

## TITLE III BUILDING REGULATIONS

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## CHAPTER 3-1: INTERNATIONAL BUILDING CODE

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### 3-1-1: ADOPTION OF THE INTERNATIONAL BUILDING CODE:

That certain document entitled the *2006 International Building Code*, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with appendixes C, H and I as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3841-0809 is hereby adopted by this reference.

(Ord. 4360, 12-16-2003, eff. 2-1-2004; amd. Ord. 4602, 09-11-2007, eff. 10-15-2007)

### 3-1-2: AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 International Building Code*, which document amends and supersedes certain designated sections of the 2006 International Building Code is hereby adopted by this reference. (This document is shown below as a courtesy to users.)

- (A) Sections 102 through 108 are 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.
- (B) Section 201.4 entitled "Definitions; General; Terms not defined" is hereby amended by 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. *Webster's Third New International Dictionary of the English Language, Unabridged*, shall be considered as providing ordinarily accepted meanings.

- (C) Section 305.2 entitled "Use and Occupancy Classification; Educational Group E: Day care" is hereby amended as follows:

**Section 305.2 Day care.** A "child care group home" complying with the requirements of ARS 36-897 and providing child care for less than 24 hours per day for not less than five (5) children but no more than ten (10)

children through the age of twelve years old shall be classified as group R-3, provided that all child care rooms are located on the level of exit discharge and each child care room has an exit door directly to the exterior.

- (D) Section 308.2 entitled "Use and Occupancy Classification; Institutional Group I; Group I-1" is hereby amended as follows:

**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Residential board and care facilities	Congregate care facilities
Assisted living centers	Social rehabilitation facilities
Halfway houses	Alcohol and drug abuse centers
Group homes	Convalescent facilities

A facility such as above with 10 or fewer persons shall be classified as a Group R-4 Condition 1 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 419 of this Code.

- (E) Section 308.3 entitled "Use and Occupancy Classification; Institutional Group I; Group I-2" is hereby amended as follows:

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal, or directed care on a 24-hour basis for more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Hospitals  
Nursing homes (both intermediate-care facilities and skilled nursing facilities)  
Mental hospitals  
Detoxification facilities

A facility such as above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis of more than ten (10) persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten (10) or fewer persons shall be classified as R-4 Condition 2.

- (F) Section 310.1 entitled "Use and Occupancy Classification; Residential Group R; R-4" is hereby amended as follows:

**310.1 Residential Group R.** R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted-living homes including not more than ten (10) occupants, excluding staff.

**310.1.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than ten (10) persons shall be classified as a Group I-1.

**310.1.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in group R-3 except as otherwise provided for in this Code, and section 419 or shall comply with the *International Residential Code* in accordance with section 101.2 where the building is in compliance with section 419.

- (G) Section 310.2 entitled "Use and Occupancy Classification; Residential Group R; Definitions; is hereby amended as follows:

**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.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** A building or part thereof housing a maximum of 10 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 not be limited to, the following: residential board and care facilities, assisted living homes, halfway houses, group homes, congregate care facilities, social

rehabilitation facilities, alcohol and drug abuse centers, convalescent facilities.

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

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

- (H) Section 419 entitled “Special Detailed Requirements Based on Use and Occupancy; Group I-1, R-1, R-2, R-3” is hereby deleted in its entirety and replaced to read as follows:

**Section 419  
Residential Care/Assisted Living Homes.**

**419.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than ten (10) persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reason, live in a supervised residential environment which provides licensed care services.

Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

**419.2 General.** Buildings or portions of buildings classified as Group R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this Code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2,000 sq. ft. (185.8 m<sup>2</sup>) above the first story except as provided in Section 506.

**419.3 Special provisions.** R-4 occupancies having more than 2,000 sq. ft. (185.8 m<sup>2</sup>) of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

**419.3.1 Mixed uses.** R-4 occupancies shall be separated from other uses as provided in Table 302.3.2.

**419.4 Access and means of egress.**

**419.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route per *Americans with Disabilities Act Accessibility Guidelines* for Building and Facilities, Appendix 28 C.F.R. Part 36,

Appendix A, and *Fair Housing Accessibility Guidelines* as specified in 24 CFR Chapter I. Sleeping rooms and associated toilets shall be accessible.

Exception: Existing buildings shall comply with Section 3409. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with *Americans with Disabilities Act Accessibility Guidelines* for Building and Facilities, Appendix 28 C.F.R. Part 36, Appendix A, and *Fair Housing Accessibility Guidelines* as specified in 24 CFR Chapter I.

#### **419.4.2 Exits.**

**419.4.2.1 Number of exits.** Every story, basement, or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms may have one means of egress as provided in Chapter 10.

**419.4.2.2 Distance to exits.** The maximum travel distance shall comply with Section 1004 except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**419.4.2.3 Emergency exit illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the *ICC Electrical Code*.

**419.4.2.4 Emergency escape and rescue.** R-4 occupancies shall comply with the requirements of Section 1025, except that Exception 1 to Section 1025 does not apply to R-4 occupancies.

**419.4.2.5 Delayed egress locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.3.4 and 1008.1.8.6, items 1, 2, 4, 5, and 6.

- (l) Section 507.4 entitled "General Building Heights and Areas; Unlimited Area Buildings: Two story" is hereby amended by adding a new second paragraph to read as follows:

#### **507.4**

**Two story.** Group B, F, M, and S buildings complying with the provisions of Section 507.4 may contain occupancies, other than "H" occupancies, provided that such occupancies do not occupy more than 10 percent of

the area of any floor of the building, nor more than the tabular area permitted in the occupancy by Table 503 for such occupancy.

- (J) Section 705.1 entitled "Fire-Resistance-Rated Construction; Fire Walls; General" is hereby amended by adding a new second paragraph to read as follows:

Fire walls constructed as an alternative to the City of Prescott fire sprinkler requirements shall comply with Section 706.11.

- (K) Section 706 entitled "Fire Resistance Rated Construction, Fire Barriers" is hereby amended by adding a new "Section 706.11 Sprinkler alternative walls" to read as follows:

**Section 706.11 Sprinkler alternative wall.** Sprinkler alternative walls are fire- resistive walls constructed to relieve the building of the requirements of the City of Prescott fire sprinkler requirements and shall comply with Sections 706.11 through 706.11.11.

**Section 706.11.1 Structural stability.** Sprinkler alternative walls shall comply with Section 705.2 for structural stability.

**Section 706.11.2 Materials.** Sprinkler alternative walls shall be constructed of 8" (203.2mm) solid grouted masonry, 8" (203.2mm) poured in place or tilt-up concrete.

**Section 706.11.3 Horizontal continuity.** Sprinkler alternative walls shall be continuous from exterior wall to exterior wall and shall extend at least 18 inches (457 mm) beyond the exterior surface of exterior walls.

**Section 706.11.4 Exterior walls.** Where the sprinkler alternative wall intersects the exterior wall, the exterior wall shall comply with Section 705.5.1.

**Section 706.11.5 Horizontal projecting elements.** Sprinkler alternative walls shall extend to the outer edge of horizontal projecting elements such as balconies, roof overhangs, canopies, marquees and architectural projections that are within 4 feet (1219 mm) of the sprinkler alternative wall.

**Section 706.11.6 Vertical continuity.** Sprinkler alternative walls shall extend from the foundation to a termination point at least 30" (762 mm) above both adjacent roofs.

Exception: Stepped buildings in accordance with Section 706.11.6.1.

**Section 706.11.6.1 Stepped buildings.** Where a sprinkler alternative wall serves as an exterior wall for a building and separates buildings having different roof levels, such wall shall terminate at a point not less than 30” (762 mm) above the upper roof level.

**Section 706.11.7 Combustible framing in sprinkler alternative walls.** Combustible framing as specified in Section 705.7 is not allowed in sprinkler alternative walls.

**Section 706.11.8 Openings.** Openings in sprinkler alternative walls shall not be allowed.

**Section 706.11.9 Penetrations.** Penetrations in sprinkler alternative walls shall not be allowed.

**Section 706.11.10 Joints.** Joints in sprinkler alternative walls shall comply with Section 713.

**Section 706.11.11 Ducts and air transfer openings.** Ducts and air transfer openings in sprinkler alternative walls are not allowed.

- (L) Section 901.1 entitled “Fire Protection systems; General; 901.1 Scope” is hereby amended to read as follows:

**901.1 Scope.** Fire protection systems and equipment shall be constructed, installed operated and maintained in accordance with the *International Fire Code*, Chapter 9 Fire Protection Systems, as amended by the City of Prescott Fire Department.

- (M) Section 902.1 through section 912.5 is hereby deleted in its entirety and replaced by sections 902.1 through 912.5 of the *International Fire Code* as amended by the City of Prescott Fire Department.

- (N) Section 1008.1.2 entitled "Means of Egress; Door, Gates, and Turnstiles; Door swing” is hereby amended by amending Exception Number 4 to read as follows:

1008.1.2 Door swing.

Exceptions:

- 4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2 of the City of Prescott Administrative Code, and R-4.

- (O) Section 1013 entitled "Means of Egress; Guards" is hereby amended by adding a new Section 1013.7 to read as follows:

**1013.7 Cable rails.** Cable rails shall:

1. Comply with Sections 1013.1 through 1013.3 and,
2. The cable shall be a minimum of ¼ inch (6.4 mm) in diameter and,
3. The cable shall be spaced no more than 2 ½ inches (63.5 mm) apart and,
4. The cables shall be fully tensioned and,
5. Stays shall be placed no more than 4' apart

- (P) Chapter 11 entitled "Accessibility" is hereby deleted, to be replaced by a new chapter 11, to read as follows:

**CHAPTER 11  
ACCESSIBILITY**

Accessibility requirements will be as stated in *Americans with Disabilities Act Accessibility Guidelines for Building and Facilities*, Appendix 28 C.F.R. Part 36, Appendix A, and *Fair Housing Accessibility Guidelines* as specified in 24 CFR Chapter I.

- (Q) Chapter 13 entitled "Energy Efficiency" is hereby deleted in its entirety, and adopting the *2006 International Energy Conservation Code* as amended.

- (R) Section 1607 entitled "Structural Design, Live Loads" Table 1607.1 #28 is hereby amended, to read as follows:

"Table 1607.1 Minimum Uniformity Distributed Live Loads"

Attics with limited storage <sup>b,g,h</sup> _____	40
Sleeping rooms _____	40

- (S) Section 1704.1 entitled "Structural Tests and Inspections; Special Inspections; General" is hereby amended by deleting exception #3:

- (T) Chapter 27 entitled "Electrical" is hereby deleted.

- (U) Section 2902.1 entitled "Plumbing Systems; Minimum plumbing facilities; Minimum number of fixtures" is hereby amended by adding new footnotes to Table 2902.1, to read as follows:

- e. Water coolers or bottled-water dispensers may be substituted for drinking fountains in A, B, M, and S occupancies with 25 or fewer occupants. Such water shall be free of charge to the public.

- f. Goose neck faucets on a lavatory or a hose bib located within a restroom may be substituted for the required utility sink in A, B, M, and S occupancies with 25 or fewer occupants. Hose bibs shall comply with section 608.15.4.2 Hose connections.
- (V) Section 2902.2 entitled “Plumbing Systems; Minimum plumbing facilities; Separate facilities” is hereby amended to read as follows:

Exceptions:

- 2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or less
- (W) Section 3403 entitled “Existing Structures; Additions, Alterations or Repairs” is hereby amended by adding a new Section 3403.5 to read as follows:

**Section 3403.5 Automatic sprinklers.** Existing buildings shall be provided with an approved automatic monitored fire extinguishing system under the following conditions:

- 1. An addition resulting in the total area exceeding 5000 square feet (464.5m<sup>2</sup>) or;
  - 2. A change of use with a total area of 5001 square feet (464.5m) or more that becomes a more hazardous use, as determined by the City of Prescott adopted Fire Code.
- (X) Section 3410 entitled “Compliance alternatives” is hereby deleted.

(Ord. 4360, 12-16-2003, eff. 2-1-2004; Ord. 4602, 09-11-2007, eff. 10-15-2007; Ord. 4675-0918, 12-09-08, eff. 01-08-09)

**3-1-3: PENALTY:**

- (A) **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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

(Ord. 4160, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4602, 09-11-2007, eff. 10-15-2007; amd. Ord. 4676-0919, 12-09-2008, eff. 01-08-2009)

- (B) 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.

(Ord. 4389, 4-13-2004; Ord. 4602, amd. 09-11-2007, eff. 10-15-2007; amd. Ord. 4676-0919, 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-2: INTERNATIONAL MECHANICAL CODE

### SECTIONS:

3-2-1: ADOPTION OF THE INTERNATIONAL MECHANICAL CODE:

3-2-2: AMENDMENTS:

3-2-3: PENALTY:

### 3-2-1: ADOPTION OF THE INTERNATIONAL MECHANICAL CODE:

That certain document entitled the *2006 International Mechanical Code*, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with Appendix A as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3844-0812 is hereby adopted by this reference.

(Ord. 4361, 12-16-2003, eff. 2-1-2004; Ord. 4605, 09-11-2007, eff. 10-15-2007)

### 3-2-2: AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 International Mechanical Code*, which document amends and supersedes certain designated sections of the 2006 International Mechanical Code is hereby adopted by this reference. (This document is shown below as a courtesy to users.)

(A) Section 101.1 entitled "Administration; General; Title" is amended to read as follows:

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

(B) Section 102 through 106, 108 and 109 is hereby deleted and replaced with the requirements of the City of Prescott 2008 Administrative Building Code as adopted and as may be amended from time to time.

(C) Section 201.4 entitled "Definitions; General; Terms not defined" is hereby amended to read as follows:

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

- (D) Section 202 entitled "Definition; General Definitions; Code Official" is hereby amended to read as follows:

## **202 GENERAL DEFINITIONS**

**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 Building Official as defined in the *International Building Code*.

- (E) Section 301.2 entitled "General Regulations; General; Energy utilization" is hereby amended by the *2006 International Energy Conservation Code* as adopted.
- (F) Section 304.3 entitled "General Regulations; Installation; Elevation of ignition source" is hereby amended by adding an exception thereto, to read as follows:

### **304.3 Elevation of ignition source.**

Exception: Clothes dryers installed in private garages.

- (G) Section 506.3.10 entitled "Exhaust Systems; Grease duct enclosures;" Exception: 3" is hereby amended by adding a second and third sentence to read as follows:

The grease duct shall be required to be continuously covered on all sides with a single layer of a classified and labeled material, system, method of construction or product specifically evaluated for such purpose. Exposed ductwrap systems shall be protected where subject to physical damage.

- (H) Section 903.1 entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment; Factory-Built Fireplaces; General" is hereby amended to read as follows:

**903.1 General.** Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127. All factory-built fireplaces shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002.

- (I) Section 904.1 entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment; Pellet Fuel-Burning Appliances; General" is hereby to read as follows:

**904.1 General.** Pellet fuel-burning appliances shall be listed and labeled and shall be installed in accordance with the terms of the listing. All pellet-

burning appliances shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002.

- (J) Section 905.1 entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment; Fireplace Stoves and Room Heaters; General" is hereby amended by adding a new last sentence to read as follows:

**905.1 General.** All fireplace stoves and room heaters shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002.

(Ord. 4361, 12-16-2003, eff. 2-1-2004; Ord. 4605, 09-11-2007, eff. 10-15-2007; Ord. 4678-0921, 12-09-2008, eff. 01-08-2009)

**3-2-3: PENALTY:**

- (A) 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

(Ord. 4162, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4602, 09-11-2007, eff. 10-15-2007; amd. Ord. 4678-0921, 12-09-2008, eff. 01-08-2009)

- (B) 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.

(Ord. 4389, 4-13-2004; amd. Ord. 4602, 09-11-2007, eff. 10-15-2007; amd. Ord. 4678-0921, 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-3: UNIFORM HOUSING CODE

### SECTIONS:

3-3-1: ADOPTION OF THE UNIFORM HOUSING CODE:

3-3-2: PENALTY:

#### **3-3-1: ADOPTION OF THE UNIFORM HOUSING CODE:**

That certain document known as the uniform housing code, 1997 edition, as declared to be a public record by resolution 3117 as the foregoing may be amended from time to time, is hereby adopted and made a part of this chapter, the same as though said code and appendices were specifically set forth herein. (Ord. 3811, 11-24-1998)

#### **3-3-2: PENALTY:**

- (A) A violation of any provision of this chapter shall be a civil violation and shall be subject to the provisions of section 1-3-2 of this code for each day that the violation continues. (Ord. 2384, 5-26-1992; amd. Ord. 4389, 4-13-2004)
- (B) Notwithstanding the foregoing, any person who removes or allows the removal of a stop work order posted pursuant to this code, or who violates or allows a violation of a stop work order issued pursuant to this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-3-1 of this code. Each and every day any such violation continues shall be deemed and considered a separate offense. (Ord. 4389, 4-13-2004)

## CHAPTER 3-4: ABATEMENT OF PUBLIC NUISANCES

### SECTIONS:

#### 3-4-1: ABATEMENT OF PUBLIC NUISANCES:

##### **3-4-1: ABATEMENT OF PUBLIC NUISANCES:**

- (A) **Unsafe Conditions:** The following unsafe conditions are hereby declared to be public nuisances and shall be abated by an appropriate method in accordance with the procedure specified in subsections (C), (D), (E), and (F):
1. Any unguarded or unfenced well, cesspool, excavation pit, or hole, which has been abandoned, been permitted to become dilapidated, or is no longer being regularly maintained; and
- (B) **Unsafe Buildings:** All buildings or structures which are structurally unsafe, or not provided with adequate egress or which constitute fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment as specified in any code, ordinance or any other effective regulation legally adopted by the City are for the purpose of this Chapter unsafe buildings or structures. All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in subsections (C), (D), (E) and (F).
- (C) **Unsanitary Conditions:** Leaking sewage from broken sewer lines and other similar unsanitary conditions shall be abated within twenty-four (24) hours by the removal of water service to the building or by other legal means available to the administrative authority.
- (D) **Notice to Owner:** The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged or unsafe or unsanitary condition and if found to be an unsafe building, condition or unsanitary condition as defined in (A), (B) or (C) the Building Official shall give to the owner of such building or structure or unsafe or unsanitary condition written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises within forty-eight (48) hours, to commence either the required repairs or improvements or demolition and removal of the building, structure or hazard or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless

otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure or portions thereof to be vacated forthwith if occupied and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Official. Proper service of such notice shall be by personal service or registered or certified mail upon the owner of record, if he shall be found within the City limits. If he is not found within the City limits, such service may be made upon said owner by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date he receives the notice.

- (E) Posting of Signs: The Building Official shall cause to be posted at each entrance to such building or property a notice to read: "Where Unsafe Conditions Exist, Do Not Enter, Unsafe to Occupy, Building Department, City of Prescott"; such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official, and no person shall enter the building except for purposes of making the required repairs or the demolishing of the building or abatement of the unsafe condition.
- (F) Right to Demolish: In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, abate an unsanitary condition, or to demolish and remove said building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this Code and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property.
- (G) Costs: Costs incurred under subsection (F) shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.
- (H) Appeal Procedure: Any person entitled to service under Section 3-4-1(A), (B) and (C) may appeal from any notice, order or action by the Building Official within thirty (30) days from the day of the service, or order a written appeal including:
  - 1. The names of the appellants.
  - 2. The legal interest of each of the appellants in the land or buildings involved in the notice or order.

3. All facts supporting the contentions of the appellant and reasons why action should be reversed, modified, or otherwise set aside on the protested order.
  4. The signatures of all parties named as appellants and their official mailing addresses.
  5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
  6. Upon receipt of any appeal filed, pursuant to this Section, the Building Official shall present it to the Advisory and Appeals Board and the public hearing shall be held within ten (10) working days after the Board is notified. (Ord. 1677, 3-26-84)
- (l) Penalty Clause. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable as provided in Section 1-3-1 of the Prescott City Code. (Ord. 1677, 3-26-86; amd. Ord. 1834, 9-23-86)

## CHAPTER 3-5: INTERNATIONAL FUEL GAS CODE

### SECTIONS:

3-5-1: ADOPTION OF THE INTERNATIONAL FUEL GAS CODE:

3-5-2: AMENDMENTS:

3-5-3: PENALTY:

### 3-5-1: ADOPTION OF THE INTERNATIONAL FUEL GAS CODE:

That certain document entitled the *2006 International Fuel Gas Code*, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with Appendices A, B and C as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3843-0811 is hereby adopted by this reference.

(Ord. 4362, 12-16-2003, eff. 2-1-2004; Ord. 4604 09-11-2007, eff. 10-15-2007)

### 3-5-2: AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 International Fuel Gas Code*, which document amends and supersedes certain designated sections of the 2006 International Fuel Gas Code is hereby adopted by this reference. (This document is shown below as a courtesy to users.)

(A) Section 101.1 entitled "Administration; General; Title" is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fuel Gas Code of the City of Prescott, hereinafter referred to as 'this Code'.

(B) Section 102 through 106, 108 and 109 is hereby deleted and replaced with the requirements of the City of Prescott 2008 Administrative Building Code as adopted and as may be amended from time to time.

(C) Section 201.4 entitled "Definitions; General; Terms not defined" is hereby amended to read as follows:

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

- (D) Section 202 entitled "Definition; General Definitions; Code Official" is hereby amended to read as follows:

## 202 GENERAL DEFINITIONS

**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 Building Official as defined in the *International Building Code*.

- (E) Section 305.3 entitled "General Regulations; Installation; Elevation of ignition source" is hereby amended by adding the following exception, to read as follows:

### **305.3 Elevation of ignition source.**

#### **Exception:**

2. Clothes dryers installed in private garages.

- (F) Section 404.4 entitled "Gas Piping Installations; Piping System Installation; Piping through foundation wall" is hereby deleted in its entirety and replaced with a new Section 404.4 to read as follows:

**404.4 Underground gas piping entering buildings.** Underground gas piping entering buildings shall break ground before entering the building.

- (G) Section 409.1.3 entitled "Gas Piping Installations; Shutoff Valves; Access to shutoff valves" is hereby amended to read as follows:

**409.1.3 Access to shutoff valves.** Shutoff valves shall be located in places so as to provide access for operation and shall be installed so as to be protected from damage. All buildings shall be provided with a shutoff valve located on the downstream side of the gas meter, between the gas meter and the building and the gas piping must break ground before entering any structure.

(Ord. 4362, 12-16-2003, eff. 2-1-2004; Ord. 4604 09-11-2007, eff. 10-15-2007; Ord. 4681-0924, 12-09-08, eff. 01-08-09)

### **3-5-3: PENALTY:**

- (A) 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, by a fine not exceeding

two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

(Ord. 4165, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4604, 09-11-2007, eff. 10-15-2007; amd. Ord. 4681-0924, 12-09-2008, eff. 01-08-2009)

- (B) 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/

(Ord. 4389, 4-13-2004; amd. Ord. 4604, 09-11-2007, eff. 10-15-2007; amd. Ord. 4681-0924, 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-6: INTERNATIONAL PLUMBING CODE

### SECTIONS:

3-6-1: ADOPTION OF THE INTERNATIONAL PLUMBING CODE:

3-6-2: AMENDMENTS:

3-6-3: PENALTY:

### 3-6-1: ADOPTION OF THE INTERNATIONAL PLUMBING CODE:

That certain document entitled the *2006 International Plumbing Code*, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with Appendix A as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3845-0813 is hereby adopted by this reference.

(Ord. 4363, 12-16-2003, eff. 2-1-2004; Ord. 4606 09-11-2007, eff. 10-15-2007; Ord. 4629-0831, 10-23-2007; eff. 10-23-2007)

### 3-6-2: AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 International Plumbing Code*, which document amends and supersedes certain designated sections of the 2006 International Plumbing Code is hereby adopted by this reference. (This document is show below as a courtesy to users.)

(A) Section 101.1 entitled "Administration; General; Title" is amended to read as follows:

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

(B) Sections 102 through 106, 108 and 109 are hereby deleted and replaced with the requirements of the City of Prescott 2008 Administrative Building Code as adopted and as may be amended from time to time.

(C) Section 201.4 entitled "Definitions; General; Terms not defined" is hereby amended to read as follows:

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

- (D) Section 202 entitled "Definition; General Definitions; Code Official" is hereby amended to read as follows:

## 202. GENERAL DEFINITIONS

**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 Building Official as defined in the *International Building Code*.

- (E) Table 403.1 entitled "Fixtures Faucets and Fixture Fittings; Minimum Plumbing Facilities; Minimum number of fixtures" is hereby amended by adding new footnotes to Table 403.1 to read as follows:

- e. Water coolers or bottled-water dispensers may be substituted for drinking fountains in A, B, M, and S occupancies with 25 or fewer occupants. Such water shall be free of charge to the public.
- f. Goose neck faucets on a lavatory or a hose bib located within a restroom may be substituted for the required utility sink in A, B, M, and S occupancies with 25 or fewer occupants. Hose bibs shall comply with section 608.15.4.2 Hose connections.

- (F) Section 403.2 entitled "Fixtures Faucets and Fixture Fittings; Minimum Plumbing Facilities; Separate facilities" is hereby amended to read as follows:

Exceptions:

- 2. Separate employee facilities shall not be required in occupancies in which 25 or less people are employed.
- 3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including employees and customers, of 25 or less.

- (G) Section 603 entitled "Water Service; Water Supply and Distribution" is hereby amended by adding a new sections 603.3, 603.3.1, and 603.3.2 to read as follows:

**603.3 Water service pipe installation.** The installation of the water service pipe shall comply with Section 603.3.

**603.3.1 Burial Depth.** The water service pipe shall be buried a minimum of 24 inches below the finished grade for metallic piping and 24" minimum

below the finished grade for non-metallic piping and shall be covered with clean backfill material that is free of sharp rocks and free of rocks larger than ¾" or any rock that may cause damage to the piping. Native material to the job site may be used if free of rock that may cause damage.

**603.3.2 Tracer wire.** Non-metallic water service piping shall have a blue insulated copper tracer wire or other approved conductor installed in contact with piping. Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at one end of the non-metallic piping. The tracer wire shall be not less than 18 AWG and the insulation type shall be suitable for direct burial.

- (H) Section 606.1 entitled "Water Supply and Distribution; Installation of the Building Water Distribution System; Location of full-open valves" is hereby amended as follows:

Delete Item Number 2.

- (I) Section 606.2 entitled "Water Supply and Distribution; Installation of the Building Water Distribution System; Location of shutoff valves" is hereby amended as follows:

Delete Item Number 2.

