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TEMPE BUILDING SAFETY ADMINISTRATIVE CODE
ARTICLE I, SECTION 8-100 OF THE
TEMPE CITY CODE

SECTION 101
GENERAL

General

101.1 Title. These provisions shall be known as the "Tempe BUILDING SAFETY Administrative Code," may be cited as such, and will be referred to herein, as "this Chapter."

101.2 Scope. The provisions of this Chapter shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, movement, enlargement, replacement, demolition, repair, maintenance, use and occupancy of buildings, structures and building service equipment or appurtenances attached thereto within the City of Tempe, Arizona.

Exceptions: The provisions of this Chapter and the technical codes shall not apply to any of the following:

1. Radio and television antennae towers or light standards not exceeding 35 feet in height.
2. Amusement devices and structures, including merry-go-rounds, ferris wheels, rotating conveyances, slides, similar devices and accessory structures whose use is necessary for the operation of such amusement devices and structures; any accessory structure included in the provisions of this sub-section shall be limited to a cover or roof over each device, but shall not include any storage building or detached structure which is not an integral part of the device.
3. Tanks or basins, without a building above, built below grade which is a part of the city water or sewage treatment process. Storage tanks resting in or upon the ground and installed in accordance with the requirements of the Fire Department.
4. Works of art not over 6 feet (1829 mm) in height and their foundation and supporting structure, provided that no part of which is intended to be occupied or used as shelter.
5. Electrical installations in watercraft other than floating buildings, railway rolling stock, aircraft or vehicles other than mobile homes and recreational vehicles. This shall not exempt electrical installations contained in, on or attached to watercraft, railway rolling stock, aircraft or vehicles when such electrical installations receive energy from an external source of power. Electrical installations underground in mines.
6. Electrical installations of transportation systems for generation, transformation, or distribution of power used exclusively for the operation of rolling stock, or installations used exclusively for signaling and communication purposes.
7. Electrical installations of communication equipment under exclusive control of communication utilities.
8. Electrical installations under the exclusive control of electrical utilities for the purpose of the communication, or metering; or for the generation, control, transformation, transmission and distribution of electrical energy.
9. Piping systems of natural gas with an operating pressure greater than 125 pounds per square inch gauge (psig) (862kPa gauge) and for LP-gas with an operating pressure of greater than 20 psig (140 kPa gauge).

10. Portable LP-gas equipment of all types not connected to a fixed fuel piping system.
11. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.
12. Raw material (feedstock) applications except for piping to special atmosphere generators.
13. Oxygen-fuel gas cutting and welding systems.
14. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
15. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
16. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
17. LP-gas installations at utility gas plants.
18. Liquefied natural gas (LNG) installations.
19. Fuel gas piping in power and atomic energy plants.
20. Proprietary items of equipment, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
21. LP-gas equipment for vaporization, gas mixing and gas manufacturing.
22. Temporary LP-gas piping for buildings under construction or renovation not becoming part of the permanent piping system.
23. Installation of hydrogen gas, LP-gas and compressed natural gas (CGN) systems on vehicles.
24. Except as provided in Section 401.1.1 International Fuel Gas Code (IFGC), gas-piping, meters, gas pressure regulators and other appurtenances used by the serving gas utility supplier in the distribution of gas, other than LP-gas.
25. Piping systems for mixtures of gas and air within the flammability range with an operating pressure greater than 10 psig (69kPa gauge).
26. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
27. WORK LOCATED PRIMARILY IN A PUBLIC WAY.

101.3 Intent. The purpose of the technical codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Technical Codes. The technical codes shall include all of the following codes applied as indicated, plus the codes and standards referenced in the technical codes shall be considered part of the requirements of the technical codes to the prescribed extent of each such reference.

101.4.1 Building Code. The provisions of the International Building Code and amendments thereto shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.
b. Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.4.2 Residential Code. The provisions of the International Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures.

Exceptions: Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

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

Exception: Electrical work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

101.4.4 Plumbing Code. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair, replacement and maintenance of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Exceptions:

a. Plumbing work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.
b. Plumbing systems in existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.4.5 Mechanical Code. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Exceptions:

a. Mechanical work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.
b. Mechanical systems in existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

101.4.6 Fuel Gas Code. The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Exceptions:

a. Fuel gas work for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with

separate means of egress and their accessory structures shall comply with the International Residential Code.

b. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories ion existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

c. The design, installation, maintenance, alteration and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the International Mechanical Code.

101.4.7 Existing Building Code. The provisions of the International Existing Building Code shall be permitted to apply to existing buildings undergoing repair, alteration, addition, relocation, and change of occupancy.

Exception: A building or portion of a building not previously occupied, used for its intended purpose, or for which a Certificate of Occupancy has not been issued shall comply with the International Building Code.

101.5 Appendices. Provisions in the appendices of the technical codes shall not apply unless specifically adopted.

101.6 Definitions. Unless otherwise expressly stated, the following words and terms shall have the meanings as shown in this Chapter. Definitions located in the technical codes are hereby incorporated into this Chapter.

Building – any structure used or intended for supporting or sheltering any use or occupancy.

Building, Existing – a building erected prior to the adoption of this Chapter or one for which a legal certificate of occupancy has been issued for at least one year.

Building Official - the officer or other designated authority charged with the administration and enforcement of this Chapter and the technical codes, or a regularly authorized deputy or other designee. When the term or title administrative authority, building official, building inspector, code official, gas inspector, plumbing inspector, mechanical inspector or other similar designation is used in this Chapter or in any of the technical codes, it shall be construed to mean the building official.

Building Service Equipment – the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

Jurisdiction – the City of Tempe, Arizona.

Owner – the person, agent, firm or corporation with legal or equitable interest in a property.

Permit – the official document issued by the building official authorizing performance of a specified, legal activity.

Shall – as used in this Chapter and the technical codes is mandatory.

SECTION 102
APPLICABILITY

102.1 General. This Chapter and the technical codes shall apply to, and shall govern, permit applications received on or after the effective date of the ordinance, except the project owner, at their discretion and prior to **April 3, 2006**, may request such project be designed and constructed under the requirements of the administrative code and building codes of the City of Tempe in effect on **December 31, 2005**.

102.2 Conflicting provisions. When conflicting provisions or requirements occur between this Chapter, the

technical codes and other codes or laws, the most restrictive provisions shall govern. When conflicts occur between the technical codes, those provisions providing the greater safety to life as determined by the building official and the fire marshal shall govern.

In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.3 Other laws. The provisions of this Chapter and the technical codes shall not be deemed to nullify any provisions of the Tempe City Code, state or federal laws.

102.4 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Chapter or the technical codes.

102.5 Referenced codes and standards. The codes and standards referenced in this Chapter or the technical codes shall be considered part of the requirements of this Chapter and the technical codes to the prescribed extent of each reference. Where differences occur between provisions of this Chapter or the technical codes and the referenced codes and standards, the provisions of this Chapter and the technical codes shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing equipment or appliance, the condition of the listing and manufacturer's instructions shall apply.

102.6 International codes references. Within the technical codes and the referenced codes and standards therein, specific references to the following International Codes shall be deemed and interpreted to mean the specific City of Tempe codes as listed herein:

1. International Building Code
2. International Residential Code for One- and Two-Family Dwellings
3. National Electrical Code
4. International Plumbing Code
5. International Mechanical Code
6. International Fuel Gas Code
7. International Existing Building Code
8. INTERNATIONAL ENERGY CONSERVATION CODE

102.7 Partial invalidity. In the event any part or provision of this Chapter or the technical codes is held to be invalid, illegal, unconstitutional or void, such ruling shall not affect the validity of the remaining portions of this Chapter or the technical codes.

102.8 Additions, alterations and repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of this Chapter and the technical codes, provided the addition, alteration or repair conforms to the requirements for a new building or building service equipment. Refer to Section 101.4.7, for additional options governing additions, alterations and repairs.

102.9 Existing buildings or structures. 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 official.

102.10 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, 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 official may cause a structure to be re-inspected.

102.11 Moved buildings. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment.

102.12 Historic buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the Building Code Advisory Board of Appeals, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance, and
2. Unsafe conditions as described in this Chapter are corrected, and
3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire-safety and sanitation than the existing building as determined by the building official.

Exception: Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment shall be permitted to comply with the provisions of the International Existing Building Code.

SECTION 103
DUTIES AND POWERS OF
BUILDING OFFICIAL

103.1 General. There is hereby established a code enforcement agency of the Development Services Department of the City of Tempe known as the Building Safety Division under the administrative and operational charge of the building official.

103.2 Duties and powers. The building official is hereby authorized and directed to enforce the provisions of this Chapter and technical codes. The building official shall have the authority to render interpretations of this Chapter and the technical codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Chapter and the technical codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter or the technical codes.

103.3 Deputies. In accordance with any applicable City procedures, and with the concurrence of the Development Services Manager, the building official shall have the authority to appoint technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

103.4 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and building service equipment, inspect the premises where such permits have been issued and enforce compliance with the provisions of this Chapter and the technical codes.

103.5 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this Chapter and the technical codes.

103.6 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

103.7 Identification. The building official and authorized deputies shall carry proper identification when inspecting structures or premises or otherwise in the performance of duties under this Chapter or the technical codes.

103.8 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter or the technical codes, or where the building official has reasonable cause to believe there exists in a structure or upon a premises a condition contrary to or in violation of this Chapter or the technical codes making the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter or the technical codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

103.9 Department records. The building official shall keep official records of applications received, approved plans, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention in the division's approved retention schedule.

103.10 Liability. The building official, members of the board of appeals or any employee charged with the enforcement of this Chapter or technical codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter, technical codes or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee in the lawful discharge of duties and under the provisions of this chapter or technical codes shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter or technical codes.

103.11 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

> **103.11.1 Used materials and equipment.** The use of used materials meeting the requirements of this Chapter or the technical codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

103.12 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Chapter or the technical codes, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of the codes impractical and the modification is in compliance with the intent and purpose of this Chapter and the technical codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Safety Division. Requests for modifications must be submitted to the building official in writing along with all supporting documentation and the applicable fee as shown in table 2-A.

103.13 Alternative materials, design and methods of construction and equipment. The provisions of this Chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter or the technical codes, provided any such alternative is approved by the building official. An alternative material, design or method of construction may be approved where the building official finds the proposed design is satisfactory and complies with the intent of the provisions of this Chapter and the technical codes, and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter and the

technical codes in quality, strength, effectiveness, fire resistance, durability and safety. Records of alternative materials, design and methods of construction approvals shall be recorded and entered in the files of the Building Safety Division. Requests for alternative materials, design, and methods of construction must be submitted to the Building Official in writing along with all supporting documentation and the applicable fee as shown in Table 2-A.

103.13.1 Research reports. Supporting data, where deemed necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter or the technical codes shall be provided and shall consist of valid research reports from approved sources.

103.13.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this Chapter or the technical codes, or evidence a material or method does not conform to the requirements of this Chapter or the technical codes, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this Chapter or the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official may approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required in the Building Safety Division's approved record retention schedule.

103.14 Stop Work Orders. Whenever the building official finds any work regulated by this Chapter or the technical codes being performed in a manner either contrary to the provisions of this Chapter or the technical codes or dangerous or unsafe, the building official is authorized to issue a stop work order.

103.14.1 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

103.14.2 Unlawful continuance. 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 subject to penalties as prescribed by this Chapter and the law.

103.14.3 Appeals. Any person aggrieved by a stop work order issued by the building official may appeal such stop work order to the appropriate technical codes Board of Appeals in accordance with the requirements of this Chapter.

103.15 Occupancy violations. When a building or structure or building service equipment therein regulated by this Chapter and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall, after receipt of notice, discontinue the use within the time prescribed by the building official and make the building, structure, or portion thereof, comply with the requirements of such codes.

103.16 Authority to disconnect utilities. The building official shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this Chapter or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

103.17 Authority to condemn building service equipment. When the building official determines that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or

restored to a safe or sanitary condition, as appropriate. The written notice shall fix a time limit for compliance with such order. Defective building service equipment shall not be used, operated or maintained after receiving such notice.

103.17.1. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

103.17.2. When any building service equipment is used, operated or maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the individual or individuals responsible for continued use, operation or maintenance shall be subject to the penalties described in this Chapter and the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

103.18 Connection after order to disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment that has been disconnected or ordered to be disconnected or the use has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

SECTION 104
PERMITS

104.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Chapter or the technical codes, or to cause such work to be done, shall first make application to the building official and obtain the required permit or permits.

Exceptions:

1. Governmental entities that are, as a matter of law, immune from having to obtain a permit.
2. Annual permit holder.
3. Annual utilities permit.
4. Registered industrial plant.

104.2 Work exempt from permit. Exemptions from permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or the technical codes or any other laws or ordinances of the City. Permits shall not be required for the following:

104.2.1 Building permits. A building permit shall not be required for the following:

a. One-story detached accessory structures ancillary to R-3 and R-4 occupancies used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.60 m^2).
b. Fences not more than 6 feet (1829 mm) high.
c. Oil derricks.
d. Retaining walls which are not over 4 feet (914 mm) in height measured from the bottom of the footing to the top of the wall, provided the retaining wall is not supporting a surcharge, is not impounding Class I, II or III-A liquids.
e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
f. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and not part of an accessible route.
g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

h. Temporary motion picture, television and theater stage sets and scenery.

i. Prefabricated swimming pools accessory to detached one- and two-family dwellings, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.

j. Shade membrane structures constructed for nursery or agricultural purposes not including service systems. Membrane and shade lattice structures, which do not exceed 200 square feet (18.60 m^2), accessory to Group R-3 occupancies or individual dwelling units in Group R-2 occupancies located within the setbacks as allowed by the zoning ordinance.

k. Swings and other playground equipment.

l. Window awnings supported by an exterior wall projecting not more that 54 inches (1372 mm) from the exterior wall, no closer than 3 feet from a property line, and not requiring additional support in detached one- and two-family dwellings and Group U occupancies.

m. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

n. Replacement roof covering, provided the replacement roof covering classification is equal to or greater than the existing roofing classification and does not increase the loads imposed upon the roof structural frame.

o. Listed, light-gage, pre-manufactured metal (only) patio covers and awnings as an accessory to Group R-3 occupancies or individual dwelling units in Group R-2 occupancies located within the setbacks as allowed by the zoning ordinance.

p. Temporary stages, platforms, bleachers, grandstands and similar structures constructed for use during special events pursuant to special events permit. (See Tempe City Code Section 5-2)

q. Temporary soil or structural shoring to be used during building construction, remodel or repair.

r. SPECIAL CASES AS ALLOWED BY THE BUILDING OFFICIAL.

104.2.2 Electrical permits. An electrical permit shall not be required for the following:

a. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

b. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

c. Temporary decorative lighting.

d. Repair or replacement of current-carrying parts of any switch, contactor or control device.

e. Replacement of flush or snap switches, fuses, lamps sockets, luminaries, receptacles and other minor maintenance and repair work, but not the outlets therefore.

f. Repair or replacement of any over current device of the same required capacity in the same location.

g. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

h. Taping joints.

i. Removal of electrical wiring.

j. Temporary wiring for experimental purposes in suitable experimental laboratories.

k. The wiring for temporary theater, motion picture or television stage sets.

l. Electrical wiring, devices, appliances, apparatus or equipment, not install in a hazardous locations, as defined in Article 500, operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

m. Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code not install in a hazardous locations, as defined in Article 500. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

n. Installation of portable generators for use during temporary special events under a City of Tempe Special Events Permit.

o. An electrical permit is not required for lighting fixtures and conductors within or on a sign. Branch circuits required to serve a sign are not exempt from an electrical permit. Neon lighting that is directly attached to a building is not exempt from an electrical permit. (This does not include neon lighting that is part of a plug and cord connected self-contained sign or part of a pre-manufactured piece of sign equipment.)

p. An electrical permit is not required for the installation of an approved temporary metered power outlet that has been supplied and installed by an electric utility.

(FPN :) a temporary metered power outlet is a device, designed to be installed in the electric utility meter socket that provides metered electrical power to receptacles mounted on or in the device, for the purpose of providing temporary construction power to a residential building. Such devices may not energize the meter socket, lugs or equipment on the customer's side of the meter socket. The temporary metered power outlet shall be an approved device with an AIC rating higher than the available fault current provided at the meter.

Such devices may be installed on residential buildings when a valid building permit has been issued, provided that the structural integrity and weather resistive barrier is maintained at the panel location, or the installation is detailed on the approved building plans. This exemption from permitting does not prohibit or limit the authority having jurisdiction from directing the electrical utility to disconnect the temporary

104.2.3 Fuel gas permits. A fuel gas permit shall not be required for the following:

a. Portable heating appliance.

b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

c. Replacement of gas water heating appliances of equal or less Btu/cfh rating and minor modification to electrical, plumbing, and mechanical connections necessary to serve the new appliance in R2, R3, and R4 occupancies where the appliance serves an individual dwelling unit, provided the serving Gas Utility is notified prior to the appliance being energized.

d. Replacement of gas pool and spa heating appliances of equal or less Btu/cfh rating, and minor modification to electrical, plumbing, and mechanical connections necessary to serve the new appliance in R2, R3, and R4 occupancies where the pool or spa serves an individual dwelling unit, provided the serving Gas Utility is notified prior to the appliance being energized.

e. Replacement of gas air-conditioning units, direct-vented appliances, furnaces, and log lighters, of equal or less Btu/cfh, and minor modification to electrical, plumbing, and mechanical connections necessary to serve the appliance in R1, R2, R3, and R4 occupancies where the appliance serves an individual dwelling unit, provided the serving Gas Utility is notified prior to the appliance being energized.

104.2.4 Mechanical permits. A mechanical permit shall not be required for the following:

a. Portable heating appliance.

b. Portable ventilation equipment.

c. Portable cooling unit.

d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by International Mechanical Code.

e. Replacement of any part not altering its approval or making it unsafe.

f. Portable evaporative cooler.

g. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

h. Replacement of a air conditioner unit, furnace, heat pump or evaporative cooler of equal or less cfm and amperage rating and minor modification to electrical, plumbing, and mechanical connections necessary to serve the new appliance in R2, R3, and R4 occupancies, where the appliance serves an individual dwelling unit, and A2, A3, A4, B, E, F2, M, S2, and U occupancies where the appliance serves an individual tenant space.

104.2.5 Plumbing permits. A plumbing permit shall not be required for the following:

a. Stopping of leaks in drains, water, soil, waste or vent pipe, except, not including defective concealed trap, drain pipe, water, soil, waste or vent pipe requiring removal and replacement.

b. Clearing of stoppages or the repairing of leaks in pipes, valves or fixtures.

c. Replacement of electric water heating appliances of equal or less amperage rating, and minor modification to electrical, plumbing, and mechanical connections to serve the appliance in R2, R3, and R4 occupancies, where the appliance serves an individual dwelling unit.

d. Equal replacement of boilers and water heaters regulated by the State of Arizona, except not including work not in the scope of State regulation in industries, premises or activities regulated by Tempe City Code, Chapters 33, Article V & Chapter 27, Article I.

e. Replacement installation of potable water conditioning or treating appliances, and minor modification to electrical, plumbing, and mechanical connections necessary to serve the appliance in R2, R3 and R4 occupancies, where the appliance serves an individual dwelling unit.

f. Replacement installation of potable water conditioning or treating appliances, and minor modification to electrical, plumbing, and mechanical connections necessary to serve the appliance in A2, A3, A4, B, E, F2, M, S2, and U occupancies where the appliance serves an individual tenant space, not including industries, premises or activities regulated by Tempe City Code, Chapters 33, Article V & Chapter 27, Article I.

g. Replacement installation of solar domestic water heating appliances, and minor modification to electrical, plumbing, and mechanical connections necessary to serve the appliance in R3 and R4 occupancies, where the appliance serves an individual dwelling unit.

h. Replacement installation of solar pool and spa heating appliances and minor modification to electrical, plumbing, and mechanical connections necessary to serve the new appliance in R3 and R4 occupancies, where the pool or spa serves an individual dwelling unit.

104.3 Emergency repairs. Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

104.4 Ordinary repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approve permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any

standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

104.5 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment under the ownership and control of public service agencies by established right.

Nothing in this section shall be construed to exempt any electrical installation used for lighting, power, heating, ventilation, elevators pumping or for other building or premise operations, nor exempt any service equipment for electrical service to a building or premise

104.6 Charge accounts and bonds. Any person, firm, corporation or political subdivision may elect to pay permit and inspection fees on a monthly charge account basis, provided he has first filed with the building official a bond for the benefit of the city in the sum of one thousand dollars ($1,000).

The bond shall be executed by said person, firm, corporation or political subdivision and by a surety company maintaining an agency in the state or, in lieu thereof, the bond shall be in writing on a form to be provided by the city and accomplished by a deposit of cash in the amount of one thousand dollars ($1,000). All bonds shall be conditioned that the person named herein shall pay, within forty-five (45) days of issuance of any electrical, mechanical, plumbing or gas permit, all permit and inspection fees accrued under Section 104.1. Said bond shall be nontransferable.

104.7. Payment. Permit and inspection fee charges accrued during each month shall be promptly remitted to the city after issuance of the permit, or as often during the month as the accrued charges equal the value of the bond or cash deposit. If any person, firm, corporation or political subdivision fails or refuses to pay such accrued permit and inspection fees by the fifteenth day of the following month after issuance of the permit the building official may refuse any further applications for permit and may refuse to inspect any work for which permit fees have not been paid.

104.8 Annual permits.

104.8.1 Scope. Any person, firm or corporation employing a person who holds a valid maintenance electrician or plumber's certificate of registration may obtain an annual permit in lieu of separate permits for additions, alterations, repair or maintenance of electrical and plumbing systems or equipment on the premises owned or occupied by said person, firm or corporation.

104.8.2 Work report. A list of all additions and alterations not generally regarded as maintenance shall be prepared by the person who holds the maintenance certificate of registration, and submitted monthly to the building official together with any plans or working drawings.

104.9 Maintenance electrician or plumber.

104.9.1 Maintenance electrician or plumber, defined. For the purpose of this code, a maintenance electrician or plumber is a person who performs or supervises alteration, repair or maintenance of electrical or plumbing systems and equipment in, or about, buildings, structures or premises and holds a valid maintenance electrician's or plumber’s certificate of registration issued by the city.

104.9.2 Maintenance electrician’s or plumber’s certificate of registration. Persons may obtain a maintenance certificate of registration as follows:

1. Any employer may elect to appoint one or more full-time maintenance electricians or plumbers to perform or supervise the alteration, repair or maintenance of electrical wiring and equipment or plumbing system and fixtures in or about buildings, structures or premises owned or occupied by the employer.

2. Every person desiring to hold or renew a maintenance certificate of registration shall make application with the building official on a form furnished by the city for that purpose.
3. Every person applying for a maintenance certificate of registration shall pay to the city a fee as prescribed in Table 2-A at the time of application. No portion of any fee shall be returned either upon failure to qualify, or upon revocation of certification, or for any other cause.
4. Every person applying for a maintenance certificate of registration shall undergo such examination as to qualifications and competency to alter, repair or maintain electrical or plumbing systems and equipment as the building official shall direct; provided, however, that the examination shall relate exclusively to the trade or vocation of the desired certificate.
5. Every person applying for the renewal of a maintenance certificate of registration shall undergo an examination as to verify the applicants' qualifications and competency relative to the Tempe code provisions as adopted at the time of application. The renewal exam will be administered as an open book exam whereby the exam will be sent to the applicant along with the annual renewal form and a copy of Tempe's code amendments. A grade of at least seventy-five percent (75%) is required to qualify for registration renewal. Renewal applicants whose initial exam was based on the current electrical/plumbing code edition need not complete the renewal exam.
6. Every applicant shall have an examination grade or standing of at least seventy-five percent (75%) in order to be entitled to a maintenance certificate of registration. The building official shall, within five (5) days after the grades have been determined, notify each applicant of the grade and whether or not they passed the examination.
7. Any person who fails to pass an examination for a maintenance certificate of registration may apply for re-examination after the expiration of thirty (30) days without payment of additional fees. Should such person fail to pass an examination the second time, the building official shall refuse a third application until after the expiration of six (6) months. After six (6) months, such person is permitted to reapply and shall pay the regular examination fee.
8. A maintenance certificate of registration shall be issued to every person who makes application for such certificate, pays the required fee, and successfully passes the examination. It is further provided that a maintenance electrician or plumber need not hold an electrical or plumber contractor's license issued by the state.
9. Any maintenance certificate of registration issued hereunder shall be subject to suspension or revocation by the building official for failure to alter, repair or maintain electrical wiring or equipment or plumbing systems and fixtures in compliance with the appropriate code.
10. Unless earlier suspended or revoked for cause, all maintenance certificates or registration issued by the city shall expire on March 1 of each year and may be renewed for the following year upon receipt of application and the payment of a fee to the city on or before March 1 of each year. Applications for renewal must include completed renewal exams as specified in Item #5.
11. A maintenance certificate of registration shall become void in the event that said holder of a maintenance certificate shall cease to act as the maintenance person for the employer specified in the application for such certificate.
12. Any person holding a maintenance certificate of registration shall notify building official within five (5) days of the termination of employment with the employer specified in the application for such certificate.
13. Certificates of registration are not transferable from one person to another, and the lending of any certificate of registration or obtaining of permits thereunder for any other person shall be deemed cause for revocation of same.

104.9.3 Appeal. Any person who is denied a certificate of registration and wishes to obtain a review of the determination made by the building official shall, within ten (10) days after notification of

denial of a certificate of registration, file an application for hearing before the appropriate code advisory board of appeals with the secretary of the board stating the reasons for said appeal. It shall be the duty of the secretary to notify the chairman of the board of the appeal.

The applicant shall be notified to appear and meet with the board for a hearing on said appeal at such time and place as the board shall direct but not more than twenty-five (25) days after the application for rehearing is filed. If the board reaffirms the denial of a certificate of registration, the applicant shall be notified of said denial within five (5) days following the date of rehearing.

An advisory board of appeals shall have the authority to restrict, revoke or temporarily suspend any maintenance certificate of registration granted hereunder for good cause shown for any of the following reasons:

1. If a certificate of registration was obtained by fraud or misrepresentation.
2. If any reason exists which would have been cause for denial of such certificate of registration.
3. For negligently or willfully violating the provisions of this article or for refusal to correct such violations.
4. For repeated violations of this Section.
5. For permitting any other person to use such certificate of registration or to perform any act or work of the kind authorized by such certificate for the purpose of avoiding compliance with this article.

The action to restrict, revoke or temporarily suspend any certificate of registration may be commenced upon request of the building official, or upon motion and presentation of cause by any member of the board.

Before any certificate of registration is restricted, revoked or temporarily suspended, the board shall hold a hearing and give the holder of such certificate a fair and reasonable opportunity to present reasons and evidence against the restrictions, suspensions or revocation.

Any person whose certificate of registration is restricted, suspended or revoked shall be notified of such action by registered mail and shall have appeal rights in accordance with the provisions of Section 110 of this code.

104.10 Annual utilities permit.

104.10.1 Scope. For the purposes of this code, an annual utilities permit allows a serving electrical utility company to install dusk to dawn lighting on public or private property without obtaining separate electrical permits provided:

1. The installation is for dusk to dawn lighting only.
2. The installation and maintenance of the lighting is under the exclusive control of the supplying utility company.
3. The light fixtures shall be approved by the Planning Division and comply with the Zoning and Development Code.
4. The electrical installation complies with a lighting installation standard pre-approved by the building official.
5. The installing utility company has a current annual utilities permit.

This permit shall not be construed to waive any requirement of this Chapter and the technical codes, and all applicable requirements shall be complied with.

104.10.2 Work report. A report listing of all dusk to dawn lighting installations under an annual

utilities permit shall be submitted by the utility company to the building official on a monthly basis.

104.10.3 Permit fee and renewal. Every applicant shall submit a proposed dusk to dawn lighting standard installation plan for review and approval. An annual fee shall be paid at the time of application as prescribed in Table 2-A. Said fee shall be refunded if the application is disapproved. The permit shall expire on December 31 of each year. The permit may be renewed each year by payment of the fee on or before December 31. Any work performed after permit expiration without obtaining separate permits and inspections required by this chapter shall be a violation of this code.

104.10.4 Revocation of permit. The building official may suspend or revoke a permit when an electrical utility company fails to comply with any of the permit responsibilities or for violation of any provision of this Chapter and the technical codes.

104.10.5 Procedure. When the building official deems that the permit shall be suspended or revoked, the procedure shall be as follows:

1. The utility company shall be notified in writing by certified mail at least seven days prior to suspension or revocation.
2. Upon receipt of the notice, the utility company may request a hearing. Such request shall be in writing to the building official within seven days of receipt of notice.
3. If a hearing is requested by the utility company, the building official shall set a time, date and place and so notify the utility company.
4. When a hearing is conducted, the utility company and other interested parties may be in attendance. Upon completion of the hearing, the building official shall take all evidence submitted under advisement and shall notify the utility company of his findings in writing by certified mail.
5. If the decision rendered by the building official is adverse to the utility company, the utility company may appeal from such decision to the Electrical Code Advisory Board of Appeals in the manner provided in Section 110 of this code.

104.11 Registered industrial plant.

104.11.1 Definition. For the purpose of this code, a Registered Industrial Plant is a person, firm, corporation or political entity engaged in manufacturing, processing or similar service which requires specialized buildings, utilities and equipment to the extent that the plant maintains full-time personnel for the operation and maintenance of such buildings, utilities and equipment and when such plant has complied with all the provisions of this section.

104.11.2 Qualifications. In addition to meeting the general definitions above, a Registered Industrial Plant shall have a full-time or contract employee who is an architect or engineer registered in the State of Arizona who shall be responsible for complying with the substantive provisions of this Chapter and the technical codes.

104.11.3 Scope. Registered Industrial Plants are exempt from the permitting requirements of Section 104.1 and 104.2, for work on existing buildings, structures and utilities accessory thereto that does not increase the floor area or height, OR CAUSE THE CHANGE OF USE OR CHARACTER OF USE FOR WHICH A NEW CERTIFICATE OF OCCUPANCY WOULD BE REQUIRED.

> **Exception:** A Registered Industrial Plant is not exempt from permits and inspections for fire protection systems regulated by the Fire Code.

This exemption is limited to buildings owned or leased by the Registered Industrial Plant and under the direct control of the holder of the registration. Said buildings or structures qualify for this exemption after the Certificate of Occupancy has been issued for the structure and all interior improvements covering the initial plant occupancy. This exemption shall not be construed to waive

any requirement of this Chapter and the technical codes, and all applicable requirements shall be complied with. The Plant registration is non-transferable.

104.11.4 Application. To obtain registration, the applicant shall first file an application in writing on a form furnished by the building official for such purpose. Every such application shall:

1. Specify the name of the plant for which registration is requested.
2. Describe the property to be included under registration by address and other description that will readily identify and definitely locate the buildings and structures to be included under the registration.
3. The name of the individual who has the authority to act on behalf of the plant owner(s).
4. The name of the registered architect or engineer who will be responsible for the work done under the registration.

Appropriate action shall be taken by the building official on such application and the applicant shall be notified accordingly.

If the application is disapproved, the applicant may appeal from such decision to the Building Code Advisory Board of Appeals in the manner provided in this Chapter.

104.11.5 Registration fees and annual permit fee. Every applicant for registration shall pay a fee as prescribed in Table 2-A at the time of filing. Said fee shall be refunded if the application is disapproved. Registrations shall expire on December 31 of each year. Registration may be renewed each year by payment of the fee on or before December 31. Any work performed after expiration without obtaining additional separate permits and inspections required by this chapter shall be a violation of this code.

104.11.6 Validity of registration. Registration shall be valid only as long as the named architect or engineer remains in the employ or on contract with the Registered Industrial Plant in an active and full-time capacity.

If the registered architect or engineer should leave the employ of the registrant, registration is suspended until another registered architect or engineer is assigned the responsibility for work done under the registration. The Registered Industrial Plant shall notify the building official immediately and shall call for inspection of any work in progress in accordance with Section 106.5. Before any new work commences while registration is invalid or suspended, permits and inspections shall be obtained pursuant to this chapter.

104.11.7 Revocation of registration. The building official may suspend or revoke a registration when the Registered Industrial Plant fails to comply with any of the registration responsibilities or for violation of any provision of this Chapter and the technical codes.

104.11.8 Procedure. When the building official deems that the registration shall be suspended or revoked, the procedure shall be as follows:

1. The Registered Industrial Plant shall be notified in writing by certified mail at least seven days prior to suspension or revocation.
2. Upon receipt of the notice, the Registered Industrial Plant may request a hearing. Such request shall be in writing to the building official within seven days of receipt of notice.
3. If a hearing is requested by the Registered Industrial Plant, the building official shall set a time, date and place and so notify the registrant.
4. When a hearing is conducted, the Registered Industrial Plant and other interested parties may be in attendance. Upon completion of the hearing, the building official shall take all evidence submitted under advisement and shall notify the Registered Industrial Plant of his findings in writing by certified mail.

5. If the decision rendered by the building official is adverse to the Registered Industrial Plant, the Registered Industrial Plant may appeal from such decision to the Building Code Advisory Board of Appeals in the manner provided in Section 110 of this code.

104.11.9 Work report and inspections. A report of all work done under the plant registration shall be prepared by the registered architect or engineer and submitted monthly to the building official together with any plans or working drawings for alterations to buildings or utilities covered by the code.

Plans submitted pursuant to this section may be reviewed and inspection of the work conducted by the building official or authorized representatives as set forth in this code, provided, however, that work may proceed without inspection pursuant to this section.

The Registered Industrial Plant may request a plan review or inspection of any work performed under this section without payment of additional fees

Exceptions: Plans, working drawings and work reports need not be submitted for:

1. Installation of machines, equipment and processes related to production or testing;
2. Additions, alteration and repair of electrical, plumbing or mechanical systems;
3. Partitions, rails, counters and similar space dividers not exceeding five feet nine inches in height above the floor.

104.12 Temporary structures and uses. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Chapter and the technical codes as determined by the building official to ensure the public health, safety and general welfare. The building official is authorized to terminate such permit and to order the temporary structure or use to be discontinued.

