

Ordinance No. 788

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, **REPEALING** ARTICLE 7-02 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL BUILDING CODE (IBC)], ARTICLE 7-03 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (IRC)], ARTICLE 7-04 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL MECHANICAL CODE (IMC)], ARTICLE 7-05 [WHICH ADOPTED AND AMENDED THE 2005 NATIONAL ELECTRICAL CODE (NEC)], ARTICLE 7-06 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL PLUMBING CODE (IPC)], ARTICLE 7-07 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)], AND ARTICLE 7-08 [WHICH ADOPTED AND AMENDED THE 2006 INTERNATIONAL FUEL GAS CODE (IFGC)] OF CHAPTER 7 "BUILDING" OF THE TOWN CODE; **ADOPTING** BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 7 'BUILDING', 2012" (DECLARED BY RESOLUTION NO. 1871 TO BE A PUBLIC RECORD) WHICH AMENDS ARTICLE 7-01 "THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE" AND SECTIONS 7-09-020, 7-09-030, 7-09-040 AND 7-09-060 OF ARTICLE 7-09 "ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC)" AND ENACTS NEW ARTICLES 7-02, 7-03, 7-04, 7-05, 7-06, 7-07, AND 7-08 IN CHAPTER 7 "BUILDING" OF THE TOWN CODE TO ADOPT AND AMEND RESPECTIVELY THE 2012 INTERNATIONAL BUILDING CODE (IBC), THE 2012 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (IRC), THE 2012 INTERNATIONAL MECHANICAL CODE (IMC), THE 2011 NATIONAL ELECTRICAL CODE (NEC), THE 2012 INTERNATIONAL PLUMBING CODE (IPC), THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND THE 2012 INTERNATIONAL FUEL GAS CODE (IFGC); SETTING FORTH IN FULL THE VARIOUS PENALTY CLAUSES ADOPTED BY REFERENCE, PER ARS §9-803; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS IN CHAPTER 7, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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 Mayor and Common Council of the Town of Prescott Valley passed and approved Ordinance No. 178 on May 26, 1988, enacting a new Town Code, which Code included a Chapter 7 "Building" (a) adopting and amending the 1985 Uniform Building Code (UBC), the 1985 Uniform Plumbing Code (UPC), the 1987 National Electrical Code (NEC), and the 1985 Uniform Mechanical Code (UMC), (b) setting fees, (c) requiring permits, (d) regulating utilities, (e) regulating construction by contractors, and (f) providing for appeals; and

WHEREAS, the Mayor and Council subsequently passed and approved Ordinance No. 237 on September 13, 1990, repealing Chapter 7 "Building" of the Town Code and adopting by reference a document declared by Resolution No. 363 to be a public record, which public record enacted a new Chapter 7 "Building" (a) adopting and amending the 1988 Uniform Administrative Code (UAC), the 1988 UBC, the 1988 UPC, the 1988 UMC, the 1987 NEC, the 1988 Uniform Housing Code (UHC), the 1988 Uniform Code for the Abatement of Dangerous Buildings (UCADB), and the 1988 Uniform Sign Code (USC) (which together included fee and permit

provisions, utility regulations, and appeal provisions), and (b) providing for certain regulations of construction by contractors; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 254 on March 11, 1991, amending Article 7-1, Chapter 7 (which adopted and amended the 1988 UAC) to modify permit and plan review fees by making reference to the "Building Valuation Data" published annually in Building Standards; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 268 on December 12, 1991, which adopted by reference a document declared a public record by Resolution No. 419, which public record (among other things) amended Articles 7-1 and 7-3 of Chapter 7 (respectively adopting and amending the 1988 UAC and the 1988 UPC) and required and regulated connections to the public sewer; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 276 on June 11, 1992, adopting by reference a document declared by Resolution No. 442 to be a public record, which public record (among other things) enacted a new Article 7-9 "Outdoor Lighting Code" in Chapter 7 which regulated outdoor lighting so as to protect the community's "dark sky" by limiting light pollution; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 282 on October 22, 1992, amending (among other things) Article 7-1 of Chapter 7 (which adopted and amended the 1988 UAC) to clarify the distinction between mobile homes, manufactured homes and factory-built (modular) buildings; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 284 on October 8, 1992, adopting by reference a document declared by Resolution No. 457 to be a public record, which public record renamed, amended and expanded Article 9-5 "Sewage, Liquid Waste and Industrial Waste" in Chapter 9 "Health and Sanitation" of the Town Code, and referred in §9-5-6 "Connections" to §§7-1-3 and 7-3-11 which amended, respectively, the 1988 UAC and the 1988 UPC; and

WHEREAS, the Mayor and Council then passed and approved Ordinance No. 296 on July 22, 1993, adopting by reference a document declared by Resolution No. 494 to be a public record, which public record adopted and amended the 1991 UAC, UBC, UPC, UMC, UHC, UCADB, and USC, as well as the 1990 NEC; and

WHEREAS, the Mayor and Council subsequently passed and approved Ordinances No. 297 (July 22, 1993), No. 315 (January 27, 1994), No. 323 (April 28, 1994) and No. 335 (September 15, 1994) in an effort to comply with the requirements of the Arizonans with Disabilities Act of 1992 to incorporate accessibility standards into the technical codes; and

WHEREAS, the Mayor and Council passed and approved Ordinance No. 322 on May 26, 1994, to amend the 1991 UPC to require new construction to have a dry service line that met certain standards when the public sewer wasn't yet in the area but had been designed, and to require abandonment of septic systems within 60 days of connecting to the public sewer; and

WHEREAS, the Mayor and Council passed and approved Ordinance No. 350 on February 9, 1995, to (among other things) amend the 1991 UBC to require all buildings, without regard to occupancy, to have address numbers at least 5 inches high on a contrasting background, indirectly lit and reflectorized in order to be seen from the street; and

WHEREAS, the Mayor and Council passed and approved Ordinance No. 357 on March 23, 1995, to (among other things) add a new Article 7-11 "DEVELOPMENT FEES" in Chapter 7 to provide for additional financial mechanisms to extend needed public improvements; and

WHEREAS, the Mayor and Council passed and approved Ordinance No. 386 on July 11, 1996, to (among other things) amend the 1991 UPC to require connection to the public water system when it is located within 300 feet of a building; and

WHEREAS, the Mayor and Council passed Ordinance No. 454 on March 11, 1999, to amend Article 7-11 to expand the exceptions for payment of development fees to include replacement of all buildings or structures with buildings or structures that are no more than 50% larger in square footage and retain the same occupancy; and

WHEREAS, the Mayor and Council passed Ordinance No. 485 on May 25, 2000, adopting by reference a document declared by Resolution No. 960 to be a public record, which public record adopted and amended the 1997 UAC, UBC, UMC, UHC, UCADB, and USC, as well as the 1996 NEC and the 1994 UPC; and

WHEREAS, with the release of the *International Building Code (2000)*, the development and maintenance of the model codes promulgated by BOCA (BOCA National Codes), ICBO (Uniform Codes) and SBCCI (Standard Codes) were discontinued; and

WHEREAS, Town staff researched the advisability of adopting the *International Building Code (2003)* and found that the other jurisdictions in Central Yavapai County planned to do so; and

WHEREAS, staff coordinated with the other jurisdictions in Central Yavapai County in an effort to adopt, to the extent possible, the same technical code versions and similar amendments; and

WHEREAS, staff also endeavored, to the extent reasonably possible in light of local circumstances, to keep the number of amendments to the various technical codes to a minimum for purposes of receiving an improved rating by the Insurance Standards Organization (ISO), which rating affects insurance rates in the community; and

WHEREAS, the Mayor and Council subsequently passed Ordinance No. 576 on January 22, 2004, adopting by reference a document declared by Resolution No. 1236 to be a public record, which public record adopted a new Town of Prescott Valley Administrative Code, and adopted and amended the 2003 International Building Code (IBC), 2003 International Residential Code for One- and Two-Family Dwellings (IRC), 2003 International Mechanical Code (IMC), 2002 National Electrical Code (NEC), 2003 International Plumbing Code (IPC), 2003 International Property Maintenance Code (IPMC), and 2003 International Fuel Gas Code (IFGC); and

WHEREAS, the Mayor and Council then passed Ordinance No. 601 on August 12, 2004, adopting by reference a document declared by Resolution No. 1287 to be a public record, which public record amended the Town of Prescott Valley Administrative Code to revise definitions and fees; and

WHEREAS, the Mayor and Council then passed Ordinance No. 614 on February 10, 2005, in order to update references to Arizona statutes in Chapter 7; and

WHEREAS, the Mayor and Council then passed Ordinance No. 620 on April 28, 2005 in order to update Chapter 7 to include revised fees for manufactured housing, to re-insert inadvertently deleted provisions in the 2003 IMPC, and to revise the 2003 IRC with regard to air admittance valves; and

WHEREAS, the Mayor and Council subsequently passed Ordinance No. 713 on March 13, 2008, adopting by reference a document declared by Resolution No. 1567 to be a public record, which public record adopted a new Town of Prescott Valley Administrative Code, and adopted and amended the 2006 International Building Code (IBC), 2006 International Residential Code for One- and Two-Family Dwellings (IRC), 2006 International Mechanical Code (IMC), 2005 National Electrical Code (NEC), 2006 International Plumbing Code (IPC), 2006 International Property Maintenance Code (IPMC), and 2006 International Fuel Gas Code (IFGC); and

WHEREAS, the Mayor and Council then passed Ordinance No. 738 on January 14, 2010, adopting by reference a document declared by Resolution No. 1675 to be a public record, known as “The International Energy Conservation Code (IECC)”, which public record adopted the 2006 International Energy Conservation Code (IECC); and

WHEREAS, in 2012 the International Code Council subsequently updated and amended its model technical codes and in 2011 the National Fire Protection Association updated and amended its model National Electrical Code; and

WHEREAS, Town staff has researched the advisability of adopting most of the 2012 technical codes and the 2011 National Electrical Code and found that the other jurisdictions in Central Yavapai County are planning to do so; and

WHEREAS, staff coordinated with the other jurisdictions in Central Yavapai County in an effort to adopt, to the extent possible, the same technical code versions and similar amendments; and

WHEREAS, staff has taken the proposal to adopt the 2012 IBC, 2012 IRC, 2012 IMC, 2011 NEC, 2012 IPC, 2012 IPMC, and 2012 IFGC (with various amendments) and to revise the “Town of Prescott Valley Administrative Code” to the Building Board of Appeals (January 22, 2014) and has received approval of said proposal from that citizens' advisory body; and

WHEREAS, the Mayor and Common Council have now considered the adoption of the 2012 IBC, 2012 IRC, 2012 IMC, 2011 NEC, 2012 IPC, 2012 IPMC, and 2012 IFGC (with various amendments), as well as amendments to the “Town of Prescott Valley Administrative Code” and conforming amendments to Sections 7-09-020, 7-09-030 and 7-09-060 in Article 7-09 “Adoption of the International Energy Conservation Code (IECC)” in Chapter 7 "Building" and the at their regular work/study session held April 3, 2014, and at their regular meetings held April 10, 2014 and April 24, 2014; and

WHEREAS, the Mayor and Council find that the adoption and amendments of the listed technical codes, as well as the revisions to the Administrative Code, are in the best interests of the community and meet the health, safety and welfare needs of the community; and

WHEREAS, the Mayor and Council further find that the adoption and amendments of the listed technical codes, and the revisions to the Administrative Code, are authorized by ARS §9-462.01(A) and are in compliance with the requirements of the Arizonans with Disabilities Act of 1992 and the Americans with Disabilities Act of 1991; and

WHEREAS, ARS §9-801 et seq. provides for 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 adopting and amending these 2011 and 2012 technical codes and revising the Town of Prescott Valley Administrative Code and making conforming amendments to certain sections of Article 7-09 has been declared by Resolution No. 1871 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 Articles, 7-02 "Adoption of the International Building Code (IBC)", 7-03 "Adoption of the International Residential Code for One- and Two-Family Dwellings (IRC)", 7-04 "Adoption of the International Mechanical Code (IMC)", 7-05 "Adoption of the National Electrical Code (NEC)", 7-06 "Adoption of the International Plumbing Code (IPC)", 7-07 "Adoption of the International Property Maintenance Code (IPMC)", and 7-08 "Adoption of the International Fuel Gas Code (IFGC)" of Chapter 7 "Building" of the Town Code of the Town of Prescott Valley, be hereby repealed in their entirety.

SECTION TWO. That that certain document known as "Amendments to Chapter 7 'BUILDING', 2012" of the Town Code, declared to be a "public record" by Resolution No. 1871 (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 THREE. That the following penalty clauses are enacted in Section 7-07-010 "Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Property Maintenance Code" in Article 7-07 "ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)" in Chapter 7 "BUILDING," adopted and amended herein by reference:

7-07-010 Amendment of Chapter 1, SCOPE AND ADMINISTRATION, of the International Property Maintenance Code.

SECTION 106 – VIOLATIONS

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106.3 Prosecution of Violation. Any person found responsible for or guilty of failing to comply with a notice of violation or order served in accordance with Section 107 shall be guilty of a misdemeanor and/or responsible for civil offense and shall be prosecuted in accordance with Town Code Section 7-01-130.

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106.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Town of Prescott Valley from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the Town of Prescott Valley to restrain, correct or abate a violation of this Chapter shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION FOUR. That all other Articles, Sections and Subsections of Chapter 7 "BUILDING" of the Town Code, not herein repealed, replaced or amended, shall remain in full force and effect.

SECTION FIVE. 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 SIX. 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