

Chapter 4

**BUILDINGS AND BUILDING REGULATIONS\***

- Art. I.**       **In General, §§ 4-1—4-15**
- Art. II.**       **Technical Codes, §§ 4-16—4-55**
  - Div. 1. Generally, §§ 4-16—4-41
  - Div. 2. Light Pollution Code, §§ 4-42—4-55
  - Div. 3. Inspection Fees, § 4-56

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\***Cross references**—Signs, Ch. 19; zoning, Ch. 24.

**State law reference**—Authority to regulate building and construction, A.R.S. §§ 9-499.01, 9-240, par. (B)(7), 9-276, (A)(4), (A)(15).



**CITY OF SOUTH TUCSON ORDINANCE NO: 08-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO THE TECHNICAL CODES AND TO THE OFFICE OF BUILDING OFFICIAL[S]; ADOPTING VARIOUS INTERNATIONAL AND UNIFORM CODES AS THE OFFICIAL CODES OF THE CITY OF SOUTH TUCSON; VESTING AUTHORITY IN THE OFFICE OF BUILDING OFFICIAL; PROVIDING FOR CODE COMPLIANCE AND PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR APPEALS PROCESS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AMENDING THE SOUTH TUCSON CITY CODE BY AMENDING CHAPTER 4, ARTICLES I AND II, AND ALL APPLICABLE SECTIONS THEREOF**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA AS FOLLOWS:**

**Section 1:** Adoption by Reference.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of South Tucson, being marked and designated as Chapter 4 of the South Tucson City Code, be and is hereby adopted, by reference, as the [BUILDINGS AND BUILDING REGULATIONS], regulating and governing all construction; providing for the issuance of permits and collection of fees thereto; providing for enforcement regulations; providing an appellate process; and each and all of the regulations, provisions, penalties, conditions and terms of the Technical Codes on file in the office of the City Clerk, with the revisions, additions, and changes as described in Section 2 of this Ordinance.

**Section 2:** Revisions, Additions, Changes and Renumbering.

That the following Sections are revised, added or changed:

- Section 4-1: inserted words "and/or the City Manager" therein
- Section 4-16: inserted word "Uniform" therein
- Section 4-16: revised "sub-section (5) penalties and amended "Editor's Note"
- Section 4-17: inserted words "and/or the City Manager" therein
- Section 4-18: inserted word "Uniform" therein
- Section 4-19: inserted words "(b) thirty (30) days after passage and adoption"
- Section 4-20: inserted updated Technical Codes, 2006 Editions
- Section 4-20: inserted words "(b) thirty (30) days after passage and adoption"

- Section 4-22: inserted "Accessibility Standards" in reserved section
- Section 4-24: inserted updated NEC, 2005 Ed. & Administrative Code, 2006 Edition
- Section 4-26: inserted updated Mechanical Code, 2006 Edition
- Section 4-27: inserted updated Plumbing Code, 2006 Edition
- Section 4-28: inserted word "REPEALED" repealing the Spa/Pool Code
- Section 4-29: inserted updated Property Maintenance Code, 2006 Edition
- Section 4-30: inserted updated Fuel Gas Code, 2006 Edition

**Section 3:** Adoption of Codes

That the Administrative and the Technical Codes are adopted and which documents were made public records by City of South Tucson **Resolution No. 08-55.**

"*Uniform Administrative Code, 1997 Edition,*" attached to **Ordinance No. 08-04** as **Exhibit A**, adopted herein by reference

"*International Building Code, 2006 Edition,*" and local amendments, attached to **Ordinance No. 08-04** as **Exhibit B**, adopted herein by reference

"*International Residential Code, 2006 Edition,*" and local amendments, attached to **Ordinance No. 08-04** as **Exhibit C**, adopted herein by reference

"*International Existing Building Code, 2006 Edition,*" and local amendments, attached to **Ordinance No. 08-04** as **Exhibit D**, is adopted herein by reference

"*International Energy Conservation Code, 2006 Edition,*" and local amendments, attached to **Ordinance 08-04** as **Exhibit E**, is adopted by reference

"*American National Standard (ICC/ANSI A117.1), 2003 Edition,*" attached to **Ordinance No. 08-04** as **Exhibit F**, is adopted by reference

"*Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition,*" attached to **Ordinance No. 08-04** as **Exhibit G**, is adopted by reference

"*National Electrical Code, 2005 Edition,*" with local amendments, and "*ICC Electrical Code-Administrative Provisions, 2006 Edition,*" with local amendments, attached to **Ordinance No. 08-04** as **Exhibit H**, are adopted by reference

"*Uniform Housing Code, 1997 Edition,*" attached to **Ordinance No. 08 -04** as **Exhibit I**, is adopted by reference

"*International Mechanical Code of 2006 Edition,*" and local amendments, attached to **Ordinance No. 08-04** as **Exhibit J**, is adopted by reference

"*International Plumbing Code, 2006 Edition,* and local amendments, attached to **Ordinance No. 08-04** as **Exhibit K**, is adopted by reference

"*International Property Maintenance Code, 2006 Edition,*" and local amendments, attached to **Ordinance 08-04** as **Exhibit L**, is adopted by reference

"*International Fuel Gas Code, 2006 Edition*," and local amendments, attached to Ordinance 08-04 as Exhibit M, is adopted by reference

**Section 4:** That the following Ordinances are repealed: Ord. No. 98-04; Ord. No. 01-05; Ord. No. 02-05; Ord. No. 06-11; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5:** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, the City of South Tucson, Arizona hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase, irrespective of the fact that any sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7:** That the various City Officers and Official(s) and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and the City Code.

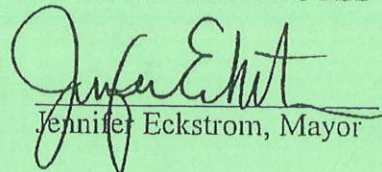
**Section 8:** That where this Ordinance conflicts or overlaps with any other statute, ordinance, code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail.

**Section 9:** The City Clerk is ordered and directed to cause this ordinance to be published.

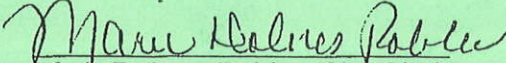
**Section 10:** The City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record as required by law. This Ordinance shall become effective thirty (30) days after the Mayor and Council perform three readings, conduct a public hearing, publication as required by law, passage and adoption thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the City of South Tucson, Arizona, this 8th day of December, 2008.

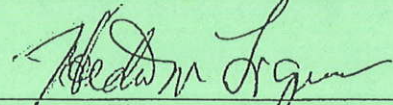
APPROVED/EXECUTED

  
Jennifer Eckstrom, Mayor

ATTEST:

  
Marie Dolores Robles, City Clerk

APPROVED AS TO FORM:

  
Hector M. Figueroa, City Attorney

## ARTICLE I. IN GENERAL

### Sec. 4-1. Code compliance and enforcement duties.

The mayor and council may, from time to time, and upon the recommendation of the city manager, appoint and authorize city personnel to carry out such duties as needed to perform any and all building, plumbing, mechanical, fuel/gas, sewage disposal, property maintenance, or electrical code compliance and enforcement work and any and all related inspection work or other functions that may be required by this chapter. (Ord. No. 02-05, § 1, 8-19-02)

**Secs. 4-2—4-15. Reserved.**

## ARTICLE II. TECHNICAL CODES\*

### DIVISION I. GENERALLY

#### Sec. 4-16. Violation of code compliance; penalty.

It shall be unlawful for any person, business association, partnership, corporation, or any other legal entity to own, construct, renovate, or otherwise maintain, construct, renovate, or otherwise maintain under color of legal title, any building premises or other improvements upon real property located within the territorial boundaries of the city, where any such building premises or other improvements, upon real property are not in full and complete compliance with the codes adopted as the "International Codes of the City of South Tucson" as set forth in sections 4-16; 4-17; 4-18; 4-19; 4-20; 4-24; 4-26; 4-27; 4-29; 4-30; 4-31. Any person, business association, partnership, corporation, or any other legal entity who shall:

- (1) Violate any of the provisions of the codes adopted as the "International Codes of the

\***Editor's note**—Ord. No. 02-05, § I, adopted August 19, 2002, amended Article II, Division 1 in its entirety to read as herein set out. Former Article II, §§ 4-16—4-28, pertained to similar provisions, and derived from Ord. No. 98-05, 6-8-98; Ord. No. 01-05, § 1, 7-16-01.

**Cross reference**—Fire prevention codes, § 6-41 et seq.

**State law reference**—Applicability of local technical to public buildings, A.R.S. § 34-461.

City of South Tucson" as set forth in sections 4-16; 4-20; 4-24; 4-25; 4-26; 4-27; 4-28; 4-29; 4-30; 4-31, or who shall fail to comply therewith; or

- (2) Violate or fail to comply with any lawful order made by the building official or of any duly appointed deputy thereto; or
- (3) Construct, renovate or otherwise maintain under color of legal title, any building premises or other improvements upon real property not in conformance with any and all detailed statements, specifications or plans submitted and approved under this article or any certificate or permit issued thereunder; or
- (4) Fail to comply with any other order made by the fire department acting in the capacity as building official or of any duly appointed or deputy thereof, as affirmed or modified by the mayor and city council or any court of competent jurisdiction with the time fixed, or from an order which no appeal is taken, for each and every violation or instance of noncompliance or failure to comply with any lawful order issued by the fire department acting in the capacity as building official or of any duly appointed building official or deputy thereof, shall respectively be guilty of a misdemeanor pursuant to City Code;
- (5) Failure to comply with code requirements as noted in subsection (4) above shall subject party to the penalty prescribed in Chapter 1, section 1-5; Fine up to one thousand dollars (\$1,000.00) plus eighty (80) percent surcharges as mandated by the legislature on/after August 22, 2002 or as amended; a probationary period and imprisonment/confinement up to one hundred eighty (180) days or any combination thereof, including suspension or revocation of a license, permit or franchise or other equitable relief except as otherwise provided elsewhere in the Code.

(Ord. No. 02-05, § 1, 8-19-02)

#### Sec. 4-17. Enforcement generally.

The powers and duties of the building official and of any other administrative authority as may

be referenced in any section of this article, for any and all matters pertaining to any abatement, administrative, building, plumbing, electrical, housing, mechanical, spa/pool, and fuel/gas code compliance, enforcement, inspections, or any and all other and additional matters related thereto, shall be vested in the office of the building official or any duly appointed deputy/official. The mayor and city council may, from time to time, authorize such appointments and duties as needed to perform any and all code compliance and enforcement work and any and all related inspection work or other functions that may be required by this article.

(Ord. No. 02-05, § 1, 8-19-02)

**Sec. 4-18. Enforced removal or abatement of violative or prohibited conditions.**

The application of the penalty as set forth in section 4-16 shall not, in any event, preclude the enforced removal or abatement of any provisions of the codes adopted as the "International Codes of the City of South Tucson" and as set forth in sections 4-19; 4-20; 4-21; 4-23; 4-24; 4-25; 4-26; 4-27; 4-28; 4-29; 4-30; 4-41; 19-133; 21-18; 21-25; 21-61; 21-66; 21-76 and 21-78 by the building official, in his discretion and to assure compliance with the codes, may issue a citation (complaint) to any person, business association, partnership, corporation, or other legal entity in violation of, or not in complete compliance with any provision of this article.

Upon issuance of any citation (complaint), the person, business association, partnership, corporation, or other legal entity so cited, shall be provided a copy of the citation (complaint) as provided by law. Said citation (complaint) shall be thereafter filed with the city magistrate's court by the building official, or the duly appointed deputy issuing such citation (complaint).

(Ord. No. 02-05, § 1, 8-19-02)

**Sec. 4-19. Administrative code adopted.**

(a) The documents entitled "Uniform Administrative Code, 1997 Edition," published by the International Conference of Building Officials and "1997 Uniform Administrative Code modifica-

tion," a copy which is attached to Ordinance No. 02-05 as Exhibit A, are adopted by reference (except for those provisions of the modifications which are designated for use by the county), as the building safety administrative code of the City of South Tucson.

(b) Every new building and structure erected in or moved into the jurisdiction of the city after February 24, 1997, shall conform to the requirements of the administrative code adopted in subsection (a) above and as amended. All additions, alterations, repairs, changes of use or occupancy and changes of character of use or occupancy in all buildings or structures within the jurisdiction of the city shall conform to the administrative code of the city adopted in subsection (a) above and as amended, applicable to new buildings, except as specifically provided therein.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

**Sec. 4-20. Adoption of Uniform Building Code.**

(a) The documents entitled "International Building Code, 2000 Edition," including the appendix therein, "International Building Code Standards 2000 Edition," both published by the International Conference of Building Officials, and "2000 International Building Code modifications," a copy of which is attached to Ordinance 02-05 as Exhibit B; "Adobe Amendments to the Uniform Building Code 1997 Edition," a copy which is attached to Ordinance 98-05 as Exhibit C, published by the Maricopa Association of Governments are adopted, (except for those provisions of the modifications which are designated for use by the county), by reference as the building code of the City of South Tucson.

(b) Every new building and structure erected in or moved into the jurisdiction of the city after August 19, 2002, shall conform to the requirements of the building code adopted in subsection above and as amended. All additions, alterations, repairs, character of use or occupancy in all buildings or structures within the jurisdiction of the city shall conform to the requirements of the building code of the city adopted in subsection (a)

of this section and as amended, applicable to new buildings, except as specifically provided for therein. (Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-21. Zoning code conformance.**

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning code of the city, in addition to the provisions of this article. (Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Restrictions and requirements for building permits, A.R.S. § 9-467.

#### **Sec. 4-22. Reserved.**

#### **Sec. 4-23. Abatement of dangerous buildings code.**

The documents entitled "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials and "Modifications of 1997 Uniform Code for the Abatement of Dangerous Buildings," a copy of which modifications are attached to Ordinance No. 02-05 as Exhibit D, are adopted (except for those provisions of the modifications which are designated for use by the county) by reference as the dangerous buildings code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**Cross reference**—Nuisances and abatement, chs. 6, 15, 19 and 24.

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-24. Electrical code adopted.**

The documents entitled "National Electrical Code of 1999," promulgated by the "National Code Modifications," a copy of which is attached to Ordinance No. 02-05 as Exhibit E, are adopted by reference as the electrical code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-25. Housing code adopted.**

The documents entitled "Uniform Housing Code, 1997 Edition," published by the International Conference of Building Officials, a copy of which

is attached to Ordinance No. 02-05 as Exhibit F, are adopted by reference as the housing code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-26. Mechanical code adopted.**

The documents entitled "International Mechanical Code of 2000 Edition," published by the International Conference of Building Officials and "2000 International Mechanical Code Modifications" a copy of which is attached to Ordinance No. 02-05 as Exhibit G, are adopted (except for those provisions of the modifications which are designated for use by the county) by reference as the mechanical code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-27. Plumbing code adopted.**

The documents entitled "International Plumbing Code, 2000 Edition," including said code and appendices A, B, C, D and E and the "Installation Standards" therein, published by the International Association of Plumbing and Mechanical Officials and "International Uniform Plumbing Code Modifications," a copy of which modifications is attached to Ordinance No. 02-05 as Exhibit H, are adopted (except for those designated for used by the county) by reference as the plumbing code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

#### **Sec. 4-28. Spa/pool code adopted.**

The document entitled "Tucson/Pima County Spa/Pool Code, 1997 Edition," a copy of which is attached to Ordinance No. 02-05 as Exhibit I, is adopted (except for these provisions which are designated for use by the county) by reference as the spa/pool code of the city.

(Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.



**Sec. 4-29. Adoption of International Property Maintenance Code.**

The documents entitled "International Property Maintenance Code of 2000 Edition," a copy of which is attached to Ordinance 02-05 as Exhibit J are adopted (except for these provisions which are designated for use by the county) by reference as the property maintenance code of the city. (Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

**Sec. 4-30. Fuel gas code adopted.**

The documents entitled "International Fuel Gas Code of 2000 Edition," a copy of which is attached to Ordinance 02-05 as Exhibit K are adopted (except for these provisions which are designated for use by the county) by reference as the property maintenance code of the city. (Ord. No. 02-05, § 1, 8-19-02)

**State law reference**—Adoption by reference, A.R.S. § 9-801 et seq.

**Sec. 4-31. Appeals adopted.**

(a) In order to hear and decide appeals of order, decision or determinations made by the building officials 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 governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

(b) 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 there under 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 have no authority to waive requirements of this Code.

(c) 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.

(d) The hearing committee created and structured pursuant to Chapter 2, section 204 of the Administrative Code adopted in section 4-19 of this article, shall determine the alternative materials and methods of construction and provide reasonable interpretation of the provisions of this Code. For such purposes, the building official shall be an ex-officio member. Notice of appeal shall be given upon a form provided by building official and shall be perfected within ten (10) days after receipt of disapproval or notice of action. The hearing committee shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the mayor and council such new legislation as is consistent therewith.

(Ord. No. 02-05, § 1, 8-19-02)

**Secs. 4-32—4-40. Reserved.**

**DIVISION 2. LIGHT POLLUTION CODE**

**Sec. 4-41. Definitions.**

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Exempt artificial illuminating devices* means outdoor light emitting sources which because of their permanent location, type or size are exempted by section 4-55 or section 4-46.

*Individual* means any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

*Installed* means initial installation of outdoor light fixtures following the effective date of [Ordinance No. 98-05] of this Code.

*Outdoor light fixtures* means and includes outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for illumination

or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (1) Buildings and structures.
- (2) Recreational areas.
- (3) Parking lot lighting.
- (4) Landscape lighting.
- (5) Billboards and other signs (advertising or other).
- (6) Street lighting.

*Restricted areas* means:

- (1) Area A, the circular area, thirty-five (35) miles in radius, the center of which is the center of the Kitt Peak Observatory and the circular area, twenty-five (25) miles in radius, the center of which is the center of Mount Hopkins Observatory;
  - (2) Area B, all areas within the territorial limits of the city and outside area A.
- (Ord. No. 98-05, § 5(6.104.4), 6-8-98)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

#### **Sec. 4-42. Purpose.**

The purpose of this light pollution code (hereafter in this division, "this code") is to restrict the permitted uses of outdoor artificial illuminating devices emitting undesirable light rays into the night sky which have a detrimental effect on astronomical observations.

(Ord. No. 98-05, § 5(6.104.1), 6-8-98)

#### **Sec. 4-43. Law governing conflicts.**

Where any provision of federal, state or city statutes, codes or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise required by law.

(Ord. No. 98-05, § 5(6.104.12), 6-8-98)

#### **Sec. 4-44. Conformance with applicable codes.**

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of

this code, the building code and the electrical code of the city as applicable and under appropriate permit and inspection.

(Ord. No. 98-05, § 5(6.104.2), 6-8-98)

#### **Sec. 4-45. Temporary exemptions.**

(a) *Request; renewal; information required.* Any individual may submit a written request, on a form prepared by the building official, to the building official, for a temporary exemption from the requirements of this code. The request for temporary exemption shall contain the following information:

- (1) Specific exemption or exemptions requested;
- (2) Type and use of exterior light involved;
- (3) Duration of time for requested exemption;
- (4) Type of lamp and calculated lumens;
- (5) Total wattage of lamp or lamps;
- (6) Proposed location on premises of the exterior light;
- (7) Previous temporary exemptions if any and addresses of premises thereunder;
- (8) Physical size of exterior light and type of shielding provided; and
- (9) Such other data and information as may be required by building official.

(b) *Approval; duration.* The building official shall have five (5) days from the date of submission of the request for temporary exemption to approve or disapprove the request in writing. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) *Disapproval; appeal.* If the request for temporary exemption is disapproved, the individual making the request will have the right to appeal to the building official's hearing committee pursuant to chapter 2, section 204 of the Administrative Code adopted in section 4-19 of this article.

(Ord. No. 98-05, § 5(6.104.9), 6-8-98)

**Sec. 4-46. Permanent exemptions.**

(a) *Nonconformance.* All outdoor light fixtures existing and legally installed prior to the effective date of this code [Ordinance No. 98-05] are exempt from all requirements of this code.

(b) *Fossil fuel light.* All outdoor light fixtures producing light directly or indirectly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.

(c) *Federal and state facilities.* Outdoor light fixtures on, in and in connection with those facilities and land owned or operated by the federal government or the state, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this code. Voluntary compliance with the intent of this code at those facilities is encouraged.

(Ord. No. 98-05, § 5(6.104.10), 6-8-98)

**Sec. 4-47. Appeals.**

The building official's hearing committee created and structured pursuant to chapter 2, section 204 of the Administrative Code adopted in section 4-19 of this article, shall determine the suitability of alternative materials and methods of construction and provide reasonable interpretation of the provisions of this code. For such purposes, the building official shall be an ex officio member. Notice of appeal shall be given upon a form provided by building official and shall be perfected within ten (10) days after receipt of the disapproval. The committee shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the mayor and council such new legislation as is consistent therewith.

(Ord. No. 98-05, § 5(6.104.11), 6-8-98)

**Sec. 4-48. Submission of plans and evidence of compliance with code.**

(a) The applicant for any permit required in section 19-133 of the Code of Ordinances in artificial illuminating devices or other outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will

comply with this code. The submission shall contain, but shall not necessarily be limited to the following, all or part of which may be part of, or in addition to the information required elsewhere in the South Tucson Code upon application for the required permit:

- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
- (2) Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufacturers' catalog cuts, and drawings (including sections where required).

The above required plans and descriptions shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this code will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit as evidence of compliance enabling such determination such certified reports of tests as will do so, provided that these tests shall have been performed and certified by a recognized testing laboratory. Examples of such recognized testing laboratories are Independent Testing Laboratory, Engineering Testing Laboratory, Lighting Research Laboratory and Environmental Testing Laboratories of Scottsdale, Arizona.

(b) Should outdoor light fixtures or the light source or lamp therein be substituted after the permit has been issued, a change request must be submitted to the building official, together with adequate information to assure compliance with this light pollution code for his approval which must be received prior to substitution.

(Ord. No. 98-05, § 5(6.104.7), 6-8-98)

**Sec. 4-49. Approved materials and methods of installation.**

The provisions of this code are not intended to prevent the use of any design, material, or method of installation not specifically prescribed by this code, provided any such alterant method has been

approved. The building official, as designated pursuant to section 4-17, may approve any such proposed method provided he finds that it:

- (1) Provides at least approximated equivalence to the applicable specific requirements of this code; and
  - (2) Is otherwise satisfactory and complies with the intent of this code.
- (Ord. No. 98-05, § 5(6.104.3), 6-8-98)

#### **Sec. 4-50. Shielding.**

(a) All nonexempt artificial illuminating devices, except those permitted by minor section 4-54 shall be fully or partially shielded as required by the table in section 4-55.

[(b) In this section:]

- (1) *Wholly shielded* means devices or fixtures shielded in such a manner that light rays emitted by the device or fixture either directly from the lamp or indirectly from the fixture are projected below a horizontal plan running through the lowest point on the fixture where light is emitted.
  - (2) *Partially shielded* means shielding provided by those fixtures mounted in such a manner that the uppermost edge of the shield is below the plan centerline of the light source or lamp so as to minimize light emission above the horizontal plane.
- (Ord. No. 98-05, § 5(6.104.5(a)), 6-8-98)

#### **Sec. 4-51. Filtration.**

(a) Those outdoor light fixtures required by the table in section 4-55 to be filtered, except mercury vapor fixtures, shall be equipped with a filter whose transmission is less than five (5) percent total emergent flux at wave lengths less than thirty-nine hundred (3,900) angstroms. Total emergent flux is defined as that between three thousand (3,000) and seven thousand (7,000) angstrom units.

#### **Sec. 4-55. Requirements for shielding and filtering.**

The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

(b) Mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten (10) percent total emergent flux at wave lengths less than forty-four hundred (4,400) angstroms. Total emergent flux is defined as that between three thousand (3,000) and seven thousand (7,000) angstrom units.

(c) Low pressure sodium lamps are preferred over other types of lamps for minimizing detrimental effects on astronomical observations.  
(Ord. No. 98-05, § 5(6.104.5(b)), 6-8-98)

#### **Sec. 4-52. Searchlights.**

The operation of searchlights for advertising purposes within the geographic limits of area B is prohibited between 11:00 p.m. and 6:00 a.m. the following morning. Searchlights are prohibited in area A.

(Ord. No. 98-05, § 5(6.104.8(a)), 6-8-98)

#### **Sec. 4-53. Recreational facilities.**

No outdoor recreational facility, public or private, shall be illuminated by means not conforming with this code after 11:00 p.m. unless a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena or similar facility was in progress under such illumination prior to 11:00 p.m.

(Ord. No. 98-05, § 5(6.104.8(b)), 6-8-98)

#### **Sec. 4-54. Outdoor building or landscaping illumination.**

The unshielded outdoor illumination of any building, landscaping, signing or other structure or area is prohibited except with incandescent fixtures having light sources totalling not more than one hundred fifty (150) watts.

(Ord. No. 98-05, § 5(6.104.8(c)), 6-8-98)

**Table 6.106  
Requirements for Shielding and Filtering**

| <i>Fixture / Lamp Type</i>                   | <i>Shielded</i>                              | <i>Filtered<sup>4</sup></i> | <i>Shielded</i>        | <i>Filtered<sup>4</sup></i> |
|--|--|-----------------------------|------------------------|-----------------------------|
| Low pressure sodium <sup>1</sup>             | Partially                                    | None                        | Partially              | None                        |
| High pressure sodium                         | Fully  | None                        | Partially              | None                        |
| Metal halide <sup>6</sup>                    | Fully  | Yes                         | Partially              | Yes                         |
| Florescent                                   | Fully <sup>5</sup>                           | Yes <sup>2</sup>            | Partially <sup>5</sup> | None <sup>2</sup>           |
| Quartz <sup>3</sup>                          | Fully  | None                        | Partially              | None                        |
| Incandescent greater than 150W               | Fully  | None                        | Partially              | None                        |
| Incandescent 150W or less                    | None   | None                        | None                   | None                        |
| Mercury vapor                                | Fully  | Yes                         | Partially              | Yes                         |
| Fossil fuel                                  | None   | None                        | None                   | None                        |
| Glass tubes filled with neon, argon, krypton | None   | None                        | None                   | None                        |
| Other sources                                | As approved by building safety administrator |                             |                        |                             |

<sup>1</sup> This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observation.

<sup>2</sup> Warm white and natural lamps are preferred to minimize detrimental effects.

<sup>3</sup> For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.

<sup>4</sup> Most glass, acrylic, or translucent enclosures satisfy these filter requirements.

<sup>5</sup> Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

<sup>6</sup> Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.

(Ord. No. 98-05, § 5(6.104.6), 6-8-98)

**DIVISION 3. INSPECTION FEES**

**Sec. 4-56. Inspection fee schedule.**

The inspection fees set out in the following schedule are established for all building related inspections.

**Electrical Permit Fees**

|   |         |
|---|---------|
| Initial permit fee .....                | \$24.00 |
| Carnivals and circuses .....            | 48.00   |
| Temporary power (pole or service) ..... | 48.00   |

Temporary lighting ..... 48.00

**Unit Fees (electrical)  
Receptacles, switches and light outlets**

First 20 fixtures, each ..... \$1.00  
 Additional fixtures ..... 0.50

**Lighting Fixtures**

First 20 fixtures, each ..... \$1.00  
 Additional fixtures, each ..... 0.50  
 For pole or platform lights ..... 1.00  
 Theatrical-type fixtures ..... 1.00

**Residential Appliances**

Ranges, heaters, water heaters, A/C, washers, etc., each ..... \$4.00  
 Nonresidential appliances ..... 4.00

**Power Apparatus (per rating of HP, kW, kVA or kVAR)**

Up to and including 1, each ..... \$4.00  
 Over 1 and not over 10, each ..... 12.00  
 Over 10 and not over 50, each ..... 23.00  
 Over 50 and not over 100, each ..... 51.00  
 Over 100, each ..... 76.00  
 Busways, each 100 feet ..... 7.00  
 Signs, outline lighting and marquees ..... 23.00  
 For additional branch circuits within same sign, outline lighting and marquee ..... 4.00

**Services (each)**

600 volts or less and not over 200 amps in rating ..... \$31.00  
 600 volts or less and over 200—1,000 amps ..... 64.00  
 600 volts or over 1,000 amps in rating ..... 128.00  
 (note: 400 amps or larger need plans with an engineer's seal)  
 Miscellaneous conduit and conductors ..... 18.00

**Mechanical Permit Fees**

Initial permit fee ..... \$24.00  
 Furnace installation or relocation up to 100,000 Btu/h ..... 39.00  
 Furnace installation or relocation over 100,000 Btu/h ..... 82.00

|   |       |
|---|-------|
| Floor furnaces, including vents .....                             | 39.00 |
| Suspended heater, wall heaters, floor mounted units .....         | 39.00 |
| Appliance vents .....   | 31.00 |
| Repairs or additions (coolers, A/C, heaters), each.....           | 38.00 |
| Boilers, compressors and absorption systems not over 100,000..... | 39.00 |
| Boilers 100,000 Btu/h not over 500,000 Btu .....                  | 52.00 |
| Boilers 500,000 not over 1,000,000 Btu.....                       | 59.00 |
| Air handlers (up to 10,000 cubic feet per minute) .....           | 35.00 |
| Evaporative coolers.....  | 35.00 |

**Incinerators**

|                                    |         |
|------------------------------------|---------|
| Commercial or industrial type..... | \$39.00 |
| Miscellaneous.....                 | 35.00   |

**Plumbing Permit Fees**

|                          |         |
|--------------------------|---------|
| Initial permit fee ..... | \$24.00 |
|--------------------------|---------|

**Fixtures and Vents**

|  |         |
|--|---------|
| Fixture or trap, each .....  | \$34.00 |
| Repair or alteration of drainage or vent piping, each fixture..... | 29.00   |

**Sewers, Disposal Systems and Interceptors**

|   |         |
|---|---------|
| Building sewer and trailer park, each.....            | \$49.00 |
| Private sewage disposal system, each .....            | 100.00  |
| Industrial waste pretreatment interceptor, each ..... | 44.00   |

**Water Piping and Water Heaters**

|   |         |
|---|---------|
| Installation, alteration or repair of water piping, each..... | \$29.00 |
|---|---------|

**Gas Piping Systems**

|   |         |
|---|---------|
| Gas piping system of one to five outlets, each..... | \$30.00 |
| Additional outlets over five, each.....             | 25.00   |

**Lawn Sprinklers, Vacuum Breakers and Backflows**

|  |         |
|--|---------|
| Lawn sprinklers on any one meter, including backflow protection devices..... | \$39.00 |
|--|---------|

**Swimming Pools**

|                   |         |
|-------------------|---------|
| Public pool ..... | \$94.00 |
| Public spa .....  | 62.00   |
| Private pool..... | 62.00   |
| Private spa ..... | 31.00   |

**Grading Permit Fees**

Same as Table 3 H (enclosed)

**Manufactured Homes and Recreational Vehicles**

|   |          |
|---|----------|
| Hook up .....   | \$120.00 |
| MH units on permanent foundation, each foundation ..... | 43.00    |

**Demolition Permit Fees**

|  |                            |
|--|----------------------------|
| Residential accessory building or garage .....       | Same as<br>building permit |
| Single family residence .....                        | Same as<br>building permit |
| Structure other than residential single family ..... | Same as<br>building permit |
| Solar permit fees .....                              | Same as<br>building permit |
| Fire sprinkler plan review and permit fees .....     | Same as<br>building permit |
| Wall and fence plan review and permit fees .....     | Same as<br>building permit |
| Fire alarm plan review and permit fees .....         | Same as<br>building permit |
| Tent and canopy plan review and permit fees .....    | See Table<br>3-A           |

**Installation and Removal Fees for Gasoline, Fuel or Other Tanks**

|                         |         |
|-------------------------|---------|
| Installation .....      | \$24.00 |
| Mechanical permit ..... | 103.00  |

**Each Tank Installed or Removed**

|                                     |         |
|-------------------------------------|---------|
| 1 tank (\$1,000.00 valuation).....  | \$39.00 |
| 2 tanks (\$1,500.00 valuation)..... | 55.00   |
| 3 tanks (\$2,000.00 valuation)..... | 71.00   |



|   |        |
|---|--------|
| 4—5 tank (\$2,500.00—\$3,000.00 valuation) . . . . .                | 85.00  |
| Building official appeal filing fee (non-refundable) . . . . .      | 113.00 |
| Board of appeals filing fee (non-refundable) . . . . .              | 226.00 |
| Certificate of occupancy fee . . . . .<br>(Ord. No. 01-06, 10-8-01) | 10.00  |