

Ordinance No. 789

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 15 'MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES', 2012" (DECLARED BY RESOLUTION NO. 1872 TO BE A PUBLIC RECORD) WHICH AMENDS CHAPTER 15 "MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES" OF THE TOWN CODE TO CLARIFY MANUFACTURING, RECONSTRUCTION, REHABILITATION AND INSTALLATION STANDARDS AS REGULATED BY THE ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY; SETTING FORTH IN FULL THE VARIOUS PENALTY CLAUSES ADOPTED BY REFERENCE, PER ARS §9-803; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS IN CHAPTER 15, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Arizona Department of Fire, Building and Life Safety ("Department") was established to maintain and enforce standards of quality and safety for manufactured homes, mobile homes and factory-built buildings brought into and installed in this state; and

WHEREAS, the Office of Manufactured Housing ("OMH") was established within the Department to act as the "state inspector" for manufactured homes and related industries, to insure compliance with the minimum construction and installation standards of the U.S. Department of Housing and Urban Development and to implement all existing laws and regulations mandated by the federal government, its agencies and this state for such purposes; and

WHEREAS, pursuant to A.R.S. §41-2155, Arizona cities and towns are preempted from enforcing their own adopted building codes on manufactured homes, mobile homes or factory-built buildings that have been certified pursuant to Title 41, Chapter 16, Article 2 "Office of Manufactured Housing"; and

WHEREAS, the Town entered into an agreement with OMH pursuant to A.R.S. §41-2153(B)(5) to act on behalf of OMH to enforce the installation standards of Title 41, Chapter 16 "Department of Fire, Building and Life Safety" within the Town limits; and

WHEREAS, in connection with this agreement, it is necessary to update Chapter 15 "Manufactured Homes, Mobile Homes, Factory-Built Buildings, and Accessory

Structures” of the Town Code to better conform with current state and federal standards, laws and regulations; and

WHEREAS, the Council finds that these amendments to Chapter 15 will be beneficial to the community; and

WHEREAS, ARS §9-802 provides for the adoption by reference of particularly lengthy or complex ordinances when they are declared to be "public records" and

WHEREAS, ARS §9-803 requires penalty clauses in such public records to be set forth in full in the adopting ordinance; and

WHEREAS, the document amending Chapter 15 “Manufactured Homes, Mobile Homes, Factory-Built Buildings, and Accessory Structures” has been declared by Resolution No. 1872 to be a "public record";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document known as “Amendments to Chapter 15 ‘Manufactured Homes, Mobile Homes, Factory-Built Buildings, and Accessory Structures’ 2012” of the Town Code of the Town of Prescott Valley, declared to be a "public record" by Resolution No. 1872 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That the following penalty clause is enacted in Section 15-08-020 “Reconstruction of Units” in Article 15-08 "RECONSTRUCTION - REHABILITATION” in Chapter 15 “MANUFACTURED HOMES, MOBILE HOMES, FACTORY-BUILT BUILDINGS, AND ACCESSORY STRUCTURES” amended herein by reference:

15-08-020 Reconstruction of Units.

In accordance with A.R.S. §41-2194(5), it shall be unlawful for any person to reconstruct any unit within the Town of Prescott Valley unless such person is licensed as a manufacturer by the Office of Administration of the Arizona Department of Fire, Building and Life Safety. Violation of this section will result in the revocation of any and all manufacturing and/or rehabilitation certifications of compliance including, but not limited to, HUD certifications and any certificate of compliance issued by the Arizona Department of Fire, Building and Life Safety. Upon revocation of any certificate of compliance, the Building Official will issue an Order to Vacate and a Notice of Violation and will commence with abatement procedures pursuant to the 2012 International Property Maintenance Code, as adopted and amended by the Town Council.

SECTION THREE. That all other Chapters, Articles, and Sections of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

SECTION FOUR. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FIVE. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 24th day of April, 2014.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney