

**CHAPTER 8**

**BUILDING**

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**SECTION 1**

**BUILDING CODES**

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## **8-1-1: ADOPTION OF CONSTRUCTION CODES:**

**8-1-1-A ADOPTION OF THE INTERNATIONAL BUILDING CODE:** That certain code entitled “**International Building Code**”, Volumes 1, 2 and 3 and supplements thereto, 2003 edition, as copyrighted by the International Conference of Building Officials, is hereby adopted as the “International Building Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three (3) copies of said Code shall be filed in the office of the Clerk and kept available for public use and inspection, as required by law.

**8-1-1-B ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE:** That certain code entitled “International Residential Code”, 2003 addition, as copyrighted by the International Conference of Building Officials, is hereby adopted as the “International Building Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein.

**8-1-1-C ADOPTION OF NATIONAL ELECTRIC CODE:** That certain code entitled “National Electrical Code”, 1996 edition, copyrighted by the National Fire Protection Association, is hereby adopted as the “Uniform Electrical Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three (3) copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.

**8-1-1-D ELECTRICAL CODE ADMINISTRATIVE PROVISIONS** That certain code entitled “International Electrical Code Administrative Provisions” and supplements thereto, 2000 edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Electrical Code Administrative Provisions Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.

**8-1-1-E: ADOPTION OF PLUMBING CODE:** That certain code entitled “**Uniform Plumbing Code**”, 2000 edition, copyrighted by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the “Uniform Plumbing Code of Huachuca City” and made a part hereof the same as though said code was specifically set forth in full herein’ and at least three (3) copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection, as required by law.

**8-1-1-F: ADOPTION OF ABATEMENT OF DANGEROUS BUILDING CODE:** That certain code entitled “**Uniform Code for the Abatement of Dangerous Buildings**” and supplements thereto, 1994 edition, copyrighted by the International Conference of Building Officials, is hereby adopted as the “Uniform Code for the Abatement of Dangerous Buildings of Huachuca City” and made a part hereof the same as though said Code was specifically set forth in full herein’ and at least three (3) copies of said Code shall be filed in the office of the Clerk and shall be kept available for public use and inspection, as required by law.

**8-1-1-G: ADOPTION OF THE UNIFORM MECHANICAL CODE:** That certain Code entitled “**Uniform Mechanical Code**” and supplements thereto, 2003 edition, copyrighted by the International Conference of Building Officials, is hereby adopted as the “Uniform Mechanical Code of Huachuca City” and made a part hereof the same as though said Code was specifically set forth in full herein; and at least three (3) copies of said Code shall be filed in the office of the Town Clerk and shall be kept available for public use and inspection, as required by law.

**8-1-1-H: ADOPTION OF THE ENERGY CONSERVATION CODE:** That certain code entitled “**International Energy Conservation Code**”, 2000 edition, copyrighted by the International Code Council, Inc. is hereby adopted as the “International energy Code of Huachuca City” and made a part hereof the same as though said Code was specifically set forth in full herein; and at least three (3) copies of said Code shall be filed in the office of the Town Clerk and shall be kept available for public use and inspection, as required by law.

**8-1-1-I: ADOPTION OF THE INTERNATIONAL FUEL GAS CODE:** That certain code entitled “International Fuel Gas Code” and supplements thereto, 2000 edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the “Fuel Gas Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection.

**8-1-1-J: PRIVATE SEWAGE DISPOSAL CODE: (See County Codes)** That certain code entitled “International Private Sewage Disposal Code” and supplements thereto, 2000 edition, as copyrighted by the International Code Council, Inc., is hereby adopted as the “Private Sewage Disposal Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three copies of said code shall be filed in the office of the clerk and kept available for public use and inspection

**8-1-1-K: ADOPTION OF FIRE CODE:**That certain code entitled “**Uniform Fire Code**”, 2006 edition, copyrighted by the International Conference of Building Officials is hereby adopted as the “Uniform Fire Code of Huachuca City” and made a part hereof the same as though said Code was specifically set forth in full herein; and at least three (3) copies of said Code shall be filed in the office of the Town Clerk and shall be kept available for public use and inspection, as required by law.

**8-1-1-L: ADOPTION OF SWIMMING POOL, SPA AND HOT TUB CODE:** “ That certain code entitled as the “Uniform Swimming Pool, Spa and Hot Tub Code of Huachuca City “ and supplements thereto, 2000 edition, as copyrighted by the International Conference of Building Officials, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein, with the following amendment: Setbacks for swimming pools and spas from any structure (to include fences) will be a minimum of 4’ from structure to water edge.

**8-1-1-M: PROPERTY MAINTENANCE CODE:** That certain code entitled “International Property Maintenance Code” and supplements thereto, 2000 edition, as copyrighted by International Code Council, Inc., is hereby adopted as the “Property Maintenance Code of Huachuca City” and made a part of this chapter the same as though said code was specifically set forth in full herein.

**8-1-2: ARIZONANS WITH DISABILITIES ACT:**

A. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act) and its implementing rules, including “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” declared a public record, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this Article and made part thereof as though fully set forth therein. At least three copies of said amendment shall be filed in the office of the clerk and kept available for public use and inspection. Such standards and specifications shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications.

B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act) and its implementing rules, including “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” declared a public record, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code adopted in this Article and made a part thereof as though fully set forth therein. At least three copies of said amendment shall be filed in the office of the clerk and kept available for public use and inspection.

**8-1-3: CONFORMING TO ZONING ORDINANCE:**

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the Zoning Ordinance of Huachuca City.

**8-1-4: FENCES:** This section is intended to preserve the character and value of real property within the limits of the town and to promote the peace, comfort, convenience and welfare of all inhabitants of the town.

A. Maximum Height: The maximum height of fences measured from highest grade on either side of the fence shall be:

1. Maximum four foot above grade in front yard extending to the front corner of the house on side parcel lines may include the rear portion of the lot to include complete parcel dimensions.
2. Maximum six foot above grade fence shall encompass the back and side parcel lines but shall not extend past the front side corners of the house.
3. Maximum eight foot above grade fence within a commercial, industrial or public works facility, where such property requires security. Temporary or

construction fencing may exceed the eight-foot limit but not more than ten feet.

B. Set Back Requirements: Fence set back requirements are as follows:

1. Side fence lines shall not extend over the property line, nor extend past front or rear easements.
2. Front and rear fence lines will be regulated by the town easement restrictions. (See town for exact set back requirements.)

C. Masonry or Block-Stone Wall: To construct a masonry or block-stone wall:

1. Requires a building permit from the town building department.
2. Footers are required and shall be inspected by the building inspector prior to construction of a masonry-type fence.
3. An inspection is required after completion.

D. Material (Fence Construction)

1. Fencing shall be constructed of proper recommended fencing material, (of non-infestation material), which includes but is not limited to wood specifically treated or used for fencing, i.e. redwood, cedar and other woods that have been treated for insect and rot retardation.
2. A fence post shall not exceed 6" x 6" dimensions.
3. A post shall be set not less than two feet below grade.
4. In residential areas that do not have alleys or open utility easements in the rear of the lots, fencing must be of a non-combustible material.

**8-1-5: MANUFACTURED/MOBILE HOME INSTALLATION STANDARDS:** Mobile/manufactured homes are permitted within the Town limits as long as they meet the zoning requirements as outlined in the individual zoning districts. These guidelines apply to all new installations within the Town limits. The intent of these installation standards is to provide affordable housing opportunities within the Town while maintaining established standards. All mobile/manufactured homes shall meet the most current HUD Code standards, all regulations of the Office of Manufactured Housing, as well as compliance with all of the following provisions: (also see applicable requirements set forth in the Floodplain Ordinance)

A. Mobile/manufactured homes proposed for installation shall have affixed thereto a decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture. This section does not prohibit the continued occupancy of non-certified mobile/manufactured homes

located and occupied as a private residence within the Town limits at the time of the adoption of these guidelines.

B. No mobile/manufactured home shall be installed without first obtaining an Arizona Department of Building and Fire Safety, Office of Manufactured Housing building permit. In the event the Town enters into an agreement with the Office of Manufactured Housing to inspect such installations, the Town shall issue the permit and all fees shall be those permitted by the agreement.

C. Home installations are limited to those manufactured not more than 15 years prior to the year in which the permit is required.

D. All wheels and towing devices must be removed. All hitches that can be unbolted must be removed. Hitches that are welded and cannot be easily removed must be skirted from view.

E. Skirting shall be required on all installations, subject to the following guidelines:

1. Skirting material may be an approved manufactured home metal, vinyl or an approved permanent foundation system. Corrugated metal or any wood products, to include pressure treated plywood are not allowed.
2. Ventilation for under floor areas shall meet the requirements of the currently adopted version of the Uniform Building Code.
3. Skirting shall have a minimum of a 18" x 24" access panel to the under floor areas.
4. Ground or pit set installations must have an approved and engineered foundation system.

F. Ground anchoring shall be required as follows:

1. All single wide mobile/manufactured homes.
2. All homes located in a designated floodplain shall comply with the ground anchoring requirements set forth in Chapter 13-3 of this code.
3. Ground anchoring for homes wider than a singlewide unit is not required unless the home is located in a designated floodplain.
4. Design and installation of the ground anchoring systems shall be as specified by a registered architect, engineer or as approved by the Arizona Department of Building and Fire Safety, Office of Manufactured Housing.

G. All mobile/manufactured homes must have an address posted that is visible from the street.

H. It shall be unlawful to install and/or set up any mobile/manufactured home within the Town limits that do not comply with the provisions of this section.

## 8-1-6: SITE PLAN REVIEW

- A. Purpose
- B. Application
- C. Procedure
- D. Criteria
- E. Authority
- F. Appeal

**A. Purpose:** This article is intended to encourage, protect and enhance the attractive appearance of those portions of the town which lie in close proximity to the major public thoroughfares traversing the town. The town recognizes that the creation of a desirable environment for the business and industry as well as residential areas is a prime requisite for the preservation of the public health, safety and general welfare.

**B. Application:** This article shall apply to any building, mobile facility or structure which are to be hereafter installed, erected, constructed, converted, established, altered or enlarged.

**C. Procedure:** Prior to the preparation of final architectural or engineering drawings for any building or structure to which this chapter is applicable, the property owner or his representative shall submit the following information (two copies) for consideration by the planning and zoning commission.

1. Application for plan review forms as furnished by the town shall include the applicant's and owner's name, mailing addresses, location and legal description of the property, and such other information as deemed necessary by the planning and zoning commission.
2. Prior to issuance of a building permit for a building, mobile facility or structure to which this chapter is applicable, the building inspector shall ascertain that the plans submitted for the building permit are in substantial conformance with those approved by the planning and zoning commission and that the approval time has not expired. Questions regarding procedures or approvals shall be referred to the planning and zoning commission for consideration.
3. Prior to change, remodeling or alteration of a building, mobile facility or structure as to the exterior character thereof, the property owner or his representative shall obtain the approval of the planning and zoning commission.
4. The planning and zoning commission may impose such conditions as it may deem necessary to carry out fully the intent of this chapter. The action of the commission shall be noted on two copies of the plans. One copy shall be returned to the owner and applicant, approved or disapproved, or approved with conditions.
5. A building, mobile facility or structure which has been approved, constructed or installed in accordance with the approval of the planning and

zoning commission may be removed but may not be further modified without additional review and approval by such commission.

6. A building, mobile facility or structure which has been approved by the planning and zoning commission and has been constructed or installed shall be maintained by the owners or the person in possession of the property upon which the building or structure is located to create an attractive appearance for the development. Lack of maintenance shall constitute a violation of this code.

7. Residential projects, whether a licensed general contractor or homeowner performs work, must use licensed, bonded and insured electrical, plumbing and mechanical contractors. Exceptions to this for minor work in these trades may be granted by the building official on a case-by-case basis. All commercial projects already require licensed contractors in all trades per State of Arizona Registrar of Contractors guidelines.

**D. Criteria:** In considering any application for plan approval, the planning and zoning commission shall be governed by the following criteria:

1. Commercial storage areas, refuse and mechanical equipment shall be screened from view by either landscaping or other opaque or semi-opaque material.

2. The overall plan of the building, mobile facility or structure and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern on abutting streets by virtue of the type of building, structure, its placement on the lot and the location of parking and driveway areas.

3. All loading functions and areas shall be screened from public view by the use of landscaping or other appropriate screening material.

4. All off-street parking is prohibited on public rights-of-way.

5. All building permits shall be issued for a 180-day (6-month) period and can be renewed for an additional 180-day period for no additional charge. Completion of the entire project must be accomplished within one year of permit issuance. A new permit will need to be purchased on projects exceeding the one-year limit. Exceptions can be made on discretion of the building official on a case-by-case basis

**E. Authority:** The planning and zoning commission shall have the following powers and duties:

1. The planning and zoning commission shall have the power to approve, conditionally approve or disapprove all applications for plan review basing its decision on the criteria set forth in Title 10.

2. It shall be the responsibility of the applicant to submit adequate material on which the commission may make a determination as to the compliance of the proposed development with the terms of this chapter.

3. The commission, after hearing an application, shall impose such reasonable conditions, as it may deem necessary to carry out the provisions and intent of this chapter

4. Such approval as is granted by the commission shall become effective in seven days unless the applicant appeals the commission's decision as set forth in Section 8-7-6. In case of such appeal, the approval shall be void until council action on the matter. Approval of applications under this article shall expire by limitation and become null and void if construction authorized by such approval is not commenced within six months or completed within twelve months from the date of such approval. The commission upon re-submittal by the applicant may reconsider applications that have been disapproved by the commission.

5. Under all the following circumstances, the building official may approve a building or structure without going to the commission:

a. The building and the structure does not exceed 250 sq. ft., or a minor revision of a building or structure previously approved by the commission, and the building or structure meets all other current code requirements. This does not apply to fences and mobile facilities.

b. And, the addition or accessory does not substantially alter the appearance of the site as seen from off the site.

**F. Appeal:** The applicant for plan review or the building official, if dissatisfied or aggrieved by any decision of the planning and zoning commission, may appeal such decision, after arbitration, to the council by filing written notice of appeal with the clerk within seven calendar days from the date of the commission action. Notice of such appeal and the date for its consideration by the council shall be published in a local paper once not less than seven calendar days prior to the council meeting at which said appeal is to be heard. The council, on appeal, shall have the same powers and be governed by the same criteria as are vested in the planning and zoning commission and the council by this article and shall approve, conditionally approve or disapprove the application within thirty days of its initial consideration by the council.

#### **8-1-7: VIOLATIONS AND PENALTIES:**

A. The Building Official may file a formal written complaint for violation of the Town Codes and institute any appropriate legal action or proceeding to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, sign erection, demolition, razing or maintenance; to restrain, correct, or abate such violation; to prevent any illegal act, conduct, business, or such a violation continues shall constitute a separate violation.

B. Any person, firm, company, association, corporation or other entity (hereinafter referred to as "person") in violation of any provisions of this Chapter shall be guilty of a class one misdemeanor, and shall be deemed guilty of a separate offense for each 24 hour period after receipt of a Notice of Non-compliance from the Town Building Official. Any such violation(s) shall be dealt with as follows:

1. The Building Official may issue a Letter of Non-compliance and Intent to Suspend the Business License or Permit to the person in violation, which shall state the extent and nature of the violation and the actions necessary to remedy the non-compliance. The person in violation shall be given thirty (30) days from the date of the letter to initiate actions approved by the Planning and Zoning Commission necessary to comply with this Chapter.

2. If corrective action is not taken as outlined above and to the satisfaction of the Town Building Official, the person in violation shall receive a Notice of Continued Non-Compliance from the Town Building Official, which shall state the extent and nature of the Continued Non-Compliance. Additionally, a copy of the Notice of Continued Non-Compliance shall be forwarded to the Huachuca City Police Department, which may issue a criminal citation for violation and may issue additional citations for each violation. Each 24 hour period of noncompliance after receipt of the Notice of Continued Non-Compliance shall constitute a separate violation and shall carry a fine up to \$500.00 per violation and shall require an immediate suspension of the business license or permit or both issued by the Town of Huachuca City and used by the violator to conduct business within the Town Limits of Huachuca City upon the determination of guilt or no-contest by the Town Magistrate. Should the person in violation be found guilty or otherwise enter a plea of guilty or "no contest", the person's business license or permit shall immediately be suspended until such time as the Town Building Official has determined that the person in violation has remedied the violation, paid all fines in full issued by the Town Magistrate and is in full compliance with the Town Code.

**8-1-8: PLUMBING; HEATING; ELECTRICAL WORK:**

**A.** All new plumbing, heating and electrical work shall require inspection and no electrical, gas or water connection by the utility supplying such commodity shall be made until final approval by the Town Building Inspector. (Replacement of an existing appliance, switch, control element, and/or convenient outlet by a similar or newer item that does not place additional requirements on the supply system is not to be considered new work.)

**B.** All electrical work shall be in conformance with the 1996 Edition of the National Electric Code.

**C.** All plumbing work shall be in conformance with the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code (2003 edition). For additions to existing plumbing the Building Inspector may authorize deviations from this Code when in his opinion public health and safety are not jeopardized

**8-1-9: BUILDING OFFICIAL; ADMINISTRATIVE AUTHORITY:** The building official and administrative authority as such may be referenced in any section and made a part hereof for all matters pertaining to any buildings, plumbing, electrical or any other inspections shall be vested in the office of the Town Clerk; provided that the Clerk may authorize such deputies as needed to perform any inspection work or other functions that may be required by Town ordinance.

**8-1-10: UTILITIES:** No utility, except the water, telephone and cable tv shall be connected or reconnected or in any way altered until the Building Inspector shall give written permission for such service.