104.13 Application for permit.

1. Requirements. To obtain a permit, an applicant shall first file an application in writing on a form furnished by the Development Services Department. Such application, as a minimum, shall contain the following:

    a. Identify and describe the work to be covered by the permit.
    b. Description of the land where the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
    c. Indicate the use and occupancy of the proposed work.
    d. Construction documents and other information as required in this section.
    e. The valuation of the proposed work.
    f. Signature of the applicant or the applicant's authorized agent.
    g. Other data and information as required by the building official.

104.14 Action on application. The building official shall examine or cause to be examined applications for permits and related documents within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, identifying the reasons for rejection.

If the building official is satisfied that the proposed work conforms to the requirements of this Chapter, the technical codes and applicable laws and ordinances thereto, the building official shall issue a permit as soon as practicable, subject only to the payment of appropriate fees.

104.15 Time limitation of permit application. An application for a permit for any proposed work shall be valid for a period of one year from the date of filing. The building official is not authorized to grant any extension of time.

Exception:

1. Prior to the date of expiration of any application that has been approved for the issuance of permits, the applicant may submit a written request for a ninety ONE TIME extension of ONE HUNDRED EIGHTY (180) DAYS. The request must explain the justifiable cause for the delay AND INCLUDE A PROPOSED PLAN SUBMITTAL SCHEDULE FOR THE COMPLETION OF THE PLAN REVIEW PROCESS. If the request for extension is approved, the applicant must submit a new project submittal application along with a renewal fee equal to twenty-five percent (25%) of the original calculated plan review fee. THE RENEWAL FEE MUST BE PAID NO LATER THAN THIRTY (30) CALENDAR DAYS AFTER THE ORIGINAL EXPIRATION DATE OR THE ORIGINAL APPLICATION SHALL EXPIRE. ADDITIONAL PLAN REVIEW FEES MAY APPLY AS PRESCRIBED IN TABLE 1-A BUILDING PERMIT FEES, ITEM FOUR; OTHER FEES. ADDITIONALLY, ALL PERMITS MUSH BE ISSUED and permit fees PAID PRIOR TO THE END OF THE ONE HUNDRED EIGHTY (180) DAY EXTENSION DATE.

2. PRIOR TO THE DATE OF EXPIRATION OF ANY APPLICATION THAT HAS BEEN APPROVED FOR THE ISSUANCE OF PERMITS, BUT FOR WHICH A PERMIT HAS NOT BEEN ISSUED, THE APPLICANT MAY REQUEST A ONE TIME EXTENSION OF ONE HUNDRED EIGHTY (180) DAYS. THE REQUEST MUST EXPLAIN THE JUSTIFIABLE CAUSE FOR THE DELAY. IF THE REQUEST FOR EXTENSION IS APPROVED, THE APPLICANT MUST SUBMIT A NEW PROJECT SUBMITTAL APPLICATION ALONG WITH A RENEWAL FEE EQUAL TO TEN PERCENT (10%) OF THE ORIGINAL CALCULATED PLAN REVIEW FEE. THE RENEWAL FEE MUST BE PAID NO LATER THAN THIRTY (30) CALENDAR DAYS AFTER THE ORIGINAL EXPIRATION DATE OR THE ORIGINAL APPLICATION SHALL EXPIRE. ADDITIONALLY , THE PERMITS MUSH BE ISSUED AND PERMIT FEES PAID PRIOR TO THE END OF THE ONE HUNDRED EIGHTY (180) DAY EXTENSION DATE.

EXCEPTIONS ONE AND TWO ABOVE MAY NOT BE COMBINED.

104.16 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter, the technical codes or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Chapter, the technical codes or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents or in the construction.

The building official is also authorized to prevent occupancy or use of a structure where in violation of this Chapter, the technical codes or of any other ordinances of this jurisdiction. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

104.17 Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one YEAR after its issuance, or if the work authorized on the site by such permit is suspended or declared abandoned by the owner for a period of one YEAR after the date the work is commenced, or if the building official declares the permit suspended or abandoned after the expiration of one YEAR from the date of permit issuance.

104.17.1 Work not commenced. Every permit issued under the provision of this chapter and the technical code shall be valid for a period of one year from the date of issuance provided, however, that any permit shall

expire if work authorized by such permit is not commenced and an approved inspection obtained within one YEAR from the date of issuance. An approved inspection shall be an inspection that is requested and approved pursuant to Section 106.5. Before work can be commenced on a structure for which the permit has expired, a new permit shall be obtained and the fee therefore shall be based on the total valuation of the structure.

104.17.2 Work commenced. Every permit issued under the provisions of this code shall be valid for a period of one year from the date of issuance. An approved inspection shall be an inspection that is requested and approved pursuant to Section 106.5.

Before work can be continued or resumed on a structure for which the permit has expired, a new permit shall be obtained and the fee thereof shall be determined by the building official on the basis of the valuation of the uncompleted portion of the work from the last approved inspection.

104.18 Unfinished buildings or structures. Whenever work has commenced on a building or structure for which a permit has been issued, and said permit has expired pursuant to Section 104.17, the owner of the property upon which structure is located, or other person or agent in control of said property, upon receipt of notice in writing from the Department, shall within 30 days from the date of such written notice, obtain a new permit to complete the work and diligently pursue the work to completion, or within said 30 days, obtain a demolition permit and shall remove or demolish the building or structure within 120 days from the date of written notice. Notwithstanding the provisions of Section 104.17 and this section, whenever work on any building, structure, addition, alteration, appendage or repair has commenced, the exterior walls and roof shall be completed in accordance with the approved plans including but not limited to roofing, fenestration and finish materials including paint, within two years of commencing construction. In the absence of evidence to the contrary, the date of the first inspection request shall establish the date that construction commenced.

The provisions of this section shall apply to all permits issued on and after the effective date of this ordinance and permits issued or reinstated pursuant to Section 104.17.

Such building, structure, addition, alteration, appendage or repair not in compliance with this section is subject to the enforcement and abatement procedures of Chapter 21, Tempe City Code as a public nuisance.

104.19 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance, regulation or any of the provisions of this Chapter, the technical codes or of other ordinances of this jurisdiction.

104.20 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

SECTION 105
CONSTRUCTION DOCUMENTS

105.1 Submittal documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data, as required by the building official, shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional as required by State law and Section 105.3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

> **Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Chapter, the technical codes and other ordinances of the City.

105.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter, the technical codes and relevant laws, ordinances as determined by the building official.

105.1.2 Screening. Submittal documents may be subject to screening by the building official for completeness and code compliance prior to being accepted for permit review. Incomplete submittals or submittals containing readily apparent code violations shall be returned to the applicant without being accepted unless otherwise directed by the building official.

105.1.3 Title sheet information. The construction documents shall contain a title sheet or title sheets indicating the name, address and phone numbers of design professionals. The title sheet shall also contain information regarding the Code review as performed by the design professional, including the size of the building, type of construction, occupancy classification(s), area and height modifications (if any), fire sprinklers (if any), and any other information as directed by the building official. The building official is authorized to waive or modify the requirement for a title sheet when the application for permit is for alteration or repair or when otherwise warranted.

105.1.4 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

105.1.5 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the technical codes. In other than Group R-3 occupancies as applicable in Section 101.4.2, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. The building official is authorized to waive or modify the requirement for a means of egress plan when the application for permit is for alteration or repair or when otherwise warranted.

105.1.6 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the technical codes. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roofs, eaves or parapets, means of drainage, water-resistive membrane and details around openings.
The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

The building official is authorized to waive or modify the requirement for an exterior wall envelope plan when the application for permit is for alteration or repair or when otherwise warranted.

105.2 Examination of documents. The building official shall examine or cause to be examined the permit application and accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Chapter, the technical codes and other pertinent laws or ordinances.

105.2.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official as required by the approved Building Safety Division retention schedule. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official. When the submittal documents are produced electronically, the applicant shall provide an electronic copy of all drawings on compact disk or other media approved by the building official.

105.2.2 Previous approvals. This Chapter and the technical codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith and has not been abandoned pursuant to section 104.13.

105.2.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations, or other parts of a building or structure before the construction documents for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with pertinent requirements of this Chapter and the technical codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the construction operation and without assurance that a permit for the entire structure will be granted.

Exception: Phased construction approvals are not applicable for Group R-3 and R-4 occupancies.

105.3 Design professional in responsible charge. When it is required that permit submittal documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge.

If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1704 of the building code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction where the structural observation is to occur.

105.3.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design not submitted at the time of the application but are to be submitted to the building official within a specified period.

Deferral of submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the title sheet of the construction documents for review by the building official. Deferred submittal items shown on the construction documents shall be clearly noted as "For Reference Only". Deferred submittals do not constitute phased approval of the construction.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

105.4 Amended construction documents (Revisions). Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

105.5 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, plumbing, or fire-suppression systems, for which this Chapter or the technical codes are applicable, to comply with this Chapter and the technical codes.

105.6 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of time as prescribed by state or local laws and one set of approved construction documents shall be returned to the applicant, and said set of shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 106
INSPECTIONS

106.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter, the technical codes or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or the technical codes or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the permit holder to provide an approved property address, including number and street name, at all construction sites. Such temporary premises identification shall be clearly visible from the street or roadway fronting the property, shall be installed prior to the first inspection, and shall be maintained until the permanent premises identification is installed and approved.

106.2 Inspection record card. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card to allow the building official or authorized agent to conveniently make the required entries thereon regarding inspections of the work. The card shall be maintained available by the permit holder until final approval, by the building official, has been granted.

106.3 Preliminary inspections. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures or sites for which an application has been filed.

106.4 Inspection and observation program. When special inspection is required by Section 1704 of the building code or as determined by the building official, the owner, an agent of the owner, or the engineer or registered design professional in responsible charge, but not the contractor or any other person responsible for the work, shall employ one or more special inspector(s) who shall provide inspections during construction on the type of work listed under Section 1704.1 or as determined by the building official.

When special inspections are required, the special inspections are to be performed in addition to, not in lieu of, the inspections conducted by the building official, and shall not be construed to relieve the owner or his authorized agent from requesting the periodic and called inspections required by this Chapter and the technical codes.

106.4.1 Special Inspector. In accordance with Sections 1704.1 and 106.4 "Special Inspector(s)" shall be provided by, or under the supervision of an Engineer or registered design professional in responsible charge of the structural inspection for which "Special Inspection" is required, subject to the following conditions:

106.4.2 Notification: (Prior to issuing permit) The owner or his authorized agent shall notify the Development Services Department, Building Safety Division in writing on the form provided by this division, the name of the Engineer or registered design professional in responsible charge who will carry out the required inspection. The responsible Engineer or registered design professional of record shall notify the Department of any changes of "Special Inspection(s)" prior to conducting the inspections.

106.4.3 Certificate of Responsibility: The Engineer or registered design professional in responsible charge of the "Special Inspection(s)" shall so certify to the Division in writing on the city form provided prior to the issuance of the Building Permit, and shall notify the Division immediately if terminated prior to completion of the work, for which "Special Inspection(s)" is required.

106.4.4 Qualification: No person(s) shall be assigned to carry out the duties of the "Special Inspector(s)" unless thoroughly qualified by knowledge and experience to render full, complete and competent inspection.

It shall be the responsibility of the Engineer or registered design professional in responsible charge of the special inspection to satisfy the duties and responsibilities as stated in Section 1704.1 of the Building Code.

106.4.5 Inspection and Reports: The Engineer or registered design professional in responsible charge of the "Special Inspection(s)" or the designated "Special Inspector(s)" shall provide continuous, competent and complete inspection on the work for which "Special Inspection(s)" is required in accordance with Section 1704.1 and shall submit reports to the Division's Inspection Section stating approval of the work as it progresses, but not less than every two weeks.

The "Special Inspector(s)" shall notify the Division immediately upon detection of all discrepancies involved in the "Special Inspections" that have not been corrected in accordance with the approved plans and specifications prior to proceeding with the work.

106.5 Required inspections. The building official, upon notification, shall make the inspections set forth in this Section.

106.5.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, the required forms shall be in place prior to inspection. An inspection shall be made prior to the placement of concrete. Materials for the foundation shall be on the site, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the site.

106.5.2 Underground building service equipment. Underground plumbing, gas, mechanical, or electrical systems shall be inspected for approved materials, proper burial depth and slope but prior to the backfilling of trenches. The piping shall be bedded-in for its entire length, and if applicable, the systems shall be under the prescribed tests required by the technical codes.

106.5.3 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and if applicable, building service equipment, conduit, piping accessories and other ancillary equipment items are in place and approved, but before any concrete is placed or floor sheathing installed, including the sub-floor.

106.5.4 Sewer or water service (building or private). Sewer or water service lines, that provide service to a building or multiple buildings on one site and not installed in a public right-of-way or PUE, shall be inspected for approved materials and proper slope prior to backfilling of the trenches.

106.5.5 Concrete or masonry walls or columns inspection. Walls and columns shall be inspected after all reinforcing steel, and if applicable, conduits and other piping are in place but prior to the placement of concrete or grout. For concrete walls or columns, required forms shall be in place prior to inspection. Masonry walls or columns constructed in lifts shall require an inspection prior to the grouting of each lift.

106.5.6 Exterior strap and shear inspection. Exterior wall shall be inspected after the sheathing (used for bracing/shear), wall bracing, metal straps or anchoring devices are in place but prior to the installation of the weather-resistive barrier or wall covering.

106.5.7 Rough building service equipment. Rough plumbing, gas, mechanical, or electrical systems shall be inspected for approved materials or proper slope but prior to concealing by the building finish materials. When applicable, the systems shall be under the prescribed tests required by the technical codes. When applicable, these inspections can be completed in conjunction with a frame inspection.

106.5.8 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking, draftstopping and bracing are in place, pipes, chimneys and vents to be concealed are complete, the rough building service equipment has been approved, after the roof is loaded with roof covering material and the building has been dried-in.

106.5.9 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and, if applicable, exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

> **Exception:** Gypsum board that is not part of a fire-resistance-rated assembly, sound-rated assembly, or a shear assembly.

106.5.10 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. When applicable, this inspection shall be done in conjunction with the gypsum board inspection prior to joints and fasteners being taped and finished.

106.5.11 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Chapter or the technical codes and other laws enforced by the Building Safety Division.

106.5.12 Special inspections. Special inspections and structural observations shall be as required in Section 1704 of the Building Code in accordance with Section 106.4 of this Chapter. Special inspections are in addition to, not in lieu of, the inspections conducted by the building official.

106.5.13 Final inspection. The final inspection shall be made after all work shown on the construction documents or as required by the permit is completed.

106.6 Building service equipment. Building service equipment regulated by the technical codes shall not be connected to the fuel or power supply, or water or sewer systems until authorized by the building official. The requirements of this Chapter shall not be considered as prohibiting the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building provided an inspection of such building service equipment has been completed and approved for use.

106.7 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

106.8 Inspection requests. It shall be the duty of the holder of the permit or the authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for the inspection of such work as required by this Chapter. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.

106.9 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or authorized representative wherein the same fails to comply with this Chapter or the technical codes. Any portions that do not comply shall be corrected and shall not be covered or concealed until authorized by the building official. There shall be a final inspection and approval of all construction when the work is completed and prior to any occupancy or use.

106.10 Connection to utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or building service equipment, regulated by the technical codes for which a permit is required by this Chapter, until approved by the building official.

The building official may authorize the temporary connection of the building service equipment to the utility source of energy, fuel or power for construction power, testing of building service equipment or for use under a temporary certificate of occupancy.

SECTION 107
CERTIFICATE OF OCCUPANCY
AND FINAL APPROVALS

107.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Chapter, the technical codes or other ordinances of the jurisdiction.

107.2 Letter of Compliance. The building official is authorized to issue a Letter of Compliance for a building or structure permitted as a basic or shell building which cannot be occupied. If after a final inspection of the building or structure, and any electrical, fire protection, plumbing, mechanical, gas or similar systems shown on the approved plans there are no violations to the provisions of this Chapter, the technical codes or other laws and ordinances that are enforced by the Building Safety Division, the permit holder may request such Letter of Compliance. The Letter of Compliance certifies that the work performed under the permit has been satisfactorily completed, but does not authorize the occupancy of a basic or shell building or structure.

The Letter of Compliance shall contain the following:

1. The building permit number.
2. The address of the structure.
3. A description of the building, construction type, proposed occupancy type and building area.

4. A statement that the permitted work has been inspected for compliance with the requirements of this Chapter and the technical codes.
5. The name and signature of the building official or designee.

107.3 Certificate of Occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this Chapter, the technical codes or other laws that are enforced by the Building Safety Division, the building official is authorized to issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the building or structure.
3. The type of construction as defined in Section 602.1 of the building code.
4. The occupancy, in accordance with the provisions of Section 302.1 of the building code.
5. The area of each occupancy within the building for which the permit was issued.
6. The occupant load of each occupancy for which the permit was issued for.
7. Indicate whether an automatic sprinkler system is provided in the building or structure.
8. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter and the technical codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
9. The name and signature of the building official or designee.
10. Any special stipulations and conditions of the building permit.

Exception: Group U and additions to Group R-3 Occupancies, unless specifically requested by the permit holder. For such occupancies, occupancy and use is authorized upon the satisfactory completion of the final building inspection.

107.4 Temporary Certificate of Occupancy. The building official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set the conditions, if any, and the time period during which the Temporary Certificate of Occupancy is valid.

