

# CHAPTER 1

## ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Phoenix Building Construction Code* hereinafter referred to as “this Code.”

**101.2 Scope.** The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures within the City of Phoenix.

**Exceptions:** The provisions of this Code do not apply to:

1. Federally owned or state owned projects (building and land) are exempt from the required permits, inspections and fees of Appendix A.2 of the *Phoenix City Code*.
2. Work primarily located within a public way such as streets, roads, sidewalks, bridges, drainage structures, street lights and traffic control signs or equipment. Pedestrian tunnels or bridges which cross a public way are regulated by this Code when they directly connect one or more buildings located outside of the public way.
3. Canals, dams and hydraulic flood control structures constructed by or under contract with a governmental agency or jurisdiction.
4. Utility towers, poles, equipment or systems under the exclusive control of an electric utility and directly used to generate, transmit, transform, control or distribute electrical energy to utility customers. Electrical installations in buildings used by the electric utility, such as office buildings, that are not an integral part of a generating plant, substation or control center, and electrical installations located on the premises of a utility customer, such as exterior lighting, service entrance equipment or customer-owned substation equipment, are regulated by this Code.
5. Installation of communications equipment under the exclusive control of communications utilities and located outdoors or in building spaces used exclusively for such installations. Communications wiring run inside a building is regulated by this Code.
6. Piping and equipment owned and operated by a public service utility and directly used to produce, treat, distribute or meter water to utility customers, or directly used to collect, treat or dispose of sewage or waste water from utility customers. Domestic plumbing systems within water or sewer utility plants are regulated by this Code.
7. Piping and equipment owned and operated by a public service utility and directly used to produce, distribute or meter natural gas to utility customers.
8. Construction methods and sequencing. This Code does not regulate construction methods or the scheduling or coordination of construction work, except that the contractor(s) and property owner(s) are responsible for obtaining all permits, tests and city inspection approvals as specified in this Code.
9. Construction site safety. This Code does not regulate construction means, methods or safety. The property owner(s), the contractor(s) and all construction workers are each responsible for compliance with applicable federal and state occupational health and safety laws and regulations.

**101.3 Intent.** The purpose of this Code 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, energy conservation, 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.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code. Although the Development Services Department Director (hereinafter referred to as the “Director”) or designee is directed to obtain substantial compliance with the provisions of this Code, a guarantee that all buildings, structures or utilities have been constructed in accordance with all the provisions of the code is neither intended nor implied.

### SECTION 102 APPLICABILITY

**102.1 General.** Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**102.2 Other laws.** The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

**102.3 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 Code.

**102.4 Referenced codes and standards.** Where differences occur between provisions of this Code and referenced codes and standards, the provisions of this Code shall apply.

**102.5 Partial invalidity.** In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.6 Existing structures.** The legal occupancy of any structure existing prior to the effective date of this Code shall be permitted to continue that occupancy or use as long as the property is in compliance with the provisions of this Code and Chapter 39 of the *Phoenix City Code*. Existing buildings or structures that have been vacant or abandoned for a period of one year or longer are deemed to have been vacated and the Certificate of Occupancy expired. Existing buildings or structures that have been vacant for a period of one year or longer are required to obtain a new Certificate of Occupancy before renewing occupancy or use. Any remodeling work to a vacated building or structure shall comply with Section 102.7 of these administrative provisions.

**102.7 Applicability of this Code.** All applications submitted on or after the effective date of this Code shall be subject to the requirements of the codes adopted by Ordinance G-4683.

**Exceptions:**

1. Application under the provisions of the *International Existing Building Code* requires the approval of the building official.
2. Application under the provisions of the *International Code Council Performance Code* requires approval of the building official.

**SECTION 103  
DEVELOPMENT SERVICES DEPARTMENT**

**103.1 Enforcement agency.** The authority and responsibility for administration and enforcement of this Code is hereby assigned to the Director of the Development Services Department. The Director may designate a person or persons to fulfill these duties.

**103.2 Appointment.** The building official shall be appointed by the Director of the Development Services Department.

**103.3 Deputies.** The Director shall have the authority to appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Director may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

**103.4 City Manager’s Representative.** The Director shall appoint a representative to hear initial technical appeals of various development-related city codes, ordinances, policies and procedures as provided for in the *Phoenix City Code* and *City of Phoenix Zoning Ordinance*, and shall be known as the City Manager’s Representative for Technical Appeals.

**103.5 Department records.** The Development Services Department shall keep official records of applications received, 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 of public records.

**SECTION 104  
POWERS AND DUTIES OF THE  
BUILDING OFFICIAL**

**104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this Code.

The building official shall have the power to render interpretations of this Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be authoritative if in conformance with the intent and purpose of this Code.

**104.2 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 and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

**104.3 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this Code.

**104.4 Inspections.** The building official shall make all of the required inspections, or the building official may 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 may engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

**104.5 Identification.** The building official and all Development Services Department employees shall carry proper identification when inspecting structures or premises in the performance of their duties under this Code.

**104.6 Right of entry.** When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this Code, the building official or designated Development Services Department employee may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the building official or designated Development Services Department employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official or Development Services Department employee shall have recourse to the remedies provided by law to secure entry.

**104.7 Liability.** Liability of Development Services Department employees and officials charged with enforcement of this Code shall be as set forth in Chapter 42 of the *Phoenix City Code*.

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

**104.8.1 Used materials and equipment.** The use of used materials which meet the requirements of this Code for new

materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

**104.9 Administrative review, interpretations, modifications and appeals.** Any person dissatisfied with a code enforcement decision made by a Development Services Department employee may request an administrative review, formal interpretation, or a modification of a code requirement.

**104.9.1 Administrative review.** Any person dissatisfied with a code enforcement decision made by a Development Services Department employee may request a review of that decision by the employee's supervisor.

Any person dissatisfied with a decision of the supervisor may appeal that decision to the building official. The appeal shall be made in writing on a form provided by the Development Services Department, and shall be accompanied by a nonrefundable administrative processing fee as set forth in Appendix A.2 of the *Phoenix City Code*. The decision of the building official shall be final except as provided in Section 112 of these administrative provisions.

**104.9.2 Interpretation.** Any person may request a written interpretation of a code requirement. The request shall be in writing on a form provided by the Development Services Department, shall include all information, calculations or other data necessary to describe the specific condition in detail, and shall be accompanied by a nonrefundable administrative processing fee as set forth in Appendix A.2 of the *Phoenix City Code*. The decision of the building official shall be recorded in the files of the department.

**104.9.3 Modifications.** When there are unusual or unreasonable physical difficulties involved in carrying out the literal provisions of this Code, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this Code impractical and that the modification is in conformance with the intent and purpose of this Code, and that such modification does not lessen any life safety requirements, any fire-protection requirements or any degree of structural integrity.

Requests for modification of a code requirement shall be made in writing on a form provided by the Development Services Department, and shall be accompanied by a nonrefundable fee as set forth in Appendix A.2 of the *Phoenix City Code*. The applicant is responsible for providing all information, calculations or other data necessary to document or substantiate each request. The building official may approve, approve with stipulations, or deny the application based upon the substantiating data submitted and the building official's determination that the modification results in substantial compliance with the intent of this Code. In deciding each case, the building official may consider or require alternate methods or systems to be used in compensation for the particular code provision to be modified.

The details of any action granting modifications shall be recorded and entered in the files of the department.

**104.9.4 Appeals.** Any person may appeal a decision made by the building official to the Development Advisory Board as set forth in Section 112 of these administrative provisions.

**104.10 Alternative materials, design and methods of construction and equipment.** The provisions of this Code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved and its use authorized by the building official. Approval is subject to a fee as set forth in Appendix A.2 of the *Phoenix City Code*.

The building official may approve any such alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of this Code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of alternative materials, design and methods of construction and equipment. The details of any action granting approval of an alternate shall be recorded and entered to be permanently maintained in the records of the Development Services Department.

**104.10.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

**104.10.2 Tests.** Whenever there is insufficient evidence of compliance with any of the provisions of this Code, or evidence that any material or construction does not conform to the requirements of this Code, the building official may require tests as evidence of compliance to be made at no expense to the city.

Test methods shall be as specified in this Code. In the absence of recognized and accepted test methods, the building official may approve the testing procedures. All tests shall be made by an approved agency. Reports of such tests shall be retained by the Development Services Department for the period required for the retention of public records.

**104.11 Cooperation of other officials and officers.** The building official may request the assistance and cooperation from other city departments or other enforcement agencies so far as is required in the discharge of the duties required by this Code or other pertinent laws or ordinances.

## SECTION 105 PERMITS

**105.1 Permits required.** Except as specified in Section 105.2 of these administrative provisions, no building structure or building service equipment regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless appropriate permits for each building, structure or building service equipment have first been obtained from the Development Services Department.

1. Separate permits shall be obtained from the fire marshal for automatic fire-extinguishing systems, fire alarm sys-

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tems, and other uses or equipment regulated by the *Phoenix Fire Code*.

2. Separate permits shall be obtained from the Development Services Department for work within the public right-of-way including off-site sewer or water extensions; sewer or water taps and all connections to public sewer and water; paving, curb-cuts, driveways and sidewalks, and landscaping. See Chapter 32 of the *International Building Code* for permits and restrictions on work within the public right-of-way.
3. Separate permits shall be obtained from the Development Services Department for site development work in accordance with Section 119 of these administrative provisions.
4. Factory-built buildings, manufactured homes and mobile homes require permits from both the State of Arizona Office of Manufactured Housing in accordance with ARS Title 41, Chapter 16, Article 2, and from the Development Services Department in accordance with Section 3110 of the *International Building Code*.

**105.2 Work exempt from permit.** A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this Code or any other City of Phoenix codes or ordinances.

**105.2.1 Building.** A building permit shall not be required for the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over 3 feet (914 mm) high, accessory to a residential Group R-3 or R-4 occupancy, one- and two-family dwellings and townhouses.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm).
5. Retaining walls which are not over 3 feet (914 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water storage tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
7. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
8. Painting, papering and similar finish work.
9. Temporary motion picture, seasonal celebration television and theater stage sets and scenery. Associated bleachers or grandstands are not included in this exemption.

10. Prefabricated swimming pools accessory to a Group R-3 occupancy, in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 925 L). Barriers shall be installed in accordance with Appendix G, Section AG105 of the *International Residential Code*.
11. Shade cloth structures constructed for nursery or agricultural purposes that do not include service equipment.
12. Swings and other playground equipment.
13. Window awnings supported by an exterior wall of Group R-3, and Group M occupancies when projecting not more than 54 inches (1372 mm).
14. Ground-supported radio and television antenna tower structures. A placement permit is required to ensure compliance to location and height restrictions.
15. Contractors' temporary construction offices which are associated with a permitted construction project in compliance with the *City of Phoenix Zoning Ordinance* and are intended to be removed from the site upon completion of the project. Structures which include sales offices which are open to the public do require a permit.
16. Reroofing of Group U and Group R-3 or R-4 occupancies with the same type of material as the original roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
17. Minor repair or replacement in kind of nonstructural components such as glass or glazing materials, sash, doors and hardware, patching walls or ceilings and replacing pieces of siding, soffits or fascia. Installation of locking or security hardware on egress doors, or changing the types of locking devices requires a permit.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

**105.2.2 Electrical.** An electrical permit shall not be required for the following:

1. Installation or replacement of equipment such as appliances, lampholders, lamps and other utilization equipment manufactured, approved and identified for cord- and plug-connection to suitable permanently installed receptacles.
2. Repair or replacement of motors rated 50 hp or less, transformers rated 45 kVA or less, or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting approved and identified for cord- and plug-connection.
4. Repair or replacement in kind of any switch, other than a service disconnect, receptacle, contactor, control device or other utilization equipment rated 60 amperes or less.
5. Replacement in kind of any circuit breaker other than a service disconnect, rated at 125 amperes or less, or any fuse.

6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. Temporary wiring for theaters, motion picture and television studios, performance areas and similar locations where not accessible to the general public.
9. Class 2 and Class 3 control and signal circuits not essential for safety to human life.
10. Installation, repair or replacement of electrical systems and components within machinery or equipment which is not defined by this Code as building service equipment.

**105.2.3 Mechanical.** A mechanical permit shall not be required for the following:

1. Portable or plug- and cord-connected heating, cooling or ventilating equipment or appliances.
2. Repair or replacement of any component part or assembly within equipment or appliances which does not alter the original approval and complies with other applicable requirements of this Code. Replacement or alteration of a refrigeration system to utilize a different class of refrigerant shall require a permit and compliance with all requirements of the code applicable to the new refrigerant.
3. Repair or replacement in kind of refrigeration units not over 5 tons (17.5 kW) of refrigeration capacity, when located outdoors. Replacement equipment shall be identical in weight of that which is replaced. Repair or replacement of refrigeration systems located inside a building shall require a permit and compliance with all requirements of this Code for the classification of refrigerant utilized in the new equipment.
4. Repair or replacement in kind of evaporative cooling equipment rated not more than 6,500 cfm (3067 L/s) capacity.

**105.2.4 Plumbing.** A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Replacement of water closets, valves or fixtures with new valves or fixtures complying with the water conservation requirements of this Code, except that a permit shall be required for the relocation of any valves, pipes or fixtures.

4. Repair or replacement of portable or built-in appliances which are not regulated by this Code as building service equipment and which connect to the building water, drain or gas piping systems by approved means.

**105.2.5 Repairs.** Application for a permit 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 approved permanently installed receptacles.

**Exception:** Repairs that 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, electric wiring or mechanical or other work affecting public health or general safety.

**105.2.5.1 Emergency repairs.** Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within 72 hours to the Development Services Department.

**105.2.6 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 that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** Only the owner or owner's may apply for a permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Development Services Department for that purpose. The application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which 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.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Section 106 of these administrative provisions.
5. State the market valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized .
7. Give such other data and information as required by the Development Services Department.

**105.3.1 Action on application.** The Development Services Department shall examine applications for permits and revisions thereto within a reasonable time after filing. If the ap-

plication or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application in writing. If the proposed work conforms to the requirements of this Code and applicable laws and ordinances, the building official shall issue a permit as soon as practicable.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant an extension of time not to exceed a period of 180 days upon written request by the applicant or owner showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

An application for extension shall include payment of a nonrefundable administrative processing fee as set forth in Appendix A.2 of the *Phoenix City Code*.

**105.4 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 Code or of any other city ordinance. Permits presuming to give authority to violate or waive the provisions of this Code or other city ordinances, or which are issued in error or on the basis of incorrect, inaccurate, or incomplete information 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 and other data. The building official may also prevent occupancy or use of a structure in violation of this Code or of any other city laws or ordinances.

A previously issued permit shall be valid based on the terms of the code under which it was issued.

**105.5 Expiration, extension and reinstatement.**

**105.5.1 Expiration.** Every permit issued by the building official under the provisions of this Code shall expire if the building or work authorized is not commenced and completed within the time limitations set forth in this section.

**105.5.2 Commencing of work.** Every permit issued by the building official except demolition permits shall expire if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The work shall not be considered suspended or abandoned if the permit holder has done one or more of the following:

1. Requested one or more Development Services inspections indicating substantial progress in construction;
2. Conducted legally authorized site preparation such as demolition, clearing or excavation; or
3. Pursued other activities deemed by the building official to indicate intent to start and complete the project. The building official may require the permit holder to document these activities.

**105.5.3 Completing work and final inspection.** Every permit issued by the building official, except demolition permits, shall expire 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

**Exception:** The building official may approve a period exceeding 24 months for completion of work when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

**105.5.4 Expired permits.** When a permit has expired, all work authorized by that permit shall stop until the permit is reinstated or a new permit is obtained. No refund of permit fees for expired permits shall be made.

**105.5.5 Extension.** Anyone holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permit holder is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permit holder for a period not to exceed 180 days on written request, provided that it is demonstrated that circumstances beyond the control of the permit holder have prevented work from being completed. The fee for a permit time extension shall be as set forth in Appendix A-2 of the *Phoenix City Code*. No permit shall be extended more than once.

**105.5.6 Reinstatement.** When a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided all the following conditions are met:

1. The code under which the original permit was issued and other laws which are enforced by the Development Services Department have not been amended in any manner which affects the work authorized by the original permit; and
2. No changes have been made or will be made in the original plans and specifications for such work; and
3. The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be one-half the amount required for a new permit as set forth in Appendix A.2 of the *Phoenix City Code*.

Where the request for reinstatement does not comply with the preceding criteria, a new permit shall be required, including payment of full plan review and permit fees.

**105.5.7 Demolition permits.** Demolition permits shall expire if the work authorized by such permit is not commenced within 30 days from the date of the permit and is not completed within 60 days from the date of the permit, or if active and continuous demolition work is suspended or abandoned for any period of five days or more prior to final completion and clearance of all debris from the site. Reasonable and continuous progress shall be made to complete all demolition work as expeditiously as possible. See Sec-

tion 3303 of the *International Building Code* for demolition permit conditions.

Anyone holding an unexpired demolition permit may apply for an extension of the time within which the permit holder may commence work under that permit when the holder is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permit holder for a period not to exceed 30 days upon written request, demonstrating that circumstances beyond the control of the permit holder have prevented action from being taken. No permit shall be extended more than once. An expired demolition permit may be reinstated in accordance with Section 105.5.6 of these administrative provisions.

**105.6 Suspension or revocation.** The building official may suspend or revoke a permit issued under the provisions of this Code whenever:

1. The permit is issued in error or on the basis of incorrect, inaccurate or incomplete information; or
2. The permit or work is in violation of any ordinance or regulation or any of the provisions of this Code; or
3. Reasonable and continuous progress has not been made to complete the construction; or
4. Whenever the continuance of any work becomes dangerous to life or property.

It shall be unlawful to proceed with any work for which a permit was issued after notice of permit suspension or revocation is served on the permit holder, the owner or the person having responsible charge of the work. Reinstatement of a suspended permit shall be by written notice from the building official authorizing work to resume, with or without conditions. Revoked permits shall be canceled and the permit fee shall not be refunded except as may be provided in Section 108.6 of these administrative provisions.

### 105.7 Record changes.

**105.7.1 Owner name change.** Any time after a permit has been issued a new owner may be substituted for the original owner, provided the new owner submits an affidavit of ownership and agrees to assume all code compliance obligations related to the permit, including responsibility for correcting any work previously installed in violation of any code requirement.

**105.7.2 Business name change.** Any time after a permit has been issued, the name of the tenant or business may be changed, provided the intended occupancy or use of the premises is not changed.

**105.7.3 Contractor change.** Any time after a permit has been issued, the recorded owner of the property may by affidavit request substitution of a new contractor for the contractor named on the original permit, provided the new contractor agrees to assume all code compliance obligations related to the permit including assuming responsibility for correcting any work previously installed in violation of any code requirement. Nothing in this section shall be construed to prevent a new contractor from obtaining a new permit to authorize only that work intended to be performed by the new contractor.

**105.7.4 Registered design professional change.** Any time after a permit has been issued, the recorded owner of the property may by affidavit request substitution of a new architect or engineer for construction or special inspection of the project. The new registered design professional must be registered in the state of Arizona and must agree in writing to assume all code compliance obligations related to the permit except for any obligation enumerated as having been previously satisfied by the original registered design professional.

**105.7.5 Address changes.** A permit is not transferable from one property to another and no address change shall be processed which would have this effect. Any time after a permit has been issued or any time a property owner wishes to change the official address of any property, the recorded owner may request an address change in writing on a form provided by the department. The application shall be accompanied by a nonrefundable processing fee as set forth in Section 108 of these administrative provisions. The department shall assign all addresses in accordance with established city regulations and may approve, modify or deny any request accordingly. Where an address change requires revising more than 10 records, the department may charge an administrative fee based upon the hourly rate for plan revisions.

**105.7.6 Scope of work changes.** Permit records shall be changed to increase or decrease the scope of work or valuation of any project.

Any increase in scope of work or valuation requires an application for a new permit and payment of additional permit fees for the supplemental work.

Any decrease in scope of work or valuation will be grounds for changing the permit record. In the case where a project scope is reduced after permit issuance, the original permit shall be revised to authorize the reduced scope of work, or, if no work has been started, the owner may in writing request to cancel the original permit and obtain a refund in accordance with Section 108.6 of these administrative provisions. In this case a new permit shall then be obtained for the actual work proposed.

**105.8 Permit posting required.** Work requiring a permit shall not be commenced until the permit holder or an of the permit holder shall have posted a visible sign which identifies the permit number and the street address or suite number where construction work is authorized. This sign may be a copy of the permit or a permit notice card provided by the building official. Other forms of identification may be used when approved by the building official. This permit notice shall be maintained by the permit holder until the required final approval has been granted by the building official.

**105.9 Annexations.** A building under construction with a building permit issued by the Maricopa County Building Department prior to the effective date of annexation, and the footings and stem walls of which have been completed shall not be required to have a city building permit; however, the Development Services Department shall inspect for compliance with the documents upon which the county permit was issued. A city building permit shall be required for any construction re-

maining uncompleted 24 months after the effective date of annexation.

A building under construction on the effective date of annexation which is completed to a lesser degree than stated above, shall be required to have a city building permit and all the fees paid as set forth in Appendix A.2 of the *Phoenix City Code*. If in such cases plan review has been done by Maricopa County, the city permit may be issued based upon approved plans from the county with no additional plan review fee.

In either case, construction shall conform to pertinent county zoning regulations in effect at the time the permit is issued.

## SECTION 106 CONSTRUCTION DOCUMENTS

**106.1 Submittal documents.** Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When required, the construction documents shall be prepared by a registered design professional as required by the State of Arizona Registrar of Contractors.

Where special conditions exist, the building official may require plans, computations and specifications to be prepared and designed by a registered design professional licensed by the state to practice as such even if not required by state law.

The building official may waive the submission of construction documents and other data 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 Code.

**106.1.1 Information on construction documents.** Construction documents shall be drawn to scale upon substantial paper or cloth and 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 Code and all relevant laws, ordinances, rules and regulations.

Plans for buildings of other than Group R-3 and Group U occupancies shall indicate how required structural and fire-resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

**106.1.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the *International Building Code*.

**106.1.1.2 Life safety report.** Prior to submitting construction drawings for high-rise buildings, covered mall buildings, buildings containing atriums, and other structures as determined by the building official, a Life Safety Report shall provide a description of the fire protection

systems in the building. This description shall include the basic concepts used for suppression, alarm, notification, egress, compartmentation, smoke control and other related systems, as well as the coordination of those systems. Upon completion of the project, a copy of the approved documentation shall be maintained at the site and by the Development Services Department until demolition of the building.

**106.1.2 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 this Code. In other than occupancies in Groups R-2, R-3, as applicable in Section 101.2, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.1.3 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. 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 roof; 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.

**106.2 Site plan.** A site plan shall be submitted prior to submittal of construction documents. The site plan shall include information as specified on the published Development Services Department pre-application submittal requirements. Upon receipt of preliminary site plan approval, construction documents may be submitted.

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, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways and design flood elevations; 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 Director or City Manager's Representative may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**106.3 Examination of documents.** The building official shall examine the accompanying construction documents and shall ascertain by examination whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances. The plans may also be reviewed by other departments of this jurisdiction to

verify compliance with any applicable laws under their jurisdiction.

**106.3.1 Approval of construction documents.** If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the fees specified in Section 108 of these administrative provisions have been paid, the building official shall issue a permit to the applicant.

When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications REVIEWED. The plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this Code shall be done in accordance with the approved plans.

**106.3.2 Previous approvals.** This Code 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 within 180 days after the effective date of this Code and has not been abandoned.

**106.3.3 Phased approval.** The building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. 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 building operation and without assurance that a permit for the entire structure will be granted.

**106.3.4 Design professional in responsible charge.**

**106.3.4.1 General.** When it is required that documents be prepared by a registered design professional, the building official may 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.

**106.3.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the ap-

plication and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official and shall be in accordance with the written criteria, policies and procedures adopted by the Development Services Department for this purpose. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Items eligible for consideration as deferred submittals include the following:

1. Phased design projects where multiple partial permits are requested.
2. Deferred submittal of specific design details for premanufactured structural components which are subject to in-factory third-party quality control inspections, such as steel joists, wood trusses and precast concrete components.
3. Deferred submittal of specific design details for preengineered building systems such as curtain wall systems, metal building systems, automatic sprinkler systems and fire alarm systems.
4. Submittal of nonsite-specific standard plans separate from and prior to requesting building permits for identical projects on multiple properties.
5. Other building systems or components upon approval of the building official.

Plans and specifications for deferred submittal items shall be submitted to the Development Services Department after being reviewed for conformance to the building or structure design by the registered design professional in responsible charge and prior to erection, construction or installation in the field. The registered design professional shall provide a notation on all deferred documents that acknowledges review of such documents. A separate permit for the installation of a deferred item shall not be required unless specified in this Code.

**106.4 Amended construction documents.** 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 first revised in coordination with the assigned field inspection supervisor. Plans requiring resubmittal to the Development Services Department for approval as an amended set of construction documents shall be subject to revision fees as set forth in Appendix A.2 of the *Phoenix City Code*.

**106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the Development Services Department for a period of not less than 90 days from date of completion of the permitted work for small commercial projects and all residential projects, and for a period of not less than 180 days from the date of completion of the permitted work for all other projects, or as required by state or local laws.

Construction documents for projects designed and built to the *International Code Council Performance Code* shall be re-

tained in the records of the Development Services Department for the life of the building, structure or service approved under such code. Documentation shall be made available in an electronic format acceptable to the Development Services Department for records retention purposes.

**SECTION 107  
TEMPORARY STRUCTURES AND USES**

**107.1 General.** 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.

**107.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary conditional certificate shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

**107.4 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**SECTION 108  
FEES**

**108.1 Fee schedule.** Fees shall be assessed in accordance with the provisions of this section and shall be as set forth in Appendix A.2 of the *Phoenix City Code*. Fees paid for plan reviews, permits or other services are not transferable.

**108.2 Permit fees.**

**108.2.1 Utility meter fees.** The basic permit fee for any project includes service to inspect and issue a final utility clearance on one gas meter, one water meter and one electric service entrance per permit. Additional inspection fees shall be paid at the time the permit is issued whenever more than one meter or service entrance of any one utility is included within the scope of the permit.

**108.2.2 Partial permits.** An applicant may request issuance of partial permits for portions of a building or project in accordance with the deferred submittal provisions of Section 106.3.4.2 of these administrative provisions. When issuance of partial permits has been approved by the building official, a separate permit fee for each such partial permit shall be assessed.

**108.2.3 Supplemental permits.** The fee for a supplemental permit to cover any additional work or additional valuation not included in the original permit shall be computed based on the valuation of the supplemental work. A new permit for

a building addition shall be required to increase the building area authorized by a permit. Supplemental work started prior to obtaining a supplemental permit is subject to an investigation fee set forth in Section 108.5 of these administrative provisions.

**108.3 Plan review fees.** When submittal documents are required by Section 106.3.2 of these administrative provisions, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fees specified in this section are separate fees from, and in addition to, the permit fees specified in Section 108.2 of these administrative provisions.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.4.3.2 of these administrative provisions, an additional plan review fee shall be charged as set forth in this section.

**108.3.1 Deferred submittals.** When the building official has agreed to accept deferred submittals on a project, the full plan review fee for the entire project shall be paid upon first submittal. Thereafter, the plan review fee for each additional submittal shall be determined as set forth in the fee schedule.

**108.3.2 Plan review corrections.** No additional fee shall be charged for checking corrections required by the building official on the first resubmittal. However, if the same or related corrections must again be noted on subsequent submittals, an additional rechecking fee shall be assessed and paid prior to resubmittal for a third or subsequent review.

**108.3.3 Plan revisions.** When plans are changed or revised so as to require additional plan review, an additional plan review fee shall be assessed. Changes or revisions which add to the scope of work included in the original plan submittal or on an issued permit shall be treated as new work requiring a new permit application, new plan review fee and new permit fee.

**108.3.4 Standard plans.** The plan review fee for a nonsite specific standard plan shall be the same as for a similar site-specific project. In addition, a separate site plan review fee shall be assessed each time a reviewed standard plan is referenced and used for purposes of obtaining a site-specific building permit.

**108.3.5 Special plan review services.** Additional fees shall be charged for special plan review services, but in no case less than an hourly rate sufficient to pay all direct and indirect expenses related to any special services provided.

**108.4 Building permit valuations.** The determination of value or valuation under any of the provisions of this Code shall be made by the Development Services Department. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work including all materials, labor, overhead and profit for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

**108.5 Investigation fees.** 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 equal to the amount of the permit fee required with a minimum and a maximum fee as set forth in the fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

**Exception:**

1. For work performed on an emergency basis, as determined by the Development Services Department, the investigation fee shall not apply if a permit is obtained within 72 hours after commencement of the emergency work.
2. The Development Services Department may waive or reduce the amount of an investigation fee when, in the opinion of the Development Services Department, there is good and justifiable reason to do so and when such action will result in substantial compliance with the intent of this Code.

**108.6 Inspections and reinspections.** Permit fees provide for customary inspections only. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official.

**108.7 Fee refunds.** The Development Services Department may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

**108.7.1 Unused permits.** The Development Services Department may authorize refunding of 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 or where the permit issued is found to be a duplication of a previously issued permit. In all cases, a minimum amount shall be retained to pay for processing the refund request.

**108.7.2 Withdrawn applications.** The Development Services Department may authorize refunding of 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 is done. In all cases, a minimum amount shall be retained for processing the refund request.

**108.7.3 Special conditions.** In paragraphs 1 and 2 above, the Development Services Department may at its discretion authorize a refund of more than 80 percent of the permit fee or plan review fee when the applicant demonstrates unique and unusual circumstances, provided the department retains an amount sufficient to recover all direct and indirect costs attributable to the project. In all cases, a minimum amount shall be retained for processing the refund request.

**108.7.4 Impact fees.** Requests for recalculation and refund of development occupation fees or impact fees shall be subject to an hourly charge for engineering time plus a minimum amount shall be retained for processing the refund.

**108.7.5 Refund requests.** The Development Services Department shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder. The written request must be submitted to the Development Services Department before the permit expires or no later than 180 days after the date of fee payment, whichever occurs first.

**108.8 Administrative fees.** The Development Services Department is authorized to charge and collect administrative service fees for providing miscellaneous goods and services such as code consultation; inspections or plan review services not specifically listed in this Code; extensive research of official records; providing copies of codes, records or department documents; recovering the cost of postage, handling or special data transmission services and the cost of providing special functions such as education seminars given for trade or industry groups. Administrative services fees shall be in the amount set by the city manager's office for citywide services or shall be based on the Department's hourly rate for professional services. The retail charge for sale of books or supplies shall be set to recover purchase costs plus reasonable inventory, handling and overhead expenses as determined by the Department.

**108.8.1 Record change fees.** An administrative service fee shall be assessed and collected by the Development Services Department for each request to change a permit record. No permit fee shall be reduced or refunded because of any record change.

**108.9 Fee payments.** Any fee required by this Code shall be paid in cash or may be paid by draft, check or credit card in accordance with administrative procedures established by the Development Services Department.

Any permit holder may elect to pay permit and other fees required by this Code on a prepaid charge account basis, provided the permit holder has first deposited with the Development Services Department a cash sum of not less than \$1,000. Charges accrued during each month shall be promptly remitted to the city by the 15th day of the following month or as often during the month as accrued charges equal the value of the bond. If the person or firm fails or refuses to pay such accrued fees by the 15th of the following month, the building official shall refuse any further permits until such time as all fees have been paid.

## SECTION 109 INSPECTIONS

**109.1 General.** All construction or work for which a permit is required shall be subject to inspection. Construction or work shall remain accessible and exposed for inspection purposes until approved. In addition, certain types of construction shall have continuous inspection, as specified in Section 1701 of the *International Building Code*.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or

of other ordinances of the City of Phoenix. Inspections presuming to give authority to violate or waive the provisions of this Code or of other ordinances of the City of Phoenix shall not be valid.

The permit applicant shall cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City of Phoenix shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans where existing, legal corner boundary markers are not readily verifiable.

**109.2 Preliminary inspection.** Before issuing a permit, the building official may examine buildings, structures and sites for which an application has been filed. The cost of this examination shall be the responsibility of the owner or applicant.

**109.3 Required inspections.** Inspections are required as set forth in the following sections.

**109.3.1 Building inspections.** Reinforcing steel or structural framework of any part of any building or structure, including in-ground swimming pool structures, shall not be covered or concealed without first obtaining the approval of the building official.

Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved.

1. **Foundation inspection.** Foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with approved nationally recognized standards.
2. **Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
3. **Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
4. **Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

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

5. **Final inspection.** A final inspection shall be made after finish grading and the building is completed and ready for occupancy.

**109.3.2 Building service equipment inspections.** All building service equipment for which a permit is required by this Code shall be inspected by the building official. No portion of any building service equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.

1. **Electrical inspections.** A rough-in inspection is required for all conduit, semirigid piping or wiring after installation but prior to being concealed. A final inspection is required when all conduit, wires, fixtures and equipment including covers has been installed and connected, but prior to energizing any such circuit or equipment.
2. **Mechanical inspections.** All mechanical equipment and systems for which a permit is required by this Code, including all associated ductwork, flues, condensate and refrigeration lines, shall be subject to inspection and shall remain accessible and exposed for inspection purposes until approved.
3. **Plumbing inspections.** A rough-in or underground inspection is required for all sewer, drainage and vent piping, and for all water and gas distribution systems prior to their being buried or concealed. A final inspection is required when all fixtures are set and operating or ready to operate pending final utility connection. Tests shall be performed as required by the *Arizona State Plumbing Code*.
4. **Operation of building service equipment.** The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing equipment serving an occupied portion of the building in the event a request for inspection of such equipment has been filed with the building official not more than 72 hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

**109.3.3 Swimming pool inspections.** In addition to the inspection required in Section 109.3.1 of these administrative provisions, a rough-in inspection is required after all fixed metal parts are in place and electrically bonded but prior to concealing or placement of any concrete or gunite. A final inspection is required before plaster is placed and before the pool is filled with water. At the time of final inspection, all of the following must be complete:

1. Installation of all motors, lights and electrical circuits, including connection to approved overcurrent protection devices.

2. Installation and electrical bonding of all fixed metal parts within 5 feet (1524 mm) of the inside edge of the pool.
3. Installation of approved backflow prevention devices on the nearest hose bib(s) providing water supply for the pool.
4. Installation of all pool enclosures and barriers required by this Code.

**109.4 Special inspections.** For special inspections, see Chapter 17 of the *International Building Code*.

**109.5 Other inspections.** In addition to the inspections specified above, the building official may require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws and ordinances enforced by the Development Services Department.

**109.6 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**109.7 Inspection agencies.** The building official may accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**109.8 Inspection requests.** The permit holder shall notify the Development Services Department when work is ready for inspection. The Department may require that every request for inspection be made by a certain time at least one working day before such inspection is desired. Such request may be in writing or by telephone.

The permit holder shall provide access to and means for inspections of such work that are required by this Code.

When inspections are requested for weekends, holidays or any time other than the regular working hours of the building official, an additional inspection fee shall be charged.

**109.8.1 Reinspections.** For each inspection or reinspection when the portion of work for which inspection is called is not complete or when corrections called for are not made, a reinspection fee may be assessed.

To obtain a reinspection, the applicant shall request a reinspection and pay any reinspection fees assessed. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

**109.9 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining approval. Upon notification, the inspections shall be made and the permit holder notified that either the portion of the work inspected is satisfactory as completed, or that the work inspected fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until approved for such work.

## SECTION 110 CERTIFICATE OF OCCUPANCY

**110.1 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. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the City of Phoenix.

Changes in the character or use of a building shall not be made except in compliance with the *City of Phoenix Zoning Ordinance* as specified in Sections 3405 and 3406 of the *International Building Code*.

**110.2 Certificate issued.** Upon inspection of the building or structure there are no violations of the provisions of this Code or other laws enforced by the Development Services Department, the building official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The date of issuance.

**110.3 Temporary certificate of occupancy.** If the building official finds that no hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary Certificate of Occupancy may be issued for the temporary use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The building official may refuse to grant a temporary Certificate of Occupancy if a hazardous condition exists on the property, if conditions or stipulations of inspection orders or notices have not been complied with or if reasonable progress has not been made to achieve full code compliance in a timely manner.

**110.3.1 Application.** Application for a temporary Certificate of Occupancy shall be on a form supplied by the Development Services Department and shall include payment of a nonrefundable inspection fee as set forth in Section 108 of these administrative provisions. Issuance of a temporary Certificate of Occupancy shall be subject to the property owner and the permit holder agreeing in writing to compliance with all stipulations set forth by the Development Services Department.

**110.3.2 Duration.** The maximum duration for temporary occupancy of a building, or a portion thereof, shall be 180 days after issuance of the temporary Certificate of Occupancy, within which time all requirements of the *Phoenix Building Construction Code*, *Phoenix Fire Code*, the *City of Phoenix Zoning Ordinance* and other applicable codes and ordinances shall have been completed.

**110.4 Revocation.** The building official may, in writing, suspend or revoke a Certificate of Occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or

portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

**110.5 Fees.** There shall be no additional fee for issuance of a Certificate of Occupancy upon final completion of all work included in a valid, unexpired building permit.

**110.6 New use certificate of occupancy.** Application may be made for the building official to consider issuing a new Certificate of Occupancy for a change in use or for new use of an existing building when no construction permit has been issued. Application for such a certificate shall be on a form provided by the Development Services Department and shall include payment of a nonrefundable application and inspection fee. This fee shall be in addition to any plan review fee or subsequent permit fee that may be required by Section 108 of these administrative provisions.

**110.7 Duplicate certificates of occupancy.** Duplicate copies of a valid Certificate of Occupancy may be obtained from the Development Services Department upon payment of an administrative service fee sufficient to cover records search and copy costs.

## SECTION 111 SERVICE UTILITIES

**111.1 Utility clearances.** Utility clearances shall not be issued by the building official until the building or building service equipment has been inspected and has been found to be in substantial compliance with the provisions of this Code. The building official may withhold utility clearances until the building, portion of the building or building service equipment served by the utility has been inspected and approved for use or occupancy as required by this Code.

Utility clearances shall be issued by the building official directly to the serving public utility, and shall be evidenced by a written clearance tag attached to the point of supply or service.

The building official shall have the authority to order disconnection of any gas, electricity or water service from any building or building service equipment found to be unsafe as set forth in Section 115 of these administrative provisions.

**111.1.1 Natural gas clearance.** It shall be unlawful for any public utility or any person to turn on or cause to be turned on any gas meter or meters, or to supply gas to any equipment or piping systems, prior to issuance of inspection approval and a gas clearance by the building official.

**111.1.2 Liquefied petroleum gas (LP gas) clearance.** It shall be unlawful for any person to cause LP gas to flow into any building piping system prior to issuance of inspection approval and a gas clearance by the building official.

**111.1.3 Electricity clearance.** It shall be unlawful for any public utility or person to install an electrical meter, to supply electricity or to energize any building electrical circuit or equipment or any other on-premises wiring or lighting system prior to inspection approval and issuance of an electrical clearance by the building official.

**111.1.4 Water service clearance.** It shall be unlawful for any public utility or any person to turn on or cause to be turned on any water supply, or to supply water to any plumb-

ing fixture or potable water supply system, prior to inspection approval and issuance of a water service clearance by the building official.

This does not include temporary construction water provided for test or construction purposes in accordance with regulations of the Water Services Department and Section 111.2 of these administrative provisions. This also does not include permanent water meters set and water service supplied to Group R-3 occupancies upon completion of plumbing work and prior to final inspection in accordance with Section 111.2 of these administrative provisions.

**111.2 Conditional utility clearance.** The building official may issue conditional utility clearances for temporary connection of gas, electricity or water service to a building for testing or construction purposes, or for early connection of permanent gas, electricity or water service to a building prior to full completion of all construction.

The building official may adopt rules and regulations pertaining to applications, inspections and minimum safety conditions necessary for approving conditional utility connections. The building official may set conditions or stipulations for such clearance, and may revoke the clearance and order the utility disconnected if a safety hazard is found, if a condition of the clearance has been violated or if the building is occupied prior to issuance of a Certificate of Occupancy.

The building official shall deny a request for conditional utility clearance if it is determined that a hazardous condition would likely result from connecting the utility.

As set forth in Section 108 of these administrative provisions, a nonrefundable application and inspection fee shall be paid with each request for conditional utility release.

## SECTION 112 DEVELOPMENT ADVISORY BOARD

**112.1 General.** The Development Advisory Board (hereinafter referred to as “the Board”) is a committee of citizen and development industry representatives appointed by the Phoenix city council for purposes of reviewing and advising the Development Services Department and the City Council on development-related codes, ordinances, policies and procedures. With respect to the *Phoenix Building Construction Code*, the Board shall have the following duties, responsibilities and limitations.

**112.2 Duties and responsibilities.** The Board is established to advise and make recommendations to the Development Services Department on matters pertaining to the application, interpretation and amendment of the *Phoenix Building Construction Code*, and to hear appeals from the decisions of the building official. The building official shall be an ex-officio member of the Board but shall have no vote on matters before the Board.

**112.2.1 Code amendments.** The Board shall review and make recommendations to the Development Services Department and to the City Council on all proposed *Phoenix Building Construction Code* amendments. The Board shall conduct a public hearing on any proposal to amend the code. The Board may also appoint a study committee to consider proposed amendments. When a study committee is estab-

lished, the Board chairperson shall appoint a Board member to serve as chairperson for the study committee. The study committee shall report its findings to the Board as soon as possible. Final recommendation of the Board shall be made to the building official and to the City Council.

**112.2.2 Appeals.** Any person aggrieved by a formal written order, decision or determination of technical requirements made by the Director or designee may request a hearing by the Board. Appeals shall be made in writing on a form provided by the Development Services Department and shall be accompanied by a nonrefundable appeal fee. Appeals must be filed within 10 days of an administrative hearing decision. All appeal hearings shall be open and public, and any person whose interest may be affected by a recommendation of the Board shall be given an opportunity to be heard. The Board shall render all decisions in writing. Appeals may be filed only when it is claimed that:

1. The true intent of the *Phoenix Building Construction Code* has been incorrectly interpreted; or
2. The provisions of the code do not fully apply; or
3. An alternate method of complying with code requirements should be approved because the standards set forth below are met. The burden of proof shall be on the aggrieved person to demonstrate that the standards are met.
  - (A) Special circumstance or conditions apply to this permit application; and
  - (B) Authorizing the alternate method is necessary for the preservation and enjoyment of substantial property rights; and
  - (C) Authorizing the alternate method will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general; and
  - (D) Authorizing an alternate method of compliance will achieve the intent of the code and authorizing the alternate method will not lessen any life safety requirement, any fire protection requirement, any structural integrity or any capacity of a required sewer, water or drainage system.

**112.3 Limitations on authority.** The Board shall have no authority relative to interpretation of the procedural provisions of this Code nor shall the Board be empowered to waive requirements of this Code. The Board shall have no jurisdiction over any requirement that a permit must be obtained, decisions to pursue enforcement actions in accordance with the provisions of the *Phoenix City Code* or the amount of any fee prescribed by the *Phoenix City Code*.

**112.4 Liability.** Liability of the Development Advisory Board charged with enforcement of this Code shall be as set forth in Chapter 42 of the *Phoenix City Code*.

## SECTION 113 VIOLATIONS

**113.1 General.** Whenever, by the provisions of this Code, the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the erection, alteration, repair, maintenance, demolition or occupancy of any building, structure or building service equipment, a failure to comply with the provisions of this Code shall constitute a violation. Every day on which a violation exists shall constitute a separate violation and a separate offense. The remedies herein are cumulative and the City of Phoenix may proceed under one or more such remedies.

**113.1.1 Responsible parties.** For the purpose of this Code, unless a particular section, subsection or clause placed compliance responsibility upon a different person, the property owner, the tenant or occupant in responsible control of the premises and the person, firm or corporation performing the work all have the duty to ensure that all applicable requirements of this Code are complied with. Failure to comply with the provisions of this Code or with a lawful order of the Director or designee, subjects the owner, the tenant or occupant, and the person, firm or corporation performing the work to the criminal penalties and civil remedies prescribed in this section.

**113.1.2 Notice of violation.** Notices of violation of this Code shall be in writing and shall be served by personal service or by certified mail with return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address and legal description of the property in question and shall state the nature and extent of the violation in such detail as to allow the correction or abatement of the violation. The notice shall provide the name and phone number of a city representative to contact concerning the violation and acceptable methods of correction or abatement. The notice shall state the remedies available to the city for correction or abatement of the violation and the procedures to follow should the recipient wish to appeal the issuance of the notice.

Nothing herein shall preclude the Director or designee from giving additional verbal or written information notices. Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

**113.1.3 Recording a violation.** The City of Phoenix may record a notice of violation with the Maricopa County Recorder. A recorded notice of violation shall run with the land. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be filed at the request of the owner or responsible party at the requester's expense.

**113.2 Jurisdiction of court.** Jurisdiction of all proceedings to enforce provisions of this Code shall be in the Municipal Court of the City of Phoenix. Civil actions to enforce this Code may be adjudicated by a judge or a court hearing officer.

**113.2.1 Abatement orders.** The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders to the

property owner of record, as recorded with the Maricopa County Recorder, to abate unsafe conditions or any other violation of this Code, or to issue orders permitting the City of Phoenix to abate unsafe conditions as defined in this Code. Abatement orders may be issued by the Municipal Court pursuant to a request from the Director or designee, or may be initiated by the court in addition to any civil sanction or criminal penalty assessed for violations of this Code. The costs of any abatement by the city shall be the responsibility of the property owner and may be collected as set forth in Chapter 39, Article 4 of the *Phoenix City Code*.

**113.3 Civil actions.** Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this Code or who fails to perform any act or duty required by this Code is subject to a civil sanction of not less than 500 dollars (\$500) nor more than 2,500 dollars (\$2,500).

**113.3.1 Commencement of civil action.** Any civil action to enforce the provisions of this Code shall be commenced, and summons shall be issued, in accordance with the procedures set forth in the Arizona Revised Statutes, city ordinance or as provided in the Local Rules of Practice and Procedure – City Court – City of Phoenix.

**113.3.2 Admission or denial of allegation; hearing; findings of court; civil sanction.**

1. A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.
2. If the allegations are admitted, the court shall enter judgment for the city and impose a civil sanction.
3. If the person denies the allegations, the court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City of Phoenix is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the court at least 10 days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the citation or complaint. If the court finds in favor of the city, the court shall enter judgment for the city and impose a civil sanction.
4. If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations shall be deemed admitted and the court shall enter judgment for the city and impose a civil sanction.

**113.4 Criminal penalties.** Whenever in any section of this Code the doing of any act is required, prohibited or declared to be unlawful or a violation, any person, firm or corporation who shall be convicted of a violation of any such section shall be guilty of a Class I misdemeanor.

**113.5 Injunctive relief.** The imposition of any civil action or criminal penalty provided in this Code shall not preclude the Director or designee from instituting any appropriate action or proceeding to require compliance with the provisions of this Code and with administrative orders and determinations made hereunder. In the event that any building, structure or building service equipment is erected, constructed, reconstructed, altered, repaired, converted, demolished, moved or maintained, or any building, structure or building service equipment is used or occupied in violation of this Code, the Director or designee may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or demolition; to restrain, correct or abate such violation; or to prevent the use or occupancy of said building, structure or building service equipment.

**113.6 Prohibitions.** It shall be unlawful and a violation of this Code for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this Code.

**113.6.1 Submittal information.** It shall be unlawful and a violation of this Code for any person, firm or corporation to falsify or to materially misrepresent information submitted to the Director or designee as part of any application or request for approval required by this Code.

**113.6.2 Alternate methods, materials and equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to use any method, material or equipment as an alternate to the methods, materials or equipment permitted by this Code without first having obtained approval from the Director or designee in the manner provided in this Code.

**113.6.3 Permits.** It shall be unlawful and a violation of this Code for any person, firm or corporation to perform any work for which a permit is required by this Code until such permit has been obtained from the Director or designee and been posted on the premises where the work is to be performed.

It shall also be unlawful and a violation of this Code for any person, firm or corporation to occupy, use or maintain any building, structure or other property improvement that was built, erected, altered or improved without a valid permit issued by the Director or designee when such permit is required by this Code.

**113.6.4 Approval conditions.** It shall be unlawful and a violation of this Code for any person, firm or corporation to install or perform any construction work or to maintain, occupy or use any building, structure or other property improvement that deviates from the plans, designs, specifications or materials approved by the Director or designee at the time of permit issuance, unless such deviation has received subsequent approval from the Director or designee.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any condition or stipulation required by the Director or designee as

part of the approval of any modification request; any request for use of alternate methods, materials or equipment; any plan approval; any permit issuance; any inspection notice; or any conditional or permanent Certificate of Occupancy approval.

It shall be unlawful and a violation of this Code for any person, firm or corporation to violate any requirement, condition, specification or prohibition contained in any provision of this Code.

**113.6.5 Inspections.** It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to request all inspections required by the provisions of this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to cover or conceal any work requiring inspection until such inspection has been made and approved by the Director or designee.

**113.6.6 Certificate of occupancy.** It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy or use any building or structure without first having obtained a Certificate of Occupancy as required by the provisions of this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy or use any building or structure for any use or activity other than that authorized by a Certificate of Occupancy for such building or structure.

It shall be unlawful and a violation of this Code for any person, firm or corporation to change the occupancy, use or character or use of any building or structure without first obtaining a new Certificate of Occupancy for such new use.

It shall be unlawful and a violation of this Code for any person, firm or corporation to continue to occupy or use any building or structure in violation of the conditions of any conditional Certificate of Occupancy or after the expiration of a conditional Certificate of Occupancy.

**113.6.7 Unsafe buildings and building service equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to cause or to create any unsafe condition as defined in this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to use or occupy any building or structure, or to use or operate any building service equipment, when such building, structure or building service equipment has been declared unsafe in accordance with the provisions of this Code. These requirements shall apply to all buildings, structures and building service equipment, whether new, existing, under construction or being demolished.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to make repairs or otherwise fail to correct or abate any unsafe condition as defined in this Code.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with an unsafe condition abatement order issued by the Director or designee in accordance with Section 102.8 of these administrative provisions.

**113.6.8 Rubbish and debris.** It shall be unlawful and a violation of this Code for any person, firm or corporation to allow any rubbish, refuse or loose material resulting from construction operations to remain uncontained or to be swept, thrown, blown or deposited on any public property or any adjoining private property.

**113.6.9 Public streets and sidewalks.** It shall be unlawful and a violation of this Code for any person, firm or corporation to occupy, obstruct, block-off, damage, remove or remove from service any public street, alley or sidewalk without first obtaining and complying with a barricade permit from the city.

**113.6.10 Lawful orders.** It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any lawful notice or order of the building official issued in accordance with the provisions of this Code.

**113.7 Investigation.** Whenever any work for which a permit is required by this Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. Working beyond the authorized scope of a permit constitutes: work without a permit, is a violation of this Code, is grounds for the building official to stop all work on the project until appropriate permits are obtained and the unpermitted work has been assessed an investigation fee as set forth in Section 108 of these administrative provisions.

## SECTION 114 STOP WORK ORDER

**114.1 Authority.** Whenever the building official finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the building official is authorized to issue a stop work order.

**114.2 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 , 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.

**114.3 Unlawful continuance.** Any person who continues 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 contained herein.

## SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

**115.1 General.** All buildings or structures regulated by this Code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is an unsafe use.

## ADMINISTRATION

In addition to the provisions of this Code, all buildings, structures and property shall be maintained in compliance with the provisions of Chapter 39, Article 4 of the *Phoenix City Code*, the “Neighborhood Preservation Ordinance,” and all unsafe buildings or structures shall be subject to the abatement and enforcement provisions of that ordinance.

**115.2 Definitions.** Unsafe conditions or defects shall be classified as imminent or incipient hazards.

**IMMINENT HAZARD** is defined as a high, real and immediate risk to life, health or property.

**INCIPIENT HAZARD** is defined as a condition that can become an imminent hazard if further deterioration occurs or if reasonable additional loads are applied.

**115.3 Unsafe buildings or structures.** Conditions or defects that render a building or structure unsafe include, but are not limited to:

1. Where any door, aisle, passageway, stairway or other means of egress is locked, blocked or constricted so as to prevent safe and adequate means of egress in case of fire or panic.
2. Where the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in this code for new buildings of similar structure, purpose or location.
3. Where any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this Code for new buildings of similar structure, purpose or location.
4. Where any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in this Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.
5. Where any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of similar new construction.
6. Where the building or structure, or any portion thereof, is likely to partially or completely collapse because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause.
7. Where, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
8. Where the exterior walls or other vertical structural members list, lean or buckle to such an extent that a

plumb line passing through the center of gravity does not fall inside the middle of one-third of the base.

9. Where the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50-percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
10. Where the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals or immoral persons.
11. Where any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the strength or fire-resisting qualities required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
12. Where any swimming pool is not enclosed with all barriers required by this Code.

**115.4 Unsafe building service equipment.** Unsafe building service equipment is equipment which constitutes a fire hazard or hazard to life, health, property or the public welfare by reason of use, construction, quality of materials or inadequate maintenance or dilapidation. Conditions or defects that render equipment unsafe include, but are not limited to:

**115.4.1 Gas-fired, oil-fired or solid-fuel-fired appliance, devices or apparatus which have any of the following defects:**

1. Defective heat exchangers.
2. Defective or deteriorated vents, venting or flues which permit leakage of flue gases through the flue walls.
3. Defective or leaking fuel supply lines.
4. Insufficient fresh air supply for combustion of fuel and vent operation.
5. Heating appliances which are not properly vented.
6. Defective or improperly installed and adjusted controls and appurtenances.
7. Equipment locations which will constitute a fire or explosion hazard.
8. Defective or improperly installed equipment.
9. Excessive exhaust in boiler, furnace rooms or areas where gas, liquid or solid-fuel-fired equipment is located.

**115.4.2 Elevators, escalators, dumbwaiters or similar conveyances or apparatus which have any of the following defects:**

1. Hoisting, counter-weight or governor ropes with frayed or broken strands.
2. Storage of any material other than elevator equipment within any hoistway, including the pit and the elevator equipment and control room.

3. The accumulation of dust or other highly combustible material on the elevator mechanism or in the hoistway, pit or elevator or equipment and control room.
4. Defective or inoperable elevator or escalator brake mechanism.
5. Defective, disconnected or inoperable safety devices.
6. Hoistway entrance protection which does not meet the requirements of this Code.
7. Missing, damaged or defective escalator guardrails, handrails or treads.

**115.4.3 Electrical systems, appliances, devices or apparatus which have any of the following defects:**

1. Uninsulated or exposed live parts and a fire or shock hazard exists.
2. Loose or poor electrical connections creating a fire or shock hazard.
3. Overloaded branch circuits, feeders or service equipment.
4. Equipment or circuits not properly grounded and bonded.
5. Equipment or conductors not properly protected from overload, short circuit or ground fault.
6. Misuse of flexible cords and cables.
7. Wiring method or equipment not properly supported.
8. Equipment short-circuit, interrupting or withstand ratings insufficient for the available fault current at the line terminals of the equipment.
9. Improperly installed or not suitable for the intended use and location.
10. Inadequate maintenance, dilapidation, damage, obsolescence or abandonment.

**115.4.4 Boilers or pressure vessels which have any of the following conditions:**

1. Excessive scaling or corrosion, or cracks in seams, tubes or shells.
2. Defective or improperly installed safety valves, or safety valves of improper setting, capacity or acceptable means of discharge.
3. Defective or improperly installed operational controls, burners or other appurtenances.
4. Defective or improperly installed vent system for products of combustion.
5. Hazardous operation or location of equipment.
6. Unacceptable means for blowdown where required.
7. Insufficient fresh air supply for complete combustion of fuel and vent operation.
8. A boiler or pressure vessel operated above its allowable pressure or temperature.

**115.4.5 Refrigeration equipment which has any of the following defects:**

1. Inadequate ventilation of machinery rooms.

2. Inadequate sizing, setting capacity or venting of pressure-relief valves.
3. Hazardous location or operation of equipment.
4. Defective or improperly installed safety controls.
5. Refrigerants of a type or quantity which is prohibited for conditions under which it is used.
6. Systems using ammonia as a refrigerant where inadequate provisions have been made for disposal as required elsewhere in this Code.

**115.4.6 Plumbing systems which have any of the following defects:**

1. Where the water does not meet the standards for potability as required by the Maricopa County Environmental Services Department.
2. The existence of cross connection, backflow or back siphonage, which creates health hazards or pollution.
3. Lack of running water to operate plumbing fixtures required for the use or occupancy of the premises.
4. Drainage systems which are clogged, fouled or depositing solids.
5. No trap seal is provided or the seal is inadequate.
6. Lack of sewer venting or venting into an enclosed building or structure.
7. Leaking water, sewage or sewer gas inside or outside a building.
8. Open or abandoned cesspools or septic tanks.

**115.5 Unsafe excavations.** An unsafe excavation is any abandoned swimming pool or any active or abandoned mining shaft, test hole, well, pit, trench or other excavation which is more than 4 inches (102 mm) in any lateral dimension and more than 3 feet (914 mm) in depth, whenever such excavation is not covered, fenced or otherwise enclosed such that the general public is exposed to an imminent hazard. This does not apply to active sand or gravel mines being operated in compliance with city and state laws.

**115.6 Reporting of unsafe conditions.** The person or persons occupying or having control of any unsafe building, structure or building service equipment who knows or should have known an unsafe condition exists shall take immediate steps to vacate the building or structure or to otherwise safeguard the health and safety of the public including all building occupants, and shall notify the appropriate agency or agencies of the situation as follows:

1. The Fire Department shall be notified immediately of all personal injuries, fires, explosions or hazardous materials incidents.
2. The Water Services Department shall be notified immediately of all backflow, back siphonage or cross-connection incidents according to city procedures.
3. The gas utility shall be notified immediately of any unsafe conditions relating to gas piping or gas-fired building service equipment.
4. The electric utility shall be notified immediately of any shock injuries, fire or explosion relating to any electrical building service equipment.

5. In addition to the above notifications, the Director or designee shall be notified within four hours of the occurrence of any structural failure or of any unsafe condition.
6. In addition to the above notifications, the Director or designee shall be notified within 72 hours of the occurrence of any fire that caused structural damage or damage to required building service equipment, any plumbing cross-connection, or any other unsafe condition relating to building service equipment.

Notification of the Director or designee shall be deemed to have occurred upon receipt of a request for inspection or upon receipt of an application for a permit to barricade, demolish, repair or replace the unsafe condition or defective building service equipment.

**115.7 Authority for inspection and evaluation.** The Director or designee may inspect any property, building, structure or building service equipment to determine compliance with this section whenever the Director or designee has probable cause to suspect that an unsafe condition exists. Except in cases of emergencies or readily apparent imminent hazards, the Director or designee shall make reasonable attempts to obtain permission from the property owner or the person or persons occupying or having control of the property prior to conducting the inspection. All entry onto property or into buildings or structures for purposes of this inspection shall be in accordance with legal requirements governing such entry.

When the Director or designee has reason to suspect that an unsafe condition exists, the Director or designee is authorized to immediately issue abatement orders in accordance with Section 115.8 of these administrative provisions, or the Director or designee may require the property owner to obtain a detailed engineering evaluation of the suspected unsafe condition before the Director or designee determines the extent of abatement required.

1. When so ordered by the Director or designee, the owner of any building or property suspected of containing an unsafe condition shall engage the services of a design professional registered in Arizona to conduct a detailed investigation and analysis of the suspected unsafe condition. The cost of such an investigation and report shall be paid by the property owner.
2. The registered design professional retained by the owner shall conduct a detailed investigation and evaluation of the suspected unsafe condition and shall issue a written report to the property owner and to the Director or designee on the condition of the building, structure or building service equipment, including recommendations for steps necessary to abate any unsafe condition found. The report shall be delivered to the Director or designee on or before the date specified in the Director or designee order requiring such report.
3. The content, findings and recommendations contained in the owner's engineering report may be utilized by the Director or designee to determine whether or not an unsafe condition exists, whether the condition creates an imminent or incipient hazard and what, if any, abatement orders shall be issued.

4. Failure of a property owner to produce an engineering report on or before the date specified in the Director or designee order shall be grounds for the Director or designee to proceed with abatement proceedings up to and including orders to immediately vacate or demolish the subject building or structure.

**115.8 Abatement of unsafe buildings, structures or building service equipment.** The Director or designee shall, after inspection, determine whether a building, structure or building service equipment is unsafe and, if so, whether it constitutes an imminent hazard or an incipient hazard, as defined in Section 115.2 of these administrative provisions.

**115.8.1 Incipient hazards.** If a building, a structure or any building service equipment is determined to be an incipient hazard, the Director or designee shall issue a written notice to the property owner or occupant of the premises describing the incipient hazard and ordering its repair or abatement within a certain time as necessary to prevent creation of an imminent hazard. The time allowed for repair or abatement shall be not less than 10 days and not more than 90 days from the date of the notice. Failure to repair or abate the incipient hazard within the time specified shall constitute grounds for the Director or designee to declare the condition an imminent hazard and to thereafter initiate formal abatement procedures.

**115.8.2 Imminent hazards.** If a building, structure, or any building service equipment is determined to be unsafe and an imminent hazard, the Director or designee shall serve a written notice of violation on the person or persons occupying or having control of the building, structure or building service equipment and on the person or persons having recorded interest in the property. The notice of violation shall declare the unsafe condition to be a nuisance and shall order its immediate abatement in accordance with the provisions of this section.

1. **Notice of Violation.** Notices of violation declaring imminent hazards shall be served by personal service or by certified mail, return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address and legal description of the property in question and shall state the nature and extent of the unsafe condition in such detail as to allow the property owner to identify and abate the unsafe condition. The notice shall provide the name and phone number of a city representative to contact concerning the unsafe condition and acceptable methods of abatement. The notice shall state the city's authority to abate the violation if the owner fails to do so and the city's ability to assess the costs of such abatement against the property. The notice shall state the procedures to follow should the owner wish to appeal the decision of the Director or designee.

Nothing shall preclude the Director or designee from giving additional oral or written information notices. Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

2. **Unsafe buildings or structures.** In the case of an unsafe building or structure containing imminent hazards, the Director or designee shall order the hazard abated by repair or by demolition of the building or structure. The unsafe building or structure and any buildings or structures placed in jeopardy by the unsafe buildings or structures shall be posted in accordance with this Code. The buildings or structures shall not be occupied or reoccupied until determined safe by the Director or designee.
3. **Unsafe building service equipment.** In the case of an unsafe building service equipment installation containing imminent hazards, the Director or designee shall attach or affix a warning red tag to the equipment declared to be unsafe. Where equipment is declared to be unsafe, the Director or designee shall order such equipment disconnected or its use discontinued until the nuisance created thereby is abated. In addition, the Director or designee may order any building or structure which is placed in jeopardy by the unsafe equipment to be vacated, or the Director or designee may order the disconnection of the affected utility service to the building, structure or equipment, and these buildings or structures shall not be occupied, reoccupied or building service equipment reconnected until determined safe by the Director or designee.
4. **Posting of signs.** When necessary to protect life, health or public welfare, the Director or designee may post signs which shall prohibit entry into an unsafe building or structure, provided, however, that with permission of the Director or designee it shall be lawful to enter the building for the purposes of removing personal property or affecting any required repairs, rehabilitation or demolition.  
It shall be unlawful to remove any such sign without permission from the Director or designee. It shall be unlawful to enter, occupy or inhabit such unsafe building or structure without the express written permission of the Director or designee.
5. **Emergency barricades.** If any building or structure is a hazard to life or limb of persons using a public street, alley or sidewalk, the public way shall be barricaded to prevent public use. The necessary barricades shall be erected on order from the Director or designee. The costs for barricading of a public way under this section shall be assessed to and paid by the owner of the unsafe building or structure causing the need for such barricades.
6. **Emergency abatement.** In the event an emergency should occur wherein the continued existence of a building, structure or building service equipment would constitute an imminent hazard to life, health or other property, the Director or designee may cause such building or structure to be demolished, building service equipment removed or disconnected, swimming pool fenced or pumped dry or cesspool or tank filled at once, all without notice. Such abatement shall

be limited to the minimum work necessary to remove the imminent hazard.

7. **Abatement by city.** If the owner of any unsafe building, structure or building service equipment fails to abate an imminent hazard within the time specified in the notice of violation, the city may abate any such unsafe condition by repair, removal or demolition in accordance with the provisions of Chapter 39, Sections 39-22 through 39-24 of the *Phoenix City Code*. The costs of any city abatement, including emergency abatement or temporary repairs, shall be paid by the property owner as set forth in Chapter 39, Sections 39-22 through 39-24 of the *Phoenix City Code*.
8. **Court-ordered abatement.** In addition to any other abatement procedures provided in this Code, the Director or designee may apply to the Municipal Court of the City of Phoenix for an order allowing the city to abate any unsafe condition in accordance with the provisions of Chapter 39, Section 39-20 of the *Phoenix City Code*.

**115.8.3 Appeals.** Decisions, orders and notices of violation relating to unsafe buildings, structures or building service equipment may be appealed to the building official and to the Development Advisory Board in accordance with Section 112 of this Code, except that any appeal of an order by the Director or designee to vacate an unsafe building or to demolish part or all of an unsafe building or structure shall be made to the Rehabilitation Appeals Board in accordance with Chapter 39, Article 5 of the *Phoenix City Code*.

**115.9 Conditions.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

## SECTION 116 ANNUAL FACILITIES PERMITS

**116.1 Scope.** The Annual Facilities Program is an administrative system intended to simplify the permitting and inspection process for qualified facilities. This program allows inspector review of plans and maintains an inspection staff familiar with the construction history of qualified facilities. Qualified facilities enrolled in this program are exempt from Section 105 of these administrative provisions when the proposed work does not increase the floor area. Additional permits shall be required for work that increases floor area, change of occupancy, or for tenant improvements in accordance with Section 105 of these administrative provisions. The Annual Facilities Program shall administer all permits issued for qualified facilities registered under this program. This permit process shall not preempt compliance with the technical requirements of this Code or with other city, county, state or federal laws and regulations.

**116.2 Definitions.** For the purpose of this section, certain terms are defined as follows:

**AGENT** means a person employed by a qualified facility owner as full-time staff or by contract, who is an architect or engineer registered and residing in the State of Arizona.

**CAMPUS** means two or more buildings located on the same property and under the control of the qualified facility owner.

**QUALIFIED FACILITY** means a building, campus, structure, or building service equipment registered with the Annual Facilities Permit Program.

**QUALIFIED FACILITY OWNER** means a firm, corporation, political entity or property management company that occupies or controls the buildings, campus, structure or building service equipment and maintains such buildings and equipment in compliance with all provisions of this Code.

**116.3 Annual Facilities Permits.**

**116.3.1 Initial application.** Every applicant for an Annual Facilities Permit shall fill out a form provided by the Development Services Department and shall pay an application and registration fee as set forth in Appendix A.2 of the *Phoenix City Code*. The form shall include the following:

1. The name of the person authorized to act on behalf of the qualified facility owner(s).
2. The name of the agent who will be responsible for code compliance of the work performed under the Annual Facilities Permit. When the agent is employed by contract, the agent and the person who is authorized to act on behalf of the qualified facility owners cannot be the same individual.
3. The location and total square footage of the entire facility at the site(s) intended to be included in the program.

The building official shall take action on the application and the applicant shall be notified accordingly. If the application is denied, the applicant may appeal such decision in accordance with Section 112 of these administrative provisions.

**116.3.2 Validity of the annual facilities permits.** An Annual Facilities Permit shall be valid only as long as the named agent remains in the employ of the qualified facility owner in an active capacity.

If the agent should leave the employ of the qualified facility owner, such facility shall notify the building official within seven calendar days. The qualified facility owner shall obtain a replacement agent within 45 days of notification to the building official. If the building official is not notified within the prescribed period that a new agent has been obtained, the Annual Facilities Permit shall be suspended until such agent is obtained.

**116.3.3 Annual facilities permit transfers.** An Annual Facilities Permit is not transferable.

**116.4 Annual facilities permit renewal.** Annual Facilities Permits shall be renewed every 12 months by payment of a re-

newal fee as set forth in Appendix A.2 of the *Phoenix City Code*. Renewal fees shall be due and payable before the date of expiration of the permit or when a new application is required.

Any work performed after expiration or without a permit as specified in Section 105 of these administrative provisions shall be a violation of this Code.

**116.5 Annual Facilities Permit operation.** The agent shall notify the Development Services Department before the start of any work on facilities registered with the Annual Facilities Permit Program. The building official shall determine the nature and extent of plan review or inspections required. The qualified facility shall pay to the Development Services Department an hourly fee for professional services rendered as set forth in the Appendix A.2 of the *Phoenix City Code*.

The agent shall be responsible for ensuring that qualified facilities comply with the substantive provisions of this Code. The agent, as authorized by rules established by the Arizona Board of Technical Registration, shall assure work has been performed in accordance with this Code.

**116.5.1 Plan reviews.** Plans, drawings, diagrams, and/or other data describing such work shall be provided to the building official for review before work commences. Plans shall be complete and comply with all of the codes and ordinances applicable to the proposed work.

**116.5.2 Work report and inspections.** All structural, architectural, plumbing, mechanical and electrical installations or construction shall be inspected in accordance with this Code. Facilities shall be subject to inspection at regular intervals not to exceed six months.

**116.5.3 Construction compliance.** The agent and the qualified facility owner are jointly responsible for assuring that all work performed at the qualified facility complies with all technical requirements of all applicable construction codes whether or not such work is specifically inspected.

**116.6 Revocation of annual facilities permit.** The building official may suspend or revoke an Annual Facilities Permit when the qualified facility fails to comply with any of the program policies or for willful violation of any provision of this Code. Violations that may result in annual permit suspension or revocation include, but are not limited to, one or more of the following:

1. Performing construction work without an agent as required in this section.
2. Performing construction work without the agent's knowledge or consent.
3. Concealing work without inspection approval or authorization.
4. Refusal to uncover concealed work.
5. Constructing or installing work contrary to inspection orders.
6. Failure to report all construction work done under authority of the annual permit.
7. Refusal to eliminate unsafe hazards listed in Section 115 of these administrative provisions.

An Annual Facilities Permit may be reinstated after all violations have been remedied to the satisfaction of the building official.

cial. If compliance involves actual work, a separate permit as required under Section 105 of these administrative provisions must be obtained and such permit is subject to regular permit fees as required under Section 108 of these administrative provisions. An investigation fee shall be paid in the amount equal to that prescribed in Section 108 of these administrative provisions.

Reinstatement of an annual permit, which has been suspended or revoked, requires payment of a new Annual Facilities Permit fee as prescribed in this section.

When the building official suspends or revokes an Annual Facilities Permit, the qualified facility owner may appeal the decision in accordance with Section 112 of these administrative provisions.

## SECTION 117 BUILDING MAINTENANCE REGISTRATION

**117.1 General.** The holder of a building maintenance registration is exempt from Section 105.1 of these administrative provisions, Permits Required, for repair or maintenance of the electrical, mechanical or plumbing equipment in or on buildings, structures or premises owned and controlled by the registrant when he or she complies with all the provisions of this section. All other provisions of this Code shall be complied with, including but not limited to, requirements for city inspection of plumbing, mechanical or electrical installations prior to covering any such work.

**117.2 Definition.** For the purpose of this section, this term is defined as follows:

**BUILDING MAINTENANCE REGISTRATION** means authority granted to a person, firm, corporation or political entity to perform work as specifically authorized in this section when such parties have full-time supervisory employees in the proper classification as described in Section 117.3 of these administrative provisions.

**117.3 Supervisor(s) required.** All electrical, mechanical or plumbing work done under a building maintenance registration shall be performed or supervised by a licensed supervisor of the proper classification.

A contractor may perform the duties and responsibilities of a licensed supervisor.

A licensed electrical supervisor may perform or supervise the electrical work.

A licensed mechanical supervisor may perform or supervise the mechanical work.

A licensed plumbing supervisor may perform or supervise the plumbing work.

**117.3.1 Application and fee for supervisor licenses.** Every person desiring to qualify for a supervisor's license shall file an application with the Development Services Department and shall undergo such examination of his or her qualifications and competency under the classification applied for.

The application shall be accompanied by a nonrefundable test fee as set forth in Appendix A.2 of the *Phoenix City*

*Code*. Unless revoked for cause, a supervisor's license shall run with the building maintenance registration as long as the supervisor is employed by the registrant.

**117.3.2 Supervisor examination.** Each applicant for license as a supervisor shall be given both a written and an oral examination. The applicant must have a grade or standing in his or her examination of at least 75 percent.

Within 10 days after the examination, the building official shall issue licenses to each applicant who meets the requirements of this code. Within the same time those applicants to whom the licenses are not granted shall be advised as to their grade on the examination.

Any person who fails to pass the examination as prescribed may apply for reexamination after the expiration of 30 days. If an applicant fails the first reexamination, a minimum of 90 days shall elapse between any subsequent reexamination. Each request for reexamination shall be accompanied by a nonrefundable application fee.

**117.3.3 Revocation of supervisor's license.** The building official may revoke or temporarily suspend any supervisor's license granted hereunder for cause. Before taking such action, the building official shall request, in writing, the person against who such action is contemplated to appear before him or her to show cause why such disciplinary action should not be taken. The supervisor whose license is revoked or suspended shall be notified of such action by certified mail. It shall be unlawful to perform any work in conflict with such notice. Any person whose supervisor's license is suspended or revoked may appeal the decision in accordance with Section 112 of these administrative provisions.

**117.4 Application and fee for building maintenance registration.** Every applicant for a building maintenance registration shall fill out a form provided by the Development Services Department and shall pay an application fee at time of filing in the amount as set forth in Appendix A.2 of the *Phoenix City Code* for each class of supervisor in his or her employ. The form shall include at least the following:

1. The name of the holder of the registration who is authorized and has the authority to act for the building owner(s).
2. The name of the licensed supervisor(s) or the contractor who will supervise or perform the work.

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 in the manner provided in Section 112 of these administrative provisions.

**117.5 Registration renewal.** Registrations shall be renewed not later than 12 months after initial registration by payment of a renewal fee equal to the application fee. Any work performed after expiration shall be a violation of this Code.

**117.6 Validity of registration.** The registrations shall be valid only as long as the named licensed supervisor(s) shall remain in the employ of the registrant in an active full-time capacity. If these personnel should leave the employ of the registrant, the registrant shall notify the building official immediately. The

registrant shall be required to obtain proper personnel according to the requirements of this code within 90 days of notification to the building official. If personnel are not obtained within the 90-day period, the registration shall be deemed suspended until such personnel are obtained.

**117.7 Revocation of registration.** The building official may suspend or revoke a registration when the registrant fails to comply with any of the registration responsibilities or for violation of any provision of this Code. Violations which may result in revocation of a building maintenance registration include, but are not limited to, one or more of the following:

1. Performing construction work outside the scope of the registration without obtaining a separate permit.
2. Performing construction work without a licensed supervisor as required in this section, or without the supervisor's knowledge, consent or oversight.
3. Concealing work without inspection approval or authorization.
4. Refusal to uncover concealed work.
5. Constructing or installing work contrary to inspection orders.
6. Failure to report all construction work done under authority of the building maintenance registration.
7. Refusal to eliminate unsafe conditions listed in Section 115 of this Code.

When the building official determines that a violation has occurred and that suspension or revocation of the registration is warranted, the registrant shall be notified in writing by certified mail and shall be given an opportunity for an administrative hearing with the building official. The suspension or revocation shall take effect 10 days after the date of notification unless, within such time, the registrant requests an administrative hearing. When an administrative hearing is requested, the building official shall consider all evidence submitted at the hearing and shall notify the registrant in writing of the final decision within 10 days following such hearing. All final decisions of the building official to suspend or revoke a building maintenance registration may be appealed in accordance with Section 112 of these administrative provisions.

**117.8 Work report and inspections.** A brief outline of all work done under the registration shall be prepared by the licensed supervisor(s) and shall be available to the building official during periodic inspections. Work shall not be concealed without first obtaining inspection approval from the building official. Work performed under the building maintenance registration shall be inspected at regular intervals not exceeding six months.

**SECTION 118  
JOURNEYMAN AND APPRENTICE LICENSES**

**118.1 License required.** All work performed on plumbing and mechanical systems where a permit is required according to Section 105 of these administrative provisions, is required to be performed by a licensed Journeyman or by an Apprentice as defined in this Section.

A person licensed by the State of Arizona as a licensed contractor (qualified person) in a category of work covered by this section need not obtain a Journeyman license or be an Apprentice to observe or perform work covered by the *Phoenix Building Construction Code*.

The owner/occupant of a single-family residence when performing work covered by this section on his or her residence or accessory buildings or structures need not obtain a Journeyman license or be an Apprentice as long as the work performed meets the requirements of this Code.

Persons employed by a qualified facility as set forth in Section 116 need not obtain a Journeyman license or be an Apprentice when doing work under an Annual Facility Permit as long as the work meets the requirements of this Code.

Employees of a building maintenance registrant must be an Apprentice and perform work under the observation of a licensed journeyman.

Persons installing private sewers or private sewage disposal systems as defined in the *Arizona State Plumbing Code* need not obtain a Journeyman license or be an Apprentice.

**118.2 Definitions.** For purposes of this section, terms are defined as follows:

**JOURNEYMAN LICENSE** is the authority to perform or observe work requiring certain skills as identified in this section and is issued by the building official upon successful completion of an examination administered by the City of Phoenix.

**LICENSED JOURNEYMAN** is a person skilled in an area of work covered by this section with sufficient work experience to pass the Journeyman test administered by the City of Phoenix and is capable of performing work covered by their Journeyman license and supervising the work of Apprentices covered by this section.

**APPRENTICE** is a person learning a skill and working in an area of work covered by this section and working under the direct supervision of a licensed Journeyman or State of Arizona licensed contractor.

**118.3 Journeyman licenses.** Journeyman licenses shall be divided into classifications as follows:

1. **Journeyman plumber.** A Journeyman plumber may install plumbing systems within the scope of the *Arizona State Plumbing Code*.
2. **Journeyman gas fitter.** A Journeyman gas fitter may install gas appliances, including the piping and venting of these appliances within the scope of the *Arizona State Plumbing Code* and *International Mechanical Code*.
3. **Journeyman mechanical systems installer.** A Journeyman mechanical systems installer may install all heating, ventilating, cooling, refrigeration or other mechanical systems and equipment within the scope of the *International Mechanical Code*.

**118.4 Apprentice.** An Apprentice must work under the supervision of a licensed Journeyman or Arizona State licensed contractor at all times work is being performed. The licensed Journeyman or state licensed contractor is responsible for the work of the Apprentice.

**118.5 Application for licenses.** Applicants shall submit either verification of experience (Journeyman) or notarized letter of request (Apprentice) with appropriate fees and application forms supplied by the Development Services Department. Applicants for Journeyman licenses shall schedule a test date subsequent to their application being accepted.

**118.6 Fees.** Fees shall be paid upon submittal of the application for licensing. Test fees are refundable with cause prior to any test being taken. No fees are refundable after a test has been taken, regardless of the outcome. Fees are set forth in Appendix A.2 of the *Phoenix City Code*.

### 118.7 Examinations.

**118.7.1 Frequency of examinations.** The Development Services Department shall hold examinations no less frequently than once every three months, in a suitable place, and for each classification for which there are applications on file. Examinations shall be held more frequently when necessary.

**118.7.2 Scope of examinations.** Each written examination shall relate specifically to that aspect of the trade(s) for which licensing is being requested. Examinations shall be in writing, and shall be sufficiently comprehensive to test the code-related knowledge of an applicant seeking Journeyman status. A prerequisite to testing is verification that the applicant has four or more years of practical experience in the discipline for which licensing is requested.

**118.7.3 Notification of test results.** Licenses shall be issued to successful candidates within reasonable time after successful completion of an examination. Applicants who fail to pass their examination(s) shall be notified within 10 days after the examination. A retest date shall be established within 30 days.

**118.8 Expiration and renewal.** Unless revoked for cause, all journeyman licenses shall expire 36 months after the month in which they were issued. To renew a Journeyman license it is necessary to pass a renewal examination and to pay a renewal fee as set forth in Appendix A.2 of the *Phoenix City Code*. An examination will be mailed to each holder of a Journeyman license prior to expiration of the current license. This examination is to be completed and returned within six weeks of receipt. Failure to renew within 60 days after expiration of a license will result in its revocation, and will require that the initial Journeyman examination be taken before issuance of a new Journeyman license.

**118.9 Journeyman or Apprentice identification card.** At the time of licensing each Journeyman or Apprentice, and at the time of renewing each license, the Development Services Department shall provide each successful applicant with an identification card showing the classification for which that person is licensed.

At all times when performing work that requires a license, such person shall have a Journeyman or Apprentice card in their immediate possession, and shall produce it upon request of a Development Services Department representative. It shall be the responsibility of the contractor to determine that his or her workers are properly licensed.

Journeyman or Apprentice licenses shall be issued only to individual persons and shall not be transferable.

**118.10 Revocation of licenses.** The Development Services Department may revoke any license granted hereunder for cause. Upon notification, the licensee shall be given 30 days to justify in writing why revocation of the license is unwarranted. Failure to respond to such notification will be taken as voluntary forfeiture of the license and acceptance of any action revoking said license. Appeal of a final administrative decision may be filed within 10 days of formal notification as provided in Section 112 of these administrative provisions.

## SECTION 119 OTHER DEVELOPMENT SERVICES DEPARTMENT RESPONSIBILITIES

**119.1 General.** As part of the plan review, permit issuance and inspection of projects in the City of Phoenix, the Development Services Department is responsible for administering and enforcing, in whole or in part, the City of Phoenix Ordinances listed below and as set forth in the *Phoenix City Code*.

Chapter 3 – Advertising

Chapter 9 – Building

Chapter 15 – Fire Prevention

Chapter 19A – Residential Development Occupational Fee

Chapter 19B – Commercial and Industrial Developmental Occupational Fee

Chapter 19C – Water Residential Development Occupational Fee

Chapter 19D – Water Commercial and Industrial Development Occupational Fee

Chapter 23 – Morals and Conduct

Chapter 28 – Sewers

Chapter 29 – Development Impact Fee Ordinance

Chapter 30 – Water Resource Acquisition Fee Ordinance of the City of Phoenix

Chapter 31 – Streets and Sidewalks

Chapter 32 – Subdivisions

Chapter 32A – Grading and Drainage

Chapter 32B – Floodplains

Chapter 32C – Stormwater Quality Protection

Chapter 33 – Tents

Chapter 36 – Vehicles and Traffic

Chapter 37 – Water

Chapter 39 – Neighborhood Preservation Ordinance

Chapter 40 – Environmental Protection

Chapter 41 – Zoning

Appendix A.2 – Development Services Department Fee Schedule

