

CHAPTER 7

**BUILDING AND SAFETY CODES\***

\* State law reference: For authority to adopt codes by reference, see A.R.S. § 9-801 *et seq.*

ARTICLE 7-1 **Building Codes**

- A. That certain code entitled the “International Building Code,” 2012 Edition, as copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 544 of the Town of Jerome, Arizona, is hereby adopted as the Building Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.
- B. That certain code entitled the “International Residential Code for One- and Two-Family Dwellings,” 2012 Edition, as copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 545 of the Town of Jerome, Arizona, is hereby adopted as the Residential Code for one- and two-family dwellings for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.
- C. There is hereby adopted the “Town of Jerome Administrative Code,” 2003 Edition, as set forth in Ordinance 358 of the Town of Jerome, which Code is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 422, 12/13/16]

ARTICLE 7-2 **Plumbing Code**

That certain code entitled the “International Plumbing Code,” 2012 Edition, copyrighted by the International Code Council, , including Appendices B, C, D and E, and together with amendments to same as set forth in Resolution No. 547 of the Town of Jerome, Arizona, is hereby adopted as the Plumbing Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 425, 12/13/16]

ARTICLE 7-3 **Electrical Code**

That certain code entitled the “National Electrical Code,” 2011 Edition, as copyrighted by the National Fire Protection Association, together with amendments thereto as set forth in Resolution No. 548 of the Town of Jerome, Arizona, is hereby adopted as the Electrical Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 426, 12/13/16]

ARTICLE 7-4     **Mechanical Code**

That certain code entitled the “International Mechanical Code”, 2012 edition, copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 546 of the Town of Jerome, Arizona, is hereby adopted as the Mechanical Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 196, 12/13/1983; Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 424, 12/13/16]

ARTICLE 7-5     RESERVED

[Ord. 196, 12/13/1983; Ord. 242, 11/13/1990; Ord. 244, 11/13/1990; Ord. 435, 1/9/18].

ARTICLE 7-6     **Fuel Gas Code**

That certain code entitled the “International Fuel Gas Code”, 2012 edition, copyrighted by the International Code Council, including Appendices A, B, C and D, and together with amendments to same as set forth in Resolution No. 549 of the Town of Jerome, Arizona, is hereby adopted as the Fuel Gas Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 358, 7/9/2009; Ord. 427, 12/13/16]

ARTICLE 7-7     **Property Maintenance Code**

That certain code entitled the “International Property Maintenance Code,” 2012 edition, copyrighted by the International Code Council, together with amendments to same as set forth in Resolution No. 550 and Ordinance No. 430 of the Town of Jerome, Arizona, is hereby adopted as the Property Maintenance Code for the incorporated areas of the Town of Jerome, and is made a part of this chapter the same as though said code was specifically set forth in full herein.

[Ord. 358, 7/9/2009; Ord. 428, 12/13/2016; Ord. 430, 7/11/2017]

ARTICLE 7-8     **Grading Ordinance**

There is hereby adopted Appendix 33 of the “Uniform Building Code,” 1997 edition, as the Grading Ordinance for the incorporated areas of the Town of Jerome, as set forth in Ordinance 358 of the Town of Jerome, which is made a part of this chapter the same as though said Ordinance was specifically set forth in full herein.

[Ord. 358, 7/9/2009]

ARTICLE 7-9     **International Fire Code**

That certain code entitled “International Fire Code,” 2012 Edition, including Appendixes B, C, D, E, F and G, published by the International Code Council, together with amendments to same as set forth in

Resolution No. 536 of the Town of Jerome, Arizona, is hereby adopted as the Fire Code for the incorporated areas of the Town of Jerome and is made a part of this chapter as though said code was specifically set forth in full herein.

[Ord. 244, 11/13/1990; Ord. 254, 9/10/1991; Ord. 358, 7/9/2009; Ord. 418, 6/14/16]

**ARTICLE 7-10 Fee Schedule**

The fees to be charged by the Town with respect to the Codes set forth in this Article shall be as defined and set forth in Ordinance 358, adopted by the Town of Jerome on July 9, 2009.

[Ord. 196, 12/13/1983; Ord. 227, 8/08/1989; Ord. 244, 11/13/1990; Ord. 250, 5/14/1991; Ord. 358, 7/9/2009].

**ARTICLE 7-11 Building Official**

The building official and administrative authority as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical, or other building or safety codes or inspections shall be vested in the office of the Town Clerk, and Council may further authorize such deputies as needed to perform any inspection work or other functions that may be required by this chapter.

[Ord. 174 3/20/1976, Ord. 196, 12/13/1983; Ord. 244, 11/13/1990]

*Reviser's Note: Ordinance 174 added Article 7-7 Building Moratorium, establishing a moratorium on construction of new commercial and residential buildings until September 16, 1976. Ord. 174 was repealed by the adoption of Ord. 196.*

**ARTICLE 7-12 Fire District**

The entire incorporated area of the Town is hereby established as a Fire District. The entire incorporated area of the Town shall be known and designated as Fire District 3.

**ARTICLE 7-13 Abatement of Public Nuisances**

Section 7-13-1. It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets, and alleys.

- a. No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased

immediately.

- b. Trash and garbage must be kept contained prior to off-site disposal so as not to be a nuisance. Open garbage must not be stored in any residential or commercial lot for more than seven days. Commercial dumpsters must be kept clean, emptied regularly, kept in good repair, and continuously covered.
- c. The property owner shall be responsible for the removal of dry grasses and weeds exceeding six inches in height AND deemed to constitute a fire hazard by the Fire Chief or the Zoning Administrator.
- d. The dispensing, handling, or disposal of fuels, paint thinner, or similar explosive or fire-producing materials shall comply with Underwriters Laboratories, Inc. standards or better.
- e. To avoid negative impact on the community, graffiti must be removed at the request of the Town pursuant to this Article.
- f. Unclaimed publications shall not be allowed to accumulate on a property owner's property. If the publication is subscribed to by the property owner or by a tenant on the property, the property owner or tenant shall be responsible for the unclaimed publications. If the material is unsolicited, the publisher shall be responsible for the unclaimed publications.
- g. Dangerous buildings shall be subject to this Article 7-13.
- h. All fences, screen walls and retaining walls on the premises shall be safe and structurally sound. They shall be maintained so that they do not constitute a blighting, or deteriorated condition.

Section 7-13-2. Written notice of any violation of Section 7-13-1 shall be either personally served or sent to the owner, lessee, and occupant of the property at her or his last known address by registered or certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him at his last known address. The notice shall be dated, signed by the Code Enforcement Officer or Building Official, have attached a copy of this Article 7-13 and include, at minimum, the following items: property description/address; description of the violation; required mitigation and cost thereof; and consequences. The notice of violation and the assessment lien provided for under this Article 7-13 shall run with the land. The Town, in its sole option, may record a notice of violation with the county recorder and thereby cause compliance by any entity thereafter acquiring such property. The non-filing of any notice of violation shall in no way affect the validity of such notice as to the entities so notified. A satisfaction of a notice of violation or assessment lien shall be filed when the property is brought into compliance by the owner, occupant or lessee. Where multiple ownership exists of a property in violation of this chapter, the Town may serve any one (1) owner of record and such service shall be deemed to be service upon any party having or claiming an ownership interest in the property. After

service upon any one (1) owner, the Town may fully proceed under this Article 7-13 the same as if all owners had been served.

Section 7-13-3. When any owner, lessee or occupant to whom notice has been given pursuant to Section 7-13-2 fails, neglects or refuses to abate the prohibited violation from such property by the date set for compliance within the notice, the Town Manager, or his or her duly authorized representative, may abate such violation. Upon abatement of the violation, the Town Manager, or his or her duly authorized representative, shall prepare an assessment containing a verified statement of the actual cost of such removal or abatement. The owner, lessee or occupant shall be required to pay the actual cost, plus an additional twenty (20) percent of such cost, to the Town within thirty (30) calendar days after the assessment has been mailed to the last known address of record of the owner, lessee or occupant. A duplicate copy of such assessments shall be mailed to the person or persons to whom the original notice of removal was mailed in the manner heretofore prescribed for service of the notice of removal. If the total assessment, including the twenty (20) percent additional charge as set out above, is not paid within thirty (30) calendar days after mailing of the assessment, the Town shall apply a lien to the property in the amount of the original assessment, including the twenty (20) percent additional charge, plus the cost of title search, recording fees, legal fees and other related fees. Failure to comply will result in civil court action.

Section 7-13-4. When a violation of this Town Code or Zoning Ordinance poses a substantial and immediate threat of serious harm to the health or safety of any person, then the Town may immediately enter the subject property and take the minimum action necessary to relieve the threat of serious harm. Prior to entering the property, the Town shall obtain either the consent of a person who owns, leases, rents, occupies, controls, or has the right to control the property, or an inspection warrant pursuant to Article 18-5 of this Town Code from the Town Magistrate court authorizing the Town to enter the property. The Town Magistrate Court may issue such an order only upon a showing that probable cause exists to believe that a violation of this Town Code or Zoning Ordinance, which poses a substantial and immediate threat of serious harm to the health or safety of any person, exists on the property. Any person who owns, leases, rents, occupies, controls, or has the right to control the property that is found to be in violation of this Town Code or Zoning Ordinance will be issued a citation for all violations causing the emergency abatement. The Magistrate Court may impose monetary reimbursement orders as justified by the violations and as permitted by A.R.S. § 9-499, as may be amended.

Section 7-13-5. The Town may record an assessment levied pursuant to Section 7-13-3 in the office of the County Recorder of Yavapai County, Arizona, and from the date of its recording shall be a lien on such lot, tract of land or premises described in the assessment, until paid. Such liens shall be subject to and inferior to the lien for general taxes and shall be prior to all other liens, obligations, mortgages and other encumbrances. A sale of the property to satisfy a lien obtained under the provisions of this Section 7-13-5 shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the Superior Court of Yavapai County, at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section 7-13-5 shall not be a bar to a subsequent assessment or assessments for such purposes and any number of liens on the same premises may be enforced in the same action. All assessment liens filed with the county recorder shall bear interest at the highest rate of interest permitted by law. If the lot subject to the assessment is unimproved, permit issuance for any improvements will be denied until such charges are paid in full.

Section 7-13-6. The transfer of any and all property interests in any manner, including, but not limited to, the sale, trade, lease, gift or assignment of any real property against which an assessment has been levied pursuant to this Article 7-13 shall not relieve the party(ies) initially subject to the assessment.

Section 7-13-7. Any person who interferes with, prevents, or attempts to interfere with or prevent an individual employed by the Town or other person contracted by the Town from investigating an alleged violation of this Article 7-13, or from correcting or abating a violation of this Article 7-13, is guilty of a Class 1 misdemeanor.

Section 7-13-8. In addition to any cost incurred, any person, firm or corporation found guilty of violating any of the provisions of this Article 7-13 shall be guilty of a Class I misdemeanor. Each occurrence or day the violation shall continue shall be a separate offense, punishable as described herein.

(Ord. 243, 11/13/1990; Ord. 437, 2/13/2018]

**ARTICLE 7-14 Americans and Arizonans with Disabilities Guidelines for Buildings and Facilities**

- A. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” declared a public record by Resolution #324, as applying to public entities, are hereby adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications 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.
- B. Standards and specifications set forth in Title 41, Chapter 9, Article 8, Arizona Revised Statutes (Arizonans with Disabilities Act), and its implementing rules, including “Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities” declared a public record by Resolution #325, as applying to public accommodations and commercial facilities, are hereby adopted and incorporated as an amendment to the Uniform Building Code and made part thereof as though fully set forth therein. Such standards and specifications shall apply to new construction and alterations commenced after September 3, 1996.
- C. If any section, subsection, sentence, clause, phrase or portion or part of the above amendments to the Uniform Building Code adopted by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

[Ord. 291, \_\_/\_\_/1996 – Approved in 1996, Signed by Mayor John Bouwman and Clerk Al Palmieri, August 6, 2007]

ARTICLE 7-15 **Encroachment Permits for Public Rights-Of-Way**

- 7-15-1 Definitions
- 7-15-2 Permit Required
- 7-15-3 Application
- 7-15-4 Fees
- 7-15-5 Conditions of Encroachment Permit
- 7-15-6 Standards for Issuance of Permit
- 7-15-7 Assignment
- 7-15-8 Revocation
- 7-15-9 Penalties

Section 7-15-1 Definitions

The following words, terms and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning:

- A. "Encroachment" means an object, structure or other thing in the public right-of-way of the Town or the use of the public right-of-way for purposes other than its intended use. "Encroachment" does not include (i) construction, reconstruction, repair, alteration, or grading of the traveled portion of the right-of-way, or to widen or improve the traveled portion, and (ii) the use of the public right-of-way by vehicles, bicycles or other means of transport governed by Title 28, Arizona Revised Statutes.
- B. "Traveled portion of the public right-of-way" means that portion of a public right-of-way that is intended to be used by vehicles, bicycles or other means of transportation governed by Title 28, Arizona Revised Statutes, or by pedestrians. The "traveled portion of the public right-of-way" may be defined by pavement, graded areas, or curbs adjacent to each side of the pavement in the public right-of-way.
- C. "Public right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, pedestrian walkway or landscape purposes.
- D. "Encroachment area" means that portion of the right-of-way that is subject to an encroachment permit.

Section 7-15-2 Permit Required

Encroachments in a public right-of-way are unlawful without first obtaining a permit from the Town Zoning Administrator in compliance with this Article.

Section 7-15-3 Application

- A. An application for a permit shall be filed with the Town Zoning Administrator on a form provided by the Town. The application shall include such information as the Town deems necessary to establish the exact location, nature, dimensions, duration and purpose of the proposed encroachment. The application shall include:
  - 1. Name and address of the applicant.
  - 2. Narrative attached to the application showing details of the proposed encroachment, including the proposed use and location of the encroachment area and describing the placement and location of objects and landscaping to be placed in the encroachment area.
  - 3. Plot plans, maps, legal descriptions, sketches, diagrams or similar exhibits to illustrate the location, dimensions, nature and purpose of the encroachment and its relation to existing and proposed facilities in the right-of-way.
  - 4. Such other information as the Zoning Administrator finds reasonably necessary to determine compliance with Town Codes and criteria for issuance of encroachment permits.
- B. At least 30 days prior to issuance of the permit, the applicant shall:
  - 1. Post a sign, as directed by the Zoning Administrator, on the proposed encroachment area indicating the name of the applicant, proposed encroachment area, purpose of the proposed encroachment and how to make comments on the proposal.
  - 2. Provide notice of the application by First Class mail, to all owners of property within a 300 foot radius of the encroachment area, as listed in the records of the Yavapai County Recorder.

Section 7-15-4 Fees

- A. Encroachment permit fees established by Resolution of the Council shall be paid prior to issuance of a permit.
- B. The Council may establish an annual fee to be paid in addition to the initial fee for administration and other expenses that may be incurred due to the encroachment.

Section 7-15-5 Conditions of Encroachment Permit

Encroachment permits shall be subject to the following terms and conditions, which shall be included on the permit:

- A. The written agreement of the permittee to maintain the encroachment and encroachment area in good condition and to indemnify and hold harmless the Town for any damages or injuries that result from or are caused by the encroachment. This indemnification obligation is not

diminished by the fact that the Town issued an encroachment permit and shall survive the termination or expiration of the permit.

- B. If a permittee damages or disturbs the traveled portion of any public right-of-way or any existing retaining wall without prior permission in writing from the Town, the permittee shall promptly, at its own expense and in a manner acceptable to the Town, restore the surface or subsurface of the public right-of-way in as good a condition as before such damage or disturbance. If such restoration, repair or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet Town standards, the Town shall have the right to perform the necessary restoration, repair, or replacement, either through its own forces, or through a contractor, and the permittee agrees to reimburse the Town for its expense in so doing within thirty days after receipt of the invoice therefor. Permittee agrees to pay such costs within thirty days from the date of issuance of an invoice from Town.
- C. A Certificate of Insurance shall be submitted to the Town evidencing insurance coverage in the policy amount of \$1,000,000 each occurrence combined single limit for bodily injury and property damage liabilities and \$2,000,000 aggregate, and naming the Town as an additional insured. The Certificate of Insurance shall be submitted to the Planning Department prior to issuance of the encroachment permit.
- D. No changes shall be made in the location, dimensions, character or duration of the encroachment or use set forth in the permit except upon written authorization of the Town. Any such change made without prior written authorization by the Town may result in immediate revocation of the permit without reimbursement to the permittee of any application fee, permit fee or other expenses incurred related to the encroachment or the permit.
- E. Compliance with the standards for encroachments set forth in section 7-15-6.
- F. Such other conditions as the Town deems necessary for the health, safety and welfare of the public and for the protection of the Town and preservation of the Town's rights-of-way.

Section 7-15-6 Standards For Issuance of Permit

All encroachments shall comply with the following standards:

- A. Encroachment permits shall be issued for a one-year term and may be renewed by the Zoning Administrator upon a determination that the conditions of the permit have been complied with, the Town's property has not been negatively impacted by the encroachment, all fees required have been paid, and the encroachment area is not required to be used by the Town for right-of-way purposes. If the encroachment is not removed from the right-of-way within the time set forth in the encroachment permit or any extension thereof, the Town may remove the encroachment and charge the cost to the permittee.

- B. No encroachment shall be permitted or maintained which impedes, obstructs, or denies the vehicular, bicycle or pedestrians the use of the public right-of-way, nor shall any encroachment interfere with access to or the operation, maintenance, or repair of public sewer, water or other facilities which are located within the public right-of-way.
- C. No fences shall be allowed to encroach on the public right-of-way.
- D. Upon removal of the encroachment, the encroachment area shall be restored to the condition it was in prior to the placement of the encroachment in the public right-of-way. The Town may elect to have the encroachment area not returned to its original condition. In such case, the Town Council may authorize partial reimbursement to the permittee for improvements made to the encroachment by the permittee, but only if the permittee complied with all Town codes and obtained all required inspections and permits before making said improvements.
- E. No structure shall be permitted in the public right-of-way unless said structure is temporary and intended to be used for a limited period of time. All such temporary structures shall be approved by the Town Zoning Administrator and shall conform to all relevant provisions of the Town zoning ordinance and building and safety codes. At the discretion of the Zoning Administrator, the applicant may be required to obtain approval from the Design Review Board prior to construction of a temporary structure or landscaping installation.
- F. Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines or elevation of any public street or right-of-way, property subdivision, or a precise survey point or reference point shall not be removed or disturbed without first obtaining written permission from the Town. Replacement of a removed or disturbed monument shall be at the sole expense of the permittee.

Section 7-15-7 Assignment

Encroachment permits shall be issued only to the person making application and may not be assigned to another person by the permittee. If any permittee assigns his/her permit to another, the permit shall be void.

Section 7-15-8 Revocation

- A. An encroachment permit may be revoked by the Town when the encroachment area, or any portion thereof is needed or required by the Town in the Town Council's sole opinion.
- B. Upon written notice from the Town, the permittee shall promptly remove all encroachments from the encroachment area and cease using the encroachment area for private purposes. If the permittee fails to respond to such a request within thirty days of the date of notice, the Town shall remove the encroachment and may dispose of it as it sees fit. Design Review Board approval of removal of encroachments may be required at the discretion of the Zoning Administrator.

- C. An encroachment permit may be revoked if at any time the Town finds that encroachment does not comply with the terms and conditions of the permit.

Section 7-15-9 Penalties

Any person found guilty of violating any provision of this Article shall be guilty of a Class 1 misdemeanor, punishable by a fine, imprisonment, probation and/or penalties, as set forth in title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be a separate offense and shall be punishable as an individual offense.

[Ord. No. 356, 12/9/08]

*[Reviser's note: Ord. 356 numbered this Article as 7-10; however a prior ordinance had already added Article 7-10 to the Code, and Ord. 358 added Articles that would logically precede this Article. This Article was renumbered accordingly as 7-15.]*