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Rec Fee: $0 Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

RESOLUTION NO. 09-03-08
CASE NO. BCO-09-01
AMENDMENT TO BUILDING CODE ORDINANCE

A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS AMENDING THE GILA COUNTY BUILDING CODE ORDINANCE

WHEREAS, the Gila County Board of Supervisors may amend the Gila County Building Code Ordinance; and

WHEREAS, Arizona Revised Statutes, §11-829, §11-861.A and §11-251.05.C contain the procedures for such amendments, and

WHEREAS, the Gila County Planning and Zoning Commission held a duly noticed public hearing on such amendment and recommended approval to the Board of Supervisors on such amendment;

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors, at a regularly scheduled and duly noticed public hearing did pass and adopt the following amendment to the Gila County Building Code Ordinance, the full text of the amendment is attached as Exhibit "A".

Passed and Adopted this 17th day of March, 2009.

Gila County Board of Supervisors

By: Shirley L. Dawson
Shirley L. Dawson, Chairman

Approved as to form:

Bryan Chambers, County Attorney

ATTEST:

Steven L. Besich, Clerk of the Board

EXHIBIT A

BUILDING CODE ORDINANCE OF THE COUNTY OF GILA

As amended November 30, 1987, February 1, 1993, April 5, 2005, February 20, 2007. October 23, 2007 and March 17, 2009.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIRING, MOVING, REMOVING, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, AND MAINTENANCE OF THE BUILDINGS AND STRUCTURES IN THE COUNTY OF GILA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR AN ADVISORY BOARD.

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

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

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

SECTION 1. BUILDING CODE

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

At least three copies of the Building Code shall be filed in the Office of the Clerk of the Board of Supervisors and kept available for public use and inspection. Solely for the purpose of satisfying this requirement, the Globe and Payson offices of Community Development are designated as branch offices of the Office of the Clerk of the Board. One copy of the Building Code will be kept in the Office of the Clerk of the Board, one copy of the Building Code will be kept in the Globe office of Community Development and one copy of the Building Code will be kept in the Payson office of Community Development.

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A. The 2003 edition of the International Building Code published by the International Code Council, Inc., including Appendix C (GROUP U – AGRICULTURAL BUILDINGS) as well as the following amendments:

1. Delete the language in **Section 308.2 Group I-1** and replace with the following:

This occupancy shall include buildings, structures or parts thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation with out physical assistance from staff. This group shall include, but not be limited to, the following:

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

A facility such as the above with 10 or fewer persons shall be classified as a Group R-4 Condition 1 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 419 of this code.

2. Delete the language in **Section 308.3 Group I-2** and replace with the following:

This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis of more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Hospitals
Nursing homes (both intermediate-care facilities & skilled nursing facilities)
Mental hospitals
Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

3. Delete the language in Subsection R-4 of **Section 310.1 Residential Group R,** and replace with the following:

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

310.1.1 Condition 1. This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

310.1.2 Condition 2. This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code, and Section 419 or shall comply with the International Residential Code in accordance with section 101.2 where the building is in compliance with Section 419 of this code.

4. Replace the definition of PERSONAL CARE SERVICE under **Section 310.2 Definitions** with the following definition:

PERSONAL CARE SERVICE. Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

5. Replace the definition of **RESIDENTIAL CARE/ASSISTED LIVING FACILITIES** under **Section 310.2 Definitions** with the following definition:

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. 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: residential board and care facilities, assisted living home, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

6. Add the following definitions to **Section 310.2 Definitions:**

DIRECTED CARE SERVICE. Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

SUPERVISORY CARE SERVICE. General supervision, including daily awareness of resident functioning and continuing needs.

7. Amend **Section 406.1.4 Separation** by adding the following to paragraph 1: Doors shall be self-closing and self-latching. In buildings protected with an

automatic fire sprinkler system, including the private garage, the room finish material shall be permitted to be a minimum ½ inch gypsum board applied to the garage side.

8. Add **Section 419** as follows:

RESIDENTIAL CARE/ASSISTED LIVING HOMES

419.1 Applicability. The provisions of this section shall apply to a building or part thereof housing not more than 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 licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

419.2 General. Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

419.3 Special Provisions. R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire resistive construction throughout.

419.3.1. Mixed Uses. R-4 occupancies shall be separated from other uses as provided in Table 302.3.2.

419.4 Access and Means of Egress Facilities.

419.4.1 Accessibility. R-4 occupancies shall be provided with at least one accessible route per the Arizonans with Disabilities Act. Sleeping rooms and associated toilets shall be accessible.

Exception: Existing buildings shall comply with the requirements of the International Existing Building Code. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A117.1.

419.4.2 Exits

419.4.2.1 Number of Exits. Every story, basement, or portion thereof shall have not less than two exits.
Exception: Basements and stories above the first floor containing no sleeping rooms may have one means of egress as provided in Chapter 10.

419.4.2.2 Distance to Exits. The maximum travel distance shall comply with Section 1004, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

419.4.2.3 Emergency Exit Illumination. In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the National Electric Code.

419.4.2.4 Emergency Escape and Rescue. R-4 occupancies shall comply with the requirements of Section 1025, except that Exception 1 to Section 1025.1 does not apply to R-4 occupancies.

419.4.2.5 Delayed egress locks. In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.3.4 and 1008.1.8.6. items 1, 2, 4, 5 and 6.

419.5 Smoke Detectors and Sprinkler Systems

419.5.1 Smoke Alarms. All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.10.

419.5.2 Sprinkler Systems. R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.2.7. Sprinkler systems installed under this Section shall be installed throughout, including attached garages, and in Condition 2 facilities shall include attics and concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

9. Amend **Section 507.2 Sprinklered, one story** by adding the following to Exception 2:

Such buildings may contain other occupancies, without H fire areas, provided that such occupancies do not occupy more than 10 percent of the area of any floor of a building, nor more than the tabular values permitted in the occupancy by Table 503 for such occupancy.

Exception: Group H fire areas as permitted by Section 507.6.

10. Amend **Section 507.3 Two story** by adding the following:

Such buildings may contain other occupancies, without H fire areas, provided that such occupancies do not occupy more than 10 percent of the area of any floor of a building, nor more than the tabular values permitted in the occupancy by Table 503 for such occupancy.

Exception: Group H fire areas as permitted by Section 507.6.

11. Amend **Section 1008.1.2. Door swing,** Exception 3 by adding "and R-4" after R-3.

12. Amend **Section 1008.1.9 Panic and fire exit hardware** by adding the following exception to paragraph 2 after the words ". . . unless it is panic hardware or fire exit hardware."

    Exception: A main exit, of a Group A use, in compliance with Section 1008.1.8.3 Exception 2.

13. Amend **Section 1009.3 Stair treads and risers Exception 5** by replacing "7.75 inches" with "8 inches" as maximum riser height.

14. Amend **Section 1024.3 Assembly other exits** by replacing the word "exits" with the words "means of egress" in the phrase "shall be provided with additional exits".

15. Delete **Chapter 11 ACCESSIBILITY** and replace with the Arizonans with Disabilities Act (Arizona Revised Statutes, Title 41, Chapter 9, Article 8) and the Arizonans with Disabilities Act Implementing Rules (Arizona Administrative Code, Title 10, Chapter 3, Article 4) which incorporates the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

16. Delete **Chapter 13 ENERGY EFFICIENCY.**

17. Delete the language in **Section 1503.4 Roof Drainage** and replace with the following:

    Design and installation of roof drainage systems shall comply with Section 1503.4 and the Arizona State Plumbing Code.

18. Amend **Section 1503.4 Roof Drainage** by adding sections 1503.4.2. through 1503.4.4.2 as follows:

    1503.4.2 Where required. All roofs, paved areas, yards courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

    1053.4.3 Roof design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

    1503.4.4 Overflow drainage required. Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

1503.4.4.1 Separate systems required. Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

1503.4.4.2 Overflow drains and scuppers. Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51 mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

19. Amend **Section 1604.8.1 General** by replacing the words "the uplift and sliding" with "those".

20. Amend **Table 1607.1** number 27, Residential occupancy, Uninhabitable attics without storage by adding the following footnote:

    i. For trussed systems, this live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

21. Amend **Table 1607.1,** number 27, Residential Occupancy, One- and two-family dwellings, Uninhabitable attics with storage to read 40 psf under the Uniform column and Habitable attics and sleeping areas to read 40 psf under the Uniform column.

22. Amend **Section 1704.5 Masonry Construction** by adding the follow exceptions:

    3. Masonry fences six feet or less in height above grade
    4. Masonry retaining walls four feet or less in height from bottom of footing to top of wall unless supporting a surcharge or impounding flammable liquids.

23. Amend **Section 1804.2 Presumptive Load Bearing Values** by deleting the words "at or" found in the first paragraph in the phrase ". . .for supporting soils at or near the surface. . ."

24. Amend **Table 2902.1 Minimum Number of Required Plumbing Facilities** by deleting the requirement for a service sink under number 2, classification business and number 6, classification mercantile.

25. Delete **Section 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES.** (Semi-Public and Public swimming pool enclosures and safety

devices are regulated by the Arizona Administrative Code Title 18 Chapter 5 Article2.)

26. Delete **Chapter 34 EXISTING STRUCTURES.**

27. Delete **Section 112 BOARD OF APPEALS.**

B. The 2003 edition of the International Mechanical Code published by the International Code Council, Inc., including Appendix A (COMBUSTION AIR OPENING AND CHIMNEY CONNECTOR PASS THROUGHS) as well as the following amendments:

1. Amend **Section 305.5 Protection against physical damage** by deleting all words that appear after the word "bored".

2. Delete **Section 306.5 Equipment and appliances on roofs or elevated structures.**

3. Delete **Section 306.6 Sloped roofs.**

4. Delete **Section 109 MEANS OF APPEAL.**

C. The 2003 edition of the International Residential Code published by the International Code Council, Inc., including Appendix G (SWIMMING POOLS, SPAS AND HOT TUBS) and Appendix H (PATIO COVERS) as well as the following amendments:

1. Amend **Section R105.2 Work Exempt From Permit**, Building, paragraph 1 by adding the words "used as garages, carports, storage sheds, tool sheds, playhouses, garden structures and other similar non-habitable uses," after the phrase "one-story detached accessory structures,".

2. Amend the definition of **EXTERIOR WALL** in **Section R202 DEFINITIONS** by deleting the first sentence and replacing it with the following:

   An above-grade wall that defines the exterior boundaries of a building.

3. Replace **Table R301.2(1)** with the following table:

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

ROOF/GROUND SNOW LOADS * (psf)	below 2000 ft = Roof 0 / Ground 0 2000 to 4500 ft = Roof 20/ Ground 25 4500 to 6000 ft = Roof 40/ Ground 50 Above 6000 ft = per historical data available	
WIND SPEED	90 m.p.h. – 3 second gust wind velocity 75 m.p.h. – fastest mile wind speed	
SEISMIC DESIGN CATEGORY**	B includes the following sites and vicinities: Pine, Strawberry, Payson, Control Rd., Christopher Creek, Rye, Gisela, Jakes Corner, Punkin Center, Tonto Basin, Young, Armer Ranch, Carrizo and Canyon Day	C includes the following sites and vicinities: Roosevelt Lake Dam, Roosevelt, Globe, Miami, Claypool, Hayden, Winkelman, Rose Creek Campground, Aztec Peak, Armer Mountain, Cutter, San Carlos, Sawmill and Seneca Lake
WINTER DESIGN TEMPERATURE	4500 ft and above = 15° below 4500 ft = 24°	
ICE SHIELD UNDERLAYMENT REQUIRED	NO	
FLOOD HAZARDS	As determined by the Floodplain Department/Engineer	
AIR FREEZING INDEX	Less than 1500 cumulative degree days below freezing County-wide	
MEAN ANNUAL TEMPERATURE	61.8° average County-wide	
SUBJECT TO DAMAGE FROM		
WEATHERING	Moderate at 4600 feet and above Negligible below 4600 feet	
FROST (footing depths)	Below 4900 feet	Bottom of footing must be a min. of 12" below finish grade and a min. of 12" into undisturbed soil.
	4900 feet and above	Bottom of footing must be a min. of 18" below finish grade and a min. of 12" into undisturbed soil.
TERMITES	Moderate to Heavy	
DECAY	None to Slight	

* Roofs must be designed to support loads as specified in R301.6 **or** the snow load shown here, whichever is greater. (Ground Snow Load x .8 ≈ Roof Snow Load)
** See Seismic Design Category maps maintained by Community Development for locations not listed.

5. Amend **Table R301.5 Minimum Uniformly Distributed Live Loads** to read 40 psf under the LIVE LOAD column for **Attics with storage** and **Sleeping rooms.**

6. Amend **Table R301.5 Minimum Uniformly Distributed Live Loads, Attics with storage,** by adding the following footnote:

   g. For trussed systems, this load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

7. Amend **Section R309.1 Opening protection** by adding the following:

   Doors providing opening protection shall be self-closing and self-latching.

8. Amend **Section R309.2 Separation required** by replacing "1/2 inch gypsum board" where it appears with "5/8 inch Type X gypsum board or equivalent".

9. Amend **Section R310.1 Emergency escape and rescue required** by adding the following:

   Such openings shall open directly into a public street, public alley, yard or court.

10. Amend **Section R311.2.2 Under Stair protection** by replacing "1/2 inch gypsum board" with "5/8 inch Type X gypsum board or equivalent".

11. Amend **Section R311.5.3.1 Riser height** by replacing "7 ¾ inches" with "8 inches" as the maximum riser height.

12. Amend **Section R322.1 Scope** by replacing the words "Chapter 11 of the International Building Code for Group R-3" with "the Arizonans with Disabilities Act".

13. Amend **Section R320.1 Subterranean termite control** by deleting the words "In areas favorable to termite damage" and replacing them with the words "In areas subject to termite infestation".

14. Amend **Section R401.5 Compressible or shifting soil** by adding the words "In lieu of a complete geotechnical evaluation," to the beginning of the paragraph.

15. Amend **Table R1003.1 SUMMARY OF REQUIREMENTS FOR MASONRY FIREPLACES AND CHIMNEYS** by adding footnote "b" to Horizontal reinforcing.

16. Delete ~~**Chapter 11 ENERGY EFFICIENCY and insert the following table:**~~
    To read: Delete Section N 1102.1.7 Crawl Space walls (amended 3/17/09)

TABLE N 1101

Prescriptive "R" and "U" values for insulation and glazing for the unincorporated areas of Gila County.

Maximum Glazing U Factor	Minimum Insulation R Value			
	Ceilings	Walls	Floors	Basement Walls
0.50	R-30	R-13	R-19	R-8

17. Deleted November 22, 2007

18. Amend **Section M1403.2 Foundations and supports** by deleting the words "unit of a heat pump" and replacing them with the words "mechanical systems".

19. Amend **Section M1411.3.1 Auxiliary and secondary drain systems** by adding the following after the first sentence in this section:

    Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1% slope).

20. Deleted November 22, 2007

21. Amend **Section G2415.9 (404.9) Minimum burial depth** by deleting the words "except as provided for in Section G2415.9.1" and replacing them with the words "for metal piping and 18 inches (457mm) for plastic piping with caution tape 6" above plastic pipes."

22. Amend **Section P2503.6 Water-supply system testing** by adding the words "This pressure shall be held for at least 15 minutes." After the words "...by an air test of not less than 50 psi (344kPa)."

23. Amend **Section P2803.6.1 Requirements of discharge pipe** by deleting the words "The discharge pipe shall be installed so as to drain by gravity flow and shall terminate atmospherically not more than 6 inches (152mm) above the floor." and replacing them with the words "The discharge pipe shall be installed so as to drain by gravity flow and shall terminate atmospherically not less than 6 inches (152mm) nor more than 24 inches (610 mm) above the finish floor or finish grade."

24. Amend **Section P3103.1 Roof extension** by inserting the number "6" in the blank for "inches above the roof" and inserting the number "6" in the blank for "inches

above the anticipated snow accumulation". Also, add the words "whichever is greater" after the words "inches above the anticipated snow accumulation".

25. Amend **Table 3503.1** by replacing it with the following:

TABLE E3503.1
SERVICE CONDUCTOR AND GROUNDING ELECTRODE CONDUCTOR SIZING

CONDUCTOR TYPES AND SIZES-THHW, THW, THWN, USE, XHHW (Parallel sets of 1/0 and larger conductors are permitted in either a single raceway or in separate raceways)		Service or Feeder Rating (Amperes)		MINIMUM GROUNDING ELECTRODE CONDUCTOR SIZE [a]	
Copper (AWG)	Aluminum and copper-clad aluminum (AWG)	≤30°C (86°F)	>30°C (86°F)	Copper (AWG)	Aluminum (AWG)
4	2	100		8[b]	6[c]
3	1	110		8[b]	6[c]
2	1/0	125	100	8[b]	6[c]
1	2/0	150	125	6[c]	4
1/0	3/0	175	150	6[c]	4
2/0	4/0 or two sets of 1/0	200	175	4[d]	2[d]
3/0	250 kcmil or two sets of 2/0	225	200	4[d]	2[d]
4/0 or two sets of 1/0	300 kcmil or two sets of 3/0	250	225	2[d]	1/0[d]
250 kcmil or two sets of 2/0	350 kcmil or two sets of 4/0	300	250	2[d]	1/0[d]
350 kcmil or two sets of 3/0	500 or two sets of 250 kcmil	350	300	2[d]	1/0[d]
400 kcmil or two sets of 4/0	600 Or two sets of 300 kcmil	400	350	1/0[d]	3/0[d]
500 kcmil	750 kcmil		400		

For SI: 1 inch = 25.4 mm.

a. Where protected by a metal raceway, grounding electrode conductors shall be electrically bonded to the metal raceway at both ends.

b. No. 8 grounding electrode conductors shall be protected with metal conduit or nonmetallic conduit.

c. Where not protected, No. 6 grounding electrode conductors shall closely follow a structural surface for physical protection. The supports shall be spaced not more than 24 inches on center and shall be within 12 inches of any enclosure or termination.

d. Where the sole grounding electrode system is a ground rod or pipe as covered in Section E3508.2, the grounding electrode conductor shall not be required to be larger than No. 6 copper or No. 4 aluminum. Where the sole grounding electrode system is the footing steel as covered in Section E3508.1.2, the grounding electrode conductor shall not be required to be larger than No. 4 copper.

26. Delete the language in **Section 3802.7** and amend it to read as follows:

Sink, wash basin, tub, or shower receptacles. All 125-volt, single-phase, 15- and 20-ampere convenience receptacles that are located within 6 feet of the outside edge of any sink, wash basin, tub, or shower shall have ground-fault circuit-interrupter protection for personnel.

27. Amend **Section E3808.8 Types of equipment grounding conductors** by changing the language in subsection 2 to read "Threaded rigid metal conduit and fittings."

28. Amend **Section E3808.8 Types of equipment grounding conductors** by changing the language in subsection 3 to read "Threaded intermediate metal conduit fittings."

29. Amend **Section E3808.8 Types of equipment grounding conductors** by deleting subsections 4 and 5.

30. Delete **Section R112 BOARD OF APPEALS.**

D. The 2003 edition of the International Existing Building Code, published by the International Code Council Inc. as well as the following amendment:

1. Delete **Section 112 BOARD OF APPEALS.**

E. Deleted November 22, 2007

F. The 2002 edition of the National Electrical Code, published by National Fire Protection Association including the following amendments:

1. Amend **Section 210.8(A) Dwelling Units** by deleting the language in subsection 7 and replacing it with the following:

"Convenience receptacles located within 6 feet of any sink, wash basin, tub or shower."

2. Amend **Section 210.8(B) Other Than Dwelling Units** by deleting the words "...installed in the locations specified in (1), (2) and (3)..." and replacing them with the words "...installed in the locations specified in (1) through (5)..."

3. Amend **Section 210.8(B) Other Than Dwelling Units** by adding the following subsections:

(4) Convenience receptacles located within 6 feet of any sink, washbasin, tub or shower.

(5) Outdoors.

4. Amend **Article 230 Services** by adding the following section:

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

5. Amend **Section 250.118 Types of Equipment Grounding Conductors** by deleting subsections 4 through 8.

6. Amend **Section 310.15(B)(6) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders** by adding the words "and 120/204-Volt" after 120/240-Volt in both locations that it appears.

7. Amend **Table 310.15(B)(6)** by replacing it with the following:

Table 310.15(B)(6)
Conductor Types and Sizes for 120/240-Volt, and 120/208-Volt, 3-wire, Single-Phase Dwelling Services and Feeders.

Conductor (AWG or kcmil)

Copper	Aluminum or Copper-Clad Aluminum	Service or Feeder Rating (Amperes) ≤30°C (86°F)	>30°C (86°F)
4	2	100	
3	1	110	
2	1/0	125	100
1	2/0	150	125
1/0	3/0	175	150
2/0	4/0	200	175
3/0	250	225	200
4/0	300	250	225
250	350	300	250
350	500	350	300
400	600	400	350
500	750		400

FPN: for single-phase panels feed from a 3-phase system, the grounded conductor cannot be reduced in size for 120/208-volt system, see 220.22

8. Amend **Section 334.10 Uses Permitted** by adding the following language to subsection (1):

"multifamily dwelling, and other residential accessory structures."

9. Amend **Section 334.10 Uses Permitted** by deleting subsection (2).

10. Amend **Section 334.12 Uses Not Permitted** by deleting subsection 2 through 9. (Subsections 1 and 10 remain.)
11. Amend **Section 358.10(B) Uses Permitted** by adding the words "that is not" immediately before the words "in direct contact with the earth".

12. Amend **Section 358.12 Uses Not Permitted** by adding the following subsection:

    (7) On or below grade.

13. Amend **Section 501.16(B) Types of Equipment Grounding Conductors** by deleting the Exception.

14. Amend **Section 502.16(B) Types of Equipment Grounding Conductors** by deleting the Exception.

15. Amend **Section 503.16(B) Types of Equipment Grounding Conductors** by deleting the Exception.

16. Delete **Section 80.15 Electrical Board.**

G. The 2000 edition of the Uniform Swimming Pool, Spa and Hot Tub Code published by the International Association of Plumbing and Mechanical Officials as well as the following amendment:

1. Delete **Section 117.0 Board of Appeals.**

H. The 2006 edition of the International Plumbing Code published by the International Code Council, Inc. as well as the following amendment:

1. Delete **Section 109 Means of Appeal.**

I. The latest publication of Manufactured Home and Factory Built Building Installation Standards provided by the State of Arizona Office of Manufactured Housing, including the following requirements:

1. A permit shall not be issued for the installation or relocation of a manufactured home within the unincorporated areas of Gila County unless the home can be shown to comply with the manufactured home construction and safety standards adopted by the U.S. Department of Housing and Urban Development.

