

# **BUILDINGS AND BUILDING REGULATIONS**

## **CHAPTER 7 BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE 7-3 ADDITIONAL REQUIREMENTS UNDER MAG CODES**

- 7-3-1 MAG Standard Specifications and Uniform Details for Public Works Construction
- 7-3-2 MAG Building Code Standards Notebook

#### **Section 7-3-1 MAG Standard Specifications and Uniform Details for Public Works Construction**

Those certain specifications entitled “MAG Standard Specifications and Uniform Details for Public Works Construction”, sponsored and distributed by the Maricopa Association of Governments (MAG), are hereby adopted by the town and made part of this chapter the same as though said specifications were specifically set forth in full herein; and at least three copies of said specifications shall be filed in the office of the town clerk and kept available for public use and inspection.

#### **Section 7-3-2 MAG Building Code Standards Notebook**

Those certain specifications entitled “MAG Building Code Standards Notebook”, sponsored and distributed by the Maricopa Association of Governments (MAG), and hereby adopted by the town and made part of this chapter the same as though said specifications were specifically set forth in full herein; and at least three copies of said specifications shall be filed in the office of the town clerk and kept available for public use and inspection.

### **ARTICLE 7-4 BUILDING OFFICIAL<sup>1</sup>**

The building official and administrative authority, as such may be referenced in any section of this chapter for all matters pertaining to any building, plumbing, electrical or any other inspections, shall be vested in the office of the Community Development Department or such other person the council may appoint.

### **ARTICLE 7-5 UNDERGROUND UTILITY LINES<sup>2</sup>**

- 7-5-1 Definitions
- 7-5-2 Underground Utility Lines
- 7-5-3 Exceptions
- 7-5-4 Town Participation as Developer
- 7-5-5 Waiver of Underground Installation Requirements

#### **Section 7-5-1 Definitions**

<sup>1</sup>Ordinance 126-98 as modified by Ordinance 154-99; 209-01; 426-08 and 479-10

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In this article, unless the context otherwise requires:

- A. "Developer" means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity (other than the serving utility) that is responsible for the development of land thereby creating a demand for service or causes alteration of existing services.
- B. "Distribution feeder" means that portion of the distribution system feeding from a distribution substation to a specific load area and having a capacity of over three KVA and less than 12.5 KVA.
- C. "Existing utility poles and wires" means such poles and wires and other related facilities that are in place and in operation as of October 6, 1995 and including repairs, replacements, additions, enlargements or betterments, changes, improvements hereinafter made to maintain or increase service capabilities of existing utility poles, wires, service drops and other facilities, but it does not include extensions made to existing distribution lines.
- D. "New utility poles and wires" means poles and structures, wires, cables, transformers and other related facilities used in or as a part of the distribution or transmission of electricity or in the transmission of telephone, telegraph, radio or television communications that are not in place as of October 6, 1995 and constituting new extensions made from existing poles and wires.
- E. "Transmission line" means an electric line used for the bulk transmission of electricity between generating or receiving points and major substations or delivery points, having a rating greater than twelve thousand five hundred volts.

<sup>1</sup>Ordinance 476-10

<sup>2</sup>Ordinance 69-95F.

"Underground policy" means the then current policy governing payment of the cost of undergrounding distribution feeders and service facilities as established by the serving utility.

## Section 7-5-2 Underground Utility Lines

Except as exempted in Section 7-5-3, all existing and new utility and telephone lines, electric utility distribution feeders, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

## Section 7-5-3 Exceptions

The following construction may occur without meeting the underground installation requirements:

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- A. Transmission lines and betterment to existing utilities together with related switch yards, substations and related equipment.
- B. Repair or improvement of existing utility poles and wires by the serving utility, provided that activity is not initiated on request of or by a developer.
- C. Installation of new utility poles and wires or relocation of existing utility poles and wires not initiated by a developer.
- D. Pad-mounted transformers or pull boxes, service terminals, pedestal type telephone terminals, telephone splice closures or similar on-the-ground facilities attached to existing overhead facilities which are used for the purpose of connecting an underground system with the existing facilities.
- E. Temporary service facilities, such as facilities to furnish emergency service during an outage, facilities to provide service to construction sites, or other service of a limited duration, such as to a fair, carnival, outdoor exhibit or function where the facilities will be installed for a temporary period only.
- F. New service drops or improvement of existing service drops from existing overhead lines to single family residential customers, except when underground service is required by the town subdivision regulations.

### **Section 7-5-4 Town Participation as Developer**

In the event of relocation, improvement or repair of existing utility poles and wires or installation of new utility poles and wires by the serving utility, the town may elect to act as a developer and participate in the cost of underground installation in accordance with the underground installation policy of the utility. Prior to commencing any relocation, improvement or installation work within the town, the serving utility shall notify the town engineer of the pending action. Within thirty days of receipt of notification, the town will determine its intent to act as developer and notify the utility of the decision.

### **Section 7-5-5 Waiver of Underground Installation Requirements**

The council, upon petition by a developer, may waive or modify the requirements for underground installation of existing or new utility lines based on the findings that the strict enforcement of this article would constitute an undue hardship on the developer and the minimal benefits would accrue to the town. The council's decision shall include but not be limited to review and analysis of the following factors:

- A. The extent of existing overhead lines and poles in the immediate area of the project.
- B. The location and heights of such poles and wires and their relation to present or future roads.
- C. The crossing of such lines over much traveled highways or streets.

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- D. The proximity of such lines to schools, churches, commercial areas or other places where people congregate.
- E. The aesthetic appearance of that portion of the town should the lines be installed overhead instead of underground.
- F. The impact on future development expected in the area.
- G. The practicality and feasibility of underground installation with due regard for the comparative costs between underground overhead installations; however, a mere showing that an underground installation is more costly than overhead shall not be the sole criteria for granting a waiver.

### **ARTICLE 7-6 PLANNING AND ENGINEERING REVIEW, CONSTRUCTION MONITORING, BUILDING SAFETY, FIRE PREVENTION AND FEES<sup>1</sup>**

- 7-6-1 General: Planning and Engineering Review and Construction Monitoring Fees
- 7-6-2 Technical Study Review Fees
- 7-6-3 Engineering Plan Review Fees
- 7-6-4 Construction Monitoring Fees
- 7-6-5 GIS/Mapping Fees
- 7-6-6 Planning Administrative Fees
- 7-6-7 Planning and Zoning Review Fees
- 7-6-8 General: Building Safety and Permitting Fees
- 7-6-9 Valuation
- 7-6-10 Fee table
- 7-6-11 Permit fees
- 7-6-12 Building Safety Plan Review Fees
- 7-6-13 Building Safety Inspection Fees
- 7-6-14 Miscellaneous Building Safety And Permitting Fees
- 7-6-15 General Fire Prevention Fees
- 7-6-16 Fire Prevention Permit Fees
- 7-6-17 Fire Prevention Plan Review Fees
- 7-6-18 Miscellaneous Fire Prevention Fees

#### **Section 7-6-1 General: Planning and Engineering Review and Construction Monitoring Fees**

Fees are charged for the following services provided by the Town of Queen Creek:

- A. Review of site plan, development plan, design review, plats, zoning and other documents submitted through the Town's Planning Processes;
- B. Review of technical studies, reports, drawings and documents for drainage, water, sewer, sewer pre-treatment, traffic, property surveys, environmental, geotechnical, and other reports related to permits issued by the Town;

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<sup>1</sup>Ordinance 68-95 revised by Ordinance 215-02; Ordinance 294-04 and 424-08; 444-09;447-09& 463-09, 482-10

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- C. Review of construction drawings for grading, paving, utilities, drainage facilities, flood irrigation, landscaping, parks, trail systems, sidewalks, streetlight improvement districts, signing, striping, traffic signals and other work permitted by the Town;
- D. Construction monitoring of grading, paving, utility installation, drainage facilities, flood irrigation, landscaping, parks, trails systems, sidewalks, streetlights, signing, striping, traffic signals and other work permitted by the Town;
- E. Collection and preparation of data relating to “as-built” construction in a GIS Format; and
- F. Preparing new addresses and address changes for residential and commercial/retail properties.

### **Section 7-6-2 Technical Study Review Fees**

A. Final Drainage Report	
1. Master residential ( $\geq 500$ lots)	\$1,200 + \$1/ lot
2. Individual parcel within master residential	\$500
3. Major residential ( $> 10$ lots)	\$300 + \$25/acre
4. Minor residential (1 to 10 lots)	\$500
5. Commercial subdivision	\$500 + \$25/acre
6. Individual commercial	\$500
7. Coordination with MCFCD/PCFCD	\$800
B. Final Water Report	\$200 + \$1 /lot
C. Final Sewer Report	\$200 + \$1 /lot
D. Sewer Pre-Treatment	\$200 + \$1 /lot
E. Final Traffic Report	
1. Master residential ( $\geq 500$ lots)	\$1,200
2. Major residential (requiring traffic report)	\$850
3. Commercial subdivision ( $\geq 20$ acres)	\$850
4. Individual commercial ( $< 20$ acres)	\$500
5. Surcharge for general plan regional commercial zone	\$400
6. Amendment to commercial or residential	\$250
F. Geotechnical Report	\$400 + \$1/ lot
G. Final Environmental Report	\$200 + \$1/lot
H. Fissure Report	\$400 + \$1/lot
I. C.C.& R. Report	\$100
J. ALTA Survey	\$150

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## Section 7-6-3 ENGINEERING Plan Review Fees \*\*

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A. Final Plat	\$1,200 + \$20/lot
B. Final Plat Amendment	50% of original Final Plat Fee
C. Site Grading Plans	\$275/sheet
D. Paving Plans with Ribbon Curb	\$275/sheet
E. Paving Plans with Curb and Gutter	\$275/sheet
F. Signing and Striping Plans	\$275/sheet
G. Sewer Plans	\$275/sheet
H. Drainage Channel/Storm Drain Plans	\$275/sheet
I. Water Plans <sup>(1)</sup>	\$275/sheet
J. Flood Irrigation Plans	\$275/sheet
K. Landscape and Irrigation Plans	\$275/sheet
L. S.L.I.D. assessment Diagrams & Documents	\$1,000/sheet
M. Multi-Family Site improvement Plans	\$500/sheet + \$100/ acre
N. Office and Condominium	\$500/sheet + \$100/acre
O. Commercial Site Improvement Plans	\$500/sheet + \$100/acre
P. Industrial Site Improvement Plans	\$500/sheet + \$100/acre
Q. Street Light Improvement Plans	\$275/sheet
R. As-built plan reviews	\$100/each
S. Engineers Cost Estimate	\$250/each
T. Revisions of approved plans	\$100/each
U. Map of Dedication	\$1,500
V. Lot Split/Lot Tie/Lot Adjustment	\$350
W. Easement Abandonment	\$1,000 for a single family property;\$1,500 for non-residential or subdivisions
X. Easement Dedication	\$1,000 for a single family property;\$1,500 for non-residential or subdivisions
Y. Right of Way Abandonment	\$1,000 for a single family property;\$1,500 for non-residential or subdivisions
Z. Right of Way Dedication	\$1,000 for a single family property;\$1,500 for non-residential or subdivisions
1. Application for modification or correction of Assessments	\$500 base fee, plus all outside engineering and legal fees incurred by the Town
2. Assurance of Construction Documents	\$500
3. Modification to assurances of construction, including but not limited to reductions, substitutions and lot sale prohibitions	\$400/occurrence
4. Special Studies (as required)	Actual Consultant Cost, plus 15%
5. Certificate of Correction	\$500/application
6. Subdivision Recording <sup>(1)</sup>	Actual Expense to Town + \$93 administrative fee

\*\*all review fees are for first and second submittal. Third and subsequent submittals will be at 15% of original engineering plan review fee.

Notes:

## BUILDINGS AND BUILDING REGULATIONS

(1) Separate subdivision recording fees are charged by Maricopa County Recorder's Office. The Town of Queen Creek collects both fees.

