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TITLE 7

BUILDING AND FIRE REGULATIONS

CHAPTER 7-1 – INTERNATIONAL CODES

Article 7-1.01 - International Codes

The City has adopted the following International codes as the law of the City of Williams, copies of which are available for viewing at the City Clerk's Office:

- (a) The 2005 National Electric Code
- (b) 2006 International Code Council Electrical Code ('administrative Provisions)
- (c) 2006 International Building Code
- (d) 2006 International Residential Code
- (e) 2006 International Existing Building Code
- (f) 2006 International Property -Maintenance Code
- (g) 2006 International Fire Code
- (h) 2006 International Mechanical Code
- (i) 2006 International Plumbing Code
- (j) 2006 International Fuel Gas Code (Ord. 866, 2007; Ord. 828 §2(part), 2002)

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CHAPTER 7-2 - FLOOD DAMAGE PREVENTION (Ord. 638)

Article 7-2.01 - Statutory Authorization The Legislature of the State of Arizona has in Arizona Revised Statutes Sections 45-2341 through 45-2345, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Article 7-2.02 - Finding of Facts and Statement of Purpose The flood hazard areas of Williams 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. 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 flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. It is therefore, the purpose of this Code 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:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions; (e) To 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 hazards;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood height areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) To insure that those who occupy the areas of special flood hazards assume responsibility for their actions.

Article 7- 2.03 - Methods of Reducing Flood Losses In order to accomplish its purposes, this Code 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 damage,3ing increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods; including facilities which serve such uses, be protected against flood damages at the time of initial construction.

- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (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 flood waters or which may increase flood hazards in other areas.

Article 7- 2.04 - Definitions Unless otherwise specified, the words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Code its most reasonable application.

- (a) Appeal - The word "appeal" shall mean a request for a review of the Floodplain Administrator's interpretation of any provision of this Code or a request for a variance.
- (b) Area of shallow flooding - The term "area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three (1-3') feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
- (c) Area of special flood hazard - The term "area of special flood hazard" means the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, AI-30, VO, and VI-30 on the FIRM.
- (d) Base flood - The term "base flood" means the flood having one (1%) per cent chance of being equaled or exceeded in any given year.
- (e) Breakaway walls - The term "breakaway walls" means any type of walls whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which may not be part of the structural support of the building and which is so designed as to breakaway, during the base flood, without damage to the structural integrity of the building on which it is used or any structures to which it might be carried by flood waters.
- (f) Development - The word "development" means any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures , mining, dredging , filling, grading, paving , excavation, or drilling operations located within the area of special flood hazard.
- (g) Existing (or expansion of) mobile home park or subdivision - The term "existing (or expansion of) mobile home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed in preparation before the effective date' of this Code.

- (h) Floor or Flooding - The terms "flood" or flooding" mean a general and temporary condition of partial to complete inundation of normally dry land areas from:
 - (1) The overflow of flood waters and/or
 - (2) The unusual and rapid accumulation of run-off of surface waters from any source.
- (i) Flood Boundary Floodway Map - The term "Flood Boundary Floodway Map" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- (j) Flood Insurance Rate Map (FIRM) - The term "Flood Insurance Rate Map" means 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.
- (k) Flood Insurance Study - The term "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Map, and the water surface elevation of the base flood.
- (l) Floodplain Administrator - The term "Floodplain Administrator" means the City Manager of Williams who is hereby authorized by the Floodplain Board to administer the provisions of this Code.
- (m) Floodplain Board - The term "Floodplain Board" means the City Council of Williams at such times as they are engaged in the enforcement of this Code.
- (n) Floodway - The word "floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot. The floodway is delineated on the Flood Boundary Floodway Map.
- (o) Habitable floor - The term "habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
- (p) Mobile home - The term "mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 C.F.R. 3282.7(a)].
- (q) Mobile home park or subdivision - The term "mobile home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Code.
- (r) Person - The word "person" means any individual or his agent, firm, partnership, association, corporation or agent of the aforementioned groups.

- (s) Start of construction - The term "start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation; such as clearing, grading, and filling, nor does it include the installation of streets and/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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure on any part thereof on its pilings or foundation. For mobile homes whether or not within a mobile home park or subdivision, start of construction means the affixing of the mobile home to its permanent site.
- (t) Substantial improvement - The term "substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) per cent of the market value of the structure either before the improvement or repair started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of a 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 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; nor any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.
- (u) Variance - The word "variance" means a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

Article 7- 2.05 - General Provisions

- (a) This Code shall apply to all areas of special flood hazards within the jurisdiction of the City of Williams.
- (b) The areas of special flood hazard identified by the Federal Insurance Administration in the scientific and engineering report entitled "The Flood Insurance Study for the City of Williams", dated May 27, 1982 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file in the office of the City Clerk. The Flood Insurance Study is the minimum area of applicability of this Code, and may be supplemented by studies for other areas which allow implementation of this Code and which are recommended to the Floodplain Board by the Floodplain Administrator.
- (c) No structure or land shall hereafter be constructed, located, extended, converted or altered without – full compliance with the terms of this Code and other applicable regulations.

- (d) This Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code and any other code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposed the more stringent restrictions shall prevail.
- (e) In the interpretation and application of this Code, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.
- (f) The degree of flood protection required by this Code 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 man-made or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This Code shall not create liability on the part of the City of Williams, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.
- (g) In accordance with the Arizona Revised Statutes Section 45- 2342, nothing in this Code shall:
 - (1) Affect existing uses of property or the right to continuation of the use under conditions which existed on the effective date of this Code.
 - (2) Affect repair or alteration of property for the purposes for which such property was used on the effective date of this Code; providing such repair or alteration does not exceed fifty (50%) per cent 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 watercourses.
 - (3) Affect or apply to facilities constructed or installed pursuant to a certificate of environmental compatibility issued under the authority of ARS Title 40, Chapter 2, Article 6.2.
- (h) In accordance with Arizona Revised Statutes Section 45-2343, 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 watercourses to prevent erosion of or damage to adjoining land, or dams for the conservation of flood waters as permitted by ARS Title 45, Chapter 3.
 - (3) Construction of tailing daps and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse.

- (4) Any flood control district, or other political subdivision from exercising powers granted to it under ARS Title 45, Chapter 10. These exemptions do not preclude any person from liability if that person's actions increase flood hazards to any other person or property.
- (i) Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard in violation of this Code is a public nuisance per se.
- (j) Within thirty (30) days of discovery of a violation of this Code, 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 said violation. Within thirty (30) days of receipt of this report, the Floodplain Board shall either:
 - (1) Take any necessary action such violation; or to effect the abatement of
 - (2) Issue a variance to this Code, in accordance with the provisions set forth herein; or
 - (3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within thirty (30) days of such order, and he shall submit an amended report to the Floodplain Board within twenty (20) days. At their next regularly scheduled public meeting the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions as set forth herein.
- (k) 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. Any person violating any provisions of this Chapter shall be guilty of a Class 2 Misdemeanor.

Article 7-2.06 - Development Permit A Development Permit shall be obtained before construction or development: begins within any area of special flood hazard established herein. Applications 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, dimension, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) 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;
- (b) Proposed elevation in relation to mean sea level to which any structure will be flood-proofed;
- (c) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria as set forth herein; or
- (d) Description of the extent to which any watercourse will be altered or relocated as a result

of proposed development.

Article 7-2.07 - Floodplain Administrator The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (a) review all development permits;
- (b) Obtain, review and reasonably utilize all base flood elevation data available;
- (c) Obtain and maintain for public inspection all information and certification required in this Chapter;
- (d) Notify adjacent communities and the Arizona Department of Water Resources prior to any alteration or relocation of watercourse, see that same is maintained, and submit evidence of such notification to the Federal Insurance Administration;
- (e) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (i.e., where there appears to be a conflict between a mapped boundary and actual filed conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter; and
- (f) Take actions as necessary regarding violations of this Code, as provided for in this Chapter.

Article 7-2.08 - Provisions For Flood Hazard Reduction

- (a) Standards of Construction - In all areas of special flood hazards the following standards are required:
 - (1) Anchoring - All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. All mobile homes shall meet the anchoring standards as set forth herein.
 - (2) Construction Materials and Methods - All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and with materials and practices that minimize flood damage.
 - (3) structure in Zone AO shall have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor including basement shall be elevated one foot above the crown of the nearest street. Upon completion of the structure a registered professional engineer shall certify that the elevation of the structure meets these standards and provide certification of same to the Floodplain Administrator.
Elevation and Flood-proofing - New construction and substantial improvement to any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Any new construction or substantial improvement of any Non-residential construction shall either be elevated in conformance with the above or together with attendant utility and sanitary facilities be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by a registered professional engineer or architect that the standards of this article be satisfied. Such certification shall be provided to the Floodplain Administrator.

- (b) Standards for Storage of Materials and Equipment – 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. The storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (c) Standards for Utilities - All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Standards for Subdivisions - All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood. 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. 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, as well as adequate drainage provided to reduce exposure to flood damage.
- (e) Standards for Mobile Homes and Mobile Home Parks or Subdivisions- All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing an anchoring system designed to withstand horizontal forces of 25 pounds per square foot and uplift forces of 15 pounds per square foot; or by providing over-the-top ties at each of the four corners of The mobile home, with two additional ties per side at intermediate locations, except that mobile homes less than 50 feet long require only one additional tie per side; or by providing frame ties at each corner of the home with five additional ties per side at intermediate points, except that mobile homes less than 50 feet long only require four additional ties per side; and all components of the anchoring system be capable of carrying a force of 4,800 pounds. The standards required for mobile homes not placed in mobile home parks or subdivisions; new mobile home parks or subdivisions; expansions to existing mobile home parks or subdivisions; and repair, reconstruction or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent (50%) of the value of the streets, utilities and pads prior to the repair, reconstruction or improvement commenced are that adequate surface drainage and access for a hauler shall be provided; all mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings, the lots shall be large enough to permit steps; the pilings shall be placed in stable soil no more than ten (10') above ground level; and reinforcement shall be provided for pilings more than six (6') feet above ground level. No mobile home shall be placed in a floodway, except in an

existing mobile home park or subdivision.

Article 7-2.09 - Floodways Located within areas of special flood hazard established herein are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachment, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- (b) Prohibit the placement of any mobile homes except in an existing mobile home park or subdivision;
- (c) Compliance with all conditions set forth herein under Provisions For Flood Hazard Reduction; and
- (d) If no floodway is identified, then a setback of twenty (20') feet from the bank(s) of the watercourse will be established, where encroachment will be prohibited.

Article 7-2.10 - Variance Procedure and the Appeal Board The Floodplain Board of the City of Williams shall hear and decide appeals and requests for variances from the requirements of this Code. They shall hear and decide 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 Code. Those aggrieved by the decision of the Floodplain Board, or any taxpayer, may appeal such decision to the Superior Court of Coconino County. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Code; and

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (f) The compatibility of the proposed used with existing and anticipated development;
- (g) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (i) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood

waters expected at the site; and

- (j) 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. 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 the above listed items have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases. Upon the consideration of the factors listed above and the purposes of this Code, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

Article 7-2.11 - Conditions for Variances Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on 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. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. 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 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, codes, or ordinances.

CHAPTER 7-3 - FENCES AND ADDRESS NUMBERS

Article 7-3.01 - Prohibited Fences It shall be unlawful for any person to erect or maintain an electric fence or any fence constructed in whole or in part of barbed wire, or to use barbed wire as a guard to any parking lot or parcel of land within the City limits. (1961 Code)

Article 7-3.02 - Numbering of Buildings and Houses It shall be the duty of every person owning or controlling any building or house fronting on or toward any public street or avenue in the City limits to number the same, to cause the same to be numbered correctly and in accordance with this Article, and it shall be the duty of any of the persons above mentioned or referred to owning or controlling any building hereafter erected within the City limits, and fronting as herein mentioned, to so number the same within twenty (20) days after its completion or occupancy.

- (a) Numbering - The starting or initial point for the so numbering of buildings shall be the intersection of First Street and Bill Williams Avenue, and all numbers shall commence at said point, and be numbered, commencing with Number One (1) and run thence northerly and southerly along said First Street, and easterly and westerly along said Bill Williams Avenue, to the limits of the City, with the odd numbers on the one side and the even numbers upon the opposite side of all streets and avenues in the City. All numbering shall be done with figures, in a good and plain attractive appearance, and not to be less than three (3") inches in length, and placed in a conspicuous location.
- (b) incorrect Numbering - In case any building shall be numbered incorrectly, or numbered and the number thereof be defaced or illegible, it shall be the duty of the owner or person, owning-or controlling the sane, to do, or to cause the same to be numbered correctly, or a new number placed properly thereon, as the case may be, within ten (10) days after notification thereof so to do, given by or under the direction of the City Clerk.
- (c) Notice - Such Notice, heretofore mentioned, may be served by delivering a copy thereof to the owner or person, controlling such building, and addressed to the said owner or person, controlling such building, giving such description thereof as will serve to identify the same; but, in case the owner or person controlling such building is not within the City limits, or cannot be found therein, then in such case such Notice shall be given by posting a copy of such Notice on the door or entrance way to such building on which the same is posted has been correctly and properly numbered and, the date of Notice shall commence with the first date of such Notice and the said ten (10) days of Notice then commences to run. (Ord. 125; 8-8-24)

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CHAPTER 7-4 - FIRE PROTECTION

Article 7-4.01 - Purpose and Policy. The objective of this chapter is to establish minimum requirements to mitigate the risk of life and property from wild land fire exposures, fire exposures from adjacent structures and to mitigate structure fires from spreading to adjacent wild lands. This objective will be accomplished through establishing a "Defensible Space" around proposed structures within the city based on a calculated Fire Hazard Rating. (Ord. 843, 2005)

Article 7-4.02 - Definitions. For the purpose of this Chapter, the following words and phrases shall have the meaning ascribed to them:

- (a) City Property - The term "city property" means any property owned in fee by the City of Williams, or any easements, rights-of-way, or other similar interests of the City of Williams in property.
- (b) Developer - The term "developer" means any person who intends to develop any large tract of property inside the city.
- (c) Development Review Team - The term "Development Review Team" means the City of Williams Development Review Team or its successor.
- (d) Person - The term "person" means any individual, corporation, partnership, firm or their legal entity, including the city.
- (e) Planning Director - The term "Planning Director" means the Planning Director of the city or his or her designee.
- (f) Property - The term "property" means any land or area within the corporate limits of the City of Williams which is subject to its regulatory authority.
- (g) Removal - The term "removal" means elimination, movement or taking away of any tree from its present location.
- (h) Shrub - The term "shrub" means a woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground.
- (i) Single Family Residential Zone - The term "Single Family Residential Zone" means any property located in a zone for which the principal use is detached single family residential. Typically, this means the R1-7, RR, AR, ER and RMH zones as shown on the City of Williams Zoning Map.
- (j) Tree - The term "tree" means:
 - (1) A woody perennial plant which has a trunk circumference of (20) twenty inches measured at (24) twenty-four inches above the ground; or
 - (2) A woody perennial plant at least (15) fifteen feet in height which usually, but not necessarily, has a single trunk.
 - (3) References to "tree" shall include the plural. The Planning Director or his designee shall have reasonable discretion to distinguish between a "tree" and a "shrub" within the confines of the definitions found in this chapter.

- (k) Two-Family Residential Zone - The term "Two-Family Residential zone" means a property located in a zone for which the principal use is two-family or duplex residential. Typically this means the R-2 zone as shown on the City of Williams Zoning Map.
- (l) Undesirable Tree - The term "undesirable tree" means any tree species that is deemed to have or is proven to have a negative environmental impact on the community.
- (m) Undeveloped Property - The term "undeveloped property" means any property which:
 - (1) Is not improved with a primary building (for example, a dwelling unit or place of business); or
 - (2) Is improved with a primary building, but is of sufficient land area that it could be subdivided. Subdivision potential shall be based upon the minimum lot area requirement for the zone in which the property is located (refer to the city Zoning Ordinance for minimum lot areas in each zone). (Ord. 843, 2005)

Article 7-4.03 - Defensible Space.

- (a) Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space for unimproved properties. "Defensible Space" and "Fuel Modification" requirements shall be determined during the Building Permit process or during the Design Review stage in the case of a new subdivision requiring a Department Review Team approval.
- (b) Fuel Modifications.
 - (1) Fuel modifications shall be made in accordance with the Fire Hazard Rating form to provide a defensible space within property boundaries a minimum distance of sixty (60) feet from buildings or structures and shall be measured along the grade from the perimeter or projection of the building or structure. Persons owning, leasing, controlling, operating, or maintaining buildings or structures which exhibit a fire hazard rating of high or extreme will require a defensible space around their structures and are responsible for modifying or removing non-fire-resistive vegetation and trees on the property owned, leased or controlled by said person. In new subdivision developments, the Developer or his agent(s) will remove all three (3) inch diameter trees and slash from the property by approved means. The individual lot owners will be required to submit a plot plan showing a tree removal plan to meet the Fuel Management Standards before a permit to build will be issued. The work must be complete before a certificate of occupancy will be issued.
 - (2) Ornamental vegetative fuels or cultivated ground cover , such as green grass, ivy, succulents or similar plants used as ground cover, are allowed to be within the designated defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.
 - (3) Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees (or clumps of trees) and the crowns of trees (or clumps of trees) and structures, overhead electrical facilities or unmodified fuel is not less than the required fuel management standards. Trees allowed within the defensible space that have overhanging limbs and deadwood shall be trimmed and

maintained to a vertical distance of fifteen (15) feet from any adjacent structures or building roofs. The roofs of structures and buildings shall be kept free of leaves, needles or other dead vegetative growth.

- (c) Corrective Action. The City Council and their agents are authorized to give notice to the owner of the property within the city, upon which conditions exist that are not in compliance with the above listed fuel modifications, to correct such conditions. Abatement and control priorities shall be based on the property's fire hazard rating and will be enforced as follows:
 - (1) All properties bordering to Federal government lands.
 - (2) All properties found to be over (75) seventy-five on the Fire Hazard Rating.
 - (3) All properties found to be over (60) sixty on the Fire Hazard Rating.
 - (4) All other properties. If the owner fails to correct such conditions, the City Council and their agents are authorized to cause the same conditions to be corrected and make the expense of such correction a lien upon the property where such condition exists.
- (d) Appeal. The decision of the Building Official may be appealed to the Department Review Team. A written appeal must be filed with the Planning Director within (10) ten days of the decision.
 - (1) No permit granted under the provisions of this chapter shall be effective until expiration of (10) ten days following the granting of such permit. If an appeal is filed, action under any permit shall be suspended pending the outcome of the appeal.
 - (2) The Department Review Team shall hear the appeal within (30) thirty days of its filing. Notice of the time and place of the appeal hearing shall be given to the applicant, appellant and other persons as deemed appropriate by the Planning Director. The Department Review Team may affirm, reverse or modify the decision of the Building Official. The decision of the Department Review team shall be final. (Ord. 843, 2005)

Article 7-4.04 Violation and Penalty.

- (a) Planting or refusing to remove a tree in violation of this chapter is hereby declared to be a public nuisance and the Code Enforcement Officer, shall initiate the necessary proceedings for abatement of the nuisance in a manner approved by civil law. (b) Any person who maintains a tree in violation of this chapter or who violates the conditions of any permit granted under this chapter is guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each violation. Each tree maintained in violation of this chapter shall be considered a separate violation. (Ord. 843, 2005)

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