2. It shall be the responsibility of the applicant to provide proof of compliance with requirement 1 above. A label certifying that the manufactured home has been inspected and constructed in accordance with the requirements of the U.S Department of Housing and Urban Development in effect of the time of manufacture constitutes proof of compliance provided that date of manufacture is not prior to June 15, 1976.

3. Park Model trailers will be permitted and inspected in the same manner as manufactured homes. However, Park Model trailers are classified as Recreational

Vehicles and, as such, are subject to the zoning, building and other regulations that apply to RV's.

4. Manufactured Homes may be converted for use as storage buildings subject to the following:

   a. Must comply with Zoning requirements for a manufactured home
   b. Must comply with Zoning requirements for an accessory building
   c. Cannot be larger than or attached to the main house
   d. Cannot be used as a dwelling, guest house or for any habitable use
   e. Kitchen and bathroom appliances and fixtures must be removed
   f. Cannot be connected to water, sewer or gas
   g. May be connected to electricity subject to National Electric Code requirements
   h. Will be permitted as an accessory building
   i. Will be inspected per Office of Manufactured Housing guidelines
   j. Any alterations will be permitted separately and inspected per the applicable Building Code
   k. Assessor's notice of affixture required

J. The 2006 edition of the International Fuel Gas Code published by the International Code Council, Inc. as well as the following amendment:

1. Delete **Section 108 (IFGC) MEANS OF APPEAL.**

K. **Deleted 2/20/07**

L. **Deleted 2/20/07**

M. **Deleted 3/29/96**

Copies of the Building Code are on file and available for public review in the Office of the Clerk of the Board of Supervisors, at 1400 East Ash Street, Globe, Arizona, and at the Gila County Community Development Offices at 1400 East Ash Street, Globe, Arizona 85501 or 714 South Beeline , Payson, Arizona 85541

SECTION 2. TITLE

This Ordinance shall be known as the Gila County Building Code.

SECTION 3. RULES AND DEFINITIONS

A. The term "Building Code" as used hereinafter shall mean the codes referred to in Section 1 of this Ordinance.

B. Terms used in this Ordinance shall be defined as provided in the Codes adopted in Section 1 of this Ordinance, except as herein otherwise provided.

C. Whenever the terms "Governing Body" or "City" or "Town" or "Municipality" are used in the Building Code, they shall mean the unincorporated area of the County of Gila, excluding Indian Reservations.

D. Whenever the terms "Mayor", "Appointing Authority", "Commission", "City Council", or "Manager" are used in the Building Code, they shall mean the Board of Supervisors.

E. Whenever the terms "Administrative Authority", "Building Officials", "Chief", or "Administrator" are used in the Building Code, they shall mean the Chief Building Official of Gila County, or his representative.

F. Whenever the terms "Other Code" or "Other Codes" are used in the Building Code, they shall mean other code or codes adopted by either the County of Gila or the State of Arizona. If there is a conflict between such other code or codes and this Ordinance, the more restrictive shall prevail.

G. Reference to chapters, articles, sections and subsections or paragraphs and to tables thereof are to the Building Code.

H. Certificates:

1. Zoning Certificate. May be part of the Building Permit. (The issuance of approval of zoning use permits, variance permits, temporary use permits and special use permits shall not be construed to be functions of the Building Inspection Department but shall continue to be processed as otherwise provided by law.)

2. Certificate of Occupancy. For construction completion showing compliance.

   Certificate of Inspection may be a separate individual trade inspection approval.

   Certificate of Occupancy may be only for a building use inspection approval.

   Temporary Certificate may be only for a building use inspection approval.

   Final Inspection Certificate (i.e., Certificate of Occupancy) may be a certificate of approval that may include the entire structure, partial work, additions or alterations.

3. Certificate of Compliance (for existing structures). May be associated with re-moving, renovation, use change, addition and existing structure or housing code.

   A letter of Certification (duplicate certification) may be for other than the original issue.

4. Certificate of Fitness (for hazards and safety). A document issued by the Building Officials authorizing by permit to maintain, store or handle materials or to conduct processes, which produce conditions hazardous to life and property or to install equipment used in connection with such activities in accordance with the provision of this Ordinance. It shall not be transferable and any change in use or occupancy of premises shall require a new permit.

May be used when new construction "fitness" is a change of use and occupancy.

I. Building Safety Department

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

J. Administrative Provisions

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

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

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

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

Plans and Specifications – simple buildings (i.e., cabanas, trailer covers, sheds, barns, and additions to dwellings from 145 to 1,000 square feet) a drawing with data showing floor plan, at least two elevations and sufficient information to allow the plan check officer to determine if the building will meet Code standards.

SECTION 4. ADVISORY AND APPEALS BOARD

A. Authority and Purpose

1. Pursuant to Arizona Revised Statutes, Title 11, Chapter 6, Article 3, § 11-862 there shall be and is hereby created the Building Safety Advisory and Appeals Board. Whenever the terms "Board", "Advisory Board", "Board of Appeals" or "Advisory and Appeals Board" appear in the Building Code or the Building Code Ordinance, they shall mean the Building Safety Advisory and Appeals Board.

2. This Advisory and Appeals Board is established to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Code and to determine the suitability of alternative materials and construction methods.

3. The Advisory and Appeals Board shall also provide technical advice to the Building Official to assist in the formation and adoption of revisions or amendments to the Building Code and the Building Code Ordinance.

4. The functions, duties and rules of procedure for conducting the business of the Advisory and Appeals Board shall be as specified in this section.

B. Members and Qualifications

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

   Thereafter, members shall be appointed for a term of four (4) years, staggered so that at least one but not more than two terms expire each year.

