



UNIFIED DEVELOPMENT CODE COMMITTEE A G E N D A

UNIFIED DEVELOPMENT CODE COMMITTEE
REGULAR MEETING
WEDNESDAY, July 23, 2014
10:00 AM

COUNCIL CHAMBERS / CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207

The following Agenda will be considered by the UNIFIED DEVELOPMENT CODE COMMITTEE at its REGULAR MEETING to be held on WEDNESDAY, July 23, 2014, in COUNCIL CHAMBERS in CITY HALL, located at 201 S. CORTEZ STREET. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

- I. CALL TO ORDER
- II. ATTENDANCE
- III. INTRODUCTION AND PROCESS OF THE 2012 INTERNATIONAL BUILDING CODE
- IV. REVIEW OF ADMINISTRATION CODE
- V. REVIEW OF THE ENERGY CODE
- VI. REVIEW OF THE 2012 INTERNATIONAL FIRE CODE
- VII. REVIEW OF THE 2012 WILDLAND CODE
- VIII. PROCESS GOING FORWARD

MEMBERS

Tom Menser, Chairman
Len Scamardo, Vice Chairman
George Sheats
Mike First

Greg Lazzell
Jim Lamerson
Charles Arnold

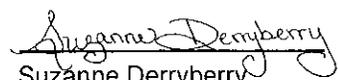
IX. REGULAR ACTION ITEMS

X. ADJOURNMENT

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on July 21, 2014 at 8:30 AM in accordance with the statement filed with the City Clerk's Office.

A handwritten signature in cursive script that reads "Suzanne Derryberry". The signature is written in black ink and is positioned above the printed name.

Suzanne Derryberry
Administrative Specialist
Community Development

UDC COMMITTEE

MEMORANDUM

July 23, 2014

CITY OF PRESCOTT COMMUNITY DEVELOPMENT – BUILDING SAFETY DIVISION

TO: Unified Development Code Committee Members

FROM: Tom Guice, Community Development Director *TG*
· Randy Pluimer, Chief Building Official *a*
Don Devendorf, Fire Marshall

TOPIC: Adopting of the 2012 International Codes.

Background

One of the earliest written codes, The Code of Hammurabi (written around 1770 BC) stated that if a builder built a house for someone, and if that house collapsed and killed the owner, then the builder would be killed. Modern building codes are somewhat less harsh. The City of Prescott adopted building safety codes in 1936, with regular updates ever since. The City is currently on the 2006 International codes with 2008 amendments. In 2008, the city adopted local amendments to insure the codes are pertinent to Prescott's unique characteristics and local environment. It is now time to consider adopting the 2012 International Building Safety Codes.

The purpose of the International Building Safety Codes is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property, from fire and other hazards attributed to the building environment, and to provide for the safety of fire fighters and other emergency responders during emergency operations.

There are a number of good reasons to adopt the 2012 International Building Safety Codes: greater flexibility in the construction materials that contractors can use, allow more options in building design, and the ability to use state of the art building technology. Prescott's adoption of the new code will also provide consistency in the region as a result of other jurisdictions having already adopted this edition of the codes. Prescott Valley implemented the 2012 codes in July 2014. Yavapai County has tentatively established Oct 1, 2014 as their implementation date. The intent is to implement the 2012 international code beginning January 1, 2015.

Staff initiated the adoption process in 2012 and has held 15 public meetings with several hundred contractors, developers and citizens attending. The Yavapai Contractors Association has been involved throughout the lengthy process and has indicated their support for Prescott's adoption of the 2012 codes. The code has also been presented to, and has been discussed by, the city's Advisory Appeals Board. The Board unanimously recommended adoption, with the proposed local amendments.

The Fire Department has followed a similar path in both timing and process. Fire Codes exist for the same reasons as Building Codes, to protect the public and emergency responders. Fire has two codes, with amendments, that they are bringing forward for adoption, the 2012 International Fire Code and the 2012 Wildland Urban Interface Code. They have held all their public meetings, some jointly with Building, and vetted their proposed document with unanimous support of their Advisory and Appeals Board. They are also ready to move forward with the process to maintain consistency with neighboring jurisdictions, the Central Yavapai Fire District, who adopted the 2012 codes in June of 2013 and the Chino Valley Fire District, who will be adopting the 2012 codes in August of this year.

SUGGESTED ACTIONS:

Staff is seeking direction from the UDC regarding adopting the 2012 International Codes.

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED "CITY OF PRESCOTT 2012 ADMINISTRATIVE BUILDING CODE AMENDMENTS" AS A PUBLIC RECORD, AND DIRECTING THE CITY CLERK TO RETAIN THREE COPIES THEREOF ON FILE

RECITALS:

WHEREAS, the City of Prescott adopted that certain document entitled the 2012 *Administrative Building Code*, adopted as Chapter 1 of the 2012 *International Building Code* by the International Code Council, Inc. as a public record by Ordinance [REDACTED]; and

WHEREAS, the City of Prescott wishes to adopt that certain document entitled "City of Prescott 2012 Administrative Building Code Amendments" attached hereto and made a part hereof as Exhibit "A".

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. That certain document entitled "City of Prescott 2012 Administrative Building Code Amendments" is hereby declared to be a public record.

Section 2. That the City Clerk is hereby directed to maintain three (3) copies of the above-referenced public document on file at all times for inspection by the public.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this [REDACTED] day of [REDACTED], 2014.

MARLIN KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

LYNN MULHALL, City Clerk

JON PALADINI, City Attorney

Exhibit "A"

PART I ADOPTION

That Ordinance [REDACTED] is hereby repealed in its entirety and a new administrative code pertaining to all aspects of construction is adopted to read as follows:

CITY OF PRESCOTT 2012 ADMINISTRATIVE BUILDING CODE AMENDMENTS

There is hereby adopted by reference, that certain document known as Chapter 1 Scope and Administration of the International Building Code, 2012 Edition, as published by the International Code Council. Said document is hereby amended and adopted as the 2012 Administrative Building Code for the City of Prescott for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of the various Technical Codes and Ordinances. Providing procedures for enforcement thereof; providing the severability of each and all conditions and terms of the "City of Prescott 2012 Administrative Building Code" are hereby referred to, adopted, and made a part hereof as set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

CHAPTER 1 - ADMINISTRATION

SECTION 101 – GENERAL

SECTION 101.1 – Title is deleted in its entirety and revised to read as follows:

101.1 – Title. These regulations shall be known as the "City of Prescott 2012 Administrative Building Code", hereinafter referred to as "this code."

SECTION 101.2 – Scope is hereby amended by deletion of Exceptions and insertion of new Exceptions to read as follows:

101.2 – Scope.

