

ORDINANCE NO. 4904-1442

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE III, CHAPTER 2 OF THE CITY CODE OF THE CITY OF PRESCOTT ENTITLED "INTERNATIONAL MECHANICAL CODE" BY REPEALING SECTION 3-2-2 AND ADOPTING A NEW SECTION 3-2-2 BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "*CITY OF PRESCOTT 2012 INTERNATIONAL MECHANICAL CODE AMENDMENTS*", WHICH WAS MADE A PUBLIC RECORD BY RESOLUTION NO. 4247-1456, AND PROVIDING PENALTIES THEREIN.

**RECITALS:**

WHEREAS, the City of Prescott wishes to adopt certain amendments to the *2012 International Mechanical Code* in the interests of the health, safety and welfare of the citizens of Prescott; and

WHEREAS, Resolution 4247-1456 establishes the "*City of Prescott 2012 International Mechanical Code Amendments*" as public records; and, whereas that document is intended to be adopted by this Ordinance therefore by reference.

**ENACTMENTS:**

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

SECTION 1. That certain document entitled the "*City of Prescott 2012 International Mechanical Code Amendments*", which document amends and supersedes certain designated sections of the *2012 International Mechanical Code* was made a public record by Resolution No. 4247-1456 is hereby adopted by this reference.

SECTION 2. SEVERANCE CLAUSE: The provisions of this Ordinance and the Codes it incorporates are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance or the Codes that it incorporates shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance and the Code it incorporates, but they shall remain in effect, it being the legislative intent that this Ordinance and the Code it incorporates shall stand notwithstanding the invalidity of any part thereof.

SECTION 3. PENALTY-CRIMINAL: Any person who violates any provision of this Ordinance or the Codes adopted pursuant to this Ordinance may be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1-3-1 of the Prescott City Code, by a fine not exceeding two thousand five hundred dollars

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(\$2,500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the City judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

SECTION 4. PENALTY-CIVIL: Upon conviction any person who violates any provision of this Ordinance thereof may be punished as provided in Section 1-3-1 and Section 1-3-2 of the Prescott City Code and subject to a civil penalty. Each and every day any such violation continues shall be deemed and considered a separate offense.


**PASSED AND ADOPTED** by the Mayor and Council of the City of Prescott, Arizona, on this 23<sup>rd</sup> day of September, 2014.

  
MARLIN KUYKENDALL, Mayor

ATTEST:

  
DANA R. DeLONG, City Clerk

APPROVED AS TO FORM:

  
JON M. PALADINI, City Attorney

RESOLUTION NO. 4247-1456

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

RECITALS:

WHEREAS, the City of Prescott wishes to adopt that certain document entitled the *2012 International Mechanical Code*, as adopted by the International Code Council, Inc., including Appendix A, attached hereto and made a part hereof as Exhibit "A" as a public record.

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 International Mechanical Code Amendments*", Exhibit "A", 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 documents on file at all times for inspection by the public.

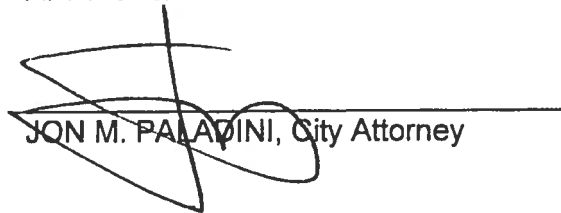
PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 9<sup>th</sup> day of September, 2014.

  
MARLIN KUYKENDALL, Mayor

ATTEST:

  
DANA R. DeLONG, City Clerk

APPROVED AS TO FORM:

  
JON M. PALADINI, City Attorney

**EXHIBIT "A"****PART 1 ADOPTION**

That Resolution 3914-0920 of the City of Prescott is here by repealed and a new International Mechanical code pertaining to all aspects of construction is adopted to read as follows:

**CITY OF PRESCOTT 2012 INTERNATIONAL MECHANICAL CODE AMENDMENTS**

There is hereby adopted by reference, that certain document known as the International Mechanical Code, 2012 edition, as published by the International Code Council. Said document is hereby amended and adopted as the 2012 International Mechanical 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 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 International Mechanical Code" are hereby referred to, adopted, and made as part hereof as set forth herein, excepting such portions as are herein deleted, modified or amended.

**CHAPTER 1 - SCOPE AND ADMINISTRATION****SECTION 101 – GENERAL**

**SECTION 101.1 Title** is amended to read as follows:

**101.1 Title.** These regulations shall be known as the "City of Prescott 2012 International Mechanical Code", hereinafter referred to as 'this Code'.

**SECTION 102 through 106, 108 through 110** is hereby deleted and replaced with the requirements of the City of Prescott Administrative Building Code as adopted and as may be amended from time to time.

**CHAPTER 2 - SCOPE AND ADMINISTRATION****SECTION 201 – GENERAL**

**SECTION 201.3 – Terms defined in other codes**, is hereby amended as follows:

**201.4 Terms not defined in other codes.** Where terms are not defined in this code and are defined in the International Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code or The City of Prescott Administration Code, such terms shall have the meanings ascribed to them as in those codes.

**SECTION 201.4 - Terms not defined**, is hereby amended as follows:

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. The Current edition of Webster's New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

**SECTION 202 – GENERAL DEFINITIONS**

**SECTION 202 Code Official** is hereby amended to read as follows:

**Code Official.** The office or other designated authority charged with the administration and enforcement of this Code, or a duly authorized representative. The Code Official shall be the Chief Building Official as defined in the *International Building Code*.

**CHAPTER 2 - DEFINITIONS**

**SECTION 301 – GENERAL**

**SECTION 301.2 Energy utilization** is hereby amended by the "*City of Prescott 2012 International Energy Conservation Code*" as adopted.

**CHAPTER 3 – GENERAL REGULATIONS**

**SECTION 304 – INSTALLATION**

**SECTION 304.3 Elevation of ignition source** is hereby amended by adding an exception thereto, to read as follows:

**Exception:** Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant and /or Clothes dryers installed in private garages.

**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 International Mechanical 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 1st day of January 2015.**