

ORDINANCE N<sup>o</sup> 11-87

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN CODE BY AMENDING TOWN CODE CHAPTER 150 § 150.01(B) SUBSECTION 105.2; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

**Whereas**, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the Town of Dewey-Humboldt and its residents;

**Whereas**, the Mayor and Council desire to enable the construction of flag poles on residential properties without requiring a permit; and

**Whereas**, the Mayor and Council find that the risk of non-compliance with the Town's Building Codes may be borne by individual builders without a permit.

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

1. Amendment of Town Code. No portion of the Town Code is amended hereby, except as follows.

1.1. Town Code § 150.01(B) subsection 105.2 is hereby amended by addition of item "22. Flag poles," as follows:

SECTION 105.2 — Work exempt from permit is hereby deleted in its entirety and amended to read as follows:

105.2 — Work exempt from permit. A permit shall not be required for the types of work in each of the separate classes of permits as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

*Building permits*. A building permit shall not be required for the following:

1. One-story detached accessory buildings on residential properties used as tool and storage sheds, garages, playhouses, and similar uses, provided the area does not exceed: (a) 400 square feet under roof; and (b) the site of the accessory building meets all setbacks. Any plumbing, mechanical, and electrical to structure will require a separate building permit.
2. Free standing Masonry or Concrete walls not over four feet (4') high on residential properties.
3. Fences not over six feet (6') high.
4. Oil derricks.
5. Movable cases, counters and partitions not over five feet nine inches (5'9") high.

6. Retaining walls, which are not over four feet (4') in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
  7. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
  8. Platforms, walks and driveways not more than thirty inches (30") above grade and not over any basement or story below and which are not part of an accessible route.
  9. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
  10. Temporary motion picture, television and theater stage sets and scenery.
  11. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than fifty-four inches (54").
  12. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons and are installed entirely above ground.
  13. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
  14. Swings and other playground equipment accessory to one- and two-family dwellings.
  15. Re-roofing (no sheathing replacement).
  16. New doors and windows (replacement if same size and type).
  17. Remodels (non-structural and no increase in square footage or plumbing, electrical, and mechanical, on residential properties).
  18. Animal shades not to exceed: (a) 400 square feet under roof; and (b) the site of the animal shade meets all setbacks. Any plumbing, mechanical, and electrical connection to structure will require a separate building permit.
  19. Barns and sheds not to exceed: (a) 400 square feet under roof on residential properties; and (b) the barn or shed meets all setbacks. Any plumbing, mechanical, and electrical connection to structure will require a separate building permit.
  20. Detached carports not to exceed: (a) 400 square feet under roof on residential properties; and (b) the detached carport meets all setbacks. Any plumbing, mechanical, and electrical to structure will require a separate building permit.
  21. Concrete flat work (driveways, walkways, and pads not to be used in connection with a structural component).
  22. Flag poles (a) ground-mounted on residential properties and (b) that its reclining length, in case of collapse, would be contained within the bounds thereof or (c) a height of 30 feet whichever is less. Completing an application for a Zoning Clearance is waived unless the subject residential property is within a FEMA delineated flood area. Any electrical to the pole for lighting etc. will require a separate electrical permit.
2. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

3. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

4. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

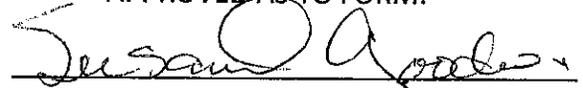
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 19th day of July, 2011.

  
Terry Nolan, Mayor

ATTEST:

  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

  
Susan Goodwin, Town Attorney

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