

# CHAPTER 7 BUILDING

Amended 2/27/13

## Article 7-1 BUILDING, MANUFACTURED HOUSES, MOBILE HOMES AND RECREATIONAL VEHICLES\*

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### Sec 7-1-1 Building Inspector – Office Established

- A. The office of the building inspector is hereby established, and the duties of the building inspector shall be as provided in this article.
- B. The town has entered into an intergovernmental agreement with Santa Cruz County for assistance in enforcement of the building code through the use of the county's building inspectors whose expertise of review and enforcement of the provisions of the building codes are not found within the employees of the town. The county inspector will review and approve all plans submitted for buildings as set forth in Section 7-1-2, subsection A of this article.
- C. The responsibilities to review and inspect the setbacks and flood regulations as set forth in this code for all buildings, manufactured houses, mobile homes and recreational vehicles is designated to the town clerk/treasurer or any other person the council may choose to appoint.

### Sec. 7-1-2 Application For Permit

- A. Before commencing the erection, construction, removal, alteration or repairs (restoration of plastering or painting excepted) of any building in the town, the owner, architect or builder shall submit to the town clerk/treasurer plans and specifications of the proposed construction or alteration and shall file an application for permit to do the proposed work. Such application shall give (1) the location of the proposed building or alteration, describing the same by lot and block or other accurate description; (2) the general dimensions, number and height of stories; (3) the names of owner, architect and builder; (4) the estimate of cost; (5) the purpose for which the building is designed; (6) the distances from property lines to the outside of the proposed building or alteration; (7) the general dimensions of existing structures on the property and (8) the distance(s) from the proposed building or alteration to poles carrying high voltage overhead power lines. Upon receipt of the permit application, the town clerk/treasurer will contact the Santa Cruz County building inspector for review. In addition, the town clerk/treasurer may require that the lot or parcel be surveyed and/or that the lot or parcel's property lines be pinned by a registered surveyor.

- B. Before the installation of any manufactured house or mobile home in the town, an installation permit from the state of Arizona Office of Manufactured Housing must be obtained. In addition, a land use permit application must be submitted to the town clerk/treasurer prior to installation of a manufactured house or mobile home, or a recreational vehicle that will be used for residential purposes. Such application shall give (1) the location of the proposed placement of manufactured house, mobile home or recreational vehicle, describing the same by lot and block or other accurate description; (2) the dimensions of the manufactured house, mobile home or recreational vehicle; (3) name of the owner of lot and manufactured house, mobile home or recreational vehicle; (4) who will be responsible for installation; (5) cost of manufactured house or mobile home and (6) purpose of the manufactured house, mobile home or recreational vehicle.
  
- C. It is unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by him/her, a manufactured house or mobile home park or subdivision, or recreational vehicle park or subdivision, within the limits of the town, without first having secured a building permit from the town clerk/treasurer granted in compliance with the terms of this article. The town clerk/treasurer shall not issue a building permit for any construction associated with a manufactured house or mobile home park or subdivision, or recreational vehicle park or subdivision, until the town council has approved a final plat for such, if such plat is required in accordance with chapter 15 of this code, or site plan for such pursuant to article 14-2.

Sec. 7-1-3 Issuance Of Permit

- A. Upon receipt of a completed application as required in Section 7-1-2 of this article, and, if applicable, upon approval of plans by the Santa Cruz County building inspector or town building inspector, the town clerk/treasurer shall issue a permit to make such construction, alteration or installation upon the payment of fees as specified in Section 7-1-4 of this article, provided that the clerk/treasurer concludes that such use is lawful. It is unlawful to construct, alter, demolish or install any building, manufactured house, mobile home or recreational vehicle, as specified in this article, without having first obtained such permit.
  
- B. After a permit has been granted for any building, manufactured house, mobile home or recreational vehicle, the plans shall not be altered without giving notice of such alteration and the character thereof to the town clerk/treasurer who, upon approval of the Santa Cruz County building inspector or town building inspector, shall give approval of revised permit provided that such use is lawful.

Sec. 7-1-4 Fees

- A. Before the erection, construction, removal, alteration or repair of any building or improvement as herein provided, or installation of manufactured house, mobile home or recreational vehicle, the owner, architect or builder shall pay to the town for buildings, additions, alterations, removals or repairs the following fees:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1 to \$2,000	Minimum fee of \$80
\$2,001 to \$25,000	\$80 for the first \$2,000 plus \$17 per additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$100,000	\$471 for the first \$25,000 plus \$12 per additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and up	\$1,371 for the first \$100,000 plus \$8 per additional \$1,000 or fraction thereof.

The fees and charges to be paid for manufactured or mobile homes or house trailers will be a \$45.00 placement inspection fee.

Plan review fees shall be assessed at the rate of sixty five percent (65%) of the building permit fee shown in Table No. 3-A. The plan review fees are separate from and in addition to the building permit fees shown in Table No. 3-A.\*

\*\*An inspection fee for any gas or electrical permit shall be assessed at \$69.00 per application, of which \$54.00 will be paid to Santa Cruz County for building inspector services and \$15.00 to the town. If re-inspection is necessary for approval of work in place, re-inspection fees shall be assessed at \$69.00 per inspection to offset the fees charged to the town for such re-inspections. Inspection fees for up to two construction inspections per phase by the Santa Cruz County building inspector are included in the building permit fees shown in Table No. 3-A. Should any phase of a project require more than two inspections for approval of work in place, re-inspection fees shall be assessed at \$69.00 per inspection to offset the fees charged to the town for such re-inspections\*\*\*.

- B. Building valuation for the erection of any buildings, additions, alterations, removals or repairs or improvements as herein provided shall be based upon the Santa Cruz County Building Department 2012 Valuation Data Table attached hereto as Exhibit A and made part of this Chapter as if fully set forth herein.
- C. If an owner, architect or builder commences the erection, construction, removal, alteration, addition or repair of any building, or installation of any manufactured house, mobile home or recreational vehicle, as specified in this article, without first having obtained a permit from the town clerk/treasurer for said work, s/he shall be required to take out a permit for such work and shall pay for the same double the fees specified in subsection A of this section before proceeding with such work.
- D. The town clerk/treasurer shall issue receipts for all fees taken out for permits and shall keep, in proper books for that purpose, an accurate account of all such fees so paid, giving the name of the party, date and amount of such fees. Such book shall be kept open for public inspection and the town clerk/treasurer on the first day of each month render a report to the council of the number of permits issued, with the amounts collected during the month preceding.

#### Sec. 7-1-5 Expiration of Permit

Every permit issued by the town under the provisions of this article shall expire by limitation and become null and void, if the building, installation or work authorized by such permit is not commenced within one year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one year. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half ( $\frac{1}{2}$ ) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

#### Sec. 7-1-6 Regulations

- A. All buildings constructed on any lot shall have a setback not less than five feet from the sides and rear and fifteen feet from the main street fronting the lot. No alley shall be considered a street for the purpose of this section. If construction activities on any proposed building will result in a violation of A.R.S. § 40-360.41, the setback requirements of this subsection shall be increased to provide the required amount of clearance from the high voltage overhead electric line. If proposed construction activities on any existing building will result in a violation of A.R.S. § 40-360.42, the application for a building permit will be denied.
- B. Individual manufactured houses and mobile homes may only be located on a lot or property within the town if the lot or property and the manufactured house or mobile home is owned by the person requesting the permit.

- C. Manufactured houses and mobile homes shall be subject to the same setback requirements as a building, as set forth in subsection A of this section.
- D. Except as otherwise may be approved by the town council through a use permit, there shall be no more than two (2) habitable buildings that require a certificate of occupancy per parcel. These buildings, together with all accessory structures, cannot occupy more than fifty percent (50%) of the total parcel area.
- E. Except in an approved manufactured or mobile home park, there shall be no more than one (1) manufactured house or mobile home per privately owned parcel, and no more than one other habitable building. These buildings, together with all accessory structures, cannot occupy more than fifty percent (50%) of the lot area.
- F. No building or structure can exceed twenty-five (25) feet in overall height.
- G. All walls above four feet require a building permit. Except as otherwise may be approved by the town council through a use permit, no building permit shall be issued for a perimeter wall extending higher than five feet above grade.
- H. As used in this section, a "parcel" is any legally described separate unit of land, whether the description is by meets and bounds, a lot or block defined by plat, a split or combination of lots described by plat, or based on sections or portion(s) of sections.

Sec. 7-1-7 Manufactured Houses, Mobile Homes And Recreational Vehicles Special Provisions

A. Definitions

In this section unless the context otherwise requires:

1. "Manufactured house" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or which when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. the term includes all structures that meet the above requirements, except the size requirements and with respect to which the manufacturer voluntarily files a certification, and complies with the Department of Housing and Urban Development (HUD), manufactured home construction and safety standards (MHCSS) set forth in HUD 24 CFR part 3280. A manufactured house must be HUD approved and eligible for a thirty (30) year mortgage.
2. "Manufactured or mobile home park" means any lot, tract or parcel of land which is offered for use in whole or in part, with or without charge, for the parking of occupied manufactured houses or mobile homes and used solely for living or sleeping purposes.
3. "Manufactured or mobile home subdivision" means any lot, tract or parcel of land which is designed and intended for residential use where residence is in manufactured or mobile homes exclusively, intended for separate lot ownership.

4. "Mobile home" means a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, except manufactured homes, recreational vehicles and factory-built buildings.
5. "Recreational vehicle" means a vehicular type unit which is:
  - (a) a portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
  - (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
  - (c) a park model home which is built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.
  - (d) a travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet. this subdivision includes fifth wheel trailers. if a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in a 119.5 of the American national standards institute code.
  - (e) a portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
6. "Recreational vehicle park" means any lot, tract or parcel of land which is offered for use in whole or part, with or without charge, for the parking of recreational vehicles for temporary residential purposes and used solely for living or sleeping purposes.
7. "Recreation vehicles (overnight)" means a recreation vehicle which is not designed for or to be used for permanent residential use in a travel trailer/recreation vehicle park or at other approved locations.

**B. Location Outside of Parks or Subdivisions**

1. No mobile home shall be installed or occupied for residential use without appropriate securing mechanisms installed according to the manufacturer's specifications and the State of Arizona Office of Manufactured Housing specifications. A skirt with adequate ventilation shall be required around the perimeter of the mobile home to screen its wheels and undercarriage.
2. Recreational vehicles parked outside of an approved RV park, or a manufactured house or mobile home park that includes RV spaces, may not be used for residential purposes.

3. No more than one (1) recreation vehicle may be stored on a residential lot in the rear or side yards only. The vehicle shall not extend beyond the front façade of the residence. Minimum side or rear yard setbacks shall be maintained.
4. Emergency or temporary stopping or parking of a manufactured house, mobile home or recreational vehicle is permitted on any street, alley or highway for not longer than twenty-four (24) hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

C. Regulations for Manufactured or Mobile Home or Recreational Subdivisions or Parks

1. Height Regulations. For manufactured or mobile homes, no unit shall exceed fifteen (15) feet in height unless elevation of the unit is required to comply with floodplain regulations.
2. Front Yard. For manufactured or mobile home subdivisions or parks, no unit shall be located closer than fifteen (15) feet to a drive or parking court.
3. Side Yard. For manufactured or mobile home subdivisions or parks, no unit shall be located closer than five (5) feet from lot line.
4. Rear Yard. For manufactured or mobile home subdivisions or parks, no unit shall be located closer than ten (10) feet from rear lot line.
5. All interior drives shall be improved to a minimum of twenty-four (24) feet.
6. No more than one recreation vehicle shall be permitted to be stored on a lot or space in the rear or side yards only. The vehicle shall not extend beyond the front façade of the residence. Minimum side or rear yard setbacks shall be maintained and shall not exceed the forth/fifty percent allowed for usage
7. No manufactured or mobile home shall be located closer than ten (10) feet to another or closer than twenty-five (25) feet to a building, storage or service area.

Sec. 7-1-8 Penalties

Any person, firm or corporation who violates, neglects or refuses to comply with any of the provisions of this article shall, in addition to the penalties provided in this article, be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or be imprisoned in the town jail, or be both so fined and imprisoned.

Sec. 7-1-9 Variances

Variances may be granted upon request to the mayor and council. Variances shall only be issued upon:

- A. A showing of good and sufficient cause;
- B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- C. A determination that the granting of a variance will not result in threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflicts with federal, state or local laws or regulations.

Sec. 7-1-10 Enforcement

It shall be the duty of the building inspectors and town clerk/treasurer with the cooperation of the town marshal or fire chief if necessary to enforce the provisions of this Chapter. For the purposes of securing enforcement, any of the above named officials or their authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any building, manufactured house, mobile home or recreational vehicle are located, or are about to be located and inspect the same.

Article 7-2 BUILDING CODE

The Town shall adopt updates to the Town's Building Codes as frequently as necessary to ensure that said Codes reflect as closely as possible those Codes adopted, administered and enforced by the County. The current code adopted by the Town is set forth in Exhibit B and is hereby adopted as the Uniform Building Code of the Town of Patagonia and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three (3) copies of said code are filed with the Santa Cruz County Supervisors for public use and inspection.

Article 7-3 PLUMBING CODE

The Town shall adopt updates to the Town's Plumbing Codes as frequently as necessary to ensure that said Codes reflect as closely as possible those Codes adopted, administered and enforced by the County. The current code adopted by the Town is set forth in Exhibit B and is hereby adopted as the Uniform Plumbing Code of the Town of Patagonia and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three (3) copies of said code are filed with the Santa Cruz County Supervisors for public use and inspection.

Article 7-4 ELECTRICAL CODE

The Town shall adopt updates to the Town's Electrical Codes as frequently as necessary to ensure that said Codes reflect as closely as possible those Codes adopted, administered and enforced by the County. The current code adopted by the Town is set forth in Exhibit B and is hereby adopted as the Electrical Code of the Town of Patagonia and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three (3) copies of said code are filed with the Santa Cruz County Supervisors for public use and inspection.

Article 7-5 MECHANICAL CODE

The Town shall adopt updates to the Town's Mechanical Codes as frequently as necessary to ensure that said Codes reflect as closely as possible those Codes adopted, administered and enforced by the County. The current code adopted by the Town is set forth in Exhibit B and is hereby adopted as the Uniform Mechanical Code of the Town of Patagonia and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three (3) copies of said code are filed with the Santa Cruz County Supervisors for public use and inspection.



Article 7-6 FIRE CODE\*

- A. Pursuant to the provisions of A.R.S. §9-240 B., 7, (d), the 2006 Edition of the International Fire Code (2006 I.F.C.) is adopted by reference. It shall be the fire code of the Town.
- B. The amendments to the International Fire Code (2006 I.F.C.), 2006 Edition, are adopted in the following respects:

Chapter 1 Administration

Section 101 General

101.1 Title. These regulations shall be known as the fire code of the Town of Patagonia, hereinafter referred to as "the Code".

Section 2206 Flammable and Combustible Liquid Motor Fuel-Dispensing Facilities

2206.2.2 Above-Ground Tanks Located Inside Buildings.

Above-ground tanks, located outside of building and used for the storage of class I, II and IIIA liquid motor fuels, are prohibited.

Exception: Installation of a tank with 2000 gallons (7,570.81) or less aggregate quantity may be approved by a special permit issued by the Town Council.

Article 7-7 STREET EXCAVATIONS

- A. It is unlawful for any person, firm, corporation, owner, builder, contractor, subcontractor, utility, foreman or plumber to install or place, or cause to be installed or placed, on any public street, alley or thoroughfare in the town, any water pipes or installations for water, gas or any service whatsoever without first obtaining written permission from the town engineer or any other authorized agent of the town. All such water pipes or installations shall be placed at a depth of not less than thirty-six (36) inches from the surface of the street, alley or thoroughfare.
- B. It is unlawful for any person, firm, corporation, owner, builder, contractor, subcontractor, foreman or plumber to make or dig, or cause to be made or dug, any hole, drain, trench, ditch or excavation in any public street, alley, sidewalk or thoroughfare in the town without having first obtained written permission from the town engineer or any other authorized agent of the town, and without having first deposited with the town clerk/treasurer an amount equal to one dollar (\$1) for each square foot of hole, trench or excavation if made in an unpaved street, alley or thoroughfare, and two dollars (\$2) for each square foot of hole, trench or excavation if made in a paved street, alley or thoroughfare or in or through a sidewalk.
- C. Excavations, holes and trenches in unpaved streets and thoroughfares shall be filled and repaired in such manner as not to sag or leave a rut. Any excavation or opening through a pavement or sidewalk shall be made and repaired by the street department at cost and upon request of and at the expense of the party making such deposit. Such sum deposited shall remain on deposit until such excavation or trench is filled and repaired and shall be used by the street department to fill excavations in unpaved streets when

the person causing or making same fails or refuses so to do when directed in writing by the town engineer or any other authorized agent of the town and for repairing excavations in pavements or sidewalks. The balance of such deposit shall be returned to the person making the deposit, if any balance remains after such excavation or trench is fully repaired. If work exceeds the deposit, the person will be billed accordingly.

Article 7-8 LOT NUMBERING

- A. The houses, building and lots of the Town of Patagonia shall be numbered in the following manner:
1. All numbers on streets running northeast and southwest shall commence at First Avenue and increase in a southwesterly and northeasterly direction. All numbers on the south and east sides of the street shall be odd, and all numbers on the north and west sides shall be even.
  2. All numbers on the streets running northwest and southeast shall commence at the Southern Pacific Railroad main line and increase in a northwesterly and southeasterly direction. All numbers on the south and west sides of the street shall be odd, and all numbers on the north and east sides shall be even.
- B. The buildings of each block, from the points of beginning of the numbering, shall be designated and numbered as follows: the first block shall commence with number 100; the second block, number 200; the third block, number 300; and so on in like manner son that the numbers in each block shall all be in the same series of number.
- C. There shall be one hundred (100) numbers allotted to each block, and every twenty-five (25) foot frontage or fraction thereof shall be allotted one number to be placed on the front door of any building lying within said frontage, in their consecutive order, observing the above rules for odd and even numbers. The numbers in the next block shall begin with the next successive hundred, notwithstanding the fact that some numbers in the previous hundred shall not have been used, and so on as far as the streets shall run. If within any twenty-five (25) frontage there shall be no building or door, the number belonging to said frontage shall be held in abeyance until such frontage shall be occupied. If there shall be more than one front door within any twenty-five (25) foot frontage, fractional numbers shall be used to designate such extra doors, if leading upstairs; and the letters "A", "B", "C", "D", etc., shall be used to designate such extra doors if leading to ground-level rooms.
- D. First Avenue shall be designated as a "base street" and numbers shall increase both ways therefrom, the numbers to the northeast shall be designated "east", and the numbers to the southwest shall be designated "west".
- E. The Southern Pacific Railroad main line shall be designated as a "base line" and numbers shall increase both ways therefrom, on through streets the numbers to the southeast shall be designated "south" and the numbers to the northwest shall be designated "north".
- F. The town engineer shall keep an up-to-date map of the town on file in his/her office showing all numbers thereon as specified herein and shall designate numbers for any building or premise at the request of the owner, or occupants thereof, in the event there is question as to the proper number to be assigned to assigned to said building or premise under the provisions of this article.

Chapter 7 Exhibit A  
Following page (unnumbered)

The current editions of the following codes and appendices, enacted and published by the International Conference of Building Officials (ICBO), and the National Fire Protection Association (NFPA), three copies now on file with the Santa Cruz County Board of Supervisors, are hereby adopted as the Town of Patagonia Building Safety Code\*:

- International Building Code 2006 Edition
- International Building Code Standards 2006 Edition
- International Residential Code 2006
- International Mechanical Code 2006 Edition
- International Plumbing Code 2006 Edition
- International Fire Code 2006 Edition
- International Fuel and Gas Code 2006 Edition
- National Electric Code 2005 Edition
- Uniform Building Code 1997 Edition Appendix Chapter 33
- Uniform Code for the Abatement of Dangerous Building 1997 Edition
- International Code Council Electrical Code 2006 Administrative Provisions