



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING (RESCHEDULED)
Tuesday, November 18, 2014
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
- 3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

- 4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- 5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a) Consideration and possible action to accept the October 7, 2014 special meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the October 14, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the October 28, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to to approve a Memorandum of Understanding between Phoenix Police Department and Chino Valley Police Department for use of PPD's National Integrated Ballistic Information Network. (Chuck Wynn, Police Chief)

7) **ACTION ITEMS**

- a) Consideration and possible action to adopt Resolution No. 14-1050, declaring and adopting the results of the special election held on November 4, 2014. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 14-1050, declaring and adopting the results of the special election held on November 4, 2014.

- b) Consideration and possible action to adopt Resolution No. 14-1051 authorizing the application for a Clean Water State Revolving Fund (CWSRF) loan from the Water Infrastructure Finance Authority of Arizona (WIFA) for expenses related to waste water treatment plant settlement agreement, in an amount not to exceed \$4,545,000; and adopt Resolution No. 14-1052 authorizing the application for a Drinking Water State Revolving Fund (DWSRF) loan from WIFA for expenses related to the Prescott water distribution system acquisition, in an amount not to exceed \$3,442,500. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution Nos. 14-1051 and 14-1052, authorizing the loan applications.

- c) Consideration and possible action to adopt Ordinance No. 14-790, repealing previous ordinances related to previous versions of the International Building Codes; adopting the "Town of Chino Valley Building and Technical Code Amendments - 2015 Edition," by reference; and amending Town Code Title XV Land Usage, Chapter 150 Building Regulations by amending sections related to the 2012 version of the International Codes and 2011 edition of the National Electrical Code. (Dan Trout, Deputy Development Services Director/Chief Building Official)

Recommended Action: Adopt Ordinance No. 14-790, repealing Ordinance Nos. 04-570, 07-686, 07-689 and 09-721; adopting the "Town of Chino Valley Building and Technical Code Amendments - 2015 Edition," by reference; and amending Town Code Sections 150.001 and 150.004.

- d) Consideration and possible action to adopt Ordinance No. 14-791, adopting the "Chino Valley Fire District 2012 International Fire Code" by reference, and amending the Town Code Title XV Land Usage, Chapter 153 Fire Prevention and Protection, Section 153.001 International Fire Code Adopted (Dan Trout, Deputy Development Services Director/Chief Building Official)

Recommended Action: Adopt Ordinance No. 14-791, adopting the "Chino Valley Fire District 2012 International Fire Code" by reference and amending Town Code Section 153.001.

- e) Report by Councilmember Mike Best and possible action regarding a report from the Council Public Safety Subcommittee pertaining to noise pollution from the Prescott Airport and airport expansion plans. (Public Safety Subcommittee)

Recommended Action: Direction to the Public Safety Subcommittee or Town staff.

- f) Consideration and possible action regarding Council's procedure for appointing members to the Planning and Zoning Commission. (Jami Lewis, Town Clerk)

Recommended Action: Direction to staff and/or Council Appointments Subcommittee.

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) Pursuant to A.R.S. § 38-481.03(A)(1) for discussion or consideration of employment, assignments, appointment, promotion, dismissal, salary of Town Manager Robert Smith, and pursuant to A.R.S. § 38-481.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding the contract with Town Manager Robert Smith. (Mayor and Council)

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10) ADJOURNMENT

Dated this 10th day of November, 2014.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 1-(800) 347-1695 (Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/clerk/townagenda.shtml>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. a.**

Meeting Date: 11/18/2014

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 7, 2014 special meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 7, 2014 special meeting minutes.

Attachments

October 7, 2014 minutes

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, OCTOBER 7, 2014
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Special Meeting in the Chino Valley Public Library Community Room, located at 1020 W. Palomino Road, Chino Valley, Arizona, on Tuesday, October 7, 2014.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Lon Turner

Absent: Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Grittman; Town Attorney William Sullivan; Finance Director Joe Duffy; Town Engineer/Public Works Director Ron Grittman; Lien & Collections Technician Mike Bovée; Town Clerk Jami Lewis (recorder)

1) **CALL TO ORDER; ROLL CALL**

Mayor Marley called the meeting to order at 6:01 p.m.

Councilmember Turner and Town Attorney Sullivan participated via conference phone.

- 2) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a Settlement and Release Agreement AND ADDENDUM NO. 1 that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto. (Robert Smith, Town Manager)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to go into executive session at 6:04 p.m.

Vote: 4 - 0 PASSED

Mayor Marley reconvened the special meeting at 6:18 p.m.

- 3) Consideration and possible approval of the Settlement and Release Agreement AND ADDENDUM NO. 1 that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto. (Robert Smith, Town Manager)

Council asked Finance Director Duffy about any concerns and Lien and Collections Technician Bovée about his intent to review the plant's logs and maintenance records.

Mr. Duffy stated that he had no outstanding concerns about the agreement.

Mr. Bovée stated that he spent several hours at the plant this morning reviewing said records.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the Settlement and Release Agreement that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto.

Vote: 4 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Addendum No. 1 that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto.

Vote: 4 - 0 PASSED

4) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Councilmember Lon Turner to adjourn the meeting at 6:22 p.m.

Vote: 4 - 0 PASSED

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 7th day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of November, 2014.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 11/18/2014

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 14, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 14, 2014 regular meeting minutes.

Attachments

October 14, 2014 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, OCTOBER 14, 2014
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 14, 2014.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Absent: Councilmember Linda Hatch

Staff Town Manager Robert Smith; General Services Director Cecilia Grittman; Town Attorney Phyllis Smiley; Police Lieutenant Vince Schaan; Finance Director Joe Duffy; Town Engineer/Public Works Director Ron Grittman; Planner Ruth Mayday; IT Specialist Spencer Guest; Town Clerk Jami Lewis (recorder)

1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**

Mayor Marley called the meeting to order at 6:00 p.m.

Vice-Mayor Croft gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a)** Proclamation declaring October 19-25, 2014 as "Arizona Cities and Towns Week," sponsored by the League of Arizona Cities and Towns.

Mayor Marley read the proclamation.

- b)** Recognition of General Plan Committee members. (Mayor Marley)

Mayor Marley read the proclamation.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the

matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Lee Paul, resident, encouraged citizens to vote in November.

Robert McCaullay, resident, spoke about the penalty and enforcement of executive session violations, his belief that Mayor Marley may have breached executive session confidentiality, and his request to have that investigated. Town Attorney Smiley advised that she would need Council's direction to respond to that request.

Ricky Rodriguez, Senior Class President, Chino Valley High School, spoke about the upcoming *Celebrate My Drive* event promoting safe driving for high school students.

Dan Carlson, resident, spoke about a lack of weed control in the new drainage ditches near Road 3 North, Road 1 West, and Gilson.

Gary Pasciak, resident and Planning and Zoning Commissioner, requested an opportunity to comment under item 7e.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Request made by former Planning and Zoning Commissioner with regard to executive-session minutes.

Mayor Marley reported that the Commissioner had received access to and read said minutes.

- b) Roadway maintenance in Appaloosa Meadows, response to a request from residents posed in 2013, and residents' offer to assist with funding repairs.

Mayor Marley reported that homeowners who desired to fund roadway maintenance could set up a fee through their homeowners association for this purpose; for example, for \$4.00 per month per household, Appaloosa Meadows I residents could repave their subdivision every eight years. Town staff offered their assistance to any neighborhood groups wanting to do this.

- c) Noise pollution with regard to Prescott Airport air traffic and airport expansion plans and request to place item on agenda.

Mayor Marley reported that this matter was on tonight's agenda under item 7a.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Mayor Marley read a thank you note and commented on his Monthly Mayor's Report.

- a) November 4, 2014 election report. (Jami Lewis, Town Clerk)

Ms. Lewis reported on important election dates and statistics regarding the November 4, 2014 election.

- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported on Council's approval and execution of the settlement agreement with Fann Contracting on October 7, 2014.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to accept Consent Agenda items (a) through (e).

Vote: 6 - 0 PASSED

- a) Consideration and possible action to accept the June 24, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the July 8, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the July 17, 2014 study session minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the July 22, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve Financial Report for the month ended August 31, 2014. (Joe Duffy, Finance Director)

7) **ACTION ITEMS**

- a) Consideration and possible action regarding noise pollution issues with Prescott Airport air traffic and airport expansion plans. (Mayor Marley; Councilmember Best)

Recommended Action: Refer matter to the Public Safety Subcommittee for further research, review, and recommendations.

Councilmember Best reported that:

- On September 23, 2014, during call to the public, resident Al Gibbons submitted a public agenda item request regarding Prescott Airport air traffic noise over the community and airport expansion plans.
- As the FAA had designated the town as a noise sensitive area, he was writing a letter to the FAA for more information.
- He and Mayor Marley were recommending that this matter be referred to the Public Safety Committee for further research, review, and recommendation.

Mayor Marley reported that Mr. Gibbons, who brought this matter to Council's attention, had asked for his position. He stated that the town could visit with the airport and the flight schools and ask them to avoid populated areas, but he did not object to touch and goes over his property, as many of the students were veterans and he valued working veterans more than absence of noise. Regarding the airport expansion, he hoped they would mitigate noise as much as possible, but he was not sure what authority the town had over another municipality. Since the area needed jobs, he was willing to give up some comfort and peace to see people working.

MOVED by Councilmember Mike Best, seconded by Councilmember Pat McKee to move this item to the Safety Subcommittee and report back in a month.

Vote: 6 - 0 PASSED

- b) Consideration and possible action to approve the CivicPlus Advantage Contract in the amount of \$12,731.00 for three years, effective October 14, 2014, allowing CivicPlus to immediately begin redesign of the Town website and provide ongoing website hosting and support services. Funding to come from non-departmental fund. (Spencer Guest, IT Specialist)

Recommended Action: Approve the CivicPlus Advantage Contract in the amount of \$12,731.00 for three years, beginning October 14, 2014 and allowing CivicPlus to immediately begin redesign of the Town website and provide ongoing website hosting and support services.

Mr. Guest reported that:

- For the past year, the Management Information Systems (MIS) division had worked on ideas to overhaul the town's website to accommodate current recommended web design standards, including a new feature that would allow departments to update their own website pages while MIS would continue to control the site's design and management features.
- MIS, Administration and Town Clerk staff participated in several demonstrations and selected four vendors to provide a written quote. Based on the quotes, the two highest cost vendors were eliminated. The two remaining vendors, CivicPlus and EVO Government Websites gave follow-up demonstrations, with Civic Plus being selected as the preferred solution. CivicPlus had a good reputation nationwide among governmental organizations, as well as several municipalities within Arizona.
- CivicPlus' quote included project development and deployment for the website redesign at \$29,926.00, and ongoing annual services fees of \$4,134.00. Staff recommended the CivicPlus Advantage Payment Plan, which would allow the town to spread the costs over three years at \$12,731 for each year. If the town chose to continue with CivicPlus for a fourth year, the maintenance fees will be \$4,557.00 for that year with the added benefit of a free website redesign at the end of the year. Maintenance and hosting fees will be billed at an annual rate with a 5% increase per year. The annual renewal services included redundant hosting, daily backups, disaster

recovery plans, 24/7 support, continuous software maintenance, unlimited upgrades and continued staff training.

- CivicPlus estimated that the redesign process would take four to six months.

Will Spicer with CivicPlus presented information (via web meeting and conference phone) about their custom website solutions, benefits, and training.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the CivicPlus Advantage Contract in the amount of \$12,731.00 for three years, beginning October 14, 2014 and allowing CivicPlus to immediately begin redesign of the Town website and provide ongoing website hosting and support services.

Vote: 6 - 0 PASSED

- c) Presentation and discussion regarding Klaus Nietschmann and the Chino Valley Elks request to determine a location for a permanent memorial to the Granite Mountain Hot Shots. (Ruth Mayday, Development Services Director)

Ms. Mayday reported that:

- The Chino Valley Elks were proposing to locate a statue at Town Hall in memory of the Granite Mountain Hot Shots who perished in the Yarnell Hill Fire. The Elks and Chino Valley Fire Department Charities will carry responsibility for installation; the town will have no financial obligation other than use of the land.
- Staff met with Mr. Nietschmann on July 16, 2014 in a pre-application Technical Review Meeting to discuss the proposal and staff was now seeking Council input.

Mr. Nietschmann presented the site plan preferred by the Technical Review Committee, as well as architectural drawings for monument's location and base.

Council asked Mr. Nietschmann to work with Ms. Mayday to develop a couple of alternative locations, ensure that any location site would not block town hall signage, and bring the item back to Council for further review.

- d) Consideration and possible action to adopt Ordinance No. 14-789 to rezone approximately 1.53 acres generally located at 734 N. SR 89, from Commercial Light (CL) to Commercial Heavy (CH). Applicant: DogKay LLC/Doug Jones. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 14-789 for the rezoning of approximately 1.53 acres generally located at 734 N. SR 89, from Commercial Light (CL) to Commercial Heavy (CH).

Ms. Mayday reported that:

- July 2014, zone change application – The applicants filed the application in order to install a 30' x 34' steel building for the purpose of enclosing two existing car lifts. The property needed to be rezoned to allow for current uses, which years ago was not included in either commercial zoning classification. No additional parking was warranted, as no additional traffic was expected.
- July 30, 2014, neighborhood meeting - One person spoke in support of the application, and one person requested that the town require a screening fence to be installed and a conex container to be removed from the property.
- September 16, 2014, Planning and Zoning Commission public hearing – No one from

the public spoke. The Commission voted unanimously to forward the application to Council with a recommendation for approval.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Ordinance No. 14-789 for the rezoning of approximately 1.53 acres generally located at 734 N. SR 89, from Commercial Light (CL) to Commercial Heavy (CH).

Vote: 6 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to recess at 7:07 p.m. Mayor Marley reconvened the meeting at 7:19 p.m.

Vote: 6 - 0 PASSED

- e) Consideration and possible action to adopt Ordinance No. 14-778 to rezone approximately 16.81 acres generally located at 1460 West Road 4 North from Agricultural/Residential, 5 acre minimum (AR-5) to Commercial Light, Planned Area Development Overlay (CL-PADO) and Multiple Family Residential, Planned Area Development Overlay (MR-PADO). Applicant: La Vacara Trust/Joe Cordovana, Trustee. (Ruth Mayday, Development Services Director)

Recommended Action: Approve the rezoning of 16.81 acres from AR-5 to the CL-PADO and MR-PADO as stipulated in Ordinance No. 14-788.

Ms. Mayday reported that the applicant was requesting rezoning of 16.81 acres from Agricultural/Residential 5 Acre Minimum (AR-5) to the following: 10.26 acres to Commercial Light Planned Area Development (CL-PAD), and 6.55 acres to Multifamily Housing, Planned Area Development (MR-PAD).

Background

- 2003-2006 – Initial approval of a five-year conditional use permit (CUP) for the Windmill House event center was granted and enacted through Ordinance 561 in November 2003; the CUP included several conditions intended to mitigate impacts to the surrounding neighbors. The facility's building permit was issued in January 2005 and finalized in May 2006.
- November 8, 2011 – Over the next 11 years, the Planning and Zoning Commission ("Commission") and Council considered at least eight applications related to the Windmill House alone, culminating in approval of a CUP that would allow continued use of the Windmill House, nursery, western town, and casita for a period of fifteen years, provided that all stipulations were met.
- September 25, 2012, CUP revocation – Despite staff's attempts to bring the applicant into compliance with the terms of the CUP, the town received no right-of-way dedication, one of the stipulations of approval. Council approved Ordinance 12-762, effectively shutting down all activity at the Windmill House.

Current Situation

- February 6, 2014, Zone Change Application – Mr. Joe Cordovana, in his capacity as Trustee for the LaVacara Trust, submitted the subject application requesting Commercial Light, Planned Area Development (CL-PAD) for the parcel of land that included the Windmill House and related uses that had been the subject of the afore-mentioned previous actions. The applicant intended to reopen the Windmill House and associated uses to the public and proposed to restrict the number and type of uses that would be allowed by right in the CL-PAD zoning district.

- August 7, 2014, Neighborhood Meeting – The majority of attendees clearly opposed the proposal, as the increased noise, traffic, and inconvenience would negatively impact their neighborhood and quality of life. A few supported opening the Windmill House with a CUP that gave neighboring property owners the ability to exert more control.
- August 2014, Amendment – The applicant amended his request to include a Multifamily Residential, Planned Area Development (MR-PAD).
- September 16, 2014, Commission public hearing – Several members of the public spoke against the proposal. The applicant submitted petitions with 650 signatures collected throughout town and the adjacent neighborhood in support of reopening the Windmill House. The Commission recommended denial and a requirement for future applications to include a development plan.
- Proposal – The initial CUP issuance in 2003 was predicated upon the assumption that the Windmill House use would serve as an accessory use to a larger residential development, and was allowed as a ‘privately owned and operated park and recreation facility.’ When it became evident to the applicant that the residential component would not materialize in the short term, he expanded those services to the general public. The current proposal allowed staff to disallow those uses most objectionable to the surrounding neighborhood. Per the UDO, the subject property would accommodate a maximum of 95 units and 143 parking stalls.

Staff Findings

- The proposed rezoning could resolve the long-standing conflict between LaVacara Trust, surrounding property owners, and the town, and provide a means by which the Windmill House could be reopened, providing the town with an additional activity and entertainment facility. The addition of the multifamily housing component will expand the availability of a variety of housing choices in the town.
- The proposed rezoning met the UDO's purpose and objectives for: (i) a PAD overlay district; (ii) flexibility, design innovation, and unique or mixed-use development; (iii) promotion of economical construction and maintenance of streets and utilities without compromising public safety and welfare; and (iv) preservation and use of open space and offering recreational opportunities close to residential uses.
- The proposal also supported a number of goals and policies set forth in the General Plan currently in effect and could easily comply with the proposed General Plan 2014. If the voters ratified the General Plan 2014 in November 2014, staff proposed initiating a Minor General Plan Amendment that would provide for a “senior living core” or “mixed use neighborhood core.”
- A town business license would not be issued until the applicant dedicated the required right-of-way, and the required development plan will need Council’s approval.

Ms. Mayday reviewed: the site layout that was presented to the Commission; a draft development plan that staff asked the applicant to develop after the neighborhood and Commission meetings; and the proposed conditions of approval, along with some modifications that the applicant had requested.

Town Attorney Smiley clarified that: a PAD allowed the town to provide conditions and modify uses normally in a particular zoning district; the draft development plan was conceptual at this stage; and the specific site plan addressing the details will come back to Council.

Public comment and staff's responses:

Ron Maines, resident, spoke in opposition, citing opposition of the majority of neighbors; lack of mention or plans for multifamily residential at the neighborhood meeting; lack of development plan for the commercial portion; submission of 26 protest letters; the Commission's recommendation of denial; and the proposal's inconsistency with the neighborhood. He preferred a CUP to a rezone, and if Council approved the item, he intended to file a referendum application.

Staff related that per the UDO, the applicant had the right to request a rezoning, a development plan was not required until the Commission/Council review stage, and the town did not request site plans until zoning was secured. Both PAD and multifamily residential overlays were provided for in the General Plan and UDO. Multifamily uses were discussed with the Commission.

Jay Bates, representing Appaloosa 2 HOA, spoke in opposition, citing a lack of disclosure about the applicant's plan at the neighborhood meeting; the applicant's lack of action on previous permits; lack of an impact study; and applicant's petitions having signers from out of town and said petitions addressing only the Windmill House.

Staff stated that the purpose of the neighborhood meeting was to discuss the proposed zone change and it was not unusual for plans to change thereafter; and staff had no control over what was on petitions or who signed them.

Lee Paul, resident, spoke in opposition, as the neighbors did not want multifamily housing in this area, the town was not ready for commercial development in the center of a nice residential area, and nearly 100% of people attending the meetings were against it.

Staff reported that the applicant had the right to develop his property, and there was very limited space for any commercial development.

Dan Carlson, resident, spoke in opposition due to issues historically with the applicant's water company, and asked about the water source for the new development.

Staff related that water company issues needed to be addressed through the corporation commission, and water sources would be discussed at future technical review meetings.

Gary Pasciak, resident and Planning and Zoning Commissioner, spoke in opposition, citing a lack of the Commission minutes in the Council agenda packet; lack of roadway analysis; lack of development plan for the Commission's review, even though it was promised; the request being spot zoning; this area not being designated a "core" area in the General Plan 2014; and the Commission's recommendation for denial.

Staff stated that the draft, unapproved Commission minutes had been available since October 8, and no one had requested them; extensive discussions had been held about the roadway standards; the right-of-way dedication would provide a turning or deceleration lane if needed; the Commission will have the opportunity to review the detailed site plan; the General Plan 2014 allowed for the applicant to propose an amendment and designate the area as a "core."

Mayor Marley added that Council could only deal with issues within their purview, which was to determine if the proposed use made sense for the subject property.

Corey Mendoza, resident and Planning and Zoning Commissioner, spoke in favor of individual property rights, and stated that most of those opposing the matter lived outside the 300 foot distance boundary and a referendum would result in loss of revenue.

Staff explained that the law provided that property owners at a minimum of 300 feet from the subject property be notified of the proposal, and if the town received written protests from 20% of the property owners within 150 feet of the property, such would require a supermajority (75%) vote for Council to approve the proposal. The town received 26 letters requesting denial: two were within 300 feet and one was within 150 feet. Two letters from the 150-foot limit were needed to trigger the supermajority vote.

Mark Sveda, attorney for LaVacara Trust, stated that:

- The neighborhood meeting's purpose was to work out compromises, but while the public had no objections with the Windmill House, they totally rejected any commercial. Thus, the applicant changed his plan to multifamily residential to be used as a buffer between the Windmill House and the residential neighborhood. The Commission had no objections to reopening the Windmill House with limited uses.
- Benefits from the project included reopening a meeting place, jobs for up to 20 persons, and attracting visitors, resulting in increased revenue for local businesses, sales tax, and property tax.
- Regarding the various objections that had been raised: The project was consistent with the community core concept; the Windmill House had been part of the community since 2003; it was not spot zoning per Arizona law; it was only one-half mile from existing CL zoning; it would be subject to the town's noise ordinance, other features could be added to buffer noise; any enhanced property use increased traffic flow and congestion and no traffic backups existed on the road; all lighting would be dark sky compliant; claims of decreased property values were speculative; the Trust did not own the water company; and a CUP will not solve the problem.

Gary Grindstaff, resident, spoke about Council following the General Plan 2014 to keep the community cores on the highway and his belief that Section 8 apartments on the subject property would not be a true community core or be compatible with his property.

Staff reported that both the current and proposed General Plans would support this development and the applicant did not intend to include Section 8 housing.

Robert McCaullay, resident and Planning and Zoning Commissioner, asked for clarification regarding the change from medium to high density, the Commission and Council having different opinions, and which General Plan would need to be amended.

Staff related that there was no density change as the proposed underlying land uses still fit under medium density. It was not unusual to have differences of opinion between staff, commissions, and councils. Staff's responsibility was to review current applicable codes and laws, and recommend approval if there was no rationale for disapproval. The Commission and Council had to look at impacts and try to find a way for both sides to win. The current General Plan did not require an amendment, but Council could require it for either General Plan. Where the General Plan 2014 referred to "cores," the 2003 General Plan referred to "nodes."

Council recessed at 9:05 p.m. and reconvened at 9:16 p.m.

Council asked why they were hearing this item when the Commission recommend denial. Staff related that per state law, once the Commission made its recommendation, Council had to hold a public hearing to take comment and make a decision.

Council reviewed the proposed ordinance. They noted that the ordinance number should be 14-788, not 14-778. Key topics discussed were:

Extension of municipal sewer and water

Staff reported that a septic system would be too large for the subject property. The applicant's first option was to supply water from his own water company. If he could not, he could extend municipal water and/or sewer to the site from its closest termination point. Mr. Sveda stated that he was unaware of this issue.

Council generally agreed that this matter needed more discussion to be resolved.

Permitted uses

Council discussed and modified language pertaining to the permitted uses.

Vice-Mayor Croft called for the question.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the rezoning of 16.81 acres from AR-5 to the CL-PAD and MR-PAD as stipulated in Ordinance No. 14-788, and as amended.

Ms. Mayday pointed out that Council did not address two changes in the list of permitted uses that the applicant requested.

Councilmember McKee stated that, even though she lived beyond the 300-foot notification, she would abstain from the vote to avoid the appearance of a conflict of interest.

Ms. Smiley advised that a person with a conflict of interest should disclose that at the beginning of the discussion and not take part in the discussion or decision. It was the official's responsibility to determine if there was a conflict or not, or to vote or abstain. Councilmember McKee stated that she did not feel she had a conflict of interest.

Ms. Mayday added that she received another protest letter during one of the recesses, triggering the supermajority vote. Ms. Smiley advised that per the statute the supermajority vote required 75% of the total members, not the members present; in this case, approval would require six affirmative votes.

Vote: 5 - 1 FAILED

NAY: Councilmember Pat McKee

- f) Consideration and possible action to approve the Strategic Plan 2014. (Ruth Mayday, Development Services Director)

Recommended Action: Approve the Strategic Plan 2014.

Ms. Mayday reported that Council reviewed the most recent draft and made final corrections on September 18, 2014. Those corrections were brought back to Council on September 23, 2014, at which time, Council had no further comments. The Plan was on this agenda for approval.

Vice-Mayor Croft called for question.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the Strategic Plan 2014.

Vote: 6 - 0 PASSED

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10) ADJOURNMENT

MOVED by Mayor Chris Marley, seconded by Councilmember Don Wojcik to adjourn the meeting at 10:13 p.m.

Vote: 6 - 0 PASSED

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 14th day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of November, 2014.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. c.**

Meeting Date: 11/18/2014

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 28, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 28, 2014 regular meeting minutes.

Attachments

October 28, 2014 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, OCTOBER 28, 2014
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 28, 2014.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Officer Jody Villalobos; Town Engineer/Public Works Director Ron Grittman; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Marley called the meeting to order at 6:00 p.m.

Mayor Marley gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation declaring November 2014 as *American Diabetes Month*, sponsored by the American Diabetes Association, Phoenix, Arizona. (Mayor Marley)

Mayor Marley read the proclamation.

- b) Proclamation declaring November 2014 as *Tax Credit Giving Month*, sponsored by Yavapai Big Brothers Big Sisters. (Mayor Marley)

Mayor Marley read the proclamation and presented it to a Yavapai Big Brothers Big Sisters representative.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling

the matter for further consideration and decision at a later date, or responding to criticism.

Tracie Schimikowsky, President/CEO, Chino Valley Area Chamber of Commerce, spoke about the organization's upcoming Winter Wonderland fundraising event.

Robert McCaullay, resident, spoke about illegal removal of political signage.

Dan Carlson, resident, spoke about the Town's fast response to his comments at the previous meeting regarding weed abatement.

Lee Paul, resident, spoke about the importance of being informed voters.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Response to a request from Dan Carlson regarding failure in maintaining drainage ditch and weed control along Road 3 North, Road 1 West, and Gilson Street as a condition of easement granted.

Mr. Carlson addressed this item under Call to the Public.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Councilmember Hatch reported on a recent City of Prescott Water and Wastewater Rate Study Report.

Mayor Marley reported on early balloting and read the Monthly Mayor's Report, which pertained to the history of the GO Bond ballot measure.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported that the Town received the \$250,000 grant from the Arizona Commerce Authority.

- b) Status report on the Community Development Block Grant, special survey requested by the AZ Department of Housing.

General Services Director Gritman reported that the Department of Housing was requiring a new survey for the upcoming CDBG project. Staff sent out 70 surveys and had received 27 responses thus far.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Council set down items 6a through 6e and 6g.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to authorize the Mayor to sign the right-of-way dedication agreement from Tony Karcic for the dedication of Road 1 East south of Road 4 South.

Vote: 7 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept Consent Agenda items a, b, c, d and e.

Vote: 6 - 0 PASSED

Other: Councilmember Linda Hatch (ABSTAIN)

- a) Consideration and possible action to accept the August 12, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the August 26, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the September 9, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the September 18, 2014 study session minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the September 23, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to authorize the Mayor to sign the right-of-way dedication agreement from Tony Karcic for the dedication of Road 1 East south of Road 4 South. (Ron Grittmann, Public Works Director/Town Engineer)
- g) Consideration and possible action to approve Financial Report for the month ended September 30, 2104. (Joe Duffy, Finance Director)

Mr. Duffy reported on the first three months of the fiscal year:

- *Positive notes:* The Town was on track with the budget; construction sales tax receipts and HURF revenues were up; and the Town had used no Contingency Funds thus far.
- *Negative notes:* Retail Sales Tax receipts were flat; building permits and water service fees were down; and no water or sewer buy-in fees had been received.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Financial Report for the month ended September 30, 2104.

Vote: 7 - 0 PASSED

7) ACTION ITEMS

- a) Consideration and possible action to authorize issuance of a Conditional Use Permit for operating a private airport/landing strip on approximately nine (9) acres generally located at 849 East Road 1 South in the northeast quarter of the southeast quarter of Section 27, Township 15 North, Range 1 West. (Ruth Mayday, Development Services Director)

Recommended Action: Issue Conditional Use Permit 14-003 for the operation of the airstrip owned by Chino Valley Airpark LLC, as a conditional use rather than a legal nonconforming use.

Ms. Mayday presented this item:

History and Current Status

- The Robin Airport had lawfully been in existence and active use as a private airport prior to the Town's incorporation in 1970. It was comprised of a 1,500 foot gravel/dirt runway and an older structure used as a hangar. The hangar had no plumbing or electricity, and did not meet current building codes.
- Before August 22, 2002, the Town's Zoning Code allowed airports as a permitted use in the Industrial (I) zoning district. That was amended on August 22, 2002 upon the adoption of Ordinance No. 521, which changed the use from a permitted use to a conditional use, rendering the subject property a legal non-conforming use.
- The applicant acquired the property in September of 2012 and has continued to use the airport, reinforcing its legal non-conforming status. On July 31, 2014, the existing hangar structure was destroyed in a windstorm.

Analysis

- Per Unified Development Ordinance (UDO) Section 4.20.3, because the non-conforming structure on the subject parcel was destroyed and as a result lost 50% of its value, the owner could not rebuild the hangar unless the use came into conformance with the UDO.
- The subject parcel was currently zoned CH/I, availing it to all permitted uses and conditional uses in both the Commercial Heavy (CH) and Industrial (I) zoning districts. Therefore, in order to reconstruct a hangar, the applicant must obtain a Conditional Use Permit (CUP). The applicant proposed to build a 60' x 80' hangar.
- Issuance of a CUP was predicated on two findings of fact: (i) that the proposed use *will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and (ii) the proposed use was reasonably compatible with uses permitted in the surrounding area.*
- The landing field had been used by Mr. Coury and previous owners without incident for at least 45 years. Use of the private airport was inherently restricted by the lack of available land to extend the length of the existing airstrip, thereby limiting the size of plane that could use the landing field. While the use of the airport may create occasional dust and noise, the inconveniences did not rise to the level of material detriment.
- Because the use was in existence prior to the surrounding residential development, those constructing or purchasing homes in the neighborhood were aware (or should have been aware) that the airport was present. Therefore, staff found that the use was reasonably compatible with the surrounding area.
- Both General Plan 2003 and General Plan 2014 designated the subject property as Commercial rather than Industrial. Given the small size of the subject landing field, its private status, the state regulating authority defining it as not an airport, and the inability of the owner to significantly increase the length of the landing strip itself, staff found that the

landing strip was compatible with the current commercial land use designation.

- Should the CUP not be issued, Mr. Coury will be entitled to continued use of the landing field for the purposes of take-off and landing as that aspect of the legal non-conforming use had not been extinguished.

Recommendations

- October 7, 2014, Planning and Zoning Commission public hearing: There no comments by the public, and the Commission voted unanimously to forward the application to Council with a recommendation for approval.
- Staff recommended approval with the conditions noted in the subject CUP.

Council questioned staff about:

- complaints from citizens in the area about not knowing about the airfield use and fuel storage, and the use not being specified in the 2003 General Plan;
- sewer service for the proposed restroom in the new hangar;
- improvements to airstrip, including extensions;
- larger, louder planes being used than previously,
- nighttime use and landing lights; and
- storage and type of fuel;
- number of property owners in 300 foot area;
- who regulated airfields in Arizona;

Andrew Federhar, attorney for the applicant, related that:

- The applicant intended to run sewer to the facility and make only minor improvements, such as dust abatement. There was a legal constraint in expanding the non-conforming use, and the applicant could not do it without going to Council.
- The 1,500-foot runway did not allow most planes to land there.
- The airstrip had very few landing lights.

Town Engineer Gritman reported that the nearest sewer line was at Road 1 North just north of Shelby Court; there was another to the west of the property, which would probably require a lift station.

Scott Freitag, Chino Valley Fire Chief, added that:

- The fuel being used was not much more volatile than gasoline.
- The Fire District was equipped to handle any issues with the fuel tank and they had access to equipment from the airport as well.
- Local fire codes restricted a fuel tank's location relative to the structure, the amount within the structure, and the type of container. A larger tank would require a permit through the town.

Ms. Mayday stated that:

- There were 18 properties within the 300 foot notice limit.
- The runway could not be extended due to its current proximity to property lines.
- Any FAA certified airstrip could be used unless the FAA de-certified it.

- Two entities regulated airfields in Arizona—the FAA and ADOT; ADOT only regulated airport location and design.

Mr. Coury, applicant, stated that no nighttime use would occur.

Public Comment:

Area residents Paul Eguina, Sue Grundy, Bill Barlow, and Mark Reinhold opposed the proposal, citing the following reasons:

- neighbors not being informed about the airfield;
- lack of stipulations regarding allowable uses and planes;
- huge fuel tank;
- larger planes being used and flying too low over homes;
- neighbors being told the hangar was temporary and the proposed hangar being larger to possibly house larger planes;
- incorrect airplane numbers;
- many neighbors not receiving notice letters from the Town;

Mr. Reinhold also submitted a letter of protest signed by five neighbors within the 300 foot radius.

Mr. Federhar reported that:

- The airfield was on the map in 1970 and had been used continually since then. The applicant did not intend to abandon the use, no one had claimed that the use was abandoned and the use had never been challenged.
- The fuel tank held 500 gallons of AV fuel, not jet fuel; it met all FAA specifications and would be approximately 500 feet from the permanent structure.
- The 1,500 foot unpaved runway could only accommodate single engine prop planes.
- The applicant sent notice letters to all 18 properties in the required notice area, which were provided by the Town.
- Council's action pertained to replacing the hangar, not the airfield's use.

Town Attorney Smiley advised that notice requirements applied to public hearings before the Planning and Zoning Commission and this item was not a formal public hearing. In addition, letters of protest forcing a supermajority vote only applied to zone changes, not CUPs. Council's decision pertained to whether or not they believed the proposal met the criteria for a CUP.

Council comments:

- Out of concern for safety issues, one preferred only the original grandfathering.
- Incorrect plane numbers, reckless flying, and aircraft size were not in the Town's purview.
- Due to building height regulations around an airfield, the use could affect future development in the general area.
- The airfield had been there since 1973; even though it had not seen a lot of use, the neighbors knew it was there, and its use would continue no matter what Council decided.

Vice-Mayor Croft called for the question.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to issue Conditional Use Permit 14-003 for the operation of the airstrip owned by Chino Valley Airpark LLC, as a conditional use rather than a legal nonconforming use.

Vote: 4 - 3 PASSED

NAY: Councilmember Linda Hatch
Councilmember Pat McKee
Councilmember Don Wojcik

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ADJOURNMENT

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Darryl Croft to adjourn the meeting at 7:49 p.m.

Vote: 7 - 0 PASSED

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 28th day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of November, 2014.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. d.**

Meeting Date: 11/18/2014
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve a Memorandum of Understanding between Phoenix Police Department (PPD) and Chino Valley Police Department for use of PPD's National Integrated Ballistic Information Network.

RECOMMENDED ACTION:

Approve Memorandum of Understanding between Phoenix Police Department and Chino Valley Police Department for use of PPD's National Integrated Ballistic Information Network (NIBIN).

SITUATION AND ANALYSIS:

Issue Statement

Phoenix Police Department operates their National Integrated Ballistic Information Network (NIBIN) under an MOU with the Bureau of Alcohol, Tobacco and Firearms (ATF). This system is used to help law enforcement solve crimes involving firearms. Under this MOU, Phoenix PD may enter into MOU's with other agencies that desire to utilize their NIBIN. CVPD will be able to send employees to Phoenix PD for training on NIBIN at no charge. Incidents requiring ballistic testing would be expedited as employees of CVPD would be trained in ballistics and we would not have to wait for results from normal DPS ballistics testing.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

CVPD will be able to send employees to Phoenix PD for training on NIBIN at no charge. Incidents requiring ballistic testing would be expedited as employees of CVPD would be trained in ballistics and we would not have to wait for results from normal DPS ballistics testing, therefore solving crimes more

quickly.

Findings of Fact

Prescott Police Department has already entered into an MOU with Phoenix PD for use of the National Integrated Ballistic Information Network. This MOU could be beneficial for solving CVPD cases quickly and possibly cold cases nationwide.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

MOU between Phoenix PD and Chino Valley PD

MOU between ATF and Phoenix PD

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF PHOENIX POLICE DEPARTMENT
AND
CHINO VALLEY POLICE DEPARTMENT

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) between the City of Phoenix Police Department (PPD) and the Chino Valley Police Department, hereinafter referred to as the "parties" is to define the responsibilities of the parties with respect to the scheduling and use of PPD's National Integrated Ballistic Information Network (NIBIN). It sets forth the agreed upon procedures for management, accountability, direction, authority, and liabilities of the parties in conjunction with this effort.

2. BACKGROUND

This MOU is being executed for the purpose of enhancing the parties' efforts to combat, link, and solve violent crimes involving firearms. The parties have entered into this agreement to accomplish each party's objective to resolve violent crimes through participation in the NIBIN program.

The parties understand that participation in the NIBIN program is contingent on continued approval from the Bureau of Alcohol, Tobacco and Firearms (ATF) through a MOU between ATF and PPD, which is incorporated by reference into this MOU. The NIBIN network and certain associated computer systems are the property of ATF and the U.S. Government. ATF has granted PPD permission to use the NIBIN network and two computer systems (e.g., one entry station and one analysis station), which are under PPD's operational control. In addition, PPD owns certain computer systems (e.g., two entry stations, three analysis stations, and two data concentrators) and facility space, which are under PPD's exclusive control. As an ATF NIBIN partner, PPD may provide NIBIN network and systems access to another law enforcement agency provided the other law enforcement agency agrees to the same restrictions on the use of the NIBIN network and systems as placed on PPD.

The parties agree that PPD possesses the necessary network access, equipment, space and ballistic facility. The parties recognize that their objectives

are best met through integrated and coordinated actions that leverage their respective expertise and infrastructure through robust information sharing.

3. SCOPE

This MOU defines the responsibilities of the parties to the agreement.

The parties will be responsible for the following:

- a. Chino Valley Police Department will provide personnel for the purpose of acquiring, reviewing, and analyzing data. Personnel will be available for training for the proper protocols and procedures for acquiring images of cartridge cases as well as review and analysis of the data.
- b. Chino Valley Police Department will be responsible for its own evidentiary chain of custody and will provide personnel to conduct their own examinations. No items of evidence will be stored at PPD facilities. Chino Valley Police Department will be responsible for entering its own evidence to include test fired specimens from recovered weapons.
- c. Chino Valley Police Department will adhere to any "use of equipment" schedule for routine use, review and analysis to promote efficient and effective operations of any PPD ballistics identification system. In the event of a high profile or urgent case, expedited processing outside of any "use of equipment" schedule may be necessary. The parties agree to communicate with any other affected parties to other PPD NIBIN agreements to ensure minimization of impact to the other parties.
- d. Chino Valley Police Department will comply with all federal security requirements related to the NIBIN program, network, or systems to ensure the integrity of the program. These requirements are set forth under NIBIN security policies and the ATF-PPD MOU incorporated by reference into this MOU.
- e. Chino Valley Police Department will adhere to the same restrictions on the use of the NIBIN program, network, or systems that have been placed upon PPD under the ATF-PPD MOU. This includes, but is not limited to, clauses in the ATF-PPD MOU regarding the scope of the NIBIN program, publicity, disclosure of information related to NIBIN, and personnel and training requirements. These requirements are set forth under the ATF-PPD MOU incorporated by reference into this MOU.

4. FUNDING

Each party to this MOU shall be responsible for its own costs associated with implementing its requirements under this MOU. Any expenditure of funds is subject to the availability of said funds.

5. DISCLOSURE AND USE OF INFORMATION

The parties agree to the following disclosure and use policy. The parties may share information with each other in accordance with the rules of its own agency. Information which is shared between the parties may be used by the recipient for any authorized law enforcement purpose.

6. SETTLEMENT OF DISPUTES

Disagreements between the parties arising under or related to this MOU will be resolved by consultation between the parties and will not be referred to a Federal or State court or entity for settlement. The parties agree to make every effort to settle disagreements at the lowest level appropriate under the circumstances. In the event of an impasse or issues beyond the authority of PPD and Chino Valley Police Department personnel involved, the matter in dispute will be referred to the parties' respective headquarters for resolution. This section does not affect PPD's right to seek indemnification under Paragraph 9 below.

7. COORDINATION AND DECONFLICTION

If analysis of a shell casing identifies a potential high confidence candidate that crosses regional jurisdictional boundaries, the parties agree to collaborate with other law enforcement agencies as quickly as possible to advance the investigation.

The parties will coordinate and deconflict through their representatives prior to taking operational action based in who or in part from information received or derived from another party pursuant to this MOU.

8. AMENDMENT, TERMINATION, ENTRY INTO FORCE, AND DURATION

With regard to amendment, termination, entry into force, and duration of this agreement the following procedures apply:

- a. Except as otherwise provided, this MOU may only be amended by the mutual written consent of the parties' authorized representatives.
- b. This MOU may be terminated at any time upon the mutual written consent of the parties. In the event both parties consent to terminate

this MOU, the parties agree to ensure termination on the most economical and equitable terms for both parties.

- c. Either party may terminate this MOU upon 30 days written notification to the other party.

In the event of such termination, the following rules apply:

- a. The termination party will continue to participate up to the effective date of termination.
- b. Each party will pay its own costs incurred as a result of termination.
- c. All information and rights therein received under the provisions of the MOU prior to the termination will be retained by the parties, subject to the provisions of this MOU.

9. INDEMNIFICATION

Chino Valley Police Department agrees to defend, indemnify and hold harmless PPD, including its employees and officers, for any and all claims, suits, causes or action, damages, or the like or for the cost incurred in any adjudication or settlement of the foregoing. This includes, but is not limited to, attorney's fees and costs, which may arise from any alleged use or misuse of documents, equipment, facilities or information provided by PPD pursuant to this MOU, or by any negligent or willful and wanton act or omission on the part of Chino Valley Police Department. This also specifically includes any costs incurred to investigate potential breaches of this data and, where applicable, the cost of notifying individuals who may be impacted by the breach.

10. DURATION

This MOU will be effective upon signature of both parties and will remain in effect for five years. It may be extended by mutual written consent of the parties' authorized representatives.

11. ENTIRE AGREEMENT

The foregoing represents the entire agreement and understandings reached by the parties referred to herein. There are no representations or other provisions other than those contained herein, and any amendment to or modification of this MOU will be made only in writing and signed by the Parties.

In witness thereof, the parties have hereby executed this Memorandum of Understanding this _____ day of _____, 2014, by their duly authorized representative

FOR THE CHINO VALLEY POLICE DEPARTMENT

Signature

Date

Name: Charles Wynn

Title: Chief of Police

Location: 1950 Voss Dr., #301, Chino Valley, AZ 86323

APPROVED AS TO FORM:

[Insert Title of Participating Agency Counsel]

Date

FOR THE PHOENIX POLICE DEPARTMENT

Signature

Date

Name:

Title:

Location:

APPROVED AS TO FORM:

Acting City Attorney

Date

138374--0

MEMORANDUM OF UNDERSTANDING

Between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the "City of Phoenix Police Department" Regarding the National Integrated Ballistic Information Network

This Memorandum of Understanding (MOU) is entered into by the U.S. Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the City of Phoenix Police Department hereinafter collectively referred to as "the parties," and the "PPD," referred to as the "NIBIN Partner." This MOU establishes and defines a partnership between the parties that will result in an ATF National Integrated Ballistic Information Network (NIBIN) system installation, operation, and administration for the collection, timely analysis, and dissemination of crime gun data to enhance the efforts of law enforcement to integrate resources to reduce firearms violence, identify shooters, and refer them for prosecution.

AUTHORITY

This MOU is established pursuant to the authority of the participants to engage in activities related to the investigation and suppression of violent crimes involving firearms. ATF's authority is derived from, among other things, the Gun Control Act of 1968 (as amended), 18 U.S.C. Chapter 44.

BACKGROUND

The ATF NIBIN Program uses an integrated investigative approach that works in concert with other Federal, State, tribal, and local law enforcement agencies in combating firearms-related violence using ballistic imaging technology to compare images of ballistic evidence obtained from crime scenes and firearms. The mission of the program is to reduce firearms violence through aggressive targeting, investigation, and prosecution of shooters and their sources of crime guns.

SCOPE

Participation in this program is expressly restricted to the sharing of ballistic imaging of firearms data associated with crimes recovered by any law enforcement agency in the United States and international law enforcement partners who have entered into agreements with ATF to share ballistic data. ATF may work with our international law enforcement partners to search their networks in an effort to identify a gun in their data base against a crime gun in ATF's NIBIN network.

NIBIN systems may be used only for imaging of ballistic evidence and test fires of firearms illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime. Ballistics information and/or evidence from firearms taken into law enforcement custody through a Gun Buy Back Program, property damage crimes involving firearms, found or abandoned firearms, and domestic disturbances are permitted for entry in the NIBIN database.

An ATF-owned NIBIN unit will not be used to capture, share, or store ballistic images acquired at the point of manufacture, importation, sale, or law enforcement-issued firearms not associated with crimes. The NIBIN system/database does not store information related to firearms owners or registration.

APPLICABLE LAWS

The applicable statutes, regulations, directives, and procedures of the United States, DOJ, and ATF shall govern this MOU and all documents and actions pursuant to it. Nothing in this MOU will prevail over any Federal law, regulation, or other Federal rule recognized by ATF. This MOU is not a funding document. All specific actions agreed to herein shall be subject to funding and administrative or legislative approvals.

MODIFICATIONS AND TERMINATIONS

This MOU shall not affect any pre-existing or independent relationships or obligations between the parties. If any provision of this MOU is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

Except as provided herein, this MOU may be modified or amended only by written mutual agreement of the parties. Either party may terminate this MOU by providing written notice to the other party. The termination shall be effective upon the thirtieth calendar day following notice, unless an alternative date is agreed upon.

If either party terminates this MOU, ATF will retain its interest in the electronically stored information contained in the database and any ATF-deployed NIBIN system. ATF agrees to provide to the NIBIN Partner an electronic copy of the data collected by the NIBIN Partner, subject to Federal law and regulation.

LIABILITY

The NIBIN Partner hereby agrees to assume full and sole liability for any damage, injury, or harm of any sort caused by the operation and use by City of Phoenix Police Department of any NIBIN system or related to the use and interpretation of any information contained in, processed by, or extracted from any database subject to this agreement and the protocols and procedures of the NIBIN Program.

No third party is intended to benefit or otherwise claim any rights whatsoever under this MOU. The rights and obligations set out in the MOU run between the signatories to this MOU only.

ATF-DEPLOYED SYSTEM INSTALLATION

The NIBIN Partner hereby agrees and acknowledges that all ATF-deployed NIBIN systems shall remain the property of ATF and the U.S. Government. ATF agrees to provide, install, and maintain all ATF-deployed NIBIN systems for use by the NIBIN Partner and any other law enforcement agencies served by or in partnership with the

NIBIN Partner. Should the installation of the NIBIN system require physical construction at the site, the NIBIN Partner will be responsible for such construction and any associated costs. If a system is to be moved to allow additional access outside of a laboratory, ATF will work with our Partner to ensure the appropriate protocols are put into place to ensure the integrity of crime gun evidence along with maximum use of the equipment.

ATF-DEPLOYED SYSTEM MAINTENANCE

ATF will maintain all ATF-deployed NIBIN systems furnished to the NIBIN Partner and repair or replace inoperable or outdated systems in an expeditious manner, subject to availability and funding. However, maintenance and repairs required as the result of unauthorized movement, alteration, damage, or destruction will not be assumed by ATF. The NIBIN Partner agrees not to make or cause to be made any repairs, alterations, movements, additions, improvements, or replacements to the NIBIN systems not expressly authorized in writing by ATF in advance, and further agrees to exercise due care in every respect to prevent system movement, damage, destruction, or misuse.

ATF-DEPLOYED SYSTEM USAGE

Because the NIBIN Program focuses on the reduction of firearms-related violent crimes the NIBIN Partner shall enter all eligible ballistic evidence recovered from crime scenes as timely as possible. In addition, the NIBIN Partner shall enter into NIBIN test-fire cartridge casings from eligible firearms taken into Law Enforcement custody as timely as possible. All NIBIN Partner owned NIBIN equipment will be held to same standards as ATF-deployed systems. NIBIN Partners may not charge other law enforcement agencies for the entry of evidence into ATF-owned or ATF-maintained automated ballistics technology used in the NIBIN Program.

ATF – DEPLOYED SYSTEM REMOVAL

ATF retains the right to remove a NIBIN system upon: (1) a determination that the equipment is being neglected or misused; (2) is not being effectively used to combat violent crime; (3) receipt of written notification of the termination of the participation of the NIBIN Partner in the NIBIN Program; (4) termination of the NIBIN Program by ATF; (5) the cancellation of this MOU by ATF; or (6) failure to comply with any obligations or requirements set forth in this MOU.

If ATF intends to remove a NIBIN system from the NIBIN Partner, ATF will provide written notice.

SYSTEM MOVEMENT

ATF authorizes NIBIN system moves only with ATF written approval to our Partner. Any movement of the NIBIN system after the initial installation will be accomplished at the expense of the NIBIN Partner and only after receipt of authorization by, and coordination, with FTI. In order to realize maximum use of the equipment, it should be placed where trained personnel can expeditiously enter evidence. ATF will work with

each partner to realize optimal placement of equipment to obtain actionable investigative leads.

In the event of a natural disaster, ATF will work with our NIBIN Partner to safeguard the NIBIN equipment.

Due to communication line installation/move requirements, NIBIN Partners must provide a minimum of 60 days advance notice to ATF and the NIBIN system manufacturer before the intended move of a NIBIN system.

In the event of unauthorized movement, alteration, damage, or destruction of any NIBIN system caused by its employees, contractors, or any other person under its control, the NIBIN Partner agrees to assume the cost of replacement or repairs of the equipment.

The NIBIN Partner agrees to report to ATF, within 5 working days, any incident involving the following: an unauthorized movement, alteration, damage, or destruction of ATF-deployed NIBIN systems, any unauthorized use of NIBIN systems or the unauthorized release of data related to the NIBIN Program.

COMMUNICATION LINES

ATF will provide and support primary communication lines necessary for connecting NIBIN systems to the NIBIN network.

SECURITY

The NIBIN Partner will comply with all ATF, DOJ and/or other Federal security requirements related to the NIBIN program, network, or systems to ensure the integrity of the program. These requirements are set forth under NIBIN security policies. ATF will promptly notify the NIBIN Partner should these requirements change. All NIBIN sites will not knowingly allow a person to access the NIBIN network using another person's User ID and Password.

The NIBIN Partner agrees to conduct criminal background checks, including fingerprint checks, of all NIBIN users. Upon successful completion of these background checks, the NIBIN Partner will notify ATF's NIBIN Branch in writing.

AUDITS

ATF and the NIBIN Partner acknowledge their understanding that the operations described in this MOU are subject to audit by ATF, DOJ, the Office of the Inspector General, the General Accountability Office and other auditors designated by the U.S. Government regardless if the system is funded by the NIBIN Partner or ATF. Such audits may include reviews of all records, performance measurements, documents, reports, accounts, invoices, receipts, or other evidence of expenditures related to this MOU and the NIBIN Program.

Further, all parties hereby agree to allow auditors to conduct one or more in-person interview(s) of any and all personnel the auditors have determined may have knowledge relevant to transactions performed or other matters involving this MOU and the NIBIN Program.

The NIBIN Partner hereby acknowledges its understanding that, for accounting purposes, that the principles and standards for determining costs shall be governed by the policies set forth in the Office of Management and Budget Circular A-87, revised (available via the OMB, the Superintendent of Documents at the U.S. Government Printing Office, or via the Internet at <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>.)

PERSONNEL AND TRAINING

Prior to the execution of this MOU and a NIBIN system installation, the NIBIN Partner must employ, or have access to, a technical person capable of performing forensic microscopic comparison of bullet and cartridge evidence.

The NIBIN Partner agrees to provide and maintain sufficient personnel to operate the NIBIN system and agrees to allow use of the equipment by ATF personnel or our representatives to support the program at the host location. This MOU should not be construed to require the hiring of any new personnel, except at the discretion of the NIBIN Partner. If the NIBIN Partner determines that additional personnel resources are required, all costs associated with this hiring will be borne by the NIBIN Partner. All users of the equipment must satisfy the same requirements as other NIBIN users and be properly trained, qualified and approved in advance by ATF.

Following basic entry training, ATF will verify trainee competency before authorizing network access. Individuals trained internally by a NIBIN Partner will not be certified as appropriately trained until they successfully pass a competency test administered by ATF.

The NIBIN Partner may provide access to the NIBIN system under its operational control to another law enforcement agency. Any such other law enforcement agency agrees to the same restrictions placed upon the NIBIN Partner by this MOU. However, the NIBIN Partner agrees to assume full liability and responsibility for the administration of such access.

Access to the NIBIN system will be under the management and control of the NIBIN Partner. The NIBIN Partner will ensure that only trained, cleared and qualified personnel have access to the NIBIN system.

Participating agencies will develop the appropriate standard operating procedures to ensure all eligible ballistic evidence will be submitted for NIBIN.

COORDINATION

ATF and the NIBIN Partner agree to adhere to standardized procedures and policies for collecting, handling, documenting, transporting and preserving firearms, bullets, casings and any similar evidence submitted for analysis and input into NIBIN.

ATF and the NIBIN Partner similarly agree to adhere to standardized procedures and policies for the source data collection, input, exchange and protection of information, to include information as to the location where ballistic evidence was collected, the circumstances under which it was collected and all crimes to which the firearm(s) or other ballistic evidence is linked.

ATF and the NIBIN Partner agree to cooperate in the development and implementation of data entry protocols and quality assurance procedures for the NIBIN Program. ATF further agrees to cooperate with all participants in the NIBIN Program to establish model standards, protocols, and procedures for the users of the network. Such protocols will be applicable as they are implemented.

The NIBIN Partner will require all participating law enforcement agencies to adhere to the protocols, procedures, policies and quality assurance standards as established above.

The NIBIN Partner agrees to provide ATF with access to all information, reports and any other relevant information regarding crimes related to evidence entered into the system as well as monthly reports outlining historical, statistical and case adjudication information on the use and results of the use of the NIBIN Program and/or system and the related services provided by ATF and the system manufacturer in order to ensure the capturing of required performance management information. Such information will be gathered for the purpose of informing the law enforcement community, other Government agencies, Congress and the public on NIBIN results. Additionally, ATF will collect information for results-oriented performance measures.

PUBLICITY

Any NIBIN Partner who becomes aware of, or participates in, publicity related to the NIBIN system and investigations within their jurisdiction should advise ATF of same within 48 hours.

DISCLOSURE OF INFORMATION RELATED TO NIBIN

No disclosure of information that requires extraction of data from the NIBIN data base shall be made without express authorization from ATF except for when the information is to be used for a criminal investigation or prosecution.

INCORPORATION OF APPENDIX

The Appendix to this MOU includes definitions of terms used. Because these requirements may change over time due to technological advances, security enhancements, budgetary matters, etc., the Appendix may be updated. Parties to the MOU agree and understand that the Appendix is incorporated by reference as if fully stated herein. Execution of the MOU constitutes agreement to abide by the requirements and protocols set forth in the Appendix.

SIGNATORIES

The terms and conditions of this MOU will be considered accepted in their entirety upon the signature by the ATF Special Agent in Charge and the NIBIN Partner signature.

AGREEMENT

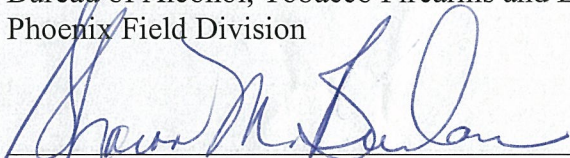
ATF and the NIBIN Partner hereby agree to abide by the terms and conditions of this MOU, including any appendices, and all policies of the NIBIN Program. In witness thereof, the parties have hereby executed this MOU this 20th day of May, 2014.



Daniel V. Garcia
Police Chief
City of Phoenix Police Department
620 W. Washington Street
Phoenix, AZ 85003



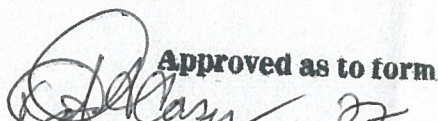
Bernard J. Zapor
Special Agent in Charge
Bureau of Alcohol, Tobacco Firearms and Explosives
Phoenix Field Division



Sharon M. Buchanan, Chief, NIBIN Branch
Firearms Operations Division
Bureau of Alcohol, Tobacco, Firearms and Explosives



CITY CLERK DEPT.
2014 MAY 30 PM 1:58


Approved as to form
ACTING City Attorney

ATTEST


CITY CLERK

Appendix

TERMS

Acquisition - An entry of a ballistic image

ATF – Bureau of Alcohol, Tobacco, Firearms and Explosives, a principal law enforcement agency within the U.S. Department of Justice (DOJ).

Bullets – Designated calibers of projectiles fired from rifles, revolvers and pistols.

Cartridge Casings – Designated metal casings from cartridges fired from rifles, shotguns, revolvers and ejected from pistols.

Correlation – Automated data comparison of signature images to a database.

Crime Gun – Any firearm that is illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime or act of terrorism.

Found and Abandoned Firearms - Firearms seized/retained by law enforcement and entered into property that are not readily identified as being possessed by a specific individual at the time they come into the custody of law enforcement. “Found or Abandoned Firearms” are seized/retained and entered into property when the seizing law enforcement official can articulate a potential connection to crime.

NIBIN Network – An ATF-designed and maintained system of interconnected computer systems and terminals used in support of the NIBIN Program.

NIBIN Program – The integration of aggressive targeting, investigation, and prosecution of shooters and their sources of crime guns utilizing automated ballistics technology.

NIBIN System – Refers to integrated ballistic imaging, analysis, and information processing system for use with automated ballistics technology.

Performance Measurements – Various management instruments used to evaluate program effectiveness in successfully removing shooters and their crime gun sources.

Potential Candidate for Confirmation – Two bullets or cartridges cases displaying sufficient similarity during a correlation review such that the items should be compared using traditional comparative microscopy by a trained firearm examiner to determine if they can be associated to the same firearm.

Security Requirements – Types and levels of protection necessary for equipment, data, information, applications, and facilities to meet security policies.

Security Policies – The set of laws, rules, directives and practices that regulate how an organization manages, protects and distributes controlled information.

Timely – Strive to make evidence entries within 48 hours and return potential candidate for confirmation for investigative follow up. Timely entries are critical to aid in the speedy identification of shooters and others involved in firearms related crimes so that they do not remain on the street to commit additional violent crime.

Volunteers – Individuals who have chosen to perform gratuitous services and have entered into an agreement with the local NIBIN Partner agency addressing all issues of confidentiality, costs, and a waiver of all claims against the Federal government.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 11/18/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 14-1050, declaring and adopting the results of the special election held on November 4, 2014.

RECOMMENDED ACTION:

Adopt Resolution No. 14-1050, declaring and adopting the results of the special election held on November 4, 2014.

SITUATION AND ANALYSIS:

Issue Statement

Per A.R.S. § 16-642(A), the results of an election must be adopted by Council not less than 6 nor more than 20 days after the election. Although a resolution is not required, Council has traditionally adopted one for record-keeping purposes.

The Town had two measures on the ballot: (1) a question of selling and issuing bonds payable from secondary (ad valorem) property taxes; and (2) ratification of the "Town of Chino Valley General Plan 2014."

County Elections has informed staff that they will not have the official final results of the election until November 18, the same day as this meeting. Therefore, the attached resolution is in its proper form, but it will not have the blanks filled in or the official final results attached until after the County has provided them. If the unofficial final results are provided by the date of packet publication, those will be attached. If for some reason, the County is unable to provide the official final results by this meeting, Council will need to continue this item to a special meeting to be held no later than November 24, 2014.

Applicable "Policy"

A.R.S. § 16-642(A) & (C)

Satisfaction of "Policy"

Adopting the Canvass will satisfy the statute. If for some reason, the County is *not* able to provide the official final results by the end of day, November 18, Council will have until the 24th to schedule a special meeting to adopt the canvass. If certain circumstances keep the County from being able to provide the official final results by the 24th, state law provides guidelines for further postponements. (A.R.S. § 16-642(C))

Summary of Issues and Staff Rationale

N/A

Findings of Fact

N/A

Other Pertinent Documents Available Upon Request:

Certified Unofficial and/or Official Final Results of the election are pending receipt from Yavapai County Recorder/Elections Departments and will be provided upon receipt.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Resolution 14-1050

RESOLUTION TO CANVASS VOTE

RESOLUTION NO. 14-1050

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 4, 2014

WHEREAS, the Town of Chino Valley, Yavapai County, Arizona did hold a special election on the 4th day of November, 2014 for (1) a question of selling and issuing bonds payable from secondary (ad valorem) property taxes; and (2) ratification of the "Town of Chino Valley General Plan 2014;" and

WHEREAS, the election returns have been certified by the Yavapai County Election Director and Yavapai County Recorder; and

WHEREAS, the election returns have been presented to and have been canvassed by the Town Council; and

WHEREAS, the Town Council is adopting this Resolution No. 14-1050, to canvass the vote at this Rescheduled Regular Meeting, being held today, November 18, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Chino Valley, Yavapai County, Arizona as follows:

Section 1. That the total number of ballots cast at said primary election, as shown by the poll lists, was .

Section 2. That the number of ballots rejected was .

Section 3. That the votes cast for the question of selling and issuing bonds payable from secondary (ad valorem) property taxes were as follows:

Yes	
No	

Section 4. It is hereby found, determined and declared of record, that the question of selling and issuing bonds payable from secondary (ad valorem) property taxes did/did not receive the majority of the total number of valid votes cast and hereby shall be/not be authorized.

Section 5. That the votes cast for the "Town of Chino Valley General Plan 2014" were as follows:

Yes	
No	

Section 6. It is hereby found, determined and declared of record, that the "Town of Chino Valley General Plan 2014" did/did not receive the majority of the total number of valid

votes cast and hereby shall **be/not be** adopted as the General Plan for the Town of Chino Valley pursuant to A.R.S. Section 9-461 et. seq.

Section 7. All resolutions in conflict herewith are hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 18th day of November, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis Smiley

I hereby certify the above foregoing Resolution No. 14-1050 was duly passed by the Council of the Town of Chino Valley, Arizona, at a rescheduled regular meeting held on November 18, 2014, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Official Final Results



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. b.

Meeting Date: 11/18/2014
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action
Estimated length of staff presentation: 30 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 14-1051 authorizing the application for a Clean Water State Revolving Fund (CWSRF) loan from the Water Infrastructure Finance Authority of Arizona (WIFA) for expenses related to waste water treatment plant settlement agreement, in an amount not to exceed \$4,545,000; and adopt Resolution No. 14-1052 authorizing the application for a Drinking Water State Revolving Fund (DWSRF) loan from WIFA for expenses related to the Prescott water distribution system acquisition, in an amount not to exceed \$3,442,500.

RECOMMENDED ACTION:

Adopt Resolution Nos. 14-1051 and 14-1052, authorizing the loan applications.

SITUATION AND ANALYSIS:

The Town of Chino Valley has submitted details of the Waste Water Treatment Plant Settlement Agreement and the Prescott Water Acquisition to the Water Infrastructure Authority of Arizona (WIFA). WIFA has scored the projects and determined the Town of Chino Valley is a disadvantaged community. This status will allow the Town to receive a subsidized interest rate of 25% on the waste water projects, and 20% on the drinking water projects.

The Town also qualifies to have a portion of the principle of each project forgiven..

The Town previously approved Resolution 14-1037 and 14-1038 in anticipation of issuing a General Obligation Bond to complete the proposed projects. Voters did not approve the General Obligation Bond, therefore, the project's scope has been reduced and new resolutions need to be adopted.

The Town will secure the new WIFA loans with utility system revenues and excise taxes.

Other Pertinent Documents Available Upon Request:

A detailed summary will be provided upon receipt.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Fiscal Impact will be discussed during the presentation.

Attachments

Project Summary

Resolution 14-1051

Resolution 14-1052

**Town of Chino Valley
WIFA Loan Summary**

	WIFA Drinking Water	WIFA Clean Water	Total
BOND ISSUE			
Prescott Acquisition	\$ 4,245,000		\$ 4,245,000
Fann WWTP		\$ 3,310,000	\$ 3,310,000
Willhoit Acquisition	\$ 300,000		
WWTP Screen		\$ 132,500	
Total Bond Project	<u>\$ 4,545,000</u>	<u>\$ 3,442,500</u>	<u>\$ 7,555,000</u>
Less Forgivable Principal	\$ (636,000) A	\$ (478,829) B	\$ (1,114,829)
Total Loan Amount	<u>\$ 3,909,000</u>	<u>\$ 2,963,671</u>	<u>\$ 6,440,171</u>
Annual Payment @ 3%	\$ 261,000	\$ 199,000	\$ 460,000

A - Forgivable Principal amount not confirmed by WIFA

B - Forgivable Principal amount confirmed by WIFA

RESOLUTION NO. 14-1051**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, TO AUTHORIZE THE APPLICATION FOR A CWSRF LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA**

WHEREAS, the Town of Chino Valley, Arizona, has identified a need for a wastewater capital improvement project; and

WHEREAS, pursuant to Arizona Revised Statutes §§ 9-521 through 540, and specifically A.R.S. § 9-571, such town may obligate the revenues generated by its utility system to repay a loan from the Water Infrastructure Finance Authority of Arizona ("WIFA"); and

WHEREAS, such town certifies that the population of the community is under 50,000 in population as of the most recent U.S. Census Date; and

WHEREAS, it is in the best interest of such town to pursue and apply for financial assistance from WIFA of an amount not to exceed \$4,545,000 for such wastewater project; and

WHEREAS, the population of such town at the time of this request is less than 50,000, which meets the requirement under A.R.S. § 9-571;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, as follows:

Section 1. The Finance Director of such town is hereby authorized to apply for CWSRF financial assistance from WIFA.

Section 2. The Finance Director of such town is authorized to take such actions as are necessary to apply for financial assistance in an amount not to exceed \$4,545,000 payable from revenues for the utility system and/or revenues from transaction privilege (sales) taxes and State shared revenues.

Section 3. All actions of the officers and agents of such town which conform to the purposes and intent of this resolution and which further the completion of the application as contemplated by this resolution, whether heretofore or hereafter taken are hereby ratified, confirmed and approved. The proper officers and agents of such town are hereby authorized and directed to do all such acts and things and to execute and deliver all such application documents on behalf of such town as may be necessary to carry out the terms and intent of this resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 18th day of November, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis Smiley

I hereby certify the above foregoing Resolution No. 14-1051 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on November 18, 2014, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

RESOLUTION NO.14-1052

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, A MUNICIPAL CORPORATION OF ARIZONA, TO AUTHORIZE THE APPLICATION FOR A DWSRF LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA

WHEREAS, the Town of Chino Valley, Arizona, has identified a need for a water capital improvement project; and

WHEREAS, pursuant to Arizona Revised Statutes §§ 9-521 through 540, and specifically A.R.S. § 9-571, such town may obligate the revenues generated by its utility system to repay a loan from the Water Infrastructure Finance Authority of Arizona ("WIFA"); and

WHEREAS, such town certifies that the population of the community is under 50,000 in population as of the most recent U.S. Census Date; and

WHEREAS, it is in the best interest of such town to pursue and apply for financial assistance from WIFA of an amount not to exceed \$3,442,500 for such water project; and

WHEREAS, the population of such town at the time of this request is less than 50,000, which meets the requirement under A.R.S. § 9-571;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, as follows:

Section 1. The Finance Director of such town is hereby authorized to apply for DWSRF financial assistance from WIFA.

Section 2. The Finance Director of such town is authorized to take such actions as are necessary to apply for financial assistance in an amount not to exceed \$3,442,500 payable from revenues for the utility system and/or revenues from transaction privilege (sales) taxes and State shared revenues.

Section 3. All actions of the officers and agents of such town which conform to the purposes and intent of this resolution and which further the completion of the application as contemplated by this resolution, whether heretofore or hereafter taken are hereby ratified, confirmed and approved. The proper officers and agents of such town are hereby authorized and directed to do all such acts and things and to execute and deliver all such application documents on behalf of such town as may be necessary to carry out the terms and intent of this resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 18th day of November, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis Smiley

I hereby certify the above foregoing Resolution No. 14-1052 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on November 18, 2014, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 11/18/2014
Contact Person: Dan Trout, Building Official
 Phone: (928) 636-2646 x-1219
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 14-790, repealing previous ordinances related to previous versions of the International Building Codes; adopting the "Town of Chino Valley Building and Technical Code Amendments - 2015 Edition," by reference; and amending Town Code Title XV Land Usage, Chapter 150 Building Regulations by amending sections related to the 2012 version of the International Codes and 2011 edition of the National Electrical Code.

RECOMMENDED ACTION:

Adopt Ordinance No. 14-790, repealing Ordinance Nos. 04-570, 07-686, 07-689 and 09-721; adopting the "Town of Chino Valley Building and Technical Code Amendments - 2015 Edition," by reference; and amending Town Code Sections 150.001 and 150.004.

SITUATION AND ANALYSIS:

Issue Statement

The Town of Chino Valley updates its adopted building codes every six (6) years. These codes govern the construction of structures in the town, and provide health and safety standards to protect the public.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

- One of the stipulations of the ARRA funds the Town accepted to install solar panels at the

Wastewater Treatment Plant was that the Town would adopt the International Energy Conservation Code, which is included with this update.

- Adoption of the 2012 Codes will enable the Town to lower its ISO rating by one (1) point, which will help maintain lower property insurance rates.
- Failure to adopt the Codes will likely result in an increase of the Town's ISO and negatively impact property insurance rates throughout Town.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code: N/A

Available: N/A

Funding Source:

Attachments

Ordinance 14-790

Ordinance Exhibit, Code Amendments

ORDINANCE NO. 14-790

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, REPEALING ORDINANCES NO. 04-570, 07-686, 07-689 AND 09-721, ALL RELATED TO AMENDMENTS TO PREVIOUS VERSIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, AND FUEL GAS CODES AND THE NATIONAL ELECTRICAL CODE; ADOPTING THE “TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION” BY REFERENCE; AND AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV LAND USAGE, CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION, BY AMENDING SECTIONS 150.001 ADOPTION OF INTERNATIONAL CODE COUNCIL CODES AND 150.004 ELECTRICAL CODE RELATED TO ADOPTING THE 2012 VERSIONS OF THE INTERNATIONAL CODES AND 2011 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE TOWN’S AMENDMENTS THERETO, AND ALL RELATED TO THE CONSTRUCTION OF BUILDINGS WITHIN THE TOWN; FIXING THE EFFECTIVE DATE THERETO; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, those certain documents known as the International Building Code, 2012 Edition, together with appendices B, C, I, and J; the International Residential Code FOR ONE- AND TWO-FAMILY DWELLINGS, 2012 Edition, together with appendices A, B, C, H, J, L, and Q; International Fuel Gas Code, 2012 Edition, together with appendices A, B, and C; International Mechanical Code, 2012 Edition, together with appendix A; International Plumbing Code, 2012 Edition, together with appendices D, E, and F; and International Energy Conservation Code, 2012 Edition, all published by the International Code Council, and the National Electrical Code, 2011 Edition published by the National Fire Protection Association are hereby declared to be public records, three copies of which are to be kept on file by the Town Clerk; and

WHEREAS, that certain document known as the “Town of Chino Valley Building and Technical Code Amendments – 2015 Edition”, is hereby adopted and declared to be a public record, and three copies of which are to be kept on file by the Town Clerk;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.001 Adoption of International Code Council Codes is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

(A) *International Building Code.*

~~(1) That certain code, entitled "International Building Code, 20062012 Edition", TOGETHER with appendices "C", "I" and "J" B, C, I AND J", as adopted PUBLISHED by the International Code Council, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS - 2015 EDITION" is hereby adopted as the Building Code of the town, FOR REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, REPLACEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, LOCATION, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE TOWN and SAID BUILDING CODE IS HEREBY REFERRED TO AND made a part HEREof this chapter, the same as though said code and appendices were specifically FULLY set forth in full herein THIS SECTION. and at least 3 THREE copies of the SAID BUILDING code shall be KEPT ON FILE filed AND AVAILABLE FOR PUBLIC USE in the office of the TOWN Clerk and Planning and Building Department. and be kept available for public use and inspection.~~

~~(2) Amendments to that certain code entitled International Building Code, 2006 edition, as adopted by Ordinance Nos. 07-689 and 09-721, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the offices of the Clerk and Planning and Building Department and kept available for public use and inspection.~~

(B) International Residential Code FOR ONE- AND TWO-FAMILY DWELLINGS.

~~(1) That certain code entitled "International Residential Code FOR ONE- AND TWO-FAMILY DWELLINGS, 20062012 Edition," TOGETHER with appendices "A", "B", "C", "G", "H", "J" and, "L", AND Q, as adopted PUBLISHED by the International Code Council, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS - 2015 EDITION" is hereby adopted as the Residential Code FOR ONE- AND TWO-FAMILY DWELLINGS of the Town OF CHINO VALLEY FOR REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, REPLACEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, LOCATION, HEIGHT, AREA AND MAINTENANCE OF ALL ONE- AND TWO-FAMILY DWELLINGS IN THE TOWN and SAID RESIDENTIAL CODE IS HEREBY REFERRED TO and made a part HEREof this chapter, the same as though the code and appendices were specifically FULLY set forth in full herein THIS SECTION. ; and at least 3 THREE copies of the SAID RESIDENTIAL code shall be KEPT ON FILE filed AND AVAILABLE FOR PUBLIC USE in the office of the TOWN Clerk and Planning and Building Department and be kept available for public use and inspection.~~

~~(2) Amendments to that certain code entitled International Residential Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the~~

~~offices of the Clerk and Planning and Building Department and kept available for public use and inspection.~~

(C) *International Fuel Gas Code.*

~~(1) That certain code entitled "International Fuel Gas Code, 20062012 edition", TOGETHER WITH APPENDICES A, B, AND C, as adoptedPUBLISHED by the International Code Council, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION" is hereby adopted as the Fuel Gas Code of the Town OF CHINO VALLEY FOR REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OR USE OF FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES and SAID FUEL GAS CODE IS HEREBY REFERRED TO AND made a part HEREof this chapter, the same as though the code and appendices were specificallyFULLY set forth in full hereinIN THIS SECTION. ; and at least 3THREE copies of theSAID FUEL GAS code shall be KEPT ON FILE AND AVAILABLE FOR PUBLIC USEfiled in the office of the TOWN Clerk and Planning and Building Department and be kept available for public use and inspection.~~

~~(2) Amendments to that certain code entitled International Fuel Gas Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the office of the Clerk and Planning and Building Department and kept available for public use and inspection.~~

(D) *International Mechanical Code.*

~~(1) That certain code entitled "International Mechanical Code, 20062012 Edition", TOGETHER with appendix "A", as adoptedPUBLISHED by the International Code Council, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION", is hereby adopted as the Mechanical Code of the Town OF CHINO VALLEY FOR REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OR USE OF HEATING, VENTILATING, COOLING, REFRIGERATION SYSTEMS, INCINERATORS, AND OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES IN THE TOWN and SAID MECHANICAL CODE IS HEREBY REFERRED TO AND made a part HEREof this chapter, the same as though the code and appendix were specificallyFULLY set forth in full hereinTHIS SECTION. ; and at least 3THREE copies of theSAID MECHANICAL code shall be KEPT ON FILE AND AVAILABLE FOR PUBLIC USEfiled in the office of the TOWN Clerk and Planning and Building Department. and be kept available for public use and inspection.~~

~~(2) Amendments to that certain code entitled International Mechanical Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the~~

~~office of the Clerk and Planning and Building Department and kept available for public use and inspection.~~

(E) *International Plumbing Code.*

~~(1) That certain code entitled "International Plumbing Code, 20062012 Edition, TOGETHER with appendices D, "E" and "F", as adopted~~PUBLISHED by the International Code Council, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION", is hereby adopted as the Plumbing Code of the Town OF CHINO VALLEY FOR REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, REPLACEMENT, ADDITION TO, OPERATION AND MAINTENANCE OR USE OF PLUMBING SYSTEMS IN THE TOWN and SAID PLUMBING CODE IS HEREBY REFERRED TO AND made a part HEREof this chapter, the same as though said code and appendices were specificallyFULLY set forth in full hereinTHIS SECTION. ; and at least 3THREE copies of theSAID code shall be KEPT ON FILE AND AVAILABLE FOR PUBLIC USEfiled in the office of the TOWN Clerk and Planning and Building Department and be kept available for public use and inspection.

~~(2) Amendments to that certain code entitled International Plumbing Code, 2006 edition, as adopted by Ordinance No. 07-689, are hereby made part of this chapter the same as though amendments to the code were specifically set forth in full herein. At least 3 copies of the amendments to the code shall be filed in the office of the Clerk and Planning and Building Department and kept available for public use and inspection.~~

(F) *INTERNATIONAL ENERGY CONSERVATION CODE.*

THAT CERTAIN CODE ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION," PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION", IS HEREBY ADOPTED AS THE ENERGY CONSERVATION CODE OF THE TOWN OF CHINO VALLEY FOR REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING, AND POWER SYSTEMS OF ALL BUILDINGS OR STRUCTURES IN THE TOWN AND SAID ENERGY CONSERVATION CODE IS HEREBY REFERRED TO AND MADE A PART HEREOF AS THOUGH FULLY SET FORTH IN THIS SECTION. THREE COPIES OF SAID ENERGY CONSERVATION CODE SHALL BE KEPT ON FILE AND AVAILABLE FOR PUBLIC USE IN THE OFFICE OF THE TOWN CLERK AND PLANNING AND BUILDING DEPARTMENT.

The Town Code of Chino Valley, Arizona, Title XV Land Usage, Chapter 150 Building Regulations; Construction, Section 150.004 Electrical Code is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

~~The~~THAT certain code entitled "National Electrical Code", 20052011 Edition", PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION,

AS AMENDED BY THE "TOWN OF CHINO VALLEY BUILDING AND TECHNICAL CODE AMENDMENTS – 2015 EDITION" is hereby adopted as the Electrical Code of the Town OF CHINO VALLEY FOR REGULATING THE INSTALLATION, ALTERATION AND MAINTENANCE OF ALL ELECTRICAL INSTALLATIONS IN THE TOWN and SAID ELECTRICAL CODE IS HEREBY REFERRED TO AND made a part HEREof ~~this chapter, the same~~ as though the ~~code were specifically~~ FULLY set forth in full herein ~~THIS SECTION. ; and at least~~ ~~3-THREE~~ copies of the SAID ELECTRICAL code shall be KEPT ON FILE AND AVAILABLE FOR PUBLIC USE ~~filed in the office of the TOWN Clerk and Planning and Building Department. and be kept available for public use and inspection.~~

Town of Chino Valley Ordinances No. 04-570, 07-686, 07-689 and 09-721 amending previous versions of the International Building, Residential, Mechanical and Fuel Gas Codes and the National Electrical Code are hereby repealed.

Section 2. Effective Date

The provisions of this Ordinance shall become effective at 12:01 A.M., on the 1st day of January, 2015.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 18th day of November, 2014 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this 18th day of November, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-790 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 18TH DAY OF NOVEMBER, 2014, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2014.

Jami C. Lewis, Town Clerk

Town of Chino Valley

Building and Technical Code Amendments

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

INTERNATIONAL BUILDING CODE

SECTION 150.001 (A) Adoption of the 2012 International Building Code:

That certain code entitled “International Building Code, 2012 Edition”, as adopted by the International Code Council, Inc., together with all referenced standards therein and together with appendices “B, C, I, and J” as all of the same may be amended from time to time, is hereby adopted and made part of this chapter, the same as though said code with named appendices were specifically set forth in full herein.

SECTION 150.001 (A) Amendments:

That the foregoing International Building Code shall be amended as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

(A) Section 101.1 entitled “**Title**” is hereby amended to read as follows:

These regulations shall be known as the Town Building Code of the Town of Chino Valley, herein known as “this code.”

Section 101.4.4 entitled “**Property Management**” is hereby deleted.

(B) Section 101.4.4 entitled “**Fire Prevention**” is hereby deleted.

(C) 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 the adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(D) Section 105.2 entitled Permits “**Work exempt from permit**” Item #4 to be amended to Read: Retaining walls that are not over 4 feet in height measured from the top of the

footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

(E) Section 107.1 entitled “**Administration; Construction Documents; Submittal documents**” is hereby amended by adding an additional sentence at the end thereof and before “**Exception**”, to read as follows:

When construction documents are required to be sealed by a qualified registrant according to ARS 32 Chapter 1, the H.V.A.C. designs shall also be sealed by a qualified registrant.

(F) Section 109.3 entitled “**Administration; Fees; Building permit valuations**” is hereby amended to read as follows:

The determination of valuations to establish fees shall be guided by the International Code Council valuation schedule, the International Building Standards Magazine and as adjusted to reflect current construction costs. Such fees shall be reviewed and adjusted annually by the Building Official.

(G) Section 109.6 entitled “**Administration; Fees; Refunds**” is hereby amended to read as follows:

The Building Official shall be authorized to refund any fee paid hereunder, which was erroneously paid or collected.

The Building Official shall be authorized to refund not more than 75 percent of the permit fee paid when the permit is withdrawn or canceled before any work has commenced. Plan check fee is non refundable. A written request by the applicant shall be submitted to the Building Official outlining the refund request before the refund process will begin.

(H) Section 110.3.3 entitled “**Administration; Inspections; Required Inspections; Lowest floor elevation**” is hereby deleted.

(I) Section 111.2 entitled “**Administration; Certificate of Occupancy; Certificate issued**” is hereby amended to read as follows:

After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Town of Chino Valley or Yavapai County, the Building Official shall issue a certificate of occupancy that shall contain the following.

(Items 1 through 12 to remain the same.)

(J) Section 111.3 entitled “**Administration; Certificate of Occupancy; Temporary Occupancy**” is hereby amended to read as follows:

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and the applicant has received approval from the appropriate Town of Chino Valley and Yavapai County departments as required. The Building Official shall set a time period during which the temporary certificate is valid.

CHAPTER 2 DEFINITIONS

(K) Section 201.4 entitled “**Definitions; General; Terms not defined**” is hereby amended to read as follows:

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.

(L) Section 202 “Definitions” is hereby amended by addition of the following new words and terms:

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

PERSONAL CARE SERVICE: The care of persons who do not require medical care. Personal care involves assistance with activities of daily living and includes responsibility for the safety of the persons while inside a building.

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

RESIDENTIAL CARE/ASSISTED LIVING HOME: A building or part thereof housing a maximum of 10 persons two per bedroom, 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:

- Alcohol and Abuse Centers
- Assisted Living Facilities
- Convalescent Facilities
- Group Homes
- Halfway Houses
- Social Rehabilitation Facilities

CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION

(M) Section 305 EDUCATIONAL GROUP E

(N) Section 305.2 Group E day care facility

Exception: Child day care facilities complying with the requirements of ARS 36-897 et seq. 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 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 outside.

(O) Section 308 INSTITUTIONAL GROUP

Subsection 308.3, Institutional Group I-1, is hereby amended in its entirety to read as follows:

(P) Section 308 INSTITUTIONAL GROUP 1

Section 308.3 Institutional 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 limited to the following:

- Alcohol and Drug Centers
- Assisted Living Facilities
- Congregate Care Facilities
- Convalescent Facilities
- Group Homes
- Halfway Houses
- Residential Board and Custodial Care Facilities
- Social Rehabilitation Facilities

Section 308 INSTITUTIONAL GROUP I

Subsection 308.3, Institutional Group I-1, Subsection 308.3.1: Five or Fewer Persons Receiving Care, is hereby amended in its entirety to read as follows:

(Q) Section 308 INSTITUTIONAL GROUP 1

Section 308.3 Institutional Group I-1

Section 308.3.1 Five or fewer persons receiving care.

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

(R) Section 308 INSTITUTIONAL GROUP 1

Section 308.3, Institutional Group I-1: Section, 308.3.2 Six to Sixteen Persons Receiving Care, is hereby amended in its entirety to read as follows:

(S) Section 308- INSTITUTIONAL GROUP 1

Section 308.3.2 Six to Ten Persons Receiving Care. A facility such as above, housing at least six and not more than ten persons, shall be classified as Group R-4.

(T) Section 308 – INSTITUTIONAL GROUP 1

(U) Section 308.4 Institutional 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 a 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:

- Foster care facilities
- Detoxification facilities
- Hospitals
- Psychiatric hospitals

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis for more than 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 10 or fewer shall be classified as a R-4 Condition 2.

(V) Section 308, INSTITUTIONAL GROUP 1:

Subsection 308.4, Institutional Group I-2 Subsection 308.4.1, five or fewer persons receiving care, is hereby amended in its entirety to read as follows:

(W) Section 308 – INSTITUTIONAL GROUP I

Section 308.4 Institutional Group I -2

Section 308.4.1 Five or fewer persons receiving care. A facility such as the 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 of the International Building Code.**

(X) Section 308 INSTITUTIONAL GROUP I:

Subsection 308.6, Institutional Group I-4, Day care facilities, Subsection 308.6.2, within a place of religious worship, is hereby deleted in its entirety

(Y) Section 308 - INSTITUTIONAL GROUP I

Section 308.6 Institutional Group I-4 Day Care Facilities.

Exception: A child day care facility complying with the requirements of ARS 36-897 et seq. and providing child care for less than 24 hours per day for not less than five children but no more than ten children through the age of twelve years 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.

(Z) Section 310 RESIDENTIAL GROUP R: Subsection 310.2, Definitions, is hereby amended by adding the following definitions to read as follows:

(AA) Section 310 RESIDENTIAL GROUP R

Section 310.2 Definitions

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.

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 provisions of intermittent nursing services and the administration of medications and treatments.

RESIDENTIAL CARE/ASSISTED LIVING HOME: 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, and convalescent facilities.

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

(BB) Section 310 RESIDENTIAL GROUP R

Section 310.5 Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I, as follows:

Buildings that do not contain more than two dwellings units as applicable in **Section 1.201** of the **International Residential Code**.

Adult and child care facilities that provide accommodations for five or fewer persons of any age.

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code in accordance with Section 101.2 of this code.

(CC) Section 310 RESIDENTIAL GROUP R: Subsection 310.6, Residential Group R-4, is hereby amended in its entirety to read as follows:

(DD) Section 310 RESIDENTIAL GROUP R

Section 310.6 Residential Group R-4. This occupancy includes the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as Group R-1, R-2, R-3 or and Institutional Group I. Residential occupancies shall include the following:

Buildings arranged for occupancy as residential care/assisted living facilities
Including more than five but not more than ten occupants, excluding staff.

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 10 persons shall be classified as a Group I-1.

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 a Group I-2.

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

(EE) Section 420 “GROUP I-1, R-1, R-2, and R-3” is hereby renamed and amended in its entirety to read as follows:

(FF) Section 420 GROUP R-4 OCCUPANCIES

Section 420.1 Applicability. The provisions of this section shall apply to Group R-4 occupancies constructed and operated within the Town.

Section 420.2 Construction Requirements. Group R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code, or shall comply with **Section 419** of this code and **the International Residential Code**.

Section 420.2.1 Construction Materials. Group R-4 occupancies may be constructed of any materials allowed by this code.

Section 420.2.2 Height, Size and Location. Group R-4 occupancies shall be separated from other uses as provided in Table 508.3.3 of this code, shall not exceed two stories in height or be located above the second story in any building, and any second story shall not exceed 2000 square feet, except as provided in Section 506 of the International Building Code. Mixed Group R-4 occupancies shall be separated from other uses as provided in Table 302.3.2 of this code.

Section 420.2.3 Fire resistant construction. Group R-4 occupancies having more than 2000 square feet of floor area above the first floor shall not be less than one hour, fire resistant construction throughout.

Section 420.2.4 Accessibility. Group R-4 occupancies shall include at least one entrance that meets the requirements of the Arizonans with disabilities Act [ARS 9-499.02 and 41-1492 through 41-1492.11]. Sleeping rooms and associated toilets shall be accessible by residents. Requirements in Section 3409 of this code. Bathing and toilet facilities in existing buildings shall be fitted with grab bars in accordance with ICC/ANSI -A 117.1.

Exception: Existing buildings shall comply with the accessibility

Section 420.2.5 Exits. Every story, basement, or portion of a Group R-4 occupancy shall have at least two exits.

Exception: Group R-4 occupancies with a second story which does not contain sleeping rooms may have one exit on the second story as provided in Chapter 10.

Section 420.2.6 Distance to Exits. The maximum travel distance to an exit shall comply with the requirements of Section 1004 of this code.

Exception: The maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

Section 420.2.7 Emergency Exit Illumination: In the event of a power failure, exits shall be automatically illuminated by an emergency system powered by storage batteries or an onsite generator installed in accordance with the **National Electrical Code**.

Section 420.2.8 Emergency Escape and Rescue. Group R-4 occupancies shall comply with the requirement of **Section 1025** of this code.

Exception: Section 1025.1 of this code shall not apply to Group R-4 occupancies.

Section 420.2.9 Delayed Egress Locks. In group R-4 condition 2 occupancies, delayed egress locks shall be permitted in accordance with **Sections 1008.1.9.7 and 1008.1.8.6**, items 1,2,4,5 and 6 of this code.

Section 420.2.10 Smoke Alarms, All habitable rooms and hallways in Group R-4 occupancies shall be equipped with smoke alarms installed in accordance with **Section 907.2.10.1-3** of this code.

Section 420.2.11 Sprinkler Systems, Group R-4 occupancies shall be equipped with a sprinkler system installed throughout, including attached garages, in accordance with **Section 903.2.9** of this code. In Group R-4 Condition 2 occupancies, sprinkler systems shall also be installed in attics and concealed spaces consisting of or containing combustible materials. Such concealed spaces consisting of or containing combustible material, such systems shall not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Group R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station and shall sound an audible signal at the location staffed 24 hours-a – day, 7 days a week.

CHAPTER 9 FIRE PROTECTION SYSTEMS

(GG) SECTION 901 “GENERAL”, is hereby amended in its entirety to read as follows:

Fire protection systems shall be installed, repaired, operated, maintained and enforced in accordance with the requirements of the **Chino Valley Fire District** and the *International Fire Code* (as adopted and amended from time to time by the **Chino Valley Fire District**), collectively, “**Chino Valley Fire District** requirements.” The Building Official shall assist the **Chino Valley Fire District** in the inspection, testing and oversight of fire protection systems as may be required from time to time. The Building Official shall withhold approvals where fire protection systems are not in compliance with **Chino Valley Fire District** requirements.

(HH) SECTION 902 “DEFINITIONS”, is hereby deleted in its entirety.

(II) SECTION 903 “AUTOMATIC SPRINKLER SYSTEM”, is hereby deleted in its entirety.

(JJ) SECTION 904 “ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS”, is hereby deleted in its entirety.

(KK) SECTION 905 “STANDPIPE SYSTEMS”, is hereby deleted in its entirety.

(LL) SECTION 906 “PORTABLE FIRE EXSTINGUISHING” is hereby deleted in its entirety.

(MM) SECTION 907 “FIRE ALARM AND DETECTION SYSTEMS”, is hereby deleted in its entirety.

(NN) “SECTION 908 EMERGENCY ALARM SYSTEMS”, is hereby deleted in its entirety.

(OO) SECTION 909 “SMOKE CONTROL SYSTEMS”, is hereby deleted in its entirety.

(PP) SECTION 910 “SMOKE AND HEAT REOMVAL”, is hereby deleted in its entirety.

(QQ) SECTION 911 “FIRE COMMAND CENTER”, is hereby deleted in its entirety.

(RR) SECTION 912 “FIRE DEPARTMENT CONNECTIONS”, is hereby deleted in its entirety.

(SS) SECTION 913 “FIRE PUMPS” is hereby deleted in its entirety.

(TT) SECTION 914 “EMERGENCY RESPONDER SAFETY FEATURES”, is hereby deleted in its entirety.

(UU) SECTION 915 EMERGENCY RESPONDER RADIO COVERAGE is hereby deleted in its entirety.

CHAPTER 11 ACCESSIBLILITY

(VV) SECTION 1101 – GENERAL

Section 1101.2 “Design” is hereby amended to read as follows:

Section 1101.2 Design. Accessibility requirements will be the most restricted of those stated in,

The 2010 Standards for Accessible Design, or Chapter 11 Accessibility, 2012 International building Code.
CHAPTER 12 INTERIOR ENVIRONMENT

(WW) Section 1207 entitled “**SOUND TRANSMISSION**” is hereby deleted.

CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

(XX) Section 1507.3.1 entitled “**Roof Assemblies and Rooftop Structures;**”

Requirements for Roof Coverings; Clay and concrete tile; Deck requirements; is hereby amended to read as follows:

Concrete and clay tile shall be installed only over solid sheathing.

(YY) Section 1507.4.1 entitled “**Roof Assemblies and Rooftop Structures;**”

Requirements for Roof Coverings; Metal roof panels; Deck requirements; is hereby amended to read as follows:

Metal roof panel coverings shall be applied to a solid sheathed roof deck.

(ZZ) Section 1507.5.1 entitled “**Roof Assemblies and Rooftop Structures**”

Requirements for Roof Coverings; Metal roof shingles; Deck requirements; is hereby amended to read as follows:

Metal roof shingles shall be applied to a solid sheathed roof deck.

(AAA) Section 1507.8.1 entitled “**Roof Assemblies and Rooftop Structures**”

Requirements for Roof Coverings; Wood shingles; Deck requirements; is hereby amended to read as follows:

Wood shingles shall be installed on solid sheathing.

(BBB) Table 1507.8 entitled “**Roof Assemblies and Rooftop Structures**”

Wood shingles and Shake Installation” is hereby amended as follows:

Item 2 under both headings delete the reference to spaced sheathing and associated installation requirements.

(CCC) Section 1507.9.1 entitled “Roof Assemblies and Rooftop Structures;”

Requirements for Roof Coverings; Requirements for Roof coverings; Wood shakes; Deck requirements; is hereby amended to read as follows:

Wood shakes shall only be used on solid sheathing.

CHAPTER 16 STRUCTURAL DESIGN

Table 1607.1 - #25 is hereby amended to read as follows:

#25 Residential One and two-family dwellings
 Uninhabitable attics with storage 40 psf.
 Habitable attics and sleeping areas 40 psf

CHAPTER 18 SOILS AND FOUNDATIONS

(DDD) Section 1809.4 entitled “Depth of footings” is hereby amended to read:

The minimum depth of footings below the undisturbed ground surface shall be 18 inches.
 The exceptions of **1809.5** are hereby deleted.

CHAPTER 34 EXISTING STRUCTURES

(EEE) SECTION 3412 entitled “**COMPLIANCE ALTERNATIVES**” is hereby deleted.

**TITLE 1 GENERAL PROVISIONS- CHAPTER 10 RULES OF CONSTRUCTION
 GENERAL PENALTY:**

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of Section 1-10.99 of this code for each day that the violation continues.

This ordinance will take effect and be in force on the 1st day of January 2015

Town of Chino Valley

Building and Technical Code Amendments

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

CHAPTER 150

INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS

SECTION 150.001 (B) Adoption of the 2012 International Residential Code for One-And Two-Family Dwellings:

That certain code entitled “International Residential Code for One-and Two-Family Dwellings, 2012 Edition”, as adopted by the International Code Council, Inc., including appendices A, B, C, H, J, L and Q together with all referenced standards therein, as all of the same may be amended from time to time, is hereby adopted and made part of this chapter, the same as though said code with named appendices and referenced standards where specifically set forth in full herein.

SECTION 150.001 (B) Amendments:

That the foregoing International Residential Code for one-and two-family dwellings shall be amended as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

(A) Section R101.1 entitled “**Title**” is hereby amended to read as follows:

These provisions shall be known as the Town Residential Code for One-and Two-Family Dwellings of the Town of Chino Valley, herein known as “this code.”

(B) Section R102.7 entitled “**Existing Structures**” is hereby amended to read as follows:

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

(C) Section R105.2 entitled “**Work exempt from permit**” is hereby amended with a new #10 to read as follows:

10. Decks, the walking surface of which is not more than 30 inches above the surrounding grade and less than 120 sq. ft. of surface area.

(D) Section R105.3.1.1 entitled “**Determination of substantially improved or substantially damaged existing buildings in flood hazard areas**” is hereby deleted.

(E) Section R108.3 entitled “**Building permit valuations**” is hereby amended to read as follows:

The determination of valuations to establish fees shall be guided by the regionally modified building valuations recommended by the International Code Council, the International Building Standards Magazine and as adjusted to reflect current construction costs. Such fees shall be reviewed and adjusted annually by the Building Official.

(F) Section R108.5 “Refunds” shall be amended to read the same as the **International Building Code Section 109.6.**

(G) SECTION R112 entitled “**BOARD OF APPEALS**” is hereby deleted, to be replaced with a new **SECTION R112** entitled “**MEANS OF APPEAL**” to read as follows:

SECTION R112 MEANS OF APPEAL;

Section R112.1 “General.”

Refer to the **International Building Code Section 113** entitled “**Board of Appeals and Appendix B.**”

CHAPTER 2 DEFINITIONS

(H) Section R201.4 entitled “**Terms not defined**” is hereby amended by adding a sentence at the end thereof, to read as follows:

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.

CHAPTER 3 BUILDING PLANNING

(I) Table R301.2 (1) entitled “**CLIMATE AND GEOGRAPHICAL DESIGN CRITERIA**” is hereby amended to read as follows:

Roof Snow Load- 30 lbs/per sq ft., Wind – 90 mph - 3 second gust Exposure C; Seismic Design Category C; Weathering – Negligible; Frost Line Depth- 18 inches; Termite- Moderate; Decay – Slight; Winter Design Temperature – PV + 15°; Ice

Shield Underlayment Requirement – No; Flood Hazards – Administered by the Building Official; Air Freezing Index – 124; Mean Annual Temp – 53.

Table R301.5 “MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS” is hereby amended by deletion of live load 20 lbs. in attics with storage and 30 lbs. in sleeping rooms and replaced with 40 pounds minimum in both areas.

(J) SECTION R305 “CEILING HEIGHT:” R301.5 shall be amended to read:

Section R305.1 The minimum ceiling height for any habitable room shall be 7’6” (seven feet, six inches.)

(K) Section R309.5 “Fire Sprinklers” Is hereby deleted in its entirety.

SECTION R313 “Automatic Fire Sprinkler Systems” Is hereby amended to read:

SECTION R313 “Automatic Fire Sprinkler Systems” Must meet the State of Arizona Statutes and the requirements of the **Chino Valley Fire District.**

(L) Section R314.3 entitled **“Location”** is hereby amended by adding a new item 4, to read as follows:

4. Where the ceiling height of a room open to the hallway servicing bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallways and in the adjacent room.

CHAPTER 4 FOUNDATIONS

(M) Section R403.1.1 “Minimum Size” is hereby amended by adding the following paragraph to read:

“Minimum size – Continuous spread concrete footings shall be reinforced with at least one #4 horizontal reinforcement bar located three inches (3”) from the bottom of the footing. Monolithic interior and exterior concrete footings shall be reinforced with at least one #4 horizontal, located three inches (3”) from the bottom of the footing and one #4 located three inches (3”) from the top of the slab. Pier and column footings shall be reinforced with #4 horizontal reinforcement spaced no more than twelve inches (12”) in each direction and located three inches (3”) from the bottom of the footing.

(N) Section R403.1.3.1 “Foundations with stem walls” is hereby deleted in its entirety and revised to read as follows:

Section R403.1.3.1 “Foundations with stem walls”

Foundations with stem walls shall be provided with the following steel reinforcement, unless an engineered design is provided.

1. For non-retaining stem walls less than twenty four inches (24") in height, a bond beam composed of one horizontal #4 rebar is required at the top of the wall and one #4 vertical rebar is provided at forty-eight inches (48") on center. The vertical reinforcement shall extend into the footing with a bent hook having a minimum of six-inch (6") 90 degree bend.
2. For stem walls twenty-four inches (24") to forty-eight inches (48") in height a bond beam composed of two horizontal #4 rebar, or one #5 rebar is required at the top of the wall and one #4 vertical rebar is provided at forty-eight inches (48") on center. The vertical reinforcement shall extend into the footing with a bent hook having a minimum of six-inch (6") 90-degree bend.
3. For stem walls over forty-eight inches (48") in height or retaining two (2) or more feet of earth, engineering may be required to determine footing size, wall thickness, materials, steel placement and size (depending on soil conditions), height, surcharge loading, or other requirements at the option of the building official (or his designee).

(O) Section R403.1.4 "Minimum Depth" shall be amended to read as follows:

Section R403.1.4 All exterior footings shall be placed a minimum of eighteen (18") inches into undisturbed or compacted soil.

Section R403.1.4.1, exceptions 1, 2, and 3, are hereby deleted.

SECTION R404 FOUNDATION AND RETAINING WALLS

Subsection R404.1.1 "Design of Masonry Foundation Walls", and Section R404.1.2, "Concrete Foundation Walls," are hereby amended in their entirety to read as follows:

(P) Section R404.1.1 Design of Masonry Foundation Walls

Concrete masonry foundation walls shall be constructed as set forth in **Tables R404.1.1 (2) and R404.1.1 (4)** of the International Residential Code for the most restrictive design soil class, provided that the minimum vertical reinforcement is #4 bar spaced no more than 48 inches on center, and shall also comply with the provisions of this section and the applicable provisions of **Section R606, R607 and R608**. In Seismic Design Category D0, D1 and D2, concrete masonry foundation walls shall comply with **Section R404.1.4** of the International Residential Code. Rubble stone masonry walls shall not be used in Seismic Design Category C, D0, D1, or D2.

(Q) SECTION R404.1.2 "Concrete Foundation Walls"

Concrete foundation walls shall be constructed as set forth in **Tables R404.1.1 (2), R404.1.1 (3), and R404.1.1 (4)** of the International Residential Code for the most restrictive design soil class, provided that the minimum vertical reinforcement is #4 spaced no more than 48 inches on center, and shall also comply with the provisions of this section and the applicable provisions of **Sections R402.2 and R612** of the International Residential code.

When **Tables R404.4 (1) through R404.4(5)** of the International Residential Code are utilized for concrete foundation walls, reinforcement shall be as required for soil Group III, as established by **Table R405.1** of the International Residential Code, provided that the minimum vertical reinforcement is #4 bar spaced no more than 48" on center. Where **Tables R404.4 (1) through R404.4 (5)** of the International Residential Code indicate N/R for vertical reinforcement size and spacing or where the Tables do not indicate the maximum height of unbalanced backfill for various heights, vertical reinforcement and spacing shall be provided as follows:

Maximum unbalanced Backfill Heights (Ft)	Minimum Vertical Reinforcement Size and Spacing On Center
4' and less	#4 @ 48"
5'	#4 @ 32" or #5 @ 48"
6'	#4 @ 20" or # 5 @ 32"
7'	#4 12" or #5 @ 20"

CHAPTER 5 FLOORS

(R) SECTION R506 "CONCRETE FLOORS (ON GROUND)", Section R506.2 "Site Preparation" Section R506.2.3 "Vapor Retarder", is hereby deleted in its entirety.

CHAPTER 6 WALL CONSTRUCTION

(S) Section R606.12.2.2.3 "Reinforcement Requirements for Masonry Elements."
(2) shall be amended to read as follows"

2. Vertical reinforcement of at least one #4 bar shall be provided at corners, within 16 inches of each side of openings, within 8 inches of each side of movement joints, within 8 inches of the ends of walls and at a maximum spacing of 48 inches.

CHAPTER 7 WALL COVERING

(T) SECTION R702 INTERIOR COVERING

Table R702.3.5 "Minimum thickness and application of Gypsum Board;" "footnote d" is hereby deleted in its entirety.

CHAPTER 9 ROOF ASSEMBLIES

(U) Section R905.3.1 entitled "Deck requirements;" is hereby amended to read as follows:

Clay and concrete tile shall be installed on solid sheathing.

(V) Section R905.4.1 entitled “**Deck requirements**” is hereby amended to read as follows:

Metal roof shingles shall be installed on solid sheathing.

(W) Section R905.7.1 entitled “**Deck requirements**” is hereby amended to read as follows:

Wood shingles shall be installed on solid sheathing.

(X) Section R905.7.4 entitled “**Material Standards**” is hereby amended to read as follows:

Wood shingles shall be factory treated fire-retardant grade 1 minimum.

(Y) Section R905.8.1 entitled “**Deck requirements**” is hereby amended to read as follows:

Wood shakes shall be installed on solid sheathing.

(Z) Section R905.8.5 entitled “**Material standards**” is hereby amended to read as follows:

Wood shakes shall be factory fire-retardant treated grade 1 minimum.

(AA) Section R905.10.1 entitled “**Deck requirements**” is hereby amended to read as follows:

Metal roof panel coverings shall be installed on solid sheathing.

CHAPTER 10 CHIMNEYS AND FIREPLACES

(BB) Section R1004.1 “GENERAL” is hereby amended by adding of a new second sentence to read as follows:

All factory-built fireplaces shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002. State clean air. ARS 9-500.16.

CHAPTER 11 ENERGY EFFICIENCY

(CC) Chapter 11 entitled “**Energy Efficiency**” is hereby deleted to be replaced with the “**International Energy Conservation Code**” as adopted by the Town of Chino Valley and may be amended from time to time.

CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS

M1307 APPLIANCE INSTALLATION

(DD) M1307.3 “Elevation of Ignition Source” Exception shall be amended to read:

Exception: This shall not apply to the following appliances:

1. Clothes dryers or manufactured sealed ignition (pilot) systems installed in a private garage.

CHAPTER 14 HEATING AND COOLING EQUIPMENT AND APPLIANCES

(EE) Section M1414.1 entitled “**General**” is hereby amended by adding of a new second sentence to read as follows:

All factory-built fireplaces shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002. State clean air, ARS 9-500.16

CHAPTER 24 FUEL GAS

(FF) Section P2415.5 entitled “**Piping in concealed locations**” shall be amended by adding a sentence to read.

Flexible gas piping **shall not** be used in exterior walls.

CHAPTER 29 WATER SUPPLY AND DISTRIBUTION

(GG) Section P2902.3.5. Entitled “**Reduced pressure principle backflow preventer Assemblies.**” is hereby amended by the addition of a second paragraph to read as follows:

If only one backflow device is required to be installed on a system it shall be a reduced pressure principle backflow preventer. If more than one backflow device is required to be installed on a system the reduced pressure principle backflow preventer shall be installed between the water meter and all other devices. The additional devices shall be as specified in **Table P2902.3.**

(HH) Section P2902.4 entitled “**Protection of potable water outlets**” is hereby amended to read as follows:

All connections to the potable water shall conform to **Sections P2902.4.1** through **2902.5.6.**

Section P2902.4.4 “Yard hydrant.” Yard hydrants directly connected to the potable water system shall be sanitary yard hydrants.

