

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING CODES**
- 151. FLOOD DAMAGE PREVENTION**
- 152. SUBDIVISIONS**
- 153. ZONING**

CHAPTER 150: BUILDING CODES

Section

- 150.01 Adoption of International Building Code; amendments
- 150.02 International Plumbing Code
- 150.03 National Electrical Code
- 150.04 International Mechanical Code
- 150.05 International Fire Code
- 150.06 International Residential Code
- 150.07 International Fuel Gas Code
- 150.08 International Existing Building Code
- 150.09 International Energy Conservation Code
- 150.10 International Property Maintenance Code
- 150.11 International Private Sewage Disposal Code
- 150.12 International Urban-Wildland Interface Code
- 150.13 Incorporation of standards in building codes
- 150.14 Conformance to zoning ordinance
- 150.15 Building Official

- 150.98 Permit fees
- 150.99 Penalty

' 150.01 ADOPTION OF INTERNATIONAL BUILDING CODE; AMENDMENTS.

(A) The International Building Code, 2015 Edition, as amended, is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(B) Amendments:

(1) Automatic fire sprinkler systems shall be required for occupancy areas of all new structures having a total floor area exceeding seven thousand five hundred (7500) square feet. Automatic sprinkling systems shall be required for occupancy areas within existing structures: when building additions or alterations result in a gross floor of seven thousand five hundred (7500) square feet or more of the total floor area. This provision shall not exempt those structures and occupancies for which the currently adopted edition of the International Building Code requires automatic fire sprinkler systems or automatic fire-extinguishing systems for structures and occupancies with total floor areas less than seven thousand five hundred (7500) square feet.

Thatcher - Land Usage

(2) No building shall hereafter be erected, reconstructed, structurally altered, or enlarged which shall exceed forty-five (45) feet from grade to the highest point of the building or which shall exceed thirty (30) feet from grade to top of the highest outside wall.

(3) At Section 101.1 (Title), change to read: These regulations shall be known as the Building Code of the Town of Thatcher, hereinafter referred to as Athis code@.

(4) Delete Section 110.3.7 (Energy Efficiency Inspections).

(5) At Table 2304.10.1 (Fastening Schedule), insert #43-Connection: Story-to-story tie at 48" o.c. by minimum 18-gauge strap with minimum 9" lap on studs. Fastening: per schedule in manufacturer=s installation instructions, or continuous sheathing with minimum 9" lap on studs.

(1991 Code, '7-1-1) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.02 INTERNATIONAL PLUMBING CODE.

(A) That certain code entitled International Plumbing Code, 2015 Edition, as amended, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(B) Amendments:

(1) At Section 101.1, change to read: These regulations shall be known as the Plumbing Code of the Town of Thatcher, hereinafter referred to as Athis code.@

(2) At Section 903.1, insert in (number), A12@.

(1991 Code, '7-1-2) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.03 NATIONAL ELECTRICAL CODE.

That certain code entitled National Electrical Code, 2014 Edition, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(1991 Code, '7-1-3) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.04 INTERNATIONAL MECHANICAL CODE.

(A) That certain code entitled International Mechanical Code, 2015 Edition, as amended, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(B) Amendments:

(1) At Section 101.1 (Title), change to read: These regulations shall be known as the Mechanical Code of the Town of Thatcher, hereinafter referred to as Athis code@.

(2) At Section 504.8.2, delete the last sentence and replace with, AClothes dryer exhaust ducts shall not be connected with screws or fasteners which extend into the duct.@ (1991 Code, '7-1-4) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.05 INTERNATIONAL FIRE CODE.

(A) The certain code and standards known as the International Fire Code and International Fire Code Standards, 2015 Edition, as amended, is adopted and made a part of this chapter as if fully set forth in this chapter for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Three copies of such code and standards have been and are now filed in the office of the Town Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the town limits.

(B) Amendments:

(1) There shall be no new building permits granted for the use of shake or wood shingles within the city. Shake or wood shingles may be used only to repair or replace the existing shake or wood shingle roofs or for additions not exceeding twenty (20) percent of square footage of existing structure.

(2) When a property owner fails to respond to a notice of violation issued under the International Fire Code within the time period prescribed by the fire marshal, and the fire marshal determines that a violation exists in accordance with the adopted fire code sufficient to constitute an immediate threat to life and property, the fire marshal may take such action as is necessary to abate the violation at the expense of the property owner. Upon completion of the abatement action, the fire marshal shall prepare a verified statement of the actual cost of abatement, the date work was completed and the legal description of the property on which said work was accomplished, and cause this statement to be served upon the property owner of record by certified mail. Failure of the property owner to pay the cost of abatement within ninety (90) days of service of statement shall result in the recordation of a

lien against the subject property in the office of the county recorder and, from the date of its recording, shall be a lien on said property until paid. Such lien shall be subject and inferior to the lien for general taxes and shall be superior to all other recorded mortgages, liens and encumbrances. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The city shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the lien, but failure to enforce the lien by such action in the superior court shall not affect its validity. The recorded lien 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.

(3) The building official shall be designated as the fire marshal for purposes of administering the provisions of this chapter.

(4) At Section 101.1 (Title), insert ATown of Thatcher@.
(1991 Code, '7-1-5) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.06 INTERNATIONAL RESIDENTIAL CODE.

(A) That certain code entitled International Residential Code, 2015 Edition, as amended, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(B) Amendments:

(1) At Section R101.1 (Title), insert ATown of Thatcher@.

(2) Delete Section 303.4 (Mechanical Ventilation).

(3) At Section 309.5 (Fire Sprinklers), change Ashall@ to Amay.@

(4) At Section R313.1 (Townhouse Automatic Fire Sprinkler System), change Ashall @ to Amay.@

(5) At Section R313.2 (One and Two Family Dwellings Automatic Fire systems), change Ashall@ to Amay@.

(6) Delete Chapter 11 (Energy Efficiency).

(7) At Section P2603.5.1 (Sewer Depth), revise the paragraph to read: ASewer depth. Regardless of freezing conditions, all building sewers that connect to a private or public system shall be a minimum of 12 inches below grade.@

(8) Delete Section 3902.16 (Arc-fault Circuit-interrupter Protection).

(9) Delete Section 3902.17 (Arc-fault Circuit Interrupter Protection for Branch Circuit Extensions or Modifications).
 (1991 Code, '7-1-6) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.07 INTERNATIONAL FUEL GAS CODE.

(A) That certain code entitled International Fuel Gas Code, 2015 Edition, as amended, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.

(B) Amendments:

(1) At Section 101.1, change to read: These regulations shall be known as the Fuel Gas Code of the Town of Thatcher, hereinafter referred to as Athis code.@

(2) At Section 614.8.2, delete the last sentence and replace with, AClothes dryer exhaust ducts shall not be connected with screws or fasteners which extend into the duct.@
 (1991 Code, '7-1-7) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.08 INTERNATIONAL EXISTING BUILDING CODE.

That certain code entitled International Existing Building Code, 2015 Edition, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.
 (1991 Code, '7-1-8) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.09 INTERNATIONAL ENERGY CONSERVATION CODE.

That certain code entitled International Energy Conservation Code, 2009 Edition, is hereby rescinded, as it is no longer needed.
 (1991 Code, '7-1-9) (Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009; Ord. 181-2017, passed 6-19-2017)

' 150.10 INTERNATIONAL PROPERTY MAINTENANCE CODE.

That certain code entitled International Property Maintenance Code, 2015 Edition, as amended, is hereby adopted and made a part of this chapter the same as though said code was specifically set forth in full herein; and at least three copies of said code shall be filed in the office of the Town Clerk and kept available for public use and inspection.
(Ord. 167-2011, passed 10-25-2011; Ord. 181-2017, passed 6-19-2017)

' 150.11 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE.

That certain code entitled International Private Sewage Code, 2009 Edition, is hereby rescinded, as it is no longer needed.
(Ord. 133-2005, passed 4-12-2005; Ord. 181-2017, passed 6-19-2017)

' 150.12 INTERNATIONAL URBAN-WILDLAND INTERFACE CODE.

That certain code entitled International Urban-Wildland Interface Code, 2009 Edition, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, is hereby rescinded, as it is no longer needed.
(Ord. 133-2005, passed 4-12-2005; Ord. 181-2017, passed 6-19-2017)

' 150.13 INCORPORATION OF STANDARDS IN BUILDING CODES.

Effective June 1, 2005, as per A.R.S. ' 41-1492.03:

(A) The standards and specifications referred to in this chapter and its implementing rules as applying to public entities shall be incorporated in any building code in existence on or adopted after the effective date of this chapter by this state or any agency, department or political subdivision of this state. These standards and specifications 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) The standards and specifications referred to in this chapter and its implementing rules as applying to public accommodations and commercial facilities shall be incorporated in any building code in existence on or adopted subsequent to the effective date of this chapter by this state or any agency, department or political subdivision of this state. These standards and specifications shall apply to new construction and alterations commenced after the effective date of these standards and specifications.
(Ord. 133-2005, passed 4-12-2005)

' 150.14 CONFORMANCE TO ZONING ORDINANCE.

Effective June 1, 2005, whenever a building permit is issued and a building inspection performed, the building must conform to the provisions of the zoning ordinance in addition to the provisions of this chapter.

(1991 Code, ' 7-1-10) (Ord. 133-2005, passed 4-12-2005)

' 150.15 BUILDING OFFICIAL.

Effective June 1, 2005, the Building Official and Administrative Authority, as it may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical or any other inspections, shall be vested in the Office of the Building Inspector or any other person as the Council may determine.

(1991 Code, ' 7-1-11) (Ord. 133-2005, passed 4-12-2005)

' 150.98 PERMIT FEES.

Permit fees will be set by a resolution of the Town Council from time to time.
(Ord. 181-2017, passed 6-19-2017)

' 150.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found guilty of violating any provision of this chapter except ' 150.10 shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

(Ord. 133-2005, passed 4-12-2005; Ord. 157-2009, passed 10-13-2009; Ord. 158-2009, passed 12-22-2009)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 151.01 Findings of fact
- 151.02 Statement of purpose
- 151.03 Methods of reducing flood losses
- 151.04 Definitions
- 151.05 Application of chapter
- 151.06 Establishment of special flood hazard areas
- 151.07 Compliance
- 151.08 Abrogation and greater restrictions
- 151.09 Interpretation
- 151.10 Warning and disclaimer of liability
- 151.11 Statutory exemptions
- 151.12 Declaration of public nuisance
- 151.13 Abatement of violations
- 151.14 Unlawful acts

Administration

- 151.25 Establishment of development permit
- 151.26 Duties and responsibilities of the Floodplain Administrator

Provisions for Flood Hazard Reduction

- 151.40 Standards of construction
- 151.41 Standards for storage of materials and equipment
- 151.42 Standards for utilities
- 151.43 Standards for subdivisions
- 151.44 Standards for manufactured homes
- 151.45 Floodways

Variance Procedure

151.60 Appeal Board
151.61 Conditions for variances

151.99 Penalty

Statutory reference:

Authorization, see A.R.S. ' 48-3604

GENERAL PROVISIONS**' 151.01 FINDINGS OF FACT.**

(A) The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
(1991 Code, ' 16-1-1) (Ord. 55, passed 12-15-1986)

' 151.02 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(G) Ensure that potential buyers are notified that property is in an area of special flood hazard;

(H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

(I) Maintain eligibility for state disaster relief.
(1991 Code, ' 16-1-2) (Ord. 55, passed 12-15-1986)

' 151.03 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

(D) Controlling filling, grading, dredging and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
(1991 Code, ' 16-1-3) (Ord. 55, passed 12-15-1986)

' 151.04 DEFINITIONS .

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL. A request for a review of the Floodplain Administrator=s interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO Zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate and velocity flow may be evident.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building supporting foundation system.

CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT. Any human-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

FINANCIAL ASSISTANCE. Any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance, other than general or special revenue sharing or formula grants made to states.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of floodwaters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

or

(3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in **FLOODING** as defined in this definition.

FLOOD BOUNDARY FLOODWAY MAP. The official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the flood boundary floodway map and the water surface elevation of the base flood.

FLOOD PROTECTION SYSTEM. Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. This system typically

includes dams, reservoirs, levees or

dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN or **FLOOD-PRONE AREA**. Any land area susceptible to being inundated by water from any source (see definition of Aflooding@).

FLOODPLAIN ADMINISTRATOR. The Town Clerk who is hereby authorized by the Floodplain Board to administer the provisions of this chapter.

FLOODPLAIN BOARD. The Town Council of the town at those times as it is engaged in the enforcement of this chapter.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes those state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-RELATED EROSION. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the 100-year flood without cumulatively increasing the water surface elevation.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEEVE. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEEVE SYSTEM. A flood protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR. The **LOWEST FLOOR** of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building =s **LOWEST FLOOR**; provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term **MANUFACTURED HOME** also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community=s flood insurance rate map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community.

PERSON. An individual or his or her agent, firm, partnership, association, corporation or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

PROGRAM. The National Flood Insurance Program authorized by 42 U.S.C. " 4001-4128.

PROGRAM DEFICIENCY. A defect in a community=s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards.

REGULATORY FLOOD ELEVATION. An elevation one foot above the base flood elevation.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected

development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SPECIAL FLOOD HAZARD AREA. An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

START OF CONSTRUCTION. Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT.

(1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

(2) For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided. (1991 Code, Art. 16-2) (Ord. 55, passed 12-15-1986)

' 151.05 APPLICATION OF CHAPTER.

This chapter shall apply to all areas of special flood hazards within the corporate limits of the town. (1991 Code, ' 16-3-1) (Ord. 55, passed 12-15-1986)

' 151.06 ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS.

(A) The Town Community Development Director is appointed/designated as the Floodplain Administrator for the town and will serve as the community point of contact on National Flood Insurance Program issues for county, state and federal officials.

(B) Those public records entitled AFlood Insurance Study (FIS) for the Town of Thatcher, Arizona@ with accompanying flood insurance rate maps (FIRMs) dated December 15, 1983, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the town. The special flood hazard areas documented in the flood insurance study and flood insurance rate maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

(C) The public record designated as the AFloodplain Management Regulations for Graham County,@ dated March 16, 1998, and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the Town Clerk, is hereby adopted as the legal basis for implementing floodplain management in this community. (1991 Code, ' 16-3-2) (Ord. 55, passed 12-15-1986; Ord. 152-2007, passed 5-8-2007)

' 151.07 COMPLIANCE .

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (1991 Code, ' 16-3-3) (Ord. 55, passed 12-15-1986) Penalty, see ' 151.99

' 151.08 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another provision of this code, or an ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(1991 Code, ' 16-3-4) (Ord. 55, passed 12-15-1986)

' 151.09 INTERPRETATION .

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(1991 Code, ' 16-3-5) (Ord. 55, passed 12-15-1986)

' 151.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(1991 Code, ' 16-3-6) (Ord. 55, passed 12-15-1986)

' 151.11 STATUTORY EXEMPTIONS.

(A) In accordance with A.R.S. ' 48-3609, nothing in this chapter shall:

(1) Affect existing uses of property or the right to continuation of the use under conditions which existed on January 15, 1987;

(2) Affect repair or alteration of property for the purposes for which the property was used on January 15, 1987; providing the repair or alteration does not exceed 50% of the value of the property prior to the repair or alteration; and provided the repair or alteration does not decrease the carrying capacity of the watercourse; or

Thatcher - Land Usage

(3) Affect or apply to facilities constructed or installed pursuant to a certificate of environmental compatibility issued under the authority of A.R.S. Title 40, Chapter 2, Article 6.2.

(B) In accordance with A.R.S. ' 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

(1) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting a watercourse;

(2) The construction of storage dams for watering livestock or wildlife, structures on banks of a creek, stream, river, wash, arroyo or other watercourse to prevent erosion of or damage to adjoining land, or dams for the conservation of floodwaters as permitted by A.R.S. Title 48, Chapter 21;

(3) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This division (B)(3) does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse; or

(4) Any flood control district, or other political subdivision, from exercising powers granted to it under A.R.S. Title 45, Chapter 10.

(C) Before any construction authorized by division (B) of this section may begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment.

(D) These exemptions do not preclude any person from liability if that person=s actions increase flood hazards to any other person or property.
(1991 Code, ' 16-3-7) (Ord. 55, passed 12-15-1986)

' 151.12 DECLARATION OF PUBLIC NUISANCE.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after August 8, 1973 in violation of this chapter is a public nuisance per se.

(1991 Code, ' 16-3-8) (Ord. 55, passed 12-15-1986) Penalty, see ' 151.99

' 151.13 ABATEMENT OF VIOLATIONS.

(A) Within 30 days of discovery of a violation of this chapter, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to the violation.

(B) Within 30 days of receipt of this report, the Floodplain Board shall either:

(1) Take any necessary action to effect the abatement of the violation;

(2) Issue a variance to this chapter in accordance with the provisions of " **151.60** and **151.61**;

(3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for its determination. This information must be provided to the Floodplain Administrator within 30 days of the order, and he or she shall submit an amended report to the Floodplain Board within 20 days. At its next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of the violation or it shall grant a variance in accordance with the provisions of " **151.60** and **151.61**; or

(4) Submit to the Administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to ' **1316** of the National Flood Insurance Act of 1968 as amended.

(1991 Code, ' **16-3-9**) (Ord. 55, passed 12-15-1986) Penalty, see ' **151.99**

' 151.14 UNLAWFUL ACTS.

It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board.

(1991 Code, ' **16-3-10**) (Ord. 55, passed 12-15-1986) Penalty, see ' **151.99**

ADMINISTRATION

' 151.25 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in ' **151.06**. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

(B) Specifically, the following information is required:

(1) Proposed elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures; in Zone AO, elevation of existing grade and proposed elevation of lowest habitable floor of all structures;

(2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in ' 151.40(C)(3); and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
(1991 Code, ' 16-4-1) (Ord. 55, passed 12-15-1986)

' 151.26 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties of the Floodplain Administrator shall include but not be limited to:

(A) Permit review. Review all development permits to determine that:

- (1) The permit requirements of this chapter have been satisfied;
- (2) All other required state and federal permits have been obtained;
- (3) The site is reasonably safe from flooding; and

(4) The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this chapter, **ADVERSELY AFFECTS** means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(B) Use of other base flood data. When base flood elevation data has not been provided in accordance with ' 151.06, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer " 151.40 through 151.45. Any information shall be submitted to the Floodplain Board for adoption;

(C) Information to be obtained and maintained. Obtain and maintain for public inspection and make available as needed for flood insurance policies:

- (1) The certified elevation required in ' 151.40(C)(1);
- (2) The certification required in ' 151.40(C)(2);
- (3) The floodproofing certification required in ' 151.40(C)(3); and
- (4) The certified elevation required in ' 151.43(B).

(D) Alteration of watercourses. Whenever a watercourse is to be altered or relocated:

(1) Notify adjacent communities and the State Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Insurance Administration; and

(2) Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

(E) Delineation of floodplains affected. Within 120 days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources;

(F) Written notice of Development Plan. Advise the flood control district of the county and any adjunct jurisdiction having responsibility for floodplain management in writing and provide a copy of Development Plan of all applications for floodplain use permits or variances to develop land in a floodplain or floodway within one mile of the corporate limits of the town. Also, advise the Flood Control District of this county in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within the district=s area of jurisdiction. Written notice and a copy of the plan of development shall be sent to the District no later than three working days after having been received by the town;

(G) Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in " 151.60 and 151.61; and

(H) Actions on violations. Take actions on violations of this chapter as required in ' 151.13.
(1991 Code, ' 16-4-2) (Ord. 55, passed 12-15-1986)

PROVISIONS FOR FLOOD HAZARD REDUCTION

' 151.40 STANDARDS OF CONSTRUCTION.