### Section 7-6-4 Construction Monitoring Fees

<b>Processing fee</b>	<b>Unit</b>	<b>Unit Cost</b>	Sewer Line with Video	LF	\$1.25
Permit Application Fee	EA	\$80	Sewer Lines	LF	\$0.75
Permit extension (up to 180 days)	EA	\$80	Sewer Services (Right of Way)	LF	\$0.50
			Taps	EA	\$50.00

Permit refund (prior to commencing work) 80% of fee maximum (no later than 30 days after permit expiration, and upon written request by the Applicant

<b>Paving</b>	<b>Unit</b>	<b>Unit Cost</b>
Adj. Str. to Fin. Gr.	EA	\$10.00
Asphalt Paving - Streets	SY	\$0.35
Barricades	EA	\$30.00
Guard Rail	LF	\$0.50
Overlay - Streets	SY	\$0.15
Overlay with Milling	SY	\$0.20
Paving - On Site	SY	\$0.10
Q.C. Survey Monuments	EA	\$10.00
Town street Signs & Bases	EA	\$5.00

<b>Concrete</b>	<b>Unit</b>	<b>Unit Cost</b>
ADA Ramps	EA	\$25.00
Aprons	EA	\$12.00
Curb & Gutter	LF	\$0.20
Decorative Pavers	SF	\$0.45
Driveways - Commercial	EA	\$100.00
Driveways - Residential	EA	\$25.00
Pipe Encasement	EA	\$50.00
Scuppers	EA	\$20.00
Sidewalk	SF	\$0.08
Valley Gutter	LF	\$0.30

<b>Water</b>	<b>Unit</b>	<b>Unit Cost</b>
Backflow Device	EA	\$50.00
Fire Hydrants	EA	\$15.00
Water Lines (Backfill)	LF	\$1.00
Services (In Right of Way)	LF	\$0.25

<b>Sewer</b>	<b>Unit</b>	<b>Unit Cost</b>
Clean Outs	EA	\$35.00
Interceptor	EA	\$250.00
Manholes	EA	\$50.00

<b>Site Grading/Drainage</b>	<b>Unit</b>	<b>Unit Cost</b>
Catch Basins	EA	\$40.00
Commercial (1 acre min.)	ACRE	\$250.00
Cutoff Walls	LF	\$0.20
Drywells	EA	\$70.00
Headwalls	EA	\$40.00
Manholes	EA	\$50.00
Residential (Non-Subdivision)	ACRE	\$100.00
Residential (Subdivision)	LOT	\$10.00
Retention Basins	ACRE	\$250.00
Slope Protection	SY	\$0.35
Storm Drains	LF	\$0.95

<b>Street Lights</b>	<b>Unit</b>	<b>Unit Cost</b>
St. Lights (includes SRP set-up)	EA	\$230.00

<b>Traffic Signals</b>	<b>Unit</b>	<b>Unit Cost</b>
Traffic Inter-tie Conduit	LF	\$0.20
Traffic Signals	EA	\$50.00

<b>Miscellaneous</b>	<b>Unit</b>	<b>Unit Cost</b>
Irrigation Lines	LF	\$0.50
Utility Trench Crossings	EA	\$10.00
Utility Trenches	LF	\$0.20
Landscaping & Irrigation	SF	\$0.01
Mail box	EA	\$20.00

<b>Overtime Inspection</b>	<b>Unit</b>	<b>Unit Cost</b>
Weekdays (1 hr. min)	HR	\$90
Weekends (4 hr. min)	HR	\$90.00
Holidays (4 hr. Min)	HR	\$120.00

### Section 7-6-5 GIS/Mapping Fees



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GIS/Mapping fees are currently built into the Construction Monitoring Fees.

### Section 7-6-6 PLANNING Administrative Fees

A. Address Assignment during subdivision process	\$5/address
B. Address Assignment at time of building permit <sup>(1)</sup>	\$10/address
C. Address Assigned to vacant property prior to subdivision or permit	\$25/address
D. Address changed during subdivision process	\$5/address
E. Street Number Change	\$50/address
F. Street Name Change	\$500/street
G. Board of Adjustment	\$300
H. Appeal/Zoning Administrator	\$300
I. Continuance – at applicant’s request (otherwise explicitly provided in this section)	\$250
J. Time Extension – at applicant’s request	\$250
K. Zoning Confirmation letter	\$250
L. Zoning Interpretation letter	\$250
M. Mailing labels if not provided	\$2/label
N. Public Hearing Sign – Provision & Posting	\$300/sign
O. Group Care Home	\$250
P. Work begun without Town authorization	Double current rates

Notes:

*(1) There is no fee for address assignments to utility meters or other addresses not assigned to buildings.*

### Section 7-6-7 Planning and Zoning Review Fees

All application fees are non-refundable.

A. Pre-Application	\$350/meeting
B. Annexation	
≥ 20 acres	\$1,600
< 20 acres	\$1,200
C. Temporary Use	\$250
D. Conditional Use	
Residential	\$250 + \$30/acre + \$50 fire review
Commercial	\$1,000 + \$30/acre + \$50 fire review
E. Design Review	\$1,500
F. Design Review/Modification	\$500
G. Preliminary Plat	\$1,600 + \$40/lot
H. General Plan/Area Specific Amendment	
Minor	\$2,000 + \$20/acre
Major	\$5,500 + \$20/acre

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I. Continuance of General Plan / Area Specific Plan Amendment Applications (as requested by the applicant)	50% of Original General Plan Amendment / Area Specific Amendment Application Fee
J. Sign Permit Application	\$125 per individual sign
K. Comprehensive Sign Package	\$750
L. Site Plan	
Residential	\$1,300 + \$50/acre
Non-Residential	\$2,000 + \$50/acre
M. Site Plan Amendment <sup>(1)</sup>	50% of original fee
N. Subdivision	\$1,000 + \$20/lot
O. Text Amendment: Zoning Ordinance	\$2,000
P. Text Amendment: Sub. Ordinance	\$2,000
Q. Text Amendment: General Plan	\$2,000
R. Rezoning	
<20 acres	\$1,600 + \$50/acre
≥20 acres	\$2,000 + \$50/acre
S. Planned Area Development (PAD)	
<20 acres	\$1,600 + \$50/ acre
≥20 acres	\$2,000 + \$50/acre
T. PAD Amendments	50% of original fee
U. Variance	
Residential Minor <sup>(2)</sup>	\$100
Residential Standard <sup>(3)</sup>	\$500
Commercial	\$1,000

*Notes: (1-3)*

*(1) Amendments that are determined by the Zoning Administrator to constitute a substantial change in the Council adopted plan, shall be required to remit the entire original filing fee.*

*(2) Minor Variance=A determination made by the Zoning Administrator consisting of an addition to any structure that is less than 20% of the aggregate site's building area or two (2) feet or less encroachments. Examples include small room additions, patio covers.*

*(3) Standard Variance=A determination made by the Zoning Administrator consisting of any addition to any structure that is greater than 20% of the aggregate site's building area and encroachments greater than two (2) feet.*

**SECTION 7-6-8 GENERAL: BUILDING SAFETY AND PERMITTING FEES**

## **BUILDINGS AND BUILDING REGULATIONS**

- A. The purpose of the permit fees are to ensure that the costs for providing enforcement and administration services are borne entirely by the construction activity prompting the need for such services.
- B. The fee for each permit and other services provided by the Building Safety Division shall be as set forth in Article 7-6.
- C. The effective date for revisions to the schedule of fees and charges shall be as stated in the ordinance adopted by the Town Council.

### **SECTION 7-6-9 VALUATION**

The valuation data table referred to herein shall be used to calculate the construction valuation used in computing building permit and plan review fees. For the purposes of determining valuation the most current valuation table as published in February 2008 issue of the Building Safety Journal published by The International Code Council shall be used. The valuation table will be kept on file with the Town Clerk's office, or may also be obtained directly from the International Code Council at 500 New Jersey Avenue, Nw, 6<sup>th</sup> Floor, Washington, D.C. 20001-2070, the construction valuation shall include the total value of the proposed work, including structural, electrical, plumbing, mechanical, interior finish and normal site preparation. The data does not include the cost of the land. Actual construction costs may exceed or be less than the building valuation designated herein. The building valuation is the average cost based on published data.

The valuation data table does not apply to alterations or repairs to existing buildings. Alterations and repairs shall be determined by actual construction costs. For reference purposes the Building Official may use published data such as Rs Means Building Construction Cost Data when the construction costs submitted is in question. Any valuation not specifically provided for shall be determined by the Building Official and shall be classified in the use and construction type it most nearly resembles.

The Building Official shall update the valuation data table on March 1 of each year with the most current valuation data table published in February of each year in the Building Safety Journal Published by The International Code Council.

The valuation table currently in effect will be kept on file with the Town Clerks office, or may also be obtained directly from the International Code Council At 500 New Jersey Avenue, Nw, 6<sup>th</sup> Floor, Washington, D.C. 20001-2070,

### **SECTION 7-6-10 FEE TABLE**

TOTAL VALUATION	fee
\$1.00 TO \$500	\$24.00
\$501 TO \$2,000	\$24.00 for the first \$500; plus \$3 for each additional \$100, or fraction thereof, to and including \$2,000.
\$2,001 TO \$40,000	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000, or fraction thereof, to and including \$40,000.

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\$40,001 TO \$100,000	\$487.00 for the first \$40,000 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.
\$100,001 TO \$500,000	\$1,027 for the first \$100,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 TO \$ 1,000,000	\$3,827 for the first \$500,000 plus \$5 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000
\$1,000,001 TO \$5,000,000	\$6,327 for the first \$1,000,000 plus \$3 for each additional \$1,000.00, or fraction thereof, to and including \$5,000,000
\$5,000,001 AND OVER	\$18,327 for the first \$5,000,000.00 plus \$1.00 for each additional \$1,000, or fraction thereof

**BUILDING AREA:** For fee calculation purposes, the building area in square feet shall be the total area of all floors under roof and enclosed within the outer surfaces of the exterior surrounding walls or columns. Building area includes roofed patios, roofed porches, bay windows, basements, mezzanines, penthouses and other mechanical spaces. Building area does not include roof eaves not exceeding 3 feet in horizontal projection, overhangs not exceeding 3 feet in horizontal projection, courts open at the top, vent shafts open at the top, unroofed patios and unroofed porches.

**SECTION 7-6-11 PERMIT FEES** (Shall be based on the valuation table or the applicant's valuation – whichever is greater).

- |   |                  |
|---|------------------|
| 1. Building permit – combination (not including fire systems) | per fee table    |
| 2. Building permit (stand alone permit)                       | 60% of fee table |
| 3. Plumbing permit (stand alone permit)                       | 25% of fee table |
| 4. Electrical permit (stand alone permit)                     | 10% of fee table |
| 5. Mechanical permit (stand alone permit)                     | 5% of fee table  |

A stand alone permit shall also include a \$20 administrative fee for each permit.

- |  |   |                  |
|--|---|------------------|
| 6. Demolition permit:  |   |                  |
|  | residential accessory structure             | \$100            |
|  | one- or two family dwelling                 | \$100            |
|  | structures other than above (per structure) | \$200            |
|  |   |                  |
| 7. Fence/wall permit   |   |                  |
| a) single family open style fence (such as but not limited to rail or wire)  |   | \$98             |
| b) single family solid style fence: (any fencing that can divert water flow) |   | \$198            |
| c) subdivision perimeter fence/walls   |   | 40% of fee table |

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- d) other than single family per fee table
8. Swimming pool permit
- a) in-ground pools and spas (includes stand-alone permits. does not include fences/wall - barrier) \$225
- b) above-ground pools and spas (includes stand-alone permits. does not include fences/wall - barrier) \$150
9. Temporary construction/sales trailer\* \$200  
 \*(INSTALLATION ONLY – SEPARATE PERMITS REQUIRED FOR ELECTRICAL, WATER, AND SEWER.)
10. Manufactured home permit (permit & 2 inspections) \$280
11. Temporary electric power permit \$95
12. Sewer connection permit \$95
13. Building relocation permit (electric, mech., plumbing permit is not included) \$100 each
14. Permit extension (up to 180 days) \$50
15. Renew expired permit (after permit extension expires):  
 A new permit fee shall be paid based on the current fee schedule
16. Noise permit \$150
17. "Foundation-only" permit 20% of applicable permit fee  
Foundation only permit premiums shall not be credited toward the building permit or any other fee.
18. Utility clearance permit \* (2 inspections maximum) \$150  
\*for inspection required by utility provider when a construction permit is not applicable.
19. Re-roofing (2 inspections) \$150
20. Permits for existing one- and two family dwellings (except swimming pools), including but not limited to, interior alterations, detached garages, carports, storage sheds requiring permits, patio covers and gazebos or similar structures.  
per fee table based on valuation
21. Pool barrier enclosures per fee table based on valuation
22. Temporary structures (180 days maximum) per fee table based on valuation
23. Occupancy verification (no construction required) \$75.00/hr  
 (two hour minimum which includes the inspection)
24. Annual Facilities Permit
- Primary site: \$500/calendar year
- Each additional site: \$250/calendar year
- Plan review and inspections: \$70/hour, minimum 1 hour

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- \*25. Single Family Residential Grid-Tied Photovoltaic System \$375  
(includes one plan review and two inspections)
- \*26. Single Family Residential Solar Hot Water Heating System \$150  
(includes one plan review and one inspection)

\*Ordinance 478-10

### **SECTION 7-6-12 BUILDING SAFETY PLAN REVIEW FEES**

1. Single family
  - a) new, additions, remodels 65% of applicable permit fee
  - b) standard plan (use of approved plan on file.) \$50
2. Other than single family (new, additions, remodels) 65% of applicable permit fee
  - a) additional and subsequent identical building located on the same lot or development and submitted at the same time. \$50
3. Combination permit (includes bldg, plumb, elect, mech) 65% of applicable permit fee
4. Plumbing (stand alone) 65% of applicable permit fee
5. Electrical (stand alone) 65% of applicable permit fee
6. Mechanical (stand alone) 65% of applicable permit fee
7. Swimming pool \$40
  - a) in-ground pool & spas \$40
  - b) above ground pools & spas
8. Addendum / revisions \$180 non-refundable
9. Demolition \$ 40
10. Deferred submittals \$180 non-refundable
11. Fence/wall \$75
12. Miscellaneous plan review \$40/ sheet
13. Third and subsequent plan reviews 15% of applicable permit fee (due at submittal)
14. Code update/existing standard plan review \$325/plan

