ORDINANCE NO. O2025-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 15 OF THE YUMA CITY CODE, CHAPTER 150, SECTIONS 150-170 AND 150-171, ADOPTING BY REFERENCE THE *2024 INTERNATIONAL EXISTING BUILDING CODE*, INCLUDING APPENDIX A, B, AND E, AND THE AMENDMENTS RECOMMENDED BY THE BUILDING ADVISORY BOARD DATED JUNE 11, 2025 AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, on December 5, 2018, the City Council adopted the *2018 International Existing Building Code*; and,

WHEREAS, the City Council has considered the recommendation of the Building Advisory Board based on their actions taken at the meeting of June 11, 2025, recommending adoption of the *2024 International Existing Building Code*, with Appendices A, B, and E, and the amendments recommended by the Board; and,

WHEREAS, up to date modern codes help protect the built environment from natural disasters and fires, and offer safe environments for the occupants of both residential and commercial structures; and,

WHEREAS, the City of Yuma is desirous of adopting the *2024 International Existing Building Code*, with Appendices A, B, and E and the amendments recommended by the Building Advisory Board to keep current with the code cycle and to reflect modern technology, materials and techniques;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code Title 15, Chapter 150, Section 170 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-170 Adoption of the ~~2018~~2024 International Existing Building Code.

(A) ~~That certain~~ Certain documents, three copies of which are on file as public record in the office of the City Clerk of the City of Yuma ~~being marked and~~ titled ~~as~~ the ~~2018~~2024 International Existing Building Code ~~which was made public record by Resolution R2018-029~~, including Appendices A, B, and E of ~~said~~ the Existing Building Code, as amended herein, are hereby adopted by reference and made a part hereof as if fully set out in the entirety ~~herein~~.

(B) Arizona Revised Statutes, Title 41, Chapter 9, Article 8 (A.R.S. § 41-1492 et seq). is hereby adopted by reference as if fully set out in the entirety in this section.

SECTION 2: Yuma City Code Title 15, Chapter 150, Section 171 is amended to delete the following strikethrough text and add the following underlined text:

§ 150-171. Amendments

The following amendments, additions, and deletions are hereby made to the ~~2018~~2024 International Existing Building Code, as adopted by this subchapter. Paragraph, section numbers refer to the 2024 International Existing Building Code~~, 2018~~ edition numbering system. Code references not amended in this section shall be enforced as published in the reference document.

(A) **Section [A] 101.1 Title.** ~~Amend to read,~~ ~~"~~These regulations shall be known as the Existing Building Code of City of Yuma, hereinafter referred to as 'this code.'~~"~~

(B) **Section [A] 103.1 Creation of ~~enforcement~~ agency.** ~~Amend to read,~~ ~~"~~The Department of Community Development, Building Safety Division is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~"~~

(C) **[A] 103.1.1.** Amend all sections of this code to substitute 'building official' for the term 'code official.'

(D) **Section [A] 104.2.4.1 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(E) **Section [A] 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(~~D~~F) **Section [A] 105.2 Work exempt from permit.** Add new item #7, under ~~"Building"~~"**Building:"**

> 7. Window replacements of like size where framing is not altered and any required emergency egress dimensions are not diminished from existing, in Group R-3 one- and two-family dwellings and installed by either a licensed contractor or owner-occupant of the residence.

(~~E~~G) **Section [A] 105.3.2 Time limitation of application.** Amend first sentence to read, "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each."

(~~F~~H) **Section [A] 106.2.2 Fire protection system(s) shop drawings.** ~~Amend to read,~~ ~~"~~Plan submittal documents shall include either a statement of the design criteria for the fire protection system(s) to also include a current fire flow test within the past 12 months, or the complete design, plans, calculations and data for the fire protection system(s). If only the statement of design criteria and fire flow test is initially submitted, the complete design, plans, calculations and data for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. In addition, where applicable, shop drawings, calculations and data shall be submitted and shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code.~~"~~

(~~G~~I) **Section [A] 108.2 Schedule of permit fees.** Amend by adding Building Permit Fee Table 1-A:

TABLE 1-A: BUILDING PERMIT FEES

Schedule of Building Permit Fees	
Total Valuation	**Fee**
$1 to $500	$50.00
$501 to $2,000	$50.00 for the first $500 plus $4 for each additional $100, or fraction thereof, to and including $2,000
$2,001 to $25,000	$110.00 for the first $2,000 plus $16 for each additional $1,000, or fraction thereof, to and including $25,000
$25,001 to $50,000	$478.00 for the first $25,000 plus $12 for each additional $1,000, or fraction thereof, to and including $50,000
$50,001 to $100,000	$780.00 for the first $50,000 plus $8 for each additional $1,000, or fraction thereof, to and including $100,000
$100,001 to $500,000	$1,180.00 for the first $100,000 plus $6 for each additional $1,000, or fraction thereof, to and including $500,000
$500,001 to $1,000,000	$3,580.00 for the first $500,000 plus $6 for each additional $1,000, or fraction thereof, to and including $1,000,000
$1,000,001 and up	$6,580.00 for the first $1,000,000 plus $4 for each additional $1,000, or fraction thereof
Other Inspections and Fees: 1. Permit fees for mechanical, plumbing and electrical shall be as indicated per applicable fee tables of the respective ordinances. 2. Inspections outside of normal business hours, $~~50~~75 per hour* (minimum charge – 2 hours) 3. Reinspection fees of $~~50~~75 per hour*~~,~~ for work not ready for inspection. 4. Inspections on Weekends and Holidays, $~~100~~150 per hour* (minimum charge – 2 hours) 5. Inspection fees for which no fee is specifically indicated, $~~50~~75 per hour* (minimum charge – one-half hour) 6. Additional plan review required by changes, additions or revisions to plans, $~~50~~75 per hour* (minimum charge – one-half hour) 7. For use of outside consultant. For plan checking and inspections~~,~~ or both, Actual Costs**	
***Or the total hourly cost to the jurisdiction, whichever is the greatest. This shall include supervision, hourly wages and fringe benefits of the employee involved. ** Actual costs include administrative and overhead costs.	

(~~H~~J) **[A] 108.2.1 Plan review fees.** When submittal documents are required by Section [A] 106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. ~~Said~~ The 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 section are separate fees from the permit fees specified in Section [A] 108.2 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 1-A.

(~~I~~K) **Section [A] 108.6 Refunds.** ~~"~~The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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

(~~J~~L) **Section [A] 108.4 Work commencing before permit issuance.** Add to end of section, "An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be determined by the building official, based on the circumstances, nature, and severity of the infraction. The minimum investigation fee shall be $50.00 and the maximum shall be an amount up to the same as the fee set forth in Table 1-A."

(~~K~~M) **Section [A] 109.3.5 Lath or gypsum ~~board~~ panel product inspection.** Delete exception to section.

(N) **Section [A] 109.3.10 Flood hazard documentation.** Where a building is located in a flood hazard area, documentation of the elevation of the lowest floor as required in adopted City floodplain ordinances shall be submitted to the building official and the City floodplain administrator prior to the final inspection.

(~~L~~O) **Section [A] 112.1 General.** Add to end of section, "The membership of the Residential Advisory Board, as prescribed in Section 150-175 of the Yuma City Code, will be the Board of Appeals for Residential appeals (one-and two-family dwellings). The membership of the Building Advisory Board, as prescribed in Section 150-008 of the Yuma City Code, will be the Board of Appeals for Commercial appeals."

(~~M~~P) **Section [A] 112.3 Qualifications.** Delete section in its entirety.

(~~N~~Q) **Section [A] 113.4 Violation penalties.** ~~Amend to read, "~~Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to the penalty and fine described in this ordinance.~~"~~

(~~O~~R) **Section [A] 114.~~3~~4 ~~Unlawful continuance~~ Failure to comply.** ~~Amend to read, "~~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 the penalty and fine described in this ordinance.~~"~~

(~~P~~) **~~Section 302.3 Additional codes.~~** ~~Amend "International Fire Code" in first sentence to "current adopted fire code". Add to end of section, "Substitute 'current adopted fire code' throughout this code for the term 'International Fire Code'."~~

(~~Q~~) **~~Section 305 ACCESSIBILITY FOR EXISTING BUILDINGS.~~** ~~Delete section and subsections in its entirety and add new section to read, "~~**~~Section 305 ACCESSIBILITY FOR EXISTING BUILDINGS.~~**

~~Create new Section, "~~**~~305.1 Scope.~~** ~~Accessibility provisions for maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings, shall comply with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), unless it is technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent that it is technically feasible."~~

(S) **Section 306.3 Design.** Amend to read, "Buildings and facilities shall be designed and constructed to be accessible in accordance with Arizona Revised Statutes, Title 41, Chapter 9, Article 8, Public Accommodations and Services, The Arizonans with Disabilities Act, R10-3-401 through R10-3-404, which includes – 28 CFR 35 and 28 CFR 36 and Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), and this code and the alteration and existing building provisions of ICC A117.1."

(~~R~~T) **Section [BS] 401.3 Flood hazard areas.** Delete section it its entirety in favor of adopted City floodplain ordinances.

(U) **Section [BS] 405.2.6 Flood hazard areas.** Delete section it its entirety in favor of adopted City floodplain ordinances.

(~~S~~V) **Section [BS] 502.~~3~~2 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(~~T~~W) **Section [BS] 503.2 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(X) **Section 505.3 Replacement window emergency escape and rescue openings.** Add to end of section, "Where wall finishes are replaced/altered (other than existing masonry openings), replacement windows shall comply as required for new construction."

(~~U~~Y) **Section [BS] 701.3 Flood hazard areas.** Delete section it its entirety in favor of adopted City floodplain ordinances.

(Z.) **Section 702.5 Replacement window for emergency escape and rescue openings.** Add to end of section, "Where wall finishes are replaced/altered (other than existing masonry openings), replacement windows shall comply as required for new construction."

(~~V~~AA.)**Section 80~~5~~4.4~~6~~.4 Panic and fire exit ~~H~~hardware.** Amend first sentence to read, "In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies and Group E educational occupancies with an

occupant load greater than 50, all required exit doors equipped with latching devices shall be equipped with approved panic or fire exit hardware. in accordance with Section 1010.2.9 of the International Building Code."

(BB.) **Section 1011.5.6 Existing emergency escape and rescue openings.** Add to end of section, "Where wall finishes are replaced/altered (other than existing masonry openings), replacement windows shall comply as for new construction."

(CC.) **Section [BS] 1103.3 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(~~W~~DD.) **Section [BS] 1201.4 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(~~X~~EE.) **Section [BS] 1301~~3~~.3~~1~~.3 Compliance with flood hazard provisions.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(FF.) **Section [BS] 1402.6 Flood hazard areas.** Delete section in its entirety in favor of adopted City floodplain ordinances.

(GG.) **Section [F] 1502.1 Site Safety Plan.** Amend first sentence to read, "When required by the Fire Code Official or the Building Official, the owner or owner's authorized agent shall be responsible for the development, implementation and maintenance of an approved, written site safety plan establishing a fire prevention program at the project site applicable throughout all phases of construction, repair, alteration or demolition work."

(HH.) **Section [F] 1512.5 Standpipe supply.** Add to end of section, "For City of Yuma Fire Department, the fire hydrant used for this water supply shall be located within 150 feet (45,720 mm) of the fire department connection supplying the standpipe."

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, effective thirty (30) days from the adoption hereof. All ordinances or parts of ordinances not amended or repealed by the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6: Violations of this Ordinance are subject to the following penalties:

It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a class 1 misdemeanor and shall be punished by a fine not to exceed $1,000, or by imprisonment for not more than ten days, or by both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance

occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

Section 7: Three copies of the 2024 *International Existing Building Code* with Appendices A, B, and E shall be kept as exhibits on file at the City Clerk's Office.

Adopted this _____day of _____, 2025.

APPROVED:

_____
Douglas J. Nicholls
Mayor

ATTESTED:

_____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

_____
Richard W. Files
City Attorney