



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

Memorandum

To: Cochise County Planning and Zoning Commission

From: Ron Durgin, Building Official

Through: Susan Buchan, Planning Director

Subject: Proposed Ordinance Establishing a Building Safety Advisory and Appeals Board.

Date: August 14, 2008

When Building Codes are adopted by Counties, *State Statute* requires the establishment of a *Building Safety Advisory Board* and our individual *Building Codes* require the establishment of a *Building Code Board of Appeals*.

In looking at both of these necessary *Boards* it is apparent that both require similar qualifications of the needed board members and they are additionally dealing with related issues. Instead of proceeding with the establishment of two different *Boards* we are proposing that one *Board* be established to perform the duties identified by *State Statute*, our *Building Codes* and to additionally act as technical advisory in the formation and development of revisions or additions to our Building Codes and Ordinances in the *County*.

The following is background information on a proposed ordinance for establishing a *Building Safety Advisory and Appeals Board* for the County:

What's required?

ARS 11-862 requires that a provision for an *Advisory Board* be provided when *Building Codes* are adopted by a County for the purpose of determining the suitability of alternative materials and construction, and to permit interpretations of the provisions of the adopted codes.

Our currently adopted family of *Building Codes* contains the provision that a *Board of Appeals* be appointed for the purpose of hearing and deciding appeals of orders, decisions or determinations made by the *Building Official* related to the application and interpretation of the adopted codes.

Required Make-up of boards:

ARS 11-862 states that the *Advisory Board* needs to consist of at least five members but not more than seven members and needs to include at least members from the following categories, to the extent the persons meeting the qualifications are available within the *County* and are residents of such county:

- 1) An Architect duly licensed in the State of Arizona.
- 2) A Professional Engineer duly licensed in the State of Arizona.
- 3) A General Contractor duly licensed in the State of Arizona.
- 4) A person representing the public and a resident of the County.
- 5) A person engaged in the electrical, mechanical or plumbing trade.

If the *Advisory Board* consists of more than five members, the additional members may be engaged in the construction and design industry. The County Building Official shall serve without vote as an ex officio member of the Board and shall act as secretary.

Our currently adopted *Building Codes* require that the *Board of Appeals* needs to consist of five individuals, one from each of the following professions or disciplines:

- 1) Registered design professional with architectural experience or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
- 2) Registered design professional with structural engineering experience.
- 3) Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
- 4) Registered design professional with electrical engineering experience or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
- 5) Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

Two alternate members are required to be appointed for the *Board of Appeals* to hear appeals during absence or disqualifications of a member. Alternate members need to possess the qualifications required for board membership.

Can one Board be developed to satisfy both requirements?

ARS 11-862-E states that the functions and duties of the advisory board may be specified by regulation by the *Board of Supervisors*.

The required membership positions and background knowledge of both *Boards* are very similar with the exception of the member of the public / resident needed for the *Advisory Board*. Additionally, ARS 11-862-A states '*to the extent the persons meeting the qualifications are available within the County*' and the Building Code has a *Registered Professional* or a contractor for each trade discipline is allowed. The only membership issue appears to be a member of the public that could be addressed by a revision to our *Building Codes* by adding the same requirement for a member of the public.

Proposed make-up of the Joint Board:

The proposed *Building Safety Advisory and Appeals Board* would be made up of seven members:

- 1) Five members would be required to meet the qualifications as required by ARS 11-862.
- 2) One member would represent the *Fire Districts*.
- 3) One member would be engaged in the construction or design industry preferably with experience in *Green Building* materials and methods.

What's needed to establish a Building Safety Advisory and Appeals Board?

- 1) The adoption of the Ordinance and *By-laws* establishing the *Building Safety Advisory and Appeals Board* by the Board of Supervisors.
- 2) The amendment of the currently adopted Building Codes by the *Board of Supervisors* to reference the newly established *Building Safety Advisory and Appeals Board*.
- 3) The selection and appointment by the Board of Supervisors of qualified members to the newly established board.

Documents Attached:

- 1) Proposed *Ordinance* (Exhibit-1) establishing a Building Safety Advisory and Appeals Board.
- 2) Proposed Building Safety Advisory and Appeals Board *Bylaws and Rules of Procedures* (Exhibit-2).
- 3) Proposed *Building Code Amendments* (Exhibit-3) to the Cochise County Building Safety Code for establishing a Building Safety Advisory and Appeals Board.

Recommendations:

Staff recommends that the *Planning and Zoning Commission* forward a recommendation of ***Approval*** on Docket R-08-04 to the Board of Supervisors for the establishment of the *Building Safety Advisory and Appeals Board* that specifically includes the following:

- 1) The *Building Safety Advisory and Appeals Board Ordinance* establishing said *Board* for the unincorporated areas of Cochise County (Exhibit 1).
- 2) The *Building Safety Advisory and Appeals Board Bylaws and Rules of Procedures* under which the board will operate (Exhibit 2).
- 3) The amendments to the *Cochise County Building Safety Code* for establishing a Building Safety Advisory and Appeals Board (Exhibit 3).

Copy: Susan Buchan, Planning Director
Susana Montana, Planning Division Manager
Britt Hanson, Deputy County Attorney
Mike Ortega, County Administrator

Jim Vlahovich, Deputy County Administrator