### **SECTION 7-6-13 BUILDING SAFETY INSPECTION FEES**

1. Re-inspection fee \$75 (plus 24 hour delay)
2. Unauthorized construction: equal to the applicable permit fee
3. Timed inspections \$75/hr (two hour minimum)
4. Inspections outside normal business hours \$75/hr (two hour minimum)
5. Inspections for which no fee is specified \$75/hr (one hour minimum)
6. Preliminary inspection \$75/hr (one hour minimum)

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### **SECTION 7-6-14 MISCELLANEOUS BUILDING SAFETY AND PERMITTING FEES**

1. Certificate of occupancy issued at conclusion of all code required construction  
no additional charge (included with permit fee)
2. Written response to requests for building code alternate methods, materials and equipment, or policy issues. Non-refundable, paid at application time. \$250
3. Appeals, modifications and formal interpretation of code for single family project \$180
4. Appeals, modifications and formal interpretation of code for non-single family project \$360
5. Extended construction work hours permit \$250
6. Special studies (as required) actual consultant cost
7. Subscription service \$12/report
8. Illegible or oversized plans (exceeding 24"x36" where allowed). Building permit drawings submitted on larger than 24" x 36" sheets shall be subject to a premium fee, over and above the plan review fee, of \$75 per sheet, as applicable.
9. Replacement of lost plans \$90 per plan or actual cost, whichever is greater
10. Replacement of inspection record card \$20
11. Replacement certificate of occupancy \$20
12. Residential certificate of occupancy \$40
13. Replacement of permit \$20
14. Building code board of appeals (non-refundable) \$250
15. Temporary certificate of occupancy
  - a) initial issuance no charge
  - b) subsequent extensions (non refundable) \$250/extension
16. Refund: permit fees prior to commencing work - 80% of fee maximum  
(no later than 30 days after permit expiration, and upon written request by the applicant)
17. Refund: plan review fees, prior to review - 80% of fee maximum  
(upon written request by the applicant)

### **SECTION 7-6-15: GENERAL FIRE PREVENTION FEES: FIRE PREVENTION PERMITTING, FIRE PREVENTION PLAN REVIEW, FIRE PREVENTION INSPECTION FEES<sup>1</sup>**

## BUILDINGS AND BUILDING REGULATIONS

**A. General (Fire Prevention Fees):** The Town's fees for plan reviews, construction permits, operating permits, occupancy inspections annual assessments, fire watch personnel, appeals and other Fire Prevention fees shall be in accordance with this ordinance and the fee schedule herein. The Fire Prevention fee schedule has been determined by the average time to complete the type of service being rendered at an hourly rate of \$100 per hour (excluding Emergency Medical Equipment, Standby Personnel, and Consultant fees). Additional time to complete the services outlined herein, otherwise explicitly provided in this ordinance, will be assessed at the hourly rate.

**B. Permits:** The Town issues Fire Prevention permits for Operational, Occupancy and Construction inspections. Other inspection services are available through prior arrangement with the Town's Fire Prevention Bureau along with payment of the appropriate fee(s). These additional inspection services provided by the Town include overtime inspections, re-inspections, optional (non-required) inspections and requests for time-specific inspections. Fees for additional inspection services include one inspection and one re-inspection. Additional inspections will require a re-inspection fee.

**C. Operational Permits and Occupancy Inspections:** The Operational Permits and Occupancy Inspections are both designed to allow for fire prevention inspections by the Fire Marshal, or designee, for activities that present potential fire and safety hazards to the citizens of Queen Creek and the community. Operations and occupancies subject to these permits and inspections require the Fire Inspector to take special precautions when implementing fire prevention measures. The Town's Fire Code (International Fire Code, 2006 edition, third printing, as amended in Section 7.2.10 of the Town Code), outlines specific operations that the Town is authorized to issue an operational permit on. Additionally, the Town's Fire Code requires all non-residential occupancies (businesses) to be inspected to determine adequate compliance with the Fire Code. The frequency of these inspections is outlined hereafter.

Operational Permits and Occupancy Inspections fees are organized into two categories: Category 1 - High, Medium, and Low Risk Inspections for Ongoing Operations/Occupancies (as defined in the Fire Code and in concurrence with this Ordinance); Category 2 - Onetime Events /Temporary Operations/Special Hazards.

In Category 1, designation as Low, Medium, or High Risk will determine the permit/inspection fee and the frequency of inspection. Designation as Low Risk shall result in a fire prevention inspection for the business once every 3 years and a permit fee of \$35, paid triennially. Designation as Medium Risk shall result in a fire prevention inspection for the business once every 2 years and a permit fee of \$75, paid biennially. Designation as High Risk shall result in a fire prevention inspection for the business each year and an annual permit fee of \$100, plus an additional \$75 annually for occupancies greater than 12,000 square feet. In Category 2, inspections and fees are per occurrence and as outlined in this Ordinance.

Operational Permits and Occupancy Inspections fees include one inspection and one re-inspection. Additional inspections will require a re-inspection fee.

**D. Construction Permits:** The following inspections are included in the Construction Permit fee: one rough-in, one follow-up and one final inspection. Additional construction inspections will require a re-inspection fee.

**E. Construction Permit Expirations:** Permits shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the



## BUILDINGS AND BUILDING REGULATIONS

permittee within 180 days after its issuance, or if more that 180 days elapses between required inspections. The Fire Code Official shall be authorized to grant a one-time extension, per permit, for a period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, new permit fees shall be paid based on the current fee schedule adopted by the Town.

**F. Re-inspection:** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. If the items that were identified during the first re-inspection of a particular phase are not corrected at the time of the re-inspection, no further fire inspections will be scheduled until the re-inspection fee is paid. Re-inspection fees may also be assessed when a permit is not posted or otherwise available on the work site, the approved plans are not readily available on-site for the Fire Inspector, for failure to provide access on the date for which inspection is requested, failure to have a competent party on-site or deviating from approved plans requiring the approval of the Fire Inspector or designee. Re-inspections fees will comply with the adopted fee schedule.

**G. General Inspections:** Otherwise explicitly provided in this ordinance, Inspection fees include one inspection and one re-inspection. Additional inspections will require a re-inspection fee.

**H. Plan Review Fees:** Plan review fees offset the Town's costs for the review of plans to determine compliance with applicable codes and ordinances. Fire Prevention plan review fees shall be in accordance with this ordinance and include one initial plan review and one subsequent (second) plan review. Any submittals that require third or subsequent reviews shall be charged an additional plan review fee in accordance with the fee schedule.

**I. Unauthorized Construction:** When the Fire Inspector, or designee, determines that construction or grading work have commenced and the applicable fees were not paid, a penalty equal to the cost of the required construction permit fees shall be assessed for the work. This fee is due and payable even if a permit is not issued. This fee is non-refundable.

**J. Technical/Scientific Report Review Fee:** A technical or scientific report is a document that describes the process, progress, and or results of technical or scientific research or the state of a technical or scientific research problem. It might also include recommendations and conclusion of the research. A Technical/Scientific Report may be required to demonstrate/validate the effectiveness of new or non standard processes. The review fee for a Technical/Scientific Report shall be \$100 per hour, with a two hour minimum. Additional review time shall be assessed at \$100 per hour.

**K. Appeals Board:** An Appeal of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code shall be submitted to the Board of Appeals in accordance with Section 108 of the currently adopted International Fire Code. Appeal fees shall comply with the currently adopted fee schedule.

**L. Fire Watch Fees:** When Fire Department personnel are required by the Fire Code to stand fire watch, the individual required to provide such service shall pay a minimum fee of \$100 per person, 3 hours minimum. If the time period exceeds 3 hours, an additional fee of \$100 shall be paid for each hour, or portion thereof, for each person assigned.

**M. Emergency Medical Equipment and Standby Personnel Fees:** Emergency Medical Equipment and Standby Personnel fees help recover the cost of having firefighters, paramedics,

## BUILDINGS AND BUILDING REGULATIONS

and equipment on standby at a large/special event in case of an emergency. These events may include, but not limited to, concerts, carnivals, large outdoor assembly events and trade shows. These fees are also applicable when Town of Queen Creek firefighters, paramedics, and equipment are used to provide service outside the Towns incorporated boundaries and concurrently outside the Automatic Aid System.

**N. Payment of Fees:** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. A fee for each permit shall be paid as required, in accordance with the currently adopted fee schedule as established by the Town. Permit fees shall be paid at the time of issuance of a permit.

The estimated plan review fees shall be collected at the time of plan acceptance for initial review and any subsequent review. Plan review fees not captured in the plan review fee estimate (resulting from additional system elements, system components and time to perform the required plan review as outlined in this ordinance), are due at the time of plan acceptance for any subsequent review. If the plan review has been completed, any unpaid plan review fees are due at the time of issuance of a corresponding permit. If the permit has not been issued and expiration of the plan review time period has passed, as noted in Section 7.1.4.3.2 of the Queen Creek Town Code, the plan review fees shall become due and payable.

Fees for services other than plan reviews and permits, such as Fire Watch, Emergency Medical Equipment and Standby Personnel, shall be billed to the person for which such service was rendered and due upon receipt or as approved by the Town; Except fees for appeals, after-hour inspections, applicable re-inspections, outside consultant fees, and hazardous material abatement which shall be paid prior to services being rendered or as approved by the Town.

<sup>1</sup> Ordinance 482-10

### SECTION 7-6-16: FIRE PREVENTION PERMIT FEES<sup>1</sup>

#### OPERATIONAL PERMITS AND OCCUPANCY INSPECTIONS

##### CATEGORY 1: High, Medium, and Low Risk Inspections for Ongoing Operations

- |   |  |
|---|--|
| 1. High Risk - Annual Operating Permit / Occupancy Inspection | \$100.00 annually; an additional \$75 annually<br>If > than 12,000 square feet |
|---|--|

High Risk Inspections Include the Following Occupancies:

- a) I – institutional
- b) H – hazardous (Hazmat assessment fee may also apply)
- c) R4 – residential
- d) A – assembly > 100 occupant load
- e) M – mercantile > 50,000 square feet
- f) B – business > 50,000 square feet
- g) Multi-floor > 3 stories
- h) E – educational
- i) F – factory w/special processes or hazards
- j) Occupancy w/ exhaust hood  $\geq$  50 occupant load

- |  |         |
|--|---------|
| 2. Medium Risk - Biennial Operating Permit / Occupancy Inspection: | \$75.00 |
|--|---------|

## BUILDINGS AND BUILDING REGULATIONS

Medium Risk Inspections Include the Following Occupancies:

- a) A – assembly ≤ 100 occupant load
- b) F – factory w/o special processes
- c) S – storage (s1)
- d) R1/R2 – residential
- e) M – mercantile ≥12,000-50,000 square feet
- f) B – business ≥12,000 – 50,000 square feet
- g) Occupancy w/exhaust hood < 50 occupant load

3. Low Risk – Triennial Fire Prevention Occupancy Inspection: \$35.00

Low Risk Inspections Include the Following Occupancies:

- a) s – storage (S2)
- b) b – business < 12,000 square feet
- c) m – mercantile < 12,000 square feet
- d) u – unclassified

### CATEGORY 2: One Time Events / Temporary Operations / Special Hazards

- |   |   |
|---|---|
| 1. Carnivals and fairs  | \$200   |
| 2. Carnivals & fairs: special scaffolding Type structures                                   | \$200   |
| 3. Explosive & blasting agents, blasting operations, fireworks blasting operations renewal: |   |
| a) Storage, permanent or temporary  | \$100   |
| b) Conduct blasting operations each site 1 – 30 days  | \$200 + \$100 for each additional 30 days or fraction thereof |
| c) Supervised Public Display of Fireworks (pyrotechnics): new location                      | \$200   |
| d) Supervised Public Display of Fireworks (pyrotechnics): per day                           | \$75  |
| 4. Places of assembly   |   |
| a) 1-5000 sq ft trade show  | \$150   |
| b) Greater than 5000 sq ft trade show   | \$300   |
| 5. Temporary membrane structures, tents & canopies:   |   |
| a) 200 to 700 square feet   | \$200   |
| b) Greater than 700 square feet   | \$300   |
| c) Each additional tent, canopy or temporary membrane structure at same event               | \$100   |
| d) To erect an air-supported temporary membrane structure                                   | \$200   |

Note: Tent permit submittals shall be submitted 10 days in advance of the event. A fee of \$25 per day progressive penalty shall be assessed for permit applications not submitted 10 business days prior to the event.

## **BUILDINGS AND BUILDING REGULATIONS**

6. All other special events, one-time events, temporary operations or special hazards requiring an Operational Permit by the Queen Creek Fire Code	\$100
7. Hazardous Materials: To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20 of the Queen Creek Fire Code	\$200
8. Liquefied petroleum gasses – LPG:	
a) Store, handle, use	\$100
b) Greater than 125 gal.	\$175
c) With fire protection equipment	\$300

### **CONSTRUCTION PERMITS**

1. Access:	
a) Access Gate (Automatic)	\$150
b) Access Gate (Manual)	\$ 50
c) Access Roadways	\$100
d) Alternative Surface Access Roads	\$100
e) Address Directories	\$ 50
2. Amusement Building (Special)	\$100
3. Battery Systems	\$200
4. Combustible Dust Producing Operations	\$100
5. Compressed Gas Systems:	
a) compressed gas system (in excess of exempt quantities): Install, repair, abandon, remove, place out of service, close or substantially modify	\$400
b) Installation – this fee includes all systems and tanks installed at one site provided plans are submitted and inspections are conducted concurrently	\$400
c) Modification	\$150
6. Cryogenic Fluid Systems: Installation (fee includes all systems and tanks Installed at one site provided inspections are conducted concurrently)	\$300
7. Cryogenic Fluid Systems: modification	\$150
8. Fire Fighter Breathing Air Systems: Installation	\$250
9. Fire Fighter Breathing Air Systems: modification	\$100

10. Fire Sprinkler Systems:
- a) The base permit fee to install an automatic sprinkler system is \$250. This fee is for the inspection (one rough-in, one follow-up and one final inspection) of one building, no greater than 50,000 sq. ft with 1-2 calculations. The maximum inspection time covered by this base permit is two and one-half hours. Additional inspection time will be calculated at the rate of \$100/hour.

Base Permit Fee \$250

**Installations requiring additional system elements shall be assessed the base permit fee plus the additional permit fees indicated below (b-s):**

b) Additional calculations (design areas) 12,001 sq. ft – 50,000 sq. ft.	\$100
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## BUILDINGS AND BUILDING REGULATIONS

c) Each additional 50,000 sq. ft. or fraction thereof	\$100
d) Each additional building using the same fire protection design plan	\$200
e) Each additional story above or below grade	\$100
f) Each PRV (pressure relief valve)	\$ 50
g) Installation of each water-based special extinguishing system	\$100
<i>Note: This does not include any associated detection or fire alarm equipment</i>	
h) Each pre-action system	\$150
i) Each deluge system	\$150
j) Each aqueous film forming foam-water based system	\$200
k) Each in-rack sprinkler system	\$100
l) Each UL or FM fire pumps, jockey pumps, and controller	\$500
m) Each static water tank	\$200
n) Each high challenge commodity (exception: Group A Plastics)	\$200
o) Each standpipes per stair	\$150
p) Standpipe System 1-4 outlets not part of a sprinkler system	\$200
q) Each additional floor level outlet	\$ 50
r) UL or FM fire pumps, jockey pumps, and controllers not part of a sprinkler system	\$500
s) Inspection of Halon, Dry Chemical, Carbon Monoxide Extinguishing Systems, FM 200 or other Special Extinguishing Systems	\$250
 11. Fire Sprinkler Systems Modification:	
a) 1-200 heads	\$200
b) Each additional 1-200 heads, or fraction thereof	\$200
c) Each story above or below	\$100
 12. Fire Alarm Systems:	
a) The base permit fee to install a fire alarm system (including initiating/notification devices and fire alarm panel replacement) is \$250. This fee is for the inspection (one rough-in, one follow-up and one final inspection) of one building, no greater than 50,000 sq. ft. The maximum inspection time covered by this base permit is two and one-half hours. Additional inspection time will be calculated at the rate of \$100/hour.	
Base Permit Fee:	\$250
 <b>Installations requiring additional system elements shall be assessed the base permit fee plus the additional permit fees indicated below (b-k):</b>	
b) Each additional building using the same fire protection design plan	\$200
c) Each additional 50,000 sq. ft. or fraction thereof	\$200
d) Each additional story above or below grade	\$100
e) First 1-10 flame detection devices	\$100
f) Each additional 1-10 flame detection devices	\$100
g) First 1-10 beam detection devices	\$100
h) Each additional 1-10 beam detection devices	\$100
i) First 1-10 emergency voice/alarm communication devices (fire phone, speakers)	\$100
j) Each additional 1-10 emergency voice/alarm communication devices	\$100
k) For area detection throughout based on sq. ft. base rate plus additional 50%	
50% alarm fee	
 13. Fire Alarm Systems Modification:	

## BUILDINGS AND BUILDING REGULATIONS

a) Modify fire alarm system (1-5 devices)	\$100
b) Each additional 1-25 devices	\$100
14. Flammable or Combustible Liquids:	
a) Install a single underground tank	\$300
b) Install a single aboveground tank	\$300
c) Each additional tank	\$150
d) Tanks with fire protection	additional \$200
15. Flammable Finishes/Spraying or Dipping: Installation	\$300
16. Flammable Finishes/Spraying or Dipping: Modification	\$100
17. Hazardous Materials:	
a) Hazardous Materials containers and tank installation (single)	\$200
b) Removal (single)	\$200
c) Abandon, place out of service (close or modify)	\$100
18. Industrial Ovens	\$100
19. Automatic Hood Systems, Commercial	\$100
20. Liquefied Petroleum Gases (LP-Gas)	\$200
21. Private Fire Hydrants	\$100
22. Refrigerator Systems, Anhydrous Ammonia	\$200
23. Removal (of systems) permit	\$100
24. Remove Class I or Class II liquids from underground or aboveground tank or Slurry fill an underground tank or abandon an underground, aboveground tank or clean inside a tank	\$200
25. Smoke and heat vents	\$100
26. Smoke removal systems	\$100
27. Temporary Membrane Structures and Tents: Temporary membrane structures and tents over 700 square feet (a detailed site and floor plan for tents, canopies or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent, canopy or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location of illuminated exit signs; no smoking signs, emergency lighting, type of heating, and electrical equipment)	\$100
28. Underground fire lines	\$100
29. Underground fire lines: Each fire protection system lead-in or stub-out	\$100
30. Underground fire lines: modification	\$100
31. Permit reinstate after expiration	100% of current fee for permit
32. Unauthorized construction, investigation fee	\$200
33. All other permits required by this code	\$100

<sup>1</sup> Ordinance 482-10

# BUILDINGS AND BUILDING REGULATIONS

## SECTION 7-6-17: FIRE PREVENTION PLAN REVIEW FEES<sup>1</sup>

### 1. Access:

- a) Install or modify automatic fire apparatus access Gates and their appurtenances. This also includes Gates for auxiliary access openings \$150
- b) Install or modify manual gate \$ 50
- c) To install striping and signage of fire lanes \$100
- d) Premise identification review; fire lane marking, identification of fire protection equipment, key boxes, stairwell identification, and pedestrian gates. \$100
- e) To review the installation or modifications of address directories \$ 50

### 2. Civil Plan Review Fees

- a) The plan review minimum fee is to review plans for installation, alteration or modification of underground fire lines which serve fire protection systems, hydrants, or any combination thereof. \$300
- b) Each connection to a Town water main including up to 500 lineal feet of pipe \$150
- c) Each additional 500 fee or fraction thereof \$100
- d) Each fire protection system lead-in (or stub-out) \$100

### 3. Fire Building Plan Review

- a) To review building plans: all occupancies, including town homes (Exception: 1 and 2 family dwellings). The Fire Building Plan Review fee is to review the first 50,000 sq ft of one building. The minimum plan review time is two and one-half Hours; additional plan review time will be calculated at the rate of \$100/hr. \$250
- b) Each additional 50,000 sq ft or fraction thereof \$100
- c) Each additional building (using the same plan) \$100

### 4. Fire Sprinkler Systems

- a) The base plan review fee for an automatic sprinkler system is \$250. This fee is for the review of one building, no greater than 50,000 sq ft with 1-2 calculations. The maximum plan review time covered by this fee is two and one-half hours. Additional review time will be calculated at the rate of \$100/hr.

Base Plan Review Fee: \$250

**Installations requiring additional system elements shall be assessed the base plan review fee plus the additional review fees indicated below (b-r):**

- b) Additional calculations (design areas) 12,001 sq ft – 50,000 sq ft \$100
- c) Each additional 50,000 sq ft or fraction thereof \$100
- d) Each additional building using the same fire protection plan \$100
- e) Each additional story above or below grade \$100
- f) Each PRV (pressure reducing valve) \$ 50
- g) Installation of each water-based special extinguishing system \$100  
*Note: This does not include any associated detection or fire alarm equipment*
- h) Each pre-action system \$150
- i) Each deluge system \$150
- j) Each aqueous film forming foam-water based system \$200
- k) Each in-rack sprinkler system \$200
- l) Each UL or FM fire pumps, jockey pumps, and controller \$200
- m) Each static water tank \$200

## BUILDINGS AND BUILDING REGULATIONS

- n) Each high challenge commodity (exception: Group A plastics) \$250
- o) Each standpipes per stair \$150
- p) Standpipe System 1-4 outlets not part of a sprinkler system \$100
- q) UL or FM fire pumps, jockey pumps, and controllers not part of a sprinkler system \$200
- r) Halon, Dry Chemical, Carbon Dioxide Extinguishing System, FM 200 or other Special Extinguishing Systems \$200

5. Fire Sprinkler Systems Modification:

- a) 1-200 heads \$100
- b) Each additional 1-200 heads or fraction thereof \$100
- c) Each story above or below \$100

6. Fire Alarm Systems:

- a) The base plan review fee for a fire alarm system (including initiating/notification devices and fire alarm panel replacement) is \$250. This fee is for the review of one building, no greater than 50,000 sq ft. The maximum plan review time covered by this fee is two and one-half hours. Additional review time will be calculated at the rate of \$100/hr.

Base Plan Review Fee: \$250

**Installations requiring additional system elements shall be assessed the base plan review fee plus the additional review fees indicated below (b-k):**

- b) Each additional building using the same fire protection design plan \$100
- c) Each additional 50,000 sq ft or fraction thereof \$100
- d) Each additional story above or below grade \$100
- e) First 1-10 flame detection devices \$100
- f) Each additional 1-10 flame detection devices \$100
- g) First 1-10 beam detection devices \$100
- h) Each additional 1-10 beam detection devices \$100
- i) First 1-10 emergency voice/alarm communication devices (fire phone, speakers) \$100
- j) Each additional 1-10 emergency voice/alarm communication devices \$100
- k) For area detection throughout based on sq ft base rate plus additional 50% 50% Alarm Fee

7. Fire Alarm Systems Modification:

- a) Modify fire alarm system (1 – 10 devices) \$100
- b) Each additional 1-25 devices \$100

8. Smoke and heat vents & smoke removal systems:

- a) First 1-10 smoke and heat devices \$100
- b) Each additional 10 devices or fraction thereof \$ 50

9. Automatic Hood Systems, Commercial:

- a) Install or modify an automatic hood system, installation: these systems include exhaust systems with built-in fire suppression capability normally installed above commercial cooking equipment \$100
- b) Each additional system \$100



## BUILDINGS AND BUILDING REGULATIONS

10. Flammable Finishes/Spraying or Dipping:
  - a) Install a spray booth, spray room, spray area or powder coating booth \$550
  - b) Modification of spray booth, spray room, spray area or powder coating booth \$200
11. Motor fuel-dispensing facilities and repair garages:
  - a) Fuel storage tanks and dispensing \$200
12. High-piled combustible storage:
  - a) Minimum plan review for high piled combustible storage \$200
  - b) Each ceiling sprinkler system design area \$200
  - c) Each in-rack sprinkler system design area \$200
  - d) Each fire pump \$200
  - e) Each static water tank \$200
  - f) Each high challenge commodity (exception: Group A Plastics) \$200
  - g) Each fire test report used as a basis for the design \$200
13. Hazardous materials:
  - a) To install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility, building or chemical drainage and containment or other area regulated by Chapter 27 \$300
  - b) Install or modify a hazardous material storage tank; fee is per tank \$150
  - c) Install or modify gas cabinets, exhausted enclosures, or gas rooms \$300
14. Compressed gas systems:
  - a) Compressed gas system (in excess of exempt quantities): Install, repair, abandon, remove, place out of service, close or substantially modify. \$300
  - b) Installation – this fee includes all systems and tanks installed at one site provided plans are submitted and inspections are conducted concurrently. \$300
  - c) Modification \$300
15. Cryogenics fluids:
  - a) Install cryogenic fluid system \$300
  - b) Modification of cryogenics fluid system \$200
- 16) Flammable and combustible liquids:
  - a) Temporarily or permanently install an aboveground storage tank or pressure vessel for Class I, II or III-A liquids with a nominal capacity of 125 gallons outside a building. \$400
  - b) Temporarily or permanently install an aboveground storage tank or pressure vessel for Class I, II or III-A liquids with a nominal capacity of 125 gallons inside a building. \$400
  - c) Temporarily or permanently install an aboveground storage tank or pressure vessel for Class III-B liquids with a nominal capacity of 1,000 gallons or more \$400
  - d) Aboveground tank installation: This shall include all flammable/combustible liquid tanks installed aboveground, including tanks in vaults, and any required piping, valves and dispensing equipment. The fee is for each tank. \$400
  - e) Underground tank installation: This shall include all flammable/combustible liquid tanks installed underground, including tanks in vaults, and any required

## BUILDINGS AND BUILDING REGULATIONS

piping, valves and dispensing equipment. The fee is for each tank.		\$400
f) Tanks with fixed fire protection systems	additional	\$600
g) AG OR UG tank modification: This shall include all flammable/combustible liquid tanks and required piping, valves and dispensing equipment. Tank may be aboveground or underground type. Modification may include change of contents, reconstruction, tapping, tank cutting, vent pipe relocations, dispenser piping, tank repair or re-piping. The fee is for each tank.		\$250
h) Install underground tanks – this shall include all flammable/combustible liquid tanks installed underground and any required piping valves and dispensing equipment		\$200
i) Install, construct or equipment, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.		\$100
j) Install hazardous materials containers or tank: this permit includes all hazardous materials container and tanks, required piping, valves and dispensing equipment.		\$150
17. Liquefied petroleum gases (LPG) ( <i>Exception: a permit is not required to install alter or modify portable containers of less than 125 gallon aggregate water capacity used exclusively for vapor service</i> ):		
a) Install, alter or modify LP-gas containers with an aggregate water capacity of 125 gallons (473 l) or more used exclusively for vapor service		\$200
b) Systems with fixed fire protection equipment		\$200
c) Install, move, relocate, alter or modify racks storing 20-pound cylinders for the purpose of conducting an LP-gas exchange program at a specific site		\$100
d) Install, alter or modify LP-gas containers used for liquid transfer service		\$200
18. Minimum Plan Review		\$100 per hour
19. Third and subsequent Plan Reviews	15% of Original Fire Prevention Plan Review Fee	