Section P2902.4.4.1. “Hose Bibb Requirements” All dwelling units shall be provided with a minimum of 2 exterior hose bibbs. Hose bibbs shall be frost free, anti-siphon type. **(II) Section P2902.5** entitled **“Protection of potable water outlets”** is hereby amended by the addition of new **Sections P2902.4.4.** and **Section P2902.4.4.1.** To read as follows:

**TITLE 1 GENERAL PROVISIONS CHAPTER 10 RULES OF CONSTRUCTION
GENERAL PENALTY:**

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of section 1-10.99 of this code for each day that the violation continues.

This ordinance shall take effect and be in force the 1st day of January 2015

Town of Chino Valley

Building and Technical

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

INTERNATIONAL FUEL GAS CODE

SECTION 150.001 (C) Adoption of the 2012 International Fuel Gas Code

That certain code entitled “International Fuel Gas Code, 2012 Edition” as adopted by the International Code Council, Inc., together with all referenced standards therein and together with appendix “A”, “B” and “C” as all of the same and as may be amended from time to time, is hereby adopted and made a part of this chapter, the same as though said code with named appendices were specifically set forth in full herein.

SECTION 150.001 (C) Amendments:

That the foregoing International Fuel Gas Code, shall be amended as follows.

CHAPTER 1 SCOPE AND ADMINISTRATION

(A) Section 101.1 “Title” is amended to read as follows: the Town Fuel Gas Code of the Town of Chino Valley, herein known as “this code.”

SECTION 109 MEANS OF APPEAL

Section 109.1 “Application for appeal;” shall be amended as follows:

Refer to the International Building Code Section 113 entitled **Board of Appeals Appendix B.**

CHAPTER 2 DEFINITIONS

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

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted as meaning 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 202 “GENERAL DEFINITIONS;” Code official is hereby amended by adding the following sentence:

The Code Official shall be the Building Official as defined in the International Building Code.

APPROVED: approval by the building official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the building official, or by reason of accepted principles of tests by recognized authorities, technical or scientific organization.

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

OCCUPANCY: the purpose for which a building, or part thereof, is used or intended to be used.

CHAPTER 3 GENERAL REGULATIONS

SECTION 303 APPLIANCE LOCATION

Section 303.7 “Pit Locations,” is hereby amended by adding a subparagraph to read as follows:

Section 303.7 “Pit Location”

Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit or basement where heavier than air gas might collect to form a flammable mixture.

SECTION 310 ELECTRICAL BONDING Add a new sentence to **Section 310.1**

Underground ferrous gas piping shall be electrically isolated from the rest of the gas system with listed or approved isolation fittings installed a minimum of six (6) inches above grade.

CHAPTER 4 GAS PIPING INSTALLATION

(D) Section 404.12 “Minimum Burial Depth” is hereby amended to read as follows:

Underground piping systems shall be installed a minimum depth of 18 inches below grade except as provided for in **Section 404.12.1**.

Section 404.5 “Piping in concealed locations” shall be amended by adding a sentence to read.

Flexible gas piping **shall not** be used in exterior walls.

(E) SECTION 406 “INSPECTION, TESTING and PURGING”

Section 406.4.1 “Test Pressure,” The test pressure to be used shall be no less than 1 ½ times the proposed maximum working pressure, but not less than 10 psig, irrespective of design pressure. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

(F) Section 409.1.3 “Gas Piping Installation;” Shutoff Valves; Access to Shutoff Valves; is hereby amended by adding a second sentence to read as follows:

All buildings shall be provided with a shutoff valve located at the point of entrance to the building on the downstream side of the gas meter or supply source. Multiple buildings on the same system shall have a separate shutoff valve for each building.

CHAPTER 6 SPECIFIC APPLIANCES

(G). SECTION 602 “DECORATIVE APPLIANCE FOR INSTALLATION FIREPLACES,” is hereby amended by adding the following subsection, to read as follows:

Section 602.4 “Gas Logs,” Approved gas logs installed in solid-fuel-burning fireplaces shall comply with the following:

1. The gas log shall be installed in accordance with the manufacturer’s installation instructions.
2. If the fireplace is equipped with a damper, it shall be permanently blocked open to a sufficient amount to prevent spillage of combustion products into the room.
3. The minimum flue passageway shall not be less than 1 square inch per 2,000 Btu/h input.
4. Gas logs, when equipped with a pilot shall have a listed safety shutoff valve.

CHAPTER 7 GASEOUS HYDROGEN SYSTEMS

(H) CHAPTER 7 GASEOUS HYDROGEN SYSTEMS

All Interpretation and Enforcement of **Chapter 7** Shall be delegated to the **CHINO VALLEY FIRE DISTRICT.**

**TITLE 1 GENERAL PROVISIONS CHAPTER 10 RULES OF CONSTRUCTION
GENERAL PENALTY:**

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of Section 1-10.99 of this code for each day that the violation continues.

This ordinance will take effect and be in force on the 1st day of January 2015

Town of Chino Valley

Building and Technical Code Amendments

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

INTERNATIONAL MECHANICAL CODE

SECTION 150.001 (D) Adoption of the 2012 International Mechanical Code:

That certain code entitled “International Mechanical Code, 2012 Edition”, as adopted by 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, is hereby adopted and made part of this chapter, the same as though said code with named appendices specifically set forth in full herein.

SECTION 150.001 (D) Amendments:

That the foregoing International Mechanical Code shall be amended as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

(A) Section 101.1 entitled “**Title**” is hereby amended to read as follows:

These regulations shall be known as the Town Mechanical Code of the Town of Chino Valley, herein known as “this code.”

(B) Section 103.1 entitled “**Administration; Department of Mechanical Inspection**” is hereby deleted, to be replaced with a new section 103 entitled “Department of Building and Safety”, to read as follows:

SECTION 103 DEPARTMENT OF BUILDING AND SAFETY.

Section 103.1 Enforcement agency. The Department of Building and Safety shall be the enforcement agency for this code and the official in charge there of shall be known as the Building Official.

(C) Section 106.5.3 entitled “**Administration; Permits; Fee refunds**” is hereby amended to read as follows:

SECTION 109 of the INTERNATIONAL BUILDING CODE.

(D) Section 108.4 entitled “**Administration; Violations; Violation penalties**” is hereby deleted.

(E) SECTION 109 entitled “MEANS OF APPEAL” is hereby deleted, to be replaced with a new **SECTION 109** to read as follows.

SECTION 109 MEANS OF APPEAL;

Section 109.1 General. Refer to **International Building Code Section 113** entitled “**Board of Appeals**” and **Appendix B**.

(F) Section 201.4 entitled “Definitions; General; Terms not defined” is hereby amended to add a second sentence to read as follows:

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.

(G) SECTION 202 entitled “**General Definitions;**” Code Official is hereby amended by adding the following sentence, to read as follows:

The Code Official shall be the Building Official as defined in the **International Building Code**.

CHAPTER 3 GENERAL REGULATIONS

(H) Section 301.2 entitled “**Energy utilization**” is hereby deleted.

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

Section 303.7 “Pit location” is hereby amended by adding the following subparagraph to read as follows:

Liquefied petroleum gas piping shall not serve any gas-fired appliance or equipment located in a pit or basement where heavier than air gas might collect to form a flammable mixture.

(I) Section 304.3 entitled “**General Regulations; Installation; Elevation of ignition source**” is hereby amended by adding an exception thereto, to read as follows:

Exception: Clothes dryers installed in private garages.

CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

(J) Section 903.1 entitled “**Specific appliances, fireplaces and solid fuel-burning equipment; Factory built fireplaces; General**” is hereby amended by adding a new second sentence to read as follows:

All factory-built fireplaces shall comply with 40CFR60 subpart AAA, Revised July 1, 2002.

(K) Section 904.1 entitled “**Specific appliances, fireplaces and solid fuel-burning equipment; Pellet fuel-burning appliances; General**” is hereby amended by adding a new second sentence to read as follows:

All factory-built fireplaces shall comply with 40CFR60 Subpart AAA, Revised July 1, 2002.

(L) 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 third sentence to read as follows:

All factory-built fireplaces shall comply with 40CFR60 subpart AAA, Revised July 1, 2002.

TITLE 1 GENERAL PROVISIONS CHAPTER 10 RULES OF CONSTRUCTION GENERAL PENALTY

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of section 1-10.99 of this code for each day that the violation continues.

This ordinance will take effect and be in force on the 1st of January 2015

Town of Chino Valley
Building and Technical Code Amendments
2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION
INTERNATIONAL PLUMBING CODE

SECTION 150.001 (E) Adoption of the 2012 International Plumbing Code:

That certain code entitled “International Plumbing Code, 2012 Edition”, as adopted by the International Code Council, Inc., and as the same may be amended from time to time, together with all referenced standards therein, and together with appendices D, E, and F, is hereby adopted and made part of this chapter, the same as though said code with said referenced standards and named appendices were specifically set forth in full herein.

SECTION 150.001 (E) Amendments:

That the foregoing International Plumbing Code shall be amended as follows:

CHAPTER 1 SCOPE AND ADMINISTRATION

Section 101.1 entitled “**Title,**” is amended to read as follows:

(A) Section 101.1 “Title,” These regulations shall be known as the Town Plumbing Code of the Town of Chino Valley, herein known as “this code”.

(B) Section 103.1 entitled “**General**” is hereby amended to read as follows: Section 103.1 entitled “Department of Building and Safety” shall be the enforcement agency for this code and the official in charge thereof shall be known as the building official.

(C) Section 106.6.3 entitled “**Fee refunds**” is hereby amended to read as follows:

Refer to **Section 106** of the **International Building Code.**

SECTION 109 MEANS OF APPEAL

(D) Section 109.1 entitled “**Application for appeal;**” shall be amended to read as follows;

Refer to the **International Building Code, Section 113** entitled “**Board of Appeals**” and **Appendix B.**

CHAPTER 2 DEFINITIONS

(E) Section 201.4 entitled “**Terms not defined**” is hereby amended to read as follows:

Section 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 accepted meanings.

(F) Section 202 entitled “**GENERAL DEFINITIONS**” Code Official” is hereby amended by adding the following sentence thereto:

The Code Official shall be the Building Official as defined in the International Building Code.

CHAPTER 3 GENERAL REGULATIONS

Section 305.4 Freezing. Minimum burial depth for Water, Soil and Waste Pipes is 18”.

(G) Section 305.4 .1 “Sewer depth” is 6” below frost line and a minimum depth of 18”

CHAPTER 4 FIXTURES, FAUCETS AND FIXTURE FITTINGS

SECTION 403 MINIMUM PLUMBING FACILITIES

Section 403.1 “Minimum Number of Fixtures.” The following footnotes shall be added to **TABLE 403.1**

TABLE 403.1 “MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES”

- H. Water coolers, Goose neck spigot at a non- restroom/utility sink, or bottled water dispensers may be substituted for drinking fountains in B, M, and S occupancies with 25 or fewer occupants. Such water shall be free of charge and accessible to the public.
- I. Goose neck faucets on a lavatory or a hose bib located within a restroom may be substituted for the required utility sink in B, M, and S occupancies with 25 or fewer occupants. Hos bibs shall comply with Section 608.15.4.2 of the International Plumbing Code.
- J. Family or assisted-use toilet and bath fixtures restrooms shall consist of a minimum a 117.1-2009 compliant toilet, lavatory sink, urinal and baby changing table with accommodating accessible clearances per a 117.1-2009.

CHAPTER 6 WATER SUPPLY AND DISTRUBUTION

SECTION 603 WATER SERVICE shall be amended by adding a new **Section 603.2.1.1 Burial Depth**.

(H) Section 603.2.1.1 “Burial Depth” The water service pipe shall be buried a minimum of 18 inches below finish grade and be covered with clean backfill free of sharp rocks.

(I) Section 606.1 entitled **“Installation of the Building Water Distribution System; Location of full-open valves”** is hereby amended as follows:

Delete item number 2.

(J) Section 608.15.4.2 “Hose connections” is hereby amended by the addition of a new sentence at the end of the paragraph to read as follows:

Yard hydrants connected to the potable water system shall be **“sanitary yard hydrants”**.

TITLE 1 GENERAL PROVISIONS- CHAPTER 10- RULES OF CONSTRUCTION- GENERAL PENALTY:

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of section 1-10.99 of this code for each day that the violation continues.

This ordinance will take effect and be in force on the 1st day of January 2015

Town of Chino Valley

Building and Technical Code Amendments

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

INTERNATIONAL ENERGY CONSERVATION CODE EDITION

SECTION 150.001(F) Adoption of the International Energy Conservation Code:

That certain code entitled “International Energy Conservation Code, 2012 Edition” as adopted by the International Code Council, Inc., together with all referenced standards therein as all of the same and may be amended from time to time, is hereby adopted and made a part of this chapter, the same as though said code with named appendices were specifically set forth in full herein.

SECTION 150.001(F) Amendments:

That the foregoing International Energy Conservation Code shall be amended as follows:

CHAPTER 1 (CE) SCOPE AND ADMINISTRATION

(A) Section C101.1 “Title” is amended to read as follows:

Section C101.1 “Title” This code shall be known as the Town Energy Conservation Code-Commercial of the Town of Chino Valley”, herein known as “this code.”

Section C 102.1 “General” is hereby amended by adding a **Section C102.1.2** as follows:

(B) Section C 102.1.2 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

Section C103, 105-109 is hereby deleted and replaced with the requirements of the **International Building Code** as adopted and as may be amended from time to time.

CHAPTER 2 (CE) DEFINITIONS

Section C201 General

Section C201.3 Terms not defined in other codes, is hereby amended as follows:

(C) Section C201.3 Terms not defined in other codes.

Where terms are not defined in this code and are defined in the **International Conservation Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, or the International Building Code**, such terms shall have the meanings ascribed to them in those codes.

(C) Section C201.4 Terms not defined, is hereby amended to read as follows:

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted as meaning 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) Section C202 "General Definitions," "Code Official" is hereby amended by adding the following sentence:

The Code Official shall be the Building Official as defined in the **International Building Code**.

APPROVED: approval by the Building Official of materials, types of construction, equipment and systems as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles of tests by recognized authorities, technical or scientific organization.

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

OCCUPANCY: the purpose for which a building, or part thereof, is used or intended to be used.

CHAPTER 3 (CE) GENERAL REQUIREMENTS

Arizona, Town of Chino Valley, Zone 4B

Commercial Implementation. The commercial section and the date by which complete compliance with that section is to start.

SECTION C402- BUILDING ENVELOPE REQUIREMENTS _____ JANUARY 2015

SECTION C403- BUILDING MECHANICAL SYSTEMS _____ JANUARY 2016

SECTION C404- SERVICE WATER HEATING _____ JANUARY 2016

SECTION C405- ELECTRICAL POWER AND LIGHTING SYSTEMS JANUARY 2017

RESIDENTIAL CHAPTER 1 [RE] SCOPE AND ADMINISTRATION

SECTION R101 SCOPE AND GENERAL REQUIREMENTS

Section R101.1 “Title” is hereby amended to read as follows:

Section R101.1 “Title.” This Code shall be known as the “Town of Chino Valley 2012 International Energy Conservation Code-Residential”, herein known as “this code.”

SECTION R101.2 “Scope” shall have an added **Section 101.2.1** to read as follows:

Section R101.2.1 “International Building Code” as adopted and as may be amended.

SECTION R102 ALTERNATE MATERIALS METHOD OF CONSTRUCTION DESIGN OR INSULATING SYSTEMS.

Section R102.1 “General” is hereby amended by adding **Section C102.1.2** as follows:

Section R102.1.2 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

Section R103, 105-109 is hereby deleted and replaced with the requirements of the **“International Building Code”** as adopted and as may be amended from time to time.

Section R201 General Definitions

Section R201.3 “Terms” defined in other codes, is hereby amended as follows:

Section R201.4 Terms not defined in other codes. Where terms are not defined in this code and are defined in the **International Conservation Code**, **International Fuel Gas**

Code, International Mechanical Code, International Plumbing Code or the International Building Code, such terms shall have the meanings ascribed to them as in those codes.

Section R201.4 Terms not defined. Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies. The Current edition of the Webster's New International Dictionary Of the English Language, Unabridged, shall be considered as providing ordinary accepted meanings.

CHAPTER 3 [RE] GENERAL REQUIREMENTS

Section R301 General

TABLE R301.1 is amended as follows:

Arizona, Town of Chino Valley Zone 4B

RESIDENTIAL IMPLAMENTATION. The residential section and the date by which complete compliance with that section is to start.

Section R402 BUILDING THERMAL ENVELOPE_____JANUARY 2015

Section R403 SYSTEMS _____JANUARY 2016

Section R 404 ELECTRICAL POWER AND LIGHTING SYSTEMS_ JANUARY 2017

TITLE 1 GENERAL PROVISIONS CHAPTER 10 RULES OF CONSTRUCTION GENERAL PENALTY:

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of Section 1-10.99 of this code for each day that the violation continues.

This ordinance will take effect and be in force on the first day of January 2015.

Town of Chino Valley

Building and Technical Code Amendment

2015 Edition

TOWN CODE CHAPTER 150 BUILDING REGULATIONS; CONSTRUCTION

ICC ELECTRICAL CODE

NATIONAL ELECTRIC CODE 2011

SECTION 150.004: (A) Adoption of the 2012 ICC Electrical Code:

That certain code entitled “ICC Electrical Code, Administrative Provisions, 2012 Edition and the 2011 National Electrical Code” as adopted by the International Code Council, Inc., and as the same may be amended from time to time, together with all referenced standards therein, is hereby adopted and made part of this chapter, the same as though said code with said referenced standards were specifically set forth in full herein.

SECTION 150.004: (A) Amendments:

That the foregoing ICC Electrical Code shall be amended as follows:

CHAPTER 1 ADMINISTRATION

(A) Section 101.1 entitled “Title” is hereby amended to read as follows:

These regulations shall be known as the Town Electrical Code of the Town of Chino Valley, herein known as “this code.”

CHAPTER 2 DEFINITIONS

(B) Section 201.4 entitled “Definitions, General, Terms not defined”:

Add a second sentence to read as follows: “Webster’s Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings”.

(C) SECTION 301 entitled “Organization and Enforcement; Department of Electrical Inspection”: Delete and replace with a new **SECTION 301** to read as follows:

CHAPTER 3 BUILDING AND SAFETY DEPARTMENT

SECTION 301

DEPARTMENT OF BUILDING AND SAFETY

Section 301.1 Enforcement agency. The Building and Safety Department shall be the enforcement agency for this code and the official in charge thereof shall be known as the Building Official.

