

CHAPTER 7 BUILDING

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Article 7-1 BUILDING CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-1-1 Adoption of International Building Code (IBC)

That certain code entitled the International Building Code, 2012 - edition is hereby adopted by the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 101.1 Title. Insert: Clarkdale, Arizona in place of name of jurisdiction.
- B. Section 103 Department of Building Safety. Omit in its entirety.
- C. Section 113 - Board of Appeals. Omit in its entirety, and substitute the following:
113.1 - Appeals. A person may appeal a decision made by the Building Official through the Board of Adjustment, as described in the Town Code.
- D. 903.2 Where Required. Delete in its entirety and substitute the following:
 - 1. Approved automatic sprinkler systems shall be installed throughout new buildings:

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- a. Where the occupancy is Hazardous, Institutional, or Residential.
 - b. Where occupancy is Assembly, Business, Educational, Factory, Mercantile, and the gross floor area, including mezzanines and basements exceeds 1000 square feet, or the available water supply is insufficient for the required fire flow as determined by the Fire Official.
 - c. Where there are multiple stories, including basements and stories above grade plane.
 - d. Where there is a mixed use containing a residential use group.
 - e. Any structure used for occasional or full time residential use.
2. The required sprinkler system shall be designed and installed in accordance with National Fire Protection Association 13,13D, and 13R as referenced in the 2012 International Fire Code, or as approved by the Fire Code Official, with the following exception:
- a. Any area in a residential occupancy that contains a light fixture or outlet shall be sprinklered.
3. The following do not require sprinklers:
- a. Detached accessory structures that are no more than 1000 square feet, more than 20 feet from the main structure, and not used to store or manufacture hazardous materials permitted by this Code.
 - b. Covered patios open on one or more sides.
 - c. Attached carports, open on 2 or more sides.
 - d. Detached canopies, not exceeding 5000 square feet, constructed of approved materials, and used exclusively for automotive motor fuel dispensing stations for private passenger vehicles.
 - e. Uninhabitable attics, basements and crawlspaces with or without electrical outlets or light fixtures in R3 only.
 - f. Buildings or parts of buildings that because of their contents, location, usage, or other reasons determined by the Fire Code Official, a suppression system is not practical or needed.
4. Existing buildings shall be exempt from sprinkler requirements unless:
- a. One or more additions are made to any use or occupancy and the aggregate of the addition(s) exceed 50% of the floor area of the original building as it was on November 11, 2005, or one thousand square feet, whichever is lesser.
 - b. An addition is constructed that exceeds the available water needed for fire flow as determined by the Fire Official.
 - c. The building undergoes a change of use and it is determined by the Fire

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Official, using Table A, that a greater fire or life safety hazard will be created.

- E. Chapter 11, Accessibility. Delete in its entirety.
- F. 2701.1 Scope. Omit ICC Electrical Code and substitute the following: National Electric Code (NEC) 2011-. The National Electric Code, 2011 as adopted and amended by the Town shall not apply to R-3 construction.
EXCEPTION: The National Electric Code, 2011, shall be the electrical code used for those installations, designs and modifications not referenced in the International Residential Code, 2012.
- G. 3109.1 General. After the first sentence, add the following: Permitted swimming pools shall also comply with the State of Arizona laws governing such structures. All regulations shall be in full force regardless of the ages of the occupants of the dwelling unit to which the pool is associated with.
- H. 3111 Add the following: Photovoltaic installations shall comply with the 2011 NEC
- I. 3304.1.1 Slope Limits. Delete in its entirety and substitute the following: Dust control. Dust shall be controlled as described in Appendix R, Safeguards During Construction, of the International One and Two Family Residential Code, 2012, as adopted and amended by the Town of Clarkdale.
- J. 3401.1 Scope. Add the following sentence - Exception: One and two family dwellings shall be exempt from the requirements of the IBC
- K. Section 3411 - Accessibility For Existing Buildings. Omit in its entirety.

Article 7-2 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS (IRC)

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-2-1 Adoption of the International Residential Code for One and Two Family Dwellings

That certain code entitled the International Residential Code (IRC) for One and Two Family Dwellings, 2012 Edition along with Appendices G, Swimming pools and hot tubs; H, Patio covers; K, Sound transmission; M, Home Day care; N, Venting methods; O, Automatic vehicular gates and P Size of water piping system; are hereby adopted as the Residential Code for One and

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Two Family Dwellings of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. R101.1 Insert: Clarkdale, Arizona in place of name of jurisdiction.
- B. R102.7 Existing Structures. After *International Property Maintenance Code*, add the following: 2012 edition, as adopted and amended by the Town of Clarkdale. After *International Fire Code*, add, 2012 edition, as adopted and amended by the Town of Clarkdale.
- C. R103 Department of Building Safety, Omit in its entirety.
- D. R105.2 Work Exempt From Permit. Building: 1. Omit entire sentence and substitute the following: Accessory structures 50 sq. ft. or more require a building permit. Accessory structures less than 50 sq. ft. do not require a building permit, but the location of the structure shall be approved by the Community Development Department prior to construction. 2. Omit entire sentence and substitute the following: All fences require building permits. 7. Omit the entire sentence and substitute the following: Pre-fabricated swimming pools that are 18” (457mm) deep. (In lieu of 24” (610mm) deep)
- E. R105.7 Placement of Permit. Add the following after the last sentence. The Building Official shall establish a policy for the display of address numbers, permit and plan storage and determine the necessary documents to be at the job site.
- F. R106.3.3 Phased Approval. Omit the last sentence in its entirety; The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holders own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- G. R108.6 Work commencing before permit issuance: insert up to double or two times the amount of the permit fee.
- H. Section R202 Definitions. Add the following:
Guest houses shall be considered in their entirety as R-3 for review and fee assignment purposes.

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I. TABLE R301.2 (1) Insert the following information into table 301.2(1):

Ground snow load: 20	<u>Wind design</u> Speed:90mph Topographic effects: None	<u>Seismic Design</u> A	<u>Subject to damage from:</u> Weathering moderate Frost line depth: 12 inches Termite: moderate/heavy	Winter design temp 20 degrees	Ice barrier underlayment required: No	Flood Hazards: Determined by Yavapai County	Air freezing index: Not applicable	Mean annual temperature: Not applicable
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- J. R302.3 Two Family Dwellings. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E 119 or UL 263. Fire resistance-rated floor/ ceiling and wall assemblies shall extend to and be tight from the foundation to the underside of the roof sheathing Exceptions: omit items 1: A fire resistance rating of ½ hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13 and 2 Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8” (15.9mm) Type X gypsum board and an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than ½” (12.7mm) gypsum board or equivalent.
- K. R313 Automatic Fire Sprinkler Systems Omit in it’s entirety.
- L. R315.3 Where required in existing buildings (C0-2 alarms) delete in it’s entirety.
- M. R402.1 Wood foundations. Omit in its entirety and substitute the following: Wood foundations are not permitted. All references to constructing wood foundations in this code shall be considered void.

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- N. R404.1.8 Rubble Stone Masonry. Omit in its entirety.
- O. R903.4. Roof Drainage. Roof water shall be collected by a system of gutters and piping and channeled to the yard for immediate use or to an approved storage tank(s) for future use. Discharged water shall not cause erosion or become a private or public nuisance.
- P. Table N1102.1 Insulation and Fenestration Requirements by Component. In the Climate Zone 3 section, in the ceiling R-value column, omit 30 and substitute the following: 38. In the wood frame wall R-value column, omit 13, and substitute the following: 19.
- Q. Table N1102.1.2 Equivalent U-Factors. In the Climate Zone 3 section, Ceiling U-Factor column, omit 0.035 and substitute the following: 0.030. In the Frame Wall U-Factor column, omit 0.082 and substitute 0.060.
- R. M1413.1 General. Omit in its entirety and substitute the following: Evaporative coolers shall not be installed in new buildings or additions. Evaporative coolers shall be permitted only as a replacement for coolers in existence prior to the adoption of this Code. The replacement unit must have a manufacturer approved water recirculating device.
- S. G2448.1.1 Installation Requirements. Add the following after the last sentence: Free standing tank type water heaters shall maintain a minimum 2 inch clearance from any surrounding door or wall.
- T. P2712.10 Composting Toilets. Approved composting toilets are permitted.
- U. P2801.1 Required Add the following: All water heating systems shall be equipped with a recirculating pump, manifold, or similar approved device, unless the farthest fixture using hot water is 10 ft. or less from the water heater. All hot water piping, except for fixture supply lines, shall be insulated with approved materials.
- V. P2902.5.3. Allowed Irrigation Systems. Irrigation systems shall be regulated by section 608.16.5 in the 2012 International Plumbing Code.
- W. P2902.5.4 Connections to Automatic Fire Sprinkler Systems. Omit Exception in its entirety.

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- X. P2903.3 Minimum Pressure. Omit in its entirety and substitute the following: A water pressure reducing device shall be required as described in Section 604.8 of the 2012 International Plumbing Code. Minimum pressure shall be 55 pounds per square inch (psi) unless otherwise required. Maximum psi shall be 65.
- Y. P2903.3.1 Maximum Pressure. Omit in its entirety.
- Z. P2903.7 Size of Water Service Mains, Branch Mains and Risers. Omit “3/4 inch (19 mm).” and substitute the following: 1 inch, or as approved by the Utilities Director or the Building Official.
- AA. AG103 Other Requirements. Swimming pools, spas, and hot tubs shall also comply with all State of Arizona laws governing these structures. Both State and Town of Clarkdale adopted building codes shall be in full force regardless of the age of the occupants of the dwelling served by the pool, spa or hot tub.
- AB. AG109 Pool and Spa covers Add the following AG109.1 Required covers. All outdoor swimming pools and spas, permanent or portable, shall be equipped with tight fitting covers to reduce evaporation.
- AC. Airborne sound transmission. AK102.1 General. Omit 45, substitute the following: 60
- AD. Structural-Borne Sound Transmission: AK103.1 General. Omit 45, substitute the following: 60.
- AE. AP101 Omit in its entirety and substitute the following:
1. All one and two family dwellings and townhouses built shall be provided with automatic fire sprinkler protection as referenced in 13D-02 of the National Fire Protection Association, 2006 International Building Code.
The following exceptions shall apply:
 - a. All spaces including attached garages, containing an electrical outlet or light fixture shall be protected with fire sprinklers.
 - b. Where there is a mixed use containing a residential use group, the entire building will be sprinkled.
- AF. AP 102 Sprinklers not required. The following areas do not require sprinklers:
1. Detached accessory structures that do not contain occasional or full time residential uses, including guest houses and in-law arrangements, located 6 feet or more from the house.
 2. Attached carports, open on two (2) or more sides.

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3. Covered patios, open on one (1) or more sides.
 4. Uninhabitable attics, basements, and crawl spaces)
- AG. AP 103 Existing buildings. Existing buildings shall be exempt from sprinkler requirements unless:
1. One or more additions are made and the aggregate area of the addition exceeds 50% of the square footage of the original building on October 11, 2005, or 1000 square feet, whichever is less.
 2. An existing detached building is converted in whole or part to residential use or an addition to a detached structure is built that contains a residential use.
 3. An addition is added that exceeds the available water supply needed for fire flow.
- AH. AR 101 Dust Control. Any terrain that has been grubbed or altered by grading or construction shall have dust control measures in place at all times, including weekends, to prevent any windborne dust from becoming a public or private nuisance. Contractors and owners shall be held responsible for controlling dust. Exception: Land where regrowth of vegetation has occurred.
- AI. AR 102 Stop Work Order. A written notice requiring cessation of dust producing activity shall be issued to the operator, contractor, or owner if excessive dust is being generated and the method of controlling the dust is inadequate or absent. If after 15 minutes, the dust generation is not corrected; a written stop work order may be issued to the operator and/or contractor for all or part of the project, and shall remain in effect until adequate measures have been taken to reduce the dust to an acceptable level.

Article 7-3 PLUMBING CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-3-1 Adoption of the Plumbing Code

That certain code entitled the International Plumbing Code, 2012 Edition is hereby adopted as the Plumbing Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 101.1 Title. Omit [NAME OF JURISDICTION] and substitute the following: the Town of Clarkdale, Arizona

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- B. 103 Department of Plumbing Inspection. Delete in its entirety.
- C. 109.2 Membership of Board. Delete in its entirety and substitute the following: “Appeals shall be heard by the Board of Adjustment as described in the Town Code.”
- D. 109.2.1Qualifications. Delete in its entirety
- E. 109.2.2Alternate Members. Delete in its entirety.
- F. 109.2.3Chairman. Delete in its entirety.
- G. 109.2.5 Secretary. Delete in its entirety.
- H. 109.2.6 Compensation of members- Delete in its entirety
- I. 419.1 Approval. Delete in its entirety and substitute the following: Urinals shall be approved waterless type.
- J. 420.1.1 Composting Toilets. Approved composting toilets are permitted.
- K. 603.1 Size of Water Service Pipe. Delete “3/4 inch (19.1mm).” and substitute the following: 1 inch, or as approved by the Building Official.
- L. 604.8 Water-pressure Reducing Valve or Regulator. Omit in its entirety and substitute the following: All newly constructed buildings connected to the municipal water supply shall have an approved pressure regulator device installed on the user side of the water meter. The regulator shall be accessible, in an approved location, and have unions, screens, and pressure gauges on each side of the device to comply with 604.8.2. Sufficient water pressure shall be maintained to assure the proper operation, but not put undue strain on fixtures, devices and systems. Any existing structure that is newly supplied with municipal water or undergoes a service main addition or replacement shall adhere to this section and 603.1.
- M. 607.2 Hot Water Supply Temperature Maintenance. Delete in its entirety and substitute the following: All potable water systems shall be equipped with a recirculating pump for hot water, a manifold or similar approved device, unless the farthest fixture using hot water is 10 ft. or less from the water heater.

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- N. 607.2.1 Piping Insulation. Delete in its entirety and substitute the following: All hot water piping, except for fixture supply lines, shall be insulated with approved materials.
- O. 608.16.4 Connections to automatic fire sprinkler systems. Delete exception 1 Where systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply shall not be required.
- P. 608.16.5 Permitted Lawn Irrigation Systems. Low water use drip systems are permitted for new and replacement lawn irrigation systems. Sprinkler systems may be repaired only and not expanded or installed except for permitted new or expanded turf.
- Q. 614.1 Meter. An approved meter shall be installed, before any fixture supply piping, on the discharge side of any potable water supply system that uses a well or other approved non municipal source for the supply of potable water and uses the collection system of the Town sewer for waste discharge. This meter shall only be used to determine sewer charges and will be read regularly as determined by the Utility Director. Note: the town has two such properties, the Highlander laundry, and Mold in Graphics.
- R. 614.2 Accessibility. This meter shall be accessible to authorized personnel during business hours, except for emergencies, and shall be easily read without entering upon the customer's property unless otherwise approved by the Utilities Director.
- S. 614.3 Testing. The Utilities Director shall have the right to have any meter tested as required in other sections of the Town Code.

Article 7-4 MECHANICAL CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-4-1 Adoption of the Mechanical Code

That certain code entitled the International Mechanical Code, 2012 Edition is hereby adopted as the Plumbing Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 101.1 Title. Omit [Name of Jurisdiction] and substitute the following: the Town of Clarkdale, Arizona.

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- B. 103 Department of Mechanical Inspection. Delete in its entirety.
- C. 109 Means of Appeal. Delete in its entirety and substitute the following:
109.1 Means of appeal. A decision of the building official may be appealed to the Board of Adjustment as described in the Town Code.

Article 7-5 ELECTRICAL CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-5-1 Adoption of the Electrical Code

That certain code entitled the National Electrical Code, 2011 Edition is hereby adopted as the Electrical Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 80.1 Scope. Add the following:
(6) This code shall be the Electrical Code for all structures except for buildings constructed under the International Residential Code, 2012. For any design, installation, or situation not covered in the International Residential Code, 2012, this Code shall be adhered to.

Article 7-6 FUEL GAS CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-6-1 Adoption of the Fuel Gas Code

That certain code entitled the International Fuel Gas Code, 2012 Edition is hereby adopted as the Fuel Gas Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 101.1 Title. Omit [Name of Jurisdiction] and substitute the following: the Town of Clarkdale, Arizona.
- B. 103 Department of Inspection. Delete in its entirety.
- C. 109 Means of Appeal. Delete in its entirety and substitute the following:
109.1 Appeals. A person shall have the right to appeal a decision of the Building Official through the Board of Adjustment as described in the Town Code.

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Article 7-7 INTERNATIONAL FIRE CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-7-1 Adoption of the Fire Code – See Table A

That certain code entitled the International Fire Code, 2012 Edition along with Appendix D is hereby adopted as the Fire Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 103 Department of Fire Prevention. Delete in its entirety.
- B. 105 Permits, Delete in its entirety. Note: The Clarkdale Fire District currently performs the duties outlined in this section.

APPENDIX D, FIRE APPARATUS ACCESS ROADS

- C. D102.1 Access and Loading. Add the following after the last sentence: Vertical clearance of no less than 13 feet 6 inches shall be maintained on all access roads. The minimum width of private access roads over 200 feet in length shall be no less than 14 feet unless otherwise stated in this Code or approved by the fire chief. Access roads over 1000 feet long shall be provided with turn outs or passing lanes every 500 feet. Roads shall be constructed to be all weather and properly maintained. Access standards may be modified by the fire chief if the structures served are supplied with an approved fire suppression system. Bridges shall be constructed and maintained in accordance with the standards of the local jurisdiction having authority.
- D. D103.2 Grade. Omit in its entirety and substitute the following: Roads shall meet or exceed the following standards:
 - 1. 0-6% grade, natural soil or 4" of compacted AB grade gravel.
 - 2. All roads over 6% grade shall be approved by the Fire Code Official.
- E. TABLE D103.4 Add the following after the first sentence in the 151-500 length, turnarounds required column: Approved outlets or turnarounds with a minimum width of 20 feet, a minimum inside turning radius of 20 degrees and a minimum outside radius of 40 degrees shall be required on all roads of 150 feet to 1000 feet. In the length column omit Over 750 and add the following: Over 1000. In the Turnaround required column omit special approval required and substitute the following: Turn outs or passing lanes shall be provided every 500 feet.

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- F. D103.6.1 Roads 20 to 26 feet in width. Omit in its entirety.
- G. D103.6.2 Roads more than 26 feet in width. Omit in its entirety, and substitute the following: All roads shall maintain a 20 foot clear width, unless otherwise stated in the Town Code or are approved by the Fire Code Official.
- H. D103.6.2.1 Roads more than 29 feet wide. Fire apparatus roads 30 to 35 feet wide are permitted to have parking on both sides and no posting.
- I. 101.1 Title. Omit [NAME OF JURISDICTION] and substitute the following: Clarkdale, Arizona
- J. 108 Board Of Appeals
Omit in its entirety and substitute the following:
108.1 Board of Adjustment. Appeals shall be heard by the Board of Adjustment as described in the Town of Clarkdale Code.
- K. M2302.5: Access around photovoltaic panels must be provided for buildings built prior to 2007.

Article 7-8 EXISTING BUILDING CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-8-1 Adoption of the Existing Building Code

That certain code entitled the International Existing Building Code, 2012 Edition is hereby adopted as the Existing Building Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following:

- A. 101.1 Title. Insert after, *Building Code* of, the Town of Clarkdale, Arizona,
- B. 101.4 Applicability. Add after existing buildings, except one and two family dwellings (R-3),
- C. 103 Department of Building Safety. Omit in its entirety.
- D. 112 Board of Appeals, Omit in its entirety and substitute the following:
112.1 Appeals. A person may appeal the decision of the Building Official through the Board of Adjustment as described in the Town Code.

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Article 7-9 ENERGY CONSERVATION CODE

(Updated by Resolution #1457 & Ordinance #357 on 3/11/14; Effective 4/11/14)

Section 7-9-1 Adoption of the Energy Conservation Code

That certain code entitled the International Energy Conservation Code, 2006 Edition, is hereby adopted as the Energy Code of the Town of Clarkdale and made a part of this chapter the same as though said code was specifically set forth herein, with the following changes:

- A. 101.1 Title. Omit [NAME OF JURISDICTION] and substitute the following: Clarkdale, Arizona.
- B. Table 402.1.1 Insulation and Fenstration Requirements by Component in Climate Zone 3. Ceiling R-value, omit 30, and substitute the following: 38. In the Wood Frame Wall R-Value, omit 13, and substitute the following: 19

EXISTING BUILDINGS – TABLE A

The 2006 International Building Code (IBC), International Fire Code (IFC) and the International Residential Code (IRC) as adopted and amended by the Town of Clarkdale, specifies where automatic fire suppression is required. Table A shall be used to determine fire suppression requirements in existing structures when a change of use occurs.

From This:	To This:									
	A	B	E	F(4)	H(1)	I(1)	M	R-1,2,3,4 (2)	S	U
A		NC	Yes, if Occupant Load > 50	NC	Yes	Yes	NC	Yes	NC	NC

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B	Yes(3)		Yes, if Occupant Load > 50	NC	Yes	Yes	NC	Yes	NC	NC
E	Yes(3)	NC		NC	Yes	Yes	NC	Yes	NC	NC
F	Yes(3)	NC	Yes, if Occupant Load > 50		Yes	Yes	NC	Yes	NC	NC
H	Yes(3)	NC	Yes, if Occupant Load > 50	NC		Yes	NC	Yes	NC	NC
I	Yes(3)	NC	Yes, if Occupant Load > 50	NC	Yes			Yes	NC	NC
M	Yes(3)	NC	Yes, if Occupant Load > 50	NC	Yes	Yes	NC	Yes	NC	NC
R	Yes(3)	NC	Yes, if Occupant Load > 50	NC	Yes	Yes	NC	Yes	NC	NC
S	Yes(3)	NC	Yes, if Occupant Load > 50	NC	Yes	Yes	Yes	Yes		NC
U	Yes(3)	Yes	Yes, if Occupant Load > 50	Yes	Yes	Yes		Yes	Yes	

Notes:

Yes =
Sprinklers
Required
NC = No Change; no sprinklers required

1. - 2006 IBC/IFC/IRC (as published) Requires
2. - Yes - A life Safety Issue - where people sleep
4. - Wood Working operations in excess of 1,000 sf
NC = 'No change' unless the new occupancy would be required to have Fire Sprinklers in the 2006 International Building Code (as published & unammended0 - or - there is an inadequate water supply for this structure.
Occupancy Classifications - A=Assembly B=Business E=Education F=Factory H=Hazard I=Institutional M=Mercantile
R-1=Hotels R-2=Apartments (non-transient) R-3=1&2 Family R-4=Residential Care S=Storage U=Miscellaneous

Article 7-10 ABATEMENT OF PUBLIC NUISANCES

7-10-1 Adoption of Code for the Abatement of Public Nuisances

7-10-2 Appeal Procedure

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Section 7-10-1 Adoption of Code for the Abatement of Public Nuisances

That certain document known as Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is hereby referred to, adopted as the Code for the Abatement of Public Nuisances of the Town of Clarkdale and made a part hereof as if fully set out in this section.

Section 7-10-2 Appeal Procedure

Any person entitled to service under this article may appeal from any notice, order or action by the Building Official within thirty days from the date of the service, or order a written appeal including:

- A. The names of the appellants.
- B. The legal interest of each of the appellants in the land or buildings involved in the notice or order.
- C. All facts supporting the contentions of the appellant and reasons why action should be reversed modified or otherwise set aside on the protested order.
- D. The signatures of all parties named as appellants and their official mailing addresses.
- E. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- F. Upon receipt of any appeal filed, pursuant to the subsection, the Building Official shall present it to the Council and the public hearing shall be held within ten working days after the Council is notified.

Article 7-11 EXCAVATION AND GRADING

(Revised by Ord #371, Resolution 1509 on 11/10/15; Effective 12/11/15)

Section 7-11-1 Introduction

Section 7-11-2 Purpose

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Section 7-11-3	Scope
Section 7-11-4	Definitions
Section 7-11-5	Permits Required
Section 7-11-6	Exempted Grading Work
Section 7-11-7	Guidelines
Section 7-11-8	Grading Calculations and Limits
Section 7-11-9	Grading Standards
Section 7-11-10	Protection of Adjoining Property
Section 7-11-11	Protection of Utilities and Rights of Way
Section 7-11-12	Grading Permit Requirements
Section 7-11-13	Stormwater Pollution Prevention Plan
Section 7-11-14	Operation Standards
Section 7-11-15	Time of Operations
Section 7-11-16	Conditions of Approval
Section 7-11-17	Liability
Section 7-11-18	Denial of Permit
Section 7-11-19	Decision
Section 7-11-20	Financial Security
Section 7-11-21	Expiration
Section 7-11-22	Extension
Section 7-11-23	Renewal
Section 7-11-24	Enforcement
Section 7-11-25	Modifications
Section 7-11-26	Fees
Section 7-11-27	Hazards
Section 7-11-28	Notification of Non-Compliance
Section 7-11-29	Inspection Authority
Section 7-11-30	Site Inspection
Section 7-11-31	Notification of Completion
Section 7-11-32	Appeals

Section 7-11-1 Introduction

Grading and drainage is regulated because it can cause serious problems when not done properly. Problems created by improper and lack of proper drainage mitigation grading include:

- A. Erosion. Newly exposed soil can erode easily, moving from areas where it is desirable, to areas where it presents problems.

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- B. Poor Compaction. If soil placed under a building is not compacted properly, or if the density varies too much, the building may settle and suffer damage.
- C. Vegetation Loss. Excessive grading causes loss of natural vegetation and damages other natural resources for years.
- D. Improper Drainage. Even minor grading can change drainage patterns across a property, which can cause erosion problems on adjacent properties.

Section 7-11-2 Purpose

The purpose of these regulations is to:

- A. Regulate earth removal, excavation, filling, stockpiling, and grading operations to minimize negative impacts upon the use and enjoyment of surrounding properties, including, but not limited to, negative effects upon health, property values, drainage patterns and the future use of the premises involved.
- B. Protect against detrimental impacts on, or significant alteration of historic areas, scenic landmarks or a neighborhood's or the Town's infrastructure and essential characteristics, including significant topographical features.
- C. Establish grading standards designed to:
 - 1. Regulate the development of potentially hazardous terrain.
 - 2. Conserve the general visual character of grading sites and settings.
 - 3. Enhance the value of new development.
 - 4. Conserve the value of existing, affected properties.
 - 5. Supplement the excavation and grading standards of the International Building Code (IBC) or the International Residential Code (IRC) which has been adopted by the Town of Clarkdale. Where differences arise between these regulations and the IBC and IRC, the more stringent standard shall apply.
 - 6. Conserve the unique natural resources of hillside areas.
 - 7. Reduce the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring more intense restoration of graded areas.
 - 8. Minimizing disturbance of existing drainage patterns and soil erosion problems incurred in development alteration of hillside terrain.
 - 9. Provide safe and convenient access to hillside development.

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All excavation and grading shall be performed in accordance with the provisions of this article but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations, nor shall the provisions of this article be presumed to waive any limitations imposed by other statutes or ordinances.

Section 7-11-3 Scope

These regulations establish rules to control grading, excavation, earthwork, drainage patterns and site improvement construction, and establish administrative requirements for the issuance of permits, approval of plans, and inspection of grading construction.

Before any grading activity may begin, plans shall be approved by the Community Development Director or representative and Yavapai County Flood Control.

Section 7-11-4 Definitions

“Bedrock” is in-place solid rock.

“Bench” is a relatively level step excavated into earth material on which fill is to be placed.

“Compaction” means the densification of a fill by mechanical means.

“Cut” is the removal of earth material. It may also mean the grade resulting from removal of earth material.

“Detention Area” means a man-made, or natural, water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

“Development” means any human alteration to the existing state of the land, including its vegetation, soil, geology, topography or hydrology for any commercial, industrial, residential or accessory facilities, or any other use, including any and all utilities, sewers, septic systems and circulation areas, such as streets, private roads, parking areas or driveways.

“Earth Material” means any rock, natural soil fill, or any combination.

“Engineering Geology” is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

“Erosion” means the wearing away of the ground surface as a result of the movement of wind or

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water.

“Excavation” means the mechanical removal of earth material.

“Fill” means a deposit of earth material placed by artificial means.

“Grade” means the vertical location of the ground surface.

“Existing Grade” is the ground surface prior to grading.

“Finished Grade” is the final grade of the site that conforms to the approved plan.

“Natural Grade” is the ground surface unaltered by artificial means.

“Rough Grade” is the stage at which the grade approximately conforms to the approved plan.

“Grading” means the clearing, brushing, grubbing, excavating, or filling of a site.

“Grubbing” means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

“Land Parcel” is an area of land with boundaries recorded in the Yavapai County Recorder’s Office.

“Mitigation” the replacement and/or restoration of damaged or disturbed site features or a high-value resource on-site to a condition that replicates the natural undisturbed condition that historically existed on-site or in the neighborhood. (See also Restoration)

“No practicable alternative” When used, the term means that the property owner has demonstrated to the satisfaction of the Community Development Director or representative that due to physical conditions existing on the property, compliance with the requirements of a section cannot reasonably be practically or functionally achieved.

“Peak Protected Area” is the circular area defined by a 150 foot radius (map distance) from the peak point.

“Restoration” is the process of repairing a previously disturbed, damaged, undamaged or ungraded condition of vegetation, plant communities, geologic structures, grade, drainages, and riparian habitat that historically existed on site or in the neighborhood. Restoration of previously disturbed areas will include enhanced revegetation, and may include corrective grading, natural and artificial rock, and top dressing.

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“Retention Area” means a man-made, or natural, water collection facility designed to collect surface and subsurface water and retain it on a permanent basis.

“Soil” is the naturally occurring superficial deposits overlying bedrock.

“Soil Engineering” means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

“Stockpile” means earth material in excess of 50 cubic yards stored for a temporary period of time upon a lot.

“Terrace” is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Section 7-11-5 Permits Required

Except for those exemptions listed in Section 7-11-6, a grading permit is required for all work involving excavation, cut and/or fill. A separate permit is required for each developed parcel where activity will occur. Undeveloped contiguous parcels may be handled under a single permit.

Section 7-11-6 Exempted Grading Work

A grading permit is **not** required for the following:

- A. An excavation authorized by a building permit;
- B. Excavation and backfill for the installation of underground utilities by public utilities;
- C. Public cemetery graves;
- D. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay for an established active use and provided for by law;
- E. Exploratory excavations under the direction of soil engineers or engineering geologists, provided that all excavations are properly backfilled;
- F. Archaeological explorations conducted under state permit;
- G. Excavations for wells and tunnels authorized by a permit;

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- H. Residential gardens or landscaping on grades less than 20 percent and less than 50 cubic feet combined cut and fill.

The Community Development Director or representative may grant minor modifications to the provisions of this article and may waive the requirement for a grading permit for isolated, self-contained areas if there is no impact to adjacent private or public property.

Section 7-11-7 Guidelines

The design and implementation of all grading shall address the following:

- A. Minimize scars and other adverse visual impacts resulting from cut and fill;
- B. Blend with the natural contours of the land;
- C. Conserve the natural scenic beauty and vegetation of the site;
- D. Restrict the areas and volumes to the minimum necessary to implement the planned development;
- E. Ensure that grades, hillside slopes or other areas subject to erosion are stabilized;
- F. Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limiting soil loss, and protect drainage ways from siltation;
- G. Minimize dust pollution and surface water drainage from graded areas during grading and development;
- H. Ensure grading activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures;
- I. Not impair surface drainage;

Section 7-11-8 Grading Calculations and Limits

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Development Category	Parcel/Lot Size Per Dwelling Unit	Maximum grading permitted
1. Multiple dwellings/business offices/existing commercial and industrial (mass graded)	varies	80% of the project site
2. Single attached or detached dwelling units (mass graded subdivisions)	<20,000 sq. ft.	50% of the project site
3. Single detached dwelling units (individually graded lots)	<20,000 sq. ft.	50% of the lot
4. Single detached dwelling units (individually graded lots)	20,000 sq. ft. to 43,560 sq. ft.	10,000 sq. ft. or 40% of lot, whichever is greater
5. Single detached dwelling units (individually graded lots)	>43,560 sq. ft. to 72,000 sq. ft.	17,425 sq. ft. or 30% of lot, whichever is greater
6. Single detached dwelling units (individually graded lots)	>72,000 sq. ft. to 144,000 sq. ft.	21,601 sq. ft. or 17% of lot, whichever is greater
7. Single detached dwelling units (individually graded lots)	>144,000 sq. ft. to 180,000 sq. ft.	24,481 sq. ft. or 15% of lot, whichever is greater
8. Single detached dwelling units (individually graded lots)	>180,000 sq. ft.	27,001 sq. ft. or 10% of lot, whichever is greater.

The Community Development Director or representative may determine special circumstances exist allowing modifications of these limits. Grading calculations and limits for projects not covered by a development category shall be established on a case by case basis.

Section 7-11-9 Grading Standards

A. Cuts and Fills.

- a. Unless otherwise recommended in the approved grading report, or recommended by the Community Development Director or representative, to meet the objectives of these regulations, cuts and fills shall conform to the provisions of the currently adopted Building Code. The slope of cut and fill surfaces shall be no steeper than is safe for the intended use.

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- b. Cuts and fill slopes shall be no steeper than two units horizontal to one unit vertical (50% slope) unless otherwise recommended in the grading report by an engineer and approved by the Community Development Director or representative.
- c. These provisions may be waived by the discretion of the Community Development Director or representative for minor fills not intended to support structures.
- d. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical to 2 units horizontal (50% slope). Any and all fill less than 1 unit vertical to 2 units horizontal shall be designed by an engineer and submitted for review and shall include material to be used, methods of compaction and parameters of acceptable limits.
- e. Except as noted below, detrimental amounts of organic material shall not be permitted in fills. Well graded soil be used for fill. Except as permitted by the Community Development Director or representative, no rock or similar irreducible material with a maximum dimension greater than 12" shall be buried or placed in fills.
- f. The Community Development Director or representative may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. In such case, the following conditions shall also apply:
 - i. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
 - ii. Rock sizes greater than 12" in maximum dimension shall be buried 10' or more below grade, measured vertically.
 - iii. Rocks shall be placed to assure filling of all voids with well-graded soil.
 - iv. No cut and fill shall encroach upon any floodplain, except as provided for in the floodplain management regulations, or any adjacent properties, except by the mutual written consent of all parties affected. Such consent is to be filed with the development services department of Yavapai County.

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- v. Excess cut or fill material shall not be disposed of over the sides of hills or ridges, or on project site, but instead shall be hauled off the site.
 - vi. Any exposed slope with a vertical distance greater than ten feet (10') shall include planting areas and terraced plant benches as follows:
 - i) A minimum six foot (6') wide planting area at the toe of the exposed slope; and
 - ii) A minimum six foot (6') wide terraced plant bench at the ten foot (10') height of the exposed slope and at continuing intervals after every additional ten foot (10') height of exposed slope (planting areas and plant benches shall extend the length of the exposed slope); and
 - iii) The planting areas and plant benches shall be vegetated with plants in conformance with the Town of Clarkdale approved plant list.
 - g. Exposed fill slopes shall be separated by a minimum twenty-foot (20') wide enhanced natural area buffer, except that the exposed fill slopes may be connected by a maximum six-foot (6') wide walkway in the natural area buffer.
 - h. The vertical distance of a driveway exposed slope shall not exceed six feet (6') measured from the outer edges of the driveway and shoulders cross section. The vertical limitation may be increased if the Community Development Director or representative confirms that there is no practical alternative to the increase.
 - i. Grading shall not extend more than six feet (6') horizontally beyond the structural development perimeter and six feet (6') on either side of the center line of a utility trench. The six foot (6') horizontal limitation beyond the structural development perimeter may be increased to a maximum of twelve feet (12') on slopes greater than fifteen percent (15%) that extend upward and are perpendicular to the structural development perimeter.
 - j. All soils shall be compacted to a minimum of 90% of maximum density post development testing shall be submitted that shows compliance with the 90 percent maximum density.
- B. Setbacks
- a. Setback dimensions from adjacent properties, roadways and existing infrastructure shall be as shown on the submitted plans.

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- b. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.
 - c. Toe of Fill Slope. The toe of fill slope shall be setback from the site boundary at least one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet separation. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Community Development Director or representative deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:
 - i. Additional setbacks;
 - ii. Provision for retaining or slough walls;
 - iii. Mechanical or chemical treatment of the fill slope surface to minimize erosion; and/or
 - iv. Provisions for the control of surface waters.
 - d. Modification of Slope Location. The Community Development Director or representative may approve alternate setbacks. The Community Development Director or representative may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
- C. Retaining walls and/or deep foundations may be used to reduce the required setbacks when approved by the Community Development Director or representative.
- D. Disposal of Cleared Material and Fill – Vegetation, dirt, and rocks removed during cleaning operations shall be disposed of in a manner approved by the Community Development Director or representative.
- E. Excavated Materials removed during grading operations shall be disposed of in a manner approved by the Community Development Director or representative.
- F. Any material spilled on the roadway shall be removed within 24 hours.
- G. Site Re-vegetation and Stabilization.
- a. All graded areas shall be re-vegetated or stabilized per the approved plan within 60 days after completion of the work. The re-vegetation shall include plants from the Town of Clarkdale Approved Plant List found in Section 9 of the Town of

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Clarkdale Zoning Code at a similar density as found in adjacent, ungraded areas. Revegetation shall be maintained until established.

Section 7-11-10 Protection of Adjoining Property

Each adjacent owner is entitled to the lateral and subjacent support which their land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction of improvements as provided by law. The permittee is responsible for the prevention of damage to adjacent property and shall not excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property prior to supporting and protecting such property from settling, cracking or other damage which may result.

Section 7-11-11 Protection of Utilities and Rights of Way

During operations the permittee shall be responsible for the prevention of damage to any street or drainage facilities or to any public utility. This responsibility applies within the limits of grading and along routes of travel of equipment.

Permittee shall be responsible for any repair of damage caused during operations.

Section 7-11-12 Grading Permit Requirements

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data including a drainage report, a soils engineering report, an engineering geology report, and any other information determined to be necessary by the Community Development Director or representative. All plans and reports shall be prepared and signed by an engineer licensed by the State of Arizona. Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to an engineering scale not to exceed 1" = 20' unless otherwise approved by the Community Development Director or representative and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail conformance to the provisions of these regulations, as well as all relevant laws, ordinances, rules, and other regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the name of the person who prepared the plans.

The submittal packet shall include the following information:

- A. The property address and/or parcel number.
- B. A written description of the purpose, nature, and objectives of the proposed operation.

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- C. The estimated starting and completion dates and the hours and days of operation.
- D. The general vicinity of the proposed site.
- E. Property limits and accurate contours of existing ground and details of terrain and area drainage.
- F. The quantity and type of earth product to be removed, filled, excavated, graded and/or stockpiled.
- G. The locations of floodway and floodplain boundaries and base flood elevations as determined on Federal Emergency Management Agency (FEMA) Flood Maps and the location of other water courses and land subject to inundation or flood hazard.
- H. If applicable, engineer's calculations and estimated values for each tributary of storm runoff for a twenty-five (25) year and one hundred (100) year frequency storms as specified in the Yavapai County Flood Control District Ordinance. The values shall be indicated along the boundary of the property for all points of drainage entering and leaving the property.
- I. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the areas served by a drain.
- J. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structure on land adjacent owners that are within fifteen feet (15') of the property or that may be affected by the proposed grading operations.
- K. Soils Engineering Report including data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. Report must be dated and contain the names, addresses, and phone numbers of the firms or individuals who prepared the reports.
- L. Engineering Geology Report including an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the

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proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. Report must be dated and contain the names, addresses, and phone numbers of the firms or individuals who prepared the reports.

- M. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specification. When approved by the Community Development Director or representative, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference.
- N. Upon a finding of unusual soil conditions or of insufficient data to properly assess compliance with these regulations, the Community Development Director or representative may require the applicant to provide additional information on soil, rock ledge, ground water condition, or drainage, or provide any other information deemed necessary and appropriate by the Community Development Director or representative.
- O. Traffic Control Plan including:
 - a. A stop sign shall be posted at the entrance of the access road to the public roadway.
 - b. Advance warning signs, approved by the Community Development Director or representative shall be posted on the public roadway 400 feet on each side of the access intersection. The signs shall be placed 6 feet from the edge of the pavement, and the base of the signs shall be 5 feet above the pavement level. The advance warning signs shall be covered or removed when the access intersection is not in use.
 - c. If the grading project includes the movement of earth material to or from the site in an amount considered substantial, the Community Development Director or representative may require, as a special condition of the grading permit, alternate routes or special requirements in consideration of the possible impact on the adjacent community environment or effects on the public right-of-way.
- P. Sediment/Stormwater Pollution Prevention Control Plan.
 - a. Sediment caused by the grading project shall be retained on the site to the greatest extent feasible. The maximum permanent rate of sediment loss after completion of the project should not exceed the natural erosion rate which occurred prior to the grading project.
 - b. If required by the Community Development Director or representative, sediment

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basins, sediment traps, or similar sediment control measures, temporary or permanent, shall be installed prior to cleaning and grading operations. Upon completion of construction and stabilization of soils, all temporary erosion control facilities shall only be removed from the site upon written approval of the Community Development Director or representative.

- c. If, in the opinion of the Community Development Director or representative, excessive erosion occurs from the project, erosion and sediment control measures shall be immediately implemented to reduce erosion to allowable levels.
- d. In order to prevent polluting discharges from occurring, approved erosion and sediment control devices shall be required by the Community Development Director or representative. Control devices and measures may include, but are not limited to, the following:
 - i. Energy absorbing devices, such as wattles and hay bales, to reduce the velocity of runoff water;
 - ii. Sedimentation controls, such as sediment debris basins and sediment traps. Trapped sediment shall be removed to an approved site;
 - iii. Disposal of water runoff from developed areas over large undisturbed areas on the site;
 - iv. Multiple discharge points to reduce the volume of runoff over localized areas;
 - v. Detention areas;
 - vi. Retention areas that comply with existing regulations.

Q. Dust Control Plan

- a. Include specific measures to mitigate the generation of airborne dust by grading operations and related traffic during the entire period of construction and until such time as the project is completed and receives final inspection.
- b. Either a dust palliative or reclaimed water shall be used for the alleviation or prevention of dust. Use of fresh water for dust control is prohibited.
- c. All activity on site shall cease during red flag warnings issued by the National Weather Service.

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Section 7-11-13 Stormwater Pollution Prevention Plan

Prior to issuance of a grading permit, any grading or excavating project disturbing one (1) acre or greater is required to submit a Notice of Intent (NOI) to the Arizona Department of Environmental Quality (ADEQ) to obtain authorization of the proposed Stormwater Pollution Prevention Plan. At the discretion of the Community Development Director or representative, activities disturbing less than one (1) acre which are part of a large development may be required to submit a Notice of Intent to ADEQ.

Section 7-11-14 Operation Standards

When earth material is moved on roadways from or to the site of a grading operation, all of the following requirements shall apply:

- A. Either water or dust palliative or both must be applied for the alleviation or prevention of dust resulting from the loading or transporting of earth from, to, or within the project site on roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operations.
- B. Loading and transporting of material from or to the site must be accomplished within the time limits of 6:00 a.m. to 9:00 p.m.
- C. Access roads to the premises shall be only at points on the approved grading plan.
- D. The last 50 feet of the access road, as it approaches the intersection with the roadway, shall have a grade not exceeding 35 degrees and be constructed of gravel or equivalent material to prevent mud and debris from dropping from wheels onto street travel lanes. There must be 300 feet of a clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 300 feet sight distance cannot be obtained, flaggers shall be posted.
- E. Repair roads damaged by truck damage

Section 7-11-15 Time of Operations

The Community Development Director or representative shall have the discretion to regulate the hours of grading operations to promote the health, safety, or welfare of the surrounding community. Hours of operation for permitted grading projects are 6:00 a.m. to 9:00 p.m. These hours of operation may be changed upon the Community Development Director or representative's finding of unforeseen impacts on the adjacent community.

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Section 7-11-16 Conditions of Approval

In granting any permit under these Sections, the Community Development Director or representative may attach conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property.

Section 7-11-17 Liability

The issuances of any permit under the provisions of these Sections and any conditions attached to the permit shall not relieve any person from responsibility for damage to other person's property or impose any liability upon the Town for damage.

Section 7-11-18 Denial of Permit

The Community Development Director or representative shall not issue a permit in any case where it is found that the work, as proposed by the applicant, is liable to constitute a hazard to property or result in the deposition of debris on any public or private way or interfere with any existing drainage course. If it can be shown to the satisfaction of the Community Development Director or representative that the hazard can be essentially eliminated by the construction of retaining structures, the Community Development Director or representative may issue the permit with the condition that such work be performed as a condition of approval.

If, in the opinion of the Community Development Director or representative, the land areas for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the grading permit shall be denied.

The Community Development Director or representative may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Community Development Director or representative may, under circumstances where the significant adverse environmental effects of the proposed grading project cannot be mitigated, deny the issuance of a grading permit.

The Community Development Director or representative may require plans and specifications to be modified in order to make them consistent with the Town of Clarkdale General Plan, Zoning Ordinance, Subdivision Ordinance, or other rules, regulations, or conditions applicable to the project. The grading permit may be denied if the proposed project cannot be designed in accordance with these regulations.

Section 7-11-19 Decision

Depending on existing workload, every effort shall be made to issue a permit within 60 days of final submittal of a completed application and payment of all fees.

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Section 7-11-20 Financial Security

A financial guarantee shall be required by the Community Development Director or representative if it is determined that

- A. A hazardous situation is likely to occur as a result of incomplete or improper grading; or,
- B. Adverse effect is likely to occur to the subject property, or an existing or proposed structure thereon as a result of incomplete or improper grading; or,
- C. Significant drainage, erosion, flooding, or siltation problems may exist as a result of incomplete or improper grading; or,
- D. Adverse geological or environmental impacts may occur as a result of incomplete or improper grading; or,
- E. A financial guarantee is necessary to assure the satisfactory completion of the grading. Assurance shall be either an amount in cash or a letter of credit equal to the amount of the cost of work. Any alternative form of assurance must be approved by Town Council prior to issuance of permit.

Section 7-11-21 Expiration

Work performed under an approved permit shall be completed within a period of 2 years from the date of issuance, except as specified below.

- A. Every permit issued shall expire by limitation and become void if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The Community Development Director or representative may extend the 180 day expiration time limit on permits not to exceed successive periods of 180 days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
- B. Applications for which no permit is issued within 180 days shall expire.
- C. The Community Development Director or representative may extend the time for action for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being

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taken. In order to renew action from an application, after expiration, the applicant shall resubmit plans and pay a new plan check fee.

D. Change in Ownership: An issued permit shall expire upon a change of ownership if the grading work has not been completed and a new permit shall be required for the completion of the work. If the time limitation of this section is not applicable, and no changes have been made to the approved plans and specifications, no charge shall be made for issuance of the new permit under such circumstances.

E. Change in Plans: If, changes have been made to the approved plans and specifications, fees based on the valuation of the additional work, additional cubic yardage, and necessary plan checking shall be charged to the permit applicant.

Section 7-11-22 Extension

No operations are permitted after the permit expires. The Community Development Director or representative may extend a grading permit for up to 6 months upon written request for extension, provided the extension request is made prior to the expiration of the permit.

Section 7-11-23 Renewal

A request for renewal shall follow the same process as the initial application, including payment of the required fee.

Section 7-11-24 Enforcement

Whenever any building or grading work is done contrary to the provisions of this regulation, the Community Development Director or representative may order the work stopped by notice served on any persons engaged in performing the work or causing the work to be done. After receiving the notice to stop work, all activity shall be stopped until authorized by the Community Development Director or representative to proceed.

All activity on site shall cease upon notice by the Community Development Director or representative that excessive dust has been observed at the site or complaints regarding dust have been received by the Community Development Department. Work shall not recommence until approved dust measures have been put in place.

Section 7-11-25 Modifications

No modification of the approved plans may be made without the approval of the Community Development Director or representative. All necessary revisions to soils and geological reports shall be submitted with the revised plans.

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Section 7-11-26 Fees

- A. Grading Permit Fees: A fee for each grading permit shall be paid prior to issuance of a grading permit as established by the Town Council.
- B. Grading Plan Check Fees: The applicant shall pay a plan check fee as established by resolution of the Town Council.
- C. Inspection Fee: An hourly fee is required for each inspection by the Town. Each permit requires a minimum of one inspection fee.
- D. Per Article 3-5 of the Clarkdale Town Code, a deposit towards outside consultants' fees may be required for a grading permit.
- E. Cost Recovery Fee: If the Town performs emergency work on private property, the property owner shall be charged all direct and indirect costs which are necessary to complete the work to the Building Official's satisfaction. In addition, the Community Development Director or representative may charge an administrative cost equal to 10% of the cost for performing the work.

Section 7-11-27 Hazards

Notice to terminate grading shall be given upon determination by the Community Development Director or authorized representative that any existing excavation or embankment or fill on private property has become a hazard to public safety, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel. Upon receipt of notice the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, shall within the period specified repair or eliminate the excavation or embankment to eliminate the hazard and be in conformance with the requirements of these regulations.

Section 7-11-28 Notification of Non-Compliance

If, in the course of fulfilling their responsibility under these regulations, the Civil Engineer, the Soil Engineer, the Engineering Geologist Testing Agency or other responsible party finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Community Development Director or representative. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two copies of all recommendations and reports to the Community Development Director or representative.

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Section 7-11-29 Inspection Authority

All grading operations for which a permit is required shall be subject to inspection by the Community Development Director or representative.

Section 7-11-30 Site Inspection

Prior to the approval of any building or grading plans and specifications, the Community Development Director or representative may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

The contractor agent shall notify the Community Development Director or representative if, during the course of grading operations, contaminated soil is uncovered. Work at the site shall cease immediately and shall not resume until authorized by the Community Development Director or representative.

The permittee or agent shall notify the Community Development Director or representative when the grading operations for which inspection is required are ready for inspection.

If the Community Development Director or representative finds the soil or other conditions not as stated in the approved plans or soil and geology reports, or as in additional information which was required for issuance of the grading permit, the Community Development Director or representative may stop additional work until approval is obtained for a revised grading plan.

Whenever the Community Development Director or representative determines that any work does not comply with the terms of a permit, or these regulations, or that the soil or other conditions are not as stated on the permit, the Official may order the work stopped by notice served on any persons engaged in doing or causing such work to be done and all work shall be stopped until authorized by the Community Development Director or representative to proceed.

Section 7-11-31 Notification of Completion

The permittee or agent shall notify the Community Development Director or representative when the grading operation is ready for final inspection. All work, including installations of all drainage facilities and their protective devices, revegetation and all erosion control measures, must be completed in accordance with the final approved grading plan and any required reports before the final approval of the grading may be given by the Community Development Director or representative.

As-built plans may be required for projects on property larger than one acre.

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Section 7-11-32 Appeals

Any person aggrieved by a decision of the Community Development Director may file an appeal with the Town Manager provided said appeal is filed within sixty (60) days of the date of the decision being appealed. Said appeals shall be made on forms approved by the Community Development Director and shall follow procedures as established by the Board of Adjustment.

Article 7-12 MORATORIUM ON ISSUANCE OF BUILDING PERMITS FOR MULTIPLE FAMILY DWELLINGS IN AREAS WITH INADEQUATE WATER SUPPLY

- A. The Town Building Official shall not issue a building permit for multiple dwelling units in those areas whose water supply does not meet the minimum requirements of the Fire Code, according to the most recent edition of said code as adopted by the Town.
- B. A multiple family dwelling unit is defined to be any dwelling unit, or combination of units, regardless of whether said units are physically connected to each other, other than a single family residence.
- C. An appeal of the decision of the Building Official may be made by the applicant to the Council.

Article 7-13 MANUFACTURED HOUSING STANDARDS

- 7-13-1 Minimum Standards Required
- 7-13-2 Manufactured Home Building Permits
- 7-13-3 Burden of Proof of Compliance

Section 7-13-1 Minimum Standards Required

As of the effective date of this Ordinance, all manufactured housing installed, erected, placed, or relocated within the Town of Clarkdale shall comply with the manufactured housing unit construction and safety standards adopted by the U.S. Department of Housing and Urban Development (H.U.D.) pursuant to Section 7 (d), Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401) and amendments thereto.

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Section 7-13-2 Manufactured Home Building Permits

The Building Official shall issue no building permit for the installation of any manufactured housing unit within the Town of Clarkdale unless said manufactured housing unit can be proved to comply with the standards set forth in Section 7-13-1 above. This prohibition shall also apply to any manufactured housing unit installation permit to be issued for the relocation of a manufactured housing unit within the Town of Clarkdale.

Section 7-13-3 Burden of Proof of Compliance (Revised 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)

It shall be the responsibility of the permit applicants to demonstrate to the Building Official that any manufactured housing unit for with installation permit is requested is in compliance with the standards set forth in Section 7-13-1 above. Proof of compliance shall include:

- A. A decal certifying that the manufactured housing unit has been inspected and constructed in accordance with the requirements, of the U.S. Department of Housing Urban Development (H.U.D.), in effect at the date of the manufacture wherein such date shall not have been prior to June 15, 1976, or,
- B. A State of Arizona Insignia of Approval as defined by the Arizona Revised Statutes, Section 41-2142, and its successors, or,
- C. Certification from an engineer or architect duly registered with the Arizona State Technical Registration Board, certifying the manufactured housing unit is in compliance with Section 7-13-1 above.

A violation of this Chapter shall be punishable under Article 1-8 of the Town Code; any violation brought as a criminal misdemeanor offense shall be a class 3 misdemeanor.

Article 7-14 PROPERTY MAINTENANCE DURING CONSTRUCTION

- A. No work shall commence before 6:00 A.M. nor continue past 9:00 P.M. Any contractor, subcontractor, tradesman, materials supplier, owner, or bona fide representative or employee of any of the above who is present at the job site at the time of a violation will be held responsible. (Revised Ordinance 316 10/14/08)
- B. All trash shall be picked up daily and be placed in approved covered containers.

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Trash shall be disposed of and not allowed to collect.

- C. Bathrooms or approved portable bathrooms shall be available on all construction sites.
- D. Any debris and/or mess caused by contractors entering or exiting the construction site shall be cleaned up immediately.
- E. Any damage to roads or surrounding properties shall be repaired before the final inspection is approved by the Building Inspector.
- F. The permittee shall be responsible for the above items B, C, D, and E. In the event the permittee is not available the owner of record shall assume responsibility for the above items B, C, D, and E.
- G. Upon application to the Town Council, construction for water well drilling and water well pump tests may be permitted, up to 24 hours per day, until completed, provided the Council finds good cause and finds that the public health, safety and welfare is promoted by the request. In the event, the Council may grant the request, as requested, or as modified by the Town Council, in its sole discretion.

Article 7-15 UNDERGROUND UTILITIES REQUIRED ON ALL NEW CONSTRUCTION

- A. All electric lines, except those graded in 3,000 KVA capacity and above, and except switching cabinets and pad-mounted transformers, and all telephone lines and television cable shall be installed underground on all new construction which does not have said utility service to the building site, unless, upon recommendation of the Planning Commission the Town Council determines that, due to surface soil conditions, it is impractical to do so.
- B. The property owner shall be responsible for the requirements of this article and shall make the necessary arrangements with each of the public utility companies involved in the installation of underground facilities. Letters from each of the public utility companies indicating that the arrangements have been made shall be submitted to the Town Clerk at the time the application for a building permit is submitted to the Town.

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Article 7-16 DEVELOPMENT REVIEW AND GUIDELINES FOR PEAKS OR RIDGES

(Revised by Ord 370 on 11/10/15; Effective 12/11/15)

Section 7-16-1 Development Review Adjacent to Peaks or Ridges

- A. When development is proposed within 350 feet of a peak protected area, the developer shall submit to the Community Development Department a topographic map (scale no smaller than one inch equals one hundred feet with ten foot contour intervals) delineating the protected area of the peak or ridge, the peak point or ridge line, and elevations.
- B. This map shall be submitted in conjunction with a grading plan for building permit review purposes, tentative plat, building permit application or development plan. This requirement shall also apply when a road or development is proposed within a protected area, subject to the granting of a special use or an addition permit.

Section 7-16-2 Development Guidelines for Peaks and Ridges

- A. Native trees and shrubs shall be planted and spaced in at most twenty foot intervals to screen all building walls. An alternative vegetation that would achieve the same results may be used if approved by the Community Development Director or his assigned designee. In all cases, fifteen-gallon plant or larger shall be used, and they must be connected to an irrigation system until established.
- B. Roadway edges shall be re-vegetated.
- C. Every outside light source shall be shielded and directed toward the center of the land parcel and away from the property lines; and
- D. The width of a private driveway that must cross the protected area of a level two protected peak or ridge shall not exceed twelve feet, and the width of a private roadway providing two-way access that must cross the protected area of a peak or ridge shall not exceed eighteen feet.

Article 7-17 PERMITS

(Renumbered by Ord 370 on 11/10/15; Effective 12/11/15)

- Section 7-17-1 Building Permit Required
- Section 7-17-2 Refund of Permit Fees
- Section 7-17-3 Conformance with Zoning Code
- Section 7-17-4 Mobile Home Permits

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Section 7-17-5 Valuations

Section 7-17-1 Building Permit Required

In addition to the building permits required by the codes adopted by the Town, a building permit shall be required for all new construction, including but not limited to construction of driveways, fences, structures of any kind and/or remodeling of such structures.

Section 7-17-2 Refund of Permit Fees

The Building Official may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter. The fee for issuing the permit is not refundable.

Section 7-17-3 Conformance with Zoning Code

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the Zoning Code of the Town of Clarkdale in addition to the provisions of this chapter.

Section 7-17-4 Mobile Home Permits

Building permit fees for the installation of mobile homes shall be established by resolution of the Town Council.

Section 7-17-5 Valuations

Valuations used to establish building permit fees shall be established by resolution of the Town Council.

Article 7-18 CONFLICTING WORDING

(Renumbered by Ord 370 on 11/10/15; Effective 12/11/15)

If a conflict exists between this Chapter and any of the uniform codes adopted by reference herein, the strictest of the two will prevail.

Article 7-19 VIOLATIONS AND ENFORCEMENT

(Renumbered by Ord 370 on 11/10/15; Effective 12/11/15)

(Revised 10/25/16; Resolution 1529; Ordinance 376; Effective 10/26/16)

- A. Any violation of the following shall be punishable under Article 1-8 of this code:
 - (1) a provision of the Codes or Standards adopted in this chapter (“Building

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Provisions”); (2) an order made under the Building Provisions; (3) a detailed statement of specifications or plans submitted and approved under the Building Provisions; (4) a certificate or permit issued and from which no appeal has been taken; (5) an order from the Building Official; or, (6) an order by a court of competent jurisdiction.

- B. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; any violation shall be corrected or remedied within a reasonable time. The application of any penalty shall not be held to prevent the enforced removal of any prohibited condition.