

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: March 11, 2010**

**SUBJECT:** Chapter 7 – Building Code Amendments

**SUBMITTING DEPARTMENT:** Community Development Department

**PREPARED BY:** Rebecca Myers, CPM, Administrative Supervisor, for Richard T. Parker, Community Development Director

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** [Refer to attachments with Public Hearing RFCA]

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**SUMMARY/BACKGROUND:** A Public Hearing to take comments on a request by the Town of Prescott Valley to review certain amendments to Chapter 7, “Building”, of the Town Code. On May 26, 1988, the Mayor and Common Council of the Town of Prescott Valley passed and approved Ordinance No. 178 enacting a new Town Code, which Code included Chapter 7, "Building". Since that time, numerous amendments have been made to this chapter in order to further facilitate resources and assist in standardizing code requirements within Yavapai County and the Quad-City area.

The primary intent of the building code is to provide reasonable controls for the construction, use and occupancy of buildings, and all of their various components, while it is the Building Official’s responsibility to assure that the safety and health of the public is maintained through adherence to those requirements established by law or code.

In light of this, Staff is primarily requesting an amendment to Section 7-01-090, “POWERS AND DUTIES OF BUILDING OFFICIAL”, which would authorize the Building Official (or his designee) to record “Notices of Violation” of the administrative and/or technical codes in the Office of the Yavapai County Recorder. It is proposed that such notices of violation would run with the land and shall constitute notice for all purposes of Chapter 7 to all persons or entities thereafter acquiring an interest in the property. It is intended that when a property is brought into compliance, the Building Official (or designee) will subsequently record a “Satisfaction of Notice of Violation” in the Office of the Yavapai County Recorder.

The other minor amendments being requested are contained within Section 7-01-110, “BOARD OF APPEALS”, and include the following:

- An amendment clarifying authority of the Building Board of Appeals to hear and decide appeals from the orders, requirements or decisions of the Building Official in the enforcement of Chapter 7 by any affected person, firm, corporation or political subdivision. The Board shall determine if there is error in such orders, requirements or decisions, and may reverse, affirm (wholly or in part), or modify said orders, requirements or decisions, only by a concurring vote of a majority of the total number of appointed Board members;
- An amendment to the appeal procedure which would increase the filing fee for applications of appeal to the Building Board of Appeals from twenty-five (\$25.00) to fifty (\$50.00) dollars in order to standardize the fee related to appeals between Boards;

- An amendment to the appeal procedure which would require that the applicant shall submit a complete application on Town forms within twenty (20) days after the day the order, requirement or decision was served; and
- An amendment to the appeal procedure which would increase the timeframe by which the Board shall meet to consider the appeal in a public hearing from fifteen (15) to twenty (20) working days from the date of filing, in order to provide the appellant(s) notice of the hearing at least five (5) working days prior to the hearing date.

The amendments outlined herein are being requested in an attempt to standardize internal policy and procedure as well as to bring uniformity to jurisdictions within Yavapai County and the quad-city area.

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**OPTIONS ANALYSIS:** The Town Council may approve the amendments to Chapter 7 of Town Code as presented, direct staff to address additional concerns prior to approval, or decline to approve the amendments.

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**ACTION OPTION:** Motion to read Ordinance No. 743 by title only on two separate occasions, and then place the same on final passage, **OR** Motion not to read Ordinance No.743. **VOTE.**

[if the vote is in favor of reading Ordinance No. 741, the Mayor asks the Town Clerk to read the Ordinance once by title only for the first reading]

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**RECOMMENDATION:** Staff recommends approval of Ordinance No. 743.

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**FISCAL ANALYSIS:** There is relatively little fiscal impact associated with this request as the small modification to the application fee requested relates to a small ratio of applications accepted.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_ Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

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**COUNCIL ACTION:**

Approved  Denied  Tabled/Deferred  Assigned to \_\_\_\_\_