

ORDINANCE NO. 4932-1470

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE VI, CHAPTER 2 OF THE CITY CODE OF THE CITY OF PRESCOTT ENTITLED "WILDLAND-URBAN INTERFACE CODE" AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED THE "2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE", WHICH DOCUMENT WAS MADE A PUBLIC RECORD BY RESOLUTION NO. 4291-1500 AND ALSO ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2015 CHANGES TO THE CITY OF PRESCOTT 2014 AMENDMENTS TO THE 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE", WHICH DOCUMENT WAS MADE A PUBLIC RECORD BY RESOLUTION NO. 4291-1500.

RECITALS:

WHEREAS, the implementation of the *2012 International Wildland-Urban Interface Code* provides a degree of safety to the general public, and includes improvements over the *2006 International Wildland-Urban Interface Code*; and

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

WHEREAS, Resolution No. 4291-1500 establishes the *2012 International Wildland-Urban Interface Code* and that certain document entitled the "*2015 Changes to the City of Prescott 2012 Amendments to the International Wildland-Urban Interface Code*" as public records; and

WHEREAS, those documents are 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 "*2012 International Wildland-Urban Interface Code*", as adopted by the International Code Council, Inc., together with all referenced standards therein and together with appendices as all of the same may be amended from time to time, which document was made a public record by Resolution No. 4291-1500 is hereby adopted by this reference.

SECTION 2. That certain document entitled the "*2015 Changes to the City of Prescott 2014 Amendments to the 2012 International Wildland-Urban Interface Code*", which document amends and supersedes certain designated sections of the *2012 International Wildland-Urban Interface Code*, is hereby adopted by this reference.

SECTION 3. 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 4. PENALTY- CRIMINAL: Any person who violates any provision of this Ordinance or the Codes adopted pursuant to this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-3-1 of the Prescott City Code. Each and every day any such violation continues shall be deemed and considered a separate offense.

SECTION 5. PENALTY-CIVIL: Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be subject to the provisions of Section 1-3-2 of the Prescott City Code for each day that the violation continues.

SECTION 6. This Ordinance is effective from and after April 14, 2015.


PASSED, APPROVED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this 14th day of April, 2015.


MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:


DANA R. DeLONG, City Clerk


JON M. PALADINI, City Attorney

RESOLUTION NO. 4291-1500

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING THOSE CERTAIN DOCUMENTS ENTITLED THE "2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE," AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL, INC., AND THAT CERTAIN DOCUMENT ENTITLED "2015 CHANGES TO THE CITY OF PRESCOTT 2014 AMENDMENTS TO THE 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE" AS A PUBLIC RECORD, 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 Wildland-Urban Interface Code*" as adopted by the International Code Council, Inc., as a public record, and

WHEREAS, the City of Prescott wishes to adopt that certain document entitled "*2015 Changes to the City of Prescott 2014 Amendments to the 2012 International Wildland-Urban Interface Code*", Exhibit A attached hereto and made a part hereof, 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 the "*2012 International Wildland-Urban Interface Code*" as adopted by the International Code Council, Inc., is hereby declared to be a public record.

Section 2. THAT certain document entitled the "*2015 Changes to the City of Prescott 2014 Amendments to the 2012 International Wildland-Urban Interface Code*", Exhibit A attached hereto and made a part hereof, is hereby declared to be a public record.

Section 3. 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 14th day of April 2015.


MARLIN D. KUYKENDALL, Mayor

ATTEST:


DANA R. DeLONG, City Clerk

APPROVED AS TO FORM:

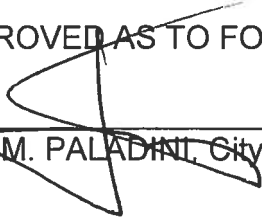

JON M. PALADINI, City Attorney

EXHIBIT 'A'

**2015 CHANGES TO THE CITY OF PRESCOTT 2014 AMENDMENTS TO THE
2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**

Section 101.1 entitled "Scope and Administration; Scope and General Requirements; Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Wildland-Urban Interface Code of the City of Prescott, hereinafter referred to as "this code".

Section 101.2 entitled "Scope and Administration; Scope and General Requirements; Scope" is hereby amended to read as follows:

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within the wildland-urban-interface areas in this jurisdiction. This area is designated on the City of Prescott Wildland-Urban Interface Vegetation Management Map as referenced in Appendix B of this Code.

