

The International Swimming Pool and Spa Code, 2015 Edition, as published by the International Code Council and cited appendices listed below are adopted by reference and shall be the Swimming Pool and Spa Code of the City of Benson.

The International Swimming Pool and Spa Code, 2015 Edition, adopted by the City of Benson by enacting this resolution is amended as follows:

CHAPTER 1

SECTION 101

Amend

101.1 Title: These regulations shall be known as the *Swimming Pool and Spa Code* of The City of Benson, hereinafter referred to as “this code”.

SECTION 104

Add

104.1.1 Conflicting Provisions: When conflicting provisions or requirements occur between this Chapter, the technical codes and other codes or laws, the Building Official shall have the discretion to determine which provision shall apply. When conflicts occur between the technical codes, those provisions providing the greater degree of safety to life as determined by the Building Official shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the Building Official shall have the discretion to determine which provision shall apply. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the Building Official shall have the discretion to determine which provision shall apply. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Amend

105.6.2 Fee Schedule: The fees for all work as required shall be as indicated in Chapter 16 of the Benson City Code.

Amend

105.6.3 Fee Refunds: The Building Official is authorized to establish a refund policy.

SECTION 107

Amend

107.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or perform work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class 1 misdemeanor, punishable by a fine of not more than \$2500.00 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Amend

107.5 Stop Work Orders: Upon notice from the code official, work on any pool system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure 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 liable to a fine of not less than \$50.00 dollars or more than \$150.00 dollars.

SECTION 108

Amend

108.1 General: In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

108.2 Limitations on authority: An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

108.3 Qualifications: The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Delete

108.4 Open Hearing: Delete this section and sub-sections in its entirety.

108.5 Postponed Hearing: Delete this section and sub-sections in its entirety.

108.6 Board Decision: Delete this section and sub-sections in its entirety.

108.7 Court Review: Delete this section and sub-sections in its entirety.

CHAPTER 3

SECTION 301

Add

301.1.2 Conflicts: The provisions of this code and Arizona Revised Statutes 36-1681 shall

control the design and construction of pools and spas. Where a conflict between this code and Arizona Revised Statutes 36-1681 occurs, the most restrictive requirement shall govern.

SECTION 305

Amend

305.2.1 Barrier Height and Clearances: Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 60 inches (1524 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.