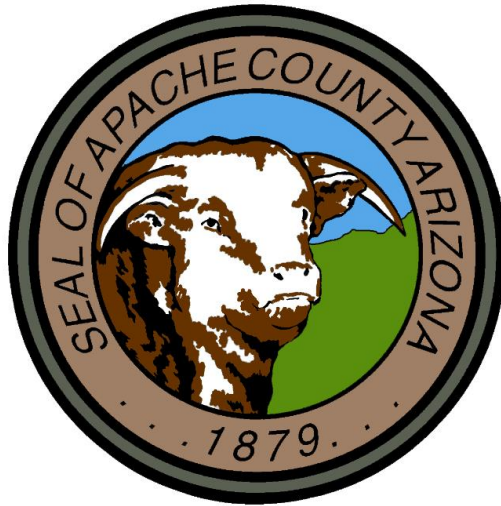


# **BUILDING SAFETY ORDINANCE OF**



## **APACHE COUNTY, ARIZONA**

**Approved by the Board of Supervisors**

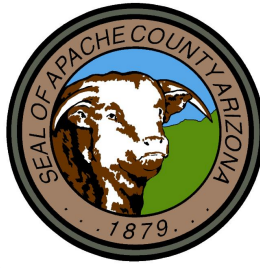
**May, 2015**

**EFFECTIVE July 1, 2015**

**BUILDING SAFETY ORDINANCE  
OF  
APACHE COUNTY, ARIZONA**

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**BUILDING SAFETY CODE ORDINANCE  
OF THE COUNTY OF APACHE  
As amended**

**SCOPE**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIRING, MOVING, REMOVING, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, AND MAINTENANCE OF THE BUILDINGS AND STRUCTURES WITHIN THE UNINCORPORATED AREAS OF AND OUTSIDE NATIVE AMERICAN LANDS IN THE COUNTY OF APACHE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN ADVISORY BOARD AND ADMINISTRATIVE PROCEDURES.

THIS DOCUMENT SHALL ABOLISH, REPLACE, AND/OR SUPERSEDE ANY PREVIOUS AMENDMENTS, CHANGES, OR ADDITIONS TO THE NATIONAL CODES PREVIOUSLY APPROVED BY APACHE COUNTY

**PURPOSE AND ADOPTION OF THE ORDINANCE**

Building regulations provide an important service to the community in maintaining property values and in prohibiting the construction of unsafe or unhealthy structures.

The purpose of the Building Safety Code is to provide minimum standards safeguarding life or limb, health, property and public welfare. This is accomplished by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the County.

IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, AS FOLLOWS:

## SECTION 1 BUILDING CODES

The following describes documents containing the following described codes, as the same now exists or may hereafter be amended, or as specifically amended herein, are hereby adopted by reference, as if fully set out herein, as the Building Safety Code of Apache County, pursuant to Arizona Revised Statutes Title 11 Chapter 6 Article 3 § 11-861 through 11-866.

At least three (3) copies of the Building Safety Code shall be filed in the office of the Clerk of the Board of Supervisors and kept available for public use and inspection. Solely for the purpose of satisfying this requirement, the Saint Johns and Springerville offices of Community Development are designated as branch offices of the Office of the Clerk of the Board. One copy of the Building Safety Code shall be kept in the office of the Clerk of the Board and one copy shall be kept in the Saint Johns office both located at 75 West Cleveland, Saint Johns, Arizona and one copy shall be kept in the Springerville office located at 309 South Mountain Avenue, Springerville, Arizona, by appointment.

- A. The **2015** edition of the [International Building Code](#) published by the International Code Council, Inc., including Appendix C (GROUP U – AGRICULTURAL BUILDINGS) as well as the following amendments.
1. Amend **Section 101.1 GENERAL – Title** by adding Apache County.
  2. Amend **Section 101.4.4 GENERAL – Property maintenance** by adding the use of this unadopted code herein is regulated by resolution of the Apache County Board of Supervisors.
  3. Amend **Section 101.4.5 GENERAL – Fire prevention** by adding the use of this unadopted code herein is regulated by resolution of the Apache County Board of Supervisors.
  4. Amend **Section 101.4.6 GENERAL – Energy** by adding the use of this unadopted code herein is regulated by resolution of the Apache County Board of Supervisors.
  5. Amend **Section 102.6 APPLICABILITY – Existing structures** by adding the use of this unadopted code herein is regulated by resolution of the Apache County Board of Supervisors.
  6. Amend **Section 105.2 PERMITS – Work exempt from permit** by changing buildings #1 change 120 square feet to 200 square feet. And by adding buildings #14, all building as defines in A.R.S. § Title 11, Chapter 6, Article 5.
  7. Amend **Section 109.2 FEES – Schedule of permit fees** by adding as prescribed in Section 8 of this Ordinance.
  8. Amend **Section 109.3 FEES – Building permit valuations** by adding The Building Official shall determine building permit valuation for new construction and additions as prescribed in Section 10 of this Ordinance.
  9. Amend **Section 109.4 FEES – Work commencing before permit issuance** by adding as prescribed in Section 8 of this Ordinance.
  10. Amend **Section 109.6 FEES – Refunds** by adding Refunds, by deleting the first sentence and adding: “The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. “The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with

this code. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment”.

11. Amend **Section 110.3.7 INSPECTIONS – Energy efficiency inspections** by deleting Energy efficiency Inspections.
12. Delete **Section 113 BOARD OF APPEALS**  
See Section 4 of this Ordinance.
13. Amend **Section 420.5 GROUPS I-1, R-1, R-2, R-3, AND R-4 – Automatic Sprinkler System** by adding per A.R.S §11-861(E) Apache County Building Department will ONLY USE this section of the 2015 I.B.C. Code book for the purpose of plan review, permitting, collection or permit fees and inspections at the request of the property owner. This pertains only to single family and dual family residences.
14. Delete **Chapter 11 ACCESSIBILITY** and replace with the Arizonans with Disabilities Act (Arizona Revised Statutes, Title 41 Chapter 9 Article 8) and the Arizonans with Disabilities Act Implementing Rules (Arizona Administrative Code, Title 10 Chapter 3 Article 4) which incorporates the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.
15. Delete **Chapter 13 ENERGY EFFICIENCY**
16. Amend **Section 1601 GENERAL** by adding 1601.2 building criteria for Apache County. Refer to Section 1-B-1 of this Ordinance.
17. Amend **Section 1612.3 FLOOD LOADS – Establishment of flood hazard areas** by adding Apache County and October 2, 2007.
18. Delete **Section 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES** (Semi-Public and Public swimming pool enclosures and safety devices are regulated by the Arizona Administrative Code Title 18 Chapter 5 Article 2.)

B. The **2015** edition of the [International Residential Code](#) published by the International Code Council, Inc., including Appendix G (SWIMMING POOLS, SPAS AND HOT TUBS) and Appendix H (PATIO COVERS) as well as the following amendments:

1. Replace **Table R301.2(1) CLIMATE AND GEOGRAPHIC DESIGN** with the following table:

**TABLE R301.2(1)**

| <b>CLIMATE AND GEOGRAPHIC DESIGN FOR APACHE COUNTY, ARIZONA</b>  |              |                  |                         |
|--|--------------|------------------|-------------------------|
| The following areas of Apache County are considered to be case study for the recommendation of ground snow loads. The Apache County Building Department adopted the (Snow Load Data for Arizona) manual, Published by the STRUCTURAL ENGINEERS ASSOCIATION OF ARIZONA, 1973. |              |                  |                         |
| Area   | Elevation    | Ground Snow Load | Required Roof Snow Load |
| * McNary   | 7200         | 55 PPSF          | 50 PPSF                 |
| *Alpine  | 8012         | 50 PPSF          | 40 PPSF                 |
| *Greer   | 8490         | 50 PPSF          | 40 PPSF                 |
| *Nutrioso  | 7671         | 50 PPSF          | 40 PPSF                 |
| Eagar, Springerville   |              |                  |                         |
| *Vernon & Surrounding areas  | 7200 to 6000 | 44 PPSF          | 35 PPSF                 |
| All other areas below  |              |                  |                         |
| * 6,000 Ft. elevation  |              | 25 PPSF          | 20 PPSF                 |
| <b>WIND DESIGN:</b> Speed (MPH) 90 w/30 second gust. Topographic effects: YES  |              |                  |                         |
| <b>SEISMIC DESIGN CATEGORY:</b> B  |              |                  |                         |
| <b>WEATHERING:</b> Moderate  |              |                  |                         |
| <b>FROST LINE DEPTH:</b> 18" (inches) below finished grade. (i.e. footings, plumbing pipes.)   |              |                  |                         |
| <b>TERMITE:</b> None to slight   |              |                  |                         |
| <b>WINTER DESIGN TEMP:</b> 4 degrees   |              |                  |                         |
| <b>ICE BARRIER UNDERLAYMENT REQUIRED:</b> NO   |              |                  |                         |
| <b>FLOOD HAZARDS:</b> The NFIP, as adopted by the Apache County Board of Supervisors Oct 2, 2007 and Administered by the Apache County Engineer.   |              |                  |                         |
| <b>AIR FREEZING INDEX:</b> 1500  |              |                  |                         |
| <b>MEAN ANNUAL TEMP:</b> 56 degrees  |              |                  |                         |

\* Roofs must be designed to support loads as specified in R301.6 **or** the snow load shown here, whichever is greater. (Ground Snow Load x .8 ≈ Roof Snow Load)

2. Amend **Section R101.1 GENERAL – Title** by adding Apache County.
3. Amend **Section R102.7 APPLICABILITY – Existing Structures** by Adding the International Property Maintenance Code as adopted by resolution by the Apache County Board of Supervisors.
4. Amend **Section R105.2 PERMITS – Work exempt from permit – Building** by adding  
#11 A permit is not required for repairs or improvements of a value not exceeding \$750.00  
A.R.S §11-815(B). This exemption is at the Building Official Discretion.  
#12 A permit is required for any construction of a building or an addition there to exceeding  
a cost of \$1,000.00 A.R.S §11-321(A).
5. Amend **Section R105.5 PERMITS – Expiration** by adding the following: a project is  
considered to be abandoned after 180 days if a successful completed inspection not taken place.
6. Amend **Section R108.2 FEES – Schedule of Permit Fees** by adding as prescribed in Section 8  
of this Ordinance.
7. Amend **Section R108.2 FEES – Schedule of Permit Fees** by adding Table No. 1 – A Building  
Permit Fee Schedule.

TABLE No. 1 - A BUILDING PERMIT FEES

| TOTAL VALUATION                | FEE   |
|--------------------------------|---|
| \$1.00 to \$500.00             | \$15.00   |
| \$501.00 to \$2,000.00         | \$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00              |
| \$2,001.00 to \$25,000.00      | \$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00         |
| \$25,001.00 to \$50,000.00     | \$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00       |
| \$50,001.00 to \$100,000.00    | \$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00      |
| \$100,001.00 to \$500,000.00   | \$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00     |
| \$500,001.00 to \$1,000,000.00 | \$2039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00. |
| \$1,000,001.00 and up          | \$3539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof                                 |

**Other Inspections and Fees:**

1. Inspections **outside** of normal business hours \$47.00 per hour\* (minimum charge—two hours)
2. Reinspection fees assessed under provisions of Section 305(g) \$47.00 per hour\*
3. Inspections for which no fee is specifically indicated \$47.00 per hour\* (minimum charge—one-half hour)
4. Additional plan review required by changes, additions or revisions to approved plans \$47.00 per hour\* (minimum charge—one-half hour)
5. Work commenced prior to obtaining an approved permit may require a 3<sup>rd</sup> party written inspection report from an Arizona Registered Engineer. In addition to an inspection report a penalty fee up to 1 ½ times the building permit fee will be required.
6. Minimum Investigation fee \$150.00

\* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.



8. Amend **Section R108.3 FEES – Building Permit Valuations** adding The Building Official shall determine building permit valuation as prescribed in Section 10 of this Ordinance.
9. Amend **Section R108.5 FEES – Refunds** by adding “The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment”.

10. Amend **Section R108.6 FEES – Work commencing before permit issuance** see Section 8 of this Ordinance for fees and procedure to obtain permits.
11. Amend **Section R109.1.3 INSPECTIONS – Floodplain inspections** by deleting flood plain inspection as established by Table R301.2(1) and by adding ‘as established by the Apache County Engineer.
12. Amend **Section R113.2 VIOLATIONS – Notice of violation** by adding ‘where a notice of violation has been issued pursuant to this section, the Building Official may record a Notice of Code Violation with the Apache County Recorders office if the violation was not corrected within the agreed upon time per the violation notice issued.
13. Amend **Section R311.7.5.1 MEANS OF EGRESS – Riser** by replacing “7 ¾ inches” with “8 inches” as the maximum riser height.
14. Amend **Section R320.1 ACCESSIBILITY – Scope** by replacing the words “Chapter 11 of the International Building Code for Group R-3” with “the Arizonans with Disabilities Act.”
15. Amend **Section R403.1.1 FOOTINGS – Minimum size** by adding ‘or as prescribed by the Apache County Building Official.’
16. Amend **Section R403.1.4 FOOTINGS – Minimum depth** by changing’ minimal footing depth from 12 inches to 18 inches.
17. Delete **Section R408.7 UNDER-FLOOR SPACE – Flood resistance** see the Apache County Zoning Ordinance Article 8.
18. Amend **Section E3402.1 BUILDING AND STRUCTURE PROTECTION – Drilling and notching** by adding see R502.8.2, R602.6, R602.6.1, R802.7, R802.71 and R802.7.2 (notching and boring of structures.)
19. Amend **Section E3902.4 GROUND-FAULT AND ARC-FAULT CIRCUIT INTERRUPTER PROTECTION – Crawl space receptacles** by adding ‘exception dedicated 125 volt, single-phase, 15 and 20 amp receptacles that supply power to gas furnaces, or other equipment, shall not be required to be “GFCI protected.”
20. Amend **Section G2415.12 (404.12) PIPING SYSTEM INSTALLATION – Minimum burial depth** by changing minimal burial depth from 12 inches to 18 inches.

21. Amend **Section P2603.5.1 STRUCTURAL AND PIPING PROTECTION – Sewer depth** by adding depth in inches x 2 (18 inches.)
22. Amend **Section P2904 DWELLING UNIT FIRE SPRINKLER SYSTEM** by adding ‘per A.R.S §11-861(E) Apache County Building Department will ONLY USE this section of the 2015 I.R.C. Code book for the purpose of plan review, permitting, collection of permit fees and inspections at the request of the property owner.
23. Amend **Section P3103.1 VENT TERMINALS – Roof extension** Open vent pipes that extend through a roof shall be terminated not less than ~~6-inches (152 mm)~~ 18 inches above the roof or 6 inches (152 mm) above the anticipated snow accumulation, whichever is greater. Where a roof is to be used for assembly, as a promenade, observation deck or sunbathing deck or for similar purposes, open vent pipes shall terminate not less than ~~7 feet (2134 mm)~~ 18 inches above the roof.

C. The **2011** edition of the [National Electrical Code – NFPA – 70](#), published by National Fire Protection Association including the following amendments:

1. Amend **Article 230 SERVICES** by adding the following section:

**230.63 Location.** All service equipment rated 1000 amps or a combination of 1000 amps or more located inside a building shall be enclosed within a room or space separated from the rest of the building by not less than one-hour fire-resistive occupancy separation or fire barrier installed in compliance with the building code.

D. The **2015** edition of the [International Mechanical Code](#) published by the International Code Council, Inc., including Appendix A (COMBUSTION AIR OPENING AND CHIMNEY CONNECTOR PASS THROUGH) as well as the following amendments:

1. Amend **Section 101.1 GENERAL – Title** by adding Apache County.
2. Amend **Section 106.5 PERMITS – Fees** by deleting and adding for Fees, see section 10 of this Ordinance.
3. Amend **Section 106.5.1 PERMITS – Fees – Work commencing before permit issuance** by deleting and adding for work commencing before permit issuance see Section 8 of this Ordinance.
4. Amend **Section 106.5.2 PERMITS – Fees – Fee schedule** by deleting and adding fee schedule: see Section 10 of this Ordinance.
5. Amend **Section 106.5.3 PERMITS – Fees – Fee refunds** by deleting and adding Fee refunds: see Section 1-A-11 of this Ordinance.

E. The **2015** edition of the [International Swimming Pool and Spa Code](#) published by the International Association of Plumbing and Mechanical Officials as well as the following amendment:

1. Amend **Section 101 SCOPE AND APPLICATION – General** by adding Apache County.
2. Delete **Section 108 MEANS OF APPEALS** see Section 4 of this Ordinance.

F. The **2015** edition of the [International Plumbing Code](#) published by the International Code Council, Inc., as well as the following amendment:

1. Amend by deleting the IPSDC, International Private Sewage Disposal Code section of the code book.
2. Amend **Section 101.1 GENERAL – Title** by adding Apache County,
3. Amend **Section 106.6 PERMITS – Fees** by deleting and adding for Fees, see Section 10 of this Ordinance.
4. Amend **Section 106.6.1 PERMITS – Fees – Work commencing before permit issuance** by deleting and adding for work commencing before permit issuance see Section 8 of this Ordinance.
5. Amend **Section 106.6.2 PERMITS – Fees – Fee schedule** by deleting and adding for fee schedule see Section 10 of this Ordinance.
6. Amend **Section 106.6.3 PERMITS – Fees – Fee refunds** by deleting and adding fee refunds see section 1-A-11 of this Ordinance.
7. Delete **Section 109 MEANS OF APPEAL**
8. Amend **Section 305.4.1 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS – Freezing – Sewer depth** by adding sewer depth adding 18 inches (both blank locations)
9. Amend **Section 903.1 VENT TERMINALS – Roof extension** by adding roof extension adding 18 inches (one blank location)

G. The **2015** edition of the [International Fuel Gas Code](#) published by the International Code Council, Inc., as well as the following amendment:

1. Amend **Section 101.1 GENERAL - Title** by adding Apache County.
2. Amend **Section 106.6 PERMITS – Fees** by deleting and adding Fees, see Section 10 of this Ordinance.
3. Amend **Section 106.6.1 PERMITS – Fees – Work commencing before permit issuance** by deleting and adding work commencing before permit issuance see Section 8 of this Ordinance.
4. Amend **Section 106.6.2 PERMITS – Fees – Fee schedule** by deleting and adding fee schedule see Section 10 of this Ordinance.
5. Amend **Section 106.6.3 PERMITS – Fees – Fee refunds** by deleting and adding Fee refunds see section 1-A-11 of this Ordinance.
6. Amend **Section 108.4 VIOLATIONS – Violation penalties** see Section 13-A&B of this Ordinance.

7. Amend **Section 108.5 VIOLATIONS – Stop work orders** by adding for amount(s) not listed see section 13-B of this Ordinance.

**H.** The **2015** edition of the [International Property Maintenance Code](#)

1. Amend **Section 101 SCOPE AND ADMINISTRATION – Scope and Application – General** by adding Apache County.
2. Delete **Section 111 MEANS OF APPEALS** see Section 4 of this Ordinance.

Copies of the Building Safety Code are on file and available for public review in the Office of the Clerk of the Board of Supervisors and the Saint Johns Community Development Office, both located at 75 W. Cleveland Street, Saint Johns, Arizona Monday through Thursday 6:00 am to 5:30 pm and at the Springerville Community Development Office located at 309 S. Mountain Avenue, Springerville, Arizona, by appointment.

## SECTION 2 TITLE

This Ordinance shall be known as the Apache County Building Safety Code.

## SECTION 3 RULES AND DEFINITIONS

- A. The term “Building Code” as used hereinafter shall mean the codes referred to in Section 1 of this Ordinance.
- B. Terms used in this Ordinance shall be defined as provided in the Codes adopted in Section 1 of this Ordinance, except as herein otherwise provided.
- C. Whenever the terms “Governing Body” or “City” or “Town” or “Municipality” are used in the Building Code, they shall mean the unincorporated area of the County of Apache, excluding sovereign land and the private properties surrounded by sovereign land.
- D. Whenever the terms “Mayor”, “Appointing Authority”, “Commission”, “City Council”, or “Manager” are used in the Building Code, they shall mean the Apache County Board of Supervisors.
- E. Whenever the terms, “Administrative Authority”, “Building Officials”, “Chief”, or “Administrator”, are used in the Building Code, they shall mean the Building Official of Apache County, or his representative.
- F. Whenever the terms “Other Code” or “Other Codes” are used in the Building Code, they shall mean other code or codes adopted by either the County of Apache or the State of Arizona. If there is a conflict between such other code or codes and the Ordinance, the more restrictive shall prevail.
- G. Reference to chapters, articles, sections, and subsections or paragraphs and to tables thereof are to the Building Code.

H. Certificates

1. **Zoning Certificate**. May be part of the Building Permit. (The issuance of approval of zoning use permits, variance permits, temporary use permits and special use permits shall not be construed to be functions of the Building Inspection Department but shall continue to be processed as otherwise provided by law.)
2. **Certificate of Occupancy (C of O)**. For construction completion showing compliance.

I. Building Safety Department

The Building Safety Department shall administer this Ordinance. The official in charge thereof shall be known as the Building Official of Apache County.

J. Administrative Provisions

The administrative rules for administering this Ordinance are as notes in the respective codes or as otherwise hereinafter provided.

Nothing contained in this Ordinance shall prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purpose, if the tract concerned is five or more contiguous commercial acres.

K. For the purpose of this Ordinance, the following definitions shall apply:

Plot Plan – a plot showing the property size and shape with the location of the building or buildings shown. Required yard setback from front, back and side property lines shall be shown, in addition to required distances between buildings, and location of approved sanitary system.

Plans and Specifications – simple buildings (i.e., cabanas, trailer covers, sheds, barns, and additions to dwellings from 200 to 1,000 square feet) a drawing with data showing floor plan, at least two elevations and sufficient information to allow the plan check officer to determine if the building will meet code standards.

## **SECTION 4 ADVISORY AND APPEALS BOARD**

A. Authority and Purpose

1. Pursuant to Arizona Revised Statutes, Title 11, Chapter 6, Article 3, §11-862 there shall be and is hereby created the Building Safety Advisory and Appeals Board. Whenever the terms “Board”, “Advisory Board”, “Board of Appeals” or “Advisory and Appeals Board” appear in the Building Code or the Building Code Ordinance, they shall mean the Building Safety Advisory and Appeals Board.
2. This Advisory and Appeals Board is established to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Code and to determine the suitability of alternatives materials and construction methods.

3. The Advisory and Appeals Board shall also provide technical advice to the Building Official to assist in the formation and adoption of revisions or amendments to the Building Code and the Building Code Ordinance.
4. The functions, duties and rules of procedure for conducting the business of the Advisory and Appeals Board shall be as specified in this section.

#### B. Members and Qualifications

1. The Advisory and Appeals Board shall consist of seven (7) members appointed by and serving at the pleasure of the Board of Supervisors. Initial appointment shall be made as follows:
  - a. Two members shall be appointed to four (4) year terms.
  - b. Two members shall be appointed for three (3) year terms.
  - c. Two members shall be appointed for two (2) year terms.
  - d. One member shall be appointed for a one (1) year term.

Thereafter, members shall be appointed for a term of four (4) years, staggered so that at least one but no more than two (2) terms expire each year.

The Building Official shall serve as a non-voting ex officio member of the Board and shall act as secretary to the Board.

2. Members of the Advisory and Appeals Board must be residents of Apache County. This Board shall include members from the following categories to the extent that persons meeting the qualifications are available and willing to serve:
  - a. An architect duly licensed in the state of Arizona.
  - b. A professional engineer duly licensed in the state of Arizona.
  - c. A general contractor duly licensed in the state of Arizona.
  - d. A person representing the public.
  - e. A person engaged in the electrical, mechanical or plumbing trade.
3. Each member of this Board shall have substantial experience in at least one of the fields covered by the Building Code and must be qualified by experience and training to decide on matters pertaining to building construction.
4. Members of this Board shall serve without compensation except for reimbursement of expenses. This Board shall not be empowered to incur debts, nor make any purchases nor enter into any contracts or agreements binding Apache County.

#### C. Vacancies

1. A vacancy shall be filled in the same manner in which original appointments are made. An appointment made to fill an unexpired term shall be made for the remainder of that unexpired term only.
2. Board members may resign from their appointed position at any time for any reason. However, a thirty (30) day written notice of resignation should be provided to the Secretary of the Board.

3. The Boards of Supervisors may remove any member who is absent from more than three (3) consecutive Board meetings or 50% or more of all Board meetings held during any one calendar year or for other due cause as determined by the Board of Supervisors. Written notice of removal shall be delivered to the member being removed and a copy shall be furnished to the Secretary of the Board who will provide the Chairman of the Board with a copy.
4. Members shall give advance notice of any anticipated absence to the Secretary of the Board to allow the Secretary to assure the presence of a quorum.

#### D. Duties of the Board

1. The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Code and to determine the suitability of alternative materials and construction methods. The Board shall also provide technical advice to the Building Official to assist in the formation and adoption of revisions or amendments to the Building Code and the Building Code Ordinance.
2. The Board shall elect from its members a Chairman and Vice-Chairman by majority vote of the members at the first meeting of each calendar year to serve for a term of one (1) calendar year.
3. Legal Counsel shall be provided by the Apache County Attorney or a Deputy County Attorney.
4. The Chairman shall preside at all meetings, shall conduct all hearings, and shall exercise and perform such other duties as may be required or assigned by the Board. The Chairman shall rule on procedure or on order of presentation at all Board meetings or hearings.
5. In the absence of the Chairman, the Vice-Chairman shall assume the duties of the Chairman and, when so acting, has the same powers and is subject to the same restrictions as the Chairman.
6. In the absence of both the Chairman and Vice-Chairman, a Chairman pro-tempore shall be elected by majority vote from among the members present. In the absence of the Chairman and Vice-Chairman, the Chairman Pre-tempore shall assume the duties of the Chairman and, when do acting, has the same powers and is subject to the same restrictions as the Chairman.
7. All members present at a hearing or meeting of the Board shall vote unless abstaining due to a conflict of interest. In the event of a tie, the Chairman shall call for an additional or amended motion in an attempt to resolve the tie. If the tie cannot be resolved, the vote shall be reflected in the minutes.
8. Any member of the Board who has a conflict of interest in any matter brought before the Board shall make known such interest in the record of the proceeding and shall refrain from voting upon or otherwise participating in the deliberations and decisions regarding such matter.
9. The Secretary of the Board shall keep or cause to be kept minutes of the proceedings of the Board and shall provide an agenda to each Board member prior to the time set for any Board hearing or meeting.
10. The Secretary of the Board shall be custodian of the records of the Board.

#### E. Hearing and Meetings

1. The Board shall meet at the call of the Chairman or at the request of the Building Official but at least two (2) times in any calendar year.
2. All Board meetings and hearings are subject to the Arizona Open Meeting Law and shall be conducted per Robert's Rule of Order. However, the Board has the option of waiving any portion of those rules that they choose.
3. Notice of the date, time and place of any regular or special meeting or hearing of the Board; including an agenda of the matters to be addressed, shall be given within 24 hours prior to the meeting by posting a notice to the general public at the County Annex building, located at 75 West Cleveland, Saint Johns, Arizona; the Court house, located at 70 West 3<sup>rd</sup> South, Saint Johns, Arizona; and on the Apache County website, [www.co.apache.az.us](http://www.co.apache.az.us).
4. The Board may approve, approve with conditions and/or stipulations, deny or continue any issue brought before them.
5. The Board shall be the judge of the qualifications of a person appearing as an expert witness. The Board shall determine the extent of consideration to be given to the testimony or evidence presented by a person appearing as an expert witness.
6. During any meeting or hearing of the Board, the Building Official may be called upon to clarify the Code requirement(s) and/or support the position of the Building Safety Department on any particular order, decision, or determination currently held or being enforced.

#### F. Quorum and Voting

1. Four (4) members constitute a quorum. If a quorum cannot be obtained, the meeting shall be rescheduled.
2. Any vote of the Board shall be recorded in the minutes. If the vote is not unanimous, each member's vote will be recorded individually.
3. An approval of a motion shall be accomplished by an affirmative vote of a majority of members present. The motion is then considered to have carried or been passed.
4. Any motion that fails to obtain a majority vote of the members present shall be considered a denial of the motion. The motion is considered to have failed or been denied.
5. The Board may reconsider a motion which has passed if a member who voted in favor of the original motion makes a motion to reconsider within the same meeting and the motion to reconsider passes.

#### G. Appeals

1. Any permittee may initiate an appeal of an order, decision, or determination made by the Building Official relative to the application and interpretation of the Building Code. A Notice of Appeal must be filed within thirty (30) days after receipt of such an order, decision, or determination. The Board may refuse to grant a hearing of any case in which the appellant requests a waiver of any provision of the Building Code.



2. A notice of Appeal must be filed with the Secretary of the Advisory and Appeals Board specifying the reasons and circumstances for the appeal. Appeals of orders, decisions, or determinations made by the Building Official relative to the applications and interpretation of the Building Code shall be made in writing and shall be directed to a specific order, decisions or determination of the Building Official. The Board shall limit their consideration of the appeal to the specific order, decision or determination.
3. The Secretary of the Board shall furnish copies of all records pertaining to the appeal to each member of the Board. Appeals must be based on a claim that the true intent of the code or adopted rules has been incorrectly interpreted, that the provision of the code do not apply or that the proposed form or method of construction is equal to or better than required by Code. A self-imposed or financial hardship does not constitute grounds for an appeal. The appellant must bear the cost of any test or research required to substantiate appellant's claim(s).
4. The Advisory and Appeals Board shall hold a public hearing for an appeal within fifteen (15) days of receipt of the Notice of Appeal. Public notice of the hearing shall be posted seven (7) days prior to the hearing date. An appeal stays all proceedings against the appellant in the matter appealed, unless the Building Official notifies the Board in writing that, the Building Official's opinion, a stay creates imminent danger to life or property. Under these circumstances, proceedings shall not be stayed except by court order or by determination of the Advisory and Appeals Board as a result of a properly noticed public meeting specifically called for that purpose.
5. If the appellant fails to appear at a hearing, the Board may choose to continue the hearing to a later date at which the appellant can be present.
6. In any hearing for appeal, the Building Official may be called upon to clarify the Code requirement(s) and/or to support the position of the Building Safety Department on the particular order, decision or determination being appealed.
7. The Advisory and Appeals Board shall make a decision within fifteen (15) days of the date of the meeting called to decide the appeal. A decision in favor of the appellant shall be in the form of a written directive to the Building Official to carry out the decision of the Board subject to any conditions and/or stipulations required by the Board. In any case where the Board denies an appeal, the Board reserves the right to refuse to consider another appeal on the same subject matter and like circumstance for one (1) year from the date of the hearing in question.
8. Appeals will be heard at special meetings called and noticed pursuant to the requirements of this section. Hearing dates will be scheduled to allow for noticing and posting requirements to be met.
9. In their written request for a hearing, appellants shall disclose any evidence, witness (es) or testimony, other than their own, that they intend to present at the hearing. Failure to disclose may cause for the Board to delay the presentation of such evidence, witness (es) or testimony.
10. The Board may request that the County Attorney or Deputy County Attorney be present at appeal hearings. In their written request for a hearing, appellants shall disclose their intent to be represented by an attorney. The Board may choose to continue a hearing where an appellant is represented by an attorney and, for whatever reason, the County Attorney or Deputy County Attorney is unable to appear in behalf on the Board.

11. Findings and decisions of the Advisory and Appeals Board shall be binding upon the Building Official and the appealing party subject to appeal the Board of Supervisors. Only the appellant or the Building Official may appeal a decision of the Board to the Board of Supervisors. All finding, decisions and rulings made by the Board shall be reported in writing to the Board of Supervisors.

#### H. Limitation of Authority

The Advisory and Appeals Board shall have no authority relative to interpretation of the administrative provisions of the Building Code nor shall the Board be empowered to waive requirements of the Building Code or Zoning Ordinance.

### SECTION 5 CONTINUITY

The International Code Council and other organizations indentified in Section 1 of this Ordinance publish to books that constitute the Building Code and periodically issue supplements and amendments. In order that this Ordinance maintains it continuity, it shall be the responsibility of the Building Safety Department to insure that all supplements and amendments to the codes are properly implemented.

### SECTION 6 ADMINISTRATION

All department officials and public employees of the County of Apache vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provision of the Ordinance. Any permit or license so issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatsoever.

Filing Plans. Every application for a building permit shall be accompanied by two (2) copies of plans and specifications. Plans shall include plot plans. One copy of such accepted plans shall be returned to the owner when plans are approved by the Building Official.

Plans and Specifications. With each application for a building permit and also when otherwise required by the Building Official for enforcement or any provision of this Ordinance, two (2) sets of specifications and plans shall be submitted. The Building Official may, where the complexity of the plans clearly warrant (that is, any building requiring engineering computations i.e., public buildings, etc.), required plans and specifications to be prepared and designed by an engineer or architect licensed by the State of practice as such. The Building Official may further require that plans for new construction indicate existing and finished grade elevation based on County data with existing and finished drainage flow patterns in area subject to flooding.

One copy of submitted plans shall be returned to the applicant when approved. Approval shall normally be received within fifteen (15) working days after submission. If there is any delay beyond fifteen (15) working days, a letter of explanation shall be sent to the applicant.

### SECTION 7 RULES AND REGULATIONS

The Building Official may adopt rules and regulations subject to the approval of the Board of Supervisors, in the interest of public safety, health and general welfare, to implement the provisions of this

Ordinance, to secure the intent thereof; but no such rules shall have the effect of waiving technical provisions specifically provided in the Build Codes or of violating accepted engineering practice involving public safety.

## SECTION 8 BUILDING PERMITS

- A. Application for building permits shall be made in the office of Building Safety, Apache County Community Development. Submissions shall include a site plan and plans and details of the proposed construction or use, containing sufficient information for the enforcement of this Ordinance. Application for a building permit must be filed for all proposed construction within the zoned areas as required by statute.
- B. A building permit shall be issued only upon approval of submitted plans and specifications, and presentation of an approved sanitary system permit where required.
- C. Permit applications shall normally be accepted at the Apache County Community Development Offices located at 75 West Cleveland, St. Johns, Arizona, **or** 309 S. Mountain Ave, Springerville, Arizona, 7:00 a.m. to 5:00 p.m., Monday through Thursday, by appointment.
- D. No residential permit shall be issued to any person or persons who propose to contract the performance of any construction or improvement regulated by this Code unless the person requesting the permit is the holder of a valid, unexpired and unrevoked Contractor's license issued by the Registrar of Contractors of the State of Arizona. However, a residential permit required by this Code may be issued to any person to do any construction or improvement regulated by this Code, provided the person is himself the bona fide owner of the premises upon which the construction or improvement is to be done, is doing the work himself, contracts for doing the work with a Contractor or Contractors duly licensed by the State of Arizona, or employing someone by the hour to do such work, provided that such construction or improvement is not intended for sale or rent.
- E. No commercial permit shall be issued to any person or persons who propose to contract the performance of any construction or improvement intended for commercial or industrial purposes unless the person requesting the permit is the holder of a valid, unexpired and unrevoked commercial contractor's license issued by the Registrar of Contractors of the State of Arizona.
- F. Any person who shall commence work for which a permit is required by this Ordinance without first having obtained a permit may, upon subsequently obtaining a permit for such work, will be charged an additional fee as established in the adopted fee schedule Table No. 1-A.
- G. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- H. An investigation fee as established in the adopted fee schedule, shall be collected in addition to the permit fee whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either these provisions or other pertinent codes from any penalty prescribed by law.

## SECTION 9 MANUFACTURED HOMES & FACTORY BUILT BUILDING

- A. Manufactured homes shall follow Section 730 of the Apache County Zoning Ordinance.
- B. Cost of permit for Manufactured housing, Mobile Homes, and Factory built home shall be established by the Board of Manufactured Housing under A.R.S. §41.2144 (A)(5).

## SECTION 10 SCHEDULE OF VALUES AND OTHER FEE REQUIREMENTS

- A. Permit fees consisting of: building permits, plan check, plumbing, mechanical, electrical, and miscellaneous permits, as described in their respective Codes and Ordinances, shall be as adopted by resolution of the Apache County Board of Supervisors.
- B. Building valuation data used in determining the permit fees shall be as adopted by resolution of the Apache County Board of Supervisors.

## SECTION 11 SEVERABILITY

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

## SECTION 12 ENFORCEMENT

It shall be the duty of the Building Official to administer this Ordinance. All County law enforcement officials and agencies shall, whenever requested by the Building Official, enforce this Ordinance to the extent that they are lawfully authorized to do so, subject to the will of the Apache County Board of Supervisors.

## SECTION 13 VIOLATION AND PENALTIES

- A. **Criminal Penalties:** Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provision of this Ordinance or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 2 Misdemeanor pursuant to A.R.S §11-815. Each and every day during which the illegal activity, use or violation continues is a separate offense.
- B. **Civil Penalties:** Any person, firm, or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of the Ordinance shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violation of this Ordinance shall be established by separate resolution of the Board of Supervisors, by shall not exceed the amount of the maximum fine for a Class 2 Misdemeanor.
- C. **Remedies:** An alleged violator who is served with Notice of Violation subject to civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements nor prevent the enforcement, correction or removal thereof.

## **SECTION 14 PERMIT REQUIREMENTS**

Nothing in this Ordinance shall be construed to require changes in the plans, construction or designated use of a building for which a lawful permit has been theretofore issued or otherwise lawfully authorized. Beginning with the effective date of this Ordinance, building permits as set forth in this Ordinance shall be required.

## **SECTION 15 RECORDS**

The Building Official shall keep careful and comprehensive records of applications for permits, of permits issued, of inspections made, of reports rendered and of notices or orders issued. Further, the Building Official shall retain on file copies of all papers in connection with building work for such time as may be required by law.

## **SECTION 16 REDRESS**

Nothing in this Code precludes any individual, company or corporation from seeking redress through the courts concerning any portion of this Code or any ruling made by the Department of Building Safety pertaining to the Code.

## **SECTION 17 RULES OF AMENDMENT**

- A. This Ordinance may be amended from time to time in accordance with the provisions of A.R.S. §11-864. This ordinance may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.
- B. Amendments may be initiated by the Building Official, the Advisory and Appeals Board, or the Board of Supervisors.
- C. The Apache County Planning and Zoning Commission shall hold at least one public hearing on the proposed amendments prior to making a recommendation to the Board of Supervisors. Notice of said hearing shall be given by publication of the text of the changes pursuant to the provisions of A.R.S. §11-861.
- D. The Board of Supervisors may act upon the proposed amendments pursuant to the procedures found in A.R.S. §11-861

**SECTION 18 ENACTMENT**

This Ordinance shall be in effect upon adoption by the Board of Supervisors. PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Apache County Board of Supervisors in a \_\_\_\_ vote. AMENDED <<<DATE>>> by the Apache County Board of Supervisors in a \_\_\_\_ vote.

APACHE COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Joe Shirley, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael B. Whiting, Apache County Attorney

ATTEST:

\_\_\_\_\_  
Delwin Wengert, Clerk of the Board