(A) Standards required. In all areas of special flood hazards the following anchoring standards are required:

Thatcher - Land Usage

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure; and

(2) All manufactured homes shall meet the anchoring standards of ' 151.44.

(B) Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) Elevation and floodproofing.

(1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in division (C)(3) below. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(2) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in division (C)(3) of this section. Upon completion of the structure, a registered professional engineer shall certify to the Floodplain Administrator that the elevation of the structure meets this standard.

(3) Nonresidential construction shall either be elevated in conformance with division (C)(1) or (2) above, or together with attendant utility and sanitary facilities:

(a) Be floodproofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this division are satisfied. These certifications shall be provided to the Floodplain Administrator.

(4) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(5) Manufactured homes shall meet the above standards and also the standards in ' 151.44. (1991 Code, ' 16-5-1) (Ord. 55, passed 12-15-1986)

' 151.41 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT.

(A) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(B) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning. (1991 Code, ' 16-5-2) (Ord. 55, passed 12-15-1986)

' 151.42 STANDARDS FOR UTILITIES.

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

(B) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(C) Waste disposal systems shall not be installed wholly or partially in a floodway. (1991 Code, ' 16-5-3) (Ord. 55, passed 12-15-1986)

' 151.43 STANDARDS FOR SUBDIVISIONS.

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

(B) All final subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(C) All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.
(1991 Code, ' 16-5-4) (Ord. 55, passed 12-15-1986)

' 151.44 STANDARDS FOR MANUFACTURED HOMES.

All new and replacement manufactured homes and additions to manufactured homes shall:

(A) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the regulatory flood elevation; and

(B) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
(1991 Code, ' 16-5-5) (Ord. 55, passed 12-15-1986)

' 151.45 FLOODWAYS .

(A) Located within areas of special flood hazard established in ' 151.06 are areas designated as floodways.

(B) Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

(2) All new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this subchapter.
(1991 Code, ' 16-5-6) (Ord. 55, passed 12-15-1986)

VARIANCE PROCEDURE

' 151.60 APPEAL BOARD.

(A) The Floodplain Board shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(C) In passing upon these applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

(D) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing division (C)(1) through (11) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(E) Upon consideration of the factors of division (C) of this section and the purposes of this chapter, the Floodplain Board may attach any conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(F) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
(1991 Code, ' 16-6-1) (Ord. 55, passed 12-15-1986)

' 151.61 CONDITIONS FOR VARIANCES.

(A) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notice will also state that the land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided for by A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded by the Floodplain Board in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(1991 Code, ' 16-6-2) (Ord. 55, passed 12-15-1986)

' 151.99 PENALTY .

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating the provisions of ' 151.14 shall be guilty of a Class 2 misdemeanor.

(1991 Code, ' 16-3-10) (Ord. 55, passed 12-15-1986)

CHAPTER 152: SUBDIVISIONS

Section

152.01 Subdivision ordinance; adopted by reference

' 152.01 SUBDIVISION ORDINANCE; ADOPTED BY REFERENCE.

The ATown of Thatcher Subdivision Ordinance@ dated June 2013 is hereby adopted by reference as if set out in full herein. Copies are available through town offices.
(Ord. 169-2013, passed 9-17-2013)

CHAPTER 153: ZONING

Section

153.01 Zoning ordinance; adopted by reference

' 153.01 ZONING ORDINANCE; ADOPTED BY REFERENCE.

The ATown of Thatcher Zoning Ordinance@ dated June 2013 is hereby adopted by reference as if set out in full herein. Copies are available through town offices.

(Ord. 170-2013, passed 9-17-2013; Ord. 177-2015, passed 7-20-2015; Ord. 180-2017, passed 3-20-2017; Ord. 181-2017, passed 6-19-2017)

Cross-reference:

Amendments to the zoning map, see TSO II

