE.**

That Title 4, Chapter 8, Section 2 of the Mesa City Code shall now read as follows:

Note: Underlined indicates proposed addition and ~~Strikethrough~~ indicates deletions to the text.

(A) COMPLIANCE OPTIONS

The owner or agent shall select one (1) option and the entire project shall comply with the requirements of the selected option. In addition, the owner shall comply with Title 4, Chapter 1, Mesa Administrative Code and Title 7, Chapter 2, Mesa Fire Code.

SECTION 4-8-2: OPTION A - INTERNATIONAL BUILDING CODE

Option A requires compliance with Title 4, Chapter 2, Mesa Building Code.

SECTION 4-8-3: OPTION B – INTERNATIONAL EXISTING BUILDING CODE

Option B requires compliance with that certain document known as the International Existing Building Code, which has been published as a Code in book form by the International Code Council and entitled International Existing Building Code, 2018 Edition, is hereby referred to, adopted, and made a part hereof as if fully set forth in this Section, with the following changes in and amendments to said Code.

(A) CHAPTER 1 SCOPE AND ADMINISTRATION

(1) Section 101.1 of the 2018 International Existing Building Code is amended to read, in its entirety, as follows:

101.1 Title. These regulations shall be known as the ~~Existing Building Code of [NAME OF JURISDICTION]~~ Mesa Existing Building Code, hereinafter referred to as “this code.” For administration of this Section, refer to Title 4, Chapter 1, Mesa Administrative Code.

(2) Section 101.2 Scope is deleted in its entirety.

(3) Sections 101.4 through 101.7 are deleted in their entirety.

(4) A new section 101.8, Existing Occupancy, has been added.

101.8 Existing Occupancy. The legal occupancy of any building or structure existing on the date of the adoption of this Chapter shall be permitted to continue without change, provided such continued use is not dangerous to life, health, and safety as determined by the Building Safety Director.

(5) A new section 101.9, Maintenance, has been added.

101.9 Maintenance. Buildings, structures, and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards, which are required by the technical codes, shall be maintained in conformance with the technical code under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of building structures and their building service equipment. To determine compliance with this Section, the Building Safety Director may cause a structure to be re-inspected.

(6) Sections 102.1 through 117.4 have been deleted in their entirety.

(B) **CHAPTER 2 DEFINITIONS** is amended to read as follows:

(1) **Section 202 General Definitions** is amended to read as follows:

Existing Building. A building erected prior to the date of adoption of the appropriate code, or one for which a ~~legal building permit~~ Certificate of Occupancy has been issued for at least one year.

(C) **CHAPTER 8 ALTERATIONS – LEVEL 2** is amended to read as follows:

(1) **Section 803 Fire Protection** is amended to read as follows:

803.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2. In buildings with occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the ~~International~~ Mesa Building Code as applicable to new construction.
2. The work area exceeds 50 percent of the floor area.

~~**Exception:** If the building does not have sufficient municipal water supply for the design of a fire sprinkler system available to the floor without installation of a new fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the International Building Code.~~

803.2.3 Windowless stories. Work located in a windowless story, as determined in accordance with the ~~International~~ Mesa Building Code, shall be sprinklered where the work area is required to be sprinklered under the provisions of the ~~International~~ Mesa Building Code for newly constructed buildings ~~and the building has a sufficient municipal water supply without installation of a new fire pump.~~

(D) **CHAPTER 10 CHANGE OF OCCUPANCY** is amended by adding Table 1001.1:

THE FOLLOWING OCCUPANCY COMPARISON TABLE IS ADDED AS GUIDANCE FOR DETERMINING THE APPROPRIATE CHANGE OF OCCUPANCY OR USE CLASSIFICATION FOR AN EXISTING BUILDING THAT HAS A LEGAL CERTIFICATE OF OCCUPANCY BASED ON CITY ADOPTED CODES.

**1. TABLE 1001.1 OCCUPANCY COMPARISON
(BUILDING CODE YEAR AND OCCUPANCIES)**

2006	2003	1994	1988	1985	1982	1979
A1	A1	A1, A2, A2.1	A1, A2	A1, A2	A1, A2	A1, A2
A2	A2	A2.1, A3	A1, A2, A2.1, A3, B2 (FOOD/DRINK OCCUPANCY UNDER 50)	A1, A2, A2.1, A3, B2 (FOOD/DRINK OCCUPANCY UNDER 50)	A1, A2, A2.1, A3, B2 (FOOD/DRINK OCCUPANCY UNDER 50)	A1, A2, A2.1, A3, B2 (FOOD/DRINK OCCUPANCY UNDER 50)
A3	A3	A2.1, A3	A2.1, A3	A2.1, A3	A2.1, A3	A2.1, A3
A4	A4	A2.1, A3	A4	A4	A4	A4
	A5	A4	A4	A4	A4	A4
B	B	B (FOOD/ DRINK OCCUPANCY UNDER 50)	B2 (OFFICES, POLICE/FIRE) B (FOOD/DRINK OCCUPANCY UNDER 50)	B2 (OFFICES, POLICE/FIRE) B (FOOD/DRINK OCCUPANCY UNDER 50)	B2 (OFFICES, POLICE/FIRE) B (FOOD/DRINK OCCUPANCY UNDER 50)	B2 (OFFICES, POLICE/FIRE) B (FOOD/DRINK OCCUPANCY UNDER 50)
E	E	E1, E2, E3	E1, E2, E3	E1, E2, E3	E1, E2, E3	E1, E2, E3
F1	F1	F1	B4 (POWER PLANTS), B2 (PRINTING PLANTS)	B4 (POWER PLANTS), B2 (PRINTING PLANTS)	B4 (POWER PLANTS), B2 (PRINTING PLANTS)	B4 (POWER PLANTS), B2 (PRINTING PLANTS)
F2	F2	F2	B4 (ICE PLANTS/ FACTORIES), B2 FACTORIES/ WORK SHOPS	B4 (ICE PLANTS/ FACTORIES), B2 FACTORIES/ WORK SHOPS	B4 (ICE PLANTS/ FACTORIES), B2 FACTORIES/ WORK SHOPS	B4 (ICE PLANTS/ FACTORIES), B2 FACTORIES/ WORK SHOPS
H1	H1	H1	H1	H1	H1	H1
H2	H2	H2	H2, B2 (WOOD- WORKING)	H2, H3, B2 (WOOD- WORKING)	H2, H3, B2 (WOOD- WORKING)	H2, H3, B2 (WOOD- WORKING)
H3	H3	H3	H3	NONE	NONE	NONE
H4	H4	H7	H7	NONE	NONE	NONE
H5	H5	H6	H6	H6	NONE	NONE
I-1	I-1	R1/R3 GREATER THAN 16	NONE	NONE	NONE	NONE
I-2	I-2	I-1.2, I-2, I-3	I-1, I-2, I-3	I-1, I-2, I-3	I-1, I-2, I-3	I-1, I-2, I-3

I-3	I-3	I-3	I-3 (JAIL)	I-3 (JAIL)	I-3 (JAIL)	I-3 (JAIL)
I-4	I-4 DAY CARE FACIL- ITIES	E3 & R3	E3 & R3	E3 & R3	E3 & R3	E3 & R3
I-4	ADULT CARE FACILITY	R3 & R4	R3 & R4	R3 & R4	R3 & R4	R3 & R4
I-4	CHILD CARE FACILITY	R3 & E3	R3 & E3	R3 & E3	R3 & E3	R3 & E3
M	M	M	B2 RETAIL STORES, PAINT STORES	B2 RETAIL STORES, PAINT STORES	B2 RETAIL STORES, PAINT STORES	B2 RETAIL STORES, PAINT STORES
R1	R1	R1 (HOTEL) & R3 (LODGING) TRANSIENT	R1 (HOTEL/MOTEL) R3 LODGING BOARDING HOUSE TRANSIENT	R1 (HOTEL/MOTEL) R3 LODGING BOARDING HOUSE TRANSIENT	R1 (HOTEL/MOTEL) R3 LODGING BOARDING HOUSE TRANSIENT	R1 (HOTEL/MOTEL) R3 LODGING BOARDING HOUSE TRANSIENT
R2	R2		R1 (CONVENT/ MONESTERIES)	R1 (CONVENT/ MONESTERIES)	R1 (CONVENT/ MONESTERIES)	R1 (CONVENT/ MONESTERIES)
R3	R3	R3	R3	R3	R3	R3
I-2	I-2	R4 NON- AMBULATORY	R4 NON- AMBULATORY	R4 NON- AMBULATORY	R4 NON- AMBULATORY	R4 NON- AMBULATORY
R4	R4	R4 AMBULATORY	R4 AMBULATORY	R4 AMBULATORY	R4 AMBULATORY	R4 AMBULATORY
S1	S1 MODERATE HAZARD STORAGE	H4 & H5 H5 (AIRCRAFT REPAIR HANGARS) S1, S3 AIRCRAFT HANGAR PARKING S5	B1 (SERVICE STATIONS), B3 & H5 (AIRCRAFT HANGARS) H4 (REPAIR GARAGES) B2 STORAGE	B1 (SERVICE STATIONS), B3 & H5 (AIRCRAFT HANGARS) H4 (REPAIR GARAGES) B2 STORAGE	B1 (SERVICE STATIONS), B3 & H5 (AIRCRAFT HANGARS) H4 (REPAIR GARAGES) B2 STORAGE	B1 (SERVICE STATIONS), B3 & H5 (AIRCRAFT HANGARS) H4 (REPAIR GARAGES) B2 STORAGE
S2	S2 LOW- HAZARD STORAGE	S2, S4 (PARKING GARAGES) & S5	B3 (PARKING GARAGES)	B3 (PARKING GARAGES)	B3 (PARKING GARAGES)	B3 (PARKING GARAGES)
			B4 (COLD	B4 (COLD STORAGE/	B4 (COLD STORAGE/	B4 (COLD STORAGE/

			STORAGE/ STORAGE NON- COMBUSTIBLE)	STORAGE NON- COMBUSTIBLE)	STORAGE NON- COMBUSTIBLE)	STORAGE NON- COMBUSTIBLE)
U	U	U1, U2	M1, M2	M1, M2	M1, M2	M1, M2
*IRC/ R5	*IRC/R5	R3	R3 (DWELLINGS)	R3 (DWELLINGS)	R3 (DWELLINGS)	R3 (DWELLINGS)

2. * THE OCCUPANCY CLASSIFICATION OF ONE AND TWO FAMILY DWELLINGS AND TOWNHOMES WILL BE DESIGNATED AS R5.

(E) **CHAPTER 11 ADDITIONS** is amended to read as follows:

- (1) **Section 1101 General** is amended to read as follows:

1101.1 Scope. An addition to a building or structure shall comply with the ~~International~~ Mesa Building, Mesa Plumbing, Mesa Electrical, Mesa Fire and Mesa Mechanical Codes and all other codes and standards as adopted for new construction without requiring the existing building or structure to comply with any requirements of those codes or of these provisions, except as required by this chapter. Where an addition impacts the existing building or structure, that portion shall comply with this code.

- (2) **Section 1103 Structural** is amended by adding a new sub-paragraph 6 to read as follows:

6. Buildings, structures, appliances, equipment and system installations located in flood hazard areas shall comply with all Maricopa County Planning and Development Department regulations. No reference to flood hazard requirements in this chapter or the technical codes shall be constructed as allowing installations in violation of Maricopa County Planning and Development regulations. Where conflicts exist between the requirements of this chapter and the Maricopa County Planning and Development Department regulations, the Maricopa County regulations shall govern.

(F) **CHAPTER 16 REFERENCE STANDARDS** is amended by modifying the NFPA Standards to read as follows:

Referenced Standards is amended to read as follows:

NFPA Standards

~~13R-46-19~~ Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

~~72-46~~ 19 National Fire Alarm Code

4-8-4: PENALTY CLAUSE

Any person, firm, or corporation who shall violate any of the provisions of this Chapter of the Mesa City Code as amended shall be subject to all penalties and provisions of section 4-1-9.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7th day of January, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk