ORDINANCE 603


WHEREAS, Arizona Revised Statutes, §9-801 et seq., authorizes the City to adopt by reference rules and regulations prepared by a technical trade association to provide for the regulation of the construction and maintenance of commercial and residential buildings; and

WHEREAS, on November 13, 2017, the Mayor and Council adopted Ordinance 588, providing for the adoption of several technical trade codes, with amendments, for the advancement of the health, safety, and welfare of the City's residents; and

WHEREAS, the Mayor and Council now wish to modify those codes adopted by Ordinance 588, said codes being declared public records by Resolution 36-2017.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the City of Benson, Arizona, as follows:

Section 1:

A. The International Building Code, 2015 Edition, as published by the International Code Council, and as amended by Ordinance 588, adopted November 13, 2017, Section R115 “Stop Work Order”, shall read as follows:

[A]115.1 Authority.
Where the building code 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 code official is authorized to issue a stop work order.

[A]115.2 Notice to the owner or the owner's authorized agent.
Upon notice from the building code official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe or dangerous manner, such work shall immediately cease. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. The notice shall state the violations which are the basis for the order and the conditions, if any, under which work will be permitted to resume. When an emergency exists, the building code official shall be entitled to stop the work immediately, without giving written notice, but shall then be required to issue a written stop work order within twenty four (24) hours of stopping the work.
[A]115.3 Unlawful continuance. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty prescribed in Section [A]114.4. Each day work continues to occur after the stop work order has been served shall be deemed a separate offense.

B. The International Residential Code, 2015 Edition, as published by the International Code Council, and as amended by Ordinance 588, adopted November 13, 2017, Section R114 “Stop Work Order”, shall read as follows:

R114.1 Authority. Where the building code 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 code official is authorized to issue a stop work order.

R114.2 Notice to the owner or the owner's authorized agent. Upon notice from the building code official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe or dangerous manner, such work shall immediately cease. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. The notice shall state the violations which are the basis for the order and the conditions, if any, under which work will be permitted to resume. When an emergency exists, the building code official shall be entitled to stop the work immediately, without giving written notice, but shall then be required to issue a written stop work order within twenty four (24) hours of stopping the work.

R114.3 Unlawful continuance. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, in addition to the penalty prescribed in Section R113.4. Each day work continues to occur after the stop work order has been served shall be deemed a separate offense.

Section 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Section 3: The immediate operation of this Ordinance is necessary for the health, safety and welfare of the residents of the City of Benson and an emergency is hereby declared to exist.

Section 4: The City Clerk is directed to public the text of this Ordinance in the San
Pedro Valley News Sun for two (2) consecutive weeks and further to post a copy of this Ordinance in three (3) or more public places within the City of Benson, Arizona.


Tohey D. King Sr., Mayor

ATTEST:

Vicki Vivian, CMC, City Clerk

APPROVED AS TO FORM:

MESCH CLARK ROTHSCILD
By Gary J. Cohen
City’s Attorney