

When Recorded:
Place in Town of Prescott Valley Folder

Ordinance No. 743

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING CHAPTER 7 "BUILDING", ARTICLE 7-01 "THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE", SECTION 7-01-090 "POWERS AND DUTIES OF BUILDING OFFICIAL" TO AUTHORIZE THE RECORDING OF NOTICES OF VIOLATION IN THE OFFICE OF THE COUNTY RECORDER; AND AMENDING SECTION 7-01-110 "BOARD OF APPEALS" TO CLARIFY THE AUTHORITY OF THE BOARD OF APPEALS TO HEAR APPEALS FROM DECISIONS OF THE BUILDING OFFICIAL, STANDARDIZE APPEAL FEES, AND CLARIFY TIME LIMITS FOR TAKING AND HEARING APPEALS; PROVIDING THAT ALL OTHER ARTICLES, SECTIONS, AND SUBSECTIONS IN CHAPTER 7, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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. 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 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. 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), 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, known as “The International Energy Conservation Code, 2006 (IECC)” with an effective date of July 1, 2010, and

WHEREAS, it has been proposed that staff be authorized to record notices of violations to Chapter 7 requirements in the County Recorder’s Office as another mechanism for enforcing said requirements which provides prospective buyers and other interested parties of such violations that may affect property, and

WHEREAS, it has also been proposed that procedures for the Building Board of Appeals be made more consistent with the process set forth in the International Property Maintenance Code and used by nearby jurisdictions: and

WHEREAS, the Mayor and Common Council have now considered these proposed amendments to Chapter 7 “Building” and determined that they are in the best interests of the community and meet the health, safety and welfare needs of the community; and

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

SECTION ONE. That Section 7-01-090 “Powers and Duties of Building Official” in Article 7-01 “THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE CODE” in CHAPTER 7 “BUILDING” of the Town Code of the Town of Prescott Valley, be hereby amended by adding a new Subsection K to read as follows:

7-01-090 Powers and Duties of Building Official.

...

K. Recording Notices of Violation. The building official or a designee may record notices of violation of this administrative code and the technical codes in the Office of the Yavapai County Recorder. Such notices of violation shall run with the land and shall constitute notice for all purposes of this Chapter to all persons or entities thereafter acquiring an interest in the property. Failure to record any notice otherwise given by the building official under this Chapter shall not affect the validity of said notice as to persons who actually receive the same. When property is brought into compliance, the building official (or designee) may record a satisfaction of notice of violation in the Office of the Yavapai County Recorder with or without a request by any holder of an interest in said property.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord. No. 743 , Amended, 03/25/10)

SECTION TWO. That Section 7-01-110 “Board of Appeals” in Article 7-01 “THE TOWN OF PRESCOTT VALLEY ADMINISTRATIVE” in Chapter 7 “BUILDING” of the Town Code, be hereby amended to read as follows:

7-01-110 Board of Appeals.

...

E. Authority. The ~~h~~Board shall hear and decide appeals from the orders, requirements or decisions of the building official in the enforcement of this Chapter 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. In so doing, the Board shall interpret the technical codes adopted by the Town, (except that it shall not interpret the administrative provisions of this administrative code). The Board is not authorized to waive the requirements of the technical codes or this administrative code. Ordinarily, no appeal should be heard by the Board unless one (1) member from the affected profession or trade is present. An exception may be made for emergencies or if the requirement is waived by the appellant(s). The decisions and findings of the Board shall be in writing, directed to the building official and appellant(s).

...

G. Appeal Procedure. Any appeal by a person, firm, corporation or political subdivision ~~of a~~ from an order, requirement or decision of the building official in the enforcement of this Chapter shall proceed as follows:

1. The appellant(s) shall file an application for review on forms provided by the building official, accompanied by a fee of ~~twenty five~~ fifty dollars (\$~~250.00~~).
2. The application shall be filed within twenty (20) days after the day the order, requirement or decision was served.
- ~~2~~ 3. The application shall include a written description of the dispute and the remedy requested, along with a listing of relevant facts.
- ~~3~~ 4. The Board shall meet to consider the appeal in a public hearing within ~~fifteen~~ twenty (20) working days of filing. Notice of the hearing shall be given to the appellant(s) at least five (5) working days prior to the hearing date. Hearings shall generally be held on the second (2nd) Wednesday of the month, unless the building official approves a different date.
45. At the hearing, the appellant(s), his/their representative(s), and any other person(s) whose interest(s) may be affected by the matter on appeal, shall be given the opportunity to be heard. In the event such persons have adverse interest, they or their representatives shall be given a reasonable opportunity to respond to statements by adverse persons.

(Ord. No. 576, Enacted, 01/22/04; Ord. No. 713, Rep&ReEn, 03/13/08; Ord No. 743 Amended, 03/25/10)

SECTION THREE. 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 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 25th day of March, 2010.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney