

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

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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 Two Family Dwellings of the Town of Clarkdale and made a part of this chapter the same as

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

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Ground snow load: 20	Wind design Speed:90mph Topographic effects: None	Seismic Design A	Subject to damage from: 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.
  - N. R404.1.8 Rubble Stone Masonry. Omit in its entirety.

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- 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 N11102.1.2 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.
- 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.

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- 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.
  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:

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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
- 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."

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- D. 109.2.1 Qualifications. Delete in its entirety
- E. 109.2.2 Alternate Members. Delete in its entirety.
- F. 109.2.3 Chairman. 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.
- 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

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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.
- 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**

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(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.

### **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

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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.
- 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.

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- 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.

### **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:

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- 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

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### 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 Yes, if Occupant Load > 50	F(4)	H(1)	I(1)	M	R-1,2,3,4 (2)	S	U
A			NC	NC	NC	Yes	Yes	NC	Yes	NC	NC
B	Yes(3)			NC	NC	Yes	Yes	NC	Yes	NC	NC
E	Yes(3)	NC		NC	NC	Yes	Yes	NC	Yes	NC	NC
F	Yes(3)	NC		NC		Yes	Yes	NC	Yes	NC	NC
H	Yes(3)	NC		NC	NC		Yes	NC	Yes	NC	NC
I	Yes(3)	NC		NC	NC	Yes			Yes	NC	NC
M	Yes(3)	NC		NC	NC	Yes	Yes	NC	Yes	NC	NC
R	Yes(3)	NC		NC	NC	Yes	Yes	NC	Yes	NC	NC
S	Yes(3)	NC		NC	NC	Yes	Yes	Yes	Yes		NC
U	Yes(3)	Yes		NC	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 & unammended) - 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

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### **Article 7-10 ABATEMENT OF PUBLIC NUISANCES**

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

7-10-2 Appeal Procedure

#### 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.

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### **Article 7-11 EXCAVATION AND GRADING**

Section 7-11-1	Introduction
Section 7-11-2	Purpose
Section 7-11-3	Scope
Section 7-11-4	Guidelines
Section 7-11-5	Definitions
Section 7-11-6	Permits Required
Section 7-11-7	Exempted Grading Work
Section 7-11-8	Hazards
Section 7-11-9	Grading Permit Designation
Section 7-11-10	Engineered Grading Requirements - 1,000 and More Cubic Yards Combined Cut and Fill
Section 7-11-11	Regular Grading Requirements - Under 1,000 Cubic Yards of Cut and Fill
Section 7-11-12	Decision
Section 7-11-13	Denial of Permit
Section 7-11-14	Expiration
Section 7-11-15	Extension
Section 7-11-16	Renewal
Section 7-11-17	Enforcement
Section 7-11-18	Financial Security
Section 7-11-19	Protection of Adjoining Property
Section 7-11-20	Fees
Section 7-11-21	Notification of Non-Compliance
Section 7-11-22	Inspection Authority
Section 7-11-23	Site Inspection by the Building Official
Section 7-11-24	Notification of Completion
Section 7-11-25	Grading Standards
Section 7-11-26	Appeals

#### Section 7-11-1 Introduction

Grading is regulated because it can cause serious problems when not done properly, problems created by improper grading include:

- A. Newly exposed soil can erode easily, moving from areas where it is desirable, to areas where it presents problems.
- B. If soil placed under a building is not dense enough, or if the density varies too much, the building may settle and suffer damage.

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- C. Excessive grading causes loss of natural vegetation and damages other natural resources for years.
- D. 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, 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 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 Construction Code, ICC or the International Residential Code, IRC, which has been adopted by the Town of Clarkdale. Where differences arise between these regulations and the ICC 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. Providing safe and convenient access to hillside development.

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### Section 7-11-3 Scope

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

### Section 7-11-4 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 limited 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 that development activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures.
- I. Not impair surface drainage.
- J. Eliminate dust pollution caused by grading or construction during the life of the project through the use of either water or a dust palliative or both as required by the Community Development Director or his/her authorized representative.

### Section 7-11-5 Definitions

- A. **“Bedrock”** is in-place solid rock.

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- B. **“Bench”** is a relatively level step excavated into earth material on which fill is to be placed.
- C. **“Compaction”** means the densification of a fill by mechanical means.
- D. **“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.
- E. **“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.
- F. **“Earth Material”** means any rock, natural soil fill, or any combination.
- G. **“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.
- H. **“Erosion”** means the wearing away of the ground surface as a result of the movement of wind or water.
- I. **“Excavation”** means the mechanical removal of earth material.
- J. **“Fill”** means a deposit of earth material placed by artificial means.
- K. **“Grade”** means the vertical location of the ground surface.
- L. **“Existing Grade”** is the ground surface prior to grading.
- M. **“Finished Grade”** is the final grade of the site that conforms to the approved plan.
- N. **“Natural Grade”** is the ground surface unaltered by artificial means.
- O. **“Rough Grade”** is the stage at which the grade approximately conforms to the approved plan.

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- P. **“Grading”** means the clearing, brushing, grubbing, excavating, or filling of a site.
- Q. **“Grubbing”** means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.
- R. **“Land Parcel”** is an area of land with boundaries recorded in the Yavapai County recorder’s office.
- S. **“Mitigation”** the replacement and/or restoration of damaged or disturbed site feature or a high resource value element on-site to a condition that replicates the natural undisturbed condition that historically existed on-site or in the neighborhood. (See also Restoration)
- T. **“No practicable alternative”** When used, the term means that the property owner has demonstrated to the satisfaction of the Community Development Director that due to physical conditions existing on the property, compliance with the requirements of a section cannot reasonably be practically or functionally achieved.
- U. **“Peak Protected Area”** is the circular area defined by a 150 foot radius (map distance) from the peak point.
- V. **“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.
- W. **“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.
- X. **“Soil”** is the naturally occurring superficial deposits overlying bedrock.
- Y. **“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.
- Z. **“Stockpile”** means earth material in excess of 50 cubic yards stored for a

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temporary period of time upon a lot.

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

### Section 7-11-5.1 Applicable Lands

- A. This chapter applies to any land parcel, lot, or project site containing slopes of twelve percent (12%) or greater, which are both longer than fifty feet (50') when measured in any horizontal direction and higher than five and one-half feet (5.5') when measured vertically.
- B. This chapter does not apply to a lot that is located within a subdivision for which a complete tentative plat was filed with the town before September, 1996, and for which the final plat has been recorded within 18 months after approval.
- C. A rezoning for residential uses with overall densities greater than 1.20 residences per acre is not permitted on land parcels with an average cross slope greater than twelve percent (12%) prior to the exclusion of any natural area.
- D. Protected area of a peak. The circular area defined by a 150 foot radius (map distance) from the peak point.
- E. Protected area of a ridge. The oval area defined by lines running parallel to and on either side of the ridge line at a map distance of 150 feet, combined with the terminating at 150-foot radius (map distance) from the end points.

### Section 7-11-6 Permits Required

All development, except as otherwise specified, will require subdivision plat, minor land division, development plan, or site plan review approval by the Town of Clarkdale in accordance with the applicable local ordinances and regulations prior to obtaining permit for grubbing, grading and filling, excavation, or construction. Furthermore, unless exempted, no person shall do any grading without first obtaining a grading permit from the Community Development Department.

### Section 7-11-7 Exempted Grading Work

A grading permit is not required for the following:

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- A. An excavation below finished grade for a basement, foundation, wall, or swimming pool authorized by a building permit.
- B. Refuse disposal sites controlled by other regulations.
- C. Excavation and backfill for the installation of underground utilities by public utilities.
- D. Cemetery graves.
- E. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property.
- F. Exploratory excavations under the direction of soil engineers or engineering geologists, provided that all excavations are properly backfilled.
- G. Archaeological exploration conducted under state permit by a qualified archaeologist.
- H. Excavations for wells, tunnels, or utilities.
- I. With the exception of private streets, an excavation that is less than 2' deep or which does not create a cut slope greater than 5' in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7% slope), except in a private street which always requires a grading permit.
- J. A fill less than 1 foot in depth and placed on natural terrain with a slope less than one unit vertical in 5 units horizontal (20% slope), or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot, except private streets which always require a grading permit.
- K. The Building official may waive the requirement for a grading permit for isolated, self-contained areas if there is no danger to private or public property.
- L. An excavation which does not obstruct a drainage channel, excepting private streets which always require a grading permit.

### Section 7-11-8 Hazards

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Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the Building Official, 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 7-11-8.1 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 on-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 7-11-8.2 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 plants 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.

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- E. All utilities that cross the protected area of a level two peak or ridge shall be underground, with no accessory utility structures allowed within the protected area of the peak or ridge, and the pathway to construct and install the utilities shall be completely re-vegetated.

### Section 7-11-8.3 General Grading Requirements

<b>Grading Requirements Table</b>			
<b>Development Category</b>	<b>Parcel/Lot Size Per Dwelling Unit</b>	<b>Grading Calculation</b>	<b>Maximum Grading</b>
1. Multiple dwellings/business offices/existing commercial and industrial (mass graded)	varies	80% of the project site	80% of the project site
2. Single attached or detached dwelling units (mass graded subdivisions)	<20,000 sq. ft.	50% of the project site *	50% of the project site *
3. Single detached dwelling units (individually graded lots)	<20,000 sq. ft.	50% of the lot	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	10,000 - 17,424 sq. ft.
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	17,425 - 21,600 sq. ft.
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	21,601 - 24,480 sq. ft.
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	24,481 - 27,000 sq. ft.
8. Single detached dwelling units (individually graded lots)	>180,000 sq. ft.	27,001 sq. ft. or 10% of lot, whichever is greater.	27,001 sq. ft.

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\* Under Section., grading may be increased in 5% increments for each 10% of the site that is not on 15%+ slopes, up to a maximum of 70% of the site.

\*\* Minimum lot size: cluster option and standards in riparian areas have their own set-aside calculations.

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### Section 7-11-9 Grading Permit Designation

Grading in excess of 1,000 cubic yards shall be performed in accordance with an approved grading plan prepared by a professional licensed by the State of Arizona to prepare such plans and shall be designated as *Engineered Grading*. Grading involving less than 1,000 cubic yards in combined cut and fill shall be designated as *Regular Grading*. The permittee may choose to have regular grading performed as engineered grading. The Building Official may determine that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

### Section 7-11-10 Engineered Grading Requirements - More Than 1,000 Cubic Yards Combined Cut and Fill.

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consistent of a soils engineering report, an engineering geology report, and any other information shall be prepared and signed by an individual licensed by the state to prepare the plans. Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to an engineering scale not to exceed 1' = 40' unless otherwise approved by the Building Official upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform 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 person by whom the plan were prepared.

- A. The plans shall include the following information:
1. A written description of the purpose, nature, and objectives of the proposed operation.
  2. The estimated starting and completion dates and the hours and days of operation.
  3. The general vicinity of the proposed site.
  4. Property limits and accurate contours of existing ground and details of terrain and area drainage.
  5. Limiting dimensions, elevations or finish contours, including plan and profile, to be achieved by the grading, and proposed drainage channels and related construction.

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6. The quantity and type of earth product to be removed, filled, excavated, graded or stockpiled.
7. 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.
8. 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.
9. 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 Building Official, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference.
10. The dates of the soils engineering and engineering geology reports, together with the names, addresses, and phone numbers of the firms or individuals who prepared the reports.
11. Upon a finding of unusual soil conditions or of insufficient data to properly assess compliance with these regulations, the Building Official 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 Building Official.

### B. Soils Engineering Report

The Soils Engineering Report shall include 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.

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### C. Engineering Geology Report

The Engineering Geology Report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the 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.

### Section 7-11-11 Regular Grading Requirements - Under 1,000 Cubic Yards Combined Cut and Fill.

To obtain a grading permit, the applicant must first file an application in writing on a form furnished by the Community Development Director. The application for a regular grading permit shall contain the following information:

- A. General vicinity of the proposed site.
- B. Limiting dimensions and depth of cut and fill.
- C. Location of any buildings or structures on the site or within fifteen feet (15') of the property of the proposed grading.
- D. A grading plan indicating:
  - 1. Name of the owner.
  - 2. Name of person preparing the plan.
  - 3. A general description of the nature and extent of the grading work.
  - 4. The estimated starting and completion dates and the hours and days of operation.
  - 5. A description of the lot on which the grading work will be performed (by street address or other description which will easily identify the location of the lot).
  - 6. An estimate of the quantity of material to be graded (in cubic feet).
- E. Any grading plans (including existing and finished grades), specifications, soils engineering report, engineering geology report, or other data and information as may be required by the Planning Director or Building Official.
- F. Plans and specifications shall be prepared and signed by any qualified party, unless otherwise required by the Building Official.

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### Section 7-11-12 Decision

A decision by the Building Official on the application shall be rendered within 30 days (regular grading) and within 60 days (engineered grading) of final submittal of a completed application and payment of all fees. The applicant may consent to one or more extensions of such time period, provided the total period of any extension of extensions shall not exceed 60 days.

### Section 7-11-13 Denial of Permit

The Planning Director 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 Planning Director that the hazard can be essentially eliminated by the construction of retaining structures, the Planning Director may issue the permit with the condition that such work be performed as a condition of approval.

If, in the opinion of the Planning Director, 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 Planning Director may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The Planning Director 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 Planning Director 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 7-11-14 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 Planning

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Director 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 permits issued within 180 days following the date of application shall expire by limitation, and plans submitted for checking may be returned to the applicant or destroyed by the Building Official. The Building

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

- C. Change in Ownership: An approved permit issued 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.
- D. Change in Plans: If, however, 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 7-11-15 Extension

No operations are permitted after the permit expires. The Building Official 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 7-11-16 Renewal

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

### Section 7-11-17 Enforcement

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

### Section 7-11-18 Financial Security

A financial guarantee may be required by the Building Official 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 will exist as a result of incomplete or improper grading; or,
- D. Adverse geological or environmental impacts will occur as a result of incomplete or improper grading; or,
- E. A financial guarantee is necessary to assure the satisfactory completion of the grading.

### Section 7-11-19 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.

### Section 7-11-20 Fees

- A. Grading Plan Check Fees: The applicant shall pay a plan check fee as established by resolution of the Town Council.
- B. 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.

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- C. 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 Building Official may charge an administrative cost equal to 10% of the cost for performing the work.

### Section 7-11-21 Notification of Non-Compliance

If, in the course of fulfilling their responsibility under these regulations, the Civil Engineer, the Soil Engineer, the Engineering Geologist, or the Testing Agency 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 Building Official. 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 Building Official.

### Section 7-11-22 Inspection Authority

All grading operations for which a permit is required shall be subject to inspection by the Planning Director or the Building Official or his/her designees.

### Section 7-11-23 Site Inspection by the Building Officials

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

The contractor agent shall notify the Building Official if, during the course of grading operations, contaminated soil is uncovered. The permittee or agent shall notify the Building Official when the grading operations for which inspection is required are ready for inspection.

If the Building Official 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 Building Official may stop additional work until approval is obtained for a revised grading plan

Whenever the Building Official, 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,

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the Official may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done and all work shall be stopped until authorized by the Building Official to proceed.

### Section 7-11-24 Notification of Completion

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

### Section 7-11-25 Grading Standards

#### A. Site Re-vegetation and Stabilization.

All graded areas which can reasonably be re-vegetated or stabilized, shall be within 60 days after completion of the work, except those areas to be used for agriculture or livestock purposes. Also, in cases where the purpose of the grading permit is not met, all graded areas shall be designed to restore the native vegetation community. The re-vegetation shall include native vegetation at a similar density as found in adjacent, ungraded areas. Revegetation shall be maintained in perpetuity.

#### B. Cuts and Fills.

Unless otherwise recommended in the approved grading report, or recommended by the Building Official to meet the objectives of these regulations, cuts and fills shall conform to the provisions of the currently adopted Building Code.

**Exception:** Cuts and fill slopes shall be not steeper than two units horizontal to one unit vertical (50% slope) unless otherwise recommended in the grading report and approved by the Building Official. The slope of cut and fill surfaces shall be no steeper than is safe for the intended use.

However, these provisions, at the discretion of the Building Official, may be waived for minor fills not intended to support structures.

Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical to 2 units horizontal (50% slope). The ground surface shall be prepared to receive

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fill before removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical to 5 units horizontal (20% slope) and the height is greater than 5', by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical 5 units horizontal (20% slope) shall be at least 10' wide. The area beyond the tow of fill shall be loped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

Excepted as noted below, detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12" shall be buried or placed in fills.

An exception to this is that the Building Official 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:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12" in maximum dimension shall be 10' or more below grade, measured vertically.
1. Rocks shall be placed to assure filling of all voids with well-graded soil.
2. 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.
3. 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.
4. Any exposed slope with a vertical distance greater than ten feet (10') shall include planting areas and terraced plant benches as follows:

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- a. A minimum six foot (6') wide planting area at the toe of the exposed slope; and
  - b. 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
  - c. The planting areas and plant benches shall be vegetated with plants in conformance with the approved Town of Clarkdale plant list.
5. 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.
  6. 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, except that the six foot (6') vertical limitation may be increased if the planning official confirms that there is no practicable alternative to the increase.
  7. 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.

