

Ordinance No. 738

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING TOWN CODE CHAPTER 7 "BUILDING", ARTICLE 7-03 "ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-STORY FAMILY DWELLINGS (IRC)" BY REPEALING SECTION 7-03-110, "AMENDMENT OF CHAPTER 11, ENERGY EFFICIENCY, OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS"; AND ADOPTING BY REFERENCE A DOCUMENT ENTITLED "THE INTERNATIONAL ENERGY CONSERVATION CODE (2006)" (PREVIOUSLY DECLARED BY RESOLUTION NO. 1675 TO BE A PUBLIC RECORD) WHICH ENACTS IN CHAPTER 7 A NEW ARTICLE 7-09, "ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE" AND ADOPTS AND AMENDS THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2010; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS IN CHAPTER 7, NOT HEREIN REPEALED, AMENDED OR ENACTED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT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 Arizona Americans 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, 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 then passed Ordinance No. 713 on March 13, 2008, adopting by reference, a document declared by Resolution No. 1567 to be a public record, known as "Amendments to Chapter 7 'Building', 2006" of the Town Code, which incorporated the 2006 IBC, 2006 IRC, 2006 IMC, 2005 NEC, 2006, IPMC, and 2003 OFGC (with various amendments)

WHEREAS, staff is considering applying for Federal Grants that will provide funding for assistance with projects designed to improve and promote energy conservation within the Town; and

WHEREAS, communities that have enacted the 2006 International Energy Conservation Code will receive special consideration when funding for energy and conservation projects is awarded; and

WHEREAS, adjacent communities and Yavapai County have already adopted the 2006 IECC; and

WHEREAS, staff has taken the proposal to adopt the 2006 International Energy Conservation Code (with various amendments) to the Building Board of Appeals (August 12, 2009) and has received approval of said proposal from that citizens' advisory body; and

WHEREAS, the Mayor and Council have now considered the adoption of the 2006 International Energy Conservation Code (with various amendments) at their regular work/study session held November 12, 2009, and at their regular meeting held on December 3, 2009; and

WHEREAS, the Mayor and Council find that the adoption and amendments of the listed technical codes, 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 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 2005 and 2006 technical codes and revising the Town of Prescott Valley Administrative Code has been declared by Resolution No. 1675 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 Section 7-03-110 "Amendment of Chapter 11, Energy Efficiency, of the International Residential Code For one -and Two-Family Dwellings" in ARTICLE 7-03 "ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS" in CHAPTER 7 "BUILDING" of the Town Code of the Town of Prescott Valley, Arizona, be hereby repealed in its entirety and reserved.

7-03-110 Reserved.

~~Amendment of Chapter 11, ENERGY EFFICIENCY, of the International Residential Code for One and Two Family Dwellings.~~

~~A. SECTION N1101, GENERAL, Subsection N1101.2, Compliance, is hereby deleted in its entirety.~~

~~B. SECTION N1101, GENERAL, Subsection N1101.3, Identification, is hereby deleted in its entirety.~~

- C. ~~SECTION N1101, GENERAL, Subsection N1101.4, Building Thermal Envelope Insulation, is hereby deleted in its entirety.~~
- D. ~~SECTION N1101, GENERAL, Subsection N1101.5, Fenestration Product Rating, is hereby deleted in its entirety.~~
- E. ~~SECTION N1101, GENERAL, Table N1101.5(1), Default Glazed Fenestration U-Factors, is hereby deleted in its entirety.~~
- F. ~~SECTION N1101, GENERAL, Table N1101.5(2), Default Door U-Factors, is hereby deleted in its entirety.~~
- G. ~~SECTION N1101, GENERAL, Table N1101.5(3), Default Glazed Fenestration SHGC, is hereby deleted in its entirety.~~
- H. ~~SECTION N1101, GENERAL, Subsection N1101.6, Installation, is hereby deleted in its entirety.~~
- I. ~~SECTION N1101, GENERAL, Subsection N1101.7, Above Code Programs, is hereby deleted in its entirety.~~
- J. ~~SECTION N1101, GENERAL, Subsection N1101.8, Certificate, is hereby deleted in its entirety.~~
- K. ~~SECTION N1102, BUILDING THERMAL ENVELOPE, Table N1102.1, Insulation and Fenestration Requirements by Component, is hereby renamed and amended in its entirety to read as follows:~~

~~SECTION N1102 – BUILDING THERMAL ENVELOPE~~

~~...~~

~~TABLE N1102.1
MINIMUM INSULATION REQUIREMENTS~~

BUILDING LOCATION		MAXIMUM GLAZING U-FACTOR [BTU/(hr.ft²-F)]	MINIMUM INSULATION R-VALUE [(hr.ft²-F)/BTU]					
Clima te Zone	Elevati on		Ceilin gs	Wall s	Floo rs	Baseme nt Walls	Slab Perimet er R-Value and Depth	Cra wl Spac e Wall s

4	4,500-4,999	0.45	R-30	R-13	R-19	R-9	N/A	R-17
---	------------------------	------	------	------	-----------------	----------------	-----	------

~~L. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.1, Insulation and Fenestration Criteria, is hereby amended by adding the following subparagraph to read as follows:~~

~~SECTION N1102 – BUILDING THERMAL ENVELOPE~~

~~...~~

~~N1102.1 Insulation and Fenestration Criteria.~~

~~...~~

~~Certification of compliance with thermal requirements and of installation of minimum insulation R-value per the manufacturer's installation instructions shall be posted, visible alongside the attic access or crawl space access. An additional copy of such certification(s) shall be provided to the building official prior to building final inspection.~~

~~M. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.1, Insulation and Fenestration Criteria, Subsubsection N1102.1.1 R-Value Computation, is hereby deleted in its entirety.~~

~~N. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.1, Insulation and Fenestration Criteria, Subsubsection N1102.1.2, U-Factor Alternative, is hereby deleted in its entirety.~~

~~O. SECTION N1102, BUILDING THERMAL ENVELOPE, Table N1102.1.2, Equivalent U-Factors, is hereby deleted in its entirety.~~

~~P. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.1, Insulation and Fenestration Criteria, Subsubsection N1102.1.3, Total UA Alternative, is hereby deleted in its entirety.~~

~~Q. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.2, Specific Insulation Requirements, is hereby deleted in its entirety.~~

~~R. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.3, Fenestration, is hereby deleted in its entirety.~~

~~S. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.4, Air Leakage, is hereby deleted in its entirety.~~

~~T. SECTION N1102, BUILDING THERMAL ENVELOPE, Table N1102.2.4, Steel-Frame Ceiling, Wall and Floor Insulation (R-Value), is hereby deleted in its entirety.~~

~~U. SECTION N1102, BUILDING THERMAL ENVELOPE, Subsection N1102.5, Moisture Control, is hereby deleted in its entirety.~~

~~V. SECTION N1103, SYSTEMS, is hereby deleted in its entirety.~~

(Ord. No. 237, Enacted, 09/13/90; Ord. No. 268, Amended, 12/12/91; Ord. No. 296, Rep&ReEn, 07/22/93; Ord. No. 322, Amended, 05/26/94; Ord. No. 485, Rep&ReEn, 05/25/00; Ord. No. 576, Rep&ReEn, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 738 Rep&ReEn 12/17/09)

SECTION TWO. That that certain document known as "The International Energy Conservation Code, 2006 (IECC)", previously declared to be a "public record" by Resolution No. 1675, be hereby adopted by reference as though fully set fort herein, as one of the technical codes of the Town of Prescott Valley. At least three (3) copies of the aforesaid document shall be filed in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314.

SECTION THREE. That the effective date upon which the International Energy Conservation Code, 2006 (IECC) as adopted herein shall be applicable within the Town limits is July 1, 2010.

SECTION FOUR. That all other Articles, Sections and Subsections of CHAPTER 7 "BUILDING" of the Town Code, not herein repealed, amended, or enacted, 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 17th day of December, 2009.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney