

§ 3-9-4 DIVISION OF BUILDING SAFETY AND INSPECTION.

The division of building safety and inspection shall be managed by the Building ~~Official~~ and Safety Manager, who is responsible for exercising the powers and duties of the Building Official as defined in ~~the Uniform Building Code~~ Chapter 7: Buildings ~~as adopted by the city or hereafter amended~~; enforcing all applicable city ordinances and codes, including state and federal laws relating to buildings; ordering all work stopped on the construction, alteration or repair of buildings in the city when such work is being done in violation of any provision of any code or ordinance related thereto; and for purposes of inspection, making or causing entry into any building or premises where alteration, repairing or construction of any building or structure is occurring.

## CHAPTER 7 BUILDINGS

Article

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### ARTICLE 7-1: ~~BUILDING AND TECHNICAL CODES~~ APACHE JUNCTION DIVISION OF BUILDING SAFETY AND INSPECTION ADMINISTRATIVE CODE

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#### § 7-1-1: CONFORMITY WITH THE APACHE JUNCTION CITY CODE, VOLUME II. LAND DEVELOPMENT CODE. CHAPTER 1 ZONING ORDINANCE.

In addition to the provisions contained in this chapter, all construction shall conform to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance.

#### § 7-1-2 ~~UNIFORM ADMINISTRATIVE CODE~~ GENERAL.

- (A) Title. These regulations shall be known as the "Apache Junction Division of Building Safety and Inspection Administrative Code," may be cited as such, and will be referred to herein after, as "this Chapter."
- (B) Scope. The provisions of this Chapter shall serve as the administrative, organizational, and enforcement rules and regulations for the Technical Codes which regulate site preparation and construction, alteration, movement, enlargement, replacement, demolition, repair, maintenance, use, and occupancy of buildings, structures, and building service equipment or appurtenances attached thereto within the City of Apache Junction, Arizona. The intent of the Technical Codes is to establish the minimum requirements to safeguard the public health, safety, and general welfare of the occupants of new and existing buildings and structures through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.
- (C) Technical Codes. The basis for the codes adopted under this chapter were developed and published by a variety of national organizations. All referenced codes and referenced standards, listed or noted in the adopted codes, are adopted and applicable as prescribed in the respective Articles.

The following codes make up what will be referred to hereinafter as the "Apache Junction Technical Codes" or the "Technical Codes". The associated published codes shall be deemed and interpreted to mean the specific Apache Junction Technical Code as listed below (the publisher is noted in parenthesis after the model code name):

1. Building Code- the currently adopted version of the International Building Code (International Code Council "ICC").
2. Accessibility Code - The following statutes, regulations, and documents are adopted by reference as part of the city Building Code:
  - a. Americans With Disabilities Act – 42 U. S. C. Sections 12101 through 12213, 47 U. S. C. Sections 225 and 611 and the ADA Amendments Act of 2008 (P.L. 110-325; 122 Stat.3553).
  - b. Arizonans with Disabilities Act (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), as amended and its implementing rules, as amended (Arizona Administrative Code, Title 10, Chapter 3, Article 4).
  - c. ICC 117.1–2017 Standard, "Accessible and Usable Buildings and Facilities," as published by the International Code Council.
  - d. "2010 ADA Standards for Accessible Design," as published by the United States Department of Justice, Civil Rights Division,
    - i. Public entities, appendices B and D to 36 CFR 1191 (2009) and 28 CFR part 35.151 (2011)
    - ii. Places of public accommodation and commercial facilities, appendices B and D to 36 CFR 1191 (2009) and 28 CFR 36.401 through 36.406 (2011).
3. Residential Code- the currently adopted version of the International Residential Code for One and Two Family Dwellings (ICC).
4. Electrical Code- the currently adopted version of the National Electrical Code (National Fire Protection

Association “NFPA”)

5. Plumbing Code- the currently adopted version of the International Plumbing Code (ICC)
6. Mechanical Code- the currently adopted version of the International Mechanical Code (ICC).
7. Fuel Gas Code- the currently adopted version of the International Fuel Gas Code (ICC).
8. Fire Code- the currently adopted version of the International Fire Code (ICC).
9. Existing Building Code- the currently adopted version of the International Existing Building Code (ICC).
10. Commercial and Low-Rise Multi-Family Energy Code- the currently adopted version of the International Energy Conservation Code, (Commercial and Residential- both sections adopted) (ICC).
11. Swimming Pool and Spa Code- the currently adopted version of the International Swimming Pool and Spa Code (ICC).

(D) The application of the Technical Codes shall be as follows:

1. Building Code. The provisions of the Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, except those buildings and structures covered by the Residential Code. *(See Article 7-2).*
2. Accessibility Code. The provisions of Accessibility Code shall apply to new construction of public entity buildings and the new construction and alteration of public accommodation and commercial facilities so that buildings and facilities are readily accessible and usable by individuals with disabilities. *(See Article 7-3).*
3. Residential Code. The provisions of the Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings, and attached single-family dwellings meeting the requirements for townhouses, not more than three (3) stories above grade plane in height with separate means of egress, and their accessory structures. These provisions apply to building service equipment, connection to utilities, additions and accessory structures of park models. The Residential Code covers all components of a house, townhouse and related accessory structures, including but not limited to structural, energy, mechanical, electrical, plumbing and fuel gas components. *(See Article 7-4).*
4. Electrical Code. The provisions of the Electrical Code shall apply to the installation and removal of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways; the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems, equipment, appliances, fixtures, fittings, and appurtenances. *(See to Article 7-5).*
5. Plumbing Code. The provisions of the Plumbing Code shall apply to commercial and industrial occupancies and cover the installation, alteration, repair, relocation, replacement, addition to, use and/or and maintenance of plumbing systems, including non-flammable medical gas, inhalation

anesthetic, vacuum piping, nonmedical oxygen systems, and sanitary and condensate vacuum collection systems, roof top drainage systems, and equipment, appliances, fixtures, fittings, and appurtenances connected to a water or sewage system. (*See Article 7-6*).

6. Mechanical Code. The provisions of the Mechanical Code shall apply to the design, installation, maintenance, alteration, repair, and replacement of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes. The code regulates appliances, appliance venting, indoor air quality, duct and ventilation systems, exhaust systems, combustion air provisions, boilers, water heaters and pressure vessels, refrigeration, hydronic systems, fuel oil piping and storage, and solar thermal systems. (*See Article 7-7*).
7. Fuel Gas Code. The provisions of the Fuel Gas Code shall apply to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories. These requirements cover natural gas piping systems with an operating pressure of 125 pounds per square inch gauge (“psig”) or less, and for LP-gas with an operating pressure of 20 psig or less extending from the point of delivery to the outlet of the appliance shutoff valves, and the installation, connection to the pipe outlet, and operation of commercial and industrial gas appliances and related accessories. (*See Article 7-8*).
8. Fire Code. Both the City of Apache Junction and the Superstition Fire and Medical District (“SFMD”) adopt a Fire Code. In order to properly and effectively address all the code requirements for new commercial and industrial construction, and work on existing buildings, the fire code must be adopted by the City of Apache Junction, as it contains complementary requirements to the Building Code. Both the City of Apache Junction and the SFMD may address similar issues in plan reviews for commercial and industrial projects. If a conflict arises the City and SFMD will confer and provide a common interpretation. The Fire Code applies to regulations affecting or relating to structures, processes, premises and safeguards regarding the hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and matters related to the construction, extension, repair, alteration, or removal of fire suppression and/or alarm systems. (*See Article 7-9*).
9. Existing Building Code. The provisions of the Existing Building Code may be applied to legally existing buildings proposed to undergo repair, alteration, addition, relocation, and/or a change of occupancy. The intent of the Existing Building Code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, addition, relocation and/or change of occupancy of an existing building.

Approval by the Building and Safety Manager must be obtained prior to the use of the provisions of the Existing Building for a building, or portion of a building,

- that has not been previously occupied,
- has not been used for its intended purpose, or
- for which a Certificate of Occupancy has not been issued.

(*See Article 7-10*).

10. Commercial and Low-Rise Multi-Family Energy Code. The provisions of the Commercial and Low-Rise Multi-Family Energy Code [Commercial Provisions] apply to commercial buildings and the buildings’ sites and associated systems and equipment to regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of the building. The provisions of the Commercial and Low-Rise Multifamily Energy Code [Multi-Family Residential]

apply to Group R-2, and R-4, three (3) stories and less in height, R-3 four (4) stories in height, and the buildings' sites and associated systems and equipment to regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of the building, the energy efficiency of building thermal envelopes and installation of energy efficient mechanical, lighting and power systems. (*See Commercial and Low-Rise Multi-Family Energy Code, Article 7-11*).

*11. Swimming Pool and Spa Code*-The provisions of the Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools, spas and aquatic recreation facilities covered by this code are either permanent or temporary, and shall only be those that are designed or manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. (*See Article 7-12*).

- (E) Appendices. Provisions in the appendices of the Technical Codes shall not apply unless specifically adopted.
- (F) Definitions. Unless otherwise expressly stated, the following words and terms shall have the meanings as shown in this Chapter. Definitions located in the Technical Codes are hereby incorporated into this Chapter.

**ADDENDA:** Changes to the released plans, or related construction documents, which impact the architectural plans, structural plans, trade plans or the design basis of a structure and are submitted after the issuance of the permit.

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

**BUILDING, EXISTING:** A building erected prior to the adoption of this Chapter or one for which a legal certificate of occupancy has been issued.

**BUILDING AND SAFETY MANAGER:** The officer or other designated authority charged with the administration and enforcement of this Chapter and the Technical Codes, or a regularly authorized deputy or other designee. When the term or title administrative authority, building official, chief inspector, code enforcement officer, code official, gas official, plumbing official, mechanical official, responsible official, or other similar designation is used in this Chapter or in any of the Technical Codes, it shall be construed to mean the Building and Safety Manager.

**BUILDING SERVICE EQUIPMENT:** The plumbing, mechanical, electrical, fuel-gas, and elevator equipment including piping, wiring, fixtures, and other accessories which provide sanitation, power, lighting, heating, ventilation, cooling, refrigeration and/or fire suppression essential to the occupancy of the building or structure for its designated use.

**JURISDICTION:** The official power to make legal and administrative decisions which for the purposes of this Chapter is the City of Apache Junction, Arizona.

**MAINTAINED:** Kept in appropriate condition and operation based on its original function; showing no signs of deterioration, alteration or failure.

**OWNER:** The person, individual, firm, corporation, company, partnership, joint venture, association, estate, trust, receiver, organization or other legal entity, with legal title or equitable interest in a property.

**PERMIT:** The official document issued electronically or hard copy by the Building and Safety Manager authorizing performance of a specified, legal activity.

**REVISIONS:** Changes to the plans or related construction documents, that are not made to resolve plan review issues, and which impact the architectural plans, structural plans, trade plans or the design basis of a structure and are submitted prior to the issuance of the permit.

**SHALL:** As used in this Chapter and the Technical Codes “is mandatory.”

**SHELL BUILDING:** A permitted commercial building or portion thereof, that when completed, cannot qualify for a certificate of occupancy. The shell includes the building thermal envelope which must be completed under the shell building permit.

**TENANT IMPROVEMENT:** Work performed by or on behalf of a tenant to complete a shell space, or in a completed building, or space within a building, that has previously received a Certificate of Completion or a Certificate of Occupancy.

**§ 7-1-3 ~~INTERNATIONAL BUILDING CODE~~ APPLICABILITY.**

- (A) Effective Date. This Chapter and the Technical Codes shall apply to, and shall govern, permit applications received and accepted by the Building and Safety Manager on or after July 1, 2019. Projects with applications submitted prior to July 1, 2019, shall be required to comply with all Building Codes in effect on June 30, 2019, except the owner, at its discretion, may request such project be subject to the requirements of this Chapter and the Technical Codes.
- (B) Conflicting Provisions. When conflicting provisions or requirements occur between this Chapter, the Technical Codes, and other codes or laws, the most restrictive shall govern. When conflicts occur between the Technical Codes, those provisions providing the greater safety to life as determined by the Building and Safety Manager and the Fire Marshal shall govern. In other conflicts where sanitation, life safety, or fire safety are not involved, the most restrictive provisions shall govern. Where, in a specific case, different sections of the Technical Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (C) Other Laws. The provisions of this Chapter and the Technical Codes shall not be deemed to nullify any provisions of the Apache Junction City Code, state, or federal laws.
- (D) Application of References. References to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section, or provision of this Chapter or the Technical Codes.
- (E) Referenced Codes and Standards. The codes and standards referenced in this Chapter or the Technical Codes shall be considered part of the requirements of this Chapter and the Technical Codes to the prescribed extent of each reference. Where differences occur between provisions of this Chapter or the Technical Codes and the referenced codes and standards, the provisions of this Chapter and the Technical Codes shall apply.
- (F) Partial Invalidity. In the event any part or provision of this Chapter or the Technical Codes is held to be invalid, illegal, unconstitutional, or void, such ruling shall not affect the validity of the remaining portions of this Chapter or the Technical Codes.
- (G) Additions, Alterations, and Repairs. Provided the existing building and building service equipment have been properly maintained, and any alterations have been done with appropriate permits and inspections-additions, alterations, or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of this

Chapter and the Technical Codes. The addition, alteration, or repair shall conform to the requirements for a new building or building service equipment and shall not overload or render unsafe existing conditions or equipment. (*See Existing Building Code*).

- (H) Existing Installations. Building service equipment lawfully in existence, and properly maintained, at the time of the adoption of the Technical Codes may have its use, maintenance or repair continued if the use, maintenance or repair, is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.
- (I) Existing Occupancy. The legal occupancy of any building or structure existing on the date of the adoption of this Chapter shall be permitted to continue without change, provided such continued use is not dangerous to life, health, and safety, the building or structure and the building service equipment are properly maintained and unaltered or altered and approved under permit and inspection, as determined by the Building and Safety Manager. Issuance of the applicable Certificate of Occupancy for commercial or a Certificate of Completion for residential establishes an existing occupancy.
- (J) Maintenance. Buildings, structures, and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Building service equipment shall be maintained to function as originally installed or in a safer or more code compliant fashion. Devices or safeguards, required by the Technical Codes, shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of building structures and their building service equipment. To determine compliance with this Section, the Building and Safety Manager may cause a structure or building service equipment to be re-inspected.
- (K) Moved or Relocated Buildings. Buildings, structures, and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the Technical Codes for new buildings or structures and their building service equipment, or as specified by the Building and Safety Manager.
- (L) Temporary Structures. The Building and Safety Manager is authorized to issue a permit for temporary structures and temporary uses. Such permits must be limited as to time of service, and cannot exceed one hundred eighty (180) calendar days. The Building and Safety Manager is authorized to grant extensions for demonstrated good cause. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.
- (M) Mixed Occupancies. Where a building contains both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of Commercial and Low-Rise Multi-Family Energy Code and the Residential Code or Building Code.
- (N) Low Energy Use Buildings. The following buildings, or portions thereof, separated from the remainder of the building by "building thermal envelope assemblies" complying with the Commercial and Low-Rise Multi-Family Energy Code shall be exempt from the thermal building envelope provisions of the Commercial and Low-Rise Multi-Family Energy Code:
  1. Those with a peak design rate of energy usage less than 3.4 BTU/H-FT<sup>2</sup> (10.7 W/M<sup>2</sup>) or 1.0 WATT/FT<sup>2</sup> (10.7 W/M<sup>2</sup>) of floor area for space conditioning purposes.
  2. Those that do not contain conditioned space. (Permanent installation of an evaporative cooler does not create conditioned space.)
- (O) Historic Buildings. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the Technical Codes when authorized by the Building and Safety



Manager, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance; and
2. Unsafe conditions as described in this Chapter are corrected; and
3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety, and sanitation than the existing building as determined by the Building and Safety Manager.

Any building or structure that is listed in the State or National Register of Historic Places; is designated as a historic property or under local or state designation law or survey; is certified as a contributing resource with a national register listed or locally designated historic district or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the keeper of the National Register of Historic Places, is exempt from the energy code.

- (P) Appeals. Orders, decisions, or determinations made by the Building and Safety Manager and his or her designee may, within thirty (30) calendar days of the receipt of the notice of the decision, be appealed to the Construction Board of Appeals, in accordance with § 7-1-5 of this Chapter.

**§ 7-1-4 ~~INTERNATIONAL FIRE CODE~~ ADMINISTRATION AND ENFORCEMENT.**

- (A) Duties and Powers. The Building and Safety Manager is hereby authorized and directed to enforce the provisions of this Chapter and Technical Codes. The Building and Safety Manager shall have the authority to render interpretations of this Chapter and the Technical Codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Chapter and the Technical Codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter or the Technical Codes.
- (C) Deputies. In accordance with any applicable City procedures, and with the concurrence of the Development Services Director, the Building and Safety Manager shall have the authority to appoint deputy building and safety managers, permit technicians, technical officers, inspectors, plan examiners, and other employees. Such employees shall have powers as delegated by the Building and Safety Manager.
- (D) Applications and Permits. The Building and Safety Manager shall receive applications, review construction documents, and issue permits for the erection, and alteration, demolition, and moving of buildings and structures, inspect the premises where such permits have been issued, and enforce compliance with the provisions of this Chapter and the Technical Codes. The Building and Safety Manager shall issue all necessary notices or orders to ensure compliance with this Chapter and the Technical Codes.
- (E) Inspections. The Building and Safety Manager shall cause all required inspections to be made and the Building and Safety Manager shall have the authority to accept reports of inspection by approved agencies or individuals. Results of inspections by the division of building safety and inspection will be communicated to the designated person either digitally or in writing. Inspections done by approved agencies or individuals will be certified by a responsible officer of such approved agency or by the responsible individual and submitted digitally to the Building and Safety Manager.. The Building and Safety Manager is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Development Services Director.

- (F) Identification. The division of building safety and inspection personnel shall carry proper identification when inspecting structures or premises or otherwise in the performance of duties under this Chapter or the Technical Codes.
- (G) Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter or the Technical Codes, or where the Building and Safety Manager has reasonable cause to believe there exists in a structure or upon a premises a condition contrary to or in violation of this Chapter or the Technical Codes making the structure or premises unsafe, dangerous, or hazardous, the Building and Safety Manager is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter or the Technical Codes, provided that if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building and Safety Manager shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building and Safety Manager shall have recourse to the remedies provided by law to secure entry.
- (H) Department Records. The Building and Safety Manager shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention in the division's approved record retention schedule.
- (I) Approved Materials and Equipment. Materials, equipment, and devices approved by the Building and Safety Manager shall be constructed and installed in accordance with such approval. The use of used materials meeting the requirements of this Chapter or the Technical Codes for new materials is permitted, subject to the approval of the Building and Safety Manager.
- (J) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Chapter or the Technical Codes, the Building and Safety Manager shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building and Safety Manager shall first find that special individual reason makes the strict letter of the codes impractical and the modification is in compliance with the intent and purpose of this Chapter and the Technical Codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The basis for granting modifications shall be recorded and entered in the files of the division.
- (K) Alternative Materials, Design, and Methods of Construction and Equipment. The provisions of this Chapter and the Technical Codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter or the Technical Codes, provided any such alternative is approved by the Building and Safety Manager. An alternative material, design, or method of construction may be approved where the Building and Safety Manager finds the proposed design is satisfactory and complies with the intent of the provisions of this Chapter and the Technical Codes, and the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter and the Technical Codes in quality, strength, effectiveness, fire resistance, durability, and safety. Records of alternative materials, design, and methods of construction approvals shall be recorded and entered in the files of the division. Appeals of such determinations shall be to the Construction Building Board of Appeals, in accordance with § 7-1-5 of this Chapter.
1. Research Reports. Supporting data, where deemed necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter or the Technical Codes shall be provided and shall consist of valid research reports from approved sources.
  2. Tests. Whenever there is insufficient evidence of compliance with the provisions of this Chapter or the Technical Codes, or evidence of material or method does not conform to the requirements of this

Chapter or the Technical Codes, or in order to substantiate claims for alternative materials or methods, the Building and Safety Manager shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this Chapter or the Technical Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building and Safety Manager may approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building and Safety Manager for the period required in the division's approved record retention schedule.

- (L) Stop Work Orders. Whenever the Building and Safety Manager finds any work regulated by this Chapter or the Technical Codes being performed in a manner either contrary to the provisions of this Chapter or the Technical Codes or dangerous or unsafe, the Building and Safety Manager is authorized to issue a stop work order.
1. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
  2. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by this **Chapter**.
  3. Appeals. Any person aggrieved by a stop work order issued by the Building and Safety Manager may appeal such stop work order to the Construction Board of Appeals in accordance with § 7-1-5 of this Chapter.
- (M) Occupancy Violations. When a building or structure or building service equipment therein regulated by this Chapter and the Technical Codes is being used contrary to the provisions of such codes, the Building and Safety Manager may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall, after receipt of notice, discontinue the use within the time prescribed by the Building and Safety Manager and make the building, structure, or portion thereof, comply with the requirements of such codes.
- (N) Authority to disconnect utilities. The Building and Safety Manager or authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure, or building service equipment therein regulated by this Chapter or the Technical Codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building and Safety Manager shall whenever possible notify the serving utility, the owner, and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner, and occupant of the building, structure, or building service equipment, in writing, of such disconnection, immediately thereafter.
- (O) Authority to declare building service equipment hazardous/unsafe. When the Building and Safety Manager determines that building service equipment regulated in the Technical Codes has become hazardous/unsafe to life, health, or property, or has become unsanitary, the Building and Safety Manager shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall fix a time limit for compliance with such order. Defective building service equipment shall not be used, operated, or maintained after receiving such notice.
1. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within twenty-four (24) hours to the serving utility, the owner, and occupant of such building, structure, or premises.

2. When any building service equipment is used, operated, or maintained in violation of the Technical Codes and in violation of a notice issued pursuant to the provisions of this Section, the individual or individuals responsible for continued use, operation, or maintenance shall be subject to the penalties described in this Chapter and the Building and Safety Manager shall institute appropriate action to prevent, restrain, correct, or abate the violation.

- (P) Connection After Order to Disconnect. Persons shall not make connections from an energy, fuel, or power supply nor supply energy or fuel to building service equipment that has been disconnected or ordered to be disconnected by the Building and Safety Manager or the use has been ordered to be discontinued by the Building and Safety Manager until the Building and Safety Manager authorizes the reconnection and use of such equipment.
- (Q) Liability. Where not in conflict with **A.R.S. 12-820** and relevant case law the Building and Safety Manager, member of the Construction Board of Appeals, or a city employee charged with the enforcement of this chapter, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by “This Chapter” or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of “This Chapter” shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building and Safety Manager or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of “This Chapter”.

**§ 7-1-5 ~~INTERNATIONAL RESIDENTIAL CODE~~ CONSTRUCTION BOARD OF APPEALS.**

- (A) Board created: There shall be, and is hereby created, a Construction Board of Appeals, consisting of five members who are qualified by experience and training to pass judgment upon matters pertaining to building and construction. The purpose of the Construction Board of Appeals (Board) is to hear appeals from determinations made by the Building and Safety Manager; to provide for reasonable interpretations of the provisions of the Technical Codes to determine the suitability of alternate materials and methods of construction; and to recommend changes of the various building and fire codes to the Building and Safety Manager.
- (B) Membership and terms of office. The board shall consist of five members who are appointed by the mayor and council. The terms of the board members shall be for three years and shall end on October 31<sup>st</sup>, three years thereafter or until their successors are duly appointed. Such terms shall be so staggered that no more than three members’ terms conclude in the same year. Members need not be residents of the city. Continued absence of any member from meetings of the Board shall, at the discretion of the council, render any such member liable for removal from office by the council. Any member absent for three consecutive meetings without being excused shall be considered as having vacated their appointment. Appointments to fill unexpired terms shall be made in the same manner as the vacated member. Members of the board shall serve without pay.

The building and safety manager or designee shall serve as secretary to the board but shall have no vote therein.

- (C) Board specialties. The members of the Board shall consist of: one (1) architect or engineer licensed by the State of Arizona; one (1) general building contractor licensed by the State of Arizona and experienced in the construction of commercial / industrial buildings; one (1) licensed residential homebuilder experienced in the construction of one- and two-family dwelling units; one (1) electrical, plumbing or mechanical contractor licensed by the State of Arizona ; and one (1) general public member.

Trade related members shall have had at least five years of recent experience in their respective trade or profession. No member shall be a current employee of the City of Apache Junction. Members shall comply with the City of Apache Junction Code of Conduct as adopted by the Council.

- (D) Officers. The board shall annually select one of its members to serve as chair and one member to serve as vice chair.
- (E) Appeal Procedures. An appeal of a determination of the Building and Safety Manager shall be filed within thirty (30) calendar days from the date of the determination. The written appeal shall identify the specific code or codes, actions or determinations made by the Building and Safety Manager, the facts that are in error and the relief sought.

The board shall have the authority to overturn, uphold, or modify a determination of the Building and Safety Manager. The board shall be authorized to approve an alternate material or method of construction to that required by the Technical Codes, provided the board finds that the proposed design is satisfactory, complies with the intent of the requirements of the Technical Codes, and the material, method, or work to be provided meets the intended purpose and is at least the equivalent to that prescribed in the Technical Codes in quality, strength, effectiveness, fire resistance, durability, and safety.

Appellate hearings procedure shall be as follows:

- (1) The Building and Safety Manager, as appropriate, shall brief the board on the key elements of the appeal, including the code requirements and other pertinent information.
- (2) The appellant may present their position, explaining the facts and reasons for the appeal.
- (3) Pertinent staff or other witnesses may add additional information or testimony.
- (4) The board shall deliberate the case in public and shall reach a decision at the end of the hearing and shall state the determination and factual findings on the record
- (5) The board shall place decisions and findings in writing, signed by the chair or vice chair within five calendar days after the hearing in which the determination was made. The Building and Safety Manager shall forward a notice of decision to the appellant by certified mail. Said notice of decision shall state findings of fact, the determination, reasons for the decision, conditions related to the granting of the determination as established by the board, and whether or not the appeal meets the requirements of this chapter. The decision of the board shall be final, subject to court review only, and shall not be appealable to the city council.

- (F) Convening Meetings. The Board shall meet upon notice of the Building and Safety Manager, at the request of the Chair or Vice Chair, within thirty (30) calendar days after the receipt by the Building and Safety Manager of an appeal, or at stated periodic meetings. Meetings and hearings of the Board shall be public and in the presence of a quorum. Meetings shall conform to the requirements of the open meeting laws of the State of Arizona. Appellants and their representatives shall be given an opportunity to be heard and may hire a legal professional to represent them.

Minutes of meetings shall be made, and after approval at a subsequent meeting, shall be signed by the chair or vice chair and retained on file in the division.

- (G) Quorum and Voting. Four members of the Board shall constitute a quorum. In varying the application of any provision of the Technical Codes, or related codes of the city or in modifying an order of the Building

and Safety Manager, the affirmative vote of four members shall be required. Failure to secure four concurring votes shall be deemed a confirmation of the decision of the Building and Safety Manager.

- (H) Enforcement. The Building and Safety Manager is authorized to enforce decisions of the Board or, upon successful review, of the superior court or appellate court.
- (I) Fees. The fee for each appeal to the Construction Board of Appeals shall be as set forth Article 4-4 Development Services Fees. Said fee shall be paid with the filing of the appeal and shall be refunded only if the Building and Safety Manager determines that the appeal cannot proceed.

**§ 7-1-6 ~~NATIONAL ELECTRIC CODE~~ PERMITS.**

- (A) Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or building service equipment, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this Chapter or the Technical Codes, or to cause such work to be done, shall first make application to the Building and Safety Manager and obtain the required permit or permits. However, governmental entities acting in their governmental capacity, are exempt from having to obtain a permit, but may apply for one without having to pay the required fee.
- (B) Work Exempt from Permit. Exemptions from permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or the Technical Codes or any other laws or ordinances of the City. Permits shall not be required for the following:
  - (1) Building Permits. A building permit shall not be required for the following:
    - (a) One- (1-) story detached accessory structures not exceeding 120 square feet in area and not exceeding nine (9) feet in height to the midpoint of the roof, not closer than six (6) feet to other structures and in compliance with all zoning requirements. The structure cannot be served by more than two (2) 20 amp circuits, installed per code, and cannot have any plumbing except a mist system. The structure cannot contain habitable space.
    - (b) Fences or block walls not over three (3) feet (91.44 cm) in height measured at three (3) feet from the exterior side.
    - (c) Retaining walls which are not over four feet (4') (1,219 mm) in height measured from the bottom of the footing to the top of the wall, provided the retaining wall is not supporting a surcharge, is not impounding Class I, II, or III-A liquids, and is not located on a public easement.
    - (d) Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one (2:1).
    - (e) Exterior concrete such as, a stoop, uncovered patio, sidewalks or driveways that is not intended for current or future use in a structure, and is not located on a public easement. Top of the concrete may not be more than thirty inches (30") (762 mm) above grade within three feet of the edge of concrete.
    - (f) Painting, papering, floor tiling, carpeting, baseboard and similar finish work. (Tiling or floor work in a commercial kitchen requires a permit.)
    - (g) Replacement of cabinets and countertops in bathrooms or other spaces where no plumbing is

relocated.

