

ORDINANCE NO. 1485

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITYCODE, VOLUME I, CHAPTER 7: BUILDINGS, BY AMENDING CHAPTER 7 AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2020 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOL. I, CHAPTER 7: BUILDINGS, ARTICLE 7-1: DIVISION OF BUILDING SAFETY AND INSPECTION ADMINISTRATIVE CODE, §7-1-9 UNSAFE BUILDING OR UNSAFE Property, AND § 7-1-11 CONSTRUCTION STANDARDS FOR MANUFACTURED HOME, MOBILE HOME, PARK MODEL, AND RECREATIONAL VEHICLE STANDARDS;" REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-276(14) allows cities and their governing bodies to prescribe the thickness, strength and manner of constructing stone, brick and other buildings; and

WHEREAS, A.R.S. § 9-276(15) allows cities and their governing bodies by ordinance, to prescribe special fire limits, within general fire limits, requiring therein building material to be used and additional precautions to be observed in the construction of new buildings, and in the repairing and maintenance of buildings, as may from time to time be designated for the prevention of fires and the spread thereof; and

WHEREAS, A.R.S. § 9-240(7) allows cities and towns to regulate the construction of chimneys, furnaces and fireplaces; and

WHEREAS, A.R.S. § 9-276(16) allows cities and their governing bodies to define nuisances and to abate them; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies or one paper copy and one electronic copy of the code or public record are filed in the office of the city clerk of the municipality and are made available for public use and inspection; and

WHEREAS, Chapter 7 Buildings, of the Apache Junction City Code, was amended in October 2000 by Ordinance No. 1101, wherein the mayor and city council adopted more current versions of certain health, safety and welfare uniform codes; and

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WHEREAS, Chapter 7 Buildings, of the Apache Junction City Code, Vol. I, was amended in September 2006 by Ordinance No. 1273, wherein the mayor and city council adopted more current versions of certain health, safety and welfare uniform and international codes; and

WHEREAS, Chapter 7: Buildings of the Apache Junction City Code Volume I, was amended on June 18, 2019 by Ordinance No. 1475, wherein the mayor and city council adopted more current versions of certain health, safety and welfare uniform codes, international codes and codes rewritten by their respective technical trade associations to more currently reflect modern technological advances and societal tolerances; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include a compilation of rules or regulations prepared by a technical trade association, and includes, but is not limited to: any building, plumbing, electrical wiring, health or sanitation, fire prevention, flammable liquids code, or any other code which embraces rules and regulations pertinent to a subject which is a proper subject of municipal legislation; and

WHEREAS, City staff presented these amendments to the city council at the council meeting on December 17, 2019; and

WHEREAS, due to industry concerns, the council continued the public hearing to March 3, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I      IN GENERAL

1. That the Apache Junction City Code, City Code Volume I, Chapter 7: Buildings, Article 7-1: Division of Building Safety and Inspection Administrative Code, § 7-1-9 Unsafe Building or Unsafe Property, and § 7-1-11 Construction Standards for Manufactured Home, Mobile Home, Park Model, and Recreational Vehicle Standards, is hereby amended and is replaced with new provisions.

2. That certain document known as "City Code Volume I, Chapter 7: Buildings, Article 7-1: Division of Building Safety and Administrative Code, § 7-1-9 Unsafe Building or Unsafe Property, and § 7-1-11 Construction Standards for Manufactured Home, Mobile Home, Park Model, and Recreational Vehicle Standards," at least three paper copies or one paper copy and one electronic copy of

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which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 20-05 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II                      REPEALING ANY CONFLICTING PROVISIONS

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III                      PROVIDING FOR SEVERABILITY

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

SECTION IV                      PROVIDING FOR PENALTIES

Any violation of any provision of this ordinance, or any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Vol. I, Chapter 1: General, Article 1-1: General, Section 1-1-11, Penalty.

SECTION V                      ESTABLISHING AND EFFECTIVE DATE

The provisions of this resolution shall take effect on April 7, 2020.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS DAY OF \_\_\_\_\_, 2020.

SIGNED AND ATTESTED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

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JENNIFER PEÑA  
City Clerk

APPROVED AS TO FORM:

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RICHARD J. STERN  
City Attorney

Adopted "Clean" version of the ordinance  
03/03/2020

2020 Amendments to the Apache Junction City Code Volume I, Chapter 7: Buildings, Article 7-1: Division of Building Safety and Inspection Administrative Code, § 7-1-9 Unsafe Building or Unsafe Property, and § 7-1-11 Construction Standards for Manufactured Home, Mobile Home, Park Model, and Recreational Vehicle Standards.

## CHAPTER 7 BUILDINGS

### Article

#### 7-1. DIVISION OF BUILDING SAFETY AND INSPECTION ADMINISTRATIVE CODE

##### § 7-1-9 Unsafe Building or Unsafe Property

(J) Appeal of notice to abate, notice to secure, and notice of intent to demolish. An appeal of a notice to abate, notice to secure and notice of intent to demolish shall be filed in writing with the development services department director or his or her designee within 20 calendar days after the notice was served. An appellate hearing shall be scheduled by the building and safety manager or his or her designee before the development services director no later than 60 calendar days after the notice of appeal has been filed and such hearing must have been held and be concluded within the same time period.

(K) Grounds for appeal.

(1) The following are appropriate grounds for an appeal:

(a) The claim that the property or building subject to the notice is not in violation under the code.

(b) A claim that the true intent of the code has been incorrectly interpreted.

(c) A claim that the statement for costs for correcting or abating the violation is excessive.

(2) The director may affirm, reverse or modify the notice. The director shall conduct the hearing as a quasi-judicial hearing. There shall be no fee for filing an appeal with the director.

(3) The filing of the notice of appeal shall act as an automatic stay of enforcement of any compliance deadlines until the director makes its final determination. Upon making its final determination and after it has been served on the appellant, the stay terminates and the violator has the balance of the time left set forth in the notice. Failure to comply within this time period may result in the issuance of a civil or criminal citation or the filing of a complaint and abatement procedures subjecting the property owner and/or responsible party to liens and possible foreclosure.

(4) Failure of a person to file an appeal shall constitute a waiver of the right to a hearing of the appeal before the director and such person shall be estopped to deny the validity of any order or action of the city which could have been timely appealed.

(5) Once the director has rendered its decision, a party may apply to the Superior Court within 30 calendar days for further appellate relief in accordance with the Arizona Rules of Procedure for Special Actions. The filing of a special action will not stay enforcement of any notice unless ordered by a court of competent jurisdiction.

##### § 7-1-11 Construction Standards for Manufactured Home, Mobile Home, Park Model, and Recreational Vehicle Standards

(A) Definitions.

ALTERATION. Any construction, renovation or reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional

equipment to an existing mobile home, manufactured home, park model or recreational vehicle other than a repair or addition.

REHABILITATION. Work performed in accordance with the rules adopted by the Arizona Department of Housing as referenced in A.R.S. § 41-4048(C).

(B) Manufactured homes. MH installation shall comply with the requirements of Arizona Revised Statutes, Title 41, Chapter 37, Article 3, §§ 41-4001 thru 4010, and Arizona Administrative Code, Title 4, Chapter 34, §§ R4-34-101 thru 805. The references identified in R4-34-102 shall provide the code requirements for the installation of attached accessory structures. Detached structures shall comply with the Technical Codes. Reconstruction of a MH requires that plans for the reconstruction be submitted and a permit issued.

(1) MH installation outside of a manufactured home park or subdivision.

(a) Permits are required for all MHs and any additions thereto, to be installed. MH installations on vacant lots zoned RS-7M, RS-10M, RS-20M, RS-54M and RS-GR are limited to homes manufactured not more than two years prior to the year in which the permit is requested.

(b) Where an existing MH or mobile home more than five years-old is being removed or demolished on a lot in zoning RS-7M, RS-10M, RS-20M, RS-54M, and RS-GR a MH not more than five years-old may be installed on that lot in compliance with this section.

(d) MH installations on individual lots with RS-20M, RS-54M and RS-GR zoning shall consist of the following:

(2)MH installation in a manufactured home park.

(a) Permits are required for all MHs and any additions thereto, to be installed. MH installations on lots in MHP or RVP zoned parks are limited to homes that have affixed thereto a decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (“HUD”) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976, or such other succeeding requirements which replace HUD standards, and to homes that have been issued a certificate of compliance showing that they have been rehabilitated pursuant to A.A.C. R4-34-606 .

(b) MH installations in MHP and RVP parks, shall consist of the following:

(i) greater than a 400 square foot single wide MH;

(ii) a minimum of forty-eight square feet of accessory storage installed (not required when an enclosed garage is built);

(iii) skirting;

(iv) a parking area a minimum of 9 feet in width and 18 feet in length constructed with asphalt, concrete or dust proof gravel that has clearly defined boundaries;

(C) Mobile homes. Work related to routine maintenance and repair, and work identified as exempt under § 7-1-6 (B) of this article, may be performed on existing mobile homes; this includes exemptions where “manufactured home” is specified in the exemption. It shall be illegal, as punishable under A.J.C.C. Vol. I, § 1-1-11, to reconstruct mobile home units (those built before June 15, 1976) in the City of Apache Junction.

Repairs not identified as exempt from permits shall only be made to or done on mobile homes that have a certificate showing they have been rehabilitated and a certificate of compliance has been issued per A.A.C. R4-34-606. A mobile home that has not been rehabilitated or does not have the certificate of compliance cannot be installed in the City of Apache Junction. Mobile homes, where reconstruction has occurred without state approval and a permit for reconstruction issued by the City of Apache Junction, are declared unsafe and shall be removed from the city or shall be demolished.

(D) Park Models and park trailers. Park model installation shall follow the manufacturer's installation instructions or if the installation instructions are not available, the installation requirements for a model similar in length, width and height. The PM shall be secured against overturning. Where temporary electrical, water, and sewer connections are not provided with the unit, hard connections shall be made in accordance with the Technical Codes. PMs will have properly installed skirting along all sides. To obtain a PM set permit, properly licensed electrical, mechanical, plumbing and/or metal structure contractors shall be identified when applying for the permit. PM installation or use is not allowed outside of approved recreational vehicle parks or subdivisions, or manufactured home parks or subdivisions.

(1) Regardless of the age of the unit, permits are required for all PMs and any additions thereto, to be installed. PM installations for PMs older than 15 years on lots in MHP or RVP zoned parks are limited to PMs that have passed a one-time inspection by any certified HUD basic Housing Quality Standards ("HQS") inspector or Arizona licensed home inspector or its equivalent for units from outside the State of Arizona. The purpose of the HQS inspection is to ensure that the PM is decent, safe, sanitary, and, to the extent applicable to the size restrictions of PMs, meets the HUD basic HQS found in 24 CFR Part 982 and modified herein and limited to the following HQS categories using a checklist provided by the Building and Safety Manager:

(a) Sanitary facilities, food preparation and refuse disposal, space and security, thermal environment, illumination and electricity, structure and materials, HVAC system, water supply, access, sanitary condition, and smoke detectors.

(2) Allowable PM attached accessory structures shall be constructed per the following and the Technical Codes:

(a) Metal awnings shall have a current evaluation report and current engineering.

(b) Patio enclosures shall comply with IBC Appendix I as adopted by this chapter.

(c) HVAC systems shall be installed per the Technical Codes including the Mechanical Code and Energy Code.

(d) Photovoltaic or solar water heating systems, when the manufacture has designed the PM to support the installation of a photovoltaic or solar water heating system, and has made provisions for connection of such system, the installation shall comply with the manufacturer's instructions and the Technical Codes.

(3) Allowable PM detached accessory structures shall be constructed in compliance with the Technical Codes.

(a) Allowable detached accessory structures include:

(i) storage rooms or sheds,



(ii) engineered self-supporting shade structures (porches, carports, metal and non-metal awnings)

(iii) habitable room additions not exceeding the square footage of the PM, and built per the Residential Code or the Building Code,

Exception: In RV subdivisions, where the lot is owned and occupied by an individual or individuals, the total enclosed square footage of the PM, any habitable additions, and any storage buildings, shall not exceed 48% of the lot's total square footage.

(iv) decks, and,

(v) detached garages.

(4) PM locations, PM additions, and storage buildings must comply with all setbacks and may not encroach into any required easement or the required clear space around a utility service or electrical pedestal. In no case shall a PM or an addition be set or constructed closer than 6 feet to an existing PM or enclosed structure on another lot, unless a less restrictive setback requirement exists for MH or RV parks that have established legal nonconforming rights.

(5) PMs may not be altered from their original layout and cannot be altered, modified or reconstructed from their original condition. Repair or replacement of service equipment like air conditioning, hot water heaters, etc. shall be with equivalent type and size, and with the same or less electrical or gas demand, as the original equipment. The installing of a water heater unit on the exterior of a PM is prohibited. The installation of a larger water heater requires a permit, and the water heater must be installed inside a permitted and approved detached accessory structure, and the installation, electric, gas and/or plumbing shall comply with the Technical Codes. PMs manufactured with duct work and intended to be connected to a package unit are acceptable. The installation of exterior plaster (stucco), stone veneer, and brick veneer to a PM is prohibited. The original PM manufacturer can alter the exterior of an existing PM model after submitting a letter for a specific site and specific PM with specifications showing the PM model will still comply to the standard under which it was built, to the division of building safety and inspection.

(E) Recreational vehicles, motor homes, and travel trailers. RVs, motor homes and travel trailers cannot be altered, modified or reconstructed from their original condition. Repair or replacement of service equipment like air conditioning, hot water heaters, etc. shall be with the same type and size, electrical or gas demands as the original equipment. The installing of a water heater unit on the exterior of an RV, motor home or travel trailer is prohibited. The installation of a larger water heater requires a permit, and the water heater must be installed inside a permitted and approved detached accessory structure, and the installation and plumbing shall comply with the Technical Codes. No additions or permanent attachments shall be made to a 5th wheel, motor home or travel trailer.