

**TOWN COUNCIL OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE AND AGENDA**

Tuesday, March 3, 2020, 6:30 P.M.

**DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329**

NOTICE OF MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Town Council and to the general public that the Town Council will hold a meeting open to the public on **Tuesday, March 3, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A)(3), the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

DEWEY-HUMBOLDT TOWN COUNCIL REGULAR MEETING AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Council believes public meetings to be a safe place for people to speak, and asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. § 38-431.03(A)(3), which will be held immediately after the vote and will not be open to the public. Upon completion of the Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. Council Meetings are broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order

2. Roll Call Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan.

3. Pledge of Allegiance

4. Invocation

5. Announcements regarding Town Current Events; Guests; Appointments; and Proclamations

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

A. Council announcements about outside meetings and committees

5 B. Proclamation – declaring March 29, 2020 as Vietnam Veterans Day

6. Public Comment on Non-agendized Items The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. According to the Arizona Open Meeting Law, Councilmembers may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

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7. Consent Agenda

Page All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

7 A. Approval of Minutes of January 8, 2020 Special Meeting

8. **Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

A. **Town Manager's Report on the status of the new Town Hall building, to be located at 12938 East Main Street, including status of the Request for Proposals for Architectural Design and Project Management Services, and update on a potential loan through the United States Department of Agriculture**

9. **General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

11 A. **Discussion and possible action relating to the adoption and/or amendment of new Building Codes, to approve and finalize contents of amendments to the Building Codes, to direct the Town Attorney to prepare ordinances, resolutions and any documents necessary for Council to formally adopt the Building Codes, and to provide direction to staff relating to the existing, 2012 International Property Maintenance Code provisions.** The Building Codes for discussion and possible action include: 2018 Dewey-Humboldt Administrative Code, 2018 International Building Code, 2018 International Residential One & Two Family Dwelling Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2017 National Electrical Code, 2019 Grading Ordinance, 2018 International Existing Building Code, 2018 International Swimming Pool and Spa Code, and 2006 International Energy Conservation Code and the existing 2012 International Property Maintenance Code provisions (Staff CC)

75 B. **Discussion and possible action to approve the new Town Council Policy and Guideline, PG No. 20-04, Ordinance Preparation and Review Process** (Staff CC)

10. Executive Session

Vote to recess to Executive Session

A. **An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for legal advice from the Town Attorney relating to advertising and public comment in Town media, including The Dewey-Humboldt Newsletter, and the establishment of a policy governing such**

Close Executive Session/Reconvene Regular Meeting

79 11. **Direction to staff relating to establishing a policy governing advertising and public comment in Town Media, including The Dewey-Humboldt Newsletter** (Staff CC)

12. **Consideration of additional Special Session(s)** Whether to hold and, if so, set the date

13. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 632-7362 at least 24 hours in advance of the meeting.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the _____ day of _____, 2020, at _____ a.m./p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

For Your Information:

Next Planning & Zoning Meeting: Thursday, March 5, 2020, at 6:00 p.m.

Next Town Council Study Session: Tuesday, March 10, 2020, at 6:30 p.m.

Next Town Council Regular Meeting: Tuesday, March 17, 2020 at 6:30 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Tim Mattix, Town Clerk.

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PROCLAMATION

NATIONAL VIETNAM VETERANS DAY

WHEREAS, by an act of Congress in 2017, National Vietnam Veterans Day is observed on March 29 to thank and honor our nation's Vietnam veterans and their families for their service and sacrifice; and,

WHEREAS, on March 29, 1973, the last American combat troops withdrew from Vietnam, and it is fitting that on the anniversary of that day we pause to honor the lives of those who paid the ultimate cost on our behalf, and extend our ongoing gratitude to our Vietnam veterans; and,

WHEREAS, the Vietnam War was a divisive and difficult time for the United States and many veterans did not receive recognition for their service and were caught in the crossfire of public debate about involvement in the war; and,

WHEREAS, the establishment of National Vietnam Veterans Day is an appropriate way to honor and respect those members of the United States Armed Forces and to thank them for their selfless acts of service to our state and country; and,

WHEREAS, despite these challenges, the brave men and women of the armed forces returned as experienced and knowledgeable veterans who gave back to their communities and continue to be leaders and serve to make America a better place to live;

NOW, THEREFORE, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt, Arizona, do hereby acknowledge March 29, 2020 as

Vietnam Veterans Day

and urge all citizens of the Town of Dewey-Humboldt to recognize the courage and sacrifice of our Veterans by displaying the flag of the United States.

In Witness Whereof, I have hereunto set my hand this 3rd day of March, 2020.

Terry Nolan, Mayor

ATTEST:

Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL COUNCIL MEETING MINUTES
JANUARY 8, 2020, 6:30 P.M.**

A SPECIAL COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON WEDNESDAY, JANUARY 8, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR AMY LANCE PRESIDED.

1. **Call To Order** Vice Mayor Lance called the meeting to order at 6:30 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt and Vice Mayor Amy Lance were present. Mayor Terry Nolan was excused.
3. **Public Comment on Non-agendized items** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. According to the Arizona Open Meeting Law, Councilmembers may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

No one spoke.

4. **Special Meeting.** Legal action may be taken.
 - A. **Overview, discussion and possible direction to staff relating to the following draft 2018 Building Codes** (Staff CC):
 - **2018 International Mechanical Code**
 - **2018 International Plumbing Code**
 - **2017 National Electrical Code**
 - **2018 International Property Maintenance Code**

Ed Hanks, Town Manager, introduced Don Roberts, Building Official, and noted that Mr. Roberts will be reviewing the 2018 International Mechanical Code ("IMC"), 2018 International Plumbing Code ("IPC"), 2017 National Electrical Code ("NEC"), and 2018 International Property Maintenance Code ("IPMC").

Mr. Roberts reviewed the IMC. There was no Council discussion on the IMC.

Mr. Roberts reviewed the IPC.

Councilmember Wendt asked what determines the numbers of bathrooms in a home. Mr. Roberts responded that there is no requirement for residential; for commercial, the IPC looks at the number of employees and customers to determine the number of bathrooms.

In response to Vice Mayor Lance, Mr. Roberts discussed grease traps being required to be emptied every six months. Water from washing food, pots and pans goes to the grease trap; the laundry sink does not go to a grease trap. The size of the grease trap depends on the number of sinks and floor drains. Mr. Roberts discussed the difference between a grease interceptor and grease trap.

In response to Councilmember McBrady, Mr. Roberts noted that there are not many changes to the IPC from the code that is currently in place. Councilmember McBrady spoke relating to bringing historic buildings up to current codes, and the cost involved; Mr. Roberts discussed the fittings needing to be inspected and lead traps leaking. Councilmember McBrady spoke relating to people having been deterred from investing in the downtown area after being told that they would need to build a structure within a structure to bring the buildings up to code; Mr. Roberts responded that there is a tool that can determine the placement of rebar and the value of the concrete.

Councilmember Brooks asked if requirements will change if a historic district is developed; Mr. Roberts responded that there will not be any changes as it is a life safety matter. Councilmember Brooks gave an example of an older building in Prescott that was determined to be unsafe and of difficulties tearing it down due to its strength.

Mr. Roberts reviewed the NEC and explained that he uses it as a guideline for both residential and commercial as it has more information.

Councilmember Collins spoke relating to arc fault circuits; and, people asking for arc faults to be removed and to use ground fault interrupting outlets (GFI) instead. Mr. Roberts responded that the provision in the 2018 building codes for arc faults has been removed; they are still required in bedrooms for safety issues. Councilmember

Hughes spoke relating to nearly all lamps only having two prongs; Mr. Roberts spoke relating to a two-wire being harder to pop a circuit breaker than a three-wire because there is not a ground.

Mr. Roberts noted that the provision relating to tamper resistant receptacles was removed from the 2018 codes. In response to Councilmember Wendt, Mr. Roberts noted that this is for the interior and spoke relating to the cost and difficulty of installing them.

Ron Thibodeau spoke and asked if it is required to have a licensed electrician and plumber for self-builds; Mr. Roberts responded that it is recommended but not required for an owner-builder.

Mr. Roberts introduced the IPMC and noted that staff is seeking Council guidelines on the IPMC.

Councilmember Collins spoke relating to changes in occupancy, Section 102.3; the Town's Zoning Code provisions related to it; people having cited the Town's Zoning Code as triggering a change of use fee; and, asked what triggers a change of occupancy. Mr. Roberts responded that firefighters need to know contents so they know how to fight a fire, such as what is combustible and what may explode at a certain temperature; and, it being for safety purposes. Vice Mayor Lance asked if it is a big process to move into an existing building; Mr. Roberts responded that staff asks for the valuation based on the cost to move in and fees are minimal.

Councilmember Wendt spoke relating to Section 302.4; being ok with the requirement of 12" weeds; the 30' around a home being known as the ignition zone; not agreeing with the requirement to clear within 30' of the property line due to lot sizes and those who are physically or financially unable to clear it; and, not agreeing with requiring three written complaints from owners within 300' as everyone needs to be held to the same standard. She also spoke relating to Town Code Section 153.015 that all citizens are equally allowed an opportunity to file a complaint or be enforced equally; and, the requirement of three and 300' not benefitting all residents.

Vice Mayor Lance clarified that all would be held to the same standard as the same rule would apply. Councilmember Wendt spoke relating to some not being able to file a complaint due to some properties being wider than 300'. Councilmember Hughes spoke relating to it being within 300' of the whole property.

Councilmember Collins spoke relating to Town Code Section 153.022 having a 300' limit for legal protests, based on state law; and, the complaints from three people being to update the probable cause standard. She also spoke relating to a 2014 Town Attorney memorandum saying that probable cause exists from one complaint; and, allowing one complaint could be from one troublemaker.

Councilmember Wendt spoke relating to eliminating due process by requiring three complaints; and, asked to have the Town Attorney investigate.

Councilmember Collins spoke relating to the three-person complaint having been used by Yavapai County for barking dog complaints; the provision relating to weeds saying all noxious weeds, which are not defined; the provision including green weeds of any size; and, the 30' distance applying to any structure and different definitions for structure in the Zoning and Building Codes. She spoke relating to previous codes removing the requirement; being unable to comply on acreage and vertical acreage; and, it not fitting the Town.

Councilmember Wendt spoke relating to removing the noxious weeds provision; the property line; amending the provision relating to the 30' ignition zone to be for a home structure; there being a high danger of fire; and, the code only being enforced if someone complains.

Councilmember Brooks spoke relating to people having bought or built in the Town; people making an effort to improve their property; it becoming more difficult as people age; and, holding all property owners, including absentee owners, to the standard. She also spoke relating to the Forest Service having indicated that new growth of trimmed-back oak is greener with a lower ignition rate; the impact of heavy winds on fire; and the danger of fire starting on vacant lots where weeds aren't mowed. She also spoke relating to including helpful hints in the Town Newsletter; working on education; identifying people who are unable to do it; approaching it as an improvement rather than punishment; and, the Town not having funds to hire staff to keep its weeds down.

Councilmember Wendt spoke relating to grants through Firewise, including grants that apply to empty lots; education going on for over four years; and, having the 30' area around a home structure.

Councilmember Collins showed a map of empty lots in the Town color-coded by type of owner, discussed state land being exempt from the enforcement of weed codes; and, spoke relating to covering vents with wire mesh to keep embers out.

Vice Mayor Lance spoke relating to having decorative plants within 30' of a house; having a fire and flammable bamboo within 30' of her house and the Fire Department coming in to fight the fire; the Fire Department not passing people by; and, the need to compromise. She also spoke relating to not supporting a one-person

complaint system; and, supporting the 300' limit for complaints.

Councilmember Wendt spoke relating to, in wildfires, Firefighters tagging each property with a ribbon to tell others whether or not to fight the fire on the property; and, the code not applying to vacant property. Vice Mayor Lance and Councilmember Wendt spoke relating to requiring three complaints within 300'.

Councilmember Collins spoke about the provision relating to empty lots saying "all premises and exterior property"; and, Section 106, Violations, referring people to the Zoning Code. She also spoke relating to different fines referenced in the Building and Zoning Codes; in the Zoning Code, the fines can be either \$750 per day or \$10,000 per day if not a private person; and, the Building Code fines being \$500 per day.

Mike Donovan spoke relating to removing noxious weeds from the IPMC; asked why it more than one person is required for a valid complaint; changing the process, such as not allowing complaints from individuals for a certain amount of time if they have filed a number of bad complaints; only having two neighbors within 300'; and, Fire wanting no vegetation within five feet of the house and reduced vegetation within 30'.

Ron Thibodeau spoke relating to repeat complainers; a complainer in his area who complains about everybody; one complainer being able to cause grief for people; the provision not covering empty land as it applies to 30' within a structure; and, the International Wildland Urban Interface Code that was discussed on January 7, 2020.

Gary Mortimer spoke relating to fire originating on public land; not having fires 50 years ago when there was more ranching; the Town not being able to handle the influx of complaints if people complained about everyone with weeds; maintaining their property to prevent fire; and, people liking brush against their house.

Tom Mallette spoke relating to having turned in five complaints about a junkyard in the Blue Hills area; Mr. Hanks having completed one complaint and the Code Enforcement Officer having done nothing since that time; and, needing to do something with code enforcement.

Leigh Cluff spoke and asked if the Town will be exempt or if the Council will budget for a tractor and more staff; having measured weeds on the Town's property that are over 18"; people using noxious weeds as herbs; a previous complaint about a woodpile that was not stacked neatly at her house; requiring two complaints rather than one; a neighbor who is 80 years old and not accepting help with keeping his weeds down; and, asked if all landowners who can get a grant will be notified.

Councilmember Wendt moved to allow Mr. Donovan to speak again; seconded by Councilmember Hughes. The motion passed on a voice vote 5-1. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – excused.

Mr. Donovan spoke relating to having spoken with a gentleman who is responsible for state land recently; there is a plan to put a 30-foot mastication around Dewey; and, he thinks it will be done this year.

Councilmember Brooks spoke relating to supporting the three-complaint requirement; the stability in her neighborhood and neighbors communicating with each other; and, a new resident complaining about two long-term residents.

Councilmember Wendt spoke relating to masticators to do abatement and people being upset because they thought development was coming in; needing to address weeds in and around structures; and, new people in the Town having rights, too.

Councilmember Collins spoke relating to the provision saying all premises and exterior property; Mr. Roberts confirmed that the way it is worded includes all property. Councilmember Collins also spoke relating to people who are not able to afford to keep up their property or are physically unable; the cost for mowing a one-acre parcel being \$150-\$200; the Town and Yavapai County having not done this before; and, developers coming in and wanting this requirement.

Councilmember Wendt spoke relating to Mr. Roberts changing it to not apply to vacant lots; the provision being included for fire danger, not developers; grant opportunities; fire danger; the Goodwin Fire; it being at least another year before there is another road out of the Blue Hills; and, protecting personal and neighbors' safety.

Councilmember Hughes spoke relating to owning six pieces of property and not being able to get a grant as they do not fall under the grant categories.

Vice Mayor Lance spoke relating to people who now have 20-30' pecan and walnut trees around the house for shade and being unable to convince them to cut them down; and, suggested removing the entire provision. Councilmember Wendt and Vice Mayor Lance discussed the code allowing live trees and shrubs.

Mr. Hanks summarized that staff will check with the Town Attorney relating to the three-person and 300' distance

for complaints; eliminating noxious weeds from Section 302.4; and, removing the property line requirement.

Vice Mayor Lance spoke relating to some properties being too narrow and the impact of a 30' requirement.

Councilmember Brooks moved to allow Mrs. Cluff to speak a second time; seconded by Councilmember Collins. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – excused.

Ms. Cluff spoke relating to not forcing it down people's throats; helping people rather than fighting; and, grants not doing good if people are not out working on it every day.

Councilmember Collins spoke relating to the IPMC, Section 606 and having heard a rumor of a two-story building that may turn into a hotel; and, the Town adopting the provision if it happens. Councilmember Hughes spoke relating to it falling under the building code, rather than the IPMC.

B. Overview, discussion and possible direction to staff relating to the updated Building Valuation Table and Fee Schedule (Staff CC)

Mr. Hanks noted that staff provided comparisons with other towns to Council; the comparison does not include development or impact fees that are charged by other towns. These fees are what are currently charged; staff is looking to address all fees comprehensively.

Councilmember Brooks spoke relating to the Administrative Fee causing the Town's fee to be the highest; and, the Town not having anything specific enough for people to calculate the fees. Mr. Hanks responded that the fee was from 2010, when Yavapai County was doing inspections on behalf of the Town and noted that staff will work with the Town Attorney to edit and clarify the fees. Mr. Hanks spoke relating to it never having been looked at as to how it impacts other areas of the Town Code.

In response to Vice Mayor Lance, Mr. Hanks indicated that after staff works with the Town Attorney, the fees can be laid out to be easier for people to understand how much permit fees will cost. Mr. Roberts discussed Chino Valley, who charges an addition \$3.79 per square foot on top of the plan check and permit fees.

In response to Councilmember Brooks, Mr. Hanks clarified that impact fees can only be used for specific reasons.

Tom Mallette spoke relating to there being a driveway impact fee; Mr. Hanks stated that it is an ingress/egress fee.

Mike Donovan spoke and asked about a note in the fees about fees being waived, and asked if APS should be included; Mr. Hanks responded that it has not been looked at since 2010, but that staff will look into it.

- 5. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date. Staff recommends scheduling Special Meetings to continue discussing the proposed building codes on the following dates: Wednesday, February 5, 2020 or Wednesday, February 19, 2020

The Council scheduled Tuesday, February 25, 2020, as the next Special Council Meeting to discuss proposed building codes.

- 6. Adjourn** The meeting adjourned at 8:19 p.m.

Amy Lance, Vice Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk



COUNCIL COMMUNICATION

Regular Council Meeting Date: **March 3, 2020**

Agenda Item: **9.A.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action relating to the adoption and/or amendments to new Building Codes, to approve and finalize contents of the attached Draft Codes, and to direct the Town Attorney to prepare ordinances, resolutions, and any documents necessary for Council to formally adopt the Building Codes.

Background:

The Town Council has held a series of meetings at which the proposed new building codes were reviewed and discussed.

Staff has updated the amendments to the building codes according to Council's discussion and direction and is presenting the contents of the amendments to the building codes for Council review and discussion in the attached Draft Codes. At the February 25, 2020, Special Council Meeting, Council voted to remove the International Property Maintenance Code from consideration.

Financial Impact:

There is no financial impact to the Town for tonight's discussion.

Direction Requested:

Staff is seeking Council review of the changes that have been in response to previous Council discussion as shown in the attached Draft Codes. Staff is also seeking Council direction to the Town Attorney to prepare and finalize all documents necessary for Council to formally adopt the Building Codes at a future meeting.

With the 2018 International Property Maintenance Code being removed from consideration, staff is seeking clarification tonight as to whether or not Council would like to keep the existing 2012 International Property Maintenance Code (as amended) or remove the amended 2012 International Property Maintenance Code from the Town's adopted building codes altogether.

Suggested Motion:

For: I move to approve the contents of the proposed amendments as set forth in the attached Draft Codes that have been made to the proposed new Building Codes, to direct the Town Attorney to prepare ordinances, resolutions and all documents necessary for Council to formally adopt the Building Codes at a future Council Meeting, and to direct staff to (keep or remove) the 2012 International Property Maintenance Code provisions as existing.

Against: I move to take no action on this agenda item tonight.

Attachments:

Draft Codes: 2018 Dewey-Humboldt Administrative Code, 2018 International Building Code, 2018 International Residential One & Town Family Dwelling Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2017 National Electrical Code, 2019 Grading Ordinance, 2018 International Existing Building Code, 2018 International Swimming Pool and Spa Code, and 2006 International Energy Conservation Code. Existing 2012 International Property Maintenance Code provisions.

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

ORDINANCE 2019-1

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-1 RELATING TO THE BUILDING CODES FOR THE AREAS OF DEWEY-HUMBOLDT AND PROVIDING FOR THE ADOPTION OF AN ADMINISTRATIVE CODE FOR THE MANAGEMENT, CONTROL, AND ENFORCEMENT OF TECHNICAL BUILDING AND OTHER CODES AND ORDINANCES, PERTAINING TO ALL ASPECTS OF CONSTRUCTION WITHIN THE AREAS OF DEWEY-HUMBOLDT PURSUANT TO ARIZONA REVISED STATUTES TITLE 11 CHAPTER 6, SECTIONS §11-801 THROUGH §11-866 AND §11-875.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

PART I ADOPTION

That Ordinance 2014-1 is hereby repealed in its entirety and a new administrative code pertaining to all aspects of construction is adopted to read as follows:

DEWEY-HUMBOLDT ADMINISTRATIVE BUILDING CODE

There is hereby adopted by reference, that certain document known as Chapter 1 Scope and Administration of the International Building Code, 2018 Edition, as published by the International Code Council. Said document is hereby amended and adopted as the Administrative Building Code for the areas of Dewey-Humboldt for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of the various Technical Codes and Ordinances. Providing procedures for enforcement thereof; providing the severability of each and all conditions and terms of the Dewey-Humboldt Administrative Building Code are hereby referred to, adopted, and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 – GENERAL

SECTION 101.1 – Title is deleted in its entirety and revised to read as follows:

101.1 – Title. These regulations shall be known as the Dewey-Humboldt Administrative Building Code for the areas of Dewey-Humboldt, hereinafter referred to as "this code."

SECTION 101.2 – Scope is hereby amended by deletion of Exceptions and insertion of new Exceptions to read as follows:

101.2 – Scope.

Exceptions. Except as specifically limited or exempted, this code and the technical codes shall apply to all construction within the areas of Dewey-Humboldt:

1. Federal Land. Private development on Federal land shall not be exempted.
2. Indian Tribal Land.
3. Items pursuant to ARS §11-865.

A. The provisions of this article shall not be construed to apply to:

1. Construction or operation incidental to construction and repair to irrigation and drainage ditches or appurtenances thereto, of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture,

horticulture or stock or poultry raising, or clearing or other work upon land in rural areas for fire prevention purposes.

2. Devices used in manufacturing, processing or fabricating normally considered as involved in industry and construction, operation and maintenance of electric, gas or other public utility systems operated by public service corporations operating under a franchise or certificate of convenience and necessity.

B. Notwithstanding of this subsection A, of this section, the requirements of this article apply to the use or occupation of land or improvements by a person or entity consisting of or including changing, remanufacturing or treating human sewage or sludge for distribution or resale.

4. Live/work units complying with the requirements of the adopted Building Code as referenced herein shall be permitted to be built as detached one- and two-family dwellings or multiple single-family dwellings (townhouses) in accordance with the adopted Residential Code as referenced herein.
5. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the adopted Residential Code as referenced herein.
6. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the adopted Residential Code as referenced herein.

SECTION 101.2.1 – Appendices. Is hereby deleted in its entirety and revised to read as follows:

101.2.1 – Appendices. Provisions in the appendices shall not apply unless specifically adopted by ordinance for each referenced technical code.

SECTION 101.2.2 – Amendment. Is hereby added as an additional section to read as follows:

101.2.2 – Amendment. This document and the referenced technical codes may be amended from time to time.

SECTION 101.4 – Referenced codes is hereby deleted in its entirety and revised to read as follows:

101.4 – Referenced technical codes. The technical codes listed in Sections 101.4.1 through 101.4.13 and referenced elsewhere in this code and as adopted by Dewey-Humboldt shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 – Building Code. The provisions of the 2018 Edition of the *International Building Code* shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings or structures or any appurtenances connected or attached to such buildings or structures.

101.4.2 – Electrical Code. The provisions of the 2017 Edition of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.3 – Gas Code. The provisions of the 2018 Edition of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These regulations apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.4 – Mechanical Code. The provisions of the 2018 Edition of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation,

heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.5 Plumbing Code. The provisions of the 2018 Edition of the *International Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.6 Property Maintenance Code. The provisions of the 2018 Edition of the *International Property Maintenance Code* shall apply to existing structures and premises, equipment and facilities: light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. The provisions of the 2018 Edition of the *International Existing Building Code* shall apply to the repair, alteration, change of occupancy and relocation of existing buildings. The provisions of the 2018 Edition of the *International Property Maintenance Code* shall also apply to detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and their accessory structures.

101.4.7 – Fire Protection (Fire Codes). The provisions of adopted fire codes as enforced by Central Arizona Fire and Medical Authority having approved authorization granted by the State of Arizona Office of the State Fire Marshall shall apply to matters affecting or relating to fire prevention. Such current regulations and ordinances shall apply to matter affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarms systems or fire hazards in the structure or on the premises from occupancy or operation. These provisions as hereby amended for fire prevention shall also apply to detached one- and two – family dwelling and multiple single-family dwelling and their accessory structures.

101.4.8 – Energy Code. The provisions of the 2006 Edition of the “*International Energy Conservation Code*” as adopted and amended in 150.10 of the Town of Dewey – Humboldt Code of Ordinances and Town of Dewey – Humboldt Ordinance 09-48 shall apply to all matters governing the design and construction of building for energy efficiency.

101.4.9 – Flood Control Code. The provisions of ordinances and regulations are applicable to the Yavapai County Flood Control District shall apply to all matters affecting flooding. All references as may be noted within the technical codes as adopted by Dewey-Humboldt Building Safety that pertain to flooding – flood control projects – flood resistant construction – flood hazard areas shall be controlled and regulated by the Yavapai County Flood Control District.

101.4.10 – Residential Code. The provisions of the 2018 Edition of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and their accessory structures.

101.4.11 – Grading Code. The provisions of *Ordinance 2019-09 – Dewey-Humboldt Grading Ordinance* shall apply to excavation, grading, and earthwork construction, including fills, and embankments pertaining to all aspects of grading construction on private property.

101.4.12 – Existing Building Code. The provisions of the 2018 Edition of the *International Existing Building Code* shall apply to the repair, change of occupancy, and relocation of existing buildings and structures.

101.4.13 – Swimming Pool Code. The provisions of the 2018 Edition of the “*International Swimming Pool and Spa Code*” and ARS §36-1681 shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic vessels.

SECTION 102 – APPLICABILITY AND DEFINITIONS

SECTION 102.4.1 – Conflicts is hereby amended by the addition of the following exception to read as follows:

102.4.1 – Conflicts.

Exception: Where enforcement of any code provision would violate the conditions of approved listings of equipment or material, the conditions of the listing and the manufacture's installation instructions of listed equipment or material may be considered by the building official.

SECTION 102.6 – Existing Structures is deleted in its entirety and revised to read as follows:

102.6 – Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

SECTION 102.7 – Existing Building Systems is hereby added as a new section to read as follows:

102.7 – Existing Building Systems. Plumbing, fuel gas, mechanical or electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such existing systems.

SECTION 102.8 – Additions, Alterations or repairs is here by added as a new section to read as follows:

102.8 – Additions, Alterations or Repairs. Additions, alterations or repairs to any structure or mechanical, plumbing, fuel gas or electrical systems shall conform to the requirements for a structure or system without requiring the existing structure or system to comply with all requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure or system to become unsafe, hazardous, overloaded or adversely affect the performance of the structure or system.

SECTION 102.9 – Historic Buildings is hereby added as a new section to read as follows:

102.9 – Historic Buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing building or structures identified and classified by the state as historic building or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

SECTION 102.10 – Change in Occupancy is hereby added as a new section to read as follows:

102.10 – Change in Occupancy. It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provisions of this code applicable to the new occupancy without approval. The building official shall certify that such structures meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such a change of occupancy does not result in any hazard to the public health, safety or welfare.

SECTION 102.11 – Moved Buildings is hereby added as a new section to read as follows:

102.11 – Moved Buildings. Except as determined by section 102.7, plumbing, fuel gas, mechanical, or electrical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with provisions of this code for new installations.

SECTION 102.12 – Maintenance is hereby added as a new section to read as follows:

102.12 – Maintenance. Mechanical, Plumbing, Fuel Gas and Electrical systems, both existing and new, and parts thereof shall be maintained in proper operational condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance

of all systems. To determine compliance with this provision, the building official shall have the authority to require a system to be inspected.

SECTION 102.13 – Definitions is hereby added as a new section to read as follows:

102.13 – Definitions. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. The definition within the specific adopted technical codes shall be construed to apply to that code. Where terms are not defined through the methods authorized by this section, such terms shall have the ordinarily accepted meaning such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meaning.

ADDITION – An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE BUILDING CODE – The Dewey-Humboldt Administrative Building Code as set forth within Ordinance 2019-1, as adopted by this Jurisdiction.

APPROVED – Acceptable to the building official or authority having jurisdiction.

APPROVED AGENCY – An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

BASEMENT, UNFINISHED – An unheated portion or area not intended as a habitable space and limited to storage, housing of mechanical equipment, general work area or similar uses. If there is plumbing in this area, it will be limited to capped rough-in plumbing drains, floor drains, and water and drain lines serving mechanical equipment. There will be no other framing for interior walls other than as required for structural support. The area will not be insulated other than the ceiling/floor separation. The ceiling height may be as low as 6 feet 8 inches except under beams, girders, ducts or other obstructions where the clear height may be not less than 6 feet 4 inches. Heated spaces will be considered "finished" and constructed to comply with the applicable codes. Unfinished basements must also conform to Section E3901.9 and E3902.5 of the International Residential Code for minimal electrical requirements.

BEDROOM – A room intended for sleeping that contains an approved means of egress, a smoke detector, and a closet. and noted on plans as such.

BUILDING – Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE – The International Building Code as published by the International Code Council, as adopted by this jurisdiction.

BUILDING, EXISTING – Any building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

BUILDING OFFICIAL – The officer or other designated authority charged with the administration and enforcement of this code, or duly authorized representative.

CARPORTS – A covered structure intended for parking of a vehicle. Carports shall be open on not less than two sides. Carport not open on two or more sides shall be a garage and shall comply with the provisions of this section for garages.

CONDOMINIUM – Means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real Estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

COMMERCIAL PROJECTS – Any commercial buildings, industrial buildings, assembly buildings, and multi- family residential structures not defined as a townhouse greater than a duplex.

DETACHED BUILDING – A stand-alone structure that is separated from other structures on the same property without fire resistant constructed exterior walls with a physical separation that complies with the requirements of Section 503.1.2 and Table 602 of the Building Code and Section R302 of the Residential Code as referenced herein. No physical attachments to other structures on the same property are permitted.

ELECTRICAL CODE – The National Electrical Code published by the National Fire Protection Association, as adopted by this jurisdiction.

EXISTING BUILDING CODE – The International Existing Building Code, published by the International Code Council, as adopted by this jurisdiction.

FUEL GAS CODE – The International Fuel Gas Code, published by the International Code Council, as adopted by this jurisdiction.

GARAGE – An enclosed building or indoor area for parking motor vehicles

GRADING – Any excavating, filling, or combination thereof for earthwork construction as covered within the grading ordinance as adopted by this jurisdiction.

JURISDICTION – The governmental unit that has adopted this code under due legislative authority.

MECHANICAL CODE – The International Mechanical Code published by the International Code Council, as adopted by this jurisdiction.

OCCUPANCY – The purpose for which a building, or part thereof, is used or intended to be used in compliance with adopted codes.

OWNER – Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERMIT – An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

PERSON – An individual(s), heir(s), executor(s), administrator(s) or assign(s), and also includes a firm, partnership or corporation, its or their successor(s) or assign(s), or the agent(s) of any of the aforesaid.

PLUMBING CODE – The International Plumbing Code, published by the International Code Council, as adopted by this jurisdiction.

REPAIR – The reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS – The International Residential Code for one- and two-family dwellings, published by the International Code Council, as adopted by this jurisdiction.

SHALL – The term, when used in this code, is construed as mandatory.

STRUCTURE – That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TECHNICAL CODES – Those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.

TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with a yard or public way (open space) on at least two sides. Such are not more than three stories above grade plane in height with a separate means of egress to each unit.

TRAILER (PARK MODEL) – A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, and manufactured to comply with ANSI A119.5 standards, except that it does not include recreational vehicles, travel trailers, campers or fifth wheel trailers.

VALUATION or VALUE – The total estimated cost to replace, repair, build, or erect any building and its building service equipment in kind, based on current construction costs.

SECTION 102.14 – Guideline manuals is hereby added as a new section to read as follows:

102.14 – Guideline manuals. Guideline manuals as published by the International Code Council, Inc. and The National Fire Protection Association, Inc. as commentaries, handbooks, inspection guides, plan review guides, training manuals and other such reference publications may be used by the building official as guidance to provide alternative approaches to achieve compliance and interpretations of the technical codes.

SECTION 104 – DUTIES AND POWERS OF BUILDING OFFICIAL

SECTION 104.5 – Identification is hereby deleted in its entirety and revised to read as follows:

104.5 – Identification. The building official and appointed deputies shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

SECTION 104.7 – Department records is hereby amended by the revision of the first sentence to read as follows:

104.7 – Department records. The building official shall have access to official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued.

SECTION 104.10.1 – Flood Hazard Areas is hereby deleted in its entirety and revised to read as follows:

104.10.1 – Flood Hazard Areas. Flood Hazard Areas relating to all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures shall be enforced and regulated jointly by Yavapai County Flood Control District and the Town of Dewey – Humboldt.

SECTION 105 – PERMITS

SECTION 105.1.1 – Annual permit is hereby deleted in its entirety.

SECTION 105.1.2 – Annual permit records is hereby deleted in its entirety.