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

2. Members of the Advisory and Appeals Board must be residents of Gila County but cannot be employees of Gila County government. This Board shall include members from the following categories to the extent that persons meeting the qualifications are available and willing to serve:
   1. An architect duly licensed in the state of Arizona.
   2. A professional engineer duly licensed in the state of Arizona.
   3. A general contractor duly licensed in the state of Arizona
   4. A person representing the public
   5. A person engaged in the electrical, mechanical or plumbing trade.

3. Each member of this Board shall have substantial experience in at least one of the fields covered by the Building Code and must be qualified by experience and training to decide on matters pertaining to building construction.

4. Members of this Board shall serve without compensation except for reimbursement of expenses as approved by the Board of Supervisors. This Board shall not be empowered to incur debts, nor make any purchases nor enter into any contracts or agreements binding Gila County.

C. Vacancies

1. A vacancy shall be filled in the same manner in which original appointments are made. An appointment made to fill an unexpired term shall be made for the remainder of that unexpired term only.

2. Board members may resign from their appointed position at any time for any reason. However, a thirty (30) day written notice of resignation should be provided to the Secretary of the Board.

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

4. Members shall give advance notice of any anticipated absence to the Secretary of the Board to allow the Secretary to assure the presence of a quorum.

D. Duties of the Board

1. The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Code and to determine the suitability of alternative materials and construction methods. The Board shall also provide technical advice to the Building Official to assist in the formation and adoption of revisions or amendments to the Building Code and the Building Code Ordinance.

2. The Board shall elect from its members a Chairman and Vice-Chairman by majority vote of the members at the first meeting of each calendar year to serve for a term of one calendar year.

3. Legal Counsel shall be provided by the Gila County Attorney or a Deputy County Attorney.

4. The Chairman shall preside at all meetings, shall conduct all hearings, and shall exercise and perform such other duties as may be required or assigned by the Board. The Chairman shall rule on procedure or on order of presentation at all Board meetings or hearings.

5. In the absence of the Chairman, the Vice-Chairman shall assume the duties of the Chairman and, when so acting, has the same powers and is subject to the same restrictions as the Chairman.

6. In the absence of both the Chairman and the Vice-Chairman, a Chairman pro-tempore shall be elected by majority vote from among the members present. In the absence of the Chairman and the Vice-Chairman, the Chairman pro-tempore

shall assume the duties of the Chairman and, when so acting, has the same powers and is subject to the same restrictions as the Chairman.

7. All members present at a hearing or meeting of the Board shall vote unless abstaining due to a conflict of interest. In the event of a tie, the Chairman shall call for an additional or amended motion in an attempt to resolve the tie. If the tie cannot be resolved, the vote shall be reflected in the minutes.

8. Any member of the Board who has a conflict of interest in any matter brought before the Board shall make known such interest in the record of the proceeding and shall refrain from voting upon or otherwise participating in the deliberations and decisions regarding such matter.

9. The Secretary of the Board shall keep or cause to be kept minutes of the proceedings of the Board and shall provide an agenda to each Board member prior to the time set for any Board hearing or meeting.

10. The Secretary of the Board shall be custodian of the records of the Board.

E. Hearings and Meetings

1. The Board shall meet at the call of the Chairman or at the request of the Building Official but at least two times in any calendar year.

2. All Board meetings and hearings are subject to the Arizona Open Meeting Law and shall be conducted per Robert's Rules of Order. However, the Board has the option of waiving any portion of those rules that they choose.

3. Notice of the date, time and place of any regular or special meeting or hearing of the Board, including an agenda of the matters to be addressed, shall be given at least seven (7) days prior to the meeting by posting notice to the general public.

4. The Board may approve, approve with conditions and/or stipulations, deny or continue any issue brought before them.

5. The Board shall be the judge of the qualifications of a person appearing as an expert witness. The Board shall determine the extent of consideration to be given to the testimony or evidence presented by a person appearing as an expert witness.

6. During any hearing or meeting of the Board, The Building Official may be called upon to clarify the Code requirement(s) and/or support the position of the Building Safety Department on any particular order, decision or determination currently held or being enforced.

F. Quorum and Voting

1. Four members constitute a quorum. If a quorum cannot be obtained, the meeting shall be rescheduled.

2. Any vote of the Board shall be recorded in the minutes. If the vote is not unanimous, each member's vote will be recorded individually.

3. An approval of a motion shall be accomplished by an affirmative vote of a majority of members present. The motion is then considered to have carried or been passed.

4. Any motion that fails to obtain a majority vote of the members present shall be considered a denial of the motion. The motion is considered to have failed or been denied.

5. The Board may reconsider a motion which has passed if a member who voted in favor of the original motion makes a motion to reconsider within the same meeting and the motion to reconsider passes.

G. Appeals

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

2. A Notice of Appeal must be filed with the secretary of the Advisory and Appeals Board specifying the reasons and circumstances for the appeal. Appeals of orders, decisions, or determinations made by the Building Official relative to the applications and interpretation of the Building Code shall be made in writing and shall be directed to a specific order, decision or determination of the Building Official. The Board shall limit their consideration of the appeal to that specific order, decision or determination.

3. The Secretary of the Board shall furnish copies of all records pertaining to the appeal to each member of the Board. Appeals must be based on a claim that the true intent of the code or adopted rules has been incorrectly interpreted, that the provisions of the code do not apply or that the proposed form or method of construction is equal to or better than required by Code. A self-imposed or financial hardship does not constitute grounds for an appeal. The appellant must bear the cost of any tests or research required to substantiate appellant's claim(s).