107.5 Revocation. The building official is authorized to suspend or revoke, in writing, a Certificate of Occupancy, Letter of Compliance or Temporary Certificate of Occupancy issued under the provisions of this Chapter wherever such certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Chapter or the technical codes.

107.6 Posting. The certificate of occupancy shall be posted in a conspicuous place within the premises.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. Structures or building service equipment that are or hereafter become structurally unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in this Chapter, technical codes or any other effective ordinance, are for the purpose of this section, unsafe buildings. A vacant structure that is not secured against entry shall be deemed an unsafe condition. Unsafe conditions and structures shall be taken down, removed or made safe, as the building official deems necessary and as provided in this Chapter. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Sections 108.2, 108.3, 108.4 and 108.5.

108.1.2 Unsafe buildings appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this code, are hereby designated as unsafe building appendages. All such unsafe building appendages are public nuisances and shall be abated in accordance with Section 108.1 of this Chapter.

108.2 Notice to owner. The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this section, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the building official. If necessary, such notice also shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the building official.

108.2.1 Proper service. Proper service of such notice shall be by one of the following methods; personal service upon the owner of record, if found within the city limits; if not found within the city limits, such service may be made upon said owner by first class mail, postage paid, addressed to the owner, occupant, agent, manager or responsible person at the last know address; delivered in any manner permitted by the Arizona Rules of Civil Procedure for service of process or posted in a conspicuous place on or about the entrance of the structure affected by such notice. Service by mail is deemed complete upon deposit in the U.S. mail. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner. The designated period within which said owner or person in charge is required to comply with the order of the building official shall begin as of the date such notice was mailed, received or posted.

108.3 Posting of signs. The building official shall cause to be posted at each entrance to such building a notice to read: DO NOT ENTER UNSAFE TO OCCUPY by order of the Development Services Department, City of Tempe. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

108.4 Right to demolish. In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this code and may order the building official to proceed with the work specified in such notice.

108.5 Costs. Costs incurred under Section 108.4 shall be paid out of the City Treasury and shall be charged to the owner and collected by the Management Services Director in the manner specified in Chapter 21, Tempe City Code.

108.6 Restoration. The structure or building service equipment determined to be unsafe shall be permitted to be restored to a safe condition. To the extent repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this Chapter and the technical codes.

SECTION 109
VIOLATIONS

109.1 Unlawful acts. 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 building service equipment regulated by this Chapter and the technical codes, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter and the technical codes.

109.2 Illegal building. Every building or portion thereof constructed without a building permit where required by this Chapter, shall be made to conform to the provisions of this Chapter and the technical codes or shall be demolished.

109.3 Notice of violation. The building official is authorized to serve a notice of violation or order on the building owner, the owner's agent or person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building, structure or building service equipment in violation of the provisions of this Chapter, the technical codes or in violation of a permit or certificate issued under the provisions of this Chapter. Service of such notice shall be as described in Section 108.2.1 of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

109.4 Prosecution of violation. If the notice of violation is not complied within the time frame specified in the notice, the City may institute the appropriate proceeding at law, or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Chapter or of the technical codes or of the order or direction made pursuant thereto.

109.5 Remedies not exclusive. Violations of this Chapter or the technical codes are in addition to any other violation established by law, and this Chapter and shall not be interpreted as limiting the penalties, actions, or abatement procedures that may be taken by the City or other persons under the laws, ordinances or rules.

109.6 Violation penalties. Any person, firm, or corporation who shall violate any of the provisions of this Chapter and the technical codes may be subject to one or more of the penalties as prescribed in the Tempe City Code, Chapter 21.

Civil sanction: A fine of not less than one hundred dollars ($100) nor more the one thousand dollars ($1000) but total fines shall not exceed two thousand dollars ($2000) per day for each property.

Criminal misdemeanor: If found guilty of a class one misdemeanor and upon conviction shall be punished by a fine not to exceed two thousand five hundred dollars ($2,500) or by imprisonment in the City jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

Separate Offense: Each day any violation is continued or the failure to perform any act or duty required by this section shall constitute a separate violation or offense.

SECTION 110
BOARD OF APPEALS

110.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Chapter and the technical codes, there shall be and is hereby created one or more board of appeals.

110.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of the technical codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the technical codes do not fully apply or an equal or better form of construction is proposed. A board of appeals shall have no authority to waive requirements of the technical codes.

110.3 Created, composition.

110.3.1 Building Code Advisory Board of Appeals. There shall be and is hereby created a building code advisory board of appeals, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the building codes. For purposes of this division, the "technical provisions" shall mean all provisions of the building codes except the administrative provisions.

One member shall be an architect, registered in the state; one member shall be a structural engineer registered in the state; one member shall be a building contractor; one member shall be a home builder; and one member shall be a representative of the fire department or a fire protection consultant. The development services manager or a designated employee of the development services department shall be an ex officio and non-voting member and shall act as secretary to the board.

110.3.2 Electrical Code Advisory Board of Appeals. There shall be and is hereby created an electrical code advisory board of appeals, consisting of seven (7) members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the electrical code. For purposes of this division, the "technical provisions" shall mean all provisions of the electrical code except the administrative provisions.

One member shall be an architect registered in the state; one member shall be an electrical engineer registered in the state; one member shall be an electrical contractor; one member shall be a representative of an electrical utility; one member shall be a representative of the city fire department or a fire protection consultant; one member shall be an electrician, actively engaged in electrical wiring; one member shall be a maintenance electrician who holds a valid certificate of registration issued by the city. The development services manager or a designated employee of the development services department shall be an ex officio and nonvoting member and shall act as secretary to the board.

110.3.3 Plumbing and Mechanical Code Advisory Board of Appeals. There shall be and is hereby created a plumbing and mechanical code advisory board of appeals, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to the technical provisions of the plumbing and mechanical codes. For purposes of this division, the "technical provisions" shall mean all provisions of said codes except the administrative provisions.

One member shall be an architect, registered in the state; one member shall be a mechanical engineer, registered in the state; one member shall be a plumber or plumbing contractor; one member shall be a mechanical contractor; and one member shall be a doctor or health official. The development services manager or a designated employee of the development services department shall be an ex officio and nonvoting member and shall act as secretary to the board.

110.4 Appointment, terms and vacancies. Appointments and terms of members shall be in accordance with article VI of the charter. In the event of the unexcused absence of a member from three (3) consecutive meetings, the position shall be deemed vacant. Vacancies shall be filled in accordance with article VI of the charter for the unexpired term of any member unable or ineligible to serve. A member whose term expires may serve until a successor has been appointed. The city council may remove any member for cause.

110.5 Officers. The board shall elect a chairman and vice-chairman from among its members, neither of whom shall be an ex officio member. The chairman and vice-chairman shall each serve for a one-year period or until their successors are elected.

110.6 Meetings. The board shall hold one regular meeting every three (3) months when there is pending business. Special meetings may be called by the development services manager or at the request of the chairman or any three (3) members. The affirmative vote of three (3) members shall be required for passage of any matter before the board.

110.7 Powers, duties, responsibilities.

1. The board, on request or on its own motion, may interpret the technical provisions of the building code in special cases when it appears that the provisions of the code are inadequate and do not cover the point in question, and may recommend to the city council such new legislation as is consistent therewith.
2. The board may grant a variance to the technical provisions of the building code when it can be established that a manifest injustice would be done. A variance shall not be granted by the board unless it is found that:

    a. Special circumstances or conditions apply to the request; and
    b. Granting the variance is necessary for the preservation and enjoyment of substantial property rights; and
    c. Granting the variance will not be materially detrimental to persons residing or working in the premises, to adjacent or surrounding property or to the public in general; and
    d. Granting the variance will be in harmony with the purposes sought to be attained by the building code.

Each case shall be evaluated on its individual merits and shall not be construed to set a precedent for deviating from the requirements of the building code. The findings of the board shall be binding upon all parties except as provided under Section 110.9.

3. The board may approve the use of the alternate materials or methods of construction, provided the alternate materials or method is, for the purpose intended, at least the equivalent of that prescribed by the building code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
4. The board may adopt such rules and regulations necessary for the discharge of its duties, provided said rules are not in conflict with the charter or this code.
5. The board is empowered to call upon the city attorney's office for legal counsel and upon any other office or board to aid and assist the board in its deliberations.

110.8 Appeal from decision of the development services manager.

1. Any person dissatisfied with a decision of the development services manager applying to the technical provisions of the building code or to an alternate material or method of construction may request a hearing before the board by filing an appeal with the development services manager on a form provided therefore. Such appeal shall be heard at the next regular meeting of the board unless such appeal is filed within twenty-one (21) days preceding the next regular board meeting, in which case such appeal shall be heard at the next succeeding regular or special board meeting.
2. All hearings shall be open to the public and any person whose interest may be affected by the decision shall be given an opportunity to be heard.
3. The board shall render all its decisions on appeals in writing to the appellant with a copy to the development services manager.