All soils shall be compacted to a minimum of 90% of maximum density.

### C. Setbacks

1. Setback dimensions shall be as shown on the submitted plans.
2. Top of Cut Slope. The top of cut slopes shall not be made nearer to a sit 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.
3. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary than one half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special

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precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

- a. Additional setbacks;
- b. Provision for retaining or slough walls;
- c. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
- d. Provisions for the control of surface waters;
- e. Modification of Slope Location. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Exception: Retaining walls and/or deep foundations may be used to reduce the required setbacks when approved by the Building Official.

### 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 Building Official.

### E. Excavated Materials

Excavated materials removed during grading operations shall be disposed of in a manner approved by the Building Official.

### F. Import or Export of Earth Material

When an excess of 5,000 cubic yards of earth per project site is moved on public roadways from or to the site of an earth grading operation, all of the following requirements shall apply:

1. Either water or dust palliative or both must be applied for the alleviation or prevention of excessive dust resulting from the loading or transporting of earth from, to, or within the project site on public 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.
2. Loading and transporting of earth from or to the site must be

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accomplished within the limitations of Time of Grading Operations of these regulations.

3. Access roads to the premises shall be only at points designated on the approved grading plan.
4. The last 50' of the access road, as it approaches the intersection with the public roadway, shall have a grade not exceeding 35 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' clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 300' sight distance cannot be obtained, flag men shall be posted.
5. A stop sign shall be posted at the entrance of the access road to the public roadway.
6. Advance warning signs must be posted on the public roadway 400' on each side of the access intersection, carrying the words *Truck Crossing*. This sign shall be diamond shaped, each side being 30" in length, shall have a yellow background, and the letters shall be 5" in height. The signs shall be placed 6' from the edge of the pavement, and the base of the signs shall be 5' above the pavement level. The advance warning signs shall be covered or removed when the access intersection is not in use.
7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the Building Official. The Building Official 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 effect on the public right-of-way.

### G. Sediment Control

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.

If required by the Building Official, sediment 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

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stabilization of soils, all temporary erosion control facilities shall be removed from the site upon written approval of the Building Official.

If, in the opinion of the Building Official, excessive erosion occurs from the project, erosion and sediment control measures shall be immediately implemented to reduce erosion to allowable levels.

### H. Control of Runoff

In order to prevent polluting discharges from occurring, approved erosion and sediment control devices may be required by the Building Official. Control devices and measures which may be required include, but are not limited to, the following:

1. Energy absorbing devices to reduce the velocity of runoff water.
2. Sedimentation controls, such as sediment debris basins and sediment traps.  
Trapped sediment shall be removed to a site approved by the Building Official.
3. Disposal of water runoff from developed areas over large undisturbed areas.
4. Multiple discharge points to reduce the volume of runoff over localized areas.
5. Detention areas.
6. Retention areas.

### I. Time of Operations

The Building Official shall have the discretion to regulate the hours of grading operations to promote health, safety, or welfare of the surrounding community. Permitted hours of operation may be changed upon the Building Official's finding or unforeseen impacts on the adjacent community.

#### Section 7-11-26 Appeals

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Any person aggrieved by the decision of an administrative officer may file an appeal with the Board of Adjustment 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 Planning 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.

#### **Section 7-13-2 Manufactured Home Building Permits**

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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

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.

Any person found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, the same shall be treated as a Class 3 Misdemeanor. Each day such violation is committed, or permitted to continue, shall constitute a separate offense, and shall be punishable as such hereunder.

### **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. Trash shall be disposed of and not allowed to collect.

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- 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.

### **Article 7-16 PERMITS**

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- Section 7-16-1 Building Permit Required
- Section 7-16-2 Refund of Permit Fees
- Section 7-16-3 Conformance with Zoning Code
- Section 7-16-4 Mobile Home Permits
- Section 7-16-5 Valuations

### Section 7-16-1 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 7-16-2 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 7-16-3 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 7-16-4 Mobile Home Permits

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

### Section 7-16-5 Valuations

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

## **Article 7-17 CONFLICTING WORDING**

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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 7-18 VIOLATIONS AND ENFORCEMENT**

Any person who shall violate any of the provisions of the Codes or Standards adopted in this chapter or fails to comply therewith, or who shall violate or fails to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Official or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment for a period not to exceed six months or by both such fine and imprisonment. Each day a violation continues shall be a separate offense, punishable as described herein. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.