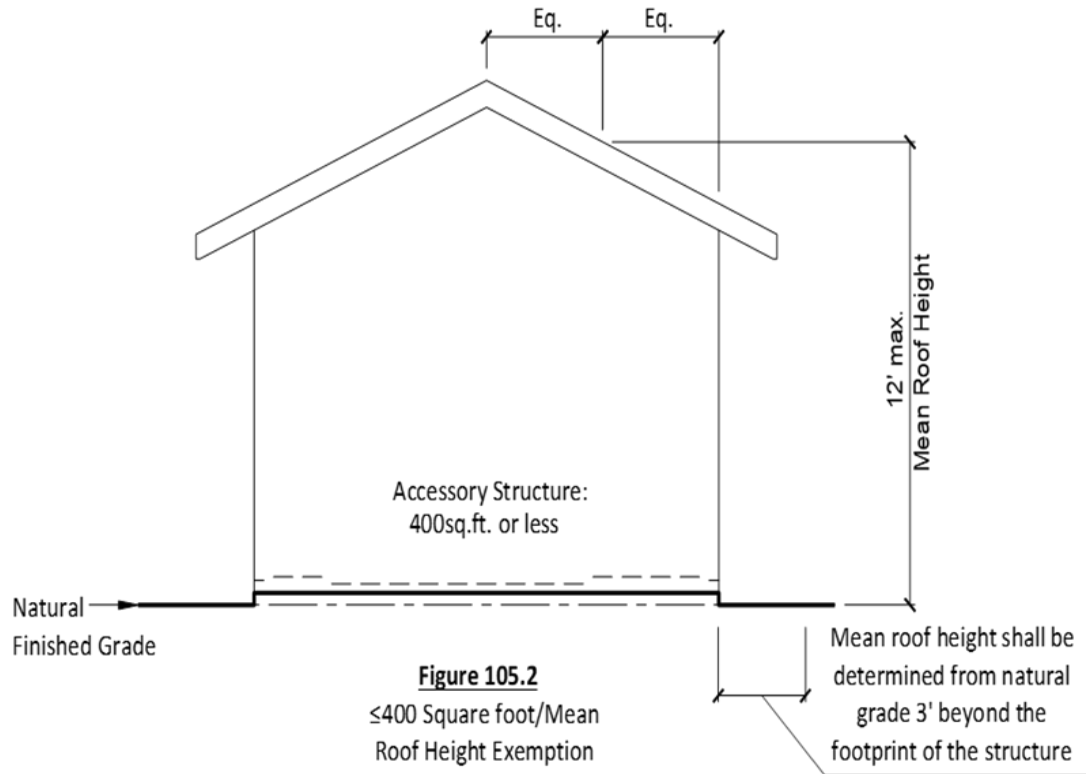
SECTION 105.2 – Work exempt from permit is hereby deleted in its entirety and amended to read as follows:

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. These exemptions do not apply to Commercial projects.

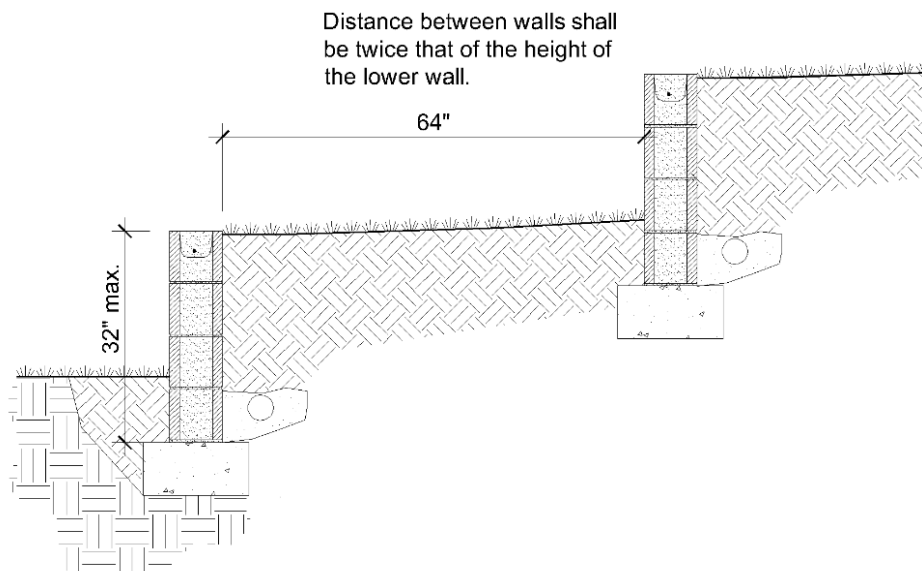
NOTE: Work exempt from a permit pursuant to this section shall apply ONLY to Building Safety. Other Town Departments may have permit requirements for these exemptions.

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

1. One-story, **NON-HABITABLE** detached accessory buildings on residential properties used as tool and storage sheds, playhouses, animal shades, barns, and similar uses, provided the area does not exceed 400 square feet under roof and not to exceed a height of 12 feet from natural grade to the mean roof height. The site of the accessory building must meet all set back requirements. Detached accessory buildings **SHALL NOT** be considered or used as habitable space. UTILITY; electrical only with a separate electrical permit, “no mechanical systems or plumbing” permitted in a detached accessory building. Detached accessory building that use other than a tool – storage sheds, playhouse , animal shade, barns and similar uses and with two (2) or more permit will required a building permit.



2. Free standing Masonry or Concrete walls not over four feet (4') high (measured from natural grade) on residential properties used as garden/privacy wall.
3. Fences not over six feet (6') high, not including masonry or concrete walls. (Fence height measured on both sides).
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 thirty-two inches (32") in height, measured from the top of the footing to the top of the wall. All retaining walls which support a surcharge or fill exceeding a maximum of 2 to 1 slope or impounding flammable liquids will require a building permit.



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. Uncovered Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the International Residential Code.
9. Remodels (non-structural and no increase in square footage or plumbing, electrical, and mechanical) on residential properties. This includes painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
10. Temporary motion picture, television and theater stage sets and scenery where the public is not to attend.
11. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies which do not project more than fifty-four inches (54") from the exterior wall and do not require additional support.
12. Portable swimming being less than 18 inches in water depth which are drained and filled daily and NOT connected to a circulation system when used as an accessory on single family residential property.
13. Membrane structures constructed for nursery or agricultural purposes and not including service systems on residential properties not to exceed 400 square feet.
14. Swings and other playground equipment accessory to detached one- and two-family dwellings.
15. Re-roofing (like for like no sheathing replacement and no more than two (2) layers) on residential properties.
16. Concrete flat work (driveways, walkways and pads) not be used in connection with a structural component on residential properties.
17. Nonfunctional, decorative windmills that do not exceed 25 feet.
18. Flag Poles: (a) ground mounted on residential properties and (b) that its reclining length, in case of collapse, would or (c) a height of 20 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 pole for lighting and the like will require a separate electrical permit.
19. Decks, the walking surface of which is not more than 30" inches above the surrounding grade and less than 120 sq. ft. of surface area.

Plumbing permits. A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however; that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Electrical permits. An electrical permit shall not be required for the following:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
4. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
5. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
6. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
7. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
8. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
9. The wiring for temporary theater, motion picture or television stage sets where the public is not to attend.

10. Low-energy power, controls and signal circuit of Class II and Class III as defined in the Electrical Code.
11. Items as listed per **Article 90.2 SCOPE (B) Not Covered** in the 2017 National Electrical Code as adopted by the jurisdiction.

Mechanical permits. A mechanical permit shall not be required for the following:

1. A portable heating appliance.
2. Portable ventilation appliances and equipment.
3. A portable cooling unit.
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
6. A portable evaporative cooler.
7. Self-contained refrigeration systems that contain 10 pounds (4.5kg) or less of refrigerant or that are actuated by motors of 1 horsepower (0.75 kW) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and not interconnected to a power grid.

Fuel Gas permits. A fuel gas permit shall not be required for the following:

1. Any portable heating appliance.
2. Replacement of any minor part of equipment that does not alter approval of such equipment or make such equipment unsafe.

SECTION 105.3.2 – Time limitation of application is hereby deleted in its entirety and revised to read as follows:

105.3.2 – Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing and such application shall be expired. The building official is authorized to grant one (1) extension of time of up to 180 additional days. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 105.5 – Expiration is hereby deleted in its entirety and revised to read as follows:

105.5 – Expiration. Every permit issued shall become invalid unless the work authorized by such permit has commenced within 180 days after its issuance and a valid inspection or subsequent valid inspection as detailed by Section 110 is obtained every 180 days thereafter. The building official is authorized to grant up to one (1) extension of time for a period of not more than 180 days. All requests for extensions shall be in writing prior to permit expiration and with justifiable cause demonstrated. Every permit issued shall become invalid within two and one-half (2 1/2) years from the issued date **including** all extensions of time. An expired permit shall only be renewed once provided no changes have been made or will be made in the original issued construction documents and the renewal application is submitted within one (1) year of the expiration date.

SECTION 105.7 – Placement of permit is hereby amended by insertion of a new sentence at the end of this section to read as follows:

105.7 – Placement of permit. The issued premise identification placard (orange card) shall be conspicuously posted on site and be maintained until the completion of the project.

SECTION 105.8 – Responsibility is hereby added as a new section to read as follows:

105.8 – Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, fuel gas, mechanical or plumbing systems for which this code is applicable, to comply with this code.

SECTION 107 – SUBMITTAL DOCUMENTS

SECTION 107.1 – General hereby amended by deletion of the first paragraph in its entirety and revised to read as follows:

107.1 – General. Submittal documents consisting of construction documents, plans, specifications, engineering calculations, diagrams, geotechnical soil reports, statements of special inspections, and other data shall be submitted in two (2) or more sets with each permit application. The construction documents for all disciplines shall be prepared by an Arizona licensed registrant when the building is regulated by the rules and regulations of the Arizona State Board of Technical Registration to require sealed plans by a qualified licensed registrant. The building official may require the applicant submitting construction documents to demonstrate that state law does not require that the documents be prepared by an Arizona licensed registrant. Where special conditions exist, the building official is authorized to require construction documents to be prepared by an Arizona licensed registrant.

SECTION 107.2.1 – Information on construction documents is hereby deleted in its entirety and revised to read as follows:

107.2.1 – Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when prior approval is obtained from the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

SECTION 107.2.2 – Fire protection system shop drawings is hereby deleted in its entirety and revised to read as follows:

Section 107.2.2 – Fire Protection Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to the Authority Having Jurisdiction (AHJ) as determined by Central Arizona Fire and Medical Authority section 101.4.7 “Fire Protection (Fire Codes)” of this code for review and shall be approved by the AHJ prior to the start of system installation. The building official shall receive official notification of such approval prior to continued inspections of work in areas where fire protection system(s) are required.

SECTION 107.2.6 – Site plan is deleted in its entirety and revised to read as follows:

107.2.6 – Site plan. The construction documents submitted with the application for a permit shall be accompanied by a site plan drawn to a defined scale showing the size and locations of all new construction and existing structures on the site, distances from all lot lines, the existing (native) and proposed final grade contour intervals, building pad elevations, finished floor elevations, drainage flow directions, utility line locations (water, gas, sewer, septic, and electrical) and cut and fill amounts of any grading. In the case of demolition, the 8 ½” x 11” plot plan shall show structure(s) to be demolished and the location and size of existing structure(s) to remain on the property. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

SECTION 107.2.5.1 – Design flood elevations is hereby deleted in its entirety.

SECTION 107.2.5.2 – Manufacturer’s Installation Instructions is hereby added as a new section to read as follows:

107.2.5.2 – Manufacturer’s Installation Instructions. Manufacturer’s Installation Instructions, as required by this code, shall be available on the job site at the time of inspection.

SECTION 107.3.3 – Phased approval is hereby deleted in its entirety.

SECTION 107.3.4.1 – Deferred submittals is hereby amended by addition to the 1st paragraph to read as follows:

107.3.4.1 – Deferred submittals. Deferred submittals of this code shall apply to all buildings, **EXCEPT** detached one- and two-family dwellings and their accessory structures as defined under the provisions of the International Residential Code as adopted by this jurisdiction.

SECTION 109 – Fees is hereby deleted in its entirety and revised to read as follows:

SECTION 109 – FEES

109.1 – Payment of fees. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

109.2 – Schedule of permit fees. Pursuant to ARS §11—863-C, valuations shall be assigned, and fees shall be assessed in accordance with the current valuation and fee schedule recommended and approved by the Dewey-Humboldt Town Council.

The value to be used in computing the building permit fee and building plan review fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

109.3 – Plan review fees. When submittal documents are required by Section 107, a deposit shall be paid at the time documents are submitted for plan review. Said deposit shall be as shown in the Valuation and Fee Schedule adopted by the Dewey-Humboldt Town Council.

The plan review fees for electrical, mechanical and plumbing work shall be as shown in the Valuation and Fee Schedule adopted by the Dewey-Humboldt Town Council.

The plan review fee for grading work shall be as shown in the Valuation and Fee Schedule adopted by the Dewey-Humboldt Town Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in the Valuation and Fee Schedule adopted by the Dewey-Humboldt Town Council.

109.4 – Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

109.5 – Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation may be made prior to a permit being issued for such work.

Exception: Repairs performed in an emergency situation where the application was submitted the next business day.

109.5.1 – Investigation Permit Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the Valuation and Fee Schedule adopted by Dewey-Humboldt Town Council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code; the technical codes, and from the penalty prescribed by law.

109.6 – Related Fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.7 – Fee Refunds

The building official may authorize refunding of a fee paid hereunder, which was erroneously paid or collected.

The building official may authorize refunding the greater of \$25.00 or 25% of the building permit

fee paid when no work and no inspections have been done under a permit issued in accordance with this code.

The building official may authorize refunding the greater of \$10.00 or 25% of plumbing, electrical, and mechanical fees paid when no work and no inspections have been done under a permit issued in accordance with this code.

The building official may authorize refunding a plan review fee for a permit withdrawn after a deposit fee has been paid at the greater of the per-hour charge rate (minimum of one hour) or the calculated plan review fee. No refund of plan review fees is authorized once plan review on a plan has begun.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original applicant no later than 180 days after the date of fee payment. The time limit for a request for refund shall be extended in conjunction with an application/approved permit extension for permits with no construction begun, not to exceed one (1) year.

SECTION 110 – Inspections is deleted in its entirety and revised to read as follows:

SECTION 110 – INSPECTIONS

110.1 – General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the property, as done by an Arizona licensed surveyor may be required by the building official to verify that buildings, structures and related features are located in accordance with the approved plans.

110.2 – Preliminary inspection. Before issuing a permit, the building official is authorized to examine, or cause to be examined, the buildings, structures and sites for which an application has been filed.

110.3 – Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.15.

110.3.1 – Footing. Footing inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete footings, any required forms shall be in place prior to inspection. As required by ACI standards, all vertical steel shall be tied in place at the time of footing inspection.

110.3.2 – Stem wall/grout. Stem wall inspections of masonry or formed concrete walls, shall be made prior to any grout or concrete being placed after the masonry units and required forms are completed and any required reinforcing steel installed, including the installation of any required framing attachments, which shall be secured to the un-grouted masonry units or concrete wall forms.

110.3.3 – Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

110.3.4 – Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor. Residential building concrete slab inspections shall include the garage floor.

110.3.5 – Floodplain inspections. For construction in areas prone to flooding, as determined by the Yavapai County Flood Control District, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including the basement.

110.3.6 – Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to slab grade inspection, or at the time of rough-in inspection prior to insulation.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Sections M2105.1 of the 2018 International Residential Code and 1208.1. of the 2018 International Mechanical Code prior to inspection shall be permitted.

110.3.7 – Roof nailing and exterior braced wall panels. Roof nailing and exterior braced wall panel inspection shall be made after the roof deck sheathing, exterior wall sheathing, and required wall framing attachments are in place and prior to the installation of the roofing material and exterior wall covering. All required wall framing attachments to the foundation and stem wall systems shall be in place.

110.3.8 – Framing and exterior lath. Framing inspection shall be made after all framing, fire-blocking, windows, and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wiring, pipes and ducts are installed. All penetrations through the floor and through the top plate into the attic must be sealed and exterior lath is installed, and roof completely dried in with either the roofing material or approved roofing paper. The exterior lath inspection, for stucco wall covering, shall be made at this time.

110.3.9 – Water-resistive and/or air barrier. A water-resistive barrier and/or air barrier inspection shall be performed after all flashings, windows and barriers are installed prior to the installation of any exterior wall covering.

110.3.10 – Insulation inspection. Insulation inspection shall be made after frame and exterior lath inspection and all rough plumbing, mechanical, gas, and electrical systems are approved and prior to covering or concealment. Blown or sprayed roof/ceiling insulation may be verified before final inspection with markers affixed to the trusses or joists and marked with the insulation thickness by one inch (1") high numbers. A minimum of one (1) marker provided for each 300 square feet of area with numbers to face the attic access opening. In lieu of an insulation inspection, a certification from the insulation installer may be submitted.

110.3.11 – Gypsum board. An inspection shall be made of the gypsum board, interior and exterior, before any joints and fasteners are taped and finished.

110.3.12 – Fire-resistant penetrations and fire-resistance-rated construction inspection. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wall board joints and fasteners are taped and finished.

110.3.13 – Special inspections. For special inspections, see Section 1704 of the 2018 International Building Code.

110.3.14 – Other inspections. In addition to the inspections specified above the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of Building Safety.

110.3.15 – Final inspection. Final inspection shall be made after the permitted work is completed and prior to occupancy.

110.4 – Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 – Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 – Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall perform the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

110.7 – Re-inspection. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed:

- When the inspection record card is not posted or otherwise available on the work site.
- When the approved plans are not readily available to the inspector.
- For failure to provide access on the date for which inspection is requested.
- For deviating from approved plans thereby requiring the approval of the building official.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee schedule adopted by this jurisdiction.

In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

SECTION 111 – CERTIFICATE OF OCCUPANCY

SECTION 111.1 – Certificate issued is hereby amended by addition of an “Exception” to read as follows:

111.1 – Certificate issued.

Exception: Certificates of occupancies are not required for work exempt from permits under Section 105.2 of this code on residential remodels, additions, and accessory buildings or structures on residential properties being used for non-habitable residential purposes. Certificates of completion shall be issued on permits issued as a Shell Building. Certificates of completion shall not authorize occupancy.

SECTION 113 – Board of appeals is hereby deleted in its entirety and revised to read as follows:

SECTION 113 – BOARD OF APPEALS

113.1 – General. In order to hear and decide appeals of order, decisions or determinations, made by the building official relative to the application and interpretation of the technical code, there is hereby created a board of appeals, the board of appeals shall be appointed by the Town Council and shall hold office at its pleasure. The board shall adopt rule of procedure for conducting business. The Town Council may appoint, as the Town's board of appeals, a board duly appointed by another municipality or County.

113.2 – Members of Board. In order to hear and decide appeals of order, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals, the board of appeals shall be appointed by the Town Council and a person representing the public and a resident of Dewey – Humboldt and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting business. The Town Council may appoint, as the Town's board of appeals, a board duly appointed by another municipality or County Board Members

113.3 – Duties of Appeals Board.

1. The Appeals Board shall hear and decide appeals of order, decisions or determinations made by the building official relative to the application and interpretation of the technical code, including suitability of alternative materials and methods of construction, effectiveness, efficiency, responsiveness, ethics, fees, revenues, budgets, staffing equipment, code content, geographic coverage, coordination with other units of governments, and any other matters of concern to the board.
2. Findings and decisions of the board shall be binding upon the building official and appealing party subject to appeal to the Town Council.
3. The board shall act as technical advisory in the formation and acceptance of adopting Building Codes and Ordinances in the Town.

113.4 – Limitation of Authority. The Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the Board be empowered to waive requirements of either this code or the technical codes.

SECTION 114 – Violations is hereby deleted in its entirety and revised to read as follows:

SECTION 114 – Violations. Violations shall be handled through Section 153.019, 153.020, and 153.999 Of the Zoning Regulations unless otherwise provide.

114.1 – Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment regulated by this code, or cause or permit the same to be done in conflict with or violation of any provision of this code or any technical code adopted by the Town.

114.2 – Continuing Violation. When there is argument to the orders issued by the building official and the violation is not abated according to the orders issued by the building official, the building official may refer the matter to the Dewey-Humboldt Hearing Officer for a hearing and the imposition of penalties and sanctions. The Hearing Officer shall hear and rule on building violations and impose sanctions as authorized by ARS §11-866 and ARS §11-815.

114.3 – Appeals. The decision of the Hearing Officer may be appealed to the Dewey-Humboldt Board of Adjustment in accordance with ARS §11-815.

114.4 – Penalties. Pursuant to ARS §11-815 and ARS §11-866 the Hearing Officer shall have the authority to impose the following penalties and sanctions:

1. Each day's continuance of a building code violation shall be deemed a separate offense.
2. The maximum penalty for each offense shall be:
 - A. Pursuant to ARS §13-802-b, Five hundred dollars (\$500.00) for an individual;

- B. Pursuant to ARS §13-803-1-3, twenty- five hundred dollars (\$2,500.00) for any corporation, association, labor union or other legal entity.

The imposition of penalties on any person under this ordinance shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements and shall not prevent the enforced correction or removal of such violations.

If any structure is erected, constructed, reconstructed, altered, maintained or used in violation of this Ordinance, the Dewey-Humboldt Town Council, the Dewey-Humboldt Attorney, the building official, or any adjacent or neighboring property owner who is especially damaged by the violation may institute an injunction, mandamus, abatement, or any appropriate action proceeding to prevent, abate, or remove the violation.

In the event, the Town deems it necessary to institute proceedings to abate a violation it shall be entitled to recover its costs of abatement including attorney fees.

The conviction of any person, firm or corporation hereunder shall not relieve such person from the responsibility to correct such violation nor prevent the enforcement, correction or removal thereof.

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Administrative Building Code, 2018 edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

**Don Roberts,
Building Official**

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-2

AN ORDINANCE OF THE DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-2 RELATING TO THE BUILDING CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2019 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-2 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL BUILDING CODE, 2018 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as the International Building Code, 2018 Edition, including Appendixes C, E, G, H, I, and N as published by the International Code Council. Said document is hereby amended and adopted as the Building Code for the areas of Dewey-Humboldt providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use heightened area of all building and structures within this county and each and all such regulations, provisions, penalties, conditions and terms of the International Building Code, 2018 Edition, including Appendixes C, E, G, H, I and N are hereby referred to, adopted, and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

At least three (3) copies of the aforesaid code and amendments shall be filed in the office of the Town Council for public use.

CHAPTER 1 ADMINISTRATION

SECTION 101 – GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 101.2 through Section 116 are amended by deletion in their entirety and replaced with the requirements of the Dewey-Humboldt Administrative Building Code, as adopted and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 – Terms not defined is deleted in its entirety and amended to read as follows:

201.4 – Terms not defined. Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION 202 – DEFINITIONS is hereby amended by addition or revision of the following words and terms:

ADULT DAY HEALTH CARE FACILITY. A facility providing adult day health services during a portion of a continuous twenty-four hour period for compensation on a regular basis for five or more adults not related to the proprietor (As defined by Arizona Department of Health Services).

ASSISTED LIVING CENTER. An assisted living facility that provides resident rooms or residential units to eleven or more residents (as defined by Arizona Department of Health Services).

ASSISTED LIVING FACILITY. A residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis (as defined by Arizona Department of Health Services).

ASSISTED LIVING HOME. An assisted living facility that provides resident rooms to ten or fewer residents (as defined by Arizona Department of Health Services).

BEDBOUND. To be confined to a bed or chair because of an inability to ambulate even with assistance (as defined by Arizona Department of Health Services).

DIRECTED CARE SERVICE. Programs and services, including personal care services, provided to persons who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions (as defined by Arizona Department of Health Services).

PERSONAL CARE SERVICE. Assistance with activities of daily living that can be performed by persons without professional skills or professional training, which does not require medical care and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments. Personal care involves responsibility for the safety of the persons while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING HOME. A building or part thereof housing a maximum of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but not be limited to the following:

- Alcohol and drug abuse centers
- Assisted living facilities
- Congregate care facilities
- Convalescent facilities
- Group homes
- Halfway houses
- Residential board and custodial care facilities
- Social rehabilitation facilities

SUPERVISORY CARE SERVICES. General supervision, including daily awareness of resident functioning and continuing needs; the ability to intervene in a crisis and assistance in the self-administration of prescribed medications (as defined by Arizona Department of Health Services).

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with a yard or public way (open space) on at least two sides. Such are not more than three stories above grade plane in height with a separate means of egress to each unit.

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

SECTION 305 – EDUCATIONAL GROUP E

SECTION 305.2 – Group E, day care facilities. **DEFINITIONS** is hereby added to replace 305.2 in its entirety to include the following words and terms (as defined by Arizona Department of Health Services.):

SECTION 305.2 – DEFINITIONS. The following words and terms, as defined by Arizona Department of Health Services:

Child. Any person through the age of fourteen years. Child also means a person who is under eighteen years of age if the child has a developmental disability as defined in ARS §36-551 or has at least one of the disabilities listed in ARS §15-761, and requires special education as defined in ARS §15-761.

Child care. The care, supervision and guidance of a child or children, unaccompanied by a parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, in a place other than the child's or the children's own home or homes.

Child care facility. Any facility in which child care is regularly provided for compensation for five or more children not related to the proprietor.

Child care group home. A residential facility in which child care is regularly provided for compensation for periods of less than twenty-four hours per day for not less than five children but no more than ten children through the age of twelve years.

SECTION 305.2 – Group E, day care facilities is hereby revised to read as follows:

SECTION 305.2 – Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children who receive education, supervision, or child care services for less than 24 hours per day.

Exception 1. A “child care group home” complying with the requirements ARS §36-897 and providing child care for less than twenty-four (24) hours per day for not less than five (5) children but no more than ten (10) children through the age of twelve (12) years shall be classified as Group R-3, provided that all child care rooms are located on the level of exit discharge and each child care room has an exit door directly to the exterior.

CHAPTER 9 FIRE-PROTECTION SYSTEMS

SECTIONS 901 through 909.19 and Sections 910 through 915 is hereby deleted in their entirety and revised to read as follows:

SECTION 901 – GENERAL

901.1 – Scope. Fire protection systems shall be installed, repair, operated, maintained and enforced in accordance with the requirements of the Central Arizona Fire and Medical Authority(the “Fire District”) and the International Fire Code, as adopted and amended from time to time by the Fire District (the “Fire District Requirements”) The Building Official shall assist the Fire District in the inspection , testing and oversight of fire protection system as may be required. The Building Official shall withhold approvals where fire protection systems are not in compliance with Fire District Requirements.

CHAPTER 11 ACCESSIBILITY

Section 1101.2 – Design is hereby deleted in its entirety and revised to read as follows:

Section 1101.2 – Design. Buildings and facilities shall be designed and constructed to the more restrictive of the following adopted regulations and technical codes:

1. The 2010 Standards for State and local governments;
2. The 2010 Standards for public accommodations and commercial facilities

CHAPTER 16 STRUCTURAL DESIGN

SECTION 1612 – Flood loads is hereby deleted in its entirety. Enforcement and regulations of FLOOD HAZARD AREAS within Dewey-Humboldt shall be controlled by Yavapai County Flood Control District.

**CHAPTER 18
SOILS AND FOUNDATION**

SECTION 1804 – EXCAVATION, GRADING AND FILL

SECTION 1804.4 – Grading and fill in flood hazard areas is deleted in its entirety. Enforcement and regulations of FLOOD HAZARD AREAS within Dewey-Humboldt shall be controlled by Yavapai County Flood Control District.

**CHAPTER 27
ELECTRICAL**

SECTION 2701 – GENERAL

Section 2701.1 – Scope is hereby amended by addition of “The National Electrical Code as adopted by Dewey-Humboldt” to the last sentence after (NFPA 70).

**CHAPTER 29
PLUMBING SYSTEMS**

SECTION 2902 – MINIMUM PLUMBING FACILITIES

SECTION 2902.1 (403.1) – Minimum number of fixtures is hereby amended by the addition of footnote “g” to Table 2902.1 to read as follows:

2902.1 – Minimum number of fixtures.

- g.** Water coolers or bottled water dispensers may be substituted for drinking fountains in B, M, and S occupancies with twenty-five (25) or fewer occupants. Such water shall be free of charge to the public.

**CHAPTER 30
ELEVATORS AND CONVEYING SYSTEMS**

SECTION 3001 – GENERAL

SECTION 3001.1 – Scope is hereby amended by addition of a new sentence at the end of the first paragraph to read as follows:

Also see Arizona Revised Statutes Title 23, Article 12 Sections 23-491 through 23-491.16 for additional requirements as enforced by the State of Arizona Industrial Commission.

PART II FINDINGS AND DECLARATION

The Town Council of Dewey-Humboldt, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Building Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

ORDINANCE 2019-3

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-3 RELATING TO THE BUILDING CODE FOR THE AREA OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL ONE- AND TWO-FAMILY DWELLING CODE, 2018 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-3 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2018 EDITION ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as the International Residential One- and Two-Family Dwelling Code, 2018 Edition, including Appendixes A, B, C, D, F, G, H, J, K, M, N, O, P, Q, R, and S as published by the International Code Council. Said document is hereby amended and adopted as the Building Code for One- and Two-Family Dwellings for the areas of Dewey-Humboldt providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use heightened area of all building and structures within the Town and each and all such regulations, provisions, penalties, conditions and terms of the International Residential One- and Two-Family Dwelling Code, 2018 Edition, including Appendixes A, B, C, D, F, G, H, J, K, M, N, O, P, Q, R, and S are hereby referred to, adopted, and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATION

SECTION R101 –GENERAL

SECTION R101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS R101.2 through R114 are amended by deletion in their entirety and replaced with the requirements of the Dewey-Humboldt Administrative Building Code as adopted and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION R201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION R201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 – Terms not defined. Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION R202 – DEFINITIONS

DEFINITIONS – The following words and or terms are hereby revised to read as follows:

TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with a yard or public way (open space) on at least two sides. Such are not more than three stories above grade plane in height with a separate means of egress to each unit.

CHAPTER 3 BUILDING PLANNING

SECTION R301 – DESIGN CRITERIA

TABLE R301.2 (1) is hereby established as shown:

TABLE R301.2 (1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Snow Load	Wind Speed ^d (mph)	Topographic effects ^k	Seismic Design Category ^f	SUBJECT TO DAMAGE FROM			Winter Design Temp ^e	Ice Barrier Underlayment Required ^h
				Weathering ^a	Frost Line Depth ^b	Termite		
30	115 mph ¹ Exposure C	NO	C	Negligible Below 3500 elevation Moderate Above 3500 elevation	18"	Moderate to Heavy	20°	

^b Frost line depth is measured from finished grade to the bottom of the required concrete foundation/footing to be the required thickness as from Section R403.1.1

Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
Refer to Flood Plain Unit	124	53 degrees

IECC Climatic Zones	
Zone 4	Above 3500 elevation

SECTION R308 – GLAZING

SECTION R308.4.5 – Glazing and wet surfaces is hereby deleted in its entirety and revised to read as follows:

R308.4.5 – Glazing and wet surfaces.

All interior and exterior glazing in bathrooms, the bottom edge of which is less than fifty-six inches (56") above the floor level shall be provided with safety glazing as per ARS §36-1631. This shall apply to single glazing and all panes in multiple glazing.

Exception: Glazing that is more than 60 inches (1524mm), measured horizontally and in a straight line, from the water's edge of a bathtub, hot tub, spa, whirlpool or swimming pool or from the edge of a shower, sauna or steam room.

SECTION 309 Garages and Carports

SECTION R309.2 – Scope is hereby amended by insertion of new exceptions to read as follows:

Exception: Gravel surfaces shall be permitted at ground level in Detached Carport with a minimum of ten feet (10') away from any structure.

SECTION R313 - AUTOMATIC FIRE SPRINKLER SYSTEMS

Sections R313.1 through R313.2.1 are hereby deleted in their entirety and replaced with new section R313.1 Scope, to read as follows:

Section R313.1 – Scope. Fire protection systems shall be install , repaired, operated, maintained and enforced in accordance with the requirements of the Central Arizona Fire and Medical Authority and the International Fire Code (as adopted and amended by Central Arizona Fire and Medical Authority), collectively, “Central Arizona Fire and Medical Authority requirements” The Building Official shall assist the Central Arizona Fire and Medical Authority in the inspection, testing and oversight of fire protection systems as may be required from time to time. The Building Official shall withhold approval where fire protection systems are not in compliance with Central Arizona Fire and Medical Authority requirements.

SECTION R322 – Flood-resistant construction is hereby deleted in its entirety. All references as may be noted within this code as adopted by Dewey-Humboldt that pertain to flooding – flood-resistant construction – flood hazard areas shall be controlled and regulated by the adopted provisions of the Yavapai County Flood Control District.

CHAPTER 4 FOUNDATIONS

SECTION R401 – GENERAL

SECTION R401.4 – Soils tests is hereby amended to read as follows:

R401.4 – Soils tests. Areas within Dewey-Humboldt are likely to have expansive, compressible shifting or other unknown soil conditions. The Building Official may require a soil test to determine the soil's characteristics at a particular location.

SECTION R403 – FOOTINGS

SECTION R403.1 – Continuous spread concrete footings shall be reinforced with least one #4 horizontal reinforcement bar located three inches (3”) from the bottom of the footing. Monolithic interior and exterior concrete footings shall be reinforced with at least one #4 horizontal reinforcement bar located three inches (3”) from the bottom of the footing and one #4 horizontal reinforcement bar located three inches (3”) from the top of the slab. Pier and column footings shall be reinforced with #4 horizontal reinforcement bars spaced no more than twelve (12”) in each direction and located three inches (3”) from the bottom of the footing.

SECTION R403.1.2 – FOUNDATION with Stem Walls. Foundation with stem walls shall be provided with the following steel reinforcement, unless an engineered design is provided by a licensed Arizona Design Professional.

- 1. For non – retaining stem walls less than twenty-four inches (24”) in height, a bond beam composed of one horizontal #4 rebar is required at the top of the wall and one #4 vertical rebar is provide at forty- eight inches (48”) on center. The vertical reinforcement shall extent into the footing with a bent hook having a minimum of six – inches.**
- 2. For stem walls twenty – four inches (24”) to forty – eight inches (48”) in height a bond beam composed of two horizontal #4, or one #5 rebar is required at the top of the wall and one #4 vertical rebar is provided at forty – eight inches (48”) on center. The vertical reinforcement shall extent into the footing with a bent hook having a minimum of six – inches.**
- 3. For stem walls over forty – eight inches (48”) in height or retaining two (2) or more feet of earth, engineering may be required to determine footing size, wall thickness, materials,**

steel placement and size (depending on soil conditions) height, surcharge loading, or other requirements at the option of the Building Official (or his designee).

