

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED "THE 2018 SUITE OF CODES AND THE 2019 AMENDMENTS TO CITY CODE, TITLE 4, BUILDING REGULATIONS" BY REFERENCE AND FIXING THE EFFECTIVE DATE OF THE CODES AND AMENDMENTS; REPEALING ALL SECTIONS OF THE CITY CODE IN CONFLICT WITH THIS ORDINANCE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN UNDER THE PRIOR CODES; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR SEVERABILITY

RECITALS:

WHEREAS, that certain document known as "*The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations*", one hard copy and one electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, was made a public record by the City Council's adoption of Resolution No. 2019-26; and

WHEREAS, the City Council has determined that adopting "*The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations*" is necessary for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of buildings and structures; and

WHEREAS, the City Council has determined that adopting "*The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations*" is necessary for providing the standards for supplied utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, the City Council has determined that adopting "*The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations*" is necessary for the issuance of permits and collection of fees pursuant thereto, and for implementing and enforcing each and all of the regulations, provisions, penalties, conditions and terms of an updated Flagstaff Building Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

Section 1. That the certain document known as "*The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations*", one hard copy and one electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, which was made a public record by the City Council's adoption of Resolution No. 2019-26, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. That the current Building Regulations, as amended, will remain effective through December 31, 2019, to provide a grace period for projects that are being planned based on the

current Building Regulations. Applicants for building permits who submit applications prior to January 1, 2020, may choose to have the current Building Regulations, as amended, or the *“The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations”*, apply to the construction that is the subject of the permit.

Section 3. That the Flagstaff City Code and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, effective as of the 1st day of January 2020.

Section 4. That the repeal of prior ordinances and parts of ordinances referenced in Section 3 above does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 5. Any person, firm, or corporation violating any provision of *“The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations”* shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by Flagstaff City Code, Title I, Chapter 1-04 (General Penalty). Each separate day or any portion thereof, during which any violation of *“The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations”* occurs or continues, shall be deemed to constitute a separate offense.

Section 6. That if any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 18th day of June, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY