BUILDING CODE ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY ARIZONA
ORDINANCE NO. 2017-02

AN ORDINANCE TO AMEND AND REPLACE PREVIOUSLY ADOPTED BUILDING CODE ORDINANCE NO. 2014-03 AND ALL PRIOR BUILDING CODE ORDINANCES OF THE COUNTY OF GILA IN ITS ENTIRETY AND PROVIDING FOR THE ADOPTION OF THIS GILA COUNTY BUILDING CODE ORDINANCE BY REFERENCE REGULATING THE CONSTRUCTION, ALTERATION, CONVERSION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL, AND DEMOLITION OF THE BUILDINGS AND STRUCTURES AND APPURTENANCES TO SUCH BUILDING AND STRUCTURES IN GILA COUNTY; PROVIDING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF PERMIT FEES, AND PROVIDING FOR AN ADVISORY AND APPEALS BOARD.

WHEREAS, the Gila County Board of Supervisors is empowered to make and enforce all regulations not in conflict with general law, pursuant to A.R.S §11-251(31), and may adopt ordinances necessary or proper to carry out the County's responsibilities not otherwise limited or conflicting with other laws, pursuant to A.R.S. §11-251.05(A); and

WHEREAS, the Board of Supervisors has properly noticed this Ordinance in compliance with A.R.S §11-251.05(C); and

WHEREAS, the Board of Supervisors is authorized to adopt a Building Code by Reference in compliance with A.R.S. §11-861.

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors adopts as amended the Building Code Ordinance of Unincorporated Areas of Gila County, Arizona, which will go into effect 30 days after Board of Supervisors' approval:

BUILDING CODE ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA

SECTION 101

This Ordinance shall be known as the GILA COUNTY BUILDING CODE.

SECTION 101.1
PURPOSE AND INTENT

The purpose of this Code is to provide minimum requirements to safeguard the public health, safety and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

SECTION 101.2
ADMINISTRATIVE RESPONSIBILITIES

A. BUILDING SAFETY

The Building Safety Department shall administer the provisions of this Building Ordinance:

1. The official responsible for the administration of this Ordinance shall be the Chief Building Official of Gila County. The rules for administering this Ordinance are as noted in the respective Codes as adopted or as otherwise provided herein.

2. All permits or licenses issued by authority of this Ordinance shall comply with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be considered null and void and have no effect.

3. Nothing contained in this Ordinance shall conflict with the exemptions provided pursuant to Arizona Revised Statutes Title 11, Chapter 6, Article 5, § 11-812 and § 11-865.

B. ADVISORY AND APPEALS BOARD

1. Authority and Purpose

   a. Pursuant to Arizona Revised Statutes, Title 11, Chapter 6, Article 5, § 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.

   b. 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.

   c. 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.

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

2. Members and Qualifications

   a. 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:
      i. Two members shall be appointed to four year terms.
      ii. Two members shall be appointed for three year terms.
      iii. Two members shall be appointed for two year terms.
      iv. One member shall be appointed to a one year term.

   b. 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.

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

   d. 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:
      .i An architect duly licensed in the state of Arizona.
      .ii A professional engineer duly licensed in the state of Arizona.
      .iii A general contractor duly licensed in the state of Arizona.
      .iv A person representing the public.
      .v A person engaged in the electrical, mechanical or plumbing trade.

   e. 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.

   f. 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.

3. Vacancies

   a. 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.

   b. 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.

   c. 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.

d. 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.

4. Duties of the Board

a. 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.

b. 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.

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

d. 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.

e. 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.

f. 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, when so acting, has the same powers and is subject to the same restrictions as the Chairman.

g. 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.

h. 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.

i. 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.

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

5. Hearings and Meetings

a. The Board shall meet at the call of the Chairman, ~~or~~ at the request of the Building Official, or as needed in any calendar year.

b. All Board meetings and hearings are subject to the Arizona Open Meeting Law.

c. 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.

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

e. 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.

f. 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.

6. Quorum and Voting

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

b. 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.

c. 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.

d. 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.

e. 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.

7. Appeals

a. 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.

b. 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.

c. 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
   i. the true intent of the Building Code has been incorrectly interpreted or
   ii. the provisions of the Building Code do not apply or
   iii. the proposed form or method of construction is equal to or better than required by the Building Code.
   iv. 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).

d. The Advisory and Appeals Board shall hold a public hearing for an appeal within fifteen (15) days of receipt of the Notice of Appeal. Public notice of the hearing shall be posted (7) days prior to the hearing date. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

j. The Board may request that the County Attorney or Deputy County Attorney be present at appeal hearings. 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.

k. 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.

8. 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 102
DEFINITIONS

Terms used in this Ordinance shall be defined as provided in the adopted Code books, appendices and amendments listed in Section 5 BUILDING CODE of this Ordinance, except as herein otherwise provided.

Building Official or Chief Building Official shall mean the Chief Building Official of Gila County.

Board shall mean the Gila County Board of Supervisors unless the reference is within Section 8 of this Ordinance and/or is clearly intended to mean the Advisory and Appeals Board.

Board of Supervisors shall mean the Gila County Board of Supervisors.

Building Code or Gila County Building Code shall mean this Building Code Ordinance and, more specifically, the collection of code books, appendices and amendments listed in Section 5 BUILDING CODE of this Ordinance.

Building Code Ordinance or this Ordinance shall mean this complete Ordinance.

County or Gila County shall mean the unincorporated areas of Gila County excluding Indian Reservations.

HUD shall mean the U.S. Department of Housing and Urban Development.

LPG shall mean liquefied petroleum gas.

OMH shall mean the State of Arizona Office of Manufactured Housing.

SECTION 103
ENERGY STANDARDS

The following minimum energy values shall apply for all commercial and habitable residential buildings:

Roof: 2x4 construction R-13
2x6, 2x8, 2x10, 9.5" & 11.875 I-Joist construction R-19
2x12 construction R-30

All other dimensions and ceilings with attic spaces R-38
Alternative materials - Discretion of the Building Official
Wall: 2x4 construction and basements R-13
2x6 construction or greater R-19
Alternative materials - Discretion of the Building Official
Floor (wood or steel framed): R-19
Window U-Factor: .35
Skylight U-Factor: .55

SECTION 104
BUILDING CODE

The following described documents containing the following described codes, appendices and amendments are hereby adopted by reference, as if fully set out herein, as the Gila County Building Code pursuant to Arizona Revised Statutes Title 11, Chapter 6, Article 5, § 11-861.

A. **International Residential Code**, 2012 edition as published by the International Code Council, Inc. including:

1. **Appendix A** (Sizing and Capacities of Gas Piping)

2. **Appendix B** (Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents)

3. **Appendix C** (Exit Terminals of Mechanical Draft and Direct-vent Venting Systems)

4. **Appendix G** (Swimming Pool, Spas and Hot Tubs)

5. **Appendix H** (Patio Covers)

6. **Appendix J** (Existing Buildings and Structures)

7. As well as the following amendments:

   a. Amend section **R101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

   b. Amend section **R105.2 Work exempt from permit. Building 1.** by adding "non-habitable" after "similar", and by adding "and the floor surface is not more than 30 inches above grade. Floor area is measured using the outside dimensions of the foundation." after (18.58 m^2) and by adding "Detached accessory structures shall be located an approved distance from other structures and property lines."

   c. Amend section **R105.2 Work exempt from permit. Building 2.** by replacing the wording in this subsection with "Wood, wire, chain link and similarly constructed fences not over 6 feet high measured from grade. Rock, concrete, masonry and similarly constructed fences not over 4 feet high measured from grade."

   d. Amend section **R105.2 Work exempt from permit. Building 3.** by deleting "are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall" and replacing it with "will retain 48 inches or less of unbalanced fill."

e. Amend section **R105.2 Work exempt from permit. Building 10.** by adding "Detached" before "Decks", by deleting "are not attached to a dwelling and do not serve the exit door required by Section R311.4" and by adding "Detached accessory structures shall be located an approved distance from other structures and property lines."

f. Delete section **R105.3.1.1 Determination of substantially approved or substantially damaged existing buildings in flood hazard areas.**

g. Delete section **R112 BOARD OF APPEALS.**

h. Amend section **R202 Definitions** by adding SLEEPING ROOM. A room within a structure consisting of a minimum floor area of 70 square feet and not less than 7 feet in any horizontal dimension, has a built in closet either for clothing or storage, and used primarily for sleeping
Replace **Table R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA** with the following table:

TABLE R301.2(1) AMENDED CLIMATIC and GEOGRAPHIC DESIGN CRITERIA for GILA COUNTY		
SNOW LOADS[1]		
BELOW 4,500 ft. elevation	**4,500 to 6,000 ft. elevation**	**ABOVE 6000 ft. elevation**
ROOF LIVE LOAD 20 PSF[2]	**ROOF LIVE LOAD 40PSF**	**ROOF LIVE LOAD 40 PSF[3]**
GROUND SNOW LOAD 28 PSF	**GROUND SNOW LOAD 57 PSF**	**GROUND SNOW LOAD 57 PSF[3]**
Includes: Christmas, Claypool, Cutter, Deer Creek Village, Doll Baby Ranch, Dripping Springs, Gisela, Globe, Gila County Fairgrounds, Greenback Valley, Hayden, Jakes Corner, Miami, North Bay Estates, Punkin Center, Roosevelt, Rye, Tonto Basin, Tonto Creek Shores, Wheatfields, Winkelman	Includes: Bear Flat, Beaver Valley, Bonita Creek Estates, Camp Geronimo, Christopher Creek, East Verde Park, El Capitan, Ellison Creek Estates, Flowing Springs, Geronimo Estates, Haigler Creek subdivision, Hunter Creek Ranch, Kohl's Ranch, Mesa Del Caballo, Oxbow Estates, Payson, Pine, Rose Creek Lodge, Round Valley, Strawberry, Tonto Natural Bridge, Tonto Village, Verde Glen, Whispering Pines, Young	Includes: Canyon Creek Fish Hatchery, Colcord Mountain Estates, Diamond Point Lookout, El Capitan Peak, Gordon Canyon Ranch, Mazatzal Peak, Mead Ranch, Mountain Meadows, Mt. Ord, Nail Ranch, OW Ranch, Pinal Peak, Ponderosa Springs, Signal Peak, Tonto Creek Fish Hatchery, Washington Park

1. Some ground snow loads were interpolated from known roof snow loads.
2. The minimum roof / live load required by Code = 20 psf
3. or per historical data available.

SEISMIC DESIGN CATEGORY[4,5]		WIND DESIGN
B	C	County-wide
Includes: Christopher Creek, Doll Baby Ranch, East Verde Park, Gisela, Geronimo Estates, Haigler Creek, Hayden, Jake's Corner, Kohl's Ranch, Payson, Pine, Ponderosa Springs, Punkin Center, Rose Creek Ranch, Rye, Roosevelt, Roosevelt Lake Estates, Strawberry, Tonto Basin, Tonto Village, Wheatfields, Washington Park, Whispering Pines, Winkelman, Young	Includes: Chaparral Estates, Central Heights, Copper Canyon Ranches, Christmas Mine, Claypool, Cutter, Dripping Springs, Dripping Springs Rd., El Capitan, Gila County Fairgrounds, Globe, Hobbs Ranch Rd., Miami, Peridot, Pioneer Hills, Pioneer Pass Rd., Russell Gulch Rd., San Carlos, San Carlos Reservoir, Six Shooter Canyon	**SPEED:** 3 Second gust = 90 m.p.h. Fastest mile wind speed = 76 m.p.h. **TOPOGRAPHIC EFFECTS:** No (Exposure B is presumed)

4. See map on file in Community Development for more detailed information.

5. Site Category D is presumed

FACTORS AFFECTING DESIGN		
	BELOW 4,500 feet	**4,500 feet and ABOVE**
WEATHERING	Negligible	Moderate
FROST	Bottom of footing must be 12" min. below undisturbed ground surface.	Bottom of footing must be 12" min. below undisturbed ground surface **and** 18" min. below finished grade.
WINTER DESIGN TEMP	Averages 28 degrees	Averages 17 degrees
MEAN ANNUAL TEMPERATURE	Averages 65 degrees	Averages 55 degrees[6]
AIR FREEZING INDEX	Less than 1500 cumulative degree days below freezing	
ICE BARRIER UNDERLAYMENT	Not required	
TERMITES	Moderate to heavy	
FLOOD HAZARDS	As determined by the Gila County Floodplain Dept. and/or Engineer	

6. Based on Payson area.

i. Amend **Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS** by replacing the number "30" with "40" for habitable attics and attics with fixed stairs.

j. Amend **Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS** by replacing the number "20" with "40" for sleeping rooms.

k. Amend **Table R302.6 DWELLING/GARAGE SEPARATION** by replacing all references to ½-inch with 5/8-inch Type X.

l. Amend section **R302.7 Under-stair protection** by replacing ½-inch with 5/8-inch Type X.

m. Amend section **R305.1.1 Basements** by adding "garages and porches" after the words "laundry rooms."

n. Amend section **R310.5 Emergency escape windows under decks and porches** by adding "relatively level and unobstructed" before the word "path" and by adding "by 36 inches [2]

o. Amend section **R311.3.1 Floor elevations at the required egress doors** by deleting "7 ¾ inches (196 mm)" and replacing it with "8 inches."

p. Amend section **R311.3.2 Floor elevations for other exterior doors** by deleting "7 ¾ inches (196 mm)" and replacing it with "8 inches."

q. Amend section **R311.7.5.1 Risers** by deleting "7 ¾ inches (196 mm)" and replacing it with "8 inches."

r. Amend section **R312.1.2 Height** by deleting "adjacent fixed seating."

s. Delete section **R313.2 One- and two-family dwellings automatic fire systems**.

t. Amend section **R403.1.4.1** Frost protection by deleting Exceptions: 1., 2., and 3.

u. Amend section R502.3.3 Floor cantilevers by adding after Table R502.3.3(2) "All other floor cantilevers not pertaining to Table R502.3.3(1) and Table R502.3.3(2) shall be limited to a span of 48 inches without Building Official approval or engineered design."

v. Amend section **606.9.1 Horizontal lateral support** in its entirety to read as follows: "Minimum reinforcement requirements for masonry elements shall consist of reinforcement by at least one #4 rebar, in both the horizontal and vertical directions at no further than 4 feet on center. Additionally, a single #4 rebar is required within 6 inches of the top of the masonry walls, placed horizontally and within 6 inches vertically of the end of the wall and at openings." Concrete walls will have the same requirements as masonry except the horizontal reinforcement will be at not more than 2 feet on center.

w. Amend section **R802.5 Allowable rafter spans** by adding "Cantilevered portions of rafters that are not notched shall be limited to a span of 48 inches without building official approval or engineered design."

x. Amend **Chapter 11 Energy Efficiency** to state this chapter is optional and not required. If an applicant requests to follow this chapter at the time of plan submission and the construction complies with this chapter, the County will note such compliance on the Certificate of Occupancy.

y. Amend section **M1503.1 General** by adding "Changes in duct size or direction shall be made through the use of an approved mechanical connection. Taped connections and/or transitions are prohibited."

z. Amend section G2412.2 Liquefied petroleum gas storage by adding "Installation and placement of liquefied petroleum gas (LPG) tanks that supply a LPG piping system regulated by this Code must be permitted and inspected."

aa. Amend section **G2415.12 Minimum burial depth** by deleting "except as provided for in Section G2415.12.1" and replacing it with "for metal piping and a minimum depth of 18 inches (457 mm) below grade for plastic piping"

bb. Delete section **G2415.12.1 Individual outside appliances**.

cc. Amend section **P2503.5.1 Rough plumbing** by deleting "for piping systems other than plastic,".

dd. Amend section **P2602.1 General** by adding "Use of a portable toilet is allowed on a temporary basis during construction or repair of an approved private sewage-disposal

system and is not to be used as permanent sanitary source. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition."

ee. Delete section **P2904.1.1 Required sprinkler locations.**

ff. Amend section **E3404.9 Energized parts guarded against accidental contact** by adding "Ground mounted photovoltaic systems containing energized parts operating at 50 volts or more shall be guarded against accidental contact by approved enclosures."

gg. Amend section **E3903.2 Habitable rooms** by adding "The wall switch shall be readily accessible and located in close proximity to the entrance of the room being entered."

hh. Amend section **E3903.3 Additional locations** by adding "and the interior" after the word "exterior."

B. **International Building Code**, 2012 edition as published by the International Code Council, Inc. including:

1. **Appendix C** (Group U-Agricultural Buildings)

2. **Appendix H** (Signs)

3. **Appendix I** (Patio Covers)

4. As well as the following amendments:

   a. Amend **Section 101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

   b. Amend section **R105.2 Work exempt from permit. Building 1.** by adding "non-habitable" after "similar" and by adding "and the floor surface is not more than 30 inches above grade. Floor area is measured using the outside dimensions of the foundation." after (11 m^2) and by adding "Detached accessory structures shall be located an approved distance from other structures and property lines."

   c. Amend section **105.2 Work exempt from permit. Building 2** by replacing the wording in this subsection with "Wood, wire, chain link and similarly constructed fences not over 6 feet high measured from grade. Rock, concrete, masonry and similarly constructed fences not over 4 feet high measured from grade."

   d. Amend section **R105.2 Work exempt from permit. Building 4.** by deleting "are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall" and replacing it with "will retain 48 inches or less of unbalanced fill."

   e. Delete section **113 BOARD OF APPEALS.**

   f. Amend section **202 Definitions** by adding the following definitions:

      i. **Assisted Living Center.** An assisted living facility that provides resident rooms or

residential units to eleven or more residents.

ii. **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.

iii. **Assisted Living Home.** An assisted living facility that provides resident rooms to ten or fewer residents.

iv. **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.

v. **Supervisory Care Service.** General supervision, including daily awareness of resident functioning and continuing needs.

g. Amend section **202 Definitions** by replacing the definition for **Personal Care Service** with "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 administration of medications or treatments."

h. Amend section **308.3 Institutional Group I-1** to read as follows:
"This occupancy shall include buildings, structures or portions thereof for more than 16 persons who reside on a 24 hour basis in a supervised environment, receive *custodial care*, and are capable of self-preservation, except as provided for *assisted living centers*. This group shall include, but not be limited to, the following:"

i. Amend section **308.3 Institutional Group I-1** by replacing "*Assisted living facilities*" with "*Assisted living centers*."

j. Amend section **308.3.2 Six to sixteen person receiving care** by adding ", except as provided for *assisted living homes*" after the words "Group R-4."

k. Amend section **308.4 Institutional Group I-2** by replacing "*Nursing homes*" with "*Assisted Living Centers*."

l. Delete section **308.4.1 Five or fewer persons receiving care.**

m. Amend section **310.5.1 Care facilities within a dwelling** to read as follows:
"Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted, provided that the requirements of Section 425 for this Code are met."

n. Amend section **310.6 Residential Group R-4** by adding "except as provided for *assisted living homes*" after the words "self-preservation."

o. Amend section **310.6 Residential Group R-4** by replacing "*Assisted living facilities*" with "*Assisted living homes*."

p. Amend section **310.6 Residential Group R-4** by adding "and Section 425" after the words "in this Code."

q. Amend section **310 Residential Group R** by adding the following sections:

i. **310.6.1 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 facilities housing more than 10 persons shall be classified as Group I-2.

ii. **310.6.2 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 situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

r. Amend **Chapter 4 Special Detailed Requirements Based On Use and Occupancy** by adding the following Section **425 ASSISTED LIVING HOMES**:

i. **425.1 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 the applicable provisions of Group R-3.

ii. **425.2 General.** Building or portions of buildings classified as R-4 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 two thousand square feet above the first story, except as provided in Section 506.

iii. **425.3 Special Provisions.** R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

iv. **425.3.1 Mixed Uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

v. **425.4 Access and Means of Egress Facilities**

vi. **425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

vii. **425.4.2 Exits**

viii. **425.4.2.1 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 used by residents may have only one means of egress as provided in Chapter 10.

ix. **425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

x. **425.4.2.3 Emergency Exit Illumination.** In 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.

xi. **425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 does not apply to R-4 occupancies.

xii. **425.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Section 1008.1.9.7, Items 1, 2, 4, 5, and 6.

xiii. **425.5 Smoke Alarms and Sprinkler Systems.**

xiv. **425.5.1 Smoke Alarms.** R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.11.2, and such alarms shall be installed in all habitable rooms.

xv. **425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout to include attached garages and Condition 2 facilities including any concealed spaces or spaces containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In 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.

s. Amend section **1008.1.2 Door swing** by replacing the wording in exception 4 with "Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in Section 101.2 and R-4."

t. Amend section **1013.4 Opening limitations** by adding "For guards required more than 8 feet above grade, when a guard is required above the first floor of a building, the requirements of this section cannot be met through the use of horizontal members."

u. Amend section **1101.2 Design** by replacing the wording with "Buildings and facilities shall be designed and constructed to be accessible in accordance with this Code and ICC A117.1, and 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 rules incorporate the federal "2010 Americans with Disabilities Act Standards for Accessible Design," and shall apply to new construction and alterations.

v. Delete **CHAPTER 13 ENERGY EFFICIENCY.**

w. Amend **Table 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS** by replacing the number "30" with "40" for Residential One and two-family dwellings habitable attics and sleeping areas.

x. Delete section **1612 Flood Loads**

y. Delete section **3109 Swimming Pool Enclosures and Safety Devices**
z. Amend section **3412 Applicability** by replacing [DATE TO BE INSERTED BY THE JURISDICTION…] with "October 1, 1986."

C. **International Existing Building Code**, 2012 edition as published by the International Code Council, Inc. as well as the following amendments:

1. Amend section **101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

2. Delete section **112 BOARD OF APPEALS.**

3. Amend section **1401.2 Applicability** by replacing [DATE TO BE INSERTED BY THE JURISDICTION…] with "October 1, 1986."

D. **National Electrical Code**, 2011 edition as published by the National Fire Protection Association including the following amendment:

1. Amend section **90.4 Enforcement** by adding "The procedures and methods used to administer and enforce this Code shall be the same as those described in the following portions of the 2012 International Building Code:

   a. Section 102 APPLICABILITY

   b. Part 2 ADMINISTRATION AND ENFORCEMENT excluding Section 106 FLOOR AND ROOF DESIGN LOADS."

2. Amend section **110.27(A)** by adding "Ground mounted photovoltaic systems containing live parts operating at 50 volts or more shall be guarded against accidental contact by approved enclosures secured and accessible only to authorized personnel."

E. **International Plumbing Code**, 2012 edition as published by the International Code Council, Inc. including:

1. **Appendix E** (Sizing of Water Piping System)

2. **Appendix F** (Structural Safety)

3. As well as the following amendments:

   a. Amend section **101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

   b. Amend section **106.6.2 Fee schedule** by replacing [JURISDICTION TO INSERT...] with "per the adopted fee schedule."

   c. Amend section **106.6.3 Fee refunds** by replacing the wording in this section with "per the Building Code Ordinance, Section 106 G Refunds of Plan Review and/or Building Permit Fees."

d. Amend section **108.4 Violation penalties** by replacing the wording in this section with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."
e. Amend section **108.5 Stop work orders** by replacing the wording after "shall be liable" with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

f. Delete section **109 MEANS OF APPEAL.**

g. Amend section **305.4.1 Sewer depth** by replacing the first [NUMBER] with "12" and the second [NUMBER] with "12."

h. Amend section **312.3 Drainage and vent air test** by deleting "Plastic piping shall not be tested using air."

i. Amend section **405.3.1 Water closets, urinals, lavatories and bidets** by adding the following:

Exception. Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

j. Amend section **504.6 Requirements for discharge piping** requirement 2 by adding "or discharge at least 6 inches above grade when discharging outdoors."

k. Amend section **504.6 Requirements for discharge piping** requirement #5 by deleting the words "to the floor."

l. Amend section **701.2 Sewer required** by adding "Use of a portable toilet is allowed on a temporary basis during construction or repair of an approved private sewage-disposal system and is not to be used as a permanent sanitary source."

m. Amend section **903.1 Roof extension** by replacing [NUMBER] with "12."

F. **International Fuel Gas Code**, 2012 edition as published by the International Code Council, Inc. including:

1. **Appendix A** (Sizing and Capacities of Gas Piping)

2. **Appendix B** (Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents)

3. **Appendix C** (Exit Terminals of Mechanical Draft and Direct-vent Venting Systems)

4. As well as the following amendments:

   a. Amend section **101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

   b. Amend section **106.6.2 Fee schedule** by replacing [JURISDICTION TO INSERT...] with "per the adopted fee schedule."

c. Amend section **106.6.3 Fee refunds** by replacing the wording in this section with "per the Building Code Ordinance, Section 106 G Refunds of Plan Review and/or Building Permit Fees."

d. Amend section **108.4 Violation penalties** by replacing the wording in this section with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

e. Amend section **108.5 Stop work orders** by replacing the wording after "shall be liable" with "per the Building Code Ordinance, SECTION 10-7 VIOLATIONS AND PENALTIES."

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

g. Amend section **306.3 Appliances in attics** by replacing "largest appliance" with "largest component of the appliance."

h. Amend section **306.4 Appliances under floors** by replacing "largest appliance" with "largest component of the appliance."

i. Amend section **401.2 Liquefied petroleum gas storage** by adding "Installation and placement of liquefied petroleum gas (LPG) tanks that supply a LPG piping system regulated by this Code must be permitted and inspected."

j. Amend section **404.12 Minimum burial depth** by replacing "except as provided for in section 404.12.1" with "for metal piping and a minimum depth of 18 inches (457 mm) below grade for plastic piping."

k. Delete section **404.12.1 Individual outside appliances.**

G. International Mechanical Code, 2012 edition as published by the International Code Council, Inc. including:

1. **Appendix A** (Chimney Connector Pass-throughs)

2. As well as the following amendments:

a. Amend section **101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

b. Amend section **106.5.2 Fee schedule** by replacing [JURISDICTION TO INSERT...] with "per the adopted fee schedule."

c. Amend section **106.5.3 Fee refunds** by replacing the wording in this section with "per the Building Code Ordinance, Section 106 G Refunds of Plan Review and/or Building Permit Fees."

d. Amend section **108.4 Violation penalties** by replacing the wording in this section with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

e. Amend section **108.5 Stop work orders** by replacing the wording after "shall be liable" with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

f. Delete section **109 MEANS OF APPEAL.**

g. Amend section **306.5.1 Sloped roofs** by adding "**Exception:** This section shall not apply to group R-3 occupancies."

h. Amend section **505.1 Domestic systems** by adding "Changes in size or direction shall be accomplished with an approved transition fitting."

i. Amend section **1004.1 Standards** by replacing the wording after "UL 834" with "Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code*, and Arizona Boiler Rules, Title 20 Chapter 5."

H. International Swimming Pool and Spa Code, 2012 edition as published by the International Code Council, Inc. as well as the following amendments:

1. Amend section **101.1 Title** by replacing [NAME OF JURISDICTION] with "Gila County."

2. Amend section **105.6.2 Fee schedule** by replacing [JURISDICTION TO INSERT...] with "as per the adopted fee schedule."

3. Amend section **105.6.3 Fee refunds** by replacing the wording in this section with "per the Building Code Ordinance, Section 106 G Refunds of Plan Review and/or Building Permit Fees."

4. Amend section **107.4 Violation penalties** by replacing the wording in this section with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

5. Amend sect **107.5 Stop work orders** by replacing the wording in this section with "per the Building Code Ordinance, SECTION 107 VIOLATIONS AND PENALTIES."

6. Delete section **108 MEANS OF APPEAL.**

7. Amend section **305.2.1 Barrier height and clearances** by deleting "48 inches" replacing it with "60 inches."

8. Amend section **305.3.2 Double or multiple gates** by deleting "18 inches (457 mm)" and replacing it with it with "24 inches (610 mm)."

9. Amend section **305.3.3 Latches** by deleting "Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the vessel side of the gate at least 3 inches below the top of the gate, and the barrier shall not have openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism" and replacing it with "The release mechanism of the self-latching device shall be located at least 54 inches (1372 mm) from grade, the release mechanism shall be located on the vessel side of the gate at least 5 inches (127 mm) below the top of the gate, and the gate and barrier shall not have openings greater than ½ inch (12.7 mm) within 24 inches (610 mm) of the release mechanism.

I. International Energy Conservation Code, 2012 edition as published by the International Code Council, Inc. is adopted as an optional/non required standard. If an applicant requests to follow the code

at the time of plan submission and the construction complies with the code, the County shall note such compliance on the Certificate of Occupancy.

J. <u>Accessible and Usable Buildings and Facilities ICC A117.1-2009</u> as published by the International Code Council, Inc., as well as the following amendments:

1. Amend section **203 Administration** by adding "The procedures and methods used to administer and enforce this Code shall be the same as those described in the following portions of the 2012 International Building Code:
   a. Section 102 APPLICABILITY
   b. Part 2 ADMINISTRATION AND ENFORCEMENT excluding Section 106 FLOOR AND ROOF DESIGN LOADS."

2. The Federal 2010 ADA Standards for Accessible Design shall take precedence over this Code when in conflict.

K. <u>Manufactured Home and Factory Built Building Installation Standards</u>, as published and provided by the State of Arizona Office of Manufactured Housing (OMH), including the following amendments:

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 (HUD). It shall be the responsibility of the applicant to provide proof of compliance with this requirement. A label certifying that the manufactured home has been inspected and constructed in accordance with HUD requirements in effect at the time of manufacture constitutes proof of compliance provided that the date of manufacture is not prior to June 15, 1976.

2. Park model trailers will be permitted and inspected in the same manner as manufactured homes. However, park model trailers are classified as recreational vehicles (RVs) and, as such, are subject to the zoning, building and other regulations that apply to RVs.

3. Manufactured homes are designed and built to be used as single family residences. The conversion of a manufactured home to another use is not regulated by HUD or OMH and must be done in compliance with the Building Code.

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

   a. The storage building must be accessory to an established residential use.
   b. The installation and location must comply with the zoning requirements for a manufactured home.
   c. The installation and location must comply with the zoning requirements for an accessory building.
   d. The manufactured home cannot be:
      i. larger than the residence.
      ii. attached to the residence.
      iii. used as a dwelling, guest house or any habitable use.
      iv. connected to water, sewer or gas.

e. The manufactured home may be connected to electricity subject to the requirements of the adopted Building Code(s).
f. The kitchen and bathroom appliances and fixtures must be removed.
g. The manufactured home will be:
   i. permitted as an accessory building.
   ii. inspected per the Office of Manufactured Housing installation guidelines for manufactured homes.
h. Any alterations, remodeling or additions to the manufactured home will be permitted separately and inspected per the applicable Building Code(s).
i. The Gila County Assessor's Notice of Affixture is required.
j. The HUD label must be removed and surrendered to Gila County.

L. Pursuant to Arizona Revised Statutes Title 11, Chapter 6, Article 5, § 11-864, at least three copies of this Building Code shall be filed in the office of the Clerk of the Board of Supervisors and kept available for public use and inspection. For the purpose of making this Building Code accessible to the public, the offices of Community Development are hereby designated branch offices of the Office of the Clerk of the Board of Supervisors. One copy of this Building Code will be kept in the office of the Clerk of the Board of Supervisors. One copy of this Building Code will be kept in the Globe office of Community Development. One copy of this Building Code will be kept in the Payson office of Community Development.

SECTION 105
BUILDING PERMITS

A. Application for a building permit must be filed for all proposed construction within the County pursuant to Arizona Revised Statutes Title 11, Chapter 2, Article 9, § 11-321 and as required by this Ordinance. Permit applications will normally be accepted Monday through Friday (excluding holidays) from 8:00 a.m. to 5:00 p.m. at:

   1. Gila County Community Development
      745 N. Rose Mofford Way
      Globe, AZ 85501

   2. Gila County Community Development
      608 E. Highway 260
      Payson, AZ 85541

   Applications may be submitted electronically or by mail in certain cases with prior arrangements.

B. Pursuant to Arizona Revised Statutes Title 32, Chapter 10, Article 3, § 32-1151, a permit shall not be issued to any person(s) who propose to contract the performance of any construction or improvement regulated by this Code unless that person possesses a valid, unexpired and unrevoked Contractor's license issued by the Registrar of Contractors of the State of Arizona.

C. Pursuant to Arizona Revised Statutes Title 32, Chapter 10, Article 3, § 32-1121.A.5, a permit may be issued to owners of property who build or improve structure(s) on such property and do the work themselves or with their own employees or with duly licensed contractors if the structure(s) are intended for occupancy solely by the owner, are not intended for occupancy by the public or employees or business visitors and the structure(s) are not intended for sale or rent.

D. While an owner may be issued a permit for the installation of a manufactured home or a factory built building, per the Arizona Office of Manufactured Housing, the installation must be done by an installer licensed by OMH.

E. Permitting procedures shall comply with the requirements of Arizona Revised Statutes Title 11, Chapter 11, Article 1, § 11-1601 through § 11-1610.

SECTION 106
FEES AND REFUNDS

A. Building Valuation Data used to calculate permit fees shall be per the adopted fee schedule.

B. Permit Fees consisting of fees due for plan review, building permits, plumbing, mechanical, electrical and miscellaneous permits, as described in the respective codes and ordinances, shall be per the adopted fee schedule.

C. Abandoned Permit Applications-Extensions and Fees
An application for a permit shall be considered abandoned 180 days after the date of application unless a permit has been issued or the applicant is actively pursuing the issuance of a permit. The Building Official may issue an extension(s) not to exceed 180 days. Requests for extensions must be made in writing and justifiable cause demonstrated.

1. There is no charge for the first request for an extension of a permit application.

2. There will be a $25.00 fee required with the second request for an extension of the same permit application.

3. There will be a $50.00 fee required with the third or any subsequent request for an extension of the same permit application.

4. Payment of a fee does not insure approval of a request for extension. If a request for extension is not granted, any fee(s) paid will be returned.