4. Upon receipt of a Notice of Appeal, and after posting of public notice as required, the Advisory and Appeals Board shall hold a public hearing of the appeal. An appeal stays all proceedings against the appellant in the matter appealed, unless the Building Official notifies the Board in writing that, in the Building Official's opinion, a stay creates imminent danger to life or property. Under these circumstances, proceedings shall not be stayed except by court order or by

determination of the Advisory and Appeals Board as a result of a properly noticed public meeting specifically called for that purpose.

5. If the appellant fails to appear at a hearing, the Board may choose to continue the hearing to a later date at which the appellant can be present.

6. In any hearing for appeal, the Building Official may be called upon to clarify the Code requirement(s) and/or to support the position of the Building Safety Department on the particular order, decision or determination being appealed.

7. The Advisory and Appeals Board shall make a decision within fifteen (15) days of the date of the meeting called to decide the appeal. A decision in favor of the appellant shall be in the form of a written directive to the Building Official to carry out the decision of the Board subject to any conditions and/or stipulations required by the Board. In any case where the Board denies an appeal, the Board reserves the right to refuse to consider another appeal on the same subject matter and like circumstances for one year from the date of the hearing in question.

8. Appeals will be heard at special meetings called and noticed pursuant to the requirements of this section. Hearing dates will be scheduled to allow for noticing and posting requirements to be met.

9. In their written request for a hearing, appellants shall disclose any evidence, witness(es) or testimony, other than their own, that they intend to present at the hearing. Failure to disclose may be cause for the Board to delay the presentation of such evidence, witness(es) or testimony.

10. In their written request for a hearing, appellants shall disclose their intent to be represented by an attorney. The Board may choose to continue a hearing where an appellant is represented by an attorney and, for whatever reason, the County Attorney or Deputy County Attorney is unable to appear on behalf of the Board.

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

H. Limitation of Authority

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

SECTION 5. CONTINUITY

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

SECTION 6. ADMINISTRATION

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

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

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

One copy of submitted plans shall be returned to the applicant when approved. Approval shall normally be received within ten (10) working days after submission. If there is any delay beyond fifteen (15) days, a letter of explanation shall be sent to the applicant.

SECTION 7. RULES AND REGULATIONS

The Building Official may adopt rules and regulations subject to the approval of the Board of Supervisors, in the interest of public safety, health and general welfare, to implement the provisions of this Ordinance, to secure the intent thereof; but no such rules shall have the effect of waiving technical provisions specifically provided in the Building Codes or of violating accepted engineering practice involving public safety.

SECTION 7.1 WATER CONSERVATION PLUMBING STANDARDS

A. Definitions

In this section, unless the context otherwise requires:

1. "Commercial, industrial and public construction" means buildings used for commercial, industrial or public purposes, including restaurants, bars, nightclubs, public buildings, comfort stations, schools, gymnasia, factories, offices, athletic clubs, hotels and motels.

2. Person" means an individual, public or private corporation, company, partnership, firm, association, society, estate or trust, any other private organization or enterprise, the United States, any state, territory or country or a governmental entity, political subdivision or municipal corporation organized under or subject to the constitution and laws of this state.

3. "Plumbing fixture" means a lavatory faucet, lavatory faucet replacement aerator, kitchen faucet, kitchen faucet replacement aerator, shower head, urinal, water closet, evaporative cooler or decorative fountain. Plumbing fixture does not include parts necessary for routine maintenance.

4. "PSI" means pounds per square inch of water pressure.

5. "Residential construction" or "residential dwelling" means buildings used for temporary or permanent human habitation, including single family residences and accessory guest houses, multi-family dwellings, townhouses, condominiums, apartments, the sleeping quarters of hotels and motels, dormitories and group housing units.

6. "Urinal" means a fixture that consists of a water flushed bowl, and any associated flush valve, and that is used for the disposal of human urine.

7. "Water closet" means a fixture that consists of a water flushed bowl, and any associated flush valve, and that is used for the disposal of all wastes from the human body.

8. "Water free urinal" means a plumbing fixture that does not require a water supply or flushing device to receive and convey only liquid waste through a trap seal and into the gravity drainage system for such function and that meets the requirements of the American society of mechanical engineers (ASME) standard A112.19.2M-95 or the American national standards institute (ANSI) standard Z124.9-94 or any equivalent standard.

B. Plumbing fixtures; residential construction

In addition to the requirements of the adopted plumbing code, no person may install or replace any plumbing fixture for use in the unincorporated area of Gila County in any new or existing residential construction, unless the fixtures meet the following water saving performance standards:

1. Lavatory faucets and replacement aerators shall be designed to deliver no more than an average of three (3) gallons of water per minute at a pressure of eighty PSI or shall be equipped with permanent flow control devices that allow delivery of no more than an average of three gallons of water per minute at a pressure of eighty PSI.

2. Kitchen faucets and replacement aerators shall be designed to deliver no more than an average of three (3) gallons of water per minute at a pressure of eighty PSI or shall be equipped with permanent flow control devices that allow delivery of no more than an average of three gallons of water per minute at a pressure of eighty PSI.

3. Shower heads shall be designed to deliver no more than an average of three (3) gallons of water per minute at a pressure of eighty PSI.

4. Water closets shall be designed to use no more than an average of one and six-tenths gallons of water per flush.

5. Urinals shall be designed to use no more than an average of one gallon of water per flush. No urinals may be installed that use a timing device to flush periodically regardless of demand.

6. Evaporative cooling systems and decorative fountains shall be equipped with water recycling or reuse systems.

C. Plumbing fixtures; commercial, industrial and public construction

In addition to the requirements of the adopted plumbing code, no person may install or replace any plumbing fixtures for use in the unincorporated area of Gila County in any new or existing commercial, industrial or public construction, unless the fixtures meet the following water saving performance standards:

1. Lavatory faucets shall be equipped with a mechanism that causes the faucet to close automatically after delivering no more than one-fourth gallon of water or shall be designed to deliver no more than an average of one-half gallon of water per minute at a pressure of eighty PSI.

