

**When Recorded, Return to:**

Lucinda J. Aja, City Clerk  
City of Buckeye  
530 East Monroe Avenue  
Buckeye, Arizona 85326

**ORDINANCE NO. 03-22**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE CITY CLERK ENTITLED THE “CITY OF BUCKEYE AMENDMENTS TO THE 2018 INTERNATIONAL FIRE CODE” BY REFERENCE; AND AMENDING THE BUCKEYE CITY CODE BY AMENDING CHAPTER 15, BUILDING REGULATIONS, ARTICLE 15-2, BUILDING CODES, SECTION 15-2-10, FIRE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, that certain document entitled the “City of Buckeye Amendments to the 2018 International Fire Code,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk;

**WHEREAS**, the Mayor and Council of the City of Buckeye, Arizona (the “City Council”) deem it necessary, in order to protect the public health, and safety, to update certain rules and regulations for building and fire safety within the City of Buckeye; and

**WHEREAS**, the City of Buckeye adopted sprinkler requirements for detached single family residences and for residential buildings containing less than two dwelling units prior to December 31, 2009, and has preserved those requirements since that time; and

**WHEREAS**, the City Council finds that the proposed rules and regulations will further protect public health and safety by updating the City’s current Fire Code to incorporate changes provided for in the 2018 International Fire Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA**, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “City of Buckeye Amendments to the 2018 International Fire Code,” of which at least three paper copies or one paper copy and one electronic

copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending Chapter 15, Building Regulations, Article 15-2, Building Codes, Section 15-2-10, Fire Code, by inserting the provisions in the “City of Buckeye Amendments to the 2018 International Fire Code,” as provided therein.

Section 4. Provisions requiring fire sprinklers in a single family detached residence, or in a residential building that contains not more than two dwelling units, which were adopted before December 31, 2009, are hereby preserved.

Section 5. Providing for Repeal of Existing Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 6. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the “City of Buckeye Amendments to the 2018 International Fire Code” adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. Providing Penalties for Violations. In accordance with Chapter 15, Building Regulations, Article 15-1, General Provisions, violations of this Ordinance are subject to the following penalties:

### **Section 15-1-2 – Civil Code Enforcement for Violations of City Code**

Violations of the building code and other adopted regulatory publications of the city may be filed under the civil enforcement procedures herein, and are hereby declared to be civil offenses. A person shall not be charged both as a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal offense rather than as a civil offense. The city may file a criminal charge against a violator that does not comply with a civil enforcement action pursuant hereto. A criminal charge of violation of any provision of this code shall be subject to penalties as set forth in Article 1-7 of the city code.

### **Section 1-7-1 – Penalty**

A. Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this code or any ordinance shall be a class 1 misdemeanor and punishable by a base fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6)

months, or by both such fine and imprisonment, in accordance with state law. Each day that a violation continues shall be a separate offense punishable as hereinabove described. In all cases where the same offense is made punishable or is created by different clauses or sections of this code the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided, however, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

B. Any person who is found or pleads guilty to a misdemeanor criminal offense in the municipal court and who, as a consequence, is incarcerated in any jail facility, may, as a part of any sentence imposed by the municipal court, be required to reimburse the city for any costs of such incarceration charged to the city by the jail facility in which the person was incarcerated.

C. In addition to any other remedy provided by law, the municipal court may, as a part of any sentence imposed by the municipal court, assess fees, surcharges, costs and expenses against any person who is found or pleads guilty to a civil or misdemeanor criminal offense in such amounts as may be determined by the council and adopted by ordinance, resolution or annual budget **AND AS MAY BE REQUIRED BY STATE, FEDERAL OR LOCAL LAWS.**

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Buckeye, Arizona, this 1<sup>st</sup> day of February, 2022.

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Eric W. Orsborn, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

The signed version of Ordinance No. 03-22 is on file in the Office of the City Clerk located at 530 E Monroe Avenue, Buckeye, AZ, 85326

APPROVED AS TO FORM:

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Shiela B. Schmidt, City Attorney