

ORDINANCE NO. 4331

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, RELATING TO PUBLIC HEALTH AND SAFETY, AMENDING CERTAIN PROVISIONS IN THE AMENDMENTS TO THE INTERNATIONAL FIRE CODE; AMENDING TITLE 7, CHAPTER 2 OF THE MESA CITY CODE TO ADD A LIMITED EXCEPTION TO THE REQUIREMENT FOR FIRE SPRINKLERS IN GROUP B OCCUPANCIES; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. SECTION 7-2-2 OF CHAPTER 2 OF TITLE 7 OF THE MESA CITY CODE IS HEREBY AMENDED BY ADDING A NEW EXEMPTION 9 TO SECTION 903.2 TO READ AS FOLLOWS:

Revised

Section 903.2. Where Required. Approved automatic sprinkler systems shall be provided in the locations described in this Section.

903.2.1 New buildings or structures. All areas of new buildings or structures, and other locations required by this Chapter or the Mesa Fire Code, shall be provided with an automatic fire sprinkler system complying with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 as applicable.

Exceptions: Unless the use of the facility otherwise requires automatic fire sprinkler protection, fire sprinkler systems shall not be required for the following:

1. One and two family dwellings and R-3 occupancies complying with the Mesa Residential Code, not including residential care or assisted living facilities located in R-3 occupancies.
2. Manufactured homes built on a permanent chassis, designed and constructed as a dwelling unit
3. Recreational vehicles that are not site built and are mobile/portable.
4. Detached gazebos and ramadas.
5. Detached restroom facilities associated with golf courses, parks and similar uses.
6. Detached guard houses less than 300 square feet in floor area.
7. Detached carports less than 5,000 square feet in roof area.
8. Detached non-residential buildings less than 360 square feet in floor area.

9. Group B Occupancies less than 5000 square feet, excluding outpatient surgery clinics. The fire wall provisions of the Mesa Building Code, Section 705 of the IBC, shall not apply to this exception for determining building area.
10. Detached non-combustible canopies less than 5,000 square feet in roof area used exclusively for vehicle washing facilities or vehicle fuel dispensing stations.
11. Other buildings or structures accessory to and located on the same lot with one and two family dwellings or R-3 occupancies, not including residential care or assisted living facilities in R-3 occupancies.
12. Shade canopies less than 5,000 square feet; not closer than 5 feet to any building, property line or other shade canopy; and shading one of the following: vehicles for sale at a dealership, playground equipment, or outdoor eating areas without cooking.
13. Shipping containers used for storage purposes and not closer than 5 feet to any building, property line or other container.
14. Exterior roofs, overhangs or canopies of Type I, II or III construction with no combustible storage beneath.
15. Exterior covered/enclosed walkways of Type I, II or III construction with enclosing walls that are at least 50 percent open.

SECTION 2. SECTION 7-2-2 OF CHAPTER 2 OF TITLE 7 OF THE MESA CITY CODE IS HEREBY AMENDED BY ADDING A NEW CONDITION 4 TO SECTION 903.2.5 TO READ AS FOLLOWS:

Revised

903.2.5. Change of occupancy. An automatic sprinkler system complying with Section 903.3 shall be provided for an existing building or portion thereof undergoing a change of occupancy as follows, based upon the relative hazard levels indicated in Table 903.2.5:

1. When a change of occupancy is made to a higher hazard level as shown in Table 903.2.5, the building shall be provided with an automatic fire sprinkler system.
2. When a change of occupancy is made to a lower hazard level or within a hazard level (except hazard level 1), as shown in Table 903.2.5, the building is not required to be provided with an automatic fire sprinkler system.
3. When a change of occupancy is made within hazard level 1 as shown in Table 903.2.5, the building shall be provided with an automatic fire sprinkler system.
4. When any change of occupancy is made to a Group B Occupancy constructed without sprinklers according to Section 903.2.1 exception 9, of the Mesa Fire Code, an automatic fire sprinkler system shall be provided throughout the new occupancy.

**Table 903.2.5
Existing Building Hazard Levels**

Hazard Level	Building Occupancy Type
1 (highest)	H, I, R-1, R-2, R-4
2	A-2, A-5
3	A-1, A-3, A-4
4	E, F-1, M, S-1
5 (lowest)	B, F-2, R-3, S-2, U

Note: Occupancies as defined in this Code and the Mesa Building Code.

This Section is not intended to indicate all instances or circumstances where fire sprinkler systems are required; refer to this Code and the Mesa Building Code for other requirements.

Section Three. CONFLICTS.

If any part of this Ordinance, including the code and other material adopted herein by reference, conflicts with any other part of this Ordinance, with any other ordinance, regulation or statute, or with any part of any code or other material adopted therein by reference, then the most restrictive provision will govern and shall be deemed to supercede conflicting provisions.

Section Four. PRESERVATION OF RIGHTS AND DUTIES.

This ordinance does not affect any rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this ordinance.

Section Five. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section Six. PENALTY.

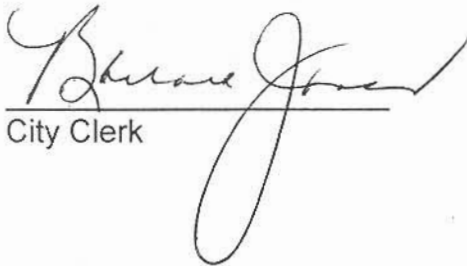
Any person, firm or corporation violating any provision of this Ordinance, or any provision of the Mesa City Code as amended by this Ordinance, shall be guilty of a Class One Misdemeanor, punishable by a fine not exceeding \$2,500.00 or by imprisonment for a period not exceeding six months, or both by such fine and imprisonment; and each day of violation continued shall be a separate offense, punishable as described.

Section Seven. RETROACTIVE APPLICATION.

This Ordinance shall retroactively apply to permit applications submitted to the City of Mesa on or after September 18, 2004.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 3rd day of January, 2005.

ATTEST:



City Clerk



APPROVED



Mayor