4. All exterior footings shall be place a minimum of eighteen inches (18") into undisturbed or compacted soil approved by the building official.

The exception at the end of this section is hereby deleted and amended to read as follows

Note: The code location for a standard hook as shown in the 3rd paragraph shall be added to read as follows: "Standard hook in compliance with Section R608.5.4.5 and Figure R608.5.4(3)". Interior brace wall panels shall require a minimum eight inch (8") thickened slab and be reinforced with one (1) #4 bar.

SECTION R404 – FOUNDATION AND RETAINING WALLS

SECTION R404.1.1.1 – Masonry foundation walls is hereby amended by deletion in its entirety and revised to read as follows:

R404.1.1.1 – Masonry foundation walls. Concrete masonry foundation walls and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(2), R404.1.1(3) and R404.1.1(4) for the most restrictive design soil class unless a soils classification has been provided by an approved agency using an approved method and shall also comply with the provisions of this section and the applicable provisions of Sections R606, R607 and R608. In Seismic Design Category C, D₀, D₁ and D₂, concrete masonry foundation walls shall comply with Section R404.1.4.1. Rubble stone masonry walls shall not be used in Seismic Design Category C, D₀, D₁ or D₂.

SECTION R404.1.2.2 – Reinforcement for foundation walls is hereby amended with the insertion of "C" where "Seismic Design Categories D₀, D₁, and D₂" appears to read as "Seismic Design Categories C, D₀, D₁, and D₂".

SECTION R404.1.4.1 – Masonry foundation walls is hereby amended with the insertion of "C" where "Seismic Design Categories D₀, D₁, and D₂" appears to read as "Seismic Design Categories C, D₀, D₁, and D₂".

SECTION R404.1.4.2 – Concrete foundation walls is hereby amended with the insertion of "C" where "Seismic Design Categories D₀, D₁, and D₂" appears to read as "Seismic Design Categories C, D₀, D₁, and D₂".

SECTION R404.1.8 – Rubble stone masonry is hereby deleted in its entirety.

CHAPTER 5 FLOORS

SECTION R506 – CONCRETE FLOORS (ON GROUND)

SECTION R 506.2.3 Vapor retarder is hereby deleted in its entirety.

SECTION R507 – EXTERIOR DECKS

Section R507.3.2 Minimum Depth is hereby amended by the deletion of Exemptions 1 and 2.

CHAPTER 9 ROOF ASSEMBLIES

SECTION R905 – REQUIREMENTS FOR ROOF COVERINGS

SECTION R905.3.1 – Is hereby deleted and revised to read as follows: Deck Requirements. Concrete and clay tile shall be installed over solid sheathing.

SECTION R905.4.1 – Is hereby deleted and revised to read as follows: Deck Requirements. Metal Roof Shingles shall be installed over solid sheathing.

SECTION R905.7.1 – Is hereby deleted and revised to read as follows: Deck Requirements. Wood Shingles shall be installed over solid sheathing.

SECTION R905.8.1 – Is hereby deleted and revised to read as follows: Deck Requirements. Wood Shake shall be installed over solid sheathing.

SECTION R905.10.1 – Is hereby deleted and revised to read as follows: Deck Requirements. Metal roof panels shall be installed over solid sheathing.

CHAPTER 10 CHIMNEYS AND FIREPLACES

SECTION 1001.1 - Masonry fireplaces : as per Chapter 10

CHAPTER 11 ENERGY EFFICIENCY

CHAPTER 11 – ENERGY EFFICIENCY is hereby deleted in its entirety and all regulations relating to energy efficiency shall be included within the International Energy Conservation Code” as adopted by the Town of Dewey – Humboldt, and as may be amended from time to time.

CHAPTER 12 MECHANICAL ADMINISTRATION

CHAPTER 12 Mechanical Administration is deleted in its entirety. **NOTE:** The Dewey- Humboldt Administrative Building Code, provisions as adopted by Dewey-Humboldt shall be used as the administrative provisions for Chapters 12 through 24 of this code.

CHAPTER 24 FUEL GAS

SECTION G2403 202 – GENERAL DEFINITIONS is hereby amended by revision of the following term:

CODE OFFICIAL. Is the BUILDING OFFICIAL as defined in Section 102.13 of the “Dewey-Humboldt Administrative Building Code”.

SECTION G2404.7 (301.11) – Flood Hazard is hereby deleted in its entirety. Enforcement and regulations of flood hazard areas within Dewey-Humboldt shall be controlled by Yavapai County Flood Control District.

SECTION G2406 (303) – APPLIANCE LOCATION

SECTION G2406.2 (303.2) – Prohibited locations is hereby amended by addition of 2nd sentence to read as follows:

SECTION G2406.2 – Hazardous locations. Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment in a pit or basement where heavier-than-air gas may collect to form flammable mixture.

SECTION G2415 (404) – PIPING SYSTEMS INSTALLATION

Section G2415.12 – Minimum Burial Depth = shall be installed a minimum depth of 12 inches below grade

SECTION G2415.17 (404.17) – Plastic pipe. See below

SECTION G2415.17.1 (404.17.1) Limitations is hereby amended to revise the first paragraph to read as follows:

SECTION G2415.17.1 (404.17.1) – Limitations. Plastic pipe shall be installed outdoors underground only. The minimum burial depth for plastic pipe shall be eighteen inches (18") (457 mm) below finished grade. Plastic pipe shall not be used within or under any building or slab or be operated at pressure greater than 100 psig (689 kPa) for natural gas or 30 psig (207 kPa) for LP-gas.

SECTION G2420 (409) – GAS SHUTOFF VALVES

SECTION G2420.2 (409.2) – Meter valve is hereby amended by addition to the following section to read as follows:

G2420.2 (409.2) – Meter valve. Every meter shall be equipped with a shutoff valve located on the supply side of the meter. Such shutoff shall be manually operated and placed on the supply piping located outside the building it supplies and shall be readily accessible at all times.

SECTION G2420.3 (409.3.2) – Individual buildings is amended to read as follows:

G2420.3 (409.3.2) – Individual buildings. All buildings shall be provided with a shutoff valve located on the downstream side of the gas meter, between the gas meter and the building. Multiple buildings on the same system shall have a separate shutoff valve for each building.

CHAPTER 26 GENERAL PLUMBING REQUIREMENTS

SECTION P2601.2 (701.2) - Connections to drainage system. Is hereby amended by insertion of additional exception to read as follows:

Exception: Manufactured composting toilets included on the Arizona Department of Environmental Quality Listing of Proprietary Products (latest version) used to receive liquid wastes or sewage are not required to be connected to the sanitary drainage system but are required to be a component in an onsite wastewater system.

SECTION P2603 – STRUCTURAL AND PIPING PROTECTION

SECTION P2603.5 – Freezing is amended by the revision of the last sentence to read as follows:

P2603.5 – Freezing. Water service pipe shall be installed not less than eighteen inches (18") deep below finished grade and with a blue 18 AWG insulated tracer wire terminating above grade at each end.

SECTION P2603.5.1 – Sewer depth is hereby amended to read as follows:

P2603.5.1 – Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve inches (12") below finished grade. Building sewers shall be a minimum of twelve inches (12") below grade with a green 18 AWG insulated tracer wire terminating above grade at each end. Leach lines shall have a green insulated 18 AWG tracer wire with the piping.

CHAPTER 28 WATER HEATERS

SECTION P2801 – GENERAL

SECTION P2801.1 – Required is hereby amended by the addition of a second paragraph to read as follows:

P2801.1 – Required. All new residences with two (2) or more bathrooms, or 1500 sq. ft. shall

have a hot water re-circulating system installed.

SECTION P2804 – RELIEF VALVES

SECTION P2804.6.1 (504.6) – Requirements for discharge pipe, Item #5 is amended to read as follows:

P2804.6.1 – Requirements for discharge pipe.

5. Discharge to the floor, to an indirect waste receptor or to the outdoors. Where discharging to the outdoors, discharge piping shall be no less than six inches (6") and no greater than twenty-four inches (24") from finished outside grade.

CHAPTER 39- 40 DEVICES AND LUMINAIRES

SECTION E4002- RECEPTACLES

SECTION E4002.14 - Tamper-resistant Receptacles is hereby deleted in its entirety.

SECTION E.3902.16 ARC-fault circuit- interrupter protection is hereby deleted excepted for bedrooms and sleeping area.

PART II FINDINGS AND DECLARATION

The Town Council of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Residential One-and Two-Family Dwelling Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

**Don Roberts
Building Official**

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-4

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-4 RELATING TO THE PLUMBING CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PLUMBING CODE, 2018 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS;

Dewey-Humboldt Ordinance 2014-4 is repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL PLUMBING CODE, 2018 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as the International Plumbing Code, 2006 Edition including Appendixes B, C, D, E and F as published by the International Code Council. Said document is hereby amended and adopted as the plumbing code for the areas of Dewey-Humboldt for regulating the installation, maintenance, and repair of plumbing, drainage systems, water systems, gas systems, and each and all such regulations, provisions, penalties, conditions and terms of the International Plumbing Code, 2012 Edition including Appendixes B, C, D, and E are hereby referred to, adopted and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified, or amended.

CHAPTER 1 ADMINISTRATION

SECTION 101 – GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 102 through 106 and 108 through 110 are amended by deletion in their entirety and replaced with the requirements of the Dewey-Humboldt Administrative Building Code as adopted and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter such terms shall have ordinarily accepted meanings such as the context implies, Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION 202 – GENERAL DEFINITIONS is hereby amended by revision of the following term:

CODE OFFICIAL. Is the **BUILDING OFFICIAL** as defined in Section 102.13 of the “Dewey-

Humboldt Administrative Building Code”.

CHAPTER 3 GENERAL REGULATIONS

SECTION 305 – PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

SECTION 305.4.1 – Sewer depth is hereby amended to read as follows:

305.4.1 – Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve (12”) inches below finished grade. Building sewers shall be a minimum of twelve (12”) inches below grade with a green 18 AWG insulated tracer wire terminating above grade at each end.

CHAPTER 4 FIXTURES, FAUCETS AND FIXTURE FITTINGS

SECTION 403 – MINIMUM PLUMBING FACILITIES

Table 403.1 – Minimum number of required plumbing fixtures is hereby amended by addition of new footnote “g” to Table 403.1 to read as follows:

Table 403.1 – Minimum number of fixtures.

- g.** Water coolers or bottled water dispensers may be substituted for drinking fountains in B, M, and S occupancies with twenty-five (25) or fewer occupants. Such water shall be free of charge to the public.

CHAPTER 5 WATER HEATERS

SECTION 504 – SAFETY DEVICES

SECTION 504.6 – Requirements for discharge piping. Item #5 is amended by addition of a second sentence to read as follows:

504.6 – Requirements for discharge piping.

- 5.** Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or the outdoors. Where discharging to the outdoors, discharge piping shall be no less than six inches (6”) and no greater than twenty-four inches (24”) from finished outside grade.

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

SECTION 603 WATER SERVICE

SECTION 603 – Water service pipe installation is hereby amended by addition of new sections 603.3 and 603.3.1 to read as follows:

603.3 – Water service pipe installation. The installation of the water service pipe shall comply with Sections 603.3.1 and 603.3.2.

603.3.1 – Burial depth. The water service pipe shall be installed not less than twelve inches (12”) below finished grade and not less than six inches (6”) below the frost line. Plastic water piping shall be provided with a blue 18 AWG insulated tracer wire terminating above grade at

each end. Leach lines shall have a green insulated 18 AWG tracer wire with the piping.

CHAPTER 7 SANITARY DRAINAGE

SECTION 701.2 - Connections to sewer required. Is hereby amended by insertion of additional exception to read as follows:

Exception: Manufactured composting toilets included on the Arizona Department of Environmental Quality Listing of Proprietary Products (latest version) used to receive liquid wastes or sewage are not required to be connected to the sanitary drainage system but are required to be a component in an onsite wastewater system.

SECTION 714 – BACKWATER VALVES

SECTION 714.1 – Sewage backflow is hereby deleted in its entirety and amended to read as follows:

714.1 –Sewage backflow. All structures, where plumbing fixtures are installed and connected to a public sewer system shall be protected by an approved backwater valve. The backwater valve shall be installed in the building drain and be accessible.

CHAPTER 9 VENTS

SECTION 903 – VENT TERMINALS

SECTION 903.1 – Roof extension is amended by the insertion of nine inches (9”).

PART II FINDINGS AND DECLARATION

The Town Council of the Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Plumbing Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-5

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-5 RELATING TO THE MECHANICAL CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS, PURSUANT TO ARS §11-268, A:

Dewey-Humboldt Ordinance 2014-5 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL MECHANICAL CODE, 2018 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as International Mechanical Code, 2018 Edition including Appendix A, as published by the International Code Council, Inc. Said document is hereby amended and adopted as the Mechanical Code for the areas of Dewey-Humboldt providing the regulating, installation and maintenance of heating, ventilating, cooling and refrigeration systems, and each and all such regulations, provisions, penalties, conditions and terms of the International Mechanical Code, 2018 Edition, including Appendix A are hereby referred to, adopted and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATIVE

SECTION 101 GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 102 through 106 and 108 through 110 are amended by deletion in their entirety and replacement with the requirements of the Dewey-Humboldt Administrative Building Code, as adopted, and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter such terms shall have ordinarily accepted meanings such as the context implies, Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION 202 – GENERAL DEFINITIONS is hereby amended by revision of the following term:

CODE OFFICIAL. Is the **BUILDING OFFICIAL** as defined in Section 102.13 of the “Dewey-Humboldt Administrative Building Code”.

CHAPTER 3 GENERAL REGULATIONS

SECTION 303.2 – Hazardous locations is hereby amended by addition of a second sentence to

read as follows:

SECTION 303.2 – Hazardous Locations.–Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit or basement where heavier-than-air gas might collect to form a flammable mixture.

CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

SECTION 901 – GENERAL

SECTION 901.2 – General is hereby amended by the addition of the following paragraphs to the end of this section to read as follows:

901.2 – General. Fireplaces and solid-fuel-burning appliances to be installed and shall comply with the clean burning standards established by ARS §11-875 which shall prohibit the installation of a solid-fuel-burning appliance unless it is one of the following:

1. A fireplace that has a permanently installed gas or electric log insert.
2. A fireplace, a wood stove or any other solid fuel burning appliance that is any of the following:
 - a. Certified by the United States Environmental Protection Agency as in compliance with 40 Code of Federal Regulations part 60, subpart AAA in effect on July 1, 1990.
 - b. A wood stove tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those in 40 Code of Federal Regulations part 60, subpart AAA in effect July 1, 1990.
3. A fireplace that has a permanently installed wood stove insert that complies with paragraph 2, subdivision (a), (b) or (c) of this section.

PART II FINDINGS AND DECLARATION

The Town Council of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Mechanical Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-6

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-6 RELATING TO THE INTERNATIONAL FUEL GAS CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-6 is hereby repealed in its entirety, and replaced with the following:

PART I ADOPTION

INTERNATIONAL FUEL GAS CODE, 2018 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as International Fuel Gas Code, 2018 Edition, including Appendixes A, B, C and D, as published by the International Code Council, Inc. Said document is hereby amended and adopted as the Fuel Gas Code for the areas of Dewey-Humboldt providing for the regulating, installation and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories, and each and all such regulations, provisions, penalties, conditions and terms of the International Fuel Gas Code, 2018 Edition, including Appendixes A, B, C and D, are hereby referred to, adopted and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATIVE

SECTION 101 – GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 102 through 106 and 108 through 110 are amended by deletion in their entirety and replaced with the requirements of the Dewey-Humboldt Administrative Building Code, as adopted, and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter such terms shall have ordinarily accepted meanings such as the context implies. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing accepted meanings.

SECTION 202 – GENERAL DEFINITIONS is hereby amended by revision of the following term:

CODE OFFICIAL. Is the **BUILDING OFFICIAL** as defined in Section 102.13 of the “Dewey-Humboldt Administrative Building Code”.

**CHAPTER 3
GENERAL REGULATIONS**

SECTION 301 – GENERAL

SECTION 301.11 – Flood Hazard is hereby amended by the insertion of the following sentence to the end of the paragraph to read as follows:

301-11 – Flood Hazard. See Section 101.4.9 of the Dewey-Humboldt Administrative Building Code for further criteria.

SECTION 303 – APPLIANCE LOCATION

SECTION 303.2 – Hazardous locations is hereby amended by addition of 2nd sentence to read as follows:

SECTION 303.2 – Hazardous locations. Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment in a pit or basement where heavier-than-air gas may collect to form a flammable mixture.

**CHAPTER 4
GAS PIPING INSTALLATIONS**

SECTION 404 – PIPING SYSTEM INSTALLATION

SECTION 404.12 – Minimum burial depth is hereby deleted in its entirety and revised to read as follows:

404.12– Minimum burial depth. Underground piping systems of metallic pipe or metallic tubing shall be installed a minimum depth of 12 inches (305mm) below grade, except as provided for in Section 404.12.1. Underground piping systems of plastic pipe shall be installed a minimum of 18 inches (457mm) below grade with a yellow 18 AWG insulated tracer wire.