Exceptions:

1. Modular / manufactured buildings affixed on an individual lot are exempted from the special building construction regulations of this code but are required to comply with the vegetation requirements.
2. Any commercial, multi-family, townhouse, or triplex and larger resource, including but not limited to, buildings, structures, landscapes, streetscape features or sites may be exempted from this code if, it is determined by the Building Official or Community Development Director, and approved by the *fire code official*, that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource.
3. Any cultural resources, including but not limited to, buildings, structures, landscapes, streetscape features or sites may be exempted from this code if, It is listed in or officially determined eligible for, the National, State of Arizona or City of Prescott Register of Historic Places or is located within a Historic Preservation District and It is determined by the City of Prescott Historic Preservation Specialist or the Community Development Director, and approved by the fire code official, that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource.
4. Any area designated by the City of Prescott to be riparian providing that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource.

Section 103.1 entitled "Scope and Administration; Enforcement Agency; Creation of enforcement agency" is hereby amended to read as follows:

[A] 103.1 Creation of enforcement agency. The Prescott Fire Department is hereby created and the official in charge thereof shall be known as the fire code official.

[A] 103.3 Deputies. In accordance with prescribed procedures of this jurisdiction, and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy(s). Positions shall be, but not limited to, inspectors, code enforcement officers, plans reviewers, or suppression personnel.

Section 107.8 entitled "Scope and Administration; Permits; Expiration" is hereby amended to read as follows:

[A] 107.8 Expiration. Every permit issued or extended by the fire code official under the provisions of this code shall expire as set forth in said permit.

Section 202 entitled "Definitions" is hereby amended by changing the definition "Driveway" to read as follows:

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than two dwelling units.

Section 202 entitled "Definitions" is hereby amended by adding the following definitions: "Aerial Fuel", "All Weather Surface", "Forest Floor", "Ladder Fuel", "Operational Platform" and "Surface Fuel".

AERIAL FUEL shall mean all live and dead vegetation in the forest canopy or above surface fuels, including but not limited to tree branches, twigs and cones, snags, and high brush.

ALL WEATHER SURFACE (AW) shall mean a road surface made up of approved materials compacted to 95% and capable of supporting vehicles in excess of 75,000 pound G.V.W. under any weather condition (e.g. decomposed granite).

FOREST FLOOR shall mean fresh and decomposing organic litter which forms the surface layer of a soil under forest vegetation.

LADDER FUEL shall mean flammable materials occurring between surface fuels and aerial fuels which act as a ladder to facilitate the spread of a surface fire to tree crowns, or a crown fire down to the surface.

OPERATIONAL PLATFORM shall mean an area located, as close to the dwelling as practical, where an emergency vehicle is staged while performing emergency medical or fire fighting tasks. The platform shall be a minimum of 20 feet by 30 feet with a maximum grade of 5 percent. Depending on terrain, the length and width may be extended as determined by the fire code official.

SURFACE FUEL shall mean loose surface litter on the soil surface to include grasses, shrubs and tree seedlings available to burn.

Section 302.3 entitled "Wildland-Urban Interface Areas; Wildland-Urban Interface Area Designations; Review of wildland-urban interface areas" is hereby amended to read as follows:

302.3 Review of wildland-urban interface areas. The fire code official shall reevaluate and recommend modifications to the wildland-urban interface areas in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the fire code official.

Section 402.2.2 entitled "Wildland-Urban Interface Area Requirements; Applicability; Individual structures; Water supply" is hereby amended to read as follows:

402.2.2 Water supply. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404. Structures shall have a water hose bib installed to accommodate the use of a garden hose on the exterior of each side of all dwelling units.

Exception:

1. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet.

The second paragraph of Section 403.2 entitled "Wildland-Urban Interface Area Requirements; Access; Driveways" is hereby amended to read as follows:

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from an apparatus access road. When a driveway exceeds 150 feet in length, an operational platform, as defined in this amendment, shall be provided as close to the dwelling as practical.

Section 403.2.3 entitled "Wildland-Urban Interface Area Requirements; Access; Service limitations" is hereby amended to read as follows:

403.2.3 Service limitations. A driveway shall not serve in excess of two dwellings.

Section 403.2.4 entitled "Wildland-Urban Interface Area Requirements; Access; Turnarounds" is hereby amended to read as follows:

403.2.4 Turnarounds. Driveway turnarounds shall have inside turning radius of not less than 28 feet and outside turning radius of not less than 48 feet. Driveways that connect with a road or roads at more than one point shall be considered as having a turnaround if all changes of direction meet the turning radii radius requirements for driveway turnarounds.

Section 403.7 entitled "Wildland-Urban Interface Area Requirements; Access; Grade" is hereby amended to read as follows:

403.7 Grade. The grade of the fire apparatus access road shall be no more than 12%, or within the limits established by the fire code official based on the fire department's apparatus and to meet requirements of this code and amendments.

Section 504.5 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Exterior walls" is hereby amended by adding one new paragraph at the end thereof, to read as follows:

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.
2. Approved noncombustible materials.
3. Heavy timber or log wall construction.
4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.
5. Ignition-resistant materials on the exterior side.

Such material shall extend from the top of the foundation to the underside of the roof sheathing. Where wood siding of any type is used, there shall be required a ten (10) foot clearing of all vegetation and a ten (10) foot minimum setback to all property lines.

Section 504.7.1 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Appendages and projections; "Underfloor areas" is hereby amended to read as follows:

504.7.1 Underfloor areas. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 24 inches of the ground, with exterior wall construction in accordance with Section 504.5.

Section 504.10 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Vents" is hereby amended to read as follows:

504.10 Vents. Attic ventilation openings, foundation or under-floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inch or shall be designed and approved to prevent flame and ember penetration into the structure.

Section 504.10.1 entitled "Special Building Construction Regulations; Ignition- Resistant Construction; Vent locations" is hereby amended to read as follows:

504.10.1 Vent locations. Attic ventilation openings in soffits, eave overhangs, between rafters at eaves or in other overhang areas shall be allowed. These vent openings are required to be located as close to the fascia as is possible. Such ventilation openings shall be covered (inside or outside) with a noncombustible, corrosion resistant mesh with openings not to exceed 1/8 inch (3.2mm).

Section 504.11 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Detached accessory structures" is hereby amended to read as follows:

504.11 Detached accessory structures. Detached accessory structures located less than 10 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour-rated fire-resistive construction, heavy timber, log wall construction, or constructed with approved noncombustible materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

Section 602.1 entitled "Fire Protection Requirements; Automatic Sprinkler Systems" is hereby amended to read as follows:

602.1 General. An approved automatic fire sprinkler system shall be installed in all occupancies in new buildings as required by the fire code official in accordance with regulations set forth by this jurisdiction. The installation of the automatic fire sprinkler systems shall be in accordance with nationally recognized standards.

The first paragraph of Section 603.2 entitled "Fire Protection Requirements; Fuel modification" is hereby amended to read as follows:

603.2 Fuel modification. In order to qualify as a conforming defensible space for the purpose of Table 503.1, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (9144 mm) or to the property line, whichever is less. Fuel modification shall be in accordance with Appendix B and subject to erosion control treatments of the disturbed soils or sloped areas.

Distances specified in Table 603.2 shall be measured along the grade from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the fire code official because of a site-specific analysis based on local conditions and the fire protection plan.

**APPENDIX A
GENERAL REQUIREMENTS**

Appendix A Section A102 entitled "General Requirements; Table A102.3.3.1 titled "Minimum Clearances Between Vegetation and Electrical Lines At Time of Trimming" is hereby amended as follows:

**Table A102.3.3.1
Minimum Clearances Between Vegetation
And Electrical Lines**

Line Voltage	Minimum Radial Clearance From Conductor (feet)
2,400 – 72,000	16*
72,001 – 110,000	30*
110.001- 300,000	30*
300,001 or more	50*
	*Consistent with Utility Requirements

Appendix A Section A102.3.2.2 entitled "General Requirements; Minimum clearance to be maintained" and Table A102.3.2.2 entitled "Minimum Clearances Between Vegetation and Electrical Lines To Be Maintained" is hereby amended by deleting both Section A102.3.2.2 and Table A102.3.2.2

Section A106.1 of Appendix A entitled "General Requirements; Dumping; Waste material" is hereby amended by adding the following additional exception thereto:

A106.1 Waste material Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exceptions:

1. Approved public and private dumping areas.
2. Items removed from the forest floor in compliance with this code may be composted to a safer fire resistive level with the intent to redistribute to the forest floor to maintain forest health. Compost piles must be a minimum of 10 feet from all native fuels and structures.

**APPENDIX B
VEGETATION MANAGEMENT PLAN**

Appendix B entitled "Vegetation Management Plan" is hereby amended by adding new paragraphs to read as follows:

The vegetation fuel modifications shall be completed within thirty (30) feet of the house or to the property line, whichever is less, prior to the vertical construction. The vegetation fuel modification beyond thirty (30) feet of the house and up to one hundred fifty (150) feet of the house or the property line, whichever is less, shall be completed or any re-growth of native vegetation shall be subject to inspection prior to the issuance of the Certificate of Occupancy.

A maximum of 80 healthy trees per acre shall be allowed, with the under-story pruned and maintained.

Exception: Indigenous tree(s) under six (6) feet in height shall not be counted but treated like shrubs according to restrictions of other indigenous shrubs in the relevant zone.

Where non fire-resistive construction materials are used for exterior walls, the tree density provision stated above does not apply and there shall be required a ten (10) foot clearing of all vegetation.

Exception: Designated historic or specimen trees are allowed to remain. This allowance is made regardless of the trees' proximity to structures or the roofline, provided the trees conform to the following:

- A. Trees are estimated to be a minimum of twenty (20) years old or have at least a six (6) inch caliper and,
- B. Trees do not have any ladder fuel within ten (10) lateral feet of their canopy and,
- C. Trees must be irrigated on an approved automatic irrigation system and,
- D. Only one (1) tree is allowed in every thirty (30) feet of lateral distance between canopies.

When, in the professional opinion of the code official, particular vegetation does not constitute a fire danger (including but not limited to cases of natural groupings), the code official may grant exceptions to the requirements as set forth in the Defensible Space Requirements.

A three-zone approach shall be applied to accomplish the defensible space requirements of this code as outlined below.

Zone (1) 0 feet to 10 feet from buildings, structures, decks, etc.

1. Remove all indigenous ladder fuels by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush height.
2. Thin indigenous shrubs, leaving only the best specimens. Those remaining specimens should be opened up by pruning and by removal of dead and weak material.
3. Groupings of vegetation both indigenous and non-indigenous are allowed in zone 1 providing that a clear space is maintained. No non-fire resistive vegetation is allowed that creates a ladder fuel condition to structures or indigenous trees.
4. The lineal measurement of said clear space must be equal to or greater than 10% of the total square footage of the said grouping. Clear space need not exceed 10 lateral feet. Groupings over 150 square feet are not allowed in zone 1.
5. Fire resistive plants are highly encouraged in this zone. Zone 1 may not be comprised of more than 20% non fire resistive vegetation.
6. All introduced ornamentals must be hydrated by an approved automatic irrigation system.
7. Coniferous evergreen trees that cannot be limbed above the roof line may not have non-fire resistive vegetation under or within 10 lateral feet of their canopy.
8. Remove all combustible materials and vegetation from under decks. No indigenous brush or grasses shall be within 3 feet of buildings, structures and decks.
9. The maximum tree density shall not exceed the limits as established in Appendix B.
10. Defensible space shall be maintained at least annually.

Zone (2) 10 feet to 30 feet from buildings, structures, decks, etc.

1. Remove all indigenous ladder fuels by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush height.
2. The maximum tree density shall not exceed the limits as established in Appendix B.
3. Groupings of vegetation both indigenous and non-indigenous are allowed in zone 2 providing that a clear space is maintained.

4. The lineal measurement of clear space must be equal to or greater than 10% of the total square footage of the grouping. For groups less than 200 square feet the open space need not exceed 15 feet. For groupings 201-300 square feet the open space need not exceed 20 feet. Groupings over 300 square feet must meet the 10% rule.
5. All introduced ornamentals must be hydrated on an approved automatic irrigation system.
6. Coniferous evergreen trees that cannot be limbed above 6 feet may not have non-fire resistive vegetation under or within 10 lateral feet of their canopy.
7. Reduce continuity of indigenous fuels by removing dead materials and removing/thinning so a person can walk between them.
8. Emphasis is placed on slopes greater than 20% gradient, in which case, additional vegetation treatment may be required. (Example: Zone 2 treatment may be required to extend out an additional 100 feet to a total of 130 feet from the structure.) Control erosion and sedimentation from exposed soils through terracing, gravel beds, rocked and appropriate irrigated ground covers.
9. Remove all but one (1) inch of the last-season pine needle or leaf droppings. It is important to leave one (1) inch of the new and all of the decomposing layers of needles and leaf droppings to build healthy soil.
10. Defensible space shall be maintained at least annually.

Zone (3) 30 feet to 150 feet from buildings, structures, decks, etc. where no slopes exist.

1. Remove all ladder fuels and dead materials by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush/shrub height.
2. Defensible space shall be maintained at least annually.
3. All introduced ornamentals must be hydrated by an approved automatic irrigation system.
4. The maximum tree density shall not exceed the limits as established in Appendix B.

The International Wildland-Urban Interface Code is hereby amended by adding a map thereto, entitled "City of Prescott Wildland-Urban Interface Vegetation Management Map", to read as follows:

