

APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 7
BUILDING

Article 7-1 BUILDING AND TECHNICAL CODES

- 7-1-1 Conformity with the Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance
- 7-1-2 1997 Uniform Administrative Code
- 7-1-3 2006 International Building Code
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- 7-1-6 2005 National Electrical Code
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- 7-1-8 2006 International Mechanical Code
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Sec. 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 11, Land Development Code, Chapter 1 Zoning Ordinance.

Sec. 7-1-2 Uniform Administrative Code

The Uniform Administrative Code (1997 Edition), which was declared a public record by Resolution No.06-37, is hereby adopted by reference as the "Uniform Administrative Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Sec. 104 Conflicting Provisions is hereby amended by adding the following subsections:

104.1 Referenced codes. The other codes referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference. If another code is referenced elsewhere in this code and has not been adopted, then that section shall be considered invalid.

Any references to the ICC Electrical Code shall be deleted and the words "Electrical Code adopted by the city of Apache Junction and its amendments" shall be inserted in lieu thereof.

Any references to the International Fuel Gas Code shall be deleted and the words "Plumbing Code adopted by the city of Apache Junction and its amendments" shall be inserted in lieu thereof.

Any references to the International Zoning Code shall be deleted and the words "Zoning Code adopted by the city of Apache Junction Volume II Land Development Code, Chapter 1, Zoning Ordinance and its amendments" shall be inserted in lieu thereof.

Any references to the International Private Sewage Disposal Code, or International Property Maintenance Code or International Existing Building Code shall be deleted.

104.2 International Energy Conservation Code. The provisions of the 2003 International Energy Conservation Code shall apply only to matters governing the design and construction of those structures regulated in the International Residential Code as adopted by the City of Apache Junction.

Sec. 106 is hereby amended by adding the following paragraph:

Requests for a modification of code requirements shall be made in writing on a form provided by the building official. The applicant is responsible for providing all information, calculations, or other data necessary to substantiate each request for a modification. The building official shall approve, approve with stipulations, or deny such applications based upon the substantiating data submitted and the building official's determination that the modification does or does not result in substantial compliance with the intent of the code. In deciding each case, the building official may consider or require alternative methods or systems to be used in compensation for the particular code provision to be modified.

Sec. 201 Authority, is amended by adding Sec. 201.3 Public Facilities.

201.3 Public Facilities. Subject to the criteria set forth below, the City Manager or designee thereof, may waive all or part of any building permit, development and/or grading fees which are imposed on any person, currently in effect or enacted in the future, for the construction of any structure in the corporate limits of the city:

1. Incorporation of greater community access into the design and construction of new schools;
2. Use of multi-purpose rooms such as cafeterias, libraries and playing fields by the general public; and
3. Allowing the construction of extra rooms and facilities on school sites where such construction is financed and owned by the city for community use.

Sec. 204 is hereby deleted and replaced by the following:

Sec. 204 Building and Technical Codes Board of Appeals.

- 204-1 Creation
- 204-2 Membership and Terms of Office
- 204-3 Salaries and Personal Expenses
- 204-4 Officers
- 204-5 Meetings
- 204-6 Vacancies
- 204-7 Removal of Members
- 204-8 Duties
- 204-9 Limitations of Authority

Sec. 204-1 Creation

There is hereby established the Apache Junction Board of Construction Code of Appeals (hereafter the "board"), a board of five members mandated by the various construction codes adopted by the City.

Sec. 204-2 Membership and Terms of Office

- A. The board shall consist of five members who are appointed by the mayor and approved by the council.
- B. The terms of the board's members shall be for two years and shall commence on July 1, and end on June 30, two years thereafter or until their successors are duly appointed and seated. Such terms shall be so staggered that no more than three member's terms conclude in the same year. Initial seating may occur at any time with two positions to expire the following 30th day of June.
- C. Members need not be residents of the City (however every effort should be made to meet the membership of the board from the citizenry).

- D. Membership shall consist of members who are qualified by experience and training to pass upon matters pertaining to construction codes. Membership shall be taken from the following areas:
1. Professional - 1 architect or engineer.
 2. Trades - 1 general contractor and 2 additional members from the plumbing, electrical or mechanical trade.
 3. Lay member - 1 member of the board shall be from the general residency of the City.

Sec. 204-3 Salaries and Personal Expenses

The members of the board shall receive no salaries or other remuneration for their services in such capacity and shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent and purposes and amount such expense is first authorized and approved by the council.

Sec. 204-4 Officers

The board shall elect a chairman and vice chairman to serve for a period of one year. The vice chairman shall preside at meetings in the absence of the chairman.

Sec. 204-5 Meetings

The board shall establish a regular meeting day and time at least once a month. Special meetings may be called as required. A quorum shall consist of three voting members for the transaction of all business.

Sec. 204-6 Vacancies

Vacancies shall be filled by the city council in accordance with Sec. 204-2 for the unexpired term of the member affected.

Sec. 204-7 Removal of Members

Members of the board serve at the pleasure of the council and may be removed by the mayor with the concurrence of the council. A member shall not be absent from board's regular meetings for more than three consecutive times without a reasonable excuse. After the absence of three consecutive meetings, the remaining members of the board shall vote to retain or recommend to the council that the absentee member be relieved of his or her duties on the board.

Sec. 204-8 Duties

- A. The board shall hear appeals regarding interpretation of the construction codes identified in this chapter. Such decisions shall be binding on the Building Official.
- B. The board may be asked to make recommendations regarding changes to the construction codes, adoption of new codes or procedures necessary to enforce the construction codes.
- C. The board shall hear appeals in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings.

Sec. 204-9 Limitations of Authority

The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the board be empowered to waive requirements of this code or the technical codes.

Sec. 301.2.1 Building Permits, is hereby amended by adding Sec. 301.2.1(11) which reads:

Sec. 301.2.1 (11) Recreational vehicles and their non-habitable accessory structures when located in a recreational vehicle park which has entered into a contract with the city for self-regulation.

Sec. 303.1 Issuance. The word "APPROVED" is deleted and amended to read as follows: "Reviewed for Code Compliance"

Sec. 304.2 Permit Fees, the first sentence is hereby amended to read as follows:

The fee for each permit shall be as established by Council resolution. See CHAPTER 4 FEES of the city of Apache Junction city code.

Sec. 304.3 Plan Review Fees, the last sentence of the first paragraph is hereby amended to read as follows:

Said plan review fee for building or structures shall be established by Council resolution. See CHAPTER 4 FEES of the Apache Junction city code.

Sec. 304.3 Plan Review Fees, is hereby amended by the deletion of Paragraph 2 and 3. The last sentence of Paragraph 5 of this section is hereby amended to read as follows:

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established by Council resolution. See Chapter 4, Fees of the Apache Junction City Code.

Sec. 304.5.2 Fee, the third sentence is hereby amended to read as follows:

The minimum investigative fee shall be the same as the minimum fee as established by council resolution.

Sec. 305.5(5) is hereby amended by adding the following paragraph:

Property owners shall obtain and display on the residence, business, or otherwise, the correct building number or numbers as assigned to such property of the city of Apache Junction in accordance with established street assignment policy, prior to final inspection and /or issuance of a certificate of occupancy. the building numbers shall be of a durable material not less than four inches (4") high with a stroke of not less than one-half inch (1/2") in width, permanently attached to the building and must be readily distinguished and readable from the nearest paved public/common roadway fronting that property.

Sec. 305.8 Reinspections, Paragraph 4 is hereby amended to read as follows:

To obtain a reinspection, the applicant shall file application in writing upon a form furnished for that purpose, and pay the reinspection fee, as established by council resolution.

Sec. 306.1 General, is hereby amended to read as follows:

In addition to the inspections required by sec. 305, the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following type of work:

Sec. 306.1 general, is hereby amended by adding the following subsection:

306.1.16 Electrical Special Inspection

1. Ground-fault protection performance tests for equipment are required to be provided with ground-fault protection.
2. Switchboards, panelboards, motor control centers, and other equipment rated 1,000 amps or more; or over 600 volts.
3. Emergency and standby power systems, including switchboards, panel boards, distribution boards, transfer equipment, power source, conductors, fire pumps, and exhaust and ventilation fans.

Sec. 307.1 is hereby deleted in its entirety and replaced with the following:

307.1 Electrical Observation. Electrical Observation shall be provided for the following installations:

1. Installation or alteration of that portion of health care facility electrical systems which fall within the scope of Article 517, Chapter III of the 2005 National Electric Code where critical care areas are present.
2. Installations or alterations of high voltage electrical systems, which exceed 600 volts. Installations or alterations of electrical systems within locations classified as hazardous by the provisions of the 2005 National Electric Code, or the 2006 International Fire Code, except for gasoline dispensing installations and systems located within storage garages, repair garages or lubricitoriums.
3. When such observation is specifically required by the building official.

The owner shall employ the engineer responsible for the electrical design, or another engineer designated by the engineer responsible for the electrical design to perform visual observation of complex electrical equipment and systems for general conformance to the approved plans and specifications, including but not limited to, placement and interconnection of equipment.

Electrical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected by the building official.

Sec. 309.4 is hereby deleted and replaced by the following:

- 309.4 Temporary certificate of occupancy. If the building official finds no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure provided the applicant agrees that:
1. When construction is complete, final inspection will be requested and a certificate of occupancy issued.
 2. The applicant will state in writing the length of time the temporary certificate of occupancy is required. The length of time shall not exceed 90 days. The temporary certificate of occupancy will expire at the end of the time period stated in writing, at which time the power will be de-energized. The building official may extend the temporary certificate of occupancy upon written request by the permittee or applicant, showing that circumstances beyond the control of the permittee or applicant have prevented the completion of the project. The applicant must show the building official substantial proof the project was unable to be completed within the requested time frame.
 3. It is the responsibility of the applicant to complete any required work prior to the expiration date of the temporary certificate of occupancy and call for final inspection.

4. The building official may request the utility company to de-energize power, if required work is not completed on or before the expiration date of the temporary certificate of occupancy. This includes occupying the structure after The temporary certificate of occupancy has expired.
5. Neither the city of apache junction nor the utility company will be held liable for any damages or delays, for de-energization of power.

Applicant must be the owner or authorized agent. If the owner is not available to provide signature on the application for temporary certificate of occupancy, then the owner shall provide a letter on company letterhead or notarized letter of authorization stating the name of the person authorized to act on owner's or company's behalf.

Chapter 3, table 3-A is hereby amended to read as follows:

Such fees shall be as established by council resolution. See Chapter 4 FEES of the city of Apache Junction City Code.

Chapter 3, Table 3-B is hereby amended to read as follows:

Such fees shall be as established by council resolution. See Chapter 4 FEES of the city of Apache Junction City Code.

Chapter 3, Table 3-C is hereby amended to read as follows:

Such fees shall be as established by council resolution. See Chapter 4 FEES of the city of Apache Junction City Code.

Chapter 3, Table 3-D is hereby amended to read as follows:

Such fees shall be as established by council resolution. See Chapter 4 FEES of the city of Apache Junction City Code.

Chapter 3, Table 3-E is hereby deleted.

Chapter 3, Table 3-F is hereby deleted.

Chapter 3, Table 3-G is hereby amended to read as follows:

Such fees shall be as established by council resolution.
See Chapter 4 FEES of the city of Apache Junction City Code.

Chapter 3, Table 3-H is hereby amended to read as follows:

Such fees shall be as established by council resolution.
See Chapter 4 FEES of the city of Apache Junction City Code.

Sec.7-1-3 International Building Code

The "International Building Code, 2006 Edition", which was declared a public record by Resolution No.06-37, is hereby adopted by reference as the "International Building Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Chapter 1. Administration is hereby amended by the deletion of Sections 101.4 through 115. (For the administration of this Code, see the Uniform Administrative Code, 1997 Edition.

Sec. 202 Definitions, is amended by adding the following definition:

CARPORT is a building or portion thereof which is entirely open on two or more sides which is primarily designed for the storage and keeping of motor vehicles.

Sec. 507.2 is hereby amended by adding a new paragraph before the exceptions to read as follows:

With the Building Official's approval, a Building Code Compliance Covenant and Reciprocal Easement agreement may be used as an alternate method of compliance with building code property line requirements where a single development such as a shopping center is divided by lot or tract lines for financial purposes while the whole development is built and functions like one building on one undivided lot.

Chapter 11, Accessibility, is hereby deleted in its entirety and insert in lieu of the following:

The "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4), which rules incorporate the Federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities," is hereby adopted as the Arizonans with Disabilities Act of the City, and shall apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications and this act is hereby referred to, adopted and made a part hereof as though fully set forth in this section.

Chapter 13 Energy Efficiency, is hereby deleted in its entirety.

Chapter 31 Special Construction, is amended by adding Sec. 3103.5 Moved Buildings and Temporary Buildings. Buildings and structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

Exceptions: Awnings or other structures which are accessory to park models or recreational vehicles may be moved and reassembled to the standards in effect during initial construction, but in no case less than 10 pounds per square feet design load.

Chapter 31 Special Construction, is hereby amended by deleting Sec. 3109, Swimming Pool Enclosures.

Chapter 34, Sec. 3409, Accessibility for Existing Buildings, is hereby deleted in its entirety. (For accessibility requirements see the Arizonans with Disabilities Act).

Appendix I Patio Covers, Sec. 1101.1 General: The first sentence is deleted and hereby amended to read as follows:

Patio covers, carports and storage rooms in RV parks and subdivisions may be detached or attached to the buildings, manufactured housing or recreational vehicles as accessories to Group 4; Group R Division 3; or to a single dwelling unit in Group R Division 1 Occupancies.

Appendix J, Grading, is hereby deleted and replaced by the following:

Appendix J, Excavation and Grading

SEC. 3304- PURPOSE

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property within the jurisdictional boundaries of the City of Apache Junction.

SEC. 3305- SCOPE

This appendix sets forth rules and regulations to control clearing, grubbing, excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. The standards listed below are recognized standards (see Sections 3503 and 3504).

1. Testing.
 - 1.1. ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
 - 1.2. ASTM D 1556, In Place Density of Soils by the Sand Cone Method
 - 1.3. ASTM D 2137, In Place Density of Soils by the Rubber Balloon Method
 - 1.4. ASTM D 2937, In place Density of Soils by the Drive Cylinder Method
 - 1.5. ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods

SEC. 3306- PERMITS REQUIRED

3306.1 Permits Required. Except as specified in Sec. 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the Building Official or designee.

3306.2 Exempted Work. A grading permit is not required for the following:

1. When approved by the Building Official or designee, grading and/or excavation that does not pose any danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists.

8. An excavation that: (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7 % slope), (3) or does not obstruct a drainage course.

9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 100 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

Exemption from the 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 any other laws or ordinances of the City of Apache Junction, Arizona.

SEC. 3307- HAZARDS

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

SEC. 3308- DEFINITIONS

For the purpose of this appendix, the definitions listed hereunder shall be construed as specified in this section.

APPROVAL is the proposed work or completed work conforms to this chapter in the opinion of the Building Official or designee.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

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

BORROW is earth material acquired from an off-site location for use in grading on a site.

BUILDING OFFICIAL OR DESIGNEE is the officer or other designated authority charged with the administration and enforcement of this code, or the Building Official's duly authorized representative.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

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

COMPACTION is the densification of a fill by mechanical means.

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

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

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

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

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER (See "Soils Engineer").

GRADE is the vertical location of the ground surface. Existing Grade is the grade prior to grading. Finish Grade is the final grade of the site that conforms to the approved plan. Rough Grade is the stage at which the grade approximately conforms to the approved plan.

GRADING is any excavating or filling or combination thereof. KEY: a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROFESSIONAL INSPECTION is the inspection required by this code or the Building Official or designee to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

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

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

SOIL is naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

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

TERRACE is a relatively level step constructed in the face of a grade, with a sloped surface for drainage and maintenance purposes.

SEC. 3309- GRADING PERMIT REQUIREMENTS

3309.1 Permits Required. Except as exempted in Sec. 3306 of this code, no person shall do any grading without first obtaining a grading permit from the Building Official or designee. A separate permit shall be obtained for each site, and may cover both excavations and fills.

3309.2 Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the enforcement agency and such application shall contain the following:(1) The estimated quantities of work involved; (2) Identification and description of the work to be covered by the permit for which application is made; (3) Description of the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work; (4) Plans, diagrams, computations and specifications and other data as required in Sec. 302 of the 1997 Uniform Administrative Code and required of the Building Official shall be attached. (5) Signature by the applicant, or the applicant's authorized agent.

3309.3 Grading Designation. Grading in excess of 1,000 cubic yards (3825 m³) shall be performed in accordance with approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 1,000 cubic yards (3825 m³) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the Building Official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

3309.4 Engineered Grading Requirements. Applications for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report, drainage report, and engineering geology report. The plans and specifications shall be prepared and signed by and individual licensed by the state to prepare such plans or specifications when required by the Building Official or designee.

Specifications shall contain information covering construction and material requirements.

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

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drainage.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4572mm) of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official or designee, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

3309.5 Soils Engineering Report. The soils engineering report required by Sec. 3309.4 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

3309.6 Engineering Geology Report. The engineering geology report required by Sec. 3309.4 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

Drainage Report. Engineered grading submittals must include a drainage report to demonstrate, at a minimum, that the required retention volume is provided and that off-site drainage flows are adequately conveyed through the site and safely discharged downstream. (See the City of Apache Junction Engineering Guidelines for retention and drainage requirements).

NOTE: A more detailed drainage report may be required to address on-site drainage as part of the improvement plan submittal process.

3309.8 Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 40 feet of the proposed grading.
4. Location and size of any (wash or washes).

3309.9 Protection of utilities. The developer shall be responsible for the prevention of damage to any public utilities or services.

3309.10 Protection of adjacent property. The person doing or causing grading is responsible for the prevention of damage to adjacent property. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, without supporting and protecting such property from any damage that might result.

3309.11 Tracking of dirt onto public streets. The developer shall provide for the adequate cleaning of equipment to prevent the tracking of dirt and debris into or onto the public right-of way.

3309.12 Revegetation. The loss of trees, shrubs, cacti, ground cover, and topsoil shall be minimized on any and all grading projects. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting trees, shrubs, ground cover or an approved revegetation seed mix approved by the City of Apache Junction Parks and Recreation Department. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a licensed landscape architect may be required.

3309.13 Off-site Drainage flows. It shall be a violation of this Code for any person to block or hinder the flow of existing flows that enter a site. The engineered and regular grading submittals shall both demonstrate that adequate conveyance is provided for all such flows. The Building Official or designee may require detailed and hydrologic and or hydraulic calculations to demonstrate compliance with the requirement.

3309.14 Issuance. The provisions of Sec. 106.4 are applicable to grading permits. The Building Official or designee may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. The Building Official or designee may require professional inspection and testing by the soils engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

SEC. 3310 GRADING FEES

3310.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction. (See City Code Chapter 4 Fees).

3310.2 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the City Code, Chapter 4, Fees. Separate plan review fee shall apply to retaining walls or major drainage structures as required in the code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

3310.3 Grading Permit Fees. A fee for each grading permit shall be paid to the City of Apache Junction as set forth in the City Code, Chapter 4 Fees. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

SEC. 3311- BONDS

The Building Official or designee may require bonds in such form and amounts, as may be deemed necessary to ensure that the work, if not completed in accordance with the approval plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official or designee in an amount equal to that which would be required in the surety bond.

SEC. 3312- CUTS

3312.1 General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

3312.2 Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 unit horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

SEC. 3313- FILLS

3313.1 General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

3313.2 Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

3313.3 Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

EXCEPTION: The Building Official or designee may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, Potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches (305mm) in maximum dimension shall be 10 feet (3048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-grade soil.

3313.4 Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density.

3313.5 Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

SEC. 3314- SETBACKS

3314.1 General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distance measured perpendicular to the site boundary.

3314.2 Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and a maximum of 10 feet (3048 mm). The setback may need to be increased for any required interceptor drains.

3314.2 Top of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

3314.4 Modification of Slope Location. The Building Official or designee may approve alternate setbacks. The Building Official or designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

SEC. 3315- DRAINAGE AND TERRACING

3315.1 General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope)

3315.2 Terrace. Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot(9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet (18 288 mm) and up to 120 feet (36 576mm) in vertical height, on terrace at approximately midheight shall be 12 feet (3658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36 576 mm) in height shall be designated by the civil engineer and approved by the Building Official or designee. Suitable access shall be provided to permit proper cleaning and maintenance. Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524 mm). A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 M2)(projected) without discharging into a down drain.

3315.3 Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

3315.4 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or designee or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices. Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Building Official or designee.

EXCEPTION: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet (3048 mm) in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3048 mm).
3. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3048 mm).

3315.5 Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12 192 mm) measured horizontally.

Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official or designee.

3316.1 Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

3315.2 Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SEC. 3317- GRADING INSPECTION

3317.1 General. Grading operations for which a permit is required shall be subject to inspection by the Building Official or designee. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Sec. 3317.5 for engineered grading and as required by the Building Official or designee for regular grading.

3317.2 Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

3317.3 Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official or designee and the civil engineer.

3317.4 Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

3317.5 Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official or designee. In the event of changed conditions, the permittee shall be responsible for informing the building official or designee of such change and shall provide revised plans for approval.

3317.6 Building Official or designee. The Building Official or designee shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

3317.7 Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official or designee.

3317.8 Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official or designee in writing of such change prior to the recommencement of such grading.

SEC. 3318- COMPLETION OF WORK

3318.1 Final Reports. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable, determined by The Building Official or designee:

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Sec. 3317.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations, and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer. The report shall verify all water retention and detention devices and provide adequate volume per the approved plans. Civil engineer shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.
2. A report prepared by the soils engineer retained to provide such services in accordance with Sec. 3317.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.
3. A report prepared by the engineering geologist retained to provide such services in accordance with Sec. 3317.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approval grading plan. Engineering geologists shall submit a statement that, in the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.
4. The grading contractor shall submit in a form prescribed by the Building Official or designee a statement of conformance to said as-built plan and the specifications.

3318.2 Notification of Completion. The permittee shall notify the Building Official or designee when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

Sec. 7-1-4 International Fire Code

The "International Fire Code (2006 Edition)", which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "International Fire Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Sec. 102.3 is hereby deleted in its entirety and replaced to read as follows:

102.3 change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the international building code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be permitted to be changes and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the international building code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Sec. 102.4 is hereby deleted in its entirety and replaced as follows:

102.4 Application of building code. The design and construction of new structures shall comply with the international building code; and any alterations, additions, changes in use or changes in structures required by this code which are within the scope of the international building code shall be made in accordance therewith.

Sec. 105.1.1 is hereby amended by adding a second paragraph to read as follows:

It shall be unlawful for any person, firm or corporation to use a building or premises or engage in any activities for which a permit is determined to be required by the fire code official under this code without first having obtained such permit.

Sec. 7-1-5 International Residential Code

The "International Residential Code(2006 Edition)", which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "International Residential Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Chapter 1. Administration is hereby amended by the deletion of Sections R102 through R114.

For the administration of this Code, see the Uniform Administrative Code, 1997 Edition.

Sec. R201.4 shall be amended by adding to the end of this subsection:

Webster's Third World International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

TABLE R301.2(1) is hereby amended to read as follows:

GROUND SNOW LOAD	Not Applicable
WIND SPEED	90 M.P.H., EXPOSURE C
SEISMIC DESIGN CATEGORY	B
WEATHERING	Moderate
FROST LINE DEPTH	Not Applicable
TERMITE	Moderate to Heavy
DECAY	None to Slight
WINTER DESIGN TEMP	32 degrees

SEC. R310.1 is hereby amended by adding the following sentence at the end of the paragraph to read as follows:

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

Chapters 24-33 are hereby deleted in their entirety and replaced by the Uniform Plumbing Code (1994 edition), as published by the International Association of Plumbing and Mechanical Officials, with State of Arizona amendments.

Sec. 7-1-6 National Electrical Code

The "National Electrical Code (2005 Edition)", which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "National Electrical Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

For the administration of the Code, see the Uniform Administrative Code, 1997 Edition.

Article 90- Introduction

Sec. 90.1(A) is hereby amended by adding a second paragraph to read as follows:

90.1(A) any and all electrical work for light, heat, power, or any other purposes shall be installed in conformity with the rules and regulations as set forth in this code, and that document titled, the National Electrical Code(2005 edition), and in conformity with the rules and regulations as set forth by the building official.

Article 90 is hereby amended by adding a new Sec. 90.10 to read as follows:

90.10 wiring in public right-of-way. No person, firm, or corporation shall place any wire for conduction of electricity for any purpose across or within the boundaries of any public street, alley, park or sidewalk, unless such a person, firm or corporation is operating under a franchise or a permit from the proper authorities to do so.

Sec. 7-1-7 Uniform Plumbing Code

The "Uniform Plumbing Code (1994 Edition)", which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "Uniform Plumbing Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Chapter 1 Administration is hereby deleted.

For the administration of this Code, see the Uniform Administrative Code, 1997 Edition.

Subsection 402.1 is hereby amended to read as follows:

"The maximum flow rates and quantities for all plumbing fixture fittings shall be in consistent with A.R.S. § 45-1-12."

Subsection 402.2 is hereby deleted.

Subsection 713.4 of Sec. 713.0, "Sewer Required", is hereby amended to read as follows:

"The public sewer may be considered as not being available only when so determined by the Superstition Mountain Communities Facilities District ("SMCFD")."

Sec. 1008.2 Approval, is amended by adding the sentence "when a public sewer is available, Superstition Mountain Communities Facilities District is the Administrative Authority ("SMCFD")."

Sec. 1011.1 is amended by adding the sentence "when a public sewer is available, Superstition Mountain Communities Facilities District is the Administrative Authority ("SMCFD")."

Sec. 1012.0 is amended by adding the sentence "when the public sewer is available sizing criteria is determined by Superstition Mountain Communities Facilities District ("SMCFD")."

Sec. 7-1-8 International Mechanical Code

That certain publication entitled "International Mechanical Code (2006 Edition)", which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "International Mechanical Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Chapter 1. Administration is hereby amended by the deletion of Sections 101 through 109. For the administration of this Code, see the Uniform Administrative Code, 1997 Edition.

Sec. 7-1-9 Uniform Code for the Abatement of Dangerous Buildings

The "Uniform Code for the Abatement of Dangerous Buildings (1997 Edition)", which was declared a public record by Resolution No.06-37, is hereby adopted by reference as the "Uniform Code for the Abatement of Dangerous Buildings of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein and is hereby amended in the following respects:

Board of Appeals, Sections 205 (a, b) are deleted and amended to read the same as Sections 204 through 204-9 of the Uniform Administrative Code as adopted.

Sec. 7-1-10 Uniform Sign Code

The "Uniform Sign Code (1997 Edition)", which was declared a public record by Resolution No. 06-37 is hereby adopted by reference as the "Uniform Sign Code of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein.

Sec. 7-1-11 Arizonans with Disabilities Act

The "Arizonans with Disabilities Act," and its Implementing Rules, and "American with Disabilities Act Accessibility Guidelines for Buildings and Facilities," which was declared a public record by Resolution No. 06-37, is hereby adopted by reference as the "Arizonans with Disabilities Act," and its Implementing Rules, and "American with Disabilities Act Accessibility Guidelines for Buildings and Facilities of the City of Apache Junction" and made a part of this chapter the same as though said publication was specifically set forth in full herein.

Sec. 7-1-12 Mobile/Manufactured Home Standards

- A. Mobile/manufactured homes proposed for installation shall 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.
- B. Mobile/manufactured homes proposed for installation shall be installed in compliance with the standards prescribed by the Arizona Department of Building and Fire Safety, Office of Manufactured Housing for either:
 - 1. Ground level installation; or
 - 2. Installation of a fully skirted mobile/manufactured home; or
 - 3. Installation of a unit on a permanent visible foundation.
- C. Mobile/manufactured homes proposed for installation outside of a mobile home park shall have its hitch or tongue removed at the time of installation; the hitch or tongue may be retained if the unit's tongue is screened with skirting, or a perimeter foundation, or ground level installation.
- D. This section shall not prohibit the continued occupancy of non-certified mobile/manufactured homes currently located and occupied as a private residence within the city.
- E. Modifications to or repairs of a mobile/manufactured home shall be prohibited unless such modifications are made pursuant to applicable federal, state or local regulations. The Building Official may inspect a mobile/manufactured home proposed for installation only for gross modifications. Gross modifications included are those modifications which can be observed from a visual inspection of the interior and exterior of the subject unit, or which become apparent to the Building Official while performing those safety and installation inspections and tests as are required by an intergovernmental agreement between the city and the Arizona Department of Building and Fire Safety, Office of Manufactured Housing executed on May 6, 1986, or as such agreement is subsequently amended or adopted. When such violations or gross modifications are made known, it shall be the duty of the Building Official to order modifications to be brought into compliance before the mobile/manufactured unit is occupied.

- F. It is unlawful to install or set up mobile/manufactured homes which do not comply with the provisions of this section.
- G. Subsection A of this section shall not be applicable to the installation of units currently installed in the City but proposed for installation in mobile home parks that were approved before 1986.

Article 7-2 Penalty

Any violation under this Chapter is punishable pursuant to Apache Junction City Code, Chapter 1, General, Article 1-8(A) PENALTY.

Article 7-3 REQUIREMENTS FOR SWIMMING POOL ENCLOSURES

- 7-3-1 Enclosures Required
- 7-3-2 Exceptions
- 7-3-3 Assignment of Responsibility; Limitations on Removal
- 7-3-4 Barrier Details
- 7-3-5 Gate Requirements
- 7-3-6 Door Requirements
- 7-3-7 Window Requirements
- 7-3-8 Safety Covers

Sec. 7-3-1 Enclosures Required

- A. Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier intended to restrict access to the swimming pool from public property, from adjacent private property and directly from all dwelling units or guest rooms located on the same premises as the swimming pool. For purposes of this section, the term "swimming pool" means any structure intended for swimming, diving or recreational bathing which contains water eighteen inches or more in depth at any point, including temporary, portable or permanent swimming pools, hot tubs or spas, whether located indoors, outdoors, in-ground, on grade or above grade.
- B. The swimming pool enclosure and barrier detail requirements of this section apply to all new swimming pools installed on or after February 14, 1991 and to all additions, alterations, repairs or replacements made to existing swimming pool enclosures. All swimming pools installed prior to February 14, 1991 shall be completely enclosed as required in this section on or before February 14, 1992.

Sec. 7-3-2 Exceptions

- A. Existing swimming pools located on single family residential property on or before February 14, 1991 need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six years of age or older. All other portions of the swimming pool enclosure shall be installed and maintained as required in this section.
1. This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.
 2. This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever one or more children under six years of age become occupants of the property.
- B. Above ground swimming pools which have non-climbable sides not less than forty-eight inches high above the adjacent ground level may be located on single family residential property without requiring a fence or barrier between the pool and the dwelling provided any steps or ladder are either removable without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch located not less than fifty-four inches above the adjacent ground level.

Sec. 7-3-3 Assignment of Responsibility, Limitations on Removal

It shall be the responsibility of the property owner and any other person in responsible charge of a swimming pool to ensure that the required swimming pool enclosure including all gates, doors, locks, latches and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with the provisions of this article.

Sec. 7-3-4 Barrier Details

- A. Swimming pool barriers shall be a fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool. The pool side of the barrier shall be not less than twenty inches from the water's edge. The top of the barrier, including all gates and doors therein, shall be not less than five feet above the floor or underlying ground, measured on the exterior side of the enclosure.
- B. Exception: Barrier fences or walls not less than four feet in height which existed on or before February 14, 1991 may be used for that portion of the required swimming pool enclosure which separates a swimming pool from dwellings located on the same premises as the pool, provided such barrier is kept in repair and is otherwise maintained in compliance with all other provisions of this section.
- C. There shall be no openings, holes or gaps in a swimming pool barrier large enough for a sphere four inches in diameter to pass through. A barrier fence or wall shall have no handholds, footholds or horizontal members accessible from the exterior side of the enclosure. Horizontal members of fences shall be spaced no less than forty-five inches apart measured vertically or shall be placed on the pool side of a fence which has no opening greater than one and three quarter inches (1 3/4") measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three quarter inches (1 3/4") measured horizontally.

Sec. 7-3-5 Gate Requirements

- A. All gates in a swimming pool barrier shall be equipped to accommodate a locking device. All pedestrian access gates shall be self-closing and self-latching. All pedestrian access gates installed after February 14, 1991 shall open outwards away from the pool. Gates other than pedestrian access gates need not be self-closing or self-latching when they are kept secured by a padlock or similar locking device.
- B. Gate latches shall be located not less than fifty-four inches above the underlying ground or shall otherwise be made inaccessible from the outside to small children.

Sec. 7-3-6 Door Requirements

All doors leading from a dwelling unit or guest room directly into a swimming pool enclosure shall be self-closing and self-latching and shall be equipped with a locking device. When a simple latch is used, the release mechanism for the latch, or a secondary locking device, shall be located not less than fifty-four inches above the floor. A locking-latch which uses a key, electronic opener or integral combination lock may be located at any height on the door. Sliding doors shall not form part of a required barrier unless the self-closing and self-latching mechanism is specifically approved by the building official for this purpose.

Sec. 7-3-7 Window Requirements

Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located not less than fifty-four inches above the floor. All other openable dwelling unit or guest room windows facing within a swimming pool enclosure shall be equipped with a screwed in place wire mesh screen, a keyed-lock that prevents opening the window more than four inches or a latching device located not less than fifty-four inches above the floor.

Sec. 7-3-8 Safety Covers

A safety cover which complies with ASTM ES-13-89 shall be deemed to meet all barrier requirements of this article for any spa or hot tub which is not more than eight feet width at any point. A key-operated, motorized safety cover which complies with ASTM ES-13-89 may be used to meet the requirements of this article for a barrier between a single family dwelling and a swimming pool accessory to that dwelling provided all other portions of the swimming pool enclosure are installed and maintained as required herein. The key pool cover switch shall be located not less than fifty-four inches above the floor adjacent ground level and where the entire pool can be visually inspected during cooperation.

Article 7-4 BUILDING SECURITY STANDARDS

- 7-4-1 Purpose
- 7-4-2 Scope
- 7-4-3 Limitations
- 7-4-4 Alternate Security Provisions
- 7-4-5 Exterior Swinging Doors
- 7-4-6 Exterior Sliding Doors
- 7-4-7 Windows
- 7-4-8 Garage Doors
- 7-4-9 Attic Access Doors

Sec. 7-4-1 Purpose

The purpose of this article is to establish minimum standards to make dwelling units resistant to unlawful entry.

Sec. 7-4-2 Scope

The provisions of this article shall apply to openings into dwelling units within Group Division 1 Occupancies and Group R. Division 3 Occupancies and to openings between attached garages and dwelling units. Door openings into attached garages shall be in accordance with the provisions of this article.

Sec. 7-4-3 Limitations

The requirements of this article are not intended to prevent egress, and no security device shall be installed in a manner which would prevent proper egress through doors and windows as specified in Chapters 3 and 10 of the Uniform Building Code.

Sec. 7-4-4 Alternate Security Provisions

The provisions of this article are not intended to prevent the use of any device, hardware or method of construction not specifically prescribed in this article, when such alternates provide equivalent security and are approved by the Building Official.

Sec. 7-4-5 Exterior Swinging Doors

- A. All main or front entry doors shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. Such view may be provided by a door viewer having a field of view of not less than 180 degrees or through windows.

- B. Swinging doors shall conform to one of the following types of construction:
1. Wood flush-type door one and three quarters inches thick minimum.
 2. Wood panel-type door one and three quarters inches thick minimum with all panels fabricated from material not less than three-eighths inch in thickness: provided all shaped portions of the panels are not less than one-quarter inch thick.
 3. Ferrous metal doors of solid or hollow core construction with surfaces not less than 24 gauge in thickness.
 4. Other metal doors with surfaces not less than the equivalent of 16 gauge sheet metal (0.06 inch) in thickness.
 5. Glass insert doors shall be metal skinned or solid core in the non-glazed portion.
- C. A swinging door, the active leaf of a pair of doors and the bottom leaf of a Dutch door shall be equipped with a deadbolt lock. Such locks shall:
1. Have a minimum one inch bolt throw and embed a minimum five-eighths inch into the holding device receiving the projected bolt throw; and
 2. Have a wrench resistant collar; and
 3. Have fasteners which thread into the cylinder body; and
 4. Be able to be opened from the inside without any special knowledge or the use of a key.
- D. The inactive leaf of a pair of doors and the upper leaf of Dutch doors shall have deadbolts at top and bottom which embed a minimum one-half inch into the device receiving the projected bolt when not prohibited by Chapter 10 of the Uniform Building Code.
- E. The strike plate receiving projection deadbolts in wood construction shall be fastened to the jambs with not less than two No. 8 by two inch wood screws, or when attached to metal jambs, shall be attached with not less than two No. 8 machine screws. In wood frame construction, an open space between trimmers and wood doorjambs shall be shimmed solid not less than six inches above and below the strike plate.

F. When hinges are exposed to the exterior, at least one of three required hinges shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins. In wood construction, an open space between trimmers and wood door jambs shall be shimmed solid extending not less than six inches above and below the hinge.

Sec. 7-4-6 Exterior Sliding Doors

All exterior sliding doors shall be so equipped to prohibit the raising, sliding or removal of the sliding section from the track while in the closed and locked position. The stationary section shall not be removable from the outside. Sliding doors shall be provided with an auxiliary or additional locking device not reachable from the exterior and able to be opened from the inside without the use of a key or special knowledge.

Sec. 7-4-7 Windows

Exterior windows shall be constructed and installed to prohibit raising, sliding or removal of the sliding section while in the closed and locked position. A passive window panel shall have weather strip molding or glazing which is not easily removed from the outside to prevent removal of the window glass. An auxiliary lock shall be installed on all sliding windows to allow the window to be locked in a partially open, ventilating position. Any locking device used on windows in a sleeping room shall be able to be opened from the inside without the use of a key or special knowledge.

Sec. 7-4-8 Garage Doors

All garage doors not equipped with a power operated mechanism shall be equipped with at least two locking devices of the following types:

- A. Throw bolt or flush bolt.
- B. Cylinder type lock.
- C. Padlock and hasp.

All garage doors shall be capable of being unlocked and opened from inside the garage without the use of electrical power.

Sec. 7-4-9 Attic Access Doors

Access doors to attic spaces shall be located in the interior of the dwelling unit or within a secured room or garage.

Section 7-5 Fireplace Restrictions

A. Purpose

The purpose of this Article is to regulate the construction and installation of fireplaces, woodstoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

B. Definitions

For the purpose of this Section, the following definitions apply:

- a) "Fireplace" means a built in-place masonry hearth and fire chamber or a factory built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, but not for cooking, heating or industrial processes.
- b) "Solid Fuel" includes, but is not limited to wood, coal, or other non-gaseous or non-liquid fuels, and those fuels defined by Maricopa and Pinal County Air Pollution Control Districts as "inappropriate fuel" to burn in residential woodburning devices.
- c) "Woodstove" means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

C. Installation Restrictions

Beginning January 1, 2001, no person, firm or corporation shall construct, replace, or install a fireplace or woodstove, and the Building Official shall not approve or issue a permit to construct, replace, or install a fireplace or a woodstove, unless the fireplace or woodstove complies with one of the following:

- a) a fireplace which has a permanently installed non-removable gas or electric log insert: or
- b) a fireplace, woodstove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as

conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990: or

- c) a fireplace, woodstove or other solid-fuel burning appliance which has been tested, approved, or listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990: or
- d) a fireplace, woodstove or other solid-fuel burning appliance which has been determined by Maricopa and Pinal County Air Pollution Control Districts to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990: or
- e) a fireplace which has a permanently installed woodstove insert which complies with the provisions of this Section.

D. Exemptions

The following installations are not intended to be regulated and are not prohibited:

- a) furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment: or
- b) cookstoves, barbecue grills, and similar appliances designed primarily for cooking: or
- c) firepits, barbecue grills, and other outdoor fireplaces.

E. Prohibitions on Fireplace and Woodstove Alterations

- f) Beginning January 1, 2001, no person, firm or corporation shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.
- g) Beginning January 1, 2001, no person, firm or corporation shall alter a fireplace, woodstove or other solid-fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this Section.

F. Permits Required

In addition to the provisions and restrictions set forth in this Section, construction, installation or alteration of all fireplaces, woodstoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with the provisions of the most recently adopted and amended version of the Uniform Building Code or its equivalent, and shall be subject to the permits and inspections required thereunder.