<sup>1</sup>Ordinance 482-10

### SECTION 7-6-18 MISCELLANEOUS FIRE PREVENTION FEES<sup>1</sup>

1. Inspections after hours (minimum 2 hours)		\$100/hour; 2 hour minimum
2. Re-Inspections. For each inspection or re-inspection when such portion of work for which and inspection is called is not complete or when corrections called for are not made (during Business Hours)		\$100 per hour
3. Outside Consultant Fees		Actual consultant costs
4. Refund: Permit Fee prior to commencing work		80% of fee maximum

## BUILDINGS AND BUILDING REGULATIONS

*(No later than 30 days after permit expiration and upon written request by applicant)*

5. Refund: Plan Review Fees, prior to review and upon written request by the applicant:  
80% of fee maximum
6. False alarms for each that exceed 3 within one calendar year \$200 fine
7. Hazardous materials abatement \$300 per hour
8. Appeals – non-refundable
  - a) Commercial occupancy \$360
  - b) Residential occupancy \$180
9. Emergency Medical Equipment and Standby Personnel
  - a) Apparatus:
    - i. Battalion Vehicle \$74.00/hr
    - ii. Fire Engine \$144.00/hr
    - iii. Water Tender \$113.00/hr
    - iv. Brush Truck \$76.00/hr
  - b) Personnel:
    - i. Battalion Chief \$26.03/hr
    - ii. Fire Captain/CEP \$23.86/hr
    - iii. Fire Engineer/CEP \$20.41/hr
    - iv. Fire Fighter/CEP \$18.49/hr
10. Illegible or oversized plans (exceeding 24" x 36" where allowed). Permit drawing  
Submitted on larger than 24" x 36" shall be subject to a premium fee, over and above  
The plan review fee of \$75.00 per sheet as applicable.

<sup>1</sup>Ordinance 482-10

# BUILDINGS AND BUILDING REGULATIONS

## Article 7-7 - DEVELOPMENT IMPACT FEE ORDINANCE<sup>1</sup>

- Sec. 7.7-1. Title
- Sec. 7.7-2. Legislative intent and purpose
- Sec. 7.7-3. Definitions
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### Sec. 7.7-1. - Title.

This Article shall be known as the “2014 Development Impact Fee Ordinance of the Town of Queen Creek,” and may be cited as such.

### Sec. 7.7-2. - Legislative intent and purpose.

This Article is adopted for the purpose of promoting the health, safety and general welfare of the residents of the Town by:

- A. Requiring new development to pay its proportionate share of the costs incurred by the Town that are associated with providing Necessary Public Services to new development.
- B. Setting forth standards and procedures for creating and assessing development impact fees consistent with the requirements of Arizona Revised Statutes (“A.R.S.”) § 9-463.05, including requirements pursuant to A.R.S. § 9-463.05, Subsection K that, on or before August 1, 2014, the Town replace its development impact fees that were adopted prior to January 1, 2012 with development impact fees adopted pursuant to the requirements of A.R.S. § 9-463.05 as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session.
- C. Providing for the temporary continuation of certain development impact fees adopted prior to January 1, 2012 until otherwise replaced pursuant to this Article, or longer where such development impact fees were pledged to support Financing or Debt for a Grandfathered Facility as permitted by A.R.S. § 9-463.05, Subsections K, R, and S.

<sup>1</sup>Ordinance 372-06 and amended by 373-06; 547-14

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- D. Setting forth procedures for administering the development impact fee program, including mandatory offsets, Credits, and refunds of development impact fees. All development impact fee assessments, offsets, Credits, or refunds must be administered in accordance with the provisions of this Article.

This Article shall not affect the Town's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the Town may require amendments to development impact fees as provided in Section 7.7-7 of this Article.

### **Sec. 7.7-3. Definitions.**

When used in this Article, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

*Applicant:* A person who applies to the Town for a Building Permit.

*Appurtenance:* Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that are necessary or convenient to the operation, use, or maintenance of a Capital Facility, but excluding replacement of the same after initial installation.

*Aquatic Center:* A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets, and diving events. Such facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating, and shade structures.

*Building Permit:* Any permit issued by the Town that authorizes vertical construction, increases square footage, authorizes changes to land use, or provides for the addition of a residential or non-residential point of demand to a water or wastewater system.

*Capital Facility:* An asset having a Useful Life of three or more years that is a component of one or more Categories of Necessary Public Service provided by the Town. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. Wherever used herein, "infrastructure" shall have the same meaning as "Capital Facilities."

*Category of Necessary Public Service:* A category of Necessary Public Services for which the Town is authorized to assess development impact fees, as further defined in Section 7.7-8(A)(1) of this Article.

*Category of Development:* A specific category of residential, commercial, or industrial development against which a development impact fee is calculated and assessed. The Town assesses development impact fees against the following categories of development: Industrial, Commercial, Office/Other Services, and Residential categories.

*Commercial Land Use:* Retail business and service establishment, professional and governmental offices, and developed recreational uses.

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*Credit:* A reduction in an assessed development impact fee resulting from developer contributions to, payments for, construction of, or dedications for capital facilities included in an Infrastructure Improvements Plan pursuant to Section 7.7-12 of this Article (or as otherwise permitted by this Article).

*Credit Agreement:* A written agreement between the Town and the developer(s) of Subject Development that allocates Credits to the Subject Development pursuant to Section 7.7-12 of this Article. A Credit Agreement may be included as part of a Development Agreement pursuant to Section 7.7-13 of this Article.

*Credit Allocation:* A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Agreement, but are not yet issued.

*Credit Issuance:* A term used to describe when the amount of an assessed development impact fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

*Developer:* An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

*Development Agreement:* An agreement prepared in accordance with the requirements of Section 7.7-13 of this Article, Section 9-500.05, Arizona Revised Statutes, and any applicable requirements of the Town Code.

*Direct Benefit:* A benefit to an a Service Unit (as described below), resulting from a Capital Facility that: (a) addresses the need for a Necessary Public Service created in whole or in part by the Service Unit; and that (b) meets either of the following criteria: (i) the Capital Facility is located in the immediate area of the Service Unit and is needed in the immediate area of the Service Unit to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that would have otherwise have been needed in the immediate area of the Service Unit to maintain the Town's Level of Service.

*Dwelling Unit:* A house, apartment, mobile home or trailer, group of rooms, or single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

*Equipment:* Machinery, tools, materials, and other supplies, not including vehicles, that are needed by a Capital Facility to provide the Level of Service specified by the Infrastructure Improvement Plan, but excluding replacement of the same after initial development of the Capital Facility.

*Excluded Library Facility:* Library facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including that portion of any Library facility that exceeds 10,000 square feet, and Equipment, Vehicles or Appurtenances associated with Library operations.

*Excluded Park Facility:* Park and recreational facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including amusement parks,

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aquariums, Aquatic Centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

*Fee Report:* A written report developed for the Town pursuant to Section 7.7-9 of this Article that identifies the methodology for calculating the amount of each development impact fee, explains the relationship between the development impact fee to be assessed and the Plan-Based Cost per Service Units calculated in the Infrastructure Improvements Plan, and which meets other requirements set forth in A.R.S. § Section 9-463.05.

*Financing or Debt:* Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a Capital Facility.

*Fire Protection:* A Category of Necessary Public Services that includes fire stations, fire Equipment, fire Vehicles and all Appurtenances for fire stations. Fire Protection does not include Vehicles or Equipment used to provide administrative services, or helicopters or airplanes. Fire Protection does not include any facility that is used for training firefighters from more than one station or substation.

*Grandfathered Facilities:* Capital Facilities provided through Financing or Debt incurred before June 1, 2011 for which a development impact fee has been Pledged towards repayment as described in Section 7.7-5(C) of this Article.

*General Plan:* The comprehensive plan for development of the Town establishing areas of the Town for different purposes, zones and activities, adopted pursuant to Arizona Revised Statutes Title 9, Article 4, Article 6, as amended, including specific area plans, if any, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

*Gross Impact Fee:* The total development impact fee to be assessed against a Subject Development on a per unit basis, prior to subtraction of any Credits.

*Industrial Land Use:* Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

*Infrastructure Improvements Plan:* A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05, including those adopted pursuant to Section 7.7-9 of this Article to cover any Category or combination of Categories of Necessary Public Services.

*Interim Fee Schedule:* Any development impact fee schedule established prior to January 1, 2012 in accordance with then-applicable law, and which shall expire not later than August 1, 2014 pursuant to Section 7.7-11 of this Article.

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*Land Use Assumptions:* Projections of changes in land uses, densities, intensities and population for the Town over a period of at least ten years as specified in Section 7.7-7 of this Article.

*Level of Service:* A quantitative and/or qualitative measure of a Necessary Public Service that is to be provided by the Town to development in the Town, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Necessary Public Services, as identified in the applicable Infrastructure Improvements Plan.

*Library Facilities:* A Category of Necessary Public Services in which literary, musical, artistic, or reference materials are kept (materials may be kept in any form of media such as electronic, magnetic, or paper) for non-commercial use by the public in a facility providing a Direct Benefit to development. Libraries do not include Excluded Library Facilities, although a Library may contain, provide access to, or otherwise support an Excluded Library Facility.

*Multi-Family Dwelling:* A structure arranged, designed and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

*Necessary Public Services:* “Necessary Public Services” shall have the meaning prescribed in A.R.S. 9-463.05, subsection T, paragraph 5.

*Offset:* An amount which is subtracted from the overall costs of providing Necessary Public Services to account for those capital components of infrastructure or associated debt that have been or will be paid for by a development through taxes, fees (except for development impact fees), and other revenue sources, as determined by the Town pursuant to Section 7.7-8 of this Article.

*Parks and Recreational Facilities:* A Category of Necessary Public Services including but not limited to parks, swimming pools and related facilities and equipment located on real property not larger than 30 acres in area, as well as park facilities larger than 30 acres where such facilities provide a Direct Benefit. Parks and Recreational Facilities do not include Excluded Park Facilities, although Parks and Recreational Facilities may contain, provide access to, or otherwise support an Excluded Park Facility.

*Plan-Based Cost Per Service Units:* The total future capital costs listed in the Infrastructure Improvements Plan for a Category of Necessary Public Services divided by the total new equivalent demand units projected in the Town for that Category of Necessary Public Services over the same time period.

*Pledged:* Where used with reference to a development impact fee, a development impact fee shall be considered “pledged” where it was identified by the Town as a source of payment or repayment for Financing or Debt that was identified as the source of financing for a Necessary Public Service for which a development impact fee was assessed pursuant to the then-applicable provisions of A.R.S. § 9-463.05.



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*Police Facilities:* A Category of Necessary Public Services, including Vehicles and Equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment, and communications systems. Police Facilities do not include Vehicles and Equipment used to provide administrative services, or helicopters or airplanes. Police Facilities do not include any facility that is used for training officers from more than one station or substation.

*Private School:* An institution of learning offering education for children which charges students tuition, including some or all of the grades from kindergarten through 12th grade. The site may contain athletic, dining, assembly and recreation facilities.

*Public School:* Elementary schools, middle schools, high schools, accommodation schools, accommodation schools and charter schools, which are owned and operated by a school district pursuant to Arizona Revised Statutes, Title 15.

*Qualified Professional:* Any one of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to Town planning, zoning, or impact development fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional that is providing services within the scope of the person's education or experience related to Town planning, zoning, or impact development fees; or (c) any other person operating under the supervision of one or more of the above.

*Residential Land Use:* Includes single and multi-family dwellings, hotels, motels, dormitories, and mobile homes.

*Service Area:* The Town has only one Service Area, which encompasses all of the land with the Towns corporate boundaries, as they may be expanded or otherwise amended.

*Service Unit:* A unit of development within a particular Category of Development, defined in terms of a standardized measure of the demand that a unit of development in that Category of Development generates for Necessary Public Services in relation to the demand generated by a detached single-family Dwelling Unit. For all Categories of Necessary Public Services, the Service Unit factor for a detached single-family Dwelling Unit is one (1), while the Service Units factor for a unit of development within another Category of Development is represented as a ratio of the demand for each Category of Necessary Public Services typically generated by that unit as compared to the demand for such services typically generated by a detached single-family Dwelling Unit.

*Street Facilities:* A Category of Necessary Public Services including arterial or collector streets or roads, traffic signals, rights-of-way, and improvements thereon, bridges, culverts, irrigation tiling, storm drains, and regional transportation facilities.

*Storm Drainage:* A Category of Necessary Public Services including but not limited to storm sewers constructed in sizes needed to provide for stormwater management for areas beyond major street projects and stormwater detention/retention basins, tanks,

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pump stations and channels necessary to provide for proper stormwater management, including any appurtenances for those facilities.

*Subject Development:* A land area linked by a unified plan of development, which must be contiguous unless the land area is part of a development agreement executed in accordance with Section 7.7-13 of this Article.

*Substantial Nexus:* A substantial nexus exists where the demand for Necessary Public Services that will be generated by a Service Unit can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

*Town:* The Town of Queen Creek, Arizona.

*Useful Life:* The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the Town over the entirety of such period.

*Vehicle:* Any device, structure, or conveyance utilized for transportation in the course of providing a particular Category of Necessary Public Services at a specified Level of Service, excluding helicopters and other aircraft.

### **Sec. 7.7-4. Applicability**

- A. Except as otherwise provided herein, from and after August 1, 2014, this Article shall apply to all new development within the Town, provided, however, that only the Street Development Fee shall be applied to public and private schools.
- B. The provisions of this Article shall apply to all of the territory within the corporate limits of the Town.
- C. The Town manager or his/her designee is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Article.

### **Sec. 7.7-5. Authority for Development Impact Fees**

- A. *Fee Report and Implementation.* The Town may assess and collect a development impact fee for costs of Necessary Public Services, including all professional services required for the preparation or revision of an Infrastructure Improvements Plan, Fee Report, development impact fee, and required reports or audits conducted pursuant to this Article. Development impact fees shall be subject to the following requirements:
  1. The Town shall develop and adopt a Fee Report that analyzes and defines the development impact fees to be charged in the Town for each Capital Facility Category, based on the Infrastructure Improvements Plan and the Plan-Based Cost per Service Unit calculated pursuant to Section 7.7-8(A)(12) of this Article.

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2. Development impact fees shall be assessed against all new commercial, residential, and industrial developments, provided that the Town may assess different amounts of development impact fees against specific Categories of Development based on the actual burdens and costs that are associated with providing Necessary Public Services to that Category of Development. No development impact fee shall exceed the Plan-Based Cost per Service Unit for any Category of Development.
  3. No development impact fees shall be charged, or Credits issued, for any Capital Facility that does not fall within one of the Categories of Necessary Public Services for which development impact fees may be assessed as identified in Section 7.7-8(A)(1) of this Article.
  4. Costs for Necessary Public Services made necessary by new development shall be based on the same Level of Service provided to existing development in the Town. Development impact fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.
  5. Development impact fees may not be used to pay the Town's administrative, maintenance, or other operating costs.
  6. Projected interest charges and financing costs can only be included in development impact fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.
  7. Except for any fees included on Interim Fee Schedule, all development impact fees charged by the Town must be included in a "Fee Schedule" prepared pursuant to this Article, included in the Fee Report, and adopted by the Town by resolution.
  8. All development impact fees shall meet the requirements of A.R.S. § 9-463.05.
- B. *Costs per Service Units.* The Fee Report shall summarize the costs of Capital Facilities necessary to serve new development on a per Service Unit basis as defined and calculated in the Infrastructure Improvements Plan, including all required Offsets, and shall recommend a development impact fee structure for adoption by the Town. The actual impact fees to be assessed shall be disclosed and adopted in the form of impact fee schedules.
- C. *Carry-over of Previously-Established Development Impact Fees and Grandfathered Facilities.* Notwithstanding the requirements of this Article, certain development impact fees adopted by the Town prior to the effective date of this Article shall continue in effect as follows:

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1. Until August 1, 2014 or the date a new development impact fee is adopted for the applicable Category of Necessary Public Services in the Town pursuant to this Article, whichever occurs first, development impact fees established prior to January 1, 2012 shall continue in full force and effect to the extent that the development impact fee is used to provide a Category of Necessary Public Services that is authorized by Section 7.7-8 of this Article. Development impact fees collected prior to January 1, 2012, shall be expended on Capital Facilities within the same Category of Necessary Public Services for which they were collected.
2. The Town may continue to collect and use any development impact fee established before January 1, 2012, even if the development impact fee would not otherwise be permitted to be collected and spent pursuant to A.R.S. § 9-463.05, as amended by the state legislature in Senate Bill 1525, Fiftieth Legislature, First Regular Session, if either of the following apply:
  - a. Both of the following conditions are met:
    - i. Prior to June 1, 2011, the development impact fee was pledged towards the repayment of Financing or Debt incurred by the Town to provide a Capital Facility.
    - ii. The applicable Capital Facility was included in the Town's Infrastructure Improvements Plan, or other Town planning document prepared pursuant to applicable law, prior to June 1, 2011.
  - b. Before August 1, 2014, the Town uses the development impact fee to finance a Capital Facility in accordance with A.R.S. § 9-463.05, Subsection (S).
3. Defined terms in any previously established fee schedule shall be interpreted according to the ordinance in effect at the time of their adoption.

### **Sec. 7.7-6. Administration of Development Impact Fees**

- A. *Separate Accounts.* Development impact fees collected pursuant to this Article shall be placed in separate, interest-bearing accounts for each Capital Facility category.
- B. *Limitations on Use of Fees.* Development impact fees and any interest thereon collected pursuant to this Article shall be spent to provide Capital Facilities associated with the same Category of Necessary Public Services, including costs of Financing or Debt used by the Town to finance such Capital Facilities and other costs authorized by this Article that are included in the Infrastructure Improvements Plan.
- C. *Time Limit.* Development impact fees collected after July 31, 2014 shall be used within ten years of the date upon which they were collected for all Categories of Necessary Public Services.

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### Sec. 7.7-7. Land Use Assumptions

The Infrastructure Improvements Plan shall be consistent with the Town's current Land Use Assumptions for the Town and each Category of Necessary Public Services as adopted by the Town pursuant to A.R.S. § 463.05.

- A. *Reviewing the Land Use Assumptions.* Prior to the adoption or amendment of an Infrastructure Improvements Plan, the Town shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions conform with the General Plan.
- B. *Evaluating Necessary Changes.* If the Land Use Assumptions upon which an Infrastructure Improvements Plan is based have not been updated within the last five years, the Town shall evaluate the Land Use Assumptions to determine whether changes are necessary. If, after general evaluation, the Town determines that the Land Use Assumptions are still valid, the Town shall issue the report required in Section 7.7-10 of this Chapter.
- C. *Required Modifications to Land Use Assumptions.* If the Town determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure Improvements Plan, it shall make such changes as necessary to the Land Use Assumptions prior to or in conjunction with the review and approval of the Infrastructure Improvements Plan pursuant to Section 7.7-10 of this Chapter.

### Sec. 7.7-8. Infrastructure Improvements Plan

- A. *Infrastructure Improvements Plan Contents.* The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the Town's Capital Improvements Plan. The Infrastructure Improvements Plan shall:
  1. Specify the Categories of Necessary Public Services for which the Town will impose a development impact fee, which may include any or all of the following:
    - a. Stormwater, Drainage, and Flood Control
    - b. Libraries
    - c. Street Facilities
    - d. Fire Protection
    - e. Police
    - f. Parks
  2. Define and provide a map of the Service Area that demonstrates a Substantial Nexus between the Capital Facilities to be provided in the Service Area and the Service Units to be served by those Capital Facilities. For Libraries and for Parks larger than 30 acres, the Service Area must be defined in a manner that demonstrates a Direct Benefit between the Capital Facilities and the Service Units to be served by those Capital Facilities. The Town may cover more than one category of Capital Facilities in the same Service Area provided that there is an independent

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Substantial Nexus or Direct Benefit, as applicable, between each Category of Necessary Public Services and the Service Units to be served.

3. Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based.
4. Analyze and identify the existing Level of Service provided by the Town to existing Service Units for each Category of Necessary Public Services.
5. Identify the Level of Service to be provided by the Town for each Category of Necessary Public Services based on the relevant Land Use Assumptions and any established Town standards or policies related to required Levels of Service.
6. For each Category of Necessary Public Services, analyze and identify the existing capacity of the Capital Facilities in each Service Area, the utilization of those Capital Facilities by existing Service Units, and the available excess capacity of those Capital Facilities to serve new Service Units including any existing or planned commitments or agreements for the usage of such capacity. The Infrastructure Improvements Plan shall additionally identify any changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new safety, efficiency, environmental, or other regulatory requirements for services provided to existing Service Units.
7. Identify any Grandfathered Facilities and the impact thereof on the need for Necessary Public Services in each affected Service Area.
8. Estimate the total number of existing and future Service Units based on the Town's Land Use Assumptions and projected new Service Units.
9. Based on the analysis in paragraphs (3)-(6) above, provide a summary table or tables describing the Level of Service for each Category of Necessary Public Services by relating the required Capital Facilities to Service Units in the Service Area, and identifying the applicable Service Units factor associated with each Category of Development.
10. For each Category of Necessary Public Services, analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service, as a result of the new projected Service Units, for a period not to exceed ten years. Nothing in this Subsection shall prohibit the Town from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten years, provided that the costs of such Capital Facilities are excluded from the calculation of the Plan-Based Cost per Service Unit.

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11. For each Category of Necessary Public Services, estimate the total cost of any available excess capacity and/or new or expanded Capital Facilities that will be required to serve new Service Units, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, design, construction, financing, and administrative costs, as well as projected costs of inflation. Such total costs shall not include costs for ongoing operation and maintenance of Capital Facilities, nor for replacement of Capital Facilities to the extent that such replacement is necessary to serve existing Service Units. If the Infrastructure Improvements Plan includes changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new regulatory requirements for services provided to existing Service Units, such costs shall be identified and distinguished in the Infrastructure Improvements Plan.
12. Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions. The Infrastructure Improvements Plan shall additionally estimate the time required to finance, construct and implement the new or expanded Capital Facilities.
13. Calculate required Offsets by
  - a. Setting aside a portion of the Town's construction sales tax to be used exclusively for the capital costs of necessary public services (the "Excess Portion").
  - b. Calculating the Excess Portion, which shall be the portion of any construction contracting, or similar excise tax rate that exceeds the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the Town.
  - c. Depositing the Excess Portion into a separate fund, the proceeds of which shall be used only for the capital cost of necessary public services.
  - d. Taking into account the reserved amounts when calculating development fees.
14. Calculate the Plan-Based Cost per Service Unit by dividing the total projected costs to provide Capital Facilities to new Service Units for each Category of Necessary Public Services as determined pursuant to Subsection (9) of this Section into the number of new Service Units projected over a period not to exceed ten years, considering the specific

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Service Units factor(s) associated with such Service Units for each Category of Necessary Public Services and taking into account the reserved amounts calculated pursuant to Subsection 13 of this Section.

- B. *Multiple Plans.* An Infrastructure Improvements Plan adopted pursuant to this Subsection may address one or more of the Town's Categories of Necessary Public Services in the Town's Service Area. Each Capital Facility shall be subject to no more than one Infrastructure Improvements Plan at any given time.
- C. *Reserved Capacity.* The Town may reserve capacity in an Infrastructure Improvements Plan to serve one or more planned future developments, including capacity reserved through a Development Agreement pursuant to Section 7.7-13 of this Article. All reservations of existing capacity must be disclosed in the Infrastructure Improvements Plan at the time it is adopted.

### **Sec. 7.7-9. Adoption and Modification Procedures**

- A. *Adopting or Amending the Infrastructure Improvements Plan.* The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:
  - 1. *Major Amendments to the Infrastructure Improvements Plan.* Except as provided in paragraph 2 of this Subsection, the adoption or amendment of an Infrastructure Improvement Plan shall occur at one or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the Town's Land Use Assumptions as provided in Section 7.7-7 of this Article:
    - a. Sixty days before the first public hearing regarding a new or updated Infrastructure Improvements Plan, the Town shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the Town shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Plan-Based Cost per Service Units.
    - b. The Town shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions at least 30 days, but no more than 60 days, before approving or disapproving the Infrastructure Improvements Plan.
  - 2. *Minor Amendments to the Infrastructure Improvements Plan.* Notwithstanding the other requirements of this Section, the Town may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:



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- a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.
  - b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.
  - c. Based on an analysis of the Fee Report and the Town's adopted development impact fee schedules, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a development impact fee in any Service Area to have been increased by more than five per cent above the development impact fee that is provided in the current development impact fee schedule.
  - d. At least 30 days prior to the date that the any amendment pursuant to this Section is adopted, the Town shall post the proposed amendments on the Town website.
- B. *Amendments to the Fee Report.* Any adoption or amendment of a Fee Report and fee schedule shall occur at one or more public hearings according to the following schedule:
1. The first public hearing on the Fee Report must be held at least 30 days after the adoption or approval of and Infrastructure Improvements Plan as provided in subsection A of this Section. The Town must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan.
  2. The Town shall make the Infrastructure Improvements Plan and underlying Land Use Assumptions available to the public on the Town's website 30 days prior to the public hearing described in Paragraph (1) of this Subsection.
  3. The Fee Report may be adopted by the Town no sooner than 30 days, and no later than 60 days, after the hearing described in Paragraph (1) of this Subsection.
  4. The development fee schedules in the Fee Report adopted pursuant to this subsection shall become effective 75 days after adoption of the Fee Report by the Town.

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### **Sec. 7.7-10. Timing for the Renewal and Updating of the Infrastructure Improvements Plan and the Land Use Assumptions**

- A. *Renewing the Infrastructure Improvements Plan.* Except as provided in Subsection B of this Section, not later than every five years the Town shall update the applicable Infrastructure Improvements Plan and Fee Report related to each Category of Necessary Public Services pursuant to Section 7.7-9 of this Article. Such five-year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan or the date of the adoption of the Fee Report, whichever occurs later.
  
- B. *Determination of No Changes.* Notwithstanding Subsection (A) of this Section, if the Town determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or Fee Report are needed, the Town may elect to continue the existing Infrastructure Improvements Plan and Fee Report without amendment by providing notice as follows:
  - 1. Notice of the determination shall be published at least 180 days prior to the end of the five-year period described in Subsection A of this Section.
  - 2. The notice shall identify the Infrastructure Improvements Plan and Fee Report that shall continue in force without amendment.
  - 3. The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and Fee Report.
  - 4. The notice shall identify an address to which any resident of the Town may submit, within 60 days, a written request that the Town update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or Fee Report and the reasons and basis for the request.
  
- C. *Response to Comments.* The Town shall consider and respond within 30 days to any timely requests submitted pursuant to Paragraph 4 of Subsection (B) of this Section.

### **Sec. 7.7-11. Collection of Development Impact Fees**

- A. *Collection.* Development impact fees, together with administrative charges assessed pursuant to Paragraph (A)(6) of this Section, shall be calculated and collected prior to issuance of permission to commence development; specifically:
  - 1. Unless otherwise specified pursuant to a Development Agreement adopted pursuant to Section 7.7-13 of this Article, development impact fees shall be paid prior to issuance of a building permit according to the current development impact fee schedule for the Town, as adopted pursuant to this Article, or according to any other development impact fee schedule as authorized in this Article.

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2. If a building permit is not required for the development, but water or wastewater connections are required, any and all development impact fees due shall be paid at the time the water service connection is purchased. If only a wastewater connection is required, the development impact fees shall be paid prior to approval of a connection to the sewer system.
  3. No building permit, water or sewer connection, or certificate of occupancy shall be issued if a development impact fee is not paid as directed in the previous paragraphs.
  5. If the building permit is for a change in the type of building use, an increase in square footage, a change to land use, or an addition to a residential or non-residential point of demand to the water or wastewater system, the development impact fee shall be assessed on the additional service units resulting from the expansion or change, and following the development impact fee schedule applicable to any new use type.
  6. For issued permits that expire or are voided, development impact fees and administrative charges shall be as follows:
    - a. If the original permittee is seeking to renew an expired or voided permit, and the development impact fees paid for such development have not been refunded, then the permittee shall pay the difference between any development impact fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.
    - b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit Applicant shall pay the full development impact fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant, the new permit Applicant shall pay development impact fees as if it were the original permittee.
- B. *Exceptions.* Development impact fees shall not be owed under either of the following conditions:
1. Development impact fees have been paid for the development and the permit(s) which triggered the collection of the development impact fees have not expired or been voided.
  2. The approval(s) that trigger the collection of development impact fees involve modifications to existing residential or non-residential development that do not: (a) add new Service Units, (b) increase the impact of existing Service Units on existing or future Capital Facilities, or (c) change the land-use type of the existing development to a different category of development for which a higher development impact fee would have been due. To the extent that any modification does not meet

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the requirements of this paragraph, the development impact fee due shall be the difference between the development impact fee that was or would have been due on the existing development and the development impact fee that is due on the development as modified.

- C. *Temporary Exemptions from Development Impact Fee Schedules.* New developments in the Town shall be temporarily exempt from increases in development impact fees that result from the adoption of new or modified development impact fee schedules as follows:
1. Residential Uses. On or after the day that the first building permit is issued for a single-family residential development, the Town shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule that shall be in force for a period of 24 months beginning on the day that the first building permit is issued, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same single-family residential development shall not be subject to any new or modified development impact fee schedule.
  2. Commercial, Industrial and Multifamily Uses. On or after the day that the final approval, as defined in A.R.S. 9-463.05(T)(4), is issued for a commercial, industrial or multifamily development, the Town shall provide an applicable development impact fee schedule that shall be in force for a period of 24 months beginning on the day that final development approval of a site plan or final subdivision plat is given, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same development shall not be subject to any new or modified development impact fee schedule.
  3. Other Development. Any Category of Development not covered under paragraphs 1 and 2 of this Subsection shall pay development impact fees according to the fee schedule that is current at the time of collection as specified in Subsection (A) of this Section.
  4. Changes to Site Plans and Subdivision Plats. Notwithstanding the other requirements of this Subsection, if changes are made to a development's final site plan or subdivision plat that will increase the number of service units after the issuance of a grandfathered development impact fee schedule, the Town may assess any new or modified development impact fees against the additional service units. If the Town reduces the amount of an applicable development impact fee during the period that a grandfathered development impact fee schedule is in force, the Town shall assess the lower development impact fee.
- D. *Option to Pursue Special Fee Determination.* Where a development is of a type that does not closely fit within a particular Category of Development appearing on an adopted development impact fee schedule, or where a development has

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unique characteristics such that the actual burdens and costs associated with providing Necessary Public Services to that development will differ substantially from that associated with other developments in a specified Category of Development, the Town may require the Applicant to provide the Town Director of Development Services or authorized designee with an alternative development impact fee analysis. Based on a projection of the actual burdens and costs that will be associated with the development, the alternative development impact fee analysis may propose a unique fee for the development based on the application of an appropriate Service Unit factor to the applicable Plan-Based Cost per Service Unit, or may propose that the development be covered under the development impact fee schedule governing a different and more analogous Category of Development. The Director of Development Services or authorized designee shall review the alternative impact fee analysis and shall make a determination as to the development impact fee to be charged. Such decision shall be appealable pursuant to Section 7.7-14 of this Article. The Director or authorized designee may require the Applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

### **Sec. 7.7-12. Development Impact Fee Credits and Credit Agreements**

- A. *Eligibility of Capital Facility.* All development impact fee Credits must meet the following requirements:
1. One of the following is true:
    - a. The Capital Facility, or the financial contribution toward a Capital Facility that will be provided by the developer and for which a Credit will be issued, must be identified in an adopted Infrastructure Improvements Plan and Fee Report as a Capital Facility for which a development impact fee was assessed; or
    - b. The Applicant must demonstrate to the satisfaction of the Town that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a development impact fee was assessed. If the subject Capital Facility is determined to be eligible for a Credit in this manner, the Town shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the Capital Facility that will be replaced.
  2. Credits shall not be available for any infrastructure provided by a developer if the cost of such infrastructure will be repaid to the developer by the Town through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the Town for any contribution, payment, construction, or dedication from any Town funding source including an agreement to reimburse the developer with future collected development impact fees pursuant to Section 7.7-13 of this Article, any Credits claimed by the developer shall be: (a) deducted from

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any amounts to be paid or reimbursed by the Town; or (b) reduced by the amount of such payment or reimbursement.

- B. *Calculation of Credits.* Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed pursuant to the Fee Report. If the Gross Impact Fee for a particular category of Necessary Public Service is adopted at an amount lower than the Plan-Based Cost per Service Unit, the amount of any Credit shall be reduced in proportion to the difference between the Plan-Based Cost per SU and the Gross Impact Fee adopted. A Credit shall not exceed the actual costs the Applicant incurred in providing the eligible Capital Facility.
- C. *Allocation of Credits.* Before any Credit can be issued to a Subject Development (or portion thereof), the Credit must be allocated to that development as follows:
1. The Developer and the Town must execute a Credit Agreement including all of the following:
    - a. The total amount of the Credits resulting from provision of an eligible Capital Facility.
    - b. The estimated number of Service Units to be served within the Subject Development.
    - c. The method by which the Credit values will be distributed within the Subject Development.
  2. It is the responsibility of the developer to request allocation of development impact fee Credits through an application for a Credit Agreement (which may be part of a Development Agreement entered into pursuant to Section 7.7-13 of this Article).
  3. If a building permit is issued or a water/sewer connection is purchased, and a development impact fee is paid prior to execution of a Credit Agreement for the Subject Development, no Credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the Subject Development in accordance with this Article.
  4. If the entity that provides an eligible Capital Facility sells or relinquishes a development (or portion thereof) that it owns or controls prior to execution of a Credit Agreement or Development Agreement, Credits resulting from the eligible Capital Facility will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the Subject Development.
  5. If multiple entities jointly provide an eligible Capital Facility, both entities must enter into a single Credit Agreement with the Town, and any request for the allocation of Credit within the Subject Development(s) must be made jointly by the entities that provided the eligible Capital Facility.

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6. Credits may only be reallocated from or within a Subject Development with the Town's approval of an amendment to an executed Credit Agreement, subject to the following conditions:
    - a. The entity that executed the original agreement with the Town, or its legal successor in interest and the entity that currently controls the Subject Development are parties to the request for reallocation.
    - b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.
  7. A Credit Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:
    - a. The entity that executed the original agreement with the Town or its legal successor in interest, the entity that currently controls the Subject Development, and the entity that controls the non-contiguous parcel are parties to the request for reallocation.
    - b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.
    - c. The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.
    - d. The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.
    - e. The Credit Agreement specifically states the value of the Credits to be allocated to each parcel and/or Service Unit, or establishes a mechanism for future determination of the Credit values.
    - f. The Credit Agreement does not involve the transfer of Credits to or from any property subject to a Development Agreement.
- D. *Credit Agreement.* Credits shall only be issued pursuant to a Credit Agreement executed in accordance with Subsection C of this Section. The Town Manager or Authorized Designee is authorized by this Article to enter into a Credit Agreement with the controlling entity of a Subject Development, subject to the following:
1. The Developer requesting the Credit Agreement shall provide all information requested by the Town to allow it to determine the value of the Credit to be applied.
  2. An application for a Credit Agreement shall be submitted to the Town by the Developer within one year of the date on which ownership or control of the Capital Facility passes to the Town.
  3. The Developer shall submit a draft Credit Agreement to the Town Manager or authorized designee(s) for review in the form provided to the

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Applicant by the Town. The draft Credit Agreement shall include, at a minimum, all of the following information and supporting documentation:

- a. A legal description and map depicting the location of the Subject Development for which Credit is being applied. The map shall depict the location of the Capital Facilities that have been or will be provided.
  - b. An estimate of the total Service Units that will be developed within the Subject Development depicted on the map and described in the legal description.
  - c. A list of the Capital Facilities associated physical attributes, and the related costs as stated in the Infrastructure Improvements Plan.
  - d. Documentation showing the date(s) of acceptance by the Town, if the Capital Facilities have already been provided.
  - e. The total amount of Credit to be applied within the Subject Development and the calculations leading to the total amount of Credit.
  - f. The Credit amount to be applied to each Service Unit within the Subject Development for each Category of Necessary Public Services.
4. The Town's determination of the Credit to be allocated is final.
  5. Upon execution of the Credit Agreement by the Town and the Applicant, Credits shall be deemed allocated to the Subject Development.
  6. Any amendment to a previously approved Credit Agreement must be initiated within two years of the Town's final acceptance of the eligible Capital Facility for which the amendment is requested.
  7. Any Credit Agreement approved as part of a Development Agreement shall be amended in accordance with the terms of the Development Agreement and Section 7.7-13 of this Article.
- F. *Issuance of Credits.* Credits allocated pursuant to Subsection (D) of this Section may be issued and applied toward the Gross Impact Fees due from a development, subject to the following conditions:
1. Credits issued for an eligible Capital Facility may only be applied to the development impact fee due for the applicable Category of Necessary Public Services, and may not be applied to any fee due for another Category of Necessary Public Services.
  2. Credits shall only be issued when the eligible Capital Facility from which the Credits were derived has been accepted by the Town or when



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adequate security for the completion of the eligible Capital Facility has been provided in accordance with all terms of an executed Development Agreement.

3. Where Credits have been issued pursuant to paragraph (2) of this Subsection, an impact fee due at the time a building permit is issued shall be reduced by the Credit amount stated in or calculated from the executed Credit Agreement. Where Credits have not yet been issued, the Gross Impact Fee shall be paid in full, and a refund of the Credit amount shall be due when the Developer demonstrates compliance with Paragraph (2) of this Subsection in a written request to the Town.
4. Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and is otherwise eligible for a refund under Section 7.7-15(A)(2)(a) of this Article.
5. Notwithstanding the other provisions of this Section 7.7-12, Credits issued prior to January 1, 2012 may only be used for the Subject Development for which they were issued. Such Credits may be transferred to a new owner of all or part of the Subject Development in proportion to the percentage of ownership in the Subject Development to be held by the new owner.

### Sec. 7.7-13. Development Agreements

Development Agreements containing provisions regarding development impact fees, development impact fee Credits, and/or disbursement of revenues from development impact fee accounts shall comply with the following:

- A. *Development Agreement Required.* A Development Agreement is required to authorize any of the following:
  1. To issue Credits prior to the Town's acceptance of an eligible Capital Facility.
  2. To allocate Credits to a parcel that is not contiguous with the Subject Development and that does not meet the requirements of Subparagraph (D)(7) of Section 7.7-12 of this Article.
  3. To reimburse the developer of an eligible Capital Facility using funds from development impact fee accounts.
  4. To allocate different Credit amounts per Service Unit to different parcels within a Subject Development.
  5. For a single family residential Dwelling Unit, to allow development impact fees to be paid at a later time than the issuance of a building permit as provided in this Section.

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- B. *General Requirements.* All Development Agreements shall be prepared and executed in accordance with A.R.S. 9-500.05 and any applicable requirements of the Town Code. Except where specifically modified by this Section, all provisions of Section 7.7-12 of this Article shall apply to any Credit Agreement that is authorized as part of a Development Agreement.
- C. *Early Credit Issuance.* A Development Agreement may authorize the issuance of Credits prior to acceptance of an eligible Capital Facility by the Town when the Development Agreement specifically states the form and value of the security (i.e. bond, letter of Credit, etc.) to be provided to the Town prior to issuance of any Credits. The Town shall determine the acceptable form and value of the security to be provided.
- D. *Non-Contiguous Credit Allocation.* A Development Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:
1. The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.
  2. The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.
  3. The Development Agreement specifically states the value of the Credits to be allocated to each parcel and/or Service Units, or establishes a mechanism for future determination of the Credit values.
- E. *Uneven Credit Allocation.* The Development Agreement must specify how Credits will be allocated amongst different parcels on a per- Service Units basis, if the Credits are not to be allocated evenly. If the Development Agreement is silent on this topic, all Credits will be allocated evenly amongst all parcels on a per- Service Units basis.
- F. *Use of Reimbursements.* Funds reimbursed to developers from impact fee accounts for construction of an eligible Capital Facility must be utilized in accordance with applicable law for the use of Town funds in construction or acquisition of Capital Facilities, including A.R.S. § 34-201, *et seq.*
- G. *Deferral of Fees.* A Development Agreement may provide for the deferral of payment of development impact fees for a residential development beyond the issuance of a building permit; provided that a development impact fee may not be paid later than the 15 days after the issuance of the certificate of occupancy for that Dwelling Unit. The Development Agreement shall provide for the value of any deferred development impact fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.
- H. *Waiver of Fees.* If the Town agrees to waive any development impact fees assessed on development in a Development Agreement, the Town shall reimburse the appropriate development impact fee account for the amount that was waived.

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- I. *No Obligation.* Nothing in this Section obligates the Town to enter into any Development Agreement or to authorize any type of Credit Agreement permitted by this Section.

### Sec. 7.7-14. Appeals

A development impact fee determination by Town staff may be appealed in accordance with the following procedures:

- A. *Limited Scope.* An appeal shall be limited to disputes regarding the calculation of the development impact fees for a specific development and/or permit and calculation of Service Units for the development.
- B. *Form of Appeal.* An appeal shall be initiated on such written form as the Town may prescribe, and submitted to the Director of the Development Services Department.
- C. *Department Action.* The Director of Development Services shall act upon the appeal within 30 calendar days of the filing of the appeal with the Development Services Department, and the Applicant shall be notified of the Director's decision in writing.
- D. *Appeal to Town Manager.* The Applicant may further appeal the decision of the Director of Development Services to the Town Manager, within 14 calendar days of the Director's decision pursuant to Sec. 7.7-14.C. The Town Manager may designate the Assistant Town Manager to hear such appeals.
- E. The Town Manager or authorized designee shall act upon the appeal within 14 calendar days of receipt of the appeal, and the Applicant shall be notified of the decision in writing.
- F. *Final Decision.* The decision of the Town Manager (or Assistant Town Manager) is final.
- G. *Fees During Pendency.* Building permits may be issued during the pendency of an appeal if the Applicant (1) pays the full impact fee calculated by the Town at the time the appeal is filed or (2) provides the Town with financial assurances in the form acceptable to the Town Manager or authorized designee equal to the full amount of the impact fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the Town Manager or authorized designee, and the Applicant has provided the Town with financial assurances as set forth in clause (2) above, the Applicant shall deliver the full amount of the impact fee to the Town within ten days of the Town Manager or designee's final decision on the appeal. If the Applicant fails to deliver the full amount of the impact fees when required by this Subsection, the Town may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the impact fees due from the Applicant.

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### Sec. 7.7-15. Refunds of Development Impact Fees

- A. *Refunds.* A refund (or partial refund) will be paid to any current owner of property within the Town who submits a written request to the Town and demonstrates that:
1. The permit(s) that triggered the collection of the development impact fee have expired or been voided prior to the commencement of the development for which the permits were issued and the development impact fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or
  2. The owner of the subject real property or its predecessor in interest paid a development impact fee for the applicable Capital Facility on or after August 1, 2014, and one of the following conditions exists:
    - a. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other infrastructure.
    - b. After collecting the fee to construct a Capital Facility the Town fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other infrastructure.
    - c. For a Category of Necessary Public Services other than Water or Wastewater Facilities, any part of a development impact fee is not spent within ten years of the Town's receipt of the development impact fee.
    - d. Any part of a development impact fee for Water or Wastewater Facilities is not spent within 15 years of the Town's receipt of the development impact fee.
    - e. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs for the Capital Facility are less than the construction costs projected in the Infrastructure Improvements Plan by a factor of 10% or more. In such event, the current owner of the subject real property shall, upon request as set forth in this Section A, be entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the

## BUILDINGS AND BUILDING REGULATIONS

actual construction cost had been included in the Fee Report. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facility and shall not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facility that are included in the development impact fee as permitted by A.R.S. § 9-463.05.

- B. *Earned Interest.* A refund of a development impact fee shall include any interest actually earned on the refunded portion of the development impact fee by the Town from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.
- C. *Refund to Government.* If a development impact fee was paid by a governmental entity, any refund shall be paid to that governmental entity.

### **Sec. 7.7-16. Oversight of Development Impact Fee Program**

- A. *Annual Report.* Within 90 days of the end of each fiscal year, the Town shall file with the Town Clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. § 9-463.05, Subsections N and O, as amended.
- B. *Biennial Audit.* In addition to the Annual Report described in Subsection A of this Section, the Town shall provide for a biennial, certified audit of the Town's Land Use Assumptions, Infrastructure Improvements Plan and development impact fees.
  - 1. An audit pursuant to this Subsection shall be conducted by one or more Qualified Professionals who are not employees or officials of the Town and who did not prepare the Infrastructure Improvements Plan.
  - 2. The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on capital facilities.
  - 3. The audit shall describe the Level of Service in each Service Area, and evaluate any inequities in implementing the Infrastructure Improvements Plan or imposing the development impact fee.
  - 4. The Town shall post the findings of the audit on the Town's website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.
  - 5. For purposes of this Section a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit pursuant to paragraph (1) of this Subsection.

# BUILDINGS AND BUILDING REGULATIONS

## ARTICLE 7-8 FIREPLACE REGULATIONS<sup>1</sup>

- 7-8-1 Definitions
- 7-8-2 Installation Restrictions
- 7-8-3 Fireplace or Woodstove Alterations Prohibited
- 7-8-4 Permits Required
- 7-8-5 Exemptions

### Section 7-8-1 Definitions

For the purposes of this Article, the following words and terms shall be defined as follows:

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

### Section 7-8-2 Installation Restrictions

No person, firm or corporation shall construct or install a fireplace or a woodstove, and the building official shall not approve or issue a permit to construct or install a fireplace or a woodstove, unless the fireplace or woodstove complies with one of the following:

- A. A fireplace which has a permanently installed gas or electric log insert.
- B. A fireplace, woodstove or other solid-fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- C. A fireplace, woodstove or other solid-fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.
- D. A fireplace, woodstove or other solid-fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Office to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.

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<sup>1</sup>Ordinance 157-99

<sup>1</sup>Ordinance 372-06 and amended by 373-06; 547-14

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- E. A fireplace which has permanently installed woodstove insert which complies with subsections B, C or D above.

### **Section 7-8-3 Fireplace or Woodstove Alterations Prohibited**

- A. No person, firm or corporation shall alter or remove a gas or electric log insert or a woodstove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.
- B. No person, firm or corporation shall alter a fireplace, woodstove or other solid-fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this Article.

### **Section 7-8-4 Permits Required**

In addition to the provisions and restrictions of this Article, construction, installation or alteration of all fireplaces, woodstoves and other gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the Construction Code and shall be subject to the permits and inspections required by the Construction Code.

### **Section 7-8-5 Exemptions**

The following installations are not regulated by this Article and are not prohibited by this Article:

- A. Furnaces, boilers, incinerators, kilns and other similar space heating or industrial process equipment.
- B. Cookstoves, barbecue grills and similar appliances designed primarily for cooking.
- C. Fire pits, barbecue grills, and other outdoor fireplaces.

# BUILDINGS AND BUILDING REGULATIONS

## ARTICLE 7-9 PAVEMENT CUT REQUIREMENTS<sup>1</sup>

- 7-9-1 General
- 7-9-2 Permit Requirements
- 7-9-3 Cash Bond Requirements
- 7-9-4 Backfill and Pavement Replacement
- 7-9-5 Inspection
- 7-9-6 Unauthorized Pavement Cuts

### Section 7-9-1 General

It is the Town's desire to require all utility crossings to be bored. If the Town Engineer approves an application for a street cut, the procedures outlined in this ordinance shall apply. Street cuts will generally not be approved unless they meet the following conditions:

- A. Major street maintenance or improvements to the road are scheduled within the next two years;
- B. The road was constructed, resurfaced or surface treated at least three (3) years ago;
- C. The road is in poor structural condition and has been approved for open cuts by the Town Engineer;
- D. There is no feasible alternative to cutting the street.

### Section 7-9-2 Permit Requirements

The contractor directly responsible for the trench backfill and pavement replacement shall obtain and sign for the permit.

- A. The applicant shall call Arizona Blue Stake to identify any potential conflicts.
- B. The applicant shall submit the signed permit application, proof of liability insurance, two copies of detailed drawings and traffic control plans, and a certificate of quantities detailing and dimensioning the items being placed in the right-of-way.
- C. A completion date will be indicated on the permit. The contractor shall notify the Town Engineer 48 hours prior to start of construction. The permit may place restrictions on the time of day that work can be performed.
- D. Permit fees must be paid before the permit can be issued. In addition to processing and inspection fees specified in Chapter 7, Article 7-6 of the Town Code, pavement cuts require the deposit of a cash bond when the permit is issued.

### Section 7-9-3 Cash Bond Requirements

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<sup>1</sup>Ordinance 171-99



## **BUILDINGS AND BUILDING REGULATIONS**

A cash bond shall be required for all permits issued for cuts on arterial or collector streets. The amount of the cash bond will be established by the Town based on \$16.00 per square foot of pavement replacement plus \$1000.00. The cash bond will have a maximum amount of \$10,000.00. Separate cash bonds will be required for each utility requiring a street cut. Utility companies may be exempt from the cash bond if there is a franchise agreement in place that exempts these requirements.

The permit holder may recover the bond after completion and acceptance of the work. If the work is not completed by the time designated on the permit or is not acceptable, the Town will notify the permit holder in writing. After five working days of the receipt of the notice, the Town may complete or correct the work, and the permit holder will forfeit the bond.

### **Section 7-9-4 Backfill and Pavement Replacement**

- A. A Traffic Control Plan shall be submitted to the Town Engineer for approval at least 72 hours prior to initiating work in the right-of-way.
  1. The pavement shall be removed such that the edge of the pavement cut is outside of the wheel path.
  2. Backfill shall be in accordance with MAG Standard Detail 200, or as specified by the Town Engineer in the permit. Backfill shall begin immediately following completion of the utility work.
  3. Following completion of backfill, the trench shall be steel-plated or temporarily patched and the street opened to traffic. A permanent patch shall be placed within three (3) working days.
  4. The final pavement replacement shall be flush with the existing edges of the trench. The grade from one end of the trench to the other shall be smooth and straight with no more than one-quarter of an inch plus or minus deviation, but not both, measured in the direction of traffic flow.
  5. Pavement replacement shall match the existing street. The permit may require an overlay if the existing pavement surface is less than one year old.
  6. Where concrete slurry is used for backfill it shall be a one sack mix and paving may not begin until the moisture in the slurry has dissipated.

### **Section 7-9-5 Inspection**

All work must be inspected and approved by the Town Engineer. The applicant shall guarantee all permitted work against defects in materials and quality for two years from the date it is accepted by the Engineering Department.

# **BUILDINGS AND BUILDING REGULATIONS**

## **Section 7-9-6 Unauthorized Pavement Cuts**

A permit to work in the right-of-way is not authorization to remove pavement, unless the street cut is specified in the permit. Street cuts made without prior approval are subject to having the entire street overlaid to a length specified by the Town Engineer at the contractor's expense.

## **ARTICLE 7-10 Penalty**

Notwithstanding any provision of any building construction code adopted by reference herein, any person violating any provision of this chapter shall be guilty of a class one misdemeanor.

## **ARTICLE 7-11<sup>1</sup> Plan Review By Independent Public Service Providers**

A. There is hereby established an Independent Provider Fee (the "ISP" Fee), to be charged by the Town for the review of plans by Independent Service Providers.

B. The Council will by resolution establish, and may from time to time amend the amount of the ISP Fee (including any administrative fees to be retained by the Town to defray the Town's expenses to coordinate the plan review process and collect the fee.)

C. The ISP Fee established hereby shall be collected in the same manner and time as fees collected pursuant to Section 7-6 of the Town Code, and shall be transmitted (less an administrative fee to be retained by the Town to defray the Town's expenses to coordinate the plan review process and collect the fee) to the Independent Public Service Provider pursuant to the terms of an agreement approved by the Mayor and Common Council.

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<sup>1</sup> Ordinance 346-06