D. Expired Permits-Extensions and Fees
Every permit issued shall be considered expired unless the work authorized is commenced within 180 days after issuance or the work authorized is suspended or abandoned for 180 days after the work is commenced. The Building Official may issue an extension(s) not to exceed 180 days. Requests for extensions must be made in writing and justifiable cause demonstrated.

1. There is no charge for the first request for an extension of a permit.

2. There will be a $25.00 fee required with the second request for an extension of the same permit.

3. There will be a $50.00 fee required with the third or any subsequent request for an extension of the same permit.

4. Payment of a fee does not insure approval of a request for extension. If a request for extension is not granted, any fee(s) paid will be returned.

E. Re-Inspection Fees

In addition to any fees already paid, re-inspection fees may be assessed per the adopted fee schedule, at the Building Official's discretion, or for any one or more of the following reasons when, upon the inspector's arrival at a requested inspection:

1. Access to the site is obstructed.
2. The site is not accessible to the inspector.
3. The permit is not posted on site.
4. The approved plans are not provided on site or are not accessible to the inspector.
5. The inspection record is not provided on site or is not accessible to the inspector.
6. The required work has not been completed.
7. The required work has been covered or concealed.
8. The work deviates from the approved plans without the required review and approval.
9. A third inspection will be required for the same previously noted and uncorrected issues.
10. When re-inspection fees are assessed, no further inspections will be performed until those fees have been paid.

F. Investigation Fees

1. Any person who commences work prior to obtaining a permit as required by this Ordinance will be charged an additional fee to cover the costs of investigation and inspection(s) necessary to confirm code compliance.
2. The investigation fee shall be equal to the amount of the required permit fee and shall be charged in addition to the required permit fee. The minimum amount to be collected may not be less than $50.00. Payment of the investigation fee does not exempt any person from compliance with Building Code requirements or any other applicable regulations.

G. Refunds of Plan Review and/or Building Permit Fees

1. Requests for refunds must be made in writing.
2. Requests for refunds will be accepted and processed not later than 180 days after the date the fees were paid.
3. Refunds will only be issued to the person who paid the fees or his or her designee with notarized permission of the person who paid the fees.
4. 100% of any fees paid or collected in error will be refunded.

5. Not more than 80% of the plan review fee will be refunded when the permit is withdrawn or cancelled before any plan review work has been done.

6. Not more than 80% of the building permit fee will be refunded when the permit is withdrawn or cancelled before any work has been done under such permit and before any inspections have been performed.

7. A minimum of $25.00 will be retained for administrative processing of any request for refund.

H. Exempt Structures-Site Plan Review Fees

Per section R105.2 of the International Residential Code and section 105.2.1 of the International Building Code, certain structures are exempt from the requirement to obtain a building permit. However, these structures are not exempt from Gila County floodplain, zoning and wastewater regulations. To insure compliance, a site plan review and approval is required prior to the construction of exempt accessory buildings and decks.

A. A minimum fee of $25.00 will be charged for this review and approval.

I. Code Violation Recording Fees
The minimum fee to record or un-record a violation to a property deed is $25.00.

J. Temporary Certificate of Occupancy Issuance Fees
Fee is for new or each extension request.
1. $100.00 residential.
2. $200.00 commercial.

SECTION 107
VIOLATIONS 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 Arizona Revised Statutes Title 11, Chapter 6, Article 5, § 11-815. 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 and review as provided in Arizona Revised Statutes Title 11, Chapter 6, Article 2, §11-815. The Board of Supervisors shall adopt written Rules of Procedures for such hearing and reviews.

C. Remedies-Pursuant to Arizona Revised Statutes Title 11, Chapter 6, Article 2, §11-815, an alleged violator who is served with Notice of Violation subject to civil penalty shall not be subject to criminal prosecution arising out of the same facts. 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 108
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 pertaining to this Building Code.

SECTION 109
AMENDMENTS AND REVISIONS

A. Amendments and revisions to this Ordinance or to this Building Code may be initiated by any member of the public, the Chief Building Official, the Advisory and Appeals Board, the Planning and Zoning Commission or the Board of Supervisors.

B. Amendments and revisions to this Building Code or this Building Code Ordinance must be made in accordance with the provisions of Arizona Revised Statutes Title 11, Chapter 2, Article 4, § 11-251.01.05 and Chapter 6, Article 5, § 11-861 and § 11-864.

C. The duties of the Gila County Building Safety Advisory & Appeals Board include the duty to provide technical advice to the Building Official to assist in the formation and adoption of amendments and revisions to this Ordinance or to this Building Code. The Advisory & Appeals Board shall hold at least one public hearing on such proposals prior to making a recommendation to the Board of Supervisors.

PASSED AND ADOPTED this 11th day of July 2017.

ATTEST:

Marian Sheppard, Clerk

GILA COUNTY BOARD OF SUPERVISORS

Tommie Martin, Chairman

APPROVED AS TO FORM:

Jefferson R. Dalton 7-12-17

Jefferson R. Dalton
Deputy Gila County Attorney,
Civil Bureau Chief
for Bradley D. Beauchamp, County Attorney