- (h) Replacement of cabinets and countertops in kitchens where no plumbing, no electrical receptacles and/or gas connections are relocated, and the kitchen is served by two 20 amp small appliance circuits with required ground fault protection.
  - (i) Temporary motion picture, television, and theater stage sets and scenery.
  - (j) Prefabricated swimming pools accessory to detached one- (1-) and two- (2-) family dwellings, which can contain no more than eighteen inches (18") (430 mm) of water, do not exceed five thousand (5,000) gallons (18,925 L), and are installed entirely above ground.
  - (k) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
  - (l) Swings and other playground equipment accessory to detached one- (1-) and two- (2-) family dwellings.
  - (m) Window awnings supported by an exterior wall, projecting not more than fifty-four inches (54") (1,372 mm) from the exterior wall, and not requiring additional support in detached one- and two-family dwellings and Group U occupancies.
  - (n) Nonfixed and movable fixtures, cases, racks, counters, and partitions not over five feet nine inches (5'9") (1,753 mm) in height.
  - (o) Decks accessory to a one and two family dwelling, manufactured home, park model, that are not more than 200 square feet in area, that are not more than 30 inches above any grade within 36 inches measured horizontally to the deck edge, are not attached to a dwelling and do not serve the exit door required by IRC section R311.4.
  - (p) In addition to items (a) through (o), the Building and Safety Manager is authorized to waive the requirement to obtain a building permit for additional items where it is found the nature of the work to be performed does not require a permit to obtain compliance with this Chapter, the Technical Codes and other ordinances of the City.
- (2) Electrical Permits. An electrical permit shall not be required for the following:
- (a) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
  - (b) Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location.
  - (c) Listed cord- and plug-connected temporary decorative lighting.
  - (d) Repair or replacement of current-carrying parts of any switch, contactor, or control device.
  - (e) Re-installation of attachment plug receptacles, but not the outlets therefor.
  - (f) Replacement of branch circuit overcurrent devices of the required capacity in the same location.

- (g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
  - (h) Taping joints.
  - (i) Removal of electrical wiring.
  - (j) Temporary wiring for experimental purposes in suitable experimental laboratories.
  - (k) The wiring for temporary theater, motion picture, or television stage sets.
  - (l) Electrical wiring, devices, appliances, apparatus, or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.
  - (m) Low-energy power, control, and signal circuits of Class II and Class III as defined in the Electrical Code.
  - (n) Installation, alteration, or repair of electrical wiring, apparatus, or equipment or the generation, transmission, distribution, or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
  - (o) In addition to items (a) through (n), the Building and Safety Manager is authorized to waive the requirement to obtain an electrical permit for additional items where it is found the nature of the work to be performed does not require a permit to obtain compliance with this Chapter, the Technical Codes and other ordinances of the City.
- (3) Fuel Gas Permits. A fuel gas permit shall not be required for the following:
- (a) Portable heating appliance.
  - (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
  - (c) Replacement of gas water heating appliances of equal or less Btu/cfh rating and minor modification to electrical, plumbing, mechanical and fuel gas connections necessary to serve the new appliance in one-or two-family residential homes, and manufactured homes where the venting and combustion air are compliant with current code requirements.
  - (d) Replacement of gas pool and spa heating appliances of equal or less Btu/cfh rating not located inside a structure and not located closer than five (5) feet from a property line.
  - (e) In addition to items (a) through (d), the Building and Safety Manager is authorized to waive the requirement to obtain a fuel-gas permit for additional items where it is found the nature of the work to be performed does not require a permit to obtain compliance with this Chapter, the Technical Codes and other ordinances of the City.
- (4) Mechanical Permits. A mechanical permit shall not be required for the following:
- (a) Portable heating appliance.



- (b) Portable ventilation equipment.
- (c) Portable cooling unit.
- (d) Steam, hot, or chilled water piping within any heating or cooling equipment regulated by Mechanical Code.
- (e) Replacement of any part not altering its approval or making it unsafe.
- (f) Portable evaporative cooler.
- (g) In addition to items (a) through (f), the Building and Safety Manager is authorized to waive the requirement to obtain a mechanical permit for additional items where it is found the nature of the work to be performed does not require a permit to obtain compliance with this Chapter, the Technical Codes and other ordinances of the City.

(5) Plumbing Permits. A plumbing permit shall not be required for the following:

- (a) Stopping of leaks in drains, water, soil, waste, or vent pipe, not including defective concealed trap, drainpipe, water, soil, waste, or vent pipe requiring removal and replacement.
- (b) Clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, not including the replacement or rearrangement of valves, pipes, or fixtures.
- (c) Replacement of electric water heating appliances of equal or less amperage rating, where code required bonding and disconnecting means are present, in one- and two-family residential, R-1, R-2, R-3, and R-4 occupancies, manufactured homes, and park models where the appliance serves an individual dwelling unit.
- (d) Replacement or new installation of potable water conditioning or treating appliances, in one- and two-family residential, manufactured homes, and park models where the appliance serves an individual dwelling unit.
- (e) Replacement of evaporative coolers of equal or less cfm and amperage rating, in one- and two-family residential and manufactured homes where the appliance serves an individual dwelling unit.
- (f) Installation of an automatic hot water circulating pump energized by means of a cord or cable having an attachment plug end for connection to a 115-volt receptacle in one- and two-family residential and manufactured homes where the system serves an individual dwelling unit.
- (g) Installation of private sub-meters on an existing master-metered potable water supply system.
- (h) In addition to items (a) through (g), the Building and Safety Manager is authorized to waive the requirement to obtain a plumbing permit for additional items where it is found the nature of the work to be performed does not require a permit to obtain compliance with this Chapter, the Technical Codes and other ordinances of the City.

(C) Emergency Repairs. Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

- (D) Ordinary Repairs. Application or notice to the Building and Safety Manager is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.
- (E) Public Service Agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering or other related equipment under the ownership and control of public service agencies by established right.
- (F) Temporary Structures and Uses. The Building and Safety Manager is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) calendar days. The Building and Safety Manager is authorized to grant extensions for demonstrated cause. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this Chapter and the Technical Codes as determined by the Building and Safety Manager to ensure the public health, safety, and general welfare. The Building and Safety Manager is authorized to terminate such permit and to order the temporary structure or use to be discontinued.
- (G) Application for Permit.
- (1) Requirements. To obtain a permit an applicant shall first make a completed application either in writing on a form furnished by the Division of Building Safety and Inspection, or electronically via the designated digital permitting system. A completed application, at a minimum, shall contain the following:
- (a) A parcel number as assigned by the Pinal or Maricopa County Assessor for the location where the proposed work is to be done.
  - (b) An address if previously assigned by the City of Apache Junction Planning Division.
  - (c) The name, mailing address, phone number and email address of the current owner.
  - (d) The name, mailing address, phone number and email address of the applicant for the permit.
  - (e) The name, mailing address, phone number and email address of the contractor, architect and/or engineer as applicable for the proposed work.
  - (f) A description of the proposed work to be done or proposed occupancy change.
  - (g) Construction documents and other information as required in Section H.
  - (h) Provide accurate square footages per the Units of measure defined in Vol. I, Ch. 4 § 4-4-1 (E) (5).
  - (i) The valuation of the proposed work.
  - (j) Signature of the applicant, or the applicant's authorized agent.
  - (k) Certification of the applicant that the documents submitted for permit are in accordance with Apache

Junction City Code requirements, including this Chapter, Chapter 4, and Volume II, Chapter 1, and all Planning and Zoning stipulations.

- (1) Other data and information as required by the Building and Safety Manager.
- (2) Licensing requirement. When this chapter requires the issuance of a building permit as a condition precedent to the construction, alteration, improvement, demolition or repair of a building, structure or other improvement to real property as part of the application procedures, the city shall require that each applicant for a building permit file a signed statement that the contractor is currently licensed under the provisions of this chapter with the contractor’s license number. All work performed on the premises shall be by licensed contractor(s) and the building permit shall be issued to a General Contractor licensed by the State of Arizona Registrar of Contractors when a building permit is required.

Exception:

Permits for single family detached dwellings and their accessory structures may be issued to the owner if the structure, group of structures or appurtenances, including the improvements thereto, are intended for occupancy solely by the owner and are not intended for occupancy by members of the public as the owner's employees or business visitors and the structures or appurtenances are not intended for sale or for rent. In all actions brought under this exception, proof of the sale or rent or the offering for sale or rent of any such structure by the owner-builder within one year after final approval or issuance of a certificate of occupancy by the city is prima facie evidence that such project was undertaken for the purpose of sale or rent.

- (3) Action on Application. The Building and Safety Manager shall examine or cause to be examined applications for permits and submitted documents for completeness, within a reasonable time after receiving the application. If an application is incomplete, required documents are missing, and/or the submittal contains a readily apparent code violation the Building and Safety Manager shall place a hold on the application and request completion of the application, provision of the missing documents and/or correction of the noted violation(s). If a completed application with required documents is not produced in 16 city business days, the application shall be rejected. The Building and Safety Manager is authorized to examine or cause to be examined buildings, structures, and sites where an application has been filed.
- (4) Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned based on the number of elapsed calendar days shown below, for that category of permit. The elapsed time will be measured from the last contact by the Development Services Department, or other review entity, requesting action by the applicant. The Building and Safety Manager is authorized to grant one extension of time not exceeding the original number of days. Such extension shall be requested in writing with justifiable cause demonstrated.

**Application Expiration Time Frames**

Type of Application	Days to Expiration
Electrical, Mechanical/Fuel Gas, Plumbing	30 days
Park Model, Manufactured Home, Factory Built Building	45 days
1& 2 Family Residential	90 days
Commercial (Industrial)	120 days

(H) Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data as required by the Building and Safety Manager shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional as required by state law and this Chapter. Where special conditions exist, the Building and Safety Manager is authorized to require additional construction documents to be prepared by a registered design professional.

(1)Method of submittal. Initial application documents may be submitted on paper or digitally through the city's designated portal or website. Unless previously arranged with the Building and Safety Manager, no mixed media (paper and digital) submittals will be accepted.

(a) Paper documents.

(i) Residential and Trade permits- If paper is used as the medium for submittal two (2) sets of required documents shall be provided.

(ii) Commercial permits- If paper is used at least four (4) sets of required documents shall be submitted- two sets are for City review, one set is for sewer review and one set is for fire review.

(b) Digital documents. Digital documents shall be submitted in compliance with the Digital Submittal Policy.

(2)Engineered truss plans. Engineered truss plans for floors and/or roofs shall be submitted at the time of application for the first review.

(3)Information on Construction Documents. Construction documents shall be dimensioned and drawn upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter, the Technical Codes, and relevant laws and ordinances.

(a) Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Chapter. The construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

(b) Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

(c) Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, easements, federal patent easement, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, design flood elevations and any additional information required by the Building and Safety Manager and Development Services Director; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building and Safety Manager, in consultation with the Development Services Director, is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- (4) Title Sheet Information. The construction documents shall contain a title sheet or title sheets indicating the name, address, and phone numbers of project owner(s), design professionals, and contractors (if known). The title sheet shall also contain information regarding the code review as performed by the design professional, including the area of the building, type of construction, type(s) of occupancy, height and area modifications (if any), fire sprinklers (if any), deferred submittals approved by the Building and Safety Manager (if any), and other information as directed by the Building and Safety Manager.
- (5) Outdoor Lighting Compliance. Submittal documents for projects proposing outdoor lighting fixtures shall contain, but not be limited to, the following information:
  - (a) Plans indicating the type of illuminating devices, fixtures, lamps, supports, other devices, etc. and their location on the premises.
  - (b) Description of the illuminating devices, fixtures, lamps, supports, and other devices, etc., including manufacturers' cut sheets.
  - (c) Photometric study, including a plan of the premises showing fixture locations; calculated light levels at various points inside the parking lot, along walkways, or other occupied outdoor areas; expected light levels at the property lines; and maximum, minimum, and average light levels.
  - (d) Certification that the design of the outdoor lighting system complies with Vol. II Chapter 1 of the Apache Junction City Code.

(I) Deferred Submittals.

- (1) General. The deferral of submittal items shall have the prior approval of the Building and Safety Manager. For the purposes of this Chapter, deferred submittals are defined as those portions of the design not submitted at the time of the application and that are subject to the same plan review and approval process as the original permit application. All deferred submittals shall be submitted a minimum of 30 calendar days before scheduled installation of the item(s) deferred. Approval shall be completed prior to the installation of deferred item for the project. The approved documents shall be incorporated into the permit documents.
- (2) Registered Design Professional review. Where a registered professional is responsible for the plans or elements of a plan where a submittal is deferred, the documents for deferred submittal items shall be submitted to the registered design professional of record who shall review them and forward them to the Building and Safety Manager with a notation indicating the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building and Safety Manager.
- (3) Deferred submittals may include: commercial fire sprinkler systems, residential fire sprinkler systems, commercial fire notification systems, commercial fire detection systems, fire standpipes, alternative fire suppression systems, rack storage plans, elevators, elevator recall systems, refrigerant vapor alarm systems, prefabricated metal stairs, prefabricated metal storage systems, overhead cranes, industrial equipment, and other deferred submittal items not listed herein, with the prior approval of the Building and Safety Manager. Items that shall not be deferred include: structural design of elements not included in the list above, building plumbing systems, building mechanical systems, building electrical systems, outdoor lighting systems and landscaping designs.
- (4) Fee. Deferred submittals are a special service of the Building Safety and Inspection Division requiring additional processing and plan review time beyond that required for projects in which all of the required documents are submitted with the initial submission. This special service requires payment of an additional

fee as established in Article 4-4 Development Services Fees.

- (5) Deferred Submittal and Addendums. Deferred submittals do not constitute the phasing of construction permits and may constitute an addendum to the original permit or application if the deferred submittal involves changes in the design or work meeting the definition of an addendum.
- (J) Master plan program. The Building and Safety Manager may establish a master plan program for the submission, review and applicability of replicable plans. The policy will set the minimum number of units required to participate in the program, the maximum number of options, configurations, etc. allowed per plan, maximum length of time master approval is good for and a process for addressing design or inspection issues.
- (K) Discretion. The Building and Safety Manager is authorized to waive the submission of construction documents and other data, where a registered design professional is not required, if it is found the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Chapter, the Technical Codes, and other ordinances of the City.
- (L) Registered Design Professional. In accordance with ARS § 32-144, permit documents shall be prepared by a qualified Arizona Registrant for the following:
- (1) New buildings or structures that:
- (a) Exceed two (2) stories in height (including basements); or
  - (b) Exceed three thousand (3,000) square feet of floor area, measured to the outside surface of exterior walls; or
  - (c) Are intended for occupancy by more than twenty persons on a continuous basis (as calculated under the Building Code); or
  - (d) Have structural elements with a span exceeding twenty feet (20'), not including wood or steel trusses or lintels designed by a registered engineer.
- (2) Additions or alterations to existing buildings or structures that:
- (a) Meet or exceed the requirements for new buildings or structures as listed in under (L) 1 above.  
  
Except for an addition that does not exceed fifteen hundred (1,500) square feet and is for the purpose storage of chattels.
- (3) When deemed necessary by the Building and Safety Manager to ensure compliance with this Chapter and the Technical Codes.
- EXCEPTIONS: The following are exempted from the above requirements and do not require preparation by an Arizona registrant:
- (a) Landscaping planting plans, and
  - (b) Detached 1 & 2 family dwellings constructed in accordance with the Residential Code.
- (M) Registered Design Professional in responsible charge. Where it is required that permit submittal documents be prepared by a registered design professional, the Building and Safety Manager shall be authorized to

require the owner or owners authorized agent, to engage and designate on the building permit application, or plans, a registered design professional who shall act as the registered design professional of record. The registered design professional of record is responsible for the project covered under the permit until the issuance of a certificate of completion or of occupancy. If the circumstances require, the owner shall designate a substitute registered design professional of record who shall perform the duties required of the original registered design professional of record. The Building and Safety Manager shall be notified in writing by the owner if the registered design professional of record is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items and equipment lists, for compatibility with the design of the building. Where structural, electrical, or mechanical observation is required by this Chapter, the registered design professional in responsible charge or by registered design professional involved with a specific element, the observation program shall name the individual or firms who are to perform observation and describe the stages of construction where the observation is to occur.

(N) Review of Submittal and Construction Documents. If the submittal documents and/or the construction documents do not conform to the requirements of this chapter and applicable planning and zoning, subdivision, engineering or other ordinances and laws, the Building and Safety Manager may do one of the following:

(a) Return to the applicant a set of the submitted plans and documents with the necessary corrections and additional information required marked on the plans and documents. The applicant may request a meeting to review the corrections and information requested. The applicant can resubmit corrected plans for an additional review. The corrected plans shall have revision dates and changes shall be identified by clouding, etc. If plans are returned after the first resubmittal (second review) additional review fees shall be charged per Article 4-4.

(b) Reject such application in writing, identifying the reasons for rejection. Rejected plans are not eligible for resubmittal. If the application is rejected, the applicant may appeal the decision in accordance with this Chapter.

(c) If there is a written agreement between the owner, registered design professional and the Building and Safety Manager regarding required changes that must be made or issues to be addressed. The Building and Safety Manager may release under a "Conditional Permit Release" the application and plans for permit issuance. The applicant must request the Conditional Permit Release permit to be issued and pay any outstanding fees.

(O) Approval of Construction Documents. When the Building and Safety Manager issues a permit, the construction documents shall be marked, in writing, by stamp or digitally, as "Reviewed for Code Compliance."

(1) Permitted plan availability.

(a)Paper plans. One (1) set of construction documents so reviewed shall be retained by the Building Safety Division as required by the approved Building Safety Division retention schedule. Other sets shall be returned to the applicant with one (1) to be kept at the site of work and open to inspection by the Building and Safety Manager.

(b)Digital plans. When plans submitted and reviewed digitally are released for permit issuance, a digital copy will be provided to the applicant when the permit is issued. The applicant is responsible for ensuring access to the reviewed digital plans is available at the job site.

(c) Previous Approvals. This Chapter and the Technical Codes shall not require changes, during construction, in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith and has not been abandoned.

- (2) Addenda and Revisions to Submittal Documents. The project owner may submit modifications of the application or the attached submittal documents at any time prior to the final completion of the work. Revisions (changes made prior to the issuance of the permit) and addenda (changes made after permit issuance) shall be subject to the same plan review and approval process as the original permit application. Upon approval, revised/modified documents shall supersede prior versions and shall be incorporated into the original submission or permit documents. The approved revisions and addenda shall not constitute a new permit request. The review and approval of revisions and addenda constitutes an additional service and is subject to the payment of fees as established in the § 4-4 Development Services Fees. Projects with revisions or addenda that increase the scope of work, as determined by the Building and Safety Manager, may be subject to a complete recalculation of fees or to obtaining an entirely new permit.
- (3) Staged Approval. The project owner shall determine if the project is to be constructed under one permit for the entire project or under a series of permits (stages) for the project. The Building and Safety Manager is authorized to issue any number of separate permits for the construction of the site work, underground utilities, buildings and structures needed to complete the whole project in accordance with pertinent requirements of this chapter and the Technical Codes. The holder of a permit for the construction of any portion of a project shall proceed with the construction operation at the permit holder's own risk and without assurance that additional permits will be granted. Choosing to build in more than one stage will not result in a fee premium.
- (4) Phased Approval. The project owner shall determine if the building or structure is to be constructed under one permit for the entire project or under a series of permits (phases) of the building. The Building and Safety Manager is authorized to issue separate permits for the construction of the building's shell and any number of tenant completion permits needed to complete the whole building in accordance with pertinent requirements of this chapter and the Technical Codes. The holder of a permit for the shell or other parts of a building or structure shall proceed with the construction operation at the permit holder's own risk and without assurance that additional permits will be granted. (*See paragraph 5 for foundation permits*).

Choosing to build in more than one phase will result in an increase in the fees charged as established in the latest edition of § 4-4 Development Services Fees. A building constructed under a phased approach is not permitted to be occupied until all of the phases for the building, or portion thereof, have been successfully completed. A shell is an incomplete building and cannot be safely occupied.

- (5) Foundation Permits. The Building and Safety Manager is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with pertinent requirements of this Chapter, the Technical Codes and the Apache Junction Zoning Code. The holder of a permit for the foundation or other parts of a building or structure shall proceed with the construction operation at the holder's own risk and without assurance that a permit for the entire structure will be granted. The granting of foundation permits is a special service that will result in an increase in the fees charged as established in § 4-4 Development Services Fees.
- (6) Electrical Service Permits. Permit applications to replace, change, relocate, upgrade or increase electrical services must be accompanied by the Salt River Project design plans. The Building and Safety Manager is authorized to establish a policy regarding what permits require submittal and review and what permits may be issued at permit application.



(7) Expedited Plan Review. The Building and Safety Manager is authorized to develop a policy for expedited plan review.

(P) Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter, the Technical Codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Chapter, the Technical Codes, or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building and Safety Manager from requiring the correction of errors in the permit documents or in the construction. The Building and Safety Manager is also authorized to prevent occupancy or use of a structure where in violation of this Chapter, the Technical Codes, or of any other ordinances of this jurisdiction. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an addendum to the released construction documents.

(Q) Compliance with Other City Code Provisions. Building permits for construction of residences in new subdivisions shall not be issued until installation of all utilities, streets and other offsite improvements have been completed and accepted by the City, except in those instances where the Building and Safety Manager, determines that phasing of utilities, streets and other selected offsite improvements are acceptable. When such phasing is desired, the utilities, streets, and other offsite improvements to be phased shall be approved in accordance with all city-adopted codes and ordinances.

(R) Expiration of Permit. Every permit issued shall become invalid (null and void) unless the work on the site authorized by such permit is commenced and pursued diligently as determined by these sections:

(1) An issued permit that has no approved inspections by the number of elapsed calendar days indicated in the table below shall become expired and will be voided. The Building and Safety Manager shall order any work done to be removed and the property restored to original condition or a condition approved the Development Services Engineer.

(2) For a permit that has an approved inspection the permit will expire if no approved inspection occurs within the elapsed calendar days indicated in the table below after the last approved inspection.

**Expiration Time Frames: No approved inspections after issuances, or between approved inspections**

Type of Permit	Days to Expiration
Electrical, Mechanical/Fuel Gas, Plumbing and Demolition	45 days
Park Model, Manufactured Home, Factory Built Building, Residential Accessory Structures and Residential Pools	60 days
1 & 2 Family Residential	120 days
Commercial (Industrial)	180 days

(S) Permit Extensions. When requested by the permit holder, prior to expiration of the permit, the Building and Safety Manager is authorized to grant two (2) extensions of time, for periods not more than those noted in the table for expiration. The extension shall be requested in writing with reasonable justifiable cause demonstrated. Such extension, when granted, shall be in writing. If a permit that has expired is renewed within 30 calendar days of expiration the cost will be 50% of the original permit fee. After 30 days, but no more than 90 days after expiration, a permit can be reinstated at 100% of the original fee. After 90 days a new

permit must be applied for and obtained to continue a project. Work where a permit has been expired more 180 days shall be declared unsafe by the Building and Safety Manager and action taken on unsafe buildings per § 7-1-9 of this Chapter.

- (T) Refunds. Refunds, if applicable, shall be in accordance with § 4-4 Development Services Fees.
- (U) Suspension or Revocation. The Building and Safety Manager is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Chapter, the Technical Codes, or of any other ordinances of this jurisdiction. The Building and Safety Manager is authorized to suspend or revoke a permit issued under the provisions of this Chapter wherever the work under the permit is being performed in violation of the reviewed plans or in violation of any ordinance or regulation or any of the provisions of this Chapter, the Technical Codes, or of any other ordinances of this jurisdiction
- (V) Placement of Permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.
- (W) Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which this Chapter or the Technical Codes are applicable, to comply with this Chapter and the Technical Codes.
- (X) Bulk Permit Program. The Building and Safety Manager is authorized to develop a bulk permit program for residential related trade permits, not requiring a utility release, and other permits covering work of a limited or minor nature. The program will set the number of projects/locations a permit can cover and will establish a method for compliance verification that reduces the need for scheduled inspections. The program will be available for licensed contractors and will set the minimum requirements for contractors to qualify for the program. The intent of the program is ease and efficiency for the contractors, reduced burden on homeowner's time for work and inspections, and provide better records and tracking of improvements made to the city housing stock.
- (Y) Permit by Inspection (PBI) Program. The Building and Safety Manager may establish a permit-by-inspection (PBI) program that is a voluntary alternative to the standard permit application, plan review and permit issuance process for simple projects of certain occupancies and degree of complexity.
  - (1) Eligible projects. Projects eligible for consideration under the PBI program shall comply with all of the following limitations:
    - (a) Project must be a tenant improvement or tenant completion project for a Group B (Business), or a Group M (Mercantile) in an existing space or building;
    - (b) Project cannot involve a change of occupancy, except changes between Group B and Group M occupancies;
    - (c) Area of tenant space or building cannot exceed 5,000 square feet in floor area;
    - (d) The project cannot involve high piled storage or hazardous materials, nor substantial rework of the plumbing, mechanical, electrical or fire suppression system;
    - (e) The project cannot require additional zoning approvals; and,

(f) The work cannot have been subject to a Stop Work Order.

Projects shall comply with all other requirements of this Chapter.

**§ 7-1-7 ~~UNIFORM PLUMBING CODE~~ INSPECTIONS.**

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

The Building and Safety Manager is authorized to create a “Concealed Construction Verification” policy for addressing concealed construction due to work done without permits or work pursued without having or passing required inspections.

(1) Site Address. It shall be the duty of the permit holder to post the approved property address, including number and street name, at all construction sites. Such temporary premises identification shall be clearly visible from the street or roadway fronting the property, shall be installed prior to the first inspection, and shall be maintained until the permanent premises identification is installed and approved.

(2) Inspections Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building and Safety Manager when work is ready for inspection. It shall be the duty of the permit holder to provide access to, and means for inspections of such work, as required by this Chapter.

(3) Survey. Where inspection reveals that a structure may not be located according to approved plans, or which in drainage is not reasonably provided for, the Building and Safety Manager shall require a survey (at the expense of the applicant) of the lot and structure to verify that the structure is located in accordance with approved plans.

(B) Required Inspections. The required inspections for a permitted project will be determined at plan review based on the proposed work. The permit holder or the inspector may ask for or require additional inspections based on project conditions and needs. The Building and Safety Manager, upon notification, shall make the inspections set forth in this section.

(1) Footing Inspection. Footing inspections shall be made after excavations for footings are complete and any required reinforcing steel and forms are in place. Inspection shall be made prior to the placement of concrete. Materials for the footer shall be on the site, except where concrete is ready mixed in accordance with ASTM C94/C94M- 15a: Specification for Ready-mixed Concrete, the concrete need not be on the site.

(2) Underground MEP Inspection. Where mechanical, electrical or plumbing (MEP), ducts, conduit, pipes, etc., are to be placed below a slab, or underground, an underground MEP inspection shall be made after trenches or ditches are excavated and bedded, ducts, conduit and piping are installed and before any backfill is placed. Plumbing drain lines shall be on a water test with a minimum of 10-foot head of water. Plastic piping shall not be tested with air.

(3) Lowest Floor Elevation Inspection. For concrete slabs being poured in flood hazard areas the second elevation certificate showing that the top of the forms and the proposed top of the floor elevation complies

with that proposed in the first elevation certificate shall be submitted to, and approved by, the Floodplain Manager/City Engineer before the concrete slab inspection is requested. For framed floor systems the second elevation certificate shall be submitted to, and approved by the Floodplain Manager/City Engineer prior to further vertical construction.

- (4) Utility Connection Inspection. An inspection is required of the connection of the building plumbing to the water service and sewer service prior to backfilling the trenches.
- (5) Concrete Slab and Post-tension Slab Inspection. For concrete foundations, such as monolithic slabs and post tension slabs, the required forms, reinforcing steel or post-tension cables, and the required anchors and holdowns shall be in place at the inspection. Backfill of MEP shall be complete, any required box outs in place, and any thickened footings shall be per permitted plans. Inspection shall be made prior to the placement of concrete. For post-tension slabs, the inspection report from the post-tension special inspection shall be provided to the Building and Safety Manager before concrete is poured. Materials for the foundation shall be on the site, except where concrete is ready mixed in accordance with ASTM C94/C94M- 15a: Specification for Ready-mixed Concrete, the concrete need not be on the site.
- (6) Braced/Shear Wall and Load Transfer Inspection. For residential one-and two-family and commercial wood framed structures, a braced wall inspection shall occur prior to the installation of the air barrier, house wrap or weather barrier. The inspection will also look at the required load transfer connections between the floor (if framed), wall and roof diaphragms. For flat roof systems the roof deck nailing will be inspected and OSHA compliant access shall be provided by the permit holder. Where interior gypsum board is utilized as part of the braced wall system, a gypsum board inspection, as noted below, shall be required.
- (7) Pre-stucco inspection. An inspection of the installed weather-resistant barrier, continuous insulation, lathe or wire support and weep screed installation is required prior to installing stucco, one-coat or exterior insulation and finish systems (“EIFS”) finishes.
- (8) Masonry Wall Grout Inspections. Masonry wall grout inspections shall occur as denoted in the permitted plans regarding grout pour maximum height.
- (9) Rough-Inspection Residential. The residential rough inspection shall not occur until the structure framing is complete and weather tight- weather-resistant barrier and windows at walls and felt on sloped roofs and weather barrier on flat roofs. The rough inspection shall cover rough framing, building envelope energy requirements, rough plumbing, rough mechanical and fuel gas, and rough electrical. Rough inspection of these areas/systems shall be made prior to covering or concealment and before fixtures or appliances have been set or installed, and after the roof is loaded with roof covering material. Tubs, tub/shower units, shower units, site built shower receptors and gas log fireplaces shall be installed at time of the rough inspection.
- (10) Rough-Inspection Commercial. Commercial rough inspections of framing, energy elements, mechanical, electrical, plumbing and gas systems shall be made as needed prior to the concealment of any elements or systems. For large projects standing inspection times or inspection frequency may be arranged between the superintendent or trade foreman, and the building inspector.
- (11) Insulation Inspection. The insulation inspection shall verify compliance with the permitted plans regarding the types of insulation and R-values installed and use of proper installation methods. Blown-in attic insulation will be checked at final inspection.
- (12) Gypsum Board Inspection. Gypsum board inspection is required where the gypsum or lathe is indicated on permitted plans as part of the braced-wall system or shear wall design, or when gypsum and lathe are a part of a fire-resistance-rated assembly and shall be made after lathing and gypsum board, interior and

exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

(13) Fire-Resistant Assemblies and Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(14) Other Inspections. In addition to the inspections specified above, the Building and Safety Manager is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Chapter or the Technical Codes and other laws enforced by the Building Safety Division.

(a) Roofing Inspections. Roofing inspections are required on existing residential as follows:

(i) Where more than 96 sq feet of roof decking is to be replaced or covered a decking inspection is required prior to installation of the underlayment.

(ii) Where the roof slope is less than 4:12 an inspection of the required two layers of underlayment is required.

(iii) A final inspection of the installation is required during roof covering installation to verify compliance with manufacturer's installation requirements and code compliance.

(b) Demolition Inspection. After demolition is complete and the site restored to a clean condition a final inspection is required.

(15) Special Inspections. Special inspections and structural observations shall be as required in Chapter 17 of the Building Code.

(16) Final Inspection.

(a) Residential Final Inspection. The residential final inspection shall be made after all work included on the permitted plans and required by the building permit is completed. This includes all exterior finishes, protection of all non-treated or non-durable wood species, the final grading around the structures a dust proof driveway, required house numbers and all exterior light fixtures. Electrical power and water must be on for the final inspection.

(b) Commercial Final Inspection. A commercial final inspection is required prior to the issuance of a Certificate of Completion, a Certificate of Occupancy or a Temporary Certificate of Occupancy. A commercial final inspection does not grant occupancy. For occupancy of new construction or new tenant spaces (*See §7-1-8 (B)*). A commercial final inspection requires that all exterior work be complete, including all exterior finishes, protection of all non-treated or non-durable wood species, roof drainage, exterior lighting, all utilities are on and cleared by the utility, all required accessibility features are installed and accessibility requirements are met.

**(C)** Building Service Equipment and Trade Inspections, and Utility clearances. If, upon final electrical service or final gas piping inspection, the installation is found to comply with the provisions of this Chapter and the Technical Codes, a "utility clearance" shall be issued by the Building and Safety Manager to the respective energy utility. It shall be unlawful for any serving energy utility, or person furnishing fuel, to energize or supply fuel until such "utility clearance" has been issued.

(1) Building Service Equipment Inspections. The Building and Safety Manager shall inspect building service equipment for which a permit is required by this Chapter or the Technical Codes. Building service

equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the Technical Codes shall not be connected to the water, fuel, or power supply, or sewer system until authorized by the Building and Safety Manager. The requirements of this Chapter shall not be considered as prohibiting the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building provided an inspection of such building service equipment has been completed and approved.

(2) Electrical Trade Inspections. Inspections of electrical work to replace, change, relocate, upgrade or increase electrical services shall be made by the Building and Safety Manager. No inspections of energized electrical services will be made without the express permission of the Building and Safety Manager. (Emergency generators, solar, temporary electric)

(3) Mechanical and Fuel Gas Trade Inspections. The Building and Safety Manager shall require the inspection of residential and commercial HVAC new installations, replacements, or unit upgrades to verify proper installation and mounting, energy code compliance and duct detector compliance. New installation, replacement or expansion of fuel gas shall be inspected, under air test, and approved prior to the City issuing a “clearance” to the service provider to reconnect or restart service.

(4) Plumbing Trade Inspections. The Building and Safety Manager shall require inspections for septic abandonment, new sewer connection, water repipes, water heater installation where the energy source has changed, used cooking oil/grease collection systems, CO2 tanks and piping, interceptor installation- grease, lint, oil or other, bathroom remodels requiring permits, and roof mounted solar water heating systems.

(D) Inspection Agencies. The Building and Safety Manager is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(E) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building and Safety Manager. The Building and Safety Manager, upon notification, shall make the requested inspections and shall either indicate the portion of the construction is satisfactory as completed, or notify the permit holder or authorized representative wherein the same fails to comply with this Chapter or the Technical Codes. Portions not complying shall be corrected and shall not be covered or concealed until authorized by the Building and Safety Manager. Projects with failed inspections may be subjected to additional fees in accordance with Article 4-4: Development Services Fees. There shall be final inspection and approval of all construction when the work is completed and prior to any occupancy or use.

(F) Tests. Whenever insufficient evidence of compliance with the provisions of this Chapter or the Technical Codes, or evidence that materials or construction do not conform to the requirements of the Technical Codes, the Building and Safety Manager may require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified by the Technical Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building and Safety Manager shall determine test procedures. Said tests shall be made by an approved agency. Reports of test results shall be submitted to the Building and Safety Manager for approval and shall be retained by the Building Safety Division as required in the approved records retention schedule.

(G) Connection to Utilities. Persons shall not make connections from a source of energy, fuel, or power to building service equipment, regulated by the Technical Codes and for which a permit is required by this Chapter, until approved by the Building and Safety Manager. The Building and Safety Manager may authorize the temporary connection of the building service equipment to the source of energy, fuel, or power for testing building service equipment or for use under a temporary certificate of occupancy. The Building and Safety Manager may also authorize the connection of the building electrical service equipment

to supply construction power. Such authorizations shall be conditioned upon the owner or permit holder prohibiting the use of gas-fired generators on the site once the permanent power is operational, except as approved by the Building and Safety Manager. The use and safe maintenance of the building electrical service equipment during construction shall comply with all applicable local, state and federal regulations. The Building and Safety Manager may order the disconnection of any service not used or maintained safely, or operated in violation of this Chapter.

(H) Inspection by Video or photography. The Building and Safety Manager is authorized to develop policies and programs for utilizing technology to offer options for code compliance verification. The policy and program will set the requirements for training and participation in the program and penalties for violating terms of the program.

**§ 7-1-8        ~~INTERNATIONAL MECHANICAL CODE~~ CERTIFICATES.**

(A) Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building and Safety Manager has issued a Certificate of Occupancy or other form of authorization therefore as provided herein. Issuance of a Certificate of Occupancy, or other form of authorization, shall not be construed as an approval of a violation of the provisions of this Chapter, the Technical Codes, or other ordinances of the jurisdiction.

(B) Certificate types and processes:

(1) Certificate of Occupancy- provided for new commercial projects, tenant improvements and change in use (not including shell building construction) once construction is substantially complete and in compliance with applicable Technical Codes, ordinances. The Division of Building Safety and Inspection cannot issue a certificate of occupancy until approval or authorization has been communicated to the Division from the following, as applicable to the project:

(A) Division of Planning and Zoning- Planner- compliance of site, exterior elevations, signage and landscaping with approved plans;

(B) Division of Planning and Zoning- Development Services Engineer- as-built site engineering, compliance with all on-site improvements;

(C) Department of Public Works- Inspector- final approval of all offsite improvements;

(D) Department of Public Works- City Engineer- receipt and approval of final elevation certificate for work occurring in the floodplain.

(E) Superstition Fire and Medical District- Fire Marshal- compliance with approved fire plans, sprinkler plans, fire alarm plans and required testing. This includes but is not limited to, fire safety plans and emergency preparedness, fire service features and access, and fire protection systems; automatic sprinkler systems, standpipe systems, fire alarm/detection systems, and smoke control systems.

(F) Superstition Mountains Communities Facilities District No. 1- final inspection, sewer connection approval and start of service; and,

(G) Apache Junction Water District/Arizona Water Company- final inspection, water connection approval and start of service (domestic and fire).

After the Division of Building Safety and Inspection has confirmed approval by all required divisions and

agencies, and has completed a final inspection with no outstanding issues, a Certificate of Occupancy will be issued. The Certificate of Occupancy will contain the following:

1. The building permit number.
2. The address of the structure and the parcel number.
3. A description of the portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter and the Technical Codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
5. The name and signature of the Building and Safety Manager or designee.
6. The edition of the codes under which the permit was issued.
7. The occupancy, in accordance with the provisions of this Chapter.
8. The type of construction as defined in this Chapter.
9. The design occupant load.
10. If an automatic fire suppression system is provided.
11. Any special stipulations and conditions of the building permit.

The original of the Certificate of Occupancy issued at time of approval is included in the cost of the permit. Additional duplicate copies or replacement copies shall be provided for a fee as established in Vol. I, Chapter 4: Fees, Article 4-4: Development Services Fees. The Building and Safety Manager may require an inspection of an existing building prior to issuing a duplicate certificate of occupancy for any building more than one year after the issuance of the original certificate of occupancy.

A Certificate of Occupancy shall be provided for a partial occupancy approval by the Building and Safety Manager when requested by the permit holder. Such certificate shall clearly identify the portion or portions of the building that are approved for final occupancy. There shall be no additional fee for a partial Certificate of Occupancy for the occupancy of a tenant space in a shell building issued at the completion of the tenant improvement permit.

(2) Certificate of Completion Commercial- provided for commercial shell buildings once construction of the shell is substantially complete per approved plans and in compliance with applicable codes, ordinances, etc. Such Certificate of Completion certifies that the work to be performed under the permit has been satisfactorily completed. The Certificate of Completion does not authorize the occupancy of an incomplete shell, building or structure. The Certificate of Completion shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.



4. A description of the permitted work for which the certificate is issued.
5. A statement that the permitted work has been inspected for compliance with the requirements of this Chapter and the Technical Codes.
6. The name and signature of the Building and Safety Manager or designee.
7. The edition of the code under which the permit was issued.
8. Any special stipulations and conditions of the permit.

(3) Certificate of Completion Residential- provided for one-and two-family residential homes and townhomes after a final inspection determines construction is substantially complete and in compliance with permitted plans, applicable codes, ordinances, etc.

(4) Certificate of Installation- when requested a certificate of completion can be issued for the installation of a manufactured home after a final inspection has found all installation and code requirements have been met including, skirting, landings, exterior stairs, grading, etc.

- (D) Temporary Certificate of Occupancy. The Building and Safety Manager is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and approval or authorization for temporary occupancy has been communicated to the Division from other agencies as noted in (B)(1) above. The Building and Safety Manager shall set the time period during which the Temporary Certificate of Occupancy is valid and the conditions, if any, for such temporary occupancy. A temporary certificate of occupancy can be issued for up to 30 calendar days and can only be renewed 2 times at 30 calendar days per renewal period. Any use of a partially constructed building or structure, except for construction purposes, shall constitute occupancy that requires prior approval of the Building and Safety Manager. Each such subsequent use shall require separate approvals.
- (E) Revocation. The Building and Safety Manager is authorized to suspend or revoke, in writing, a Certificate of Occupancy, Certificate of Completion, or Temporary Certificate of Occupancy issued under the provisions of this Chapter wherever such certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Chapter or the Technical Codes.
- (F) Posting. The Certificate of Occupancy or temporary Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building and Safety Manager.

**~~§ 7-1-9 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS~~ UNSAFE BUILDING OR UNSAFE PROPERTY.**

- (A) Conditions. Buildings, structures, property or existing building service equipment that are or hereafter become unsafe, unsanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy, or inadequate maintenance, or are deemed a public nuisance, shall be deemed an unsafe condition. A vacant or abandoned structure that is not secured against entry shall be deemed an unsafe condition. Unsafe conditions shall be abated by repair, rehabilitation, demolition or removal, or made safe, as the Building and Safety Manager deems necessary and as provided in this Chapter.

For the purpose of this Chapter, a building, structure, property or building service equipment having any or all of the conditions or defects hereinafter described shall be deemed to be an “unsafe building” and/or an “unsafe property”, provided such conditions or defects exist to the extent the life, health, property, or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, is blocked partially or completely, or is arranged so as to not provide safe and adequate means of exit in case of fire or panic. Where an egress door or gate does not operate correctly, requires excessive force to open or has defective hardware it is an unsafe condition.
2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, creates a tripping hazard, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location. Evidence of excess deflection, 1.5 times that allowed in the Building Code, or evidence of dislocation greater than one quarter (1/4) inch require evaluation by a structural engineer hired by the owner. The structural engineer’s report shall be submitted to the Building and Safety Manager and shall establish that the condition is safe, or provide specific directions for correction to meet the minimum requirements of the Building Code.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of Building Code, as appropriate, for new buildings of similar structure, purpose, or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage properties.
6. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code, as appropriate, for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Building Code, as appropriate, for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of:
  - (a) Dilapidation, deterioration, or decay;
  - (b) Faulty construction;
  - (c) The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;
  - (d) The deterioration, decay, or inadequacy of its foundation; or

- (e) Any other cause,
- is likely to partially or completely collapse.
9. Whenever, for any reason, the building, structure or building service equipment, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
  10. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passed through the center of gravity does not fall inside the middle one-third (1/3) of the base.
  11. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings.
  12. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to be:
    - (a) An attractive nuisance to children;
    - (b) refuge for trespassers, illicit drug users, or others engaged in illegal activity; or
    - (c) a blighting influence on a neighborhood or area.
  13. Whenever any building, structure, property or building service equipment has been constructed, exists, is modified, or is maintained in violation of any specific requirements or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code.
  14. Whenever any building or structure, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member, or portion less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the:
    - (a) Strength,
    - (b) Fire-resisting qualities or characteristics, or
    - (c) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of the like area, height, and occupancy in the same location.
  15. Whenever a building, structure or property, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building and Safety Manager to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
  16. Whenever any building, structure, property or building service equipment, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connection or heating apparatus, illegal modification, or other cause, is determined by the Building and Safety Manager or Fire Marshal to be a fire hazard.
  17. Whenever any building, structure or property, is in such a condition as to constitute a public nuisance.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of 180 calendar days so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(B) Notice. If an unsafe condition, as described herein, is found, the Building and Safety Manager shall serve on the owner, agent, and person in control or possession of the structure, a written notice describing the condition deemed unsafe and specifying the required repairs or improvements to be made to abate the unsafe condition, or requiring the unsafe structure to be demolished within a time specified by the Building and Safety Manager. Such notice shall require the person thus notified to declare as soon as possible but not later than seven (7) city business days to the Building and Safety Manager the acceptance or rejection of the terms of the order.

(C) Method of Service. Such notice shall be deemed properly served if a copy thereof is:

1. Delivered to the owner or agent personally; or
2. Sent by certified or registered mail addressed to the owner at the last known address as identified in county tax records, with return receipt requested; or
3. Served in any manner permitted by state statute or by the Arizona Rules of Civil Procedure for service of process.

Service shall first be attempted through personal service. If the City is unable to personally serve the notice, other methods of service may be utilized and the notice shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(D) Procedures. The Building and Safety Manager shall establish the necessary procedures to be utilized in the enforcement of this section. Such procedures shall be consistent with the requirements of this section and, if necessary, shall be enacted by resolution of the Apache Junction City Council.

(E) Hazard Marking System. The Building and Safety Manager, with the approval of the Fire Chief, is authorized to establish a hazard identification marking system to provide firefighters responding to a fire or other emergency with a visual identification marking that the property is vacant, abandoned, or contains hazards to firefighters.

(F) Restoration. The building, structure, property or building service equipment determined to be unsafe shall be permitted to be restored to a safe condition. To the extent repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this Chapter and the Technical Codes, or the building or structure shall be demolished and the site cleaned.

(G) Emergency Repairs. In the event the property owner fails to take needed corrective action in the manner and time as acceptable to the Building and Safety Manager, the Building and Safety Manager is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of the emergency work shall be paid by the City of Apache Junction and the City may file an action to recover all fees and costs related to the emergency repairs.

(H) Demolition. The Building and Safety Manager shall order the owner of any premises upon which is located any structure that in the Building and Safety Manager's judgment is so dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and

such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than 730 calendar days, to demolish and remove such structure.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Building and Safety Manager shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

- (I) Record. The Building and Safety Manager shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**§ 7-1-10      ~~UNIFORM SIGN CODE~~ PENALTIES.**

- (A) Unlawful Acts. It shall be unlawful:

1. For any owner, person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or operate, any building, structure, or equipment regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter and the Technical Codes.
2. For any owner, person, firm, or corporation to occupy, or for any owner to allow occupancy or fail to prevent occupancy of, any building or structure regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter and the Technical Codes.
3. For an owner, person, firm, or corporation to fail to comply with a lawful written notice of violation or order to discontinue and abate a violation of any of the provisions of this Chapter and the Technical Codes.
4. For an owner, person, firm or corporation to maintain an unsafe building in violation of this Chapter.

- (B) Notice of Violation. The Building and Safety Manager is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this Chapter, the Technical Codes, or in violation of a permit or certificate issued under the provisions of this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- (C) Prosecution of Violation. If the notice of violation is not complied with in the time frame specified in the notice, the City may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Chapter or of the Technical Codes or of the order or direction made pursuant thereto.

- (D) Remedies Not Exclusive. Violations of this Chapter or the Technical Codes are in addition to any other violation established by law, and this Chapter shall not be interpreted as limiting the penalties, actions, or abatement procedures that may be taken by the City or other persons under the laws, ordinances, or rules.

- (E) Penalty Clause. Any owner, person, firm, or corporation who shall violate any of the provisions of this Chapter of the Apache Junction City Code, as amended, shall be guilty of a Class One misdemeanor and upon conviction shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), by imprisonment for a period not to exceed six (6) months, or other probation terms, and probation of up to 36

months and any community service or community restriction, as the court deems necessary. Each day that a violation continues shall be a separate offense punishable as described above.

§ 7-1-11 ~~ARIZONANS WITH DISABILITIES ACT.~~

§ 7-1-12 MOBILE/MANUFACTURED HOME STANDARDS.