2. Shower heads shall be designed to deliver no more than an average of three (3) gallons of water per minute at a pressure of eighty PSI. Emergency safety showers are exempted from this requirement.

3. Water closets shall be designed to use no more than an average of one and six-tenths gallons of water per flush.

4. Urinals shall be designed to use no more than an average of one (1) gallon of water per flush. No urinals may be installed that use a timing device to flush periodically regardless of demand.

5. Evaporative cooling systems decorative fountains and car washes shall be equipped with water recycling or reuse systems.

SECTION 8. BUILDING PERMITS

Application for building permits shall be made in the office of Building Safety, Gila County Community Development. Submissions shall include a site plan and plans and details of the proposed construction or use, containing sufficient information for the enforcement of this Ordinance. Application for a building permit must be filed for all proposed construction within the zoned area of the county as required by current adopted building codes as well as for construction within unzoned areas as required by statute.

A building permit shall be issued only upon approval of submitted plans and specifications, and presentation of an approved sanitary system permit where required.

Permit applications shall normally be accepted at the Gila County Community Development Office at 1400 East Ash Street, Globe, Arizona, 85501, or 714 S. Beeline, Payson, Arizona, 85541, 8:00 a.m. to 5:00 p.m., Monday through Friday.

No residential permit shall be issued to any person or persons who propose to contract the performance of any construction or improvement regulated by this Code unless the person requesting the permit is the holder of a valid, unexpired and unrevoked Contractor's license issued by the Registrar of Contractors of the State of Arizona. However, a residential permit required by this Code may be issued to any person to do any construction or improvement regulated by this Code, provided the person is himself the bona fide owner of the premises upon which the construction or improvement is to be done, is doing the work himself, contracts for doing the work with a Contractor or Contractors duly licensed by the State of Arizona, or employing someone by the hour to do such work, provided that such construction or improvement is not intended for sale or rent.

No commercial permit shall be issued to any person or persons who propose to contract the performance of any construction or improvement intended for commercial or industrial purposes unless the person requesting the permit is the holder of a valid, unexpired and unrevoked commercial contractor's license issued by the Registrar of Contractors of the State of Arizona.

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

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. The minimum investigation fee shall be the same as the minimum permit fee established in the adopted fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either these provisions or other pertinent codes or from any penalty prescribed by law.

SECTION 9. SCHEDULE OF VALUES AND OTHER FEE REQUIREMENTS

A. Permit fees consisting of: building permits, plan check, plumbing, mechanical, electrical and miscellaneous permits, as described in the respective codes and ordinances, shall be as adopted by resolution of the Gila County Board of Supervisors.

B. Building valuation data used in determining the permit fees shall be as adopted by resolution of the Gila County Board of Supervisors.

SECTION 10. SEVERABILITY

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

SECTION 11. ENFORCEMENT

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

SECTION 12. VIOLATION AND PENALTIES

A. **Criminal Penalties:** Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provision of this ordinance or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 2 Misdemeanor pursuant to A.R.S. § 11-808. Each and every day during which the illegal activity, use or violation continues is a separate offense.

B. **Civil Penalties:** Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this ordinance shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this ordinance shall be established by separate resolution of the Board of Supervisors, but shall not exceed the amount of the maximum fine for a Class 2 Misdemeanor. An alleged violator shall be entitled to an administrative hearing on his liability, and review by the Board of Supervisors as provided in A.R.S. §11-808. Pursuant to that statutory section, the Board of Supervisors shall adopt written Rules of Procedures for such hearing and reviews.

C. **Remedies:** An alleged violator who is served with Notice of Violation subject to civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive.

The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this article, the Board of Supervisors, the County Attorney, the Inspector, or any adjacent or neighboring property owner who shall be damaged by the violation of any provision of this ordinance, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 13. PERMIT REQUIREMENTS

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

SECTION 14. RECORDS

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

SECTION 15. REDRESS

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

SECTION 16. AMENDMENT

A. This Ordinance may be amended from time to time in accordance with the provisions of A.R.S. § 11-864.

B. Amendments may be initiated by the Chief Building Official, the Advisory and Appeals Board, or the Board of Supervisors.

C. The Gila County Planning and Zoning Commission shall hold at least one public hearing on the proposed amendments prior to making a recommendation to the Board of Supervisors. Notice of said hearing shall be given by publication of the text of the changes pursuant to the provisions of A.R.S. § 11-829C and A.R.S. § 11-861.

D. The Board of Supervisors may act upon the proposed amendments pursuant to the procedures found in A.R.S. § 11-829C and D.

SECTION 17. ENACTMENT

This Ordinance shall become effective on the first day of October, 1986.

Amendment was passed and adopted this 17th day of March, 2009.

Gila County Board of Supervisors

By: _____
Shirley L. Dawson, Chairman

Approved as to form:

By: _____
Bryan Chambers, Deputy County Attorney

ATTEST:

By: _____
Steven L. Besich, Clerk of the Board

2009-003719 RESL Page: 32 of 32
03/27/2009 04:05:24 PM Receipt #: 09-2169
Rec Fee: $0 Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

AMENDMENTS

Amended April 5th, 2005 (added Section 7.1 Water Conservation)

Amended February 20, 2007 (updated adopted codes and added civil penalties).
Effective March 22, 2007

Amended October 23, 2007
(Amended Section 4, Advisory Board, deleted code sections that reference Appeal Boards, corrected Seismic Design Category in Table R301.2(1), deleted amendments to IRC that regulate location of LPG Appliances, added Investigation Fee to Section 8, deleted State Plumbing Code in section 1.E, amended Section 1.1.3, Park Model trailers). Effective November 22, 2007

Amended March 17, 2009
Amend to include Chapter 11 Energy Efficiency minus section N1102.1.7 Crawl space walls.
Effective April 16, 2009