PART II FINDINGS AND DECLARATION

The Town Council of Dewey-Humboldt, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Fuel Gas Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-7

AN ORDINANCE OF THE TOWN COUNCIL OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-7 RELATING TO THE ELECTRICAL CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2017 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-7 is hereby repealed in its entirety, and replaced with the following:

PART I ADOPTION

NATIONAL ELECTRICAL CODE, 2017 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as the National Electrical Code, 2017 Edition as published by the National Fire Protection Association. Said document is hereby amended and adopted as the Electrical Code for the areas of Dewey-Humboldt for regulating the installation, maintenance, operation and repair of all electric wiring and electrical apparatus of any nature whatsoever, whether inside or outside of any building or structure and each and all such regulations, provisions, penalties, conditions and terms of the National Electrical Code, 2017 Edition are hereby referred to, adopted, and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

ARTICLE 90 INTRODUCTION

ARTICLE 90.1 – PURPOSE

ARTICLE 90-1 (A) – Practical Safeguarding is amended by the addition of a second paragraph to read as follows:

Article 90-1(A) – Practical Safeguarding. Any and all electrical work for light, heat, power or any other purposes shall be installed in conformity with the rules and regulations as set forth in this Code, titled the National Electrical Code, 2017 Edition, and in conformity with the rules and regulations as set forth by the Building Official of Dewey-Humboldt as the *authority having jurisdiction*.

Article 90-1 (E) – Administration and Enforcement is hereby added as a sub paragraph to read as follows:

Article 90-1 (E) – Administration and Enforcement – For the purpose of administration and enforcement of the requirements of this code and amendments thereto, the provisions of the Dewey-Humboldt Administrative Building Code as adopted by separate ordinance, and as may be amended from time to time, shall apply.

ARTICLE 406 RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS)

ARTICLE 406 – RECEPTACLES, CORD CONNECTORS, AND ATTACHMENT PLUGS (CAPS)

ARTICLE 406.12 – Tamper Resistant Receptacles in Dwelling Units is hereby deleted in its entirety.

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the National Electric Code, 2017 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-9

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-9 RELATING TO THE DEWEY-HUMBOLDT GRADING ORDINANCE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF A NEW ORDINANCE PERTAINING TO ALL ASPECTS OF GRADING ON PRIVATE PROPERTY.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-9 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

DEWEY-HUMBOLDT GRADING ORDINANCE

There is hereby adopted the Dewey-Humboldt Grading Ordinance. Said document is hereby adopted to set forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, and provides for approval of plans and inspections of grading construction. The Dewey-Humboldt Administrative Building Code, establishes the administrative procedure for issuance of permits and collection of fees therefore and providing for severability and each and all conditions and terms of the Dewey-Humboldt Grading Ordinance.

SECTION 101 – TITLE, PURPOSE AND SCOPE

101.1 – Title. These regulations are known as the Dewey-Humboldt Grading Ordinance and shall be referred to herein as "this ordinance."

101.2 – Purpose. The purpose of this ordinance is to safeguard life, limb, property and the public welfare by regulating grading, excavation and earthwork construction, including fills and embankments on private property, within the areas of Dewey-Humboldt.

101.3 – Scope. This ordinance sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. Where conflicts occur between the technical requirements of this ordinance and the geotechnical report, the geotechnical report shall govern.

101.3.1 – Standards.

The standards listed below are recognized standards.

ASTM D 1557-07
ASTM D 1586-11
ASTM D 2166M-13
ASTM D 2216-10
ASTM D 2487-06e1

The above listed standards are as found in 2012 International Building Code Chapter 35 and/or the ASTM Referenced Standards.

SECTION 102 – FLOOD HAZARD AREAS

102 – Flood hazard areas. The provisions for grading, excavation and earthwork construction including fills and embankments within areas prone to flooding as determined by the Yavapai County Flood Control District or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood. The review and approval of grading plans shall also be obtained from the Yavapai County Flood Control District.

SECTION 103 – DEFINITIONS

103 –DEFINITIONS. The following words and terms shall, for the purpose of this ordinance, have the meanings shown herein. Refer to Chapter 2 of the *International Building Code* for general definitions.

AS GRADED – The extent of surface conditions on completion of grading.

BEDROCK – In-place solid rock.

BENCH – A relatively level step excavated into earth material on which fill is to be placed.

BEST MANAGEMENT PRACTICES (BMP) INCLUSIVE DEFINITION – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal separate storm sewer systems (MS4) including construction site access and waters of the United States.

BEST MANAGEMENT PRACTICES (BMP) CONSTRUCTION DEFINITION – A BMP is a method used to prevent or control stormwater runoff and the discharge of pollutants, including sediment, into local water bodies. Silt fences, inlet protection, and site-stabilization techniques are typical BMPs on a construction site.

BORROW – Earth material acquired from, an off-site or on-site location, for use in grading on a site.

CIVIL ENGINEER – A professional engineer registered by the Arizona State Board of Technical Registration, to practice, in the field of civil works.

CIVIL ENGINEERING – The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION – The densification of a fill by mechanical means.

CUT – See Excavation.

DOWN DRAIN – A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EARTH MATERIAL – Any rock, natural soil, fill, or any combination thereof.

ENGINEERING GEOLOGIST – A geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY – The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION – The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION – The mechanical removal of earth material by artificial means also referred to as a “cut”.

FILL – A deposition of earth materials by artificial means.

GEOTECHNICAL ENGINEER – See “Soils Engineer.”

GRADE – The vertical location of the ground surface.

EXISTING GRADE – The grade prior to grading.

FINISH GRADE – The final grade of the site that conforms to the approved plan.

ROUGH GRADE – The stage at which the grade approximately conforms to the approved plan.

GRADING – An excavation, or fill, or combination thereof.

INGRESS/EGRESS EASEMENT GRADING – Grading being done in conjunction with access to multiple properties within the boundaries of designated private easements.

KEY – A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

NOTICE OF INTENT (NOI) – The Notice of Intent that is required by the Arizona Department of Environmental Quality (ADEQ) stormwater construction general permit. Operators of construction activities that disturb one (1) acre or greater are required to submit a Notice of Intent, or NOI, to obtain authorization under this general permit. Operators of construction activities that disturb less than one (1) acre but are part of a larger development must also submit an NOI.

PROFESSIONAL INSPECTION – The inspection required by this ordinance to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include those performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE – Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SITE BOUNDARIES – Related to setbacks, is any lot or parcel of land or contiguous combination thereof or limits within an ingress/egress easement, where grading is performed or permitted.

SLOPE – An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL – Naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) – A professional engineer registered by the Arizona State Board of Technical Registration, to practice, in the field of soils engineering (geo-technical) engineering.

SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) – The application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – A plan required by a permit to discharge stormwater associated with a construction activity, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction activities.

TERRACE – A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

SECTION 104 – PERMITS REQUIRED

104.1 – Permits required. Except as specified in Section 104.2 of this section, no person shall do any grading without first having obtained a grading permit from the Building Official. Retaining walls and major drainage structures required by the grading plans may be included on the grading permit. Note additional fees may apply for retaining walls and structures beyond normal grading construction.

104.1.1 – Prior to issuance of a grading permit, except as specified in Section 104.2 of this section and as specified in Arizona Pollutant Discharge Elimination System (AZPDES) General Permit No. AZG2013-001, Part III Section 1.2, operators' construction activities that disturb one (1) acre or greater are required to submit a Notice of Intent (NOI) to obtain authorization under the Arizona Department of Environmental Qualities (ADEQ), AZPDES General Permit No. AZG2013-001. Operators of construction activities that disturb less than one (1) acre but are part of a larger development must also submit a NOI and Stormwater Pollution Prevention Plan. A copy of the NOI and Stormwater Pollution Prevention Plan submitted to ADEQ must be provided to Yavapai County.

104.2 – Exempted work. A grading permit is not required for the following:

1. Any excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet (5') after the completion of such structure.
2. Cemetery graves.
3. Refuse disposal sites controlled by other regulations.
4. Excavations for wells or tunnels or utilities.
5. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by ARS §11-865, provided such operations do not affect the lateral support, increase the stresses in, or pressure upon any adjacent or contiguous property.
6. Exploratory excavations under the direction of soil engineers or engineering geologists.
7. An excavation that (1) is less than two feet (2') in depth or (2) does not create a cut slope greater than five feet (5') in height and steeper than 1-1/2 units horizontal in 1 unit vertical (66.7% slope) and less than one (1) acre in area.
8. Fill less than one foot (1') in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical (20% slope), or less than three feet (3') in depth and less than one (1) acre in area not intended to support structures, which does not exceed fifty (50) cubic yards on any one (1) site and does not obstruct a drainage course.
9. Grading projects within public right of ways for other than structures requiring a building permit.

Exemption from the permit requirements of this ordinance shall not be deemed to grant authorization for any work to be done in violation of the provisions of this ordinance or any other laws or ordinances of this jurisdiction.

SECTION 105 – HAZARDS

105 – Hazards. Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public way or drainage channel. The owner, or agent in control of said property on which the excavation or fill is located upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this ordinance.

SECTION 106 – GRADING PERMIT REQUIREMENTS

106.1 – Permits required. Except as exempted in Section 104.2 of this ordinance, no person shall do any grading without first obtaining a grading permit from Dewey-Humboldt Development Services. A separate permit shall be obtained for each site, and the cubic yards per this section is the total combination of excavation and fill grading work to be performed within the site boundary.

106.2 – Application. The provisions of the Dewey-Humboldt Administrative Building Code are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

106.3 – Grading designation.

1. Grading in excess of 2,000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading."
2. Grading involving 2,000 cubic yards or less shall be designated "regular grading" unless the Building Official determines that special conditions or unusual hazards

exist, in which case grading shall conform to the requirements for engineered grading.

3. Grading within established ingress/egress easements not intended to support structures involving any cut and/or fill shall be designated as ingress/egress easement grading. When in excess of 2,000 cubic yards grading shall be performed in accordance with the approved grading plan prepared by a civil engineer per "Engineered Grading" designation.

106.4 – Engineered grading requirements. Application for a grading permit shall be accompanied by two (2) sets of plans, specifications, a Stormwater Pollution Prevention Plan (SWPPP) if applicable and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed. Plans shall show in detail that they will conform to the provisions of this ordinance and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

1. Estimated cubic yards of material to be excavated and/or filled (total of the combination).
2. Cut and fill amounts under the footprint of new permitted structures are not required to be included in the total amounts with a grading permit.
3. General vicinity of the proposed grading site.
4. Property limits and accurate contours of existing ground and details of terrain and area drainage.
5. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction. Plans shall include 2 cross sections at 90 degree angle to each.
6. Detailed plans are to be provided of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed. Detailed plans are to include as a part of, the proposed work, a map showing the drainage area and the estimated runoff of the area served by any drains.
7. Location of any buildings or structures on the property and on land of adjacent owners that are within fifteen feet (15') of the property where the work is to be performed.
8. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. 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.
9. 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.
10. The Stormwater Pollution Prevention Plan (SWPPP) if applicable.
 - A. The Storm Water Pollution Prevention Plan should include all erosion and sediment control measures necessary to meet the objectives of the (ADEQ)

(AZPDES General Permit No. AZG2013-001) regulations throughout all phases of construction and after completion of development of the site.

106.5 – Soils engineering report. The soils engineering report required by Section 106.4, #7 shall include data regarding the nature, distribution and strength of existing soils. The soils engineering report shall include conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary. Report shall include the soils engineering 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. The required soils reports shall include data as required per the International Building Code, 2018 Edition, by Section 1803.6.

106.6 – Engineering geology report. The engineering geology report required by Section 106.4, #7 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development. Report shall include opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

106.7 – Regular grading requirements. Each application for a grading permit shall be accompanied by two (2) sets of plans of sufficient clarity to indicate the nature and extent of the work.

The plan shall include the following information:

1. Estimated cubic yards of material to be excavated and/or filled (total of the combination).
2. Cut and fill amounts under the footprint of new permitted structures are not required to be included in the total amounts with a grading permit.
3. General vicinity of the proposed grading site.
4. Property limits and accurate contours of existing ground and details of terrain and area drainage.
5. Limiting dimensions, elevations, or finish contours to be achieved by the grading, and proposed drainage channels and related construction. Plans shall include 2 cross sections at 90 degree angle to each.
6. Detailed plans are to be provided of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed. Detailed plans are to include as a part of, the proposed work, a map showing the drainage area and the estimated runoff of the area served by any drains.
7. Location of any buildings or structures on the property and the location of any buildings or structures on land of adjacent owners that are within fifteen feet (15') of the property line(s) that may be affected by the proposed grading operations.
8. Type and source of fill material.
9. A soil investigation report and a report of satisfactory placement of fill, both acceptable to the building official, shall be submitted for fills used to support the foundations of any building or structure.
10. The following notes are required on the plans:
 - A. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, and other unsuitable materials.
 - B. No rock or similar irreducible material with a maximum dimension greater than twelve inches (12") shall be allowed in fills in the absence of a soils report and inspection by a soils engineer.

C. All fills shall be compacted to a minimum of 90% of maximum density and verified by a compaction report when supporting a structure.

11. The Stormwater Pollution Prevention Plan (SWPPP) if applicable

A. The Stormwater Pollution Prevention Plan should include all erosion and sediment control measures necessary to meet the objectives of the ADEQ, (AZPDES General Permit No. AZG2013-001) regulations throughout all phases of construction and after completion of development of the site.

SECTION 107 – ISSUANCE

107. – Issuance. The provisions of Section 105 of the Dewey-Humboldt Administrative Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The Building Official may require professional inspection and testing by the soils engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to Engineered Grading.

SECTION 108 – GRADING FEES

108.1 – General. Fees shall be assessed in accordance with the provisions as set forth in the Valuation & Fee Schedule adopted by the Dewey-Humboldt Town Council.

108.2 – Plan Review Fees. When plans or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Valuation & Fee Schedule.

Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site the fee shall be based on the total volume of grading work being done (both excavating and fill). Grading cut and fill amounts for ingress/egress easements shall be calculated on the entire length of the ingress/egress easements to be graded.

108.3 – Grading Permit Fees. A fee for each grading permit shall be paid to the Building Official as set forth in the Valuation & Fee Schedule. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

SECTION 109 – CUTS

109.1 – General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

109.2 – Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that **all** the following are met:

- 1.1 It is not intended to support structures or surcharges.
- 1.2 It is adequately protected against erosion.
- 1.3 It is no more than eight feet (8') (2438 mm) height.
- 1.4 It is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%).

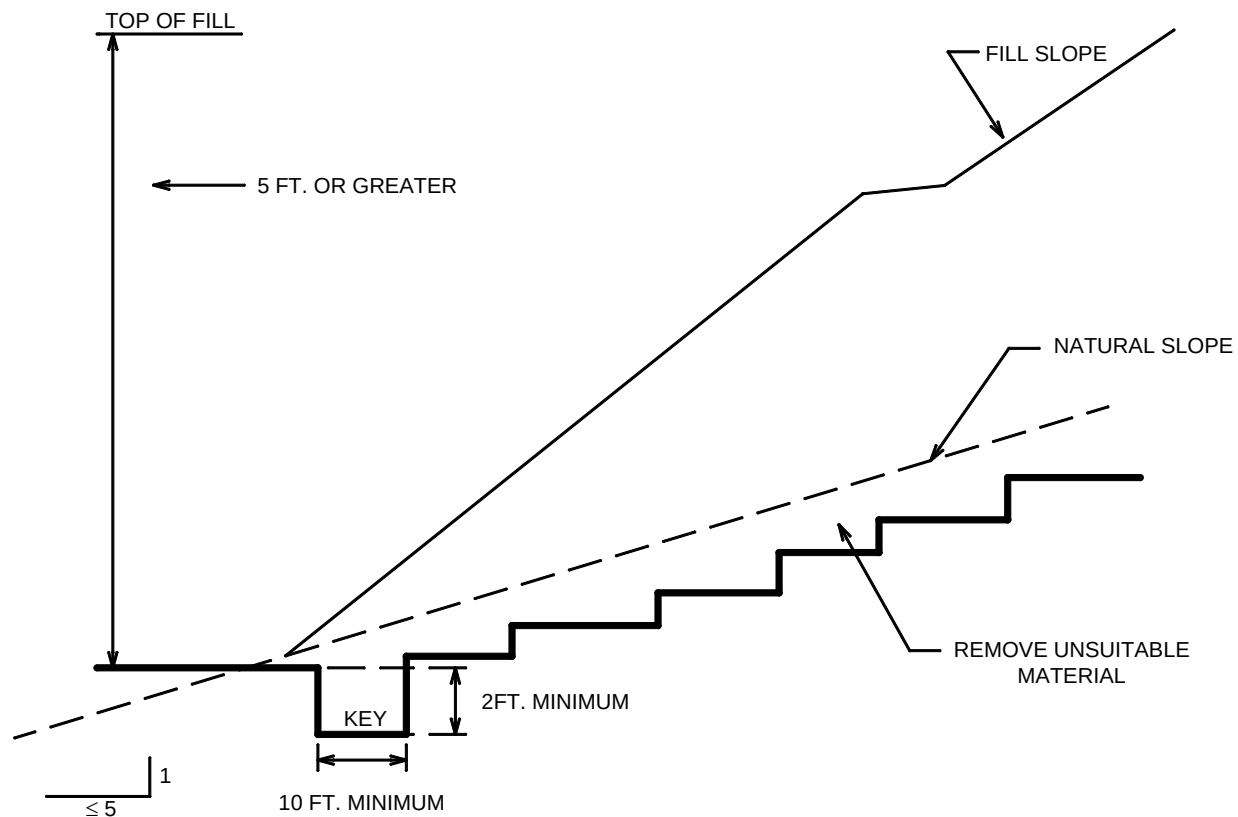
SECTION 110 – FILLS

110.1 – General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

110.2 – Preparation of ground. Fill slopes shall not be constructed on natural slopes steeper than 2 units horizontal to 1 unit vertical (50% slope). The ground surface shall be prepared to receive fill; by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill.

Where determined by the soils engineer, slopes that are steeper than 5 horizontal to 1 vertical (20% slope) and the height is greater than five (5'), benching into sound bedrock or other competent material shall be provided. The bench under the toe of a fill on a slope steeper than 5 horizontal to 1 vertical (20% slope) shall be at least ten feet (10') wide. The area beyond the toe of fill shall be sloped 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. 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. (See figure 110.2 Benching Details).



**FIGURE 110.2
BENCHING DETAILS**

110.3 – Fill Material. Detrimental amounts of organic material shall not be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than twelve inches (12") shall be buried or placed in fills.

Exception: 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.

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 twelve inches (12") in maximum dimension shall be ten feet (10') or more below grade, measured vertically.
3. Rocks shall be placed to assure filling of all voids with well-graded soil.

110.4 – Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D.1557, modified proctor, in lifts not exceeding twelve inches (12") in depth.

110.5 – Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soil reports or engineering data.

SECTION 111 – SETBACKS

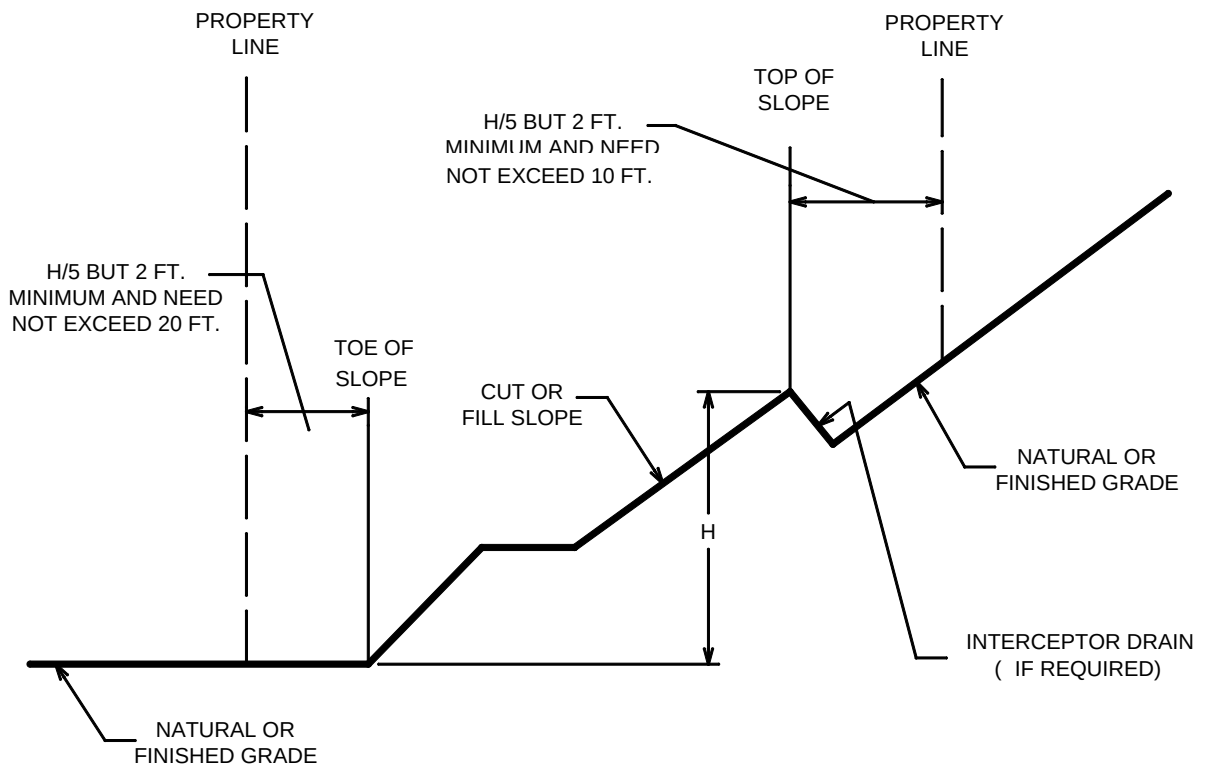
111.1 – General. Cut and fill slopes shall be set back from the site boundaries in accordance with this section. Setback dimensions shall be measured perpendicular to the site boundary and shall be as shown in Figure 111, Drainage Dimensions, unless substantiating data is submitted justifying reduced setbacks.

111.2 – Top of cut slope. The setback at the top of a cut slope shall not be less than shown in Figure 111 or than is required to accommodate any required interceptor drains, whichever is greater.

111.3 – Toe of fill slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection approved by the building official shall be included. Such protection may include but is not limited to:

1. Setback greater than those required by Figure 111.
2. Provision for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provisions for the control of surface waters.

111.4 – 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.



**FIGURE 111
DRAINAGE DIMENSIONS**

SECTION 112 – Drainage and Terracing

112.1 – General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirement of this section.

Exception. Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

112.2 – Terrace. Terraces at least six feet (6') in width shall be established at not more than thirty foot (30') (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance. Where two (2) or more terraces are required, one terrace, located at approximately mid-height, shall be at least twelve feet (12') (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (3") (76 mm) in thickness or with other material suitable to the application. They shall have a minimum depth of twelve inches (12") (305 mm) and a minimum of five feet (5').

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down-drain.

112.3 – Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

112.4 – Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of 2% toward approved drainage facilities, unless waived by the Building Official.

Exception: The gradient from the building pad may be % if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet (10').
3. No existing slope faces steeper than 1 vertical to 10 horizontal (10% slope) have a vertical height in excess of ten feet (10').

112.5 – Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than forty feet (40') measured horizontally. They shall have a minimum depth of one foot (1') and a minimum width of three feet (3'). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2 %). The drain shall be paved with concrete not less than 3 inches in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

112.6 – Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

SECTION 113 – EROSION CONTROL

113.1 – Slopes. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control may consist of effective planting.

Exception. Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

113.2 – Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION 114 – GRADING INSPECTION

114.1 – General. Grading operations for which a permit is required shall be subject to inspection by the building official.

Professional inspection shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 114.5 for engineered grading and as required by the building official for regular grading. A site investigation shall be performed to determine that such grading is going to conform to the boundaries of the designated ingress/egress easements and the boundaries of the easements shall be appropriately flagged to indicate easement locations and cut or fill locations.

114.2 – Civil engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

114.3 – Soils engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide observation during the preparation of the natural ground, placement and compaction of the fill to verify that such work is being performed in accordance with of the approved plan and requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

114.4 – Engineering geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

114.5 – Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans, specifications and with the provisions of this code. The permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In case of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

114.6 – Building official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

114.7 – Notification of noncompliance. When fulfilling their respective duties under this chapter, if the civil engineer, the soils engineer or the engineering geologist finds discrepancies in work as not being in conformance with this ordinance or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the building official.

114.8 – Transfer of responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until a replacement engineer has agreed in writing to accept responsibility within their area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing, of such change prior to the recommencement of such grading.

SECTION 115 – COMPLETION OF WORK

115.1 – Final reports. Upon completion of the rough grading work and at the completion of final grading work, the following are required:

1. As-built grading plans shall be prepared by the civil engineer retained to provide services in accordance with Section 106.4. Plans shall show original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

Soils Engineer retained to provide services in accordance with Section 106.5 shall prepare a report. The report shall include locations and an elevation of field density tests, summaries of field and laboratory tests, and other substantiating data. Report shall include comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report.

Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved soils engineering report and applicable provisions of this chapter.

Engineering geologist retained to provide services in accordance with Section 106.4 shall provide a report. Report shall include a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

The grading contractor shall submit in a form prescribed by the building official a statement of conformance in according with the as-built plan and the specifications.

115.2 – Notification of completion. The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work; including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan.

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the Dewey-Humboldt Grading Ordinance, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-10

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2014-9 THE INTERNATIONAL EXISTING BUILDING CODE, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

Dewey-Humboldt Ordinance 2014-3 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as International Existing Building Code, 2012 Edition, including Appendixes A, B, and C, as published by the International Code Council, Inc. Said document is hereby amended and adopted as the Existing Building Code for the areas of Dewey-Humboldt providing for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, and each and all such regulations, provisions, penalties, conditions and terms of the International Existing Building Code, 2018 Edition, including Appendixes A, B, and C, are hereby referred to, adopted and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATIVE

SECTION 101 – GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 102 through 115 are amended by deletion in their entirety and replacement with the requirements of the Dewey-Humboldt Administrative Building Code, as adopted, and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter such terms shall have ordinarily accepted meanings such as the context implies, Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing accepted meanings.

SECTION 202 – GENERAL DEFINITIONS is hereby amended by revision of the following term:

CODE OFFICIAL. Is the **BUILDING OFFICIAL** as defined in Section 102.13 of the “*Dewey-Humboldt Administrative Building Code*”.

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Existing Building Code, 2018 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-11

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY ARIZONA RELATING TO THE BUILDING CODES FOR THE AREAS OF DEWEY-HUMBOLDT AND PROVIDING FOR A SWIMMING POOL AND SPA CODE DO HEREBY ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC), 2018 EDITION AND ARIZONA REVISED STATUTES (ARS) §36-1681

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS:

PART I ADOPTION

INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, ARIZONA REVISED STATUTES (ARS) §36-1681 ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as International Swimming Pool And Spa Code, 2018 Edition, as published by the International Code Council, Inc. Said documents are hereby amended and adopted as the ISPSC and ARS §36-1681 for the areas of Dewey-Humboldt providing for the regulating, installation and maintenance of swimming pools and spas, equipment thereof and related accessories, and each and all such regulations, provisions, penalties, conditions and terms of the ISPSC, 2018 Edition and ARS §36-1681 are hereby referred to, adopted and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 ADMINISTRATIVE

SECTION 101 – GENERAL

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTIONS 102 through 108 are amended by deletion in their entirety and replacement with the requirements of the Dewey-Humboldt Administrative Building Code, as adopted, and as may be amended from time to time.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 Terms not defined is hereby deleted in its entirety and revised to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter such terms shall have ordinarily accepted meanings such as the context implies, Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered as providing accepted meanings.

SECTION 202 – DEFINITIONS is hereby amended by revision on the following terms:

POOLS. Contained bodies of water that contain water 18 inches or more in depth at any point and that are wider than 8 feet at any point and are intended for swimming (A.R.S. § 36-1681.A).

CODE OFFICIAL. Is the BUILDING OFFICIAL as defined in Section 102.13 of the “Dewey-Humboldt Administrative Building Code”.

CHAPTER 3 GENERAL COMPLIANCE

SECTION 301 – GENERAL

SECTION 303 – ENERGY

SECTION 303 – ENERGY is hereby deleted in its entirety and replaced with the provisions of the “2006 International Energy Conservation Code” as adopted by Dewey-Humboldt.

SECTION 304 – FLOOD HAZARD AREAS

SECTION 304 – FLOOD HAZARD AREAS is hereby deleted in its entirety. Enforcement and regulations of FLOOD HAZARD AREAS within Yavapai County shall be controlled by Yavapai County Flood Control District.

SECTION 305 BARRIER REQUIREMENTS

SECTION 305.1 General is hereby deleted in its entirety and replaced with:

The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are protected by a motorized safety pool cover that complies with ASTM F1346 that requires the operation of a key switch which meets the ASTM emergency standards 13-89 and which does not require manual operation other than the use of the key switch. The areas where those spas, hot tubs or pools are located shall not be required to comply with amended Sections 305.2 through 305.7 (A.R.S. § 36-1681-(C)-(2)).

SECTION 305.2 Outdoor swimming pools and spas is hereby deleted in its entirety and reads as:

Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

SECTION 305.2.1 – Barrier height and clearances is hereby deleted and replaced with the following:

305.2.1 Barrier height and clearances.

Barrier heights and clearances shall be in accordance with each of the following:

1. Be entirely enclosed by at least a 60 inch (1524 mm) wall, fence or other barrier as measured on the exterior side of the wall, fence or barrier (A.R.S. § 36-1681.B.1.) Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

5. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier (A.R.S. § 36-1681(B)-(4).

SECTION 305.2.2 – Openings is hereby deleted and replaced with the following:

305.2.2 Openings.

Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere. (see 305.2.1-5 amended).

SECTION 305.2.4 – Mesh fence as a barrier is hereby deleted by revisions to the following subsection as listed:

305.2.4 Mesh fence as a barrier.

Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall be not greater than 4 inches (102 mm) from grade or decking.
4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye type latch incorporating a spring-actuated retaining lever such as a safety gate hook.
5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section 305.3.
6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.
7. Mesh fences shall not be installed on top of on-ground residential pools.

SECTION 305.2.5 – Closely spaced horizontal members is hereby deleted and replaced with the following:

Section 305.2.5 - Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches (44 mm) in width.

SECTION 305.2.6 – Widely spaced horizontal members is hereby deleted and replaced with the following:

Section 305.2.6 - Widely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1.75 inches (44 mm).

SECTION 305.2.7 – Chain link dimensions is hereby deleted and replaced with the following:

Section 305.2.7 - Chain link dimensions.

The maximum opening formed by a chain link fence shall be not more than 1.75 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1.75 inches (44 mm).

SECTION 305.2.8 – Diagonal members is hereby deleted and replaced with the following:

Section 305.2.8 - Diagonal members.

Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1-3/4 inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

SECTION 305.2.9 – Clear Zone is hereby deleted and replaced with the following:

Section 305.2.9 - Clear zone.

There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

SECTION 305.2.10 – Poolside barrier setbacks is hereby deleted and replaced with the following:

Section 305.2.10 - Poolside barrier setbacks.

The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

SECTION 305.3 – Gates is hereby deleted and replaced with the following:

Section 305.3- Gates.

Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. All gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device (A.R.S. § 36-1681(B)-(3)-(b)).

SECTION 305.3.1 – Utility or service gates is hereby deleted and replaced with the following:

Section 305.3.1 - Utility or service gates.

Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

SECTION 305.3.2 – Double or multiple gates is hereby deleted and replaced with the following:

Section 305.3.2 - Double or multiple gates.

Double gates or multiple gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than .5 inch (12.7 mm) within 24 inches (610 mm) of the latch release mechanism (A.R.S. § 36-1681-(B)-(3)-(a)). The self-latching device shall comply with the requirements of Section 305.3.3.

SECTION 305.3.3 – Latches is hereby deleted and replaced with the following:

Section 305.3.3 - Latches.

All gates shall be self-closing and self-latching with the latch located at least 54 inches (1372 mm) above the underlying ground or on the pool side of the gate with a release mechanism at least 5 inches (127 mm) below the top of the gate and no opening greater than 1/2 inch (12.7 mm) within 24 inches (610mm) of the release mechanism (A.R.S. § 36-1681-(B)-(3)-(a)).

SECTION 305.4– Structure wall as a barrier is hereby deleted and replaced with the following:

Section 305.4 - Structure wall as a barrier.

Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
2. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.
3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.
4. All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of 305.3.3 amended. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than 54 inches (1372 mm) above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than 4 inches (102 mm), or a latching device located not less than 54 inches (1372 mm) above the floor (A.R.S. § 36-1681.C.3).

SECTION 305.5 – On-ground residential pool structure as a barrier is hereby deleted and replaced with the following:

Section 305.5 - On-ground residential pool structure as a barrier.

An on-ground residential pool wall structure or a barrier mounted on top of an on-ground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.
2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section 305.2
3. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than 54 inches (1372 mm) above the ground when the pool is not in use (A.R.S. § 36-1681-(C)-(4)).

4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4- inch (102 mm) diameter sphere.
5. Barriers that are mounted on top of on-ground residential pool walls are installed in accordance with the pool manufacturer's instructions.

SECTION 305.6 – Natural barriers is hereby deleted and replaced with the following:

Section 305.6 - Natural barriers.

In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

SECTION 305.7 – Natural topography is hereby deleted and replaced with the following:

Section 305.7 - Natural topography.

Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections 305.2 through 305

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the International Swimming Pool and Spa Code, 2012 Edition, which are stated in this ordinance.

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

ORDINANCE 2019-12

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA REPEALING ORDINANCE 2008-1 RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE FOR THE AREAS OF DEWEY-HUMBOLDT IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION AS AMENDED HEREINAFTER.