- (J) Section 715.1 entitled "Sanitary Drainage; Backwater Valves; Sewage backflow" is amended to read as follows:

**715.1 Sewage backflow.** All structures connected to the City sewer system shall be protected by an approved backwater valve, installed in the building drain,

- (K) Section 715.1 entitled "Sanitary Drainage; Backwater Valves: Sewage backflow" is hereby amended by adding a new section 715.1.1 thereto entitled "Sewage backflow retrofit requirements", to read as follows:

**715.1.1 Sewage backflow retrofit requirements.** All structures connected to the City of Prescott sewer system prior to the adoption of this ordinance shall be protected by an approved backwater valve when additions, alterations, or repairs to existing structures are done.

(Ord. 4363, 12-16-2003, eff. 2-1-2004; Ord. 4606, 09-11-2007, eff. 10-15-2007; Ord. 4629, 10-23-2007; eff. 10-23-2007; Ord. 4679-0922, 12-09-2008, eff. 01-08-2009)

**3-6-3: PENALTY:**

- (A) 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

(Ord. 4163, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4606, 09-11-2007, eff. 10-15-2007; amd. Ord. 4679-0922, 12-09-2008, eff. 01-08-2009)

- (B) 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.

(Ord. 4389, 4-13-2004; amd. Ord. 4606, 09-11-2007, eff. 10-15-2007; Ord. 4679-0922, 12-09-08, eff. 01-08-09; amd. Ord. 4679-0922, 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-7: ICC ELECTRICAL CODE

### SECTIONS:

- 3-7-1: ADOPTION OF UNIFORM CODES:
- 3-7-2: ICC ELECTRICAL CODE AMENDMENTS:
- 3-7-3: NFPA 70-05 AMENDMENTS:
- 3-7-4: PENALTY:

### 3-7-1: ADOPTION OF UNIFORM CODES:

- (A) That certain document entitled the *2006 ICC Electrical Code*, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with Appendices E and F as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3850-0818 is hereby adopted by this reference.
- (B) That certain document entitled the *2005 National Electrical Code*, as adopted by the national Fire Protection Association, Inc., together with all referenced standards therein as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3850-0818 is hereby adopted by this reference.

(Ord. 4364, 12-16-2003, eff. 2-1-2004; Ord. 4613, 09-11-2007, eff. 10-15-2007)

### 3-7-2: ICC ELECTRICAL CODE AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 ICC Electrical Code*, which document amends and supersedes certain designated sections of the 2006 ICC Electrical Code is hereby adopted by this reference. (This document is shown below as a courtesy to the user)

- (A) Chapters 1 through 6 and 8 through 12 shall be 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.

(Ord. 4364, 12-16-2003, eff. 2-1-2004; Ord. 4613, 09-11-2007, eff. 10-15-2007; Ord. 4680-0923, 12-09-2008, eff. 01-08-2009)

### 3-7-3: NFPA 70-05 AMENDMENTS:

The foregoing NFPA 70, national electrical code, 2005 edition, shall be amended as follows:

(A) Article 90.1 (A) -- Purpose; Practical safeguarding; Any and all electrical work for light, heat, power or any other purposes shall be installed in the conformity with the rules and regulations as set forth in this Code and that document entitled National Electrical Code, 2005 Edition, and in conformity with the rules and regulations as set forth by the Building Official.

(B) Section 310.15(B)(6) entitled "Wiring methods and materials; Conductors for general wiring; Ampacities for conductors rated 0-2000 volts; Tables;

120/240-Volt, 3-Wire, Single-phase dwelling services and feeders" is hereby amended to read as follows:

310.15(B)(6) 120/240-Volt and 120/208-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders.

(C) The first sentence of Section 310.15(B)(6) entitled "120/240-Volt and 120/208-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders" is hereby amended to read as follows:

310.15(B)(^ ) 120/240-Volt and 120/208 Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310.15(B)(^ ), shall be permitted as 120/240=volt and 120/208-Volt, 3-wire, single phase service-entrance conductors, service lateral conductors, and feeder conductors that serve as the main power feeder to a dwelling unit and are installed in raceway or cable with or without an equipment grounding conductor.

(Ord. 4364, 12-16-2003, eff. 2-1-2004; Ord. 4680-0923, 12-09-2008, eff. 01-08-2009)

**3-7-4: PENALTY:**

(A) 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

(Ord. 4164, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4613, 09-11-2007, eff. 10-15-2007; amd. Ord. 4680-0923, 12-09-2008, eff. 01-08-2009)

- (B) 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.

(Ord. 4389, 4-13-2004; amd. Ord. 4613, 09-11-2007, eff. 10-15-2007; amd. Ord. 4680-0923, 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-8: INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

### SECTIONS:

- 3-8-1: ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS:
- 3-8-2: AMENDMENTS:
- 3-8-3: PENALTY:

### 3-8-1: ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS:

That certain document entitled the *2006 International Residential Code for One- and Two- Family Dwellings*, as adopted by the International Code Council, Inc., including Appendices A, B, C, G, H, J, O and Q, together with all referenced standards therein, as all of the same may be amended from time to time, which document was made a public record by Resolution No. 3842-0810 is hereby adopted by this reference.

(Ord. 4365, 12-16-2003, eff. 2-1-2004; Ord. 4603, 09-11-2007, eff. 10-15-2007)

### 3-8-2: AMENDMENTS:

That certain document entitled *City of Prescott 2008 Amendments to the 2006 International Residential Code for One- and Two-Family Dwellings*, which document amends and supersedes certain designated sections of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby adopted by this reference. (This document is shown below as a courtesy to the user)

- (A) Section R101.1 entitled "Administration; Title, Scope and Purpose; Title" is hereby amended to read as follows:  
  
"R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Prescott, and shall be cited as such and will be referred to herein as 'this Code'."
- (B) Sections 102 through 108 are 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.
- (C) Section R201.4 entitled "Definition; General; Terms not defined" is hereby amended by adding a sentence at the end thereof, to read as follows:

**“R201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. *Webster’s Third New International Dictionary of the English Language, Unabridged*, shall be considered as providing ordinarily accepted meanings.”

- (D) Table R301.2(1) entitled “Building Planning; Climatic and Geographic Design Criteria” is hereby amended to read as follows:

**“Table 301.2(1) Climatic and geographic design criteria.** Roof Snow Load: 30 lbs/ft<sup>2</sup> (13.6 Kg/92903 mm<sup>2</sup>); Wind: 90 mph (14484 m/hr) 3 second gust; Seismic Design Category: C; Weathering: Negligible; Frost Line Depth: 18 inches (457.2 mm); Termite: Moderate; Decay: Slight; Winter Design Temperature: 20° (-9.4c); Ice Shield Underlayment Requirement: No; Flood Hazards: See Prescott City Code Title XIII; Air Freezing Index: 194; Mean Annual Temp: 53 (11.7c).”

- (E) Table 301.5 Minimum Uniformity Distributed Live Loads” is hereby amended to read as follows:

**“Table 301.5 Minimum Uniformity Distributed Live Loads.**

Attics with limited storage <sup>b,g,h</sup> _____	40
Sleeping rooms _____	40

- (F) Section Table R302.1 entitled “Building Planning; Exterior wall location; Exterior walls” is hereby amended to read as follows:

**“Table R302.1 Exterior walls<sup>a</sup>:**

a. Installation of residential fire sprinkler systems shall reduce the minimum fire separation distance to 3 feet for non fire-resistance rated walls, 2 foot for fire-rated projections, and 3 feet for openings and penetrations. Such systems shall be designed and installed in accordance with NFPA 13, 13D or 13R as specified by the fire code official.”

- (G) Section R309.1 entitled “Building Planning; Garages and Carports; Opening protection” is hereby amended by adding a third sentence, to read as follows:

**“R309.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches(36 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (36 mm) thick, or

20-minute fire-rated doors. Doors providing opening protection shall be maintained self-closing and self-latching.”

- (H) Section R313 entitled “Building Planning; Smoke Alarms” is hereby amended to read as follows:

**“Section R313 Fire Protection Systems”**

- (I) Section R313 entitled “Building Planning; Fire Protection Systems” is hereby amended by adding a Section R313.4 thereto, to read as follows:

**“R313.4 Fire protection systems; Fire sprinkler systems; Where required.**

Approved automatic sprinkler systems shall be installed throughout all buildings with a total fire area exceeding 5,000 sq. ft. (464.5 m<sup>2</sup>) or the building is over 2 stories in height. The calculated area shall include all livable and unfinished space and the area of the attached garage. The garage space shall be included in the protected area.

Buildings of less than 5,001 sq. ft. (464.5 m<sup>2</sup>) shall be required to have an automatic sprinkler system installed when any of the following apply:

1. The fire department access roads are obstructed by low water crossings without approved secondary access.
2. The building is located in a subdivision without adequate fire apparatus access roads which provide multiple ingress and egress points from the subdivision.
3. The building site is located on a dead-end street and exceeds 1,300 feet (396 m) from the nearest thoroughfare’s intersection.
4. The fire department access road is at greater than a 10% slope.
5. A fire hydrant is more than 500 feet (152.4 m) from the building site or the required fire flow is not available.
6. The most remote point of a building is located more than 150 feet (152.4 m) from the closest point of fire apparatus access roadway as measured by an approved route around the exterior of the building.

Such systems shall be designed and installed in accordance with NFPA 13, 13D or 13R as specified by the Fire Code Official.”

- (J) Section R324 entitled “Building Planning; Flood-Resistant Construction” is hereby deleted.

- (K) Section R403.1.1 entitled “Foundations; footings; Minimum size” is hereby amended to add the following:

**“R403.1.1 Minimum size.** Continuous spread concrete footings shall be reinforced with at least one #4 (#13) bar placed horizontally a minimum of 3” (76mm) from the bottom of the footing. Monolithic pour interior and exterior concrete footings shall be reinforced with at least one #4 (#13) bar placed horizontally a minimum of 3” (76mm) from the bottom of the footing and one #4 (#13) placed horizontally a minimum of 3” (76mm) from the top of the slab. Pier and column footings shall be reinforced with #4 (#13) bars placed horizontally and spaced no more than 12”(304mm) on center in each direction and located a minimum of 3” (76mm) from the bottom of the footing.

- (L) Section R403.1.3.1 entitled “Foundations; Footings; Foundations with Stem Walls is hereby deleted in its entirety and revised to read as follows:  
**R403.1.3.1 Foundations and Stem walls.** Foundations and stem walls shall be provided with the following steel reinforcement, unless an engineered design is provided:

1. For non-retaining stem walls less than 24” (609) in height, a bond beam composed of one #4 (#13) bar placed horizontally at the top of the wall and one #4 (#13) bar placed vertically at 48” (1219 mm) on center. The vertical bar shall extend into the footing with a bent hook having a minimum 4” (101mm) long 90 degree bend.
2. For stem walls 24” to 48” (609mm-1219 mm) in height, a bond beam composed of two #4 (#13) bar or one #5 bar placed horizontally at the top of the wall and one #4 (#13) bar placed vertically at 48” (1219 mm) on center. The vertical bar shall extend into the footing with a bent hook having a minimum 4” (101mm) long 90 degree bend.
3. For stem walls over 48” (1219 mm) in height or retaining 24” (609mm) or more of earth, an engineered design shall be required to determine the footing size, stem wall thickness, stem wall materials, steel reinforcement size and placement (depending on soils conditions), surcharge loading, or other requirements at the option of the building official or his designee.

- (M) Table R404.1.1(1) entitled “Foundations; Plain Masonry foundation walls” and all references to said Table are hereby deleted in entirety and Section R404.1.1 revised to read as follows:

**R404.1.1 Masonry Foundation Walls.** Concrete masonry foundation walls shall be constructed as set forth in tables R404.1.1(2), (3) and (4) for the most restrictive design soil class provided that the minimum vertical reinforcement is #4 (#13) bar spaced no more than 48” (1219 mm) on center and shall also comply with the provisions of this section and the

applicable provisions of sections R606, R607 and R608. Rubble stone masonry walls shall not be used.

- (N) Table R404.1.1(5) entitled “Foundations; Concrete Foundation Walls” is hereby amended with a new footnote “m” to read as follows:

**“Table R404.1.1(5) Concrete Foundation Walls**

m. Where Table R404.1.1(5) permits plain concrete (PC) walls, not less than one #4 (#13) vertical bar at a spacing not to exceed 48 inches (1219 mm) on center, shall be provided.”

- (O) Table R404.4(2) Entitled “Foundations; 7.5-inch-thick flat ICF foundation walls” footnote “c” is hereby deleted and replaced with a new footnote ‘c’ to read as follows:

**“Table R404.4(2) 7.5-inch-thick flat ICF foundation walls**

c. Where Table R404.4(2) states not required (N/R), not less than one #4 (#13) vertical bar at a spacing not to exceed 48 inches (1219 mm) on center, shall be provided.”

- (P) Table R404.4(3) entitled “Foundations; 9.5-inch-thick flat ICF foundation walls” footnote “c” is hereby deleted and replaced with a new footnote “c” to read as follows:

**“Table R404.4(3) 9.5-inch-thick flat ICF foundation walls**

c. Where Table R404.4(3) states not required (N/R), not less than one #4 (#13) vertical bar at a spacing not to exceed 48 inches (1219 mm) on center, shall be provided.”

- (Q) Section R602.10.5 entitled “Wall Construction; Wood Wall Framing; Continuous Wood Structural Panel Sheathing” is hereby amended to read as follows:

**“R602.10.5 Continuous wood structural panel sheathing.** When continuous wood panel sheathing is provided on all sheathable areas of all exterior walls and internal braced walls including areas above and below openings and the opening height does not exceed Table R602.10.5, structural calculations on the shear analysis for the residence may be waived. Structural panels shall be a minimum of 3/8” for stud spacing of 16” (406mm) on center and 1/2” for stud spacing of 24” (609mm) on center. Structural panels shall be nailed at 4” (102mm) on center at the edges and 8” (203mm) on center in the field. Sheathing shall be installed at corners. The corners shall have a minimum of 2’ wall panel. Alternate braced wall panels shall be installed to comply with section R602.10.6.

(R) Table R702.3.5 entitled “Minimum Thickness and Application of Gypsum Board” footnote “d” is hereby deleted.

(S) Section R903.6 entitled “Roof Assemblies; Weather Protection” is hereby amended by adding a new Section R903.6 to read as follows:

**“R903.6 Crickets and Saddles.** A cricket or saddle shall be installed on the ridge side of any chimney or vertical projection through the roof greater than 30” (762mm) wide. The cricket or saddle coverings shall be a minimum of 26 gauge galvanized sheet metal or of the same material as the roof covering.

(T) Section R903 entitled “Roof Assemblies; Weather Protection” is hereby amended by adding a new Section R903.7 to read as follows:

**“R903.7 Drip Edge.** Provide a drip edge at eaves and gables of shingle roof coverings. Drip edge overlap shall be a minimum of 2” (51mm). Eave drip edges shall extend a minimum of 0.25” (6.4mm) below the sheathing and extend back on to the roof a minimum of 2” (51mm). Drip edge shall be mechanically fastened in place a maximum of 12” (305mm) on center.

(U) Section R1004.1 entitled “Chimneys and fireplaces; Factory-built fireplaces; General” is hereby amended to read as follows:

**“R1004.1 General.** Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of listing. Factory-built fireplaces shall be tested in accordance with UL 127. All factory-built fireplaces shall comply with EPA40 CFR60 Subpart AAA, revised July 1, 2002.”

(V) Chapter 11 entitled “Energy Efficiency” to be deleted in entirety and adopt The 2006 International Energy Conservation Code as amended.

### **Section N1101**

**N1101.1 Scope.** This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code. Structures meeting a nationally recognized energy program such as Energy Star, Fit for Life, Blue Star....shall be deemed to have met the minimum requirements of this code.

**N1102.1 Simplified prescriptive building envelope thermal component criteria.** The Minimum Required Thermal Performance (U-factor and R-value) for the City of Prescott will be

1. Ceilings R-38
2. Walls R-13
3. Floors R-19

- (W) Section M1307.3 entitled “General Mechanical System Requirements; Appliance installation; Elevation of ignition source” is hereby amended by the addition of an exception hereto, to read as follows:

**“M1307.3 Elevations of ignition source.**

Exception: clothes dryers”

- (X) Section M1414.1 entitled “Heating and Cooling Equipment; fireplace Stoves; General” is hereby amended by adding a new sentence at the end to read as follows:

**“M1414.1 General.** Factory-built fireplace stoves shall be listed and labeled and shall be installed in accordance with the conditions of listing. Factory-built fireplaces shall be tested in accordance with UL 127.

All factory-built fireplaces shall comply with EPA40 CFR60 Subpart AAA, revised July 1, 2002.”

- (Y) Section G2415.4 (404.4) “Fuel Gas; Piping System Installation: Piping through foundation wall ” is hereby deleted in its entirety and replace with a new Section G2415.4 (404.4) to read as follows:

**“G2415.4 (404.4) Underground gas piping entering buildings.** Underground gas piping entering buildings shall break ground before entering the building.”

- (Z) Section G2420.3 entitled Fuel Gas; Gas Shutoff Valves; Individual Buildings” is hereby renamed “Building Shutoff” and amended to read as follows:

**“G2420.3 Building Shutoff.** All buildings shall be provided with a shutoff valve located on the downstream side of the gas meter, between the gas meter and the building. Multiple buildings on the same system shall have a separate shut off valve for each building.

- (AA) Section P2603.6.1 entitled General Plumbing Requirements; Structural and Piping Protection; Freezing; Sewer Depth” is hereby amended to read as follows:

**“P2603.6.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 18 inches (457 mm) below

finished grade at the point of septic tank connection. Building sewers shall be a minimum of 24 inches (457 mm) below grade.”

- (BB) Section P2801 entitled “Water heaters; General” is hereby amended by the adding of a new section to read as follows:

“**P2801.8 Hot Water.** All new residences exceeding 1,200 square feet with two or more bathrooms shall have a hot water recirculating pump installed. All remodels of existing residences exceeding 1,200 square feet, which affect one or more bathrooms, shall have a hot water recirculating pump installed.

- (CC) Section P2904.4.2 “Water Supply and Distribution; Water-supply System; Water service installation” is hereby amended by adding a new second paragraph (before the exception) to read as follows:

“**P2904.4.2 Water Service Installation.** Non-metallic Service piping shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to it. Access shall be provided to the tracer wire or the tracer shall terminate above ground at each end of the non-metallic piping. The tracer wire shall not be less than 18 AWG and the insulation type shall be suitable for direct burial.”

- (DD) Section P3001 “Sanitary Drainage; General” is hereby amended by adding a new section to read as follows:

“**P3001.4 Sewer Drainage Installation.** Non-metallic Service piping shall have a green insulated copper tracer wire or other approved conductor attached at intervals not to exceed 24” (609mm). Access shall be provided to the tracer wire or the tracer wire shall terminate above ground at the clean out location(s) for the structure. The tracer wire shall not be less than 18 AWG and the insulation type shall be suitable for direct burial.”

- (EE) Section P3008.1 entitled “Sanitary Drainage; Backwater Valves; General” is hereby amended to read as follows:

“**P3008.1 General.** All structures connected to the city sewer system shall be protected by an approved backwater valve. All structures connected to the City of Prescott sewer system prior to the adoption of this Code shall be protected by an approved backwater valve when additions, alterations, or repairs to existing structures and/or changes to existing plumbing systems occur.

(Ord. 4365, 12-16-2003, eff. 2-1-2004; Ord. 4677-0920 12-09-2008, eff. 01-08-2009)

**3-8-3: PENALTY:**

- (A) 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.
  
- (B) 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

(Ord. 4161, 10-30-2001, eff. 1-1-2002; amd. Ord. 4389, 4-13-2004; amd. Ord. 4603, 09-11-2007, eff. 10-15-2007; amd. Ord. 4677-0920 12-09-2008, eff. 01-08-2009)

**CHAPTER 3-9: HISTORIC PRESERVATION CODE**

(Rep. by Ord. 4323, 7-8-2003, eff. 12-31-2004)

## CHAPTER 3-10: WATER CONSERVATION CODE

### SECTIONS:

- [3-10-1: ADOPTION OF A WATER CONSERVATION CODE:](#)
- [3-10-2: PURPOSE:](#)
- [3-10-3: REGULATIONS:](#)
- [3-10-4: DEFINITIONS:](#)
- [3-10-5: ARTIFICIAL LAKES WITH CITY WATER PROHIBITED:](#)
- [3-10-6: VARIANCES:](#)
- [3-10-7: TERMINATION OF WATER SERVICE FOR VIOLATION:](#)
- [3-10-8: INCENTIVE PROGRAM:](#)
- [3-10-9: SPRAY TYPE FOUNTAINS PROHIBITED:](#)
- [3-10-10: PROHIBITION AGAINST POTABLE WATER FLOWING UPON STREETS:](#)
- [3-10-11: RESTRICTIONS DURING WATER SHORTAGES:](#)
- [3-10-12: PENALTIES:](#)
- [3-10-13: SEVERABILITY:](#)
- [3-10-14: TIME OF DAY-OUTDOOR WATERING RESTRICTIONS:](#)

### **3-10-1: ADOPTION OF A WATER CONSERVATION CODE:**

This chapter shall apply to any legally adopted plumbing code approved by the mayor and council of the city. (Ord. 1596, 9-13-1982)

### **3-10-2: PURPOSE:**

The purpose of this chapter is to establish maximum rates of flow for plumbing fixtures and other devices in order to conserve water, and to regulate the use of water from the municipal water supply within the city of Prescott and its water service area. (Ord. 1596, 9-13-1982; amd. Ord. 1884, eff. 6-11-1987)

### **3-10-3: REGULATIONS:**

- (A) Scope: The provisions of this section shall apply to all new construction and replacement of fixtures in all existing structures. (Ord. 2377, eff. 6-11-1992)
- (B) Water Closets: Water closets shall be designed, manufactured, and/or installed so as to be operable and adequately flushed with not more than 1.6 gallons of water per flush. (amd. Ord. 3357, eff. 6-22-1995)
- (C) Urinals: Urinals shall be designed, manufactured, and/or installed so as to be operable and adequately flushed with not more than 1.0 gallons per

flush. Automatic, timed or self-flushing urinals are prohibited. (Ord. 3357, eff. 6-22-1995)

- (D) Showerheads: Showerheads shall be designed, manufactured and/or installed so that the flow will not exceed three (3) gallons of water per minute.
- (E) Kitchen And Lavatory Faucets. All kitchen and lavatory faucets shall be designed, manufactured and/or installed so that the flow will not exceed 3.0 gallons per minute. Exception: Hose bibs and exterior faucets having similar uses. (amd. Ord. 3357, eff. 6-22-1995)
- (F) Public Restrooms: Faucets located in restrooms intended for unrestricted use by the general public shall be of the metering or self-closing type and shall comply with subsection (E) of this section. (Ord. 687, 11-9-1964)

#### **3-10-4: DEFINITIONS:**

**ARTIFICIAL LAKE:** For purposes of the ordinance codified herein, artificial lake means a manmade lake.

**LAKE:** Pond, lagoon, swimming pool, or other body of water that has a total capacity, by volume, of 0.075 acre feet or greater. For purposes of this ordinance, two (2) or more lakes that are connected, or that are designed to function as a unit, shall be considered to be one lake.

**SERVICE AREA:** The area of land actually being served water by the city of Prescott, plus:

- (A) Additions to such area which contain an operating distribution system owned by the city.
- (B) The service area of a city, town, or private water company that obtains its water from the city pursuant to contract.
- (C) Additions to such areas as may be included in the service area map created pursuant to Arizona Revised Statutes, section 45-498, from time to time. (Ord. 687, 11-9-1964)

#### **3-10-5: ARTIFICIAL LAKES WITH CITY WATER PROHIBITED:**

- (A) The use of treated, metered, potable water from the municipal water supply system for the purpose of filling or refilling artificial lakes within the city of Prescott and its water service area, is prohibited.

- (B) This section shall not apply to an artificial lake that has been filled prior to the effective date of this section, or to a lake owned by the United States, the state of Arizona, the county of Yavapai, or the city of Prescott, and which is open for public use. (Ord. 1884, eff. 6-11-1987)

**3-10-6: VARIANCES:**

The city council may grant variances on a case by case basis where it finds that the best interests of the city will be served by such variance, and that the development or facility in which the artificial lake is located will develop and implement an effective water conservation program, and that said variance is consistent with the adopted management plan for the Prescott active management area. Application for a variance shall be submitted to the city clerk and city manager. (Ord. 1884, eff. 6-11-1987)

**3-10-7: TERMINATION OF WATER SERVICE FOR VIOLATION:**

In addition to any other legal or equitable remedy to enforce the provisions of this chapter, the city may terminate or suspend water service to property owned or controlled by any party in violation of section 3-10-5 of this chapter. The city manager or designee may cause a notice of water termination to be served upon the violating party stating that service will be discontinued in five (5) days unless a hearing is requested. If a hearing is requested, the city manager or designee shall convene a hearing within three (3) days of the request. Upon finding that a violation has occurred, the city manager or designee may order that water service be terminated or suspended pending compliance with this chapter. (Ord. 1884, eff. 6-11-1987)

**3-10-8: INCENTIVE PROGRAM**

- (A) Purpose: to encourage residents and businesses to conserve water by providing financial incentives (rebates) for retrofitting existing, less efficient water-use devices, and replacing higher water-use landscaping. This section applies to the purchase and installation on or after the effective date hereof, of devices to retrofit plumbing fixtures installed prior to January 1, 1995, to the removal of high water consuming landscaping which existed on or before January 1, 2007, and to irrigation audit services conducted and rainwater cisterns purchased and installed within those areas of the City served water by the City.
- (B) All incentive awards require and are subject to the submittal of complete applications and determination of eligibility and qualifications by the City. Applications will be accepted only from the current property owner(s) of record.
- (C) The incentive program is provided on a first come, first served basis, subject to the availability of budgeted funding. Applicants are responsible

for confirming the availability of funding for incentive awards prior to submittal of their applications, which information can be obtained by contacting the Water Conservation Coordinator or other person designated by the City of Prescott Public Works Director. No applicant shall be entitled to more than one-half (1/2) of the monies remaining available for this program at any time during a fiscal year. Total incentives granted for a property shall be limited to \$2,500.00.

- (D) Incentive awards will be credited on water bills for the applicable properties within three billing cycles after approval.
- (E) The Water Conservation Coordinator and Water Issues Committee shall from time to time review the incentive program, and may recommend changes to the City Council.
- (F) Incentives shall be administered by the Water Conservation Coordinator or other person designated by the City Manager, in accordance with the following Incentive Awards List and qualifying criteria:

**INCENTIVE AWARDS LIST**

<b>Water Efficiency Improvement Incentive<sup>1</sup></b>	<b>Incentive Award Amount</b>
<b>Landscape conversion to automatic drip system<sup>2</sup></b>	\$75.00
<b>Landscape irrigation audit by Certified Auditor<sup>3</sup></b>	\$75.00
<b>Rainwater cistern<sup>4</sup></b>	\$ 0.10 per gallon of storage \$300.00 maximum award
<b>Turf removal on-site and in adjacent public right-of-way<sup>5</sup></b>	\$0.25 per square foot \$400.00 maximum award per residential account \$800.00 maximum award per non-residential account
<b>High efficiency toilets</b> (replacement units 1.6 gallons or less per flush; 2 units maximum per residential account)	\$50.00
<b>Commercial urinals</b> (replacement units 1.0 gallons or less per flush, or alternative flushless design)	\$50.00
<b>Rotator spray head replacement</b> (minimum of 12 heads replaced)	\$2.00 per spray head \$40.00 maximum award
<b>Leak repairs</b> (one time benefit per property)	\$5.00 per repaired leak \$25.00 maximum award
<b>Showerheads</b> (not to exceed 2.4 gallons/minute)	\$10.00
<b>Other qualifying low flow-low tech Water Smart device</b>	\$10.00

**<sup>1</sup> Guideline for Incentive Awards; City Permit Requirements**

Each item is a one-time award for the property, fixture, or equipment as indicated, subject to City review, approval, and issuance of permits where required.

**<sup>2</sup> Landscape Conversion to Automatic Drip Systems**

Eligibility for incentive award requires that the completed system include all three of the following components: an automatic timer, approved backflow prevention device, and a drip irrigation system.

**<sup>3</sup> Landscape Irrigation Audit by Certified Auditor**

Requires applicant contact the conservation office for guidelines prior to irrigation audit being conducted. Incentive award application must include a completed and certified landscape irrigation worksheet reviewed and signed by the certified auditor and applicant, and a copy of the paid invoice signed and dated by an approved and certified landscape irrigation auditor.

**<sup>4</sup> Rainwater Cistern**

Requires the installation of a minimum 500-gallon capacity rainwater catchment tank or engineered cistern. Rainwater storage systems may not be interconnected with the City potable water system. Applicants must contact the conservation office for guidelines prior to installation of the system.

**<sup>5</sup> Turf Removal**

Requires conversion from irrigated turf grass to water saving landscaping, and if irrigated, installation of an automatic water timer, backflow prevention device and drip or similar system. Applicants must contact conservation office for guidelines prior to removal of turf. Minimum turf removal areas are 200 square feet for residential and 1000 square feet for non-residential.

- (G) Incentive awards granted pursuant to this Section shall not exceed the actual cost incurred by the applicant for the water efficiency improvements.

(Rep. by Ord. 4446, 12-21-2004; Added by Ord. 4527, 2-28-2006; Ord. 4691, 03-10-2009; Ord. 4759, 08-31-2010)

**3-10-9: SPRAY TYPE FOUNTAINS PROHIBITED:**

The installation of any spray type fountains within the city of Prescott, or on property serviced by the Prescott water system, is hereby prohibited. (Ord. 2377, eff. 6-11-1992)

**3-10-10: PROHIBITION AGAINST POTABLE WATER FLOWING UPON STREETS:**

- (A) It shall be unlawful for any person, firm or entity to allow potable water used for irrigation to flow into or upon a public street, alley, public right of way or adjoining property.
- (B) If the irrigation water which is flowing in violation of the foregoing subsection is a direct result of an antiquated irrigation system as

determined by the public works director, the responsible individual shall provide to the public works director a plan of implementation within sixty (60) days of issuance of the notice of violation. This implementation plan shall provide for the upgrade, modernization and/or repair of the irrigation system, together with specific time frames to accomplish same. The period to complete the implementation plan shall be as soon as possible given the nature and cost of the repairs and size of the system to be repaired, but in no event may it exceed thirty (30) months. Upon approval of the implementation plan by the public works director the responsible individual or entity shall not be subjected to any civil sanctions pursuant to subsection 3-10-12(B) of this chapter provided that upgrading modernization and/or repair is continuing in accordance with the time frames set forth in the implementation plan. The notice of violation and implementation plan shall be filed with the Yavapai County recorder, and the requirements and time frames contained therein shall run with the land and shall become an obligation of any subsequent purchaser, owner or other person in possession of that property. (Ord. 2377, eff. 6-11-1992; amd. Ord. 3356, eff. 6-22-1995)

- (C) Those persons, firms or entities who are irrigating slopes greater than 2.5 horizontal to one foot (1') vertical are exempt from this section. (Ord. 2377, eff. 6-11-1992)

### **3-10-11: RESTRICTIONS DURING WATER SHORTAGES:**

- (A) The city manager, upon the recommendation of the environmental services director, is hereby authorized to declare water conservation levels. The conservation levels shall be initiated based upon the resources status which assesses the relationship between water demand and municipal safe production capability. The city manager shall evaluate resource status levels on no less than a weekly basis.
- (B) The following resource status levels are hereby prescribed:
1. Resource status I: When water demand is equal to or less than safe production capability. "Safe production" shall be defined as a daily system demand of nine million three hundred thousand (9,300,000) gallons. (Ord. 2377, eff. 6-11-1992; amd. Ord. 3618, eff. 5-22-1997)
  2. Resource status II: When demand is greater than safe production capability for three (3) consecutive days.
  3. Resource status III: When demand is greater than safe production capability for two (2) consecutive weeks. (Ord. 2377, eff. 6-11-1992)

4. Resource status IV: When water demand exceeds total production capability. "Total production capability" shall be defined as a daily system demand of ten million (10,000,000) gallons. (Ord. 2377, eff. 6-11-1992; amd. Ord. 3618, eff. 5-22-1997)
- (C) The following water conservation levels shall govern the use of water by Prescott water users, as prescribed below:
1. Water Conservation Level I; Water Awareness: Water users are specifically encouraged to minimize waste in water used for irrigation, vehicle and pavement washing, construction and other water consuming activities. (Ord. 2377, eff. 6-11-1992)
  2. Water Conservation Level II; Water Restrictions: The following water uses may be restricted or prohibited by the city manager: irrigation; washing vehicles; filling or refilling pools, spas and/or wading pools; use of ornamental fountains; use of water from a fire hydrant (except for emergencies or upon the written approval of the environmental services director and the fire chief); the noncommercial washing of vehicles.
  3. Water Conservation Level III; Water Emergency: The following water uses may be restricted or prohibited by the city manager: those activities set forth in subsection (C)2 of this section.
  4. Water Conservation Level IV; Water Crisis: The following water uses may be restricted or prohibited by the city manager: Those activities set forth in subsection (C)2 of this section; use of potable water for irrigation; use of potable water for dust control; and the use of potable water in violation of any other restriction deemed necessary by the city council. (Ord. 2377, eff. 6-11-1992; amd. Ord. 3656, eff. 7-22-1997)

### **3-10-12: PENALTIES:**

- (A) A violation of any provision of sections 3-10-3, 3-10-5 and 3-10-9 of this chapter shall be a civil violation and shall be subject to the provisions of section 1-3-2 of this code for each day that the violation continues.
- (B) A violation of any provision of section 3-10-10 of this chapter or any rules, regulations, restrictions or prohibitions promulgated pursuant to section 3-10-11 of this chapter shall constitute a civil violation, which shall be subject to the provisions of section 1-3-2 of this code for each day that the violation continues; provided, however, that a second offense of a similar nature shall result in a mandatory minimum sanction of one hundred dollars (\$100.00), and a third offense of that section shall result in a

mandatory minimum sanction of two hundred fifty dollars (\$250.00), which mandatory minimum sanctions shall not be waived. (Ord. 3656, eff. 7-22-1997)

**3-10-13: SEVERABILITY:**

The provisions of this chapter are declared to be severable, and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part. (Ord. 687, 11-9-1964)

**3-10-14: TIME OF DAY-OUTDOOR WATERING RESTRICTIONS:**

- (A) Time of day watering restrictions shall be effective during the period April 15 through November 1 of each year for all potable water customers of the City located within the City limits, during which period outdoor spray irrigation and airborne watering shall only be permitted during the hours between 8:00 p.m. and 8:00 a.m. daily.
- (B) The Public Works Director may grant a written exception in such cases where serious hardship to the customer would result. A copy of all such exceptions shall be maintained on file, referenced by address, in the Public Works Department.
- (C) Time of day-outdoor watering restrictions shall not apply to:
  - 1. Water systems utilizing low volume drip irrigation watering.
  - 2. Sustaining decorative, containerized plants and commercial plant stock which are maintained for resale.
  - 3. Visually supervised operation of watering systems for short periods of time to check system condition effectiveness.
  - 4. Newly installed landscapes for a period of 90 days from the actual date of installation, and only where necessary to establish growth.
  - 5. Supervised preparation, operation, maintenance, establishment, repair, or renovation of athletic fields of public parks or educational facilities, or other places used for public festivals and events.”

(Ord. 4536, 4-11-2006)

## CHAPTER 3-11: CITY OF PRESCOTT REGISTER OF HISTORIC PLACES

### SECTIONS:

3-11-1: CREATION:

3-11-2: PURPOSE:

3-11-3: CITY OF PRESCOTT REGISTER OF HISTORIC PLACES:

3-11-4: ADDITIONS TO THE CITY OF PRESCOTT REGISTER OF HISTORIC PLACES:

#### **3-11-1: CREATION:**

There is hereby created an official listing of historic buildings and structures located within the City to known as The City of Prescott Register of Historic Places.

#### **3-11-2: PURPOSE:**

The purpose is to establish an official list of buildings and structures to which the provisions of the Prescott Historic Building Code, as adopted in Title III, Chapter 8, of the City Code may be applied.

#### **3-11-3: CITY OF PRESCOTT REGISTER OF HISTORIC PLACES:**

The City of Prescott Register of Historic Places includes all buildings and structures which are presently listed or that may be in the future listed on the following:

- (A) The National Register of Historic Places.
- (B) The State of Arizona Register of Historic Places.
- (C) The Territorial Architecture of Prescott, 1978 edition, compiled and edited by Billy Garrett and published by the Yavapai Heritage Foundation.
- (D) A Prescott Preservation District.

#### **3-11-4: ADDITIONS TO THE CITY OF PRESCOTT REGISTER OF HISTORIC PLACES:**

Any buildings and structures located within the City limits of Prescott, Arizona, and not otherwise listed under Section 3-11-3 may be included on the official list upon a showing that such buildings and structures have:

- (A) Historical or cultural importance, and/or

- (B) Distinctive architectural style, engineering, or workmanship, and/or
- (C) Visual and aesthetic value as part of the scene, neighborhood, or district.

Application for the inclusion of any building and structure shall be made to the Prescott Planning and Zoning Department. The application shall include the preparation and submittal of an Arizona State historic property inventory form which, after completion, shall be submitted to the Prescott Planning and Zoning Department with a copy to the Arizona State Historic Preservation office. The Planning Department shall review the completed form, shall consult with the State Historic Preservation office and the City Building Division, and shall forward the application and a summary report to the Prescott Preservation Commission, which shall decide whether the building and/or structure shall be added to the official list.

All of the expenses which may be incurred in filing the application shall be the responsibility of the applicant. The determination of the Prescott Preservation Commission insofar as to whether a particular building shall be added to the list shall be final except that any application which has been denied by the Commission may be resubmitted upon an assertion by the applicant that there are changed circumstances or additional evidence justifying reconsideration by the Commission. (Ord. 1667, 2-13-84)

## CHAPTER 3-12: OUTDOOR LIGHTING REQUIREMENTS

### SECTIONS:

- 3-12-1: PURPOSE, INTENT, AND APPLICABILITY:
- 3-12-2: MATERIALS AND METHODS OF INSTALLATION:
- 3-12-3: DEFINITIONS:
- 3-12-4: CLASS I LIGHTING (GENERAL AND RECREATIONAL):
- 3-12-5: CLASS II LIGHTING (WALKWAYS AND SECURITY):
- 3-12-6: CLASS III LIGHTING (DECORATIVE):
- 3-12-7: CLASS IV LIGHTING (OFF-STREET PARKING):
- 3-12-8: LIGHT TRESPASS:
- 3-12-9: TIME OF OPERATION:
- 3-12-10: SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE:
- 3-12-11: INSTALLATION:
- 3-12-12: PROHIBITIONS:
- 3-12-13: PERMANENT EXEMPTIONS:
- 3-12-14: TEMPORARY EXEMPTIONS:
- 3-12-15: EMERGENCY EXEMPTIONS:
- 3-12-16: PENALTY:
- 3-12-17: SEVERANCE CLAUSE:

### **3-12-1: PURPOSE, INTENT, AND APPLICABILITY:**

- (A) Minimize light pollution and light trespass for the enjoyment and use of property and the night environment by the citizens of the City, and
- (B) Encourage the use of types, kinds, construction, installation and uses of outdoor light fixtures, lighting practices and systems which will reduce light pollution and light trespass, and
- (C) Benefit astronomical research and observations, and
- (D) Conserve energy while increasing nighttime visibility, utility, security and productivity.
- (E) This Chapter shall apply to new construction of buildings (except for single-family residential buildings which are regulated by the ARS §49-1101 et seq.) and any new outdoor lights installed or constructed after the effective date of this Chapter (except for replacement of existing lights at the same location). (Ord. 3644A, 7-8-1997)

### **3-12-2: MATERIALS AND METHODS OF INSTALLATION:**

This Chapter is intended to encourage the use of quality materials, methods and designs. It is not intended to prevent the use of any design, material or method of installation not specifically forbidden, provided any such alternate has been approved. The Director of Community Development or designee may approve any such proposed alternate if it meets specific requirements of this Chapter. (Ord. 3644A, 7-8-1997)

### **3-12-3: DEFINITIONS:**

**ADVERTISING DISPLAY:** Advertising structures and signs used for outdoor advertising purposes, not including on-premises advertising signs.

**APPROVED OUTDOOR LIGHTING FIXTURE:** Lighting fixtures or luminaries approved by the Community Development Director as conforming to this Chapter.

**CLASS I LIGHTING:** All outdoor lighting used for outdoor retail or restaurant areas, automotive dealers (display areas only), assembly or repair areas, outdoor advertising displays and other signs, recreational facilities and similar applications.

**CLASS II LIGHTING:** All outdoor lighting used for illumination for walkways, equipment yards, and outdoor security.

**CLASS III LIGHTING:** All outdoor lighting used for decorative effects. Examples of Class III lighting include illumination of landscaping, flags, fountains, statues, and building facades.

**CLASS IV LIGHTING:** Lighting for all off-street parking.

**DIRECT GLARE:** Glare resulting from the arc tube being visible in the field of view.

**FOOT-CANDLE (fc):** The unit of illuminance when the foot is taken as the unit of length. It is the illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot (1') from a directionally uniform point source of one candela.

**FULL-CUTOFF:** Outdoor light fixtures shielded or constructed so that the light rays emitted by the fixture are projected below a horizontal plane passing through the lowest point on the fixture from which light is emitted. Drop or sag lens type fixtures shall not be allowed.

**GRADE:** The average of the native ground level or the finished ground level measured at the center of all walls of the building or the adjoining parking area, whichever is closer. The height of berming and the mounding of dirt on which a light pole is placed shall be counted in the overall height of the pole.

**IESNA:** Illuminating Engineering Society of North America, New York, NY.

**LIGHT POLLUTION:** Any artificial light that is emitted into the atmosphere either directly or indirectly by reflection that impacts astronomical research and enjoyment of the night sky by reflection off of dust, water vapor and other atmospheric pollutants in the sky.

**LIGHT TRESPASS:** Any artificial light that causes unwanted light on adjacent properties.

**LUMINARIES:** A complete lighting unit consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**OUTDOOR LIGHT FIXTURE:** An outdoor artificial illuminating device, installed or portable, used for floodlighting, general illumination or advertisement. Such devices shall include, but are not limited to, search-, spot- and floodlights for buildings and structures, recreational facilities, parking lots, landscape lighting, outdoor advertising displays and other signs for advertising or other uses, street lighting, walkway lighting, product display area lighting and building overhang and open canopies.

**PARKING AREA:** An area, other than a street, that is designed primarily for parking of vehicles.

**RECREATIONAL FACILITIES:** Parks, public, Municipal or private facilities designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to: fields or stadiums for softball, baseball, football, soccer, golf courses, driving ranges and other "field sports"; and courts for tennis, basketball, volleyball, handball and other "court sports". (Ord. 3644A, 7-8-1997)

### **3-12-4: CLASS I LIGHTING (GENERAL AND RECREATIONAL):**

(A) All luminaries shall be full-cutoff type except for the following uses:

1. Outdoor Advertising Displays Or Signage: Top-mounted fixtures are required for outdoor advertising displays and exterior lighted signage when total sign wattage exceeds 150 watts.

2. Public Or Municipal Outdoor Recreational Facilities: All lighting for field sports shall conform to the requirements of section 3-12-8 of this chapter regarding requirements for direct glare control (court sports shall use full-cutoff optics).
  3. Internal Illuminated Signs: Internal illuminated signs.
- (B) All projects shall document source type which shall be subject to approval by the director of community development.
  - (C) All class I lighting shall conform to sections 3-12-8 and 3-12-9 of this chapter.
  - (D) All class I lighting shall be mounted not to exceed thirty feet (30') in height above grade.

EXCEPTIONS: 1) A maximum height not to exceed eighteen feet (18') above grade within fifty feet (50') of the property line which adjoins residential areas. 2) Public or municipal outdoor recreational facilities.

- (E) Light levels shall conform to the IESNA recommended practices.
- (F) Internally lit outdoor advertising signs with dark backgrounds with translucent lettering or symbols are preferred to minimize detrimental effects. Unless conforming to the dark background preference, total lamp wattage per property shall be less than 80 watts and transparent material shall not be used.

(Ord. 3644A, 7-8-1997)

**3-12-5: CLASS II LIGHTING (WALKWAYS AND SECURITY):**

- (A) All luminaries shall be full-cutoff.
- (B) All luminaries used primarily for walkway lighting shall be mounted no higher than fifteen feet (15') above grade.
- (C) All class II lighting shall conform to sections 3-12-8 and 3-12-9 of this chapter.
- (D) Light levels shall conform to the IESNA recommended practices. (Ord. 3644A, 7-8-1997)

**3-12-6: CLASS III LIGHTING (DECORATIVE):**

- (A) All class III lighting must be selected, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.
- (B) Incandescent uplight shall not exceed 150 watts per lamp and high intensity discharge shall not exceed 70 watts per lamp.
- (C) All class III lighting shall conform to sections 3-12-8 and 3-12-9 of this chapter. (Ord. 3644A, 7-8-1997)

**3-12-7: CLASS IV LIGHTING (OFF-STREET PARKING):**

(A) General Requirements:

- 1. When lighting is provided in uncovered parking areas, this section shall apply.
- 2. High pressure sodium (HPS) sources shall be used for parking areas, unless otherwise approved by the director of community development.

EXCEPTION: Other light sources may be used where class I usage occurs in the parking area; i.e., outdoor retail such as a car dealership. (Ord. 3644A, 7-8-1997)

- 3. All class IV lighting shall be mounted not to exceed eighteen feet (18') in height above grade for multi-family residential of two (2) or more units and thirty feet (30') in height above grade for all other uses.

EXCEPTIONS:

- (a) A maximum height not to exceed eighteen feet (18') above grade within fifty feet (50') of the property line which is adjacent to residential areas.
- (b) The maximum height of thirty feet (30') may be extended to forty feet (40') upon the approval of the community development director in the event that such additional height would substantially reduce the total number of lights for off-street parking in a project, and would meet the intent of this chapter, including, but not limited to, glare, reduction of light poles, uniformity of lighting and mitigation of adverse impacts. (Ord. 4130, 7-24-2001)

(B) Design Requirements:

1. All roofed and covered parking facilities shall be designed to the recommended practices of the IESNA. The remainder of this section addresses open area parking.
2. The lighting system for open area parking areas shall be so designed to produce an average maintained light level on the entire facility's parking surface in a range from one foot-candle (1 fc) to three foot-candles (3 fc). The average-to-minimum uniformity ratio shall not exceed four to one (4:1) with a maximum fifteen foot-candles (15 fc).
3. A maximum of five (5) maintained foot-candles is permitted within fifty feet (50') of the customer-only entrances to commercial buildings which adjoin parking areas. The fifty foot (50') area shall be excluded from the average maintained light level for projects with adjoining parking areas of two hundred fifty (250) or more parking stalls.
4. All Class IV lighting shall conform to Sections 3-12-8 and 3-12-9 of this Chapter. (Ord. 3644A, 7-8-1997)

**3-12-8: LIGHT TRESPASS:**

Requirements for luminaire heights, shielding, placement and aiming to minimize light trespass and direct glare emitted by a lighting system shall be as follows:

- (A) Spill light on adjacent residential or unlighted properties shall be minimized by complying with the following:
1. Provide material, methods, and designs so that no more than an average maintained one-half foot-candle (0.5 average maintained fc) is measured on a horizontal plane at grade at the property line which is adjacent to residential areas, and no more than one foot-candle average maintained (1 average maintained fc) when adjacent to all other uses.

EXCEPTION: Field sports lighting.

2. Wall-mounted luminaries shall not be mounted higher above the ground than their distance to the property line unless they are mounted so as to direct the light away from the adjacent property, i.e., on a wall on the property line but directed inward. Maximum mounting height for wall-mounted luminaries shall be fifteen feet (15').

3. Final determination as to compliance with this Section shall be based on point-by-point analysis by the Community Development Director. Refer to Section 3-12-10 of this Chapter.
- (B) Direct glare shall be minimized by compliance with the following requirements:
1. The lighting system shall be designed to minimize the impact on sky glow and glare to adjacent properties.
  2. The direct glare from the luminaire shall not be visible from six feet (6') above grade at the property line.  
  
EXCEPTION: Field sports lighting.
  3. Where the adjacent property is residential and the luminaire is a decorative style (Class III), the lot line side of the luminaire is to be blocked out to eliminate spill and glare.
  4. Lighting for field sports shall have a maximum of one and one-half foot-candles (1.5 fc) initial maximum vertical illuminance at six feet (6') above grade at the property line and one foot-candle (1 fc) initial horizontal illuminance at the property line. Direct glare shall not be visible beyond one hundred feet (100') of a playing field boundary.

(Ord. 3644A, 7-8-1997)

**3-12-9: TIME OF OPERATION:**

- (A) All Class I lighting shall be off between ten o'clock (10:00) P.M. and sunrise, except as follows:
1. Advertising signs may be illuminated all night;
  2. Outdoor retail, commercial, assembly, repair and industrial areas may be lighted when such areas are actually in use;
  3. Outdoor recreational facilities may remain lighted past eleven o'clock (11:00) P.M. in order to complete recreational activities that are in progress and under illumination at eleven o'clock (11:00) P.M.
- (B) All Class II lighting may remain on all night.

- (C) All Class III lighting shall be off between ten o'clock (10:00) P.M. and sunrise except for businesses during their business hours.
- (D) All Class IV lighting shall be turned off at ten o'clock (10:00) P.M. or when the use of the parking area ceases. (Ord. 3644A, 7-8-1997)

**3-12-10: SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE:**

- (A) The Building Department application for any required City approval involving nonexempt outdoor light fixtures not listed in Sections 3-12-13 and 3-12-14 of this Chapter shall include evidence that the proposed work will comply with this Chapter. The submission shall contain, but not be limited to, two (2) complete sets of the following:
  - 1. The location of the site where the outdoor light fixtures will be installed;
  - 2. Plans indicating the location, mounting height, and type of all fixtures, both existing and proposed, on the premises;
  - 3. Point-by-point lighting level printouts with calculation areas delineated when the services of a professional electrical engineer are required or when required by the Director of Community Development;
  - 4. A description of the outdoor light fixtures including, but not limited to, manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information.
- (B) The above required plans and descriptions shall be sufficiently complete to enable the City to readily determine whether compliance with the requirements of this Chapter will be met. If such plans and descriptions cannot enable this determination by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.
- (C) Submittal and drawings shall be sealed by a licensed professional engineer if required. Submittal must contain the name of the company that prepared the drawings and the name, title and telephone number of the person that performed the design work.
- (D) All projects requiring a licensed professional electrical engineer shall be submitted with fully engineered drawings.
- (E) All parking lot projects requiring a licensed electrical engineer shall be submitted with an engineered lighting plan showing point-by-point lighting

levels for the entire lot with a maximum of ten foot by ten foot (10' x 10') spacing of calculation points. Light loss factors of .81 for high pressure sodium and .72 for metal halide shall be used.

- (F) All projects resubmitted for approval shall include a written description of all changes and comments keyed and attached to the plan check comments, sealed by a licensed professional engineer if required.
- (G) The Community Development Director, at his discretion, may require projects which do not meet the requirements of this Section to comply with the requirements of this Section. (Ord. 3644A, 7-8-1997)

### **3-12-11: INSTALLATION:**

The owner or contractor of record shall install the approved outdoor lighting fixtures in conformance to the listing, manufacturer's installation specifications, and all applicable local building and electrical codes. An electrical permit and inspection by the City Building Inspections Division is required. (Ord. 3644A, 7-8-1997)

### **3-12-12: PROHIBITIONS:**

- (A) Mercury vapor luminaires for use as outdoor lighting is prohibited.
- (B) Operation of searchlights for advertising purposes is prohibited.
- (C) Wall-mounted refractor type area lights with a lens above a horizontal plane passing through the bottom of the luminaire are prohibited.
- (D) Fixtures with drop or sag lens lighting are prohibited.

(Ord. 3644A, 7-8-1997)

### **3-12-13: PERMANENT EXEMPTIONS:**

- (A) Fossil Fuel Light: All outdoor light fixtures producing light directly by combustion of fossil fuels (such as kerosene lanterns and gas lamps) are exempt from the requirements of this Chapter.
- (B) Holiday Decorations: Lights used for federally recognized holiday decoration are exempt from the requirements of this Chapter.
- (C) Flag Lighting: Lights used for illumination of the American flag are exempted from the time of operation.

- (D) Airport Lighting: Airport lighting required for safe and efficient movement of aircraft during flight, takeoff, landing and taxiing.
- (E) Outdoor Advertising Signs: Outdoor advertising signs (not billboards) of the type constructed of translucent materials and wholly illuminated from within do not require shielding. (Ord. 3644A, 7-8-1997)

**3-12-14: TEMPORARY EXEMPTIONS:**

- (A) General: Temporary exemptions are required for any situation that is not allowed by this Chapter where temporary lighting is required, including, but not limited to, special civic or public events, sporting events, special business events, grand openings of businesses, and construction projects.
- (B) Information Required: Any individual may submit a written request to the Director of Community Development for a temporary exemption from the requirements of this Chapter. The request shall be accompanied by the appropriate filing fee if required. The request for temporary exemption shall contain the following information:
  - 1. Name, address and telephone number of the applicant;
  - 2. Location of the outdoor light fixtures for which the exemption is requested;
  - 3. Specific exemption(s) requested;
  - 4. Use of the outdoor light fixtures involved;
  - 5. Duration of the requested exemption(s);
  - 6. Type of outdoor light fixture(s) to be used, including total lumen output, mounting, aiming and character of the shielding, if any;
  - 7. Previous temporary exemptions for that location, if any;
  - 8. Justification for the exemption; and
  - 9. Such other data and information as may be required by the Community Development Director.
- (C) Decision: The Community Development Director shall have ten (10) business days from the date of receipt of the request for temporary exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

- (D) Duration Of Approval: The exemption shall be valid for not more than sixty (60) consecutive days from the date of assurance of approval. Exemptions are renewable for a period of not more than fifteen (15) consecutive days. Requests for renewal of a temporary exemption shall require an additional filing fee. No outdoor light fixtures shall be exempted from this Chapter for more than forty five (45) days during any twelve (12) month period. However, the Community Development Director upon good cause can extend the time period for construction projects, not to exceed the contemplated completion date of said project. (Ord. 3644A, 7-8-1997)

**3-12-15: EMERGENCY EXEMPTIONS:**

This Chapter shall not apply to portable temporary lighting used by law enforcement, emergency services personnel or public utilities to protect life or property. (Ord. 3644A, 7-8-1997)

**3-12-16: PENALTY:**

Any person who violates any provision of this Chapter shall be guilty of a civil violation and shall be subject to the provisions of Section 1-3-2 of this Code for each day that the violation continues. (Ord. 3644A, 7-8-1997)

**3-12-17: SEVERANCE CLAUSE:**

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter 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 Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the validity of any part thereof. (Ord. 3644A, 7-8-1997)

**CHAPTER 3-13: (Rep. by Ord. 3359, eff. 7-1-1995)**

## CHAPTER 3-14: DEVELOPMENT FEES

### SECTIONS:

- 3-14-1: DEFINITIONS:
- 3-14-2: DEVELOPMENT FEES FOR FIRE:
- 3-14-3: DEVELOPMENT FEES FOR POLICE:
- 3-14-4: DEVELOPMENT FEES FOR PARKS:
- 3-14-5: DEVELOPMENT FEES FOR RECREATION:
- 3-14-6: DEVELOPMENT FEES FOR LIBRARY:
- 3-14-7: RESTRICTED USE OF FEES:
- 3-14-8: IMPOSITION OF FEES:
- 3-14-9: EXEMPTION FROM FEES:
- 3-14-10: DETERMINATION OF CLASSIFICATION:
- 3-14-11: DEVELOPMENT FEES FOR STREETS:
- 3-14-12: DEVELOPMENT FEES FOR PUBLIC BUILDINGS:
- 3-14-13: DEVELOPMENT FEES FOR WATER RESOURCES:
- 3-14-14: DEVELOPMENT FEES FOR WATER SYSTEM IMPACTS:
- 3-14-15: RESERVED FOR FUTURE USE:

### 3-14-1: DEFINITIONS:

- (A) Residential Unit: A room or group of rooms within a building containing cooking accommodations, and used or designed or intended for use or occupancy by an individual or individuals as common living quarters. An apartment, manufactured home, modular home and mobile home shall be considered a residential unit, but a hotel room or motel room is not considered a residential unit under the provisions of this chapter. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

### 3-14-2: DEVELOPMENT FEES FOR FIRE:

- (A) New residential construction within the city limits shall be assessed the sum of five hundred twenty five dollars (\$525.00) per residential unit. (Ord. 4173, 11-27-2001, eff. 3-1-2002; Ord. 4557, 09-26-2006, eff. 12-25-2006)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing capital facilities of the fire department, and additional capital facilities for the fire department, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-3: DEVELOPMENT FEES FOR POLICE:**

- (A) New residential construction within the city limits shall be assessed the sum of five hundred eighty nine dollars (\$589.00) per residential unit. (Ord. 4173, 11-27-2001, eff. 3-1-2002; Ord. 4557, 09-26-2006, eff. 12-25-2006)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing capital facilities of the police department, and additional capital facilities for the police department, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-4: DEVELOPMENT FEES FOR PARKS:**

- (A) New residential construction within the city limits shall be assessed the sum of seven hundred fifteen dollars (\$715.00) per residential unit. (Ord. 4173, 11-27-2001, eff. 3-1-2002)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing capital facilities of the city park system, and additional capital facilities for the city park system, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-5: DEVELOPMENT FEES FOR RECREATION:**

- (A) Reserved (Ord. 4173, 11-27-2001, eff. 3-1-2002; Ord. 4812-1212, eff. 12-22-2011)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing capital facilities of the city recreational system, and additional capital facilities for the city recreational system, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-6: DEVELOPMENT FEES FOR LIBRARY:**

- (A) New residential construction within the city limits shall be assessed the sum of two hundred fifty three dollars (\$253.00) per residential unit. (Ord. 4173, 11-27-2001, eff. 3-1-2002)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing capital facilities of the city library system, and additional capital facilities for the city library system, as may be authorized

pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-7: RESTRICTED USE OF FEES:**

All development fees collected in accordance with this chapter shall be placed in a separate fund and accounted for separately, and may only be used for the purposes as set forth in this chapter. Notwithstanding the foregoing, the city council reserves the right to amend this chapter, subject to compliance with Arizona Revised Statutes section 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-8: IMPOSITION OF FEES:**

- (A) All fees imposed pursuant to this chapter shall be payable in full prior to the issuance of a building permit or permit for installation by the city of Prescott.
- (B) The city manager and applicant for a building permit may agree upon the dedication of land or other capital improvements in lieu of a fee required pursuant to this chapter, provided that the value of such space and improvements, as determined by the city manager, is substantially equal to or greater than the amount of fee required by this chapter; and in the event the dedications referred to above do not substantially equal in value the amount of fees required by this chapter, as determined by the city manager, the city manager may accept such dedications in partial payment of such fees and collect the remainder thereof in cash. (Ord. 3310, 1-24-1995, eff. 4-24-1995)
- (C) The development fees in this chapter will automatically adjust for inflation using the Engineering News Record – 20 City Construction Cost Index (ENR-CCI) on the first day of each fiscal year. The city shall provide public notice of the annual adjustments at least thirty days in advance of their effective date, pursuant to 9-463.05(F), as amended. (Ord. 4665, 10-28-2008, eff. 7-11-2009)

**3-14-9: EXEMPTION FROM FEES:**

The following shall be exempted from the payment of any fees imposed by this chapter:

- (A) Alterations or expansions of existing residential structures where no additional residential units are created.
- (B) The residential construction of any accessory buildings or structures, provided that no additional residential units are created.

- (C) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-10: DETERMINATION OF CLASSIFICATION:**

In the event that it is unclear as to whether a proposed use of a structure is residential as defined in section 3-14-1 of this chapter, then and in that event the city manager is hereby empowered to designate the status of that structure or use, provided, however, that all future identical uses shall be accorded the same designation. Any such designation shall be deemed conclusive and final. (Ord. 3310, 1-24-1995, eff. 4-24-1995)

**3-14-11: DEVELOPMENT FEES FOR STREETS:**

- (A) New residential construction within the city limits shall be assessed the sum of four hundred sixty nine dollars (\$469.00) per residential unit.
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing city streets, and for the acquisition and/or construction of additional city streets, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 4173, 11-27-2001, eff. 3-1-2002)

**3-14-12: DEVELOPMENT FEES FOR PUBLIC BUILDINGS:**

- (A) Reserved (Ord. 4812-1212, eff. 12-22-2011)
- (B) Fees collected pursuant to this section may only be used for upgrades and expansions to existing public buildings, and the acquisition and/or construction of additional public buildings which may be required, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05. (Ord. 4173, 11-27-2001, eff. 3-1-2002)

**3-14-13: DEVELOPMENT FEES FOR WATER RESOURCES:**

- (A) All new construction to be connected to the city's water system, within or outside the City limits, shall be assessed the following development fee for water resources:

<b>Meter Size (inches)</b>	
5/8 x 3/4	\$ 4,944.71
1	8,257.73
1 1/2	16,465.84
2	26,355.26

- (B) In the event that a one inch meter is required solely as a result of a residential unit being equipped with an automatic fire sprinkler system, the development fee to be assessed pursuant to this section shall be based on a 5/8 x 3/4" meter size, provided, however, that this subsection shall not apply to residences 5,000 square feet or more in size.
- (C) In the event that an upsizing of meter size is required as a result of remodeling, renovation or expansion of a structure, the development fee to be assessed pursuant to this Section shall be the difference between the development fee for the upsized meter versus the development fee for the existing meter.
- (D) For water meters and/or service lines greater than two inches (2"), and for meters utilized for irrigation only, the development fees to be assessed pursuant to this section shall be determined by the Public Works Director on the basis of projected water use stated in gallons per day, using the following formula: Development fee = fee for (5/8 x 3/4") meter x (applicant's projected gallons per day [GPD] water use/residential equivalent unit water use of 235 GPD).
- (E) For water meters for multi-family residential projects the development fee shall be calculated using the following formula: Water Resources Development Fee = (Water Resources Development Fee for 5/8" x 3/4" Meter) x (Number of Residential units) x 60%.
- (F) The development fees to be assessed pursuant to this section shall be offset by any fees paid by an applicant pursuant to PCC Section 2-1-12-(I).
- (G) Fees collected pursuant to this section may only be used for the acquisition, operations and maintenance of additional water resources, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05.

(Ord. 4390, 4-13-04; Ord. 4523, 2-7-06, eff. 5-08-06; Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4665 suspended by Ord. 4721-1018, eff. 03-23-2010)

**3-14-14: DEVELOPMENT FEES FOR WATER SYSTEM IMPACTS:**

- (A) All new construction to be connected to the city’s water system, within or outside the City limits shall be assessed the following development fee for water system impacts:

<b>Meter Size (inches)</b>	
5/8 x 3/4	\$ 5,389.02
1	8,999.71
1 1/2	17,945.39
2	28,723.43

- (B) In the event that a one inch meter is required solely as a result of a residential unit being equipped with an automatic fire sprinkler system, the development fee to be assessed pursuant to this section shall be based on a 5/8 x 3/4” meter size, provided, however, that this subsection shall not apply to residences 5,000 square feet or more in size.
- (C) In the event that an upsizing of meter size is required as a result of remodeling, renovation or expansion of a structure, the development fee to be assessed pursuant to this Section shall be the difference between the development fee for the upsized meter versus the development fee for the existing meter according to the fee schedule in effect at the time of the application for the upsided meter.
- (D) For water meters and/or service lines greater than two inches (2”), and for meters utilized for irrigation only, the development fees to be assessed pursuant to this section shall be determined by the Public Works Director on the basis of projected water use stated in gallons per day, using the following formula: Development fee = (fee for 5/8 x 3/4”) meter x (applicant’s projected gallons per day [GPD] water use/residential equivalent unit water use of 235 GPD)
- (E) The development fees to be assessed pursuant to this section shall be offset by any fees paid by an applicant pursuant to PCC Section 2-1-12-(I).
- (F) Fees collected pursuant to this section may only be used for purposes related to the City’s water production, treatment, transmission and distribution system, as may be authorized pursuant to Arizona Revised Statutes section 9-463.05, as amended.

(Ord. 4523, 2-7-06, eff. 5-08-06; Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4665 suspended by Ord. 4721-1018, eff. 03-23-2010)

**3-14-15: RESERVED FOR FUTURE USE**

(Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4665 suspended by Ord. 4721-1018, eff. 03-23-2010)

## CHAPTER 3-15: UNIFORM CODE FOR BUILDING CONSERVATION

### SECTIONS:

- 3-15-1: ADOPTION OF THE UNIFORM CODE FOR BUILDING CONSERVATION:
- 3-15-2: CIVIL VIOLATION:
- 3-15-3: AMENDMENTS:

### **3-15-1: ADOPTION OF THE UNIFORM CODE FOR BUILDING CONSERVATION:**

That certain document known as the "Uniform Code for Building Conservation, 1997 Edition", as declared to be a public record by Resolution 3116, as the foregoing may be amended from time to time, is hereby adopted and made part of this Chapter, the same as though said code and appendices were specifically set forth herein. (Ord. 3810, 11-24-1998)

### **3-15-2: CIVIL VIOLATION:**

Violation of any provision of this Chapter shall be a civil violation and shall be subject to the provisions of Section 1-3-2 of this Code for each day that the violation continues. (Ord. 687, 11-9-1964)

### **3-15-3: AMENDMENTS:**

That the foregoing Uniform Code for Building Conservation shall be amended as follows: (Ord. 3497, eff. 6-13-1996)

- (A) Historic Building: Any building or structure listed in the National Register of Historic Places, or determined to be eligible for the National Register of Historic Places by the State of Arizona Historic Preservation Office.

(Ord. 687, 11-9-1964)

**CHAPTER 3-16: APPEALS OF DEDICATION OR EXACTION  
REQUIREMENTS**

**SECTIONS:**

- 3-16-1: RIGHT TO APPEAL:**
- 3-16-2: NOTICE OF RIGHT TO APPEAL:**
- 3-16-3: DESIGNATION OF HEARING OFFICER:**
- 3-16-4: EXCEPTIONS TO CHAPTER:**

**3-16-1: RIGHT TO APPEAL:**

- (A) A property owner shall have the right to appeal any requirement by the City for a dedication or exaction as a condition of granting approval for the use, improvement or development of real property.
- (B) Any appeal pursuant to this section shall be in writing and filed with or mailed to the City Hearing Officer within thirty (30) days after a final determination is made regarding a dedication or exaction.
- (C) The purpose of the appeal provided for in this Chapter is to determine:
  - (i) whether there is an essential nexus between the dedication or exaction, and a legitimate governmental interest; and
  - (ii) whether the proposed dedication or exaction is roughly proportional to the impact of the proposed use, improvement or development.
- (D) The burden of proof to meet those requirements as set forth in Section 3-16-1(C) are on the City.
- (E) There shall be no fee charged a property owner for an appeal pursuant to this Chapter.
- (F) The procedure for an appeal pursuant to this Chapter shall be in accordance with Arizona Revised Statutes § 9-500-12.

**3-16-2: NOTICE OF RIGHT TO APPEAL:**

A property owner entitled to an appeal pursuant to Section 3-16-1 shall be advised of his or her right to appeal upon a final determination being made regarding a dedication or exaction, together with a description of the appeal procedure.

**3-16-3: DESIGNATION OF HEARING OFFICER:**

The Prescott City Manager is hereby designated as the Hearing Officer for the purposes of this Chapter.

**3-16-4: EXCEPTIONS TO CHAPTER:**

This Chapter does not apply to a dedication or exaction required in a legislative act of the City Council which does not give discretion to an administrative agency or official of the City to determine the nature or extent of the dedication or exaction. (Ord. 3377, eff. 7-11-95)

## CHAPTER 3-17: ADMINISTRATIVE BUILDING CODE

### SECTIONS:

[3-17-1: ADOPTION OF THE ADMINISTRATIVE BUILDING CODE:](#)

[3-17-2: AMENDMENTS:](#)

[3-17-3: PENALTIES:](#)

### 3-17-1: ADOPTION OF THE ADMINISTRATIVE BUILDING CODE:

That certain document entitled the *Administrative Building Code*, adopted as Chapter 1 of the 2006 International Building Code by the International Code Council, Inc. is hereby declared to be a public record.

(Ord. 4601, 09-11-2007, eff. 10-15-2007)

### 3-17-2: AMENDMENTS:

That certain document entitled the *City of Prescott 2008 Amendments to the Administrative Building Code*, is hereby declared to be a public record. (This document is included here as a courtesy to users)

(A) Section 101.1 entitled "Administration; General; Title" is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the 2008 Administrative Building Code of the City of Prescott, herein referred to as "this Code".

(B) (*This section is out of numerical order and will be inserted in correct position-in the Administrative Building Code*).

(C) SECTION 101.2 – Entitled "Administration; General; Scope" is hereby amended by deletion of existing exception and insertion of new exceptions to read as follows:

#### **Exceptions:**

1. Construction or operation incidental to construction and repair to irrigation and drainage ditches or appurtenances thereto, of regularly constituted districts or reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture or stock or poultry raising, or clearing or other work upon land in rural areas for fire prevention purposes.

2. Devices used in manufacturing, processing or fabricating normally considered as involved in industry and construction, operation and maintenance of electric, gas or other public utility systems operated by public service corporations operating under a franchise or certificate of convenience and necessity.

(D) SECTION 101.4.1 – Entitled “Administration; General; Electrical” is hereby amended to read as follows:

**101.4.1 Electrical.** The provisions of the *2005 National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(E) SECTION 101.4.4 – Entitled “Administration; General; Plumbing” is hereby amended by the deletion of the last sentence.

(F) SECTION 101.4.5 – Entitled “Administration; General; Property Maintenance” is hereby amended to read as follows:

**101.4.5 Property Maintenance.** The provisions of the 2006 Edition of *The International Existing Building Code* shall apply to the repair, alteration, change of occupancy, and relocation of existing buildings. These requirements shall provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements of existing buildings and structures.

(G) SECTION 101.4.7 – Entitled “Administration; General; Energy” the provisions of the *2006 International Energy Conservation Code* are hereby adopted as amended.

(H) SECTION 102.6 – Entitled “Administration; Applicability; Existing Structures” is hereby amended to read as follows:

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the *International 2006 International Property Maintenance Code* or the *2006 International Existing Building Code* or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(I) SECTION 102.7 – Entitled “Administration; Applicability; Definitions” is hereby amended by adding the following section:

**102.7 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 Third New International Dictionary of the English Language, Unabridged*, shall be considered as providing ordinarily accepted meaning.

- (J) SECTION 103.3 – Entitled “Administration; Department of Building Safety; Deputies” is hereby amended by deletion of the last sentence of this section.
- (K) SECTION 104.3 – Entitled “Administration; Duties and Powers of the Building Official; Notices and Orders” is hereby amended 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 or orders to ensure compliance with this Code.

- (L) SECTION 105.2 – Entitled “Administration; Permits; Work exempt from permit” is amended to read as follows:

**Building:**

1. One-story detached accessory buildings on residential properties used as tool and storage sheds, garages, playhouses, and similar uses, provided the floor area does not exceed 200 square feet under roof. Any plumbing, mechanical, and/or electrical work to a structure will require a separate building permit.
6. Platforms, uncovered decks, walks and driveways not more than thirty inches (30”) above grade and not over any basement or story below and which are not part of an accessible route.
14. Re-roofing of non-fire rated residential structures except historic buildings (no sheathing replacement).

**Electrical:**

1. Listed cord and plug connecting temporary decorative lighting.
2. Re-installation of attachment plug receptacles, but not the outlet.
3. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
4. Repair or replacement of branch circuit over-current devices of the required capacity in the same location.

5. Repair or replacement of current-carrying parts of any switch, connector or control device.
6. Temporary wiring for experimental purposes in suitable experimental laboratories.
7. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the *2005 National Electrical Code*.
8. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
9. Removal of electrical wiring.
10. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy
11. The wiring for temporary theater, motion picture or television stage sets.
12. Low-energy power, controls and signal circuit of Class II and Class III as defined in the *2005 National Electrical Code*.
13. Electric water heaters (replacement of the same type and rating).

(M) SECTION 105.5 – Entitled “Administration; Permits; Expiration” is hereby amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is completed within two (2) years from the issuance date of the permit and has received an approved inspection every 180 days. The building official is authorized to grant one (1) extension of time for a period of up to 180 days. An expired permit shall only be renewed once and then only provided that no changes have been made or will be made in the original issued construction documents and the renewal application is submitted 30 days prior to the expiration date. Permits shall not be extended more than once, and all requests for extensions shall be in writing prior to permit expiration. Extension of a permit is at the discretion of the building official.

(N) SECTION 106.5 – Entitled “Administration; Construction Documents; Retention of construction documents” is hereby amended to read as follows:

**106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from date of completion of the permitted work, or as required by state or local laws.

(O) SECTION 107.3 – Entitled “Administration; Temporary Structures and Uses; Temporary power” is hereby amended to read as follows:

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**107.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *2005 National Electric Code*.

- (P) SECTION 108 – Entitled “Administration; Fees” is hereby deleted in its entirety and revised to read as follows:

**108.1 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 this jurisdiction. A permit shall not be valid until all fees are paid or as amended by City Council.

**108.2 Valuation.** Valuations shall be determined as set forth in that certain document called “Building Valuation Data,” as published by the International Code Council. Valuations per square foot shall be rounded up to the next whole dollar.

The annual publication of “Building Valuation Data” as published by the International Code Council shall automatically be adopted, effective July 1 of each year following publication, absent specific action to the contrary by the City of Prescott City Council. The same rounding described above shall be applied to the new valuations per square foot in each subsequent publication. A copy of the most current “Building Valuation Data” shall be kept on file by the building official (as well as by the City Clerk) for public inspection.

Valuation for categories of construction not specifically covered by the applicable “Building Valuation Data” shall be established by the building official in a separate listing (kept on file at the Community Development Office and also filed with the City Clerk for public inspection), and are expressly adopted herein and made a part hereof. The building official shall annually review such valuations and make adjustments based on the valuations in the publication of “Building Valuation Data”.

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.

**108.3 Plan review fees.** When submittal documents are required by Section 106.1, a deposit shall be paid at the time documents are submitted for plan review. Said deposit shall be as shown in the Fee Schedule as adopted by the City of Prescott City Council.

The plan review fees for electrical, mechanical and plumbing work shall be as shown in the Fee Schedule as adopted by the City of Prescott City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in the fee schedule 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 106.3.4.2, an additional plan review fee shall be charged at the rate shown in the Fee Schedule as adopted by the City of Prescott City Council.

**108.4 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 an investigation fee assessed by the building official that shall be in addition to the required permit fees.

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

**108.5 Investigation fee.** 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.

An investigation fee, in addition to the permit fee, shall be collected when a permit is issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth in the Fee Schedule as adopted by the City of Prescott City Council. 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 any penalty prescribed by law.

**108.6 Fee refunds.** The building official may authorize the refunding of a fee paid hereunder, which was erroneously paid or collected.

The building official may authorize refunding the greater of \$25.00 or 25% 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 building official may authorize refunding the greater of \$10.00 or 25% of plumbing, electrical, and/or mechanical fees paid when no work and no

inspections have been done under a permit issued in accordance with this Code.

The 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 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.

**108.7 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.

- (Q) SECTION 109 – Entitled “Administration; Inspections” is amended by adding the following sections.

**109.7 Gas.** Inspections and testing shall comply with section 107 of the *2006 International Fuel Gas Code*.

**109.8 Plumbing.** Inspections and testing shall comply with section 107 of the *2006 International Plumbing Code*.

**109.9 Mechanical.** Inspections and testing shall comply with section 107 of the *2006 International Mechanical Code*.

**109.10 Electrical.** Inspections and testing shall comply with Chapter 7 of the *2006 International Electric Code*.

- (R) SECTION 110.2 – Entitled “Administration; Certificate of Occupancy; Certificate Issued” is amended by adding the following exception.

**EXCEPTION:** Certificates of Occupancy are not required for work exempt from permits under section 105.2 of this Code, commercial, residential remodels, 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. Certificates of Final Inspection will be issued for permits issued after a Certificate of Occupancy has been issued for a building.

(Ord. 4601, 09-11-2007, eff. 10-15-2007; Ord. 4675-0918 12-09-2008, eff. 01-08-2009)

**3-17-3: PENALTIES:**

- A. 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.
  
- B. 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.

(Ord. 4601, 09-11-2007, eff. 10-15-2007; Ord. 4675-0918 12-09-2008, eff. 01-08-2009)

## CHAPTER 3-18: INTERNATIONAL ENERGY CONSERVATION CODE

### SECTIONS:

[3-18-1: ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE:](#)

[3-18-2: AMENDMENTS:](#)

[3-18-3: PENALTIES:](#)

### 3-18-1: ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE:

That certain document entitled the *International Energy Conservation Code*, adopted by the International Code Council, Inc. is hereby declared to be a public record.

(Ord. 4682-0925, 12-09-08, eff. 01-08-09)

### 3-18-2: AMENDMENTS:

That certain document entitled the *City of Prescott 2008 Amendments to the International Energy Conservation Code*, is hereby declared to be a public record. (This document is included here as a courtesy to users)

(A) Section 101 entitled "Scope and General Requirements; Title" is hereby amended to read as follows:

**101.1 Title.** This Code shall be known as the "*The City of Prescott 2008 Amendments to the 2006 International Energy Conservation Code*" hereinafter referred to as "this Code".

(B) Section 101.2 entitled "Scope" shall be amended as follows and have an added section 101.2.1 to read as follows:

**Section 101.2. Scope.** (This Code applies to residential construction only).

101.2.1 City of Prescott 2008 Administrative Building Code as adopted and as may be amended.

(C) Section 103 entitled "Alternate Materials – Method of Construction, Design or Insulating Systems" is hereby amended by adding section 103.1.2 as follows:

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**103.1.2. Pre-approved Energy Efficiency Programs:**

1. U.S. Green Building Council LEED
2. Energy Star
3. U.S. Department of Energy Res-Check
4. U.S. Department of Energy Comm-Check

- (D) Section 201.4 “Terms not defined” is hereby amended to read as follows:

**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 Third New International Dictionary of the English Language, Unabridged*, shall be considered as providing ordinarily accepted meaning.

- (E) Table 301.1 is amended as follows

**Arizona, City of Prescott Zone 4**

- (F) Section 403.2.1 entitled “Insulation” is hereby amended to read as follows:

**403.2.1 Insulation.** Supply and return ducts shall be insulated to a minimum of R-6.

**Exception:** Ducts or portions thereof located completely inside the building thermal envelope.

- (G) Section 403.4 entitled “Circulating hot water system” is hereby amended by adding the following words:

“Or alternative system approved by the building official.”

(Ord. 4682-0925, 12-09-2008, eff. 01-08-2009)

**3-18-3: PENALTIES:**

- B. 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, by a fine not exceeding two thousand five hundred dollars (\$2,500.00) or by imprisonment for not more than Six months, or by both such fine and imprisonment, in the discretion of the city judge. Each and every day any such violation continues shall be deemed and considered a separate offense.

- B. 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.

(Ord. 4682-0925, 12-09-2008, eff. 01-08-2009)