

WHEN RECORDED RETURN TO:

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

**ORDINANCE NO. 17-23**

**AN ORDINANCE OF THE MAYOR AND 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 2023 AMENDMENTS TO THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, ELECTRICAL, FUEL GAS, AND FIRE CODES,” ADOPTING THE “CITY OF BUCKEYE 2023 AMENDMENTS TO THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, ELECTRICAL, FUEL GAS, AND FIRE CODES” BY REFERENCE, AND AMENDING THE BUCKEYE CITY CODE BY AMENDING CHAPTER 15, BUILDING REGULATIONS, ARTICLE 15-2, BUILDING CODES, SECTIONS 15-2-1, BUILDING CODE, 15-2-2, RESIDENTIAL CODE, 15-2-3, MECHANICAL CODE, 15-2-4, PLUMBING CODE, 15-2-5, ELECTRICAL CODE, 15-2-6, FUEL GAS CODE, AND 15-2-10, FIRE CODE, AS SET FORTH IN THE “CITY OF BUCKEYE 2023 AMENDMENTS TO THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, ELECTRICAL, FUEL GAS, AND FIRE CODES;” PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH PENALTIES FOR VIOLATIONS.**

**WHEREAS**, that certain document entitled the “City of Buckeye 2023 Amendments to the International Building, Residential, Mechanical, Plumbing, Electrical, Fuel Gas, and Fire Codes,” 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 “Council”) deems it necessary, in order to protect public health and safety, to update certain rules and regulations for building and fire safety within the City of Buckeye (the “City”); and

**WHEREAS**, the Council finds that the proposed rules and regulations will further protect public health and safety by incorporating certain options provided for in the 2018 versions of relevant building and fire codes published by the International Code Council, and by ensuring consistency between such codes and with applicable state law; and

WHEREAS, the City 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.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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 2023 Amendments to the International Building, Residential, Mechanical, Plumbing, Electrical, Fuel Gas, and Fire Codes,” 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 Buckeye City Code is hereby amended by amending Chapter 15, Building Regulations, Article 15-2, Building Codes, Sections 15-2-1, Building Code, 15-2-2, Residential Code, 15-2-3, Mechanical Code, 15-2-4, Plumbing Code, 15-2-5, Electrical Code, 15-2-6, Fuel Gas Code, and 15-2-10, Fire Code, as set forth in the “City of Buckeye 2023 Amendments to the International Building, Residential, Mechanical, Plumbing, Electrical, Fuel Gas, and Fire Codes.”

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 as adopted before such date.

Section 5. 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. 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 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. In accordance with Chapter 15, Building Regulations, Article 15-1, General Provisions, violations of this Ordinance are subject to the following penalties:

**Section 15-1-1 – General provisions**

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C. Violations; Penalties. Whenever in this chapter of the city code, or in any of the regulatory publications adopted herein by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or regulatory publication 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 regulatory

publication shall be subject to civil and criminal penalties as set forth in subsection 15-1-2(E)(2) of this chapter and/or Article 1-7 of the city code.

D. Additional Fees, Surcharges, Costs, Expenses Permitted. Whenever any fees, assessments, surcharges, costs and/or expenses are imposed against any person as a condition, requirement or penalty of any provision of this chapter, or any of the regulatory publications adopted herein, such fees, assessments, surcharges, costs and/or expenses shall be in amounts as determined by the council and adopted by ordinance, resolution or annual budget.

### **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 Council of the City of Buckeye, Arizona, this 20th day of June, 2023.

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Eric W. Orsborn, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

**The signed version of this Ordinance is on file in the Office of the City Clerk**

APPROVED AS TO FORM:

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K. Scott McCoy, City Attorney