THE TOWN OF DEWEY-HUMBOLDT OF YAVAPAI COUNTY, ARIZONA DOES ORDAIN AS FOLLOWS, PURSUANT TO ARS §11-268, A:

Dewey-Humboldt Ordinance 2014-8 is hereby repealed in its entirety and replaced with the following:

PART I ADOPTION

INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION ADOPTED BY REFERENCE

There is hereby adopted by reference, that certain document known as the International Energy Conservation Code, 2006 Edition, as published by the International Code Council. Said document is hereby amended and adopted as the International Energy Conservation Code to regulate the design and construction of buildings for the effective use of energy and all such regulations, provisions, penalties, conditions and terms of the International Energy Conservation Code, 2006 Edition, are hereby referred to, adopted and made part hereof, as set forth herein, excepting such portions as are hereinafter deleted, modified, or amended.

CHAPTER 1 ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

SECTION 101.1 – Title is amended by the insertion of “Dewey-Humboldt.”

SECTION 101.4 - Applicability

SECTION 101.4.3 – Additions, alterations, renovations or repairs is hereby amended by revision of the first paragraph to read as follows:

101.4.3 – Additions, alterations, renovations or repairs. Addition, alteration, renovation or repairs to any legal existing building or its building system or portion thereof need not to conform to the provisions of this code as they relate to new construction provided the energy use is not increased. Additions, alterations, renovations, or repairs to any legal existing building shall not create an unsafe or hazardous condition or overload existing building systems.

SECTION 101.6 – Administration is hereby added as a new section to read as follows:

101.6 – Administration. The provisions for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of this code along with procedures for enforcement thereof is hereby referred to as the **“DEWEY-HUMBOLDT ADMINISTRATIVE BUILDING CODE, ORDINANCE 2014-1”** as adopted by Dewey-Humboldt and shall be considered part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified and amended.

CHAPTER 2 DEFINITIONS

SECTION 201 – GENERAL

SECTION 201.3 – Terms defined in other codes are hereby amended as follows: Where terms are not defined in this code, such terms shall have the meanings ascribed in other code publications of the International Residential Code and the most recent Dewey-Humboldt Administrative Building Code. In the event there is a conflict between the aforementioned codes, the Dewey-Humboldt Administrative Building Code is superior.

SECTION 201.4 – Terms not defined is deleted in its entirety and amended to read as follows:

201.4 – Terms not defined. Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION 202 – GENERAL DEFINITIONS is hereby amended by revision of the following terms:

BUILDING, LEGAL EXISTING. Any residential building as defined in this section, erected prior to the adoption of this code, or one which a legal building permit has been issued.

CODE OFFICIAL. Is the BUILDING OFFICIAL as defined in Section 102.13 of the "Dewey-Humboldt Administrative Building Code".

RESIDENTIAL BUILDING. For this code, includes detached one-and two-family dwellings and multiple single-family dwellings (townhouses) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plan.

PART II FINDINGS AND DECLARATION

The Town of Dewey-Humboldt of Yavapai County, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to Dewey-Humboldt Ordinance 2014-1 – The International Energy Conservation Code 2006 Edition.

The provisions of this amendment, Ordinance 2018-1 and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the _____ day of _____ 2019.

Presented by:

Don Roberts
Building Official

Approved and adopted by the Town Council on the _____ day of _____ 2019.

Mayor Nolan

§ 150.08 PROPERTY MAINTENANCE CODE.

(A) That certain code entitled "International Property Maintenance Code, 2012 Edition", as published by the International Code Council is hereby adopted as the Property Maintenance Code of the Town of Dewey-Humboldt for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the town, and made a part of this chapter, the same as though said code with was specifically set forth in full herein, except as the same is amended as set forth in Subsection 150.08(b), below.

At least three copies or one copy and one electronic copy of said code shall be filed in the office of the town clerk and kept available for use and inspection.

(B) *Amendments.* The International Property Maintenance Code, 2012 Edition, is amended as follows:

CHAPTER 1

SCOPE AND ADMINISTRATION

Part 1 — SCOPE AND APPLICATION, Section 101 — General, Subsection 101.1 title is amended to read as follows:

101.1 — Title. These regulations shall be known as the Property Maintenance Code of the Town of Dewey-Humboldt, hereinafter referred to as "this code."

SECTION 102 — APPLICABILITY, Subsection 102.3 Application of Other Codes is amended to read as follows:

Section 102.3 — Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70.

Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code or International Residential Code.

SECTION 103 — DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION is deleted in its entirety.

SECTION 106 — VIOLATIONS is deleted in its entirety and replaced with the following:

106 — Violations. The requirements of the Town of Dewey-Humboldt Administrative Code, as adopted in §150.01 shall apply.

SECTION 111 — MEANS OF APPEAL is deleted in its entirety and replaced with the following:

111 — Means of Appeal. The requirements of the Town of Dewey-Humboldt Administrative Code, as adopted in §150.01 shall apply.

CHAPTER 2

DEFINITIONS

SECTION 201 — GENERAL, Subsection 201.3 Terms not defined in other codes and Section 201.4 Terms not defined are amended to read as follows:

Section 201.3 — Terms not defined in other codes. Where terms are not defined in this code and are defined in the International Conservation code, the international building code, international residential code, international fuel gas code, international mechanical code, or international plumbing code such term shall have the meanings ascribed to them in those codes.

Section 201.4 — Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted as meaning such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

SECTION 202 — GENERAL DEFINITIONS is amended by amending the definitions of "Approved", "Approved Agency", "Occupancy", and "Rubbish" to read as follows:

APPROVED — Approval by the Building Official based on investigation and tests conducted by the Building Official, or by reason of accepted principles of tests by recognized authorities, technical or scientific organization.

APPROVED AGENCY — An established and recognized agency regularly engaged in conducting tests or furnishing inspection services that has been approved by the Building Official.

OCCUPANCY — The purpose for which a building, or part thereof, is used or intended to be used.

RUBBISH — Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. For the purposes of this Property Maintenance Code, without expanding the definition above, the term "rubbish"

encompasses any reference in A.R.S. § 9-499 to trash, debris, or accumulation of filth.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 302 — EXTERIOR PROPERTY AREAS is amended as follows:

SECTION 302.3 — SIDEWALKS AND DRIVEWAYS is amended to insert an Exception to read as follows:

Exception: Single Family Residential.

SECTION 302.4 — WEEDS is deleted in its entirety.

SECTION 302.5 — RODENT HARBORAGE is deleted in its entirety.

SECTION 302.8 — MOTOR VEHICLES is deleted in its entirety.

SECTION 303 — SWIMMING POOLS, SPAS AND HOT TUBS is deleted in its entirety.

SECTION 304 — EXTERIOR STRUCTURE is amended as follows:

SECTION 304.2 — PROTECTIVE TREATMENT is deleted in its entirety.

SECTION 304.7 — ROOFS AND DRAINAGE is amended to delete the words "free from obstruction."

SECTION 304.9 — OVERHANG EXTENSIONS is amended to delete the second sentence in its entirety starting with the words "When required".

SECTION 304.13 — WINDOW, SKYLIGHT AND DOOR FRAMES is deleted in its entirety.

SECTION 304.14 — INSECT SCREENS is deleted in its entirety.

SECTION 304.15 — DOORS is deleted in its entirety.

SECTION 304.16 — BASEMENT HATCHWAYS is deleted in its entirety.

SECTION 304.17 — GUARDS FOR BASEMENT WINDOWS is deleted in its entirety.

SECTION 304.18 — BUILDING SECURITY is deleted in its entirety.

SECTION 305 — INTERIOR STRUCTURE is amended as follows:

SECTION 305.3 — INTERIOR SURFACES is deleted in its entirety.

SECTION 305.6 — INTERIOR DOORS is amended by deleted in its entirety.

SECTION 307 — HANDRAILS AND GUARDRAILS, Subsection 307.1 Accumulation of rubbish or garbage is deleted in its entirety and replaced by the following:

307.1 Accumulation of rubbish or garbage. All exterior property, premises, buildings, grounds, lots, contiguous sidewalks, streets, and alleys shall be free from an accumulation of rubbish or garbage that: (1) constitute a hazard to public health and safety; or (2) are larger than three feet in diameter.

SECTION 308 — RUBBISH AND GARBAGE

SECTION 308.4 — DUMPING is added to read as follows:

308.4 — Dumping. Any person, firm or corporation that places any rubbish or garbage upon any private or public property not owned or under the control of that person, firm or corporation is guilty of a class 1 misdemeanor or a civil violation, or both; and in addition to any fine or penalty which may be imposed for a violation of any provision of this section, is liable for all costs which may be assessed pursuant to this section for removing, abating or enjoining the rubbish or garbage.

SECTION 309 — PEST ELIMINATION is deleted in its entirety.

CHAPTER 4 — LIGHT VENTILATION AND OCCUPANCY LIMITATIONS is deleted in its entirety.

CHAPTER 6 — MECHANICAL AND ELECTRICAL REQUIREMENTS SECTION 604 ELECTRICAL FACILITIES, Subsection 604.2 Service is amended to delete ICC electrical Codes and replace with National Electrical Code 2011, Edition to read as follows:

604.2 — Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

(Ord. 16-122, passed 1-5-2016)

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **March 3, 2020**

Agenda Item: **9.B.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to approve the new Town Council Policy and Guideline, PG No. 20-04, Ordinance Preparation and Review Process.

Background:

At the February 11, 2020, Study Session, Council discussed a proposed policy to follow in the development of ordinances that amend the Town Code, including text amendments to the Zoning Ordinance.

Benefits of having a policy include:

1. Ensure that all ordinances follow a similar and efficient process from introduction through Council consideration and adoption, ensuring transparency;
2. Allow the opportunity to review all code provisions that may be impacted by the proposed ordinance, to ensure that there are not conflicting Code provisions;
3. Streamline the process by which ordinances, specifically text amendments to the Zoning Ordinance, are considered by Council and the Planning and Zoning Advisory Commission.

Financial Impact:

There is no financial impact to the Town for adopting the Policy.

Direction Requested:

Staff is seeking Council approval of the Policy.

Suggested Motion:

For: I move to approve Town Council Policy and Guideline PG No. TC20-04, Ordinance Preparation and Review Process.

Against: I move to deny Town Council Policy and Guideline PG No. TC20-04, Ordinance Preparation and Review Process.

Attachments:

PG No. TC20-04, Ordinance Preparation and Review Process

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

 TOWN OF DEWEY-HUMBOLDT	PG № TC20-04
Town Council and Town Employees Subject: <i>Town Council Ordinance Preparation and Review Process</i>	Effective Date:

1. **Scope.** This policy applies to the Town Council and Town Employees.
2. **Purpose.** The purpose of this reference guide is to establish a procedure by which Councilmembers may initiate an ordinance amending the Town Code, including administrative provisions and the Zoning Ordinance.
 - 2.1. This policy:
 - 2.1.1. Formalizes a process by which Councilmembers may initiate changes to the Town Code, and guidelines that staff will follow.
 - 2.1.2. Formalizes a process by which staff-initiated ordinances will be prepared and reviewed by the Town Council.
 - 2.2. This policy is to be used in conjunction with Council Policy PG No. TC20-03, Town Council Agenda Process.
3. **Ordinances in General¹.**
 - 3.1. An ordinance is a local law of a city or town. It is formally defined as a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform and permanent rules of conduct relating to the corporate affairs of the municipality.
 - 3.2. General ordinances impose certain restrictions upon the community and upon the administration of the municipal government. General ordinances amend, repeal or add to the Town Code.
 - 3.3. Special ordinances are specific to a property, person or corporation and are not usually placed in the town code.
4. **Process for Council-initiated general ordinances.**
 - 4.1.1. A Councilmember will submit a CAARF to consider a broad issue or area of concern. The CAARF may identify a specific area of the Town Code or Zoning Ordinance that the Councilmember is interested in reviewing.
 - 4.1.1.1. The CAARF shall be submitted and placed on an upcoming agenda in accordance with Council Policy PG No. TC20-03.
 - 4.1.1.2. Specific code sections that a Councilmember wishes to review should be attached to the CAARF for inclusion in the Council packet materials.
 - 4.1.1.3. If a Councilmember has recommended changes to a code section, the CAARF should indicate such, and the Councilmember's recommended changes attached to the CAARF.
 - 4.1.2. Upon receipt of a CAARF, staff will spend no more than one hour performing an initial review of the request to prepare the item for Council's consideration. The initial review will include:

¹ Excerpted from *Guide to Preparing and Adopting Local Laws*, September 2019 edition, prepared by the League of Arizona Cities and Towns

- 4.1.2.1. An preliminary analysis of which Town Code sections would need to be amended to address the issue or area of concern;
- 4.1.2.2. A high-level analysis of the financial impact to the Town, to include whether the resources to carry out the purpose of the recommendation are currently available;
- 4.1.2.3. Staff's recommendation to pursue or not pursue drafting an ordinance.
- 4.1.3. Staff will place the matter on an upcoming Regular or Special Meeting agenda for Council to vote on how to proceed.
 - 4.1.3.1. Pursuant to the Town Code, Council may not vote on matters at Study Sessions. Staff may place the matter on a Study Session agenda, however, if the matter entails a detailed review or educational discussion prior to a vote at a future non-Study Session meeting.
- 4.1.4. In a Regular or Special Town Council meeting, Council will vote to:
 - 4.1.4.1. Refer the matter to staff to review and prepare an ordinance;
 - 4.1.4.2. Refer the matter to staff for further research, as outlined by Council, and report back to Council;
 - 4.1.4.3. Refer the matter to a future meeting for an in-depth review or educational discussion;
 - 4.1.4.4. Take no action to draft an ordinance.
- 4.1.5. If moved forward by Council, staff will draft an ordinance, ensuring that all impacted sections of the Code are reviewed, and any necessary conforming changes are included in the ordinance.
- 4.1.6. If the ordinance amends the Zoning Ordinance, staff will jointly advertise and post for public hearings at both Planning and Zoning Advisory Commission ("P&Z") and Town Council meetings.
 - 4.1.6.1. At the P&Z hearing, P&Z may consider any public input and staff's analysis of the matter in formulating its recommendation to Council.
 - 4.1.6.2. Following the P&Z hearing, staff will prepare a report for Council's consideration that includes P&Z's recommendation on the matter.
 - 4.1.6.3. Council will hold its public hearing, consider the recommendation from P&Z, and vote on the Ordinance. Council action may include:
 - 4.1.6.3.1. Approve the ordinance as presented or with modifications as stated in the motion for approval;
 - 4.1.6.3.2. Deny the ordinance;
 - 4.1.6.3.3. Direct staff to take other actions before another presentation of the ordinance;
 - 4.1.6.3.4. If continued for further action, Council should specify the date at which the ordinance will be considered again.
- 4.1.7. If the ordinance does not amend the Zoning Code, staff will proceed with scheduling the item for an upcoming Regular Council Meeting. At the Council meeting, Council may take the following action:

- 4.1.7.1. Approve the ordinance as presented or with modifications as stated in the motion for approval;
 - 4.1.7.2. Deny the ordinance;
 - 4.1.7.3. Direct staff to take further actions and bring back to Council in accordance with Council's direction;
 - 4.1.7.4. If continued for further work, Council should specify the date at which the ordinance will be considered again.
- 4.1.8. After an ordinance is adopted by Council, except in the rare event of an emergency clause, there will be a thirty-day period before the ordinance is effective during which the ordinance will be advertised and posted in accordance with state law.

5. Process for Staff-initiated ordinances.

- 5.1. From time to time, due to changing state laws, trends, or best practices, or for any other reason, staff may initiate a proposal to draft an ordinance amending the Town Code or Zoning Ordinance.
- 5.2. The subject will be brought to Council via the following method:
 - 5.2.1. As the schedule permits, the subject will be brought to Council at a Study Session for a detailed report on why an ordinance is being recommended.
 - 5.2.2. If staff deems the matter to require action earlier than the next available Study Session, the item will be introduced at a Regular Meeting.
 - 5.2.3. When warranted, the subject will be brought to Council at an Executive Session for legal advice on the matter prior to taking any action.
- 5.3. When appropriate, staff will provide sample provisions from surrounding jurisdictions for Council to review, as background information.
- 5.4. If the ordinance amends the Zoning Ordinance, the process outlined in Section 4.1.6 shall be followed. If the ordinance does not amend the Zoning Ordinance, the process outlined in Section 4.1.7 shall be followed.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____



COUNCIL COMMUNICATION

Regular Council Meeting Date: **March 3, 2020**

Agenda Item: **11**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Direction to staff relating to establishing a policy governing advertising and public comment in Town media, including the Dewey-Humboldt Newsletter ("Newsletter").

Background:

At tonight's Council Meeting, Council will be receiving legal advice from Town Attorney Kay Bigelow about the legal issues that accompany governmental entities allowing/disallowing advertising or public comment in a public publication.

Following the Executive Session, staff is seeking formal Council direction.

Financial Impact:

There is no financial impact to the Town for tonight's discussion.

Direction Requested:

Staff is seeking Council direction to proceed with establishing a policy governing advertising and public comment in Town media including the Newsletter, based on the legal advice received during tonight's Executive Session.

Suggested Motion:

I move to direct staff to proceed with establishing a procedure for advertising and public comment in the Newsletter, taking into account the legal advice received during tonight's Executive Session.

Attachments:

None.

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P.O. Box 69
Humboldt, AZ 86329
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