110.9 Appeal from decision of the board.

1. If the board's decision is not concurred with by the appellant or the development services manager, the appellant or the development services manager may then appeal the decision to the city council within twenty-one (21) days after the board's submission of such decision to the appellant and development services manager. The appeal shall be in writing and shall be filed with the city clerk.
2. The city council's decision on the matter shall be predicated on the same findings as set forth in Section 110.7 and shall be final.

110.10 Appeal filing, fees.

1. Appeals shall be filed in the office of the development services department on a form provided therefore. A fee shall be paid at the time of filing of an appeal, in accordance with the schedule established by city council (Tempe City Code Appendix A).
2. No part of the fees required herein shall be refundable after an application is filed and the fee paid.

SECTION 111
FEES

111.1 Payment of fees. A permit shall not be issued nor considered valid until the applicable fees established by the City of Tempe in Tables 1-A or 2-A have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

111.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, plumbing**,** and fire systems or alterations thereto requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the City of Tempe.

111.3 Building Permit valuation. The applicant for a permit shall provide an estimated construction valuation at the time of initial application. Construction valuations shall include total value of the proposed work, including materials and labor, for which the permit is being issued, such as finish work, painting, roofing, electrical, gas, mechanical, plumbing, equipment, heating, air-conditioning, elevators, fire extinguishing systems, other permanent systems/equipment, grading, landscaping, and other site related improvements. The final building permit valuation shall be the greater of the applicant's declared valuation or the valuation calculated by using the Department's building valuation data, except that the building official or designee may set the final building permit valuation when deemed necessary.

Building Permits issued for mechanical, electrical, and/or plumbing work are based on the greater of the applicant's declared valuation or the Department's mechanical, electrical, and plumbing valuation data, except that the building official or designee may set the final building permit valuation when deemed necessary.

111.4 Plan review fees. When submittal documents are required by Section 105.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 111.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table 2-A.

The plan review fees pay for the initial plan review and two (2) subsequent re-submittals for the same project. If more than three plan reviews are required, or if the permit application shall expire by time limitation, additional fees may be assessed for each plan review status meeting and for subsequent plan reviews as determined appropriate by the building official. At the time of permit issuance, additional plan review fees for any increase in valuation shall be assessed in conjunction with, and as a condition of, permit issuance.

111.4.1 Expedited plan review. Expedited plan review fees shall be equal to the amount of the plan review fees required by this Section. Expedited plan review fees are separate from the plan review and permit fees required by this section and are in addition to those fees.

111.4.2 Public school shade structures. Shade structures constructed on public school~~s~~ property are exempt from plan review fees.

111.5 Investigation fees. Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee established by the building official that shall be in addition to the required permit fees. The investigation fee shall be equal to the permit fee required by this Chapter. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of this Chapter and the technical codes. An investigation fee shall be collected whether or not a permit is then or subsequently issued.

111.6 Fee refunds. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize the refunding of that portion of the permit fee in excess of a minimum valuation permit fee when no inspection has been done for which a permit has been issued in accordance with this code.

The building official may authorize the refunding of that portion of the plan review fee in excess of a minimum valuation permit fee when the application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize the refunding of any fee paid except upon written request filed by the original applicant not later than 180 days after the date of fee payment.

SECTION 112
SUITE/UNIT NUMBER ASSIGNMENT

112.1 Scope. The provisions of this section shall serve as the regulations for the assignment of suite and unit numbers on all multi-occupancy buildings within the City of Tempe.

112.2 Intent. The purpose of this section is to establish a consistent method for the assignment of suite and unit numbers. These requirements are intended to aid fire fighters and other emergency responders, provide for efficient access to property records and information, ensure conformance to the standards of the U. S. Postal Service, and our utility companies.

112.3 General address assignments. The engineering division of public works is responsible for the assignment of new street names, addresses, and building identification letters. New developments will be initially processed under the address assigned for each undeveloped parcel. The engineering division will subsequently assign the final address or addresses while the project plans are under review.

The building safety division is responsible for the assignment of the individual suite/unit numbers.

Once assigned, all building addresses and suite/unit numbers shall be forwarded by the engineering division to the, development services department, U.S. postal service, tempe police and fire departments, and all utility companies.

The actual size, color, and field placement of addresses, suite, and unit numbers shall be as specified in the zoning and development code.

112.4 Suite number assignments. All unit spaces within multi-occupant buildings will be assigned individual suite/unit numbers. Separate street addresses shall not be assigned to multiple tenants in a single building.

In order to initiate this process the project must submit a separate site plan including the building layouts to the development services department for suite/unit number assignment. This submittal shall consist of two (2) copies of a properly scaled site plan at least 24” x 36” in size, depicting the site, building layouts, parking lots, building orientations, driveway locations, building exits, elevators, lobbies, and corridors. Proposed tenant layout plans may also be submitted with the required site plan to assist in the proper assignment of suite numbers.

All suite/unit numbers shall be assigned prior to permit issuance for any tenant improvements.

112.4.1 Tenant space layout. Retail and office buildings will be assigned a separate suite number for each 20-foot increment of space along the length of the building. Buildings that have tenant entrances on 2 or more sides will be assigned suite numbers on the entry sides of the building for each 20 foot increment of space. Reference lines will be drawn on the plan in to represent the 20 foot spacing. The reference lines shall determine the suite number a tenant improvement may use based on its proposed location within the building.

Exceptions:

1. Mixed use buildings such as office/warehouse and similar mixed uses may be divided into increments of up to 40 feet.
2. Apartments, condominiums, and hotels/motels will be assigned a unit number for each unit.
3. Townhouses without the availability of individual addresses will be assigned a unit number for each unit.

The suite numbers assigned to these spaces represent the possible number of spaces that the building may be divided into and are not meant to represent the actual tenant space layouts.

If a proposed tenant improvement encompasses multiple spaces, the tenant may choose any suite number within the range of suite numbers that the space will occupy.

112.4.2 Numbering. Suite/unit numbers are assigned as three (3) digit numbers. The first digit in the suite number will represent the floor level of the suite/unit.

Exception: Four digit suite/unit numbers will be used for floors above the 9th floor, and for multifamily residential condominiums and apartments.

Duplicate unit numbers will not be used within MULTIFAMILY projects, even if the project has more than one address or street entry. Projects containing multiple street addresses (areas) and containing letter a designation for each building, will have unit numbers assigned sequentially throughout the project. When numbering sequentially from one area to another, each new area will commence its numbering with the next 100 series left off from the previous area.

112.4.2.1 Exterior tenant entrances. For buildings with exterior tenant entrances, the suite numbering will commence from the left front of the building, as viewed from the street used in the building address, beginning with 101 and continuing clockwise sequentially to the right.

Exceptions:

1. Buildings with main entrances which do not face the address street will be assigned numbers from the left side of the building entrance clockwise sequentially to the right.
2. Building orientation on the lot may necessitate a front to back suite numbering.

112.4.2.2 Basements. Basement suite/unit numbers shall be preceded with the letter b.

112.4.3 Interior tenant entrances. For buildings with interior entrances only, from the street used in the building address, the suite/unit numbering starts with 101 on the left side after going through the main entrance to access the suite/unit spaces and continues clockwise around the corridor.

When buildings have multiple floors, the first suite shall start with ’01 numbers, such as 201, and 301, applicable to each floor level and shall start in the same general location as required for the first suite (101) on the ground floor then continue clockwise sequentially around the corridor.

Exception: Tenant spaces that occupy a complete floor level may be assigned the ’00 number, such as 200 and 300, applicable to that floor level, provided that at such time as the floor is occupied by two or more tenant spaces the numbers shall be reassigned to ’01 numbering.

For multiple floors, the suite numbering begins with the first suite on the left after exiting the elevator or main entry stairway for buildings with no elevator, and continuing clockwise around the corridor.

112.4.4 Atypical buildings and projects. Buildings and projects that can not readily conform to these standards shall be reviewed on a case by case basis by a multi-disciplinary team made up an authorized member of the police department, fire department,

Engineering department, development services department, and the U.S. postal service. Decisions rendered by this team may only be altered by the approval of all of the team members.

112.4.5 Existing buildings. Buildings not in conformity with the current suiting policy may continue to utilize existing suite numbering until such time that the building is:

1. At or below a 50% vacancy rate; and
2. When a tenant improvement is proposed

All suites with tenant improvements after the building is at or below 50% vacancy rate will use the new suite numbers. The existing occupied suites will have twelve (12) months to conform to the newly assigned suite numbers. If a conflict in suite numbering exists as a result of re-suiting to the current policy, the building official or designee shall implement a suite numbering plan for the building which shall, as practicable, bring all suites into substantial compliance.