Exceptions. Except as specifically limited or exempted, this code and the technical codes shall apply to all construction within the City of Prescott

1. Federal Land. Private development on Federal land shall not be exempted.
2. Indian Tribal Land shall not be exempted.
3. Any land covered by ARS statutes (school)

SECTION 101.4 – Referenced codes is hereby deleted in its entirety and revised to read as follows:

101.4 – Referenced codes. The technical codes listed in Sections 101.4.1 through 101.4.12 and referenced elsewhere in this code as adopted by City of Prescott shall be considered part of the requirements of this code to the prescribed extent of each such reference.

SECTION 101.4.1 – Gas Code is hereby deleted in its entirety and revised to read as follows:

101.4.1 – Gas Code. The provisions of the 2012 Edition of the “International Fuel Gas Code” shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These regulations apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

SECTION 101.4.2 – Mechanical Code is hereby deleted in its entirety and revised to read as follows:

101.4.2 – Mechanical Code. The provisions of the 2012 Edition of the “International Mechanical Code” shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

SECTION 101.4.3 – Plumbing Code is hereby deleted in its entirety and revised to read as follows:

101.4.3 – Plumbing Code. The provisions of the 2012 Edition of the “International Plumbing Code” shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

SECTION 101.4.4 – Property maintenance is hereby deleted in its entirety and revised to read as follows:

101.4.4 – Property maintenance. The provisions of the 2012 Edition of The International Property Maintenance Code shall apply to existing structures and premises equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. The provisions of the 2012 Edition of the “International Existing Building Code” shall apply to the repair, alteration, change of occupancy, and relocation of existing buildings. The provisions of the 2012 Edition of the “International Property Maintenance Code” shall also apply to detached one and two family dwellings and multiple single-family dwellings (townhouses) and their accessory structures.

SECTION 101.4.5 – Fire prevention is amended by The city of Prescott Fire Department

101.4.5 – Fire prevention (Fire Codes). The provisions of adopted fire codes as enforced by the City of Prescott Fire Department

SECTION 101.4.6 – Energy Code is hereby deleted in its entirety and revised to read as follows:

101.4.6 – Energy Code. The provisions of the 2012 Edition of the “International Energy Conservation Code” shall apply to all matters governing the design and construction of buildings for energy efficiency. The provisions of the 2012 Editions of the “International Energy Conservation Code” shall also apply to detached one-and-two family dwellings, multiple single family dwellings (townhomes), their accessory structures and commercial projects.

SECTION 101.4.7 – Residential Code is hereby added as a new section to read as follows:

101.4.7 – Residential Code. The provisions of the 2012 Edition of the “International Residential Code” shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and their accessory structures.

SECTION 101.4.10 – Building Code is hereby added as a new section to read as follows:

101.4.10 – Building Code. The provisions of the 2012 Edition of the "International Building Code" shall apply to the construction, alteration, movement, demolition, enlargement, replacement, relocation, repair, equipment, use and occupancy, location, maintenance or any appurtenance connected or attached to such building or structures.

SECTION 101.4.11 – Existing Building Code is hereby added as a new section to read as follows:

101.4.11 – Existing Building Code. The provisions of 2012 edition "Existing Building Code" shall apply to repair, change of occupancy, and relocation of existing buildings and structures.

SECTION 101.4.12 – Electrical is hereby added as a new section to read as follows:

101.4.12 – Electrical. The provisions of the 2011 Editions of the "National Electrical code" shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto for commercial and regional projects as required.

SECTION 102 – APPLICABILITY

SECTION 102.3 – Application of references is hereby amended by addition of the following Exception to read as follows:

102.3 – Application of references.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or material, the conditions of the listing and the manufacturer's installation instructions shall be determined by the Chief Building Official or his/her designee.

SECTION 102.4 – Provisions in referenced codes and standards is hereby amended by addition of the following exception to read as follows:

102.4.1 – Conflicts.

Exception: Where enforcement of any code provision would violate the conditions of approved listings of equipment or material, the conditions of the listing and the manufacturer's installation instructions of listed equipment or material shall be used and reviewed by the Chief Building Official or his/her designee.

102.4.2 – Provisions in referenced codes and standards.

Exception: Where enforcement of any code provision would violate the conditions of approved listings of equipment or material, the conditions of the listing and the manufacturer's installation instructions of listed equipment or material shall be used and reviewed by the Chief Building Official or his/her designee.

SECTION 102.7 – Additions, Alterations or Repairs is hereby added as a new section to read as follows:

102.7 – Additions, Alterations or Repairs. Additions, alterations or repairs to any structure or mechanical, plumbing, fuel gas or electrical systems shall conform to the requirements for the structure or system without requiring the existing structure or system to comply with all requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe, hazardous, overloaded or adversely affect the performance of the structure or system.

SECTION 102.8– Change in Occupancy is hereby added as a new section to read as follows:

102.8 – Change in Occupancy. It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provisions of this code applicable to the new occupancy without approval. The building official shall certify that such structures meets the intent of the provisions of the law governing building construction for the proposed new occupancy and that such a change of occupancy does not result in any hazard to the public health, safety or welfare.

SECTION 102.9– Moved Buildings is hereby added as a new section to read as follows:

102.9 – Moved Buildings. Except as determined by section 102.7, plumbing, fuel gas, mechanical or electrical systems that area a part of buildings or structures moved into or within the jurisdiction shall comply with provisions of the code for new installations.

SECTION 102.10– Maintenance is hereby added as a new section to read as follows:

102.10 – Maintenance. Mechanical, Plumbing, Fuel Gas and Electrical systems, both existing and new, and parts thereof shall be maintained in proper operational condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code addition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of all systems. To determine compliance with this provision, the building official shall have the authority to require a system to be inspected.

SECTION 102.11 – Guideline manuals is hereby added as a new section to read as follows:

102.11 – Guideline manuals. Guideline manuals as published by the International Code Council, Inc. and The National Fire Protection Association, Inc. as commentaries, handbooks, inspection guides, plan review guides, training manuals and other such reference publications may be used by the Chief Building Official as guidance to provide alternative approaches to achieve compliance and interpretations of the adopted codes and the technical codes.

SECTION 102.12 – Definitions is hereby added as a new section to read as follows:

102.12 – Definitions. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. The definition within the specific adopted technical codes shall be construed to apply to that code. Where terms are not defined through the methods authorized by this section, such terms shall have the ordinarily accepted meaning such as the context implies. Webster's current New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meaning.

ADDITION – An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE BUILDING CODE – The City of Prescott Administrative Building Code, as set forth within Ordinance _____, as adopted by this jurisdiction.

ALTER or ALTERATION – Any construction or renovation to an existing structure.

APPROVED – Acceptable to the Chief Building Official or authority having jurisdiction.

APPROVED AGENCY – An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Chief Building Official.

BASEMENT, UNFINISHED – An unheated portion or area not intended as a habitable space and limited to storage or similar uses. There will be no other framing for interior walls other than that which is needed for structural support. The area will not be insulated other than the floor/ceiling separation. The ceiling

height shall be 6 feet 8 inches minimum clearance except under beams, girders, ducts or other obstructions where the clear height may be less than 6 feet 4 inches. No slabs are to be poured. Mechanical room shall be separated from basements and considered as habitable spaces. Any heated spaces will be considered "finished" and constructed to comply with the applicable codes. Unfinished basements must also conform to section E3901.9, E3902.5 and E3903.4 of the International Residential Code for the minimal electrical requirements.

BEDROOM – A separated room intended for sleeping that may or may not contain a closet in residential use.

BUILDING – Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE – The International Building Codes as published by the International Code Council, as adopted by this jurisdiction.

BUILDING, EXISTING – Any building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

BUILDING OFFICIAL – The officer or other designated authority charged with the administration and enforcement of this code, or duly authorized representative.

CABLE RAILS – Cable rails shall comply with Sections 1013.1 through 1013.3 of the 2012 IBC and the cables shall be a minimum of 1/4 inch (6.4 mm) in diameter and, the cable shall be spaced no more than 2 ½ inches (63.5 mm) apart and, the cables shall be fully tensioned and, stays shall be placed no more than 4' apart.

CARPORTS – A covered structure intended for parking of a vehicle that is open on at least two sides, each side must be open a minimum of 50% or more.

CONDOMINIUM - An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in air space in a residential or commercial complex located on such real property. Condominium may include cluster housing or semi-detached housing. In addition, a condominium may include a separate interest in other portions of such real property, such as common area.

COMMERCIAL PROJECTS – Any commercial buildings, industrial buildings, assembly use buildings and multi family residential structures not defined as a townhome or greater than a duplex or any commercial occupancy as determined by the Chief Building Official.

CRAWL SPACE – Area under house that is Less than 6 feet 8 inches, not intended to be habitable, with no Mechanical, plumbing or electrical allowed and a dirt floor. Crawl space must also conform to section E3901.9, E3902.5 and E3903.4 of the International Residential Code for the minimal electrical requirements.

DETACHED BUILDING - A separate stand alone structure that is separated from other structures on the same property without fire resistant constructed exterior walls with a physical separation that complies with the requirements of Section 503.1.2 and Table 602 of the Building Code, or Section R302 of the Residential Code, greater than 200 square foot and covered under the primary structure. No Physical attachments to other structures on the same property are permitted. This classification shall include, but not be limited to the following:

- Casitas
- Gazebos
- Storage sheds
- Garages
- Green houses
- Ramada
- Barns

Shop

DIRECTED CARE SERVICE - Care, including personal care services, of residents who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

ELECTRICAL CODE – The National Electrical Code published by the National Fire Protection Association, as adopted by this jurisdiction.

EXISTING BUILDING CODE – The International Existing Building code, published by the International Code Council, as adopted by this jurisdiction.

FUEL GAS CODE – The International Fuel Gas Code, published by the International Code Council, as adopted by this jurisdiction.

GRADING – Any excavating, filling, or combination thereof for earthwork construction as covered within the grading ordinance as adopted by this jurisdiction.

GUEST HOUSE, GUEST QUARTERS OR MOTHER-IN-LAW SUITE- A unit or space design with separate living, sleeping and/or bathing facilities, may not have cooking facilities.

JURISDICTION – The governmental authority having jurisdiction that has adopted this code under due legislative authority.

MECHANICAL CODE – The International Mechanical Code published by the International Code Council, as adopted by this jurisdiction.

MECHANICAL ROOM – A room with slab and walls, that encloses mechanical units either in a crawl space or an unfinished basement, or habitable area.

OCCUPANCY – The purpose for which a structure, or part thereof, is used or intended to be used in compliance with adopted code.

OWNER – Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERMIT – An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

PERSON – An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERSONAL CARE SERVICE - Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

PLUMBING CODE – The International Plumbing Code, published by the International Code Council, as adopted by this jurisdiction.

REMOTE BEDROOM – A bedroom area that is detached from the main structure. Also see Guest house.

REPAIR – The reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

RESIDENTIAL CARE/ASSITED LIVING HOME - A building or part thereof housing a maximum of 6 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but be limited to the following:

- Alcohol and drug abuse centers
- Assisted living facilities
- Congregate care facilities

Convalescent facilities
Group homes
Halfway houses
Residential board and Custodial care facilities
Social rehabilitation facilities

RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS – The International Residential Code for one- and two-family dwellings, published by the International Code Council, as adopted by this jurisdiction.

SHALL – The term, when used in this code, is construed as mandatory.

SPECLATIVE WAREHOUSE - A building designed for high piled combustible storage with-out a known type or commodity designation specified.

STRUCTURE – That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner that is to be used.

SUPERVISORY CARE SERVICE - General supervision, including daily awareness of resident functioning and continuing needs.

TECHNICAL CODES – Those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.

TOWNHOUSE(S) – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides. Such are not more than three stories above grade plane in height with a separate means of egress to each unit.

TRAILER (PARK MODEL) – A park trailer built on a single chassis with the square footage between 320 to 400, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and manufactured to comply with ANSI A119.5 standards, except that it does not include recreational vehicles, travel trailers, campers or fifth wheel trailers.

VALUATION or **VALUE** –The total estimated cost to replace, repair, build, or erect any building and its building service equipment in kind, based on current construction costs.

YURT/TENT – Canvas structure erected for more than 14 days within any 365 days or that is rented will required to meet all life safety requirements.

SECTION 104 – DUTIES AND POWERS OF CHIEF BUILDING OFFICIAL

SECTION 104.3 Notices and Orders is hereby deleted in its entirety and revised to read as follows:

104.3 Notices and Orders. The Building Official or other appointed representatives, including but not limited to, inspectors, code enforcement officers, plans examiners and other employees, as directed by the building official, shall issue all necessary notices por orders to ensure compliance with this code.

SECTION 104.5 – Identification is hereby deleted in its entirety and revised to read as follows:

104.5 – Identification. The Chief Building Official and appointed deputies shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

SECTION 104.7 – Department records is hereby amended by the revision of the first sentence to read as follows:

104.7 – Department records. The Chief Building Official shall keep and/or have access to official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued.

SECTION 104.10.1 – Flood Hazard Areas as adopted by the jurisdiction.

SECTION 105 – PERMITS

SECTION 105.2 – Work exempt from permit is hereby deleted in its entirety and amended to read as follows:

105.2 – Work exempt from permit. A permit shall not be required for the types of work in each of the separate classes of permits as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of any codes or any other laws or ordinances.

NOTE: Work exempt from a permit pursuant to this section shall apply ONLY to Building Safety. Other City of Prescott regulatory agencies may have permit requirements for these exemptions.

Building permits. A building permit shall not be required for the following: (All though zoning approval or a site plan may be required)

1. One-story detached accessory buildings on residential properties used as tool and storage sheds, garages, playhouses, and similar uses, provided the area does not exceed 200 square feet under roof or structural foot print. No plumbing, mechanical, and electrical to structure is allowed, the structure cannot be occupied.
2. Fences not over six feet (6') high.
3. Oil derricks.
4. Movable cases, counters and partitions not over five feet nine inches (5'9") high.
5. Retaining walls, which are not over Two feet (2') in height, measured from the bottom of the footing to the top of the wall.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
7. Decks, platforms, walks and driveways being uncovered, not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not over any basement or story below and which do not serve any egress door and are not attached to a structure.
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery where the public is not to attend.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than fifty-four inches (54").
11. Prefabricated swimming pools as an accessory to a Group R, Division 3 Occupancy used only for single family uses that are less than 24 inches deep with walls, fences entirely enclosed the pool and the adjacent grade where the water capacity does not exceed 5,000 gallons and the pool is entirely above ground. Any electrical or water heating systems requires a separate permit.
12. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems in residential uses only and square footage not to exceed 200 square foot.
13. Swings and other playground equipment accessory to one- and two-family dwellings.
14. Re-roofing (no sheathing replacement) for one and two family property. Except in a historic house or district.
15. Animal shades not to exceed 200 square feet under roof on residential properties. Any plumbing, mechanical, and electrical to structure will require a separate building permit.
16. Concrete flat work (driveways, walkways, and pads not to be used in connection with a structural component).

Plumbing permits. A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however; that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Electrical permits. An electrical permit shall not be required for the following:

1. Listed cord and plug connecting temporary decorative lighting.
2. Re-installation of attachment plug receptacles, but not the outlet therefor.
3. Repair or replacement of listed fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
4. Temporary wiring for experimental purposes in suitable experimental laboratories.
5. Listed portable motors or other listed portable appliances energized by means of a cord or cable having an attachment listed plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
6. Repair or replacement of listed electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Removal of electrical wiring.
8. Electrical wiring, listed devices, listed appliances, listed apparatus or listed equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
9. The wiring for temporary theater, motion picture or television stage sets where the public is not to attend.
10. Low-energy power, controls and signal circuit of Class II and Class III as defined in the Electrical Code.

Mechanical permits. A mechanical permit shall not be required for the following:

1. A listed portable plug-in heating appliance on approved circuit.
2. Listed portable plug-in ventilating appliances and equipment on approved circuit.
3. A listed portable plug-in cooling unit on approved circuit.
4. Steam, hot water or chilled water piping within any listed heating or cooling equipment or listed appliances regulated by this code.
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
6. A portable plug-in evaporative cooler on approved circuit, not roof mounted.
7. Self-contained refrigerating systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and not interconnected to a power grid.

Fuel Gas permits. A fuel gas permit shall not be required for the following:

1. Any listed portable plug-in heating appliance on approved circuit.
2. Replacement of any minor part of equipment that does not alter approval of such equipment or make such equipment unsafe.

SECTION 105.3.2 – Time limitation of application is hereby deleted in its entirety and revised to read as follows:

105.3.2 – Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of approval or a approved

permit has been issued. Such application shall be deemed abandoned and shall be expired. The Chief Building Official is authorized to grant an extension of time of up to 180 additional days. The extension shall be requested in writing and justifiable cause demonstrated prior to the expiration date.

SECTION 105.5 – Expiration is hereby deleted in its entirety and revised to read as follows:

105.5 – Expiration. Every permit issued shall become invalid unless the work authorized by such a permit has commenced within 180 days after its issuance, with approval of a valid inspection by the Building Safety Department as detailed in Section 110 and approval of subsequent valid inspections are obtained every 180 days thereafter. The Chief Building Official is authorized to grant up to two (2) extensions of time for a period of not more than 180 days each. Permit extensions shall not be approved consecutively. All requests for extensions shall be in writing prior to the permit expiration and with justifiable cause demonstrated. Every permit issued shall become invalid within three and a half (3 1/2) years from the issued date regardless of all extensions of time. An expired permit shall only be renewed once provided no changes have been made or will be made in the original issued construction documents and the renewal application is submitted within one (1) year of the expiration date. Each extension will have a required fee of \$60.00 that shall accompany the written extension request. All permits allowed to expire and not eligible for re-instatement, will receive a Notice of Violation with no occupancy allowed, and have the Parcel put on hold till brought current.

SECTION 107 – SUBMITTAL DOCUMENTS

SECTION 107.1 – General is hereby deleted in its entirety except the exception and revised to read as follows:

107.1 – General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, engineering calculations, and other data shall be submitted in two or more sets with each permit application. The construction documents for all disciplines shall be prepared by an Arizona licensed registrant when the building is regulated by the rules and regulations of the Arizona State Board of Technical Registration to require sealed plans by a qualified licensed registrant. The Chief Building Official may require the applicant submitting construction documents to demonstrate that state law does not require that the documents be prepared by an Arizona registrant

SECTION 107.2.1 – Information on construction documents is hereby deleted in its entirety and revised to read as follows:

107.2.1 – Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when prior approval is obtained from the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. All braced wall lines, shall be identified on the construction documents and pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, attachment of braced wall panels to foundation and at top of braced wall lines shall be provided.

SECTION 107.2.2 – Fire protection system shop drawings is hereby deleted in its entirety and revised to read as follows:

107.2.2 – Fire Protection Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to the authority having jurisdiction (AHJ) as determined by Section 101.4.6 of this code for review and shall be approved by the AHJ prior to the start of system installation. The Chief Building Official shall receive official notification of such approval prior to continued inspections of work in areas where fire protection system(s) are required.

SECTION 107.2.5 – Site plan is deleted in its entirety and revised to read as follows:

107.2.5 – Site plan. The construction documents submitted with the application for a permit shall be accompanied by a site plan drawn to a defined scale showing the size and locations of all new construction and existing structures on the site, distances from all lot lines, the existing (native) and proposed final grade contour intervals, building pad elevations, finished floor elevations, drainage flow directions, utility line locations (water, gas, sewer, septic, and electrical) and cut and fill amounts of any grading. In the case of demolition, the 8 ½" x 11" plot plan shall show structure(s) to be demolished and the location and size of existing structure(s) to remain on the property. The Chief Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

SECTION 107.2.5.1 – Design Flood Elevations as adopted by this jurisdiction.

SECTION 107.3.3 – Phased approval is hereby deleted in its entirety.

SECTION 107.3.4.1 – Deferred submittals is hereby and revised to read as follows:

107.3.4.1 – Deferred submittals. Deferred submittals of this code shall apply to all buildings, *EXCEPT* detached one- and two-family dwellings and multiple single family dwellings and their accessory structures as defined under the provisions of the Residential Code as adopted by this jurisdiction. Deferred items will require submittal of construction documents sets as set forth in Sections 107.1 and 107.2 to be examined and approved by the Chief Building Official as set forth in sections 107.3 and 107.3.1 prior to any work described in such deferred submittals being commenced.

SECTION 107.5 – Retention of construction documents is hereby amended by State approved retention scheduled.

EMPORARY STRUCTURES AND USES

SECTION 108.3 – Temporary power is hereby deleted.

SECTION 109 – FEES

SECTION 109 – FEES is here by deleted in its entirety and revised as follows

109.1 – Payment of fees. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by City of Prescott.

109.2 – Schedule of permit fees. Pursuant to ARS §9—863-C, valuations shall be assigned and fees shall be assessed in accordance with the current valuation and fee schedule.

The value to be used in computing the building permit fee and building plan review fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

109.3 – Plan review fees. When submittal documents are required by Section 107, a deposit shall be paid at the time documents are submitted for plan review.

The plan review fees for electrical, mechanical and plumbing work shall be as shown in the Valuation and Fee Schedule.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in the Valuation and Fee Schedule.

109.4 – Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Chief Building Official that shall be in addition to the required permit fees.

109.5 – Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation may be made prior to a permit being issued for such work.

Exception: Repairs performed in an emergency situation where the application was submitted the next business day.

109.5.1 – Investigation Permit Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code; the technical codes, and from the penalty prescribed by law.

109.6 – Related Fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.7 – Fee Refunds

The Chief Building Official may authorize refunding of a fee paid hereunder, which was erroneously paid or collected.

The Chief Building Official may authorize refunding of up to 80% of the building permit fee paid when no work and no inspections have been done under a permit issued in accordance with this code.

The Chief Building official may authorize refunding of up to 80% of plumbing, electrical, and mechanical fees paid when no work and no inspections have been done under a permit issued in accordance with this code.

The Chief Building Official may authorize refunding a plan review fee for a permit withdrawn after a deposit fee has been paid at the greater of the per-hour charge rate (minimum of one hour) or the calculated plan review fee. No refund of plan review fees is authorized once plan review on a plan has begun.

The Chief Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original applicant no later than 180 days after the date of fee payment.

SECTION 110 – INSPECTIONS

SECTION 110 – INSPECTIONS is deleted in its entirety and revised to read as follows:

SECTION 110 – INSPECTIONS

110.1 – General. Construction or work for which a permit is required shall be subject to inspection by the Chief Building Official or appointed deputies and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of

an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Chief Building Official or appointed deputies, nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the property, as done by an Arizona licensed surveyor may be required by the Chief Building Official to verify that buildings, structures and related features are located in accordance with the approved plans.

110.2 – Preliminary inspection. Before issuing a permit, the Chief Building Official is authorized to examine, or cause to be examined, the buildings, structures and sites for which an application has been filed.

110.3 – Required inspections. The Chief Building Official or appointed deputies, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.15.

110.3.1 – Footing. Footing inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete footings, any required forms shall be in place prior to inspection. As required by ACI standards, all vertical steel shall be tied in place at the time of footing inspection.

110.3.2 – Stem wall/grout. Stem wall inspections of masonry or formed concrete walls, shall be made prior to any grout or concrete being placed after the masonry units and required forms are completed and any required reinforcing steel installed, including the installation of any required framing attachments, which shall be secured to the un-grouted masonry units or concrete wall forms.

110.3.3 – Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

110.3.4 – Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor. Residential building concrete slab inspections shall include the garage floor.

110.3.5 – Floodplain inspections. For construction in areas prone to flooding, as determined by the City of Prescott Public Works department, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the Chief Building Official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including the basement.

110.3.6 – Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to slab grade inspection, or at the time of rough-in inspection prior to insulation.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Sections M2105.1 of the 2012 International Residential Code and 1208.1.1 of the 2012 International Mechanical Code prior to inspection shall be permitted.

110.3.7 – Roof nailing and exterior braced wall panels. Roof nailing and exterior braced wall panel inspection shall be made after the roof deck sheathing, exterior wall sheathing, and required wall framing attachments are in place and prior to the installation of the roofing material and exterior wall covering. All required wall framing attachments to the foundation and stem wall systems shall be in place.

110.3.8 – Framing and exterior lath. Framing inspection shall be made after all framing, fire-blocking, windows, and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wiring, pipes and ducts are installed. All penetrations through the floor and through the top plate into the attic must be sealed.

110.3.9 – Water-resistive and/or Air barrier. A moisture barrier inspection shall be performed after all flashings, windows, and moisture barrier is installed prior to the installation of any exterior wall covering.

110.3.10 – Energy efficiency inspection. Insulation inspection shall be made after frame and exterior lath inspection and all rough plumbing, mechanical, gas, and electrical systems are approved and prior to covering or concealment. Blown or sprayed roof/ceiling insulation may be verified before final inspection with markers affixed to the trusses or joists and marked with the insulation thickness by one inch (1") high numbers. A minimum of one (1) marker provided for each 300 square feet of area with numbers to face the attic access opening. In lieu of an insulation inspection, a certification from the insulation installer may be submitted.

110.3.11 – Gypsum board. An inspection shall be made of the gypsum board, interior and exterior, before any joints and fasteners are taped and finished.

110.3.12 Fire-resistant penetrations and fire-resistance-rated construction inspection. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Chief Building Official or appointed deputies shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wall board joints and fasteners are taped and finished.

110.3.13 – Special inspections. For special inspections, see Section 1704 of the 2012 International Building Code.

110.3.14 – Other inspections. In addition to the inspections specified above the Chief Building Official or appointed deputies is authorized to make or require other inspection of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.15 – Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

110.4 – Inspection agencies. The Chief Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 – Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Chief Building Official or appointed deputies when work is ready for

inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 – Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Chief Building Official or appointed deputies. The Chief Building Official or appointed deputies, upon notification, shall perform the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Chief Building Official or appointed deputies.

110.7 – Re-inspection. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed:

- When the approved plans are not readily available to the inspector.
- For failure to provide access on the date for which inspection is requested.
- For deviating from approved plans thereby requiring the approval of the Chief Building Official.

To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee schedule adopted by this jurisdiction.

In instances where re-inspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

SECTION 111 – CERTIFICATE OF OCCUPANCY/ CERTIFICATE OF COMPLETION

SECTION 111.2 – Certificate issued is hereby amended as follows:

111.2 – Certificate issued.

Exception: Certificates of Occupancy or Certificate of Completion are not required for work exempt from permits under Section 105.2 on residential remodels, or residential additions, and accessory buildings or structures on residential properties being used for non-habitable residential purposes. Certificates of Completion shall be issued on permits issued as a Shell Building. Certificates of Completion shall not authorize occupancy.

SECTION 113 – BOARD OF APPEALS

SECTION 113 – Board of appeals is hereby deleted in its entirety and revised to read as follows:

SECTION 113 – BOARD OF APPEALS

113 .1 – General. In order to hear and decide appeals of order, decisions or determinations, made by the Chief Building Official relative to the application and interpretation of the technical code, there is hereby created the Building Safety Advisory and Appeals Board, pursuant to ARS §9-862.

113 .2 – Number of Board Members. The Building Safety Advisory and Appeals Board shall consist of nine (9) voting members appointed by the City of Prescott Council for a four-year term,

scheduled so that no more than two (2) terms expire in each year. The City of Prescott Council shall fill vacancies for unexpired terms.

113 .3 – Members of Board. Members of the Board of Advisory and Appeals shall be residents of City of Prescott and shall include representatives in the following areas, to the extent that qualified representatives are available and willing to serve:

- An architect duly licensed in the State of Arizona.
- A professional engineer duly licensed in the State of Arizona.
- A general contractor duly licensed or prior licensed.
- A person representing the public and is a resident of City of Prescott.
- A person duly licensed or extensive knowledge in the electrical, mechanical or plumbing trades.
- The Chief Building Official shall be an ex officio member and shall act as Secretary to the board, but shall have no vote upon any matters before the board.

113 .4 – Duties of Building Safety Advisory and Appeals Board.

1. The Building Safety Advisory and Appeals Board shall hear appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of the technical code, including suitability of alternative materials and methods of construction, effectiveness, efficiency, responsiveness, ethics, fees, revenues, budgets, staffing equipment, code content, geographic coverage, coordination with other units of governments, and any other matters of concern to the Board.
2. Findings Shall be advisory to the Chief Building Official.
3. The Board shall act as technical advisory in the formation and acceptance of adopting Building Codes and Ordinances in the City of Prescott.

113 .5 – Limitation of Authority. The Building Safety Advisory and Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the Board be empowered to waive requirements of either this code or the technical codes.

PART II FINDINGS AND DECLARATION

The City of Prescott Council, Arizona specifically and expressly finds and declares that the nature and uniqueness of the climate, terrain, and location does necessitate and demand specific amendments to the City of Prescott 2012 Administrative Building Code, which are stated in this Exhibit "A".

The provisions of this ordinance and the code it incorporates are hereby declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

PART III EFFECTIVE DATE

This ordinance shall take effect and be in force on the [REDACTED] day of [REDACTED] 2013.

Executive Order 2009 – 12

Designating the Arizona Department of Commerce to Administer New Taxable, Tax Credit and Tax Exempt Bond Allocations Under the Arizona Recovery and Reinvestment Act of 2009

WHEREAS, Arizona has received increased or new taxable, tax credit and tax-exempt bonding allocations under the American Recovery and Reinvestment Act of 2009 (ARRA), including qualified energy conservation bonds, recovery zone economic development bonds and recovery zone facility bonds all as defined in the ARRA, and

WHEREAS, the goals of the ARRA are to increase job preservation and creation; infrastructure investment, energy efficiency and science assistance to the unemployed; and state and local fiscal stability, and

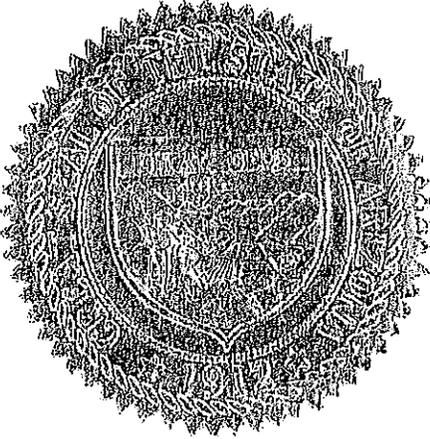
WHEREAS, the Arizona Department of Commerce (Commerce) is charged with numerous economic development powers and duties pursuant to A.R.S. § 41-1504, and

WHEREAS, the Commerce and Economic Development Commission is authorized to provide financial assistance to businesses locating or expanding in Arizona pursuant to ARS § 41-1505.06 and .07, and

WHEREAS, the Greater Arizona Development Authority is a statewide bonding authority pursuant to A.R.S. § 41-1554 et seq., and.

NOW THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me as Governor by the Constitution and Laws of this State, hereby order as follows:

1. Commerce shall administer the qualified energy conservation bonds, recovery zone economic development bonds and recovery zone facility bonds programs, each as defined in the ARRA.
2. Commerce shall develop a process related to the allocation of volume caps and applications.
3. Commerce shall administer the energy grant program established with funding made available to the State Energy Office under division A of title IV of the ARRA.
4. Any public entity that issues or enters into an ARRA bond obligation shall deliver a report to Commerce, within 30 days after such stimulus obligation is issued or entered into, which report shall include the information required by the ARRA and any other information requested by Commerce.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
GOVERNOR

DONE at the Capital in Phoenix, Arizona this 17th day of December in the Year Two Thousand and Nine and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Ken Blumenthal

SECRETARY OF STATE



State of Arizona

Janice K. Brewer
Governor

Office of the Governor
1700 West Washington Street, Phoenix, AZ 85007

Main Phone: 602-542-4331
Facsimile: 602-542-7601

FOR IMMEDIATE RELEASE
August 7, 2009

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Governor Brewer Launches Effort to Improve Energy Efficiency at State Buildings

Investment will Leverage Stimulus Funds, Create Jobs

PHOENIX – Governor Jan Brewer today announced the first commitment of funds associated with Arizona's State Energy Plan (SEP) under the American Recovery and Reinvestment Act (ARRA) of 2009. Ten million dollars will be allocated for projects enhancing energy efficiency at State-owned buildings and facilities.

"We're moving swiftly and wisely to invest Arizona's stimulus dollars into projects that will boost the State's economy and put more Arizonans back to work," said Governor Jan Brewer. "This effort will have lasting impact, providing long-term energy savings for public facilities and agencies, thereby conserving critical taxpayer dollars."

The money is a portion of the \$55.4 million the State is expected to receive from the U.S. Department of Energy's State Energy Program. Under Arizona's program developed by the Arizona Department of Commerce Energy Office, the ARRA funds will act as a catalyst leveraging private sector investment in proven industry practices to maximize impact. This energy performance contract allows the State to make energy improvements in its buildings and use the guaranteed energy cost savings to pay for the improvements.

"The Arizona State Building Energy Performance Contracting Program envisions leveraging the \$10 million of ARRA funds with \$40 million or more of private capital to retrofit state buildings," said Jim Arwood, Director of the Energy Office. "This approach significantly increases the number of jobs and benefits greenhouse gas reduction while creating more productive work environments, eliminating deferred maintenance concerns and lowering the annual operating and maintenance costs for State buildings."

Arizona's SEP aims to advance energy efficiency and renewable energy investments statewide. Programs for Arizona schools and state buildings will utilize energy performance contracting to leverage \$30 million in stimulus funding with private capital funding to achieve \$150 million in energy efficiency and renewable energy projects. These energy performance contracts are estimated to reduce annual utility costs by \$15.5 million for Arizona taxpayers.

The Arizona Department of Administration is in the process of identifying state buildings for energy performance contracts. The energy improvements address elements such as lighting, lighting controls, HVAC and HVAC controls, motors, building automated controls, and insulation. The ARRA funds will help make significant infrastructure improvements, such as boilers and chillers and solar equipment, more cost effective.

Governor Brewer's Office provides updates on Arizona's ARRA applications and programs at www.azrecovery.gov.

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(b) ASSISTANCE LEVEL PER DWELLING UNIT.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking “\$2,500” and inserting “\$6,500”.

(c) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary's view, such use of funds would increase the effectiveness of the program.

(d) TRAINING AND TECHNICAL ASSISTANCE.—Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866) is amended by striking “10 percent” and inserting “up to 20 percent”.

(e) ASSISTANCE FOR PREVIOUSLY WEATHERIZED DWELLING UNITS.—Section 415(c)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(2)) is amended by striking “September 30, 1979” and inserting “September 30, 1994”.

SEC. 408. TECHNICAL CORRECTIONS TO PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978. (a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by redesignating paragraph (16) relating to consideration of smart grid investments (added by section 1307(a) of Public Law 110-140) as paragraph (18) and by redesignating paragraph (17) relating to smart grid information (added by section 1308(a) of Public Law 110-140) as paragraph (19).

(b) Subsections (b) and (d) of section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) are each amended by striking “(17) through (18)” in each place it appears and inserting “(16) through (19)”.

SEC. 409. RENEWABLE ELECTRICITY TRANSMISSION STUDY. In completing the 2009 National Electric Transmission Congestion Study, the Secretary of Energy shall include—

(1) an analysis of the significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity;

(2) an analysis of the reasons for failure to develop the adequate transmission capacity;

(3) recommendations for achieving adequate transmission capacity;

(4) an analysis of the extent to which legal challenges filed at the State and Federal level are delaying the construction of transmission necessary to access renewable energy; and

(5) an explanation of assumptions and projections made in the Study, including—

(A) assumptions and projections relating to energy efficiency improvements in each load center;

(B) assumptions and projections regarding the location and type of projected new generation capacity; and

(C) assumptions and projections regarding projected deployment of distributed generation infrastructure.

SEC. 410. ADDITIONAL STATE ENERGY GRANTS. (a) IN GENERAL.—Amounts appropriated under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” in this title shall be available to the Secretary of Energy for making additional grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.). The Secretary shall make grants under this section in excess of the base allocation established for a State under regulations issued pursuant to the

Notification.

authorization provided in section 365(f) of such Act only if the governor of the recipient State notifies the Secretary of Energy in writing that the governor has obtained necessary assurances that each of the following will occur:

(1) The applicable State regulatory authority will seek to implement, in appropriate proceedings for each electric and gas utility, with respect to which the State regulatory authority has ratemaking authority, a general policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.

(2) The State, or the applicable units of local government that have authority to adopt building codes, will implement the following:

(A) A building energy code (or codes) for residential buildings that meets or exceeds the most recently published International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) A building energy code (or codes) for commercial buildings throughout the State that meets or exceeds the ANSI/ASHRAE/IESNA Standard 90.1-2007, or achieves equivalent or greater energy savings;

(C) A plan for the jurisdiction achieving compliance with the building energy code or codes described in subparagraphs (A) and (B) within 8 years of the date of enactment of this Act in at least 90 percent of new and renovated residential and commercial building space. Such plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) The State will to the extent practicable prioritize the grants toward funding energy efficiency and renewable energy programs, including—

(A) the expansion of existing energy efficiency programs approved by the State or the appropriate regulatory authority, including energy efficiency retrofits of buildings and industrial facilities, that are funded—

(i) by the State; or

(ii) through rates under the oversight of the applicable regulatory authority, to the extent applicable;

(B) the expansion of existing programs, approved by the State or the appropriate regulatory authority, to support renewable energy projects and deployment activities, including programs operated by entities which have the authority and capability to manage and distribute grants, loans, performance incentives, and other forms of financial assistance; and

(C) cooperation and joint activities between States to advance more efficient and effective use of this funding to support the priorities described in this paragraph.

(b) STATE MATCH.—The State cost share requirement under the item relating to “Department of Energy; Energy Conservation” in title II of the Department of the Interior and Related Agencies

Deadline.

2017

Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(c) EQUIPMENT AND MATERIALS FOR ENERGY EFFICIENCY MEASURES AND RENEWABLE ENERGY MEASURES.—No limitation on the percentage of funding that may be used for the purchase and installation of equipment and materials for energy efficiency measures and renewable energy measures under grants provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) shall apply to assistance provided under this section.

TITLE V—FINANCIAL SERVICES AND GENERAL
GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, \$7,000,000, to remain available until September 30, 2013, for oversight and audits of the administration of the making work pay tax credit and economic recovery payments under the American Recovery and Reinvestment Act of 2009.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
PROGRAM ACCOUNT

For an additional amount for “Community Development Financial Institutions Fund Program Account”, \$100,000,000, to remain available until September 30, 2010, for qualified applicants under the fiscal year 2009 funding round of the Community Development Financial Institutions Program, of which up to \$8,000,000 may be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers and up to \$2,000,000 may be used for administrative expenses: *Provided*, That for the purpose of the fiscal year 2009 funding round, the following statutory provisions are hereby waived: 12 U.S.C. 4707(e) and 12 U.S.C. 4707(d): *Provided further*, That no awardee, together with its subsidiaries and affiliates, may be awarded more than 5 percent of the aggregate funds available during fiscal year 2009 from the Community Development Financial Institutions Program: *Provided further*, That no later than 60 days after the date of enactment of this Act, the Department of the Treasury shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading.

Waiver.

Deadline.
Expenditure
plan.

RESOLUTION NO. 3966-0972

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT TO SUBMIT AN APPLICATION TO APPLY FOR RECOVERY ACT (ARRA) – ENERGY EFFICIENCY AND CONSERVATION FORMULA BLOCK GRANT FUNDS AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, the City wishes to apply for a formula block grant allotment from the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, under the Energy Efficiency and Conservation Block Grant Program in the amount of \$191,100; and

WHEREAS, the purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to reduce fossil fuel emissions in a manner that is environmentally sustainable and to the maximum extent practicable, maximize benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector; and other appropriate sectors. Entities may develop various initiatives and projects that address one or more of the purposes and each activity an entity undertakes is not required to meet all of the stated purposes.

WHEREAS, the City staff has determined this funding would be best used for energy efficiency retrofits to existing City facilities including the Golf Course maintenance shop; Airport terminal, City Hall; P & R Administration and Waste Water collections. Upgrades range from energy efficient HVAC units, exterior wall cavity fill insulation to insulated glass upgrades.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT the City of Prescott hereby authorizes the submittal of a grant funding application for a grant allotment from the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, under the Energy Efficiency and Conservation Block Grant Program (EECBG Program) in the amount of \$191,100.

Section 2. THAT the Mayor and Staff are hereby authorized to execute and submit the grant funding application for the American Recovery and Reinvestment Act of 2009 EECBG program.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 9th day of June, 2009.

JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

City Hall HVAC

Abandon existing Boiler / Chiller HVAC System.

Install roof mount 13 seer or better gas package units.

We have determined the need for 8 zones totaling about 30 tons of cooling/heating.

A good portion of existing duct work could be utilized.

This approach will increase user comfort substantially, therefore increasing efficiency and create energy savings.

A roof penetration will be necessary for each new unit installed.

225 Amps of electric power will become available once the existing Chiller is removed from service and will off set power needs of new units.

New Natural Gas supply lines will be required for each unit.

The rule of thumb is about \$1500. per ton for equipment.

Install thermostat per zone.

Estimated cost \$95,700.57

\$14,355.08 15 % contingency

\$110,055.65*

*Estimated costs and contingency may not completely cover the costs of such things as structural reinforcement to accommodate the new units, additional electrical and ductwork, removing the old chiller, new roofing to the penetrations and asbestos abatement. The boiler, chiller, and fan coils not used in the new installation may be sold at auction. The City has approximately \$275,000 carryover from fiscal 2009 to cover these costs.

Once the stimulus money is confirmed and approved by Council, staff will begin to ascertain the full estimates for this work via public bid process.

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| COUNCIL AGENDA MEMO – June 09, 2009 | |
| DEPARTMENT: | City Manager, Grants |
| AGENDA ITEM: | Energy Efficiency Conservation Block Grant (EECBG) \$197,100. |

| Approved By: | Date: |
|--|-----------------|
| Department Head: Linda Hartmann | June 04, 2009 |
| Finance Director: Mark Woodfill | |
| City Manager: Steve Norwood <i>SNorwood</i> | <i>06/05/09</i> |

Background: The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to issue/award formula based grants to states, U.S. territories, units of local government and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program.

The purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to:

- *reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional communities;
- *reduce the total energy use of the eligible entities; and*improve energy efficiency in the building sector, the transportation sector; and other appropriate sectors.

These stated purposes describe the overall intent of the Program. Entities may develop various initiatives and projects that address one or more of the purposes and each activity an entity undertakes is not required to meet all of the stated purposes.

Staff has determined this funding would be best used for Energy Efficiency Retrofits to existing city facilities including: Golf Course Maintenance Shop; Airport Terminal, City Hall; P & R Administration and Waste Water Collections. Upgrades range from energy efficient HVAC units, exterior wall cavity fill insulation to insulated glass upgrades. See attached list.

The period of performance for this grant is 36 months. In keeping with the Recovery Act intent and supporting the goal of immediate investment in the economy we are required to obligate/commit all funds within 18 months of the effective date of the award.

Financial: \$197,100 is the amount of the allocation. There is no requirement for matching funds.

As an entitlement community we are slated to receive this formula grant upon approval of our application. It is a non competitive grant. As a matter of information, COP is the smallest entitlement community in the state and the formulas are based on population.

The purpose of a resolution authorizing this application provides proof that we indeed want to receive entitlement funds from this particular agency. Entitlement communities may refuse an allocation. (We were required to follow the same procedure when we became HUD Entitled.

A resolution authorizing submittal of this grant application to the Department of Energy will serve in the best interest of the City of Prescott.

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| Recommended Action: MOVE to adopt Resolution No. 3966-0972. |
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Proposed Energy Upgrades
Submitted by Administrative Services

Antelope Hills Golf Course Maintenance Shop

The City of Prescott will experience a 38 % annual energy savings with the installation of a 13 seer 5 ton coil and condenser 125,000 BTU 80% AFUE furnace. Replacing a 13 year old 10 seer unit

Airport Terminal

We should see a minimum annual energy savings of 38% with the installation of one 5 ton 13 seer 80% AFUE gas package unit in the main waiting area and up to 50% annual energy savings with the installation of two 17 seer Figitzu Ductless Split Systems in the Check in / Baggage Area.

Replacing existing glass with insulated low E glass will increase the R - Value by 60 %.

The installation of R-19 insulation and drywall in the ceiling of the Terminal building will create a tight building envelope contributing to increased energy efficiency.

City Hall

Replace all exterior glass with insulated low-E glass and aluminum framing utilizing the thermal break method to eliminate thermal transfer and increase R-Value by 60%.

Parks and Rec. Admin. Office

Replace existing 20 year old split system with a 2 ton 80% AFUE furnace with a 13 seer coil and condenser. This will create a 38% annual energy savings.

Replace 9 existing windows with insulated low-E glass
This will increase the R- Value by 60%.

Waste Water Collections

Fill existing cavity of three exterior walls with blown Cellulose. This will increase the R- Value of the exterior wall by 100% and generate a substantial annual energy savings.

Total estimated cost \$75,690.74
\$11,353.61 15 % contingency
\$87,044.35