CHAPTER 11 MEANS OF APPEAL

(D) Chapter 11 entitled “**Means of Appeal**”: Delete and replace with a new **Chapter 11**, to read as follows:

Section 1101.1 “General”. Refer to the **International Building Code Section 113** entitled “**Board of Appeals**” and **Appendix B**.

CHAPTER 150.004 ADOPTION OF THE National Electric Code: 2011 Edition

The National Electric Code shall be amended as follows:

Amendment of Article 90 Introduction of the National Electrical Code of the Town of Chino Valley, and shall be cited as such and will be referred to herein as “this Code”.

Article 90 Introduction, Subsection 90.1 Purpose, Subparagraph (A), Practical Safeguarding is hereby amended by adding the following text, to read as follows:

Article 90 Introduction

90.1 Purpose (A) Safeguarding.

Any and all electrical work for light, heat, power or any other purpose shall be installed in conformity with the rules and regulations as set forth in that document titled the National electrical Code, 2011 edition as amended herein, and in conformity with the rules and regulations set forth by the Building Official.

Amendment of Chapter 1 “General” of the National Electrical Code

(E) Article 100 Definitions, Subsection, scope is hereby amended by the addition of the following text to the first paragraph to read as follows:

Article 100 Definitions

Scope.

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 and terms shall have their ordinarily accepted meanings within the context with which they are used.

Article 110, Requirements for Electrical Installations Part 1, General Subsection 110.8, wiring Methods, is hereby amended in its entirety to read as follows:

(F) Article 110 Requirements for Electrical Installations

1. General 110.8 Wiring Methods

- (A) New Construction only wiring methods recognized as suitable are included in this National Electrical Code. The recognized methods of wiring shall be permitted to be installed in any type of building or occupancy, except as otherwise provided in this National Electrical Code.
- (B) Existing or Relocated Building and Structures.
 - (1) The provisions contained in this Article shall apply to all existing or relocated buildings if the wiring methods in such buildings are deemed to be inadequate or unsafe by the Building Official. If the existing wiring methods are deemed to be adequate and safe, then application of this National Electrical Code to existing or relocated buildings shall apply.
 - (2) All relocated buildings or structures shall have service equipment which conforms to the provisions of Article 230, Services, of this National Electrical Code.
 - (3) Additions to or alterations in existing wiring must first be approved by the Building Official.
 - (4) Each room in a relocated dwelling shall be provided with not less than two equally-spaced convenience outlets, Receptacles which are a part of a fixture or switch outlet shall not be counted as convenience outlets.

(G) Article 210.8 entitled "Ground-fault Circuit-Interrupter Protection for Personnel; Dwelling Units" is hereby amended as follows:

- (i) Shall amend the title thereof, replacing "Dwelling Units" with "All Occupancies".
- (ii) By adding a new subsection (9) thereto, to read as follows: "Within 6 feet of any sink or wash basin"
- (iii) By deleting subsections (B), (B) 1, and (B) 2 and the exception thereto.

Article 230 entitled "Services" is hereby amended by adding a new section 230-63 to read as follows:

(H) “Location.” All service equipment rated 1000 amperes or more located inside a building shall be enclosed within a room or space separated from the rest of the building by not less than a one-hour fire-resistive fire barrier walls or horizontal assemblies or both.

(I) Article 250-118(4) through (8) entitled “Types of Equipment Grounding Conductors” is hereby amended to read as follows:

4. Electrical metallic tubing with an individual equipment-grounding conductor.
5. Flexible metal conduit, with an individual equipment-grounding conductor, where both the conduit and fittings are listed for grounding.
6. Listed flexible metal conduit that is not listed for grounding, with individual equipment grounding conductor, and meeting all the following conditions. (a., b., c. and d. to remain the same.)
7. Flexible metallic tubing with individual equipment grounding conductor and meeting all the following conditions. (A. and B, to remain the same.)
8. Armor of type AC cable with an individual equipment-grounding conductor and as provided in Section 333-21.

Amendment of Chapter 4 Equipment for General Use, of the National Electrical Code.

(J) Article 408 Switchboards and Panel boards, Part III, Panel boards, Subsection 408.30 General, is hereby amended by adding the following subparagraph, to read as follows:

Each separate commercial unit in a shopping center or building, each separate unit in an apartment building, and any separate store, apartment, or dwelling has separate lighting and /or power distribution panels. Such panels shall not serve other units of the building. Hotels, motels, hotel apartments and similar types of buildings may be wired from one or more distribution panels.

**TITLE 1 GENERAL PROVISIONS CHAPTER 10 RULES OF CONSTRUCTION
GENERAL PENALTY:**

Any person who violates any provision of this chapter and the code it incorporates shall be guilty of a civil violation and shall be subject to the provisions of Section 1-10.99 of this code for each day that the violation continues.

This ordinance will be take effect and be in force January 1 2015

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. d.**

Meeting Date: 11/18/2014
Contact Person: Dan Trout, Building Official
 Phone: (928) 636-2646 x-1219
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 14-791, adopting the "Chino Valley Fire District 2012 International Fire Code" by reference, and amending the Town Code Title XV Land Usage, Chapter 153 Fire Prevention and Protection, Section 153.001 International Fire Code Adopted.

RECOMMENDED ACTION:

Adopt Ordinance No. 14-791, adopting the "Chino Valley Fire District 2012 International Fire Code" by reference and amending Town Code Section 153.001.

SITUATION AND ANALYSIS:

Issue Statement

The Town of Chino Valley updates its building and fire codes every six (6) years. These updates bring the town's codes into compliance with the most recent International building codes. Adoption of these codes brings the Town's ISO rating down by 1 point for both residential and commercial insurance purposes, keeping insurance rates lower for residents of the community.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

As these amendments will bring the Chino Valley Fire District Fire code current with the most recent iteration of the International codes, staff recommends adoption of the codes as presented.

Findings of Fact

- Adoption of the Fire Code updates will lower the Chino Valley Fire District's ISO rating, which

affects the property insurance rates throughout town.

- Not adopting the Codes will result in higher property insurance rates, and we will not be enforcing the same codes as adjoining communities.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

CVFD Adoption Resolution

Ordinance 14-791

Fire Code Amendments

Chino Valley Fire District

Resolution No. 14-03

A FORMAL RESOLUTION OF THE GOVERNING BODY OF THE CHINO VALLEY FIRE DISTRICT ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE, AND PROVIDING FOR CERTAIN ADDITIONS AND DELETIONS THERETO, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY AND THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CHINO VALLEY FIRE DISTRICT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND AUTHORIZING THE APPLICATION AND ENFORCEMENT THEROF.

WHEREAS, the Chino Valley Fire District did, on or about, December 10, 2005, adopt the 2003 International Fire Code together with certain amendments thereto (IFC); and

WHEREAS, the Chino Valley Fire District is authorized, pursuant to A.R.S. 48-805 (B)(6) to adopt a nationally recognized fire code and amend or revise the adopted code.

WHEREAS, the Chino Valley Fire District wishes to adopt the 2012 Edition of the International Fire Code to provide for a more uniform practice and enforcement of the Fire Code, consistent and together with various other enforcement agencies with whom Chino Valley Fire District may interact; and

NOW THEREFORE, be it resolved as follows:

BE IT RESOLVED that the Chino Valley Fire District hereby adopts the 2012 Edition of the International Fire Code (IFC), with amendments including Appendix Chapters A through I.

FURTHER RESOLVED, that there shall be inserted into the additions and modifications to the Fire Code, where applicable, the name of Chino Valley Fire District as the adopting and enforcement jurisdiction, including the recitation within Section 101.1 of the IFC.

FURTHER RESOLVED, that the geographic limits referred to in certain sections of the additions and modifications adopted herein are hereby established as follows:

5704.2.9.6.1 (geographic limits in which the storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited): per zoning requirements of the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

5706.2.4.4 1 (geographic limits in which the storage of Class I and II liquids in above-ground tanks is prohibited): per zoning requirements of the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

5806.2 (geographic limits in which the storage of flammable cryogenic fluids is prohibited): per zoning requirements of the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): per zoning requirements of the Town of Chino Valley, Town of Paulden, and/or Yavapai County Planning and Building.

FUTHER RESOLVED, that if any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this resolution.

FURTHER RESOLVED, that this resolution and the rules, regulations, provisions, amendments, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its approval.

FURTHER RESOLVED, that to the extent the provisions of the Amendments and modifications to the 2012 Edition of the International Fire Code provisions adopted herein conflict with the provisions of the 2003 IFC previously adopted by the Chino Valley Fire District, as amended, the modifications authorized herein shall govern.

RESOLVED and ADOPTED this 18 day of Sept, 2014.

Gary S Warren

Board Chairman

ATTEST:

Cyndy Ducote

Board Clerk

Chino Valley Fire District

Resolution No. 14-03

A FORMAL RESOLUTION OF THE GOVERNING BODY OF THE CHINO VALLEY FIRE DISTRICT AMENDING THE 2003 INTERNATIONAL FIRE CODE AND ADOPTING IN ITS PLACE THE PROVISIONS OF THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE, AND PROVIDING FOR CERTAIN ADDITIONS AND DELETIONS THERETO, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY AND THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CHINO VALLEY FIRE DISTRICT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND AUTHORIZING THE APPLICATION AND ENFORCEMENT THEROF.

WHEREAS, the Chino Valley Fire District did, on or about, December 10, 2005, adopt the 2003 International Fire Code together with certain amendments thereto (IFC); and

WHEREAS, the Chino Valley Fire District is authorized, pursuant to A.R.S. 48-805 (B)(6) to adopt a nationally recognized fire code and amend or revise the adopted code; and

WHEREAS, the Chino Valley Fire District wishes to amend the current 2003 International Fire Code and adopt the provisions of the 2012 Edition of the International Fire Code to provide for a more uniform practice and enforcement of the Fire Code, consistent and together with various other enforcement agencies with whom Chino Valley Fire District may interact; and

NOW THEREFORE, be it resolved as follows:

BE IT RESOLVED that the Chino Valley Fire District hereby amends its current version of the 2003 International Fire Code to adopt and reflect the provisions of the 2012 Edition of the International Fire Code (IFC), with amendments including Appendix Chapters A through I.

FURTHER RESOLVED, that there shall be inserted into the additions and modifications to the Fire Code, where applicable, the name of Chino Valley Fire District as the adopting and enforcement jurisdiction, including the recitation within Section 101.1 of the IFC.

FURTHER RESOLVED, that the geographic limits referred to in certain sections of the additions and modifications adopted herein are hereby established as follows:

5704.2,9.6.1 (geographic limits in which the storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited): per zoning requirements of

the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

5706.2.4.4 1 (geographic limits in which the storage of Class I and II liquids in above-ground tanks is prohibited): per zoning requirements of the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

5806.2 (geographic limits in which the storage of flammable cryogenic fluids is prohibited): per zoning requirements of the Town of Chino Valley, Town of Paulden and/or Yavapai County Planning and Building; and

6204.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): per zoning requirements of the Town of Chino Valley, Town of Paulden, and/or Yavapai County Planning and Building.

FURTHER RESOLVED, that if any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this resolution.

FURTHER RESOLVED, that this resolution and the rules, regulations, provisions, amendments, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its approval.

FURTHER RESOLVED, that to the extent the provisions of the Amendments and modifications to the 2012 Edition of the International Fire Code provisions adopted herein conflict with the provisions of the 2003 IFC previously adopted by the Chino Valley Fire District, as amended, the modifications authorized herein shall govern.

RESOLVED and ADOPTED this 18 day of September, 2014.

Mary S. Warren
Board Chairman

ATTEST:

Cyndy Ducote
Board Clerk

ORDINANCE NO. 14-791

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE "CHINO VALLEY FIRE DISTRICT 2012 INTERNATIONAL FIRE CODE AMENDMENTS" BY REFERENCE; AND AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV LAND USAGE, CHAPTER 153 FIRE PREVENTION AND PROTECTION, BY AMENDING SECTION 153.001 INTERNATIONAL FIRE CODE ADOPTED RELATED TO PROVIDING FIRE SAFETY STANDARDS AND REGULATIONS FOR THE TOWN; FIXING THE EFFECTIVE DATE THERETO; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Chino Valley Fire District provides fire protection services to the Town of Chino Valley; and

WHEREAS, the Chino Valley Fire District has adopted the International Fire Code, 2012 Edition and amendments thereto and has requested the Town to adopt the same codes for purposes of fire prevention and safety; and

WHEREAS, the Chino Valley Town Council desires to protect the public safety and welfare by adopting the International Fire Code, 2012 Edition and the Chino Valley Fire District's amendments thereto;

WHEREAS, that certain document known as the International Fire Code, 2012 Edition, together with appendices A through I, published by the International Code Council, three copies of which are on file with the Town Clerk for the Town of Chino Valley is hereby declared to be a public record;

WHEREAS, that certain document known as the "Chino Valley Fire District 2012 International Fire Code Amendment", three copies of which are on file with the Town Clerk for the Town of Chino Valley is hereby adopted and declared to be a public record;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title XV Land Usage, Chapter 153 Fire Prevention and Protection, Section 153.01 International Fire Code Adopted is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

(A) That certain document entitled International Fire Code, ~~2004~~2012 Edition, TOGETHER WITH APPENDICES A THROUGH I, published by THE International ~~Fire-Code~~ COUNCIL~~Institute~~, AS AMENDED BY THE "CHINO VALLEY FIRE DISTRICT 2012 INTERNATIONAL FIRE CODE AMENDMENTS" is hereby adopted as the ~~International~~ Fire Code of the Town of Chino Valley TO

REGULATE AND GOVERN THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSIONG HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE AND PEROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES and SAID FIRE CODE IS HEREBY REFERRED TO AND made a part HEREof this title, the same as though the code was specifically FULLY set forth in full hereinTHIS SECTION.; and at least 3THREE copies of theSAID FIRE code shall be filedKEPT ON FILE AND AVAILABLE FOR PUBLIC USE in the office of the Town Clerk and Community Development Department. and be kept available for public use and inspection.

~~(B) The certain document entitled Fire Protection Standards is hereby adopted as the Fire Protection Standards of the Town of Chino Valley and made a part of this chapter, the same as though the code was specifically set forth in full herein; and at least 3 copies of the code shall be filed in the office of the Town Clerk and Community Development Department and be kept available for public use and inspection.~~

Section 2. Effective Date

The provisions of this Ordinance shall become effective at 12:01 A.M., on the 1st day of January, 2015.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 18th day of November, 2014 by the following vote:

AYES: _____
NAYS: _____

ABSENT: _____
ABSTAINED: _____

APPROVED this 18th day of November, 2014.

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-791 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 18TH DAY OF NOVEMBER, 2014, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2014.

Jami C. Lewis, Town Clerk

Chino Valley Fire District 2012 International Fire Code Amendments

CHAPTER 1

ADMINISTRATION

Section 101.1 Title is amended as follows:

These regulations shall be known as the Fire Code of *Chino Valley Fire District*, hereinafter referred to as "this code".

Section 105.6.2 Amusement building is amended as follows:

Amusement building *and events*. An operational permit is required for any amusement building or event.

Section 105.6.23 Hot work operations is amended as follows:

4. Hot work, *including grinding*, conducted within a wildfire risk area *during burn restrictions*.

Section 108.2 Limitations of authority is amended by adding:

Rulings by the Board of Appeals shall be binding upon the Fire District and the appellants. All rulings made by the Board of Appeals shall be only for the appellant and shall not be intended as a general change in this Code.

Section 109.4 Violation penalties is amended as follows:

Persons who violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or perform work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate obtained under provisions of this Code, shall be *found in violation and subject to penalties designated by the jurisdiction having authority*.

Section 111.4 Failure to comply is amended as follows:

Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, *shall be found in violation and subject to penalties designated by the jurisdiction having authority*.

CHAPTER 5

FIRE SERVICE FEATURES

Section 505.1 Address identification is amended as follows:

New and existing buildings shall have approved address numbers, building numbers or building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. *Larger numbers may be required by the fire code official to facilitate emergency response.*

Section 505.2.1 Conflicting road names is amended by adding a new section as follows:

Newly assigned street or road names shall not conflict with existing names and shall be approved by the fire code official.

CHAPTER 9

FIRE PROTECTION SYSTEMS

Section 901.2 Construction documents is amended by adding the following:

Automatic sprinkler system plans shall be submitted bearing a review certification and signature of a minimum level III NICET Certified Engineering Technician or Arizona registrant. Fire sprinkler plans for high-piled combustible storage occupancies shall require a registered fire protection engineer stamp. Fire alarm system plans shall be submitted bearing a review certification and signature of a minimum level III NICET Technician or Arizona registrant.

Section 901.6.2 Records is amended to read as follows:

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and *reports of system deficiencies* shall be forwarded to the authority having jurisdiction *within 10 business days*.

Section 903.2.1.1 Group A-1 is amended by changing item 1 to read as follows:

1. The fire area is 7,500 square feet or greater.

Section 903.2.1.3 Group A-3 is amended by changing item 1 to read as follows:

1. The fire area is 7,500 square feet or greater.

Section 903.2.1.4 Group A-4 is amended by changing item 1 to read as follows:

1. The fire area is 7,500 square feet or greater.

Section 903.2.3 Group E is amended as follows:

An automatic sprinkler system shall be provided for all Group E occupancies.

Exception: A day care facility with less than 11 children in a private residence.

Section 903.2.4 Group F-1 is amended as follows:

Section 903.2.4 Group F *An automatic sprinkler system shall be provided throughout all buildings containing Group F occupancies where one of the following conditions exists:*

1. The fire area is 7,500 square feet or greater.
2. The fire area is located more than two stories above grade.
3. A Group F occupancy used for the manufacture of upholstered furniture or mattresses exceeding 5,000 square feet.

Section 903.2.6 Group I is amended by changing exceptions 3 and 4 to read as follows:

3. An automatic sprinkler system is not required where day care facilities are at the level of exit discharge, where every room where care is provided has a least one exterior exit door and *where the fire area is less than 7,500 square feet.*
4. *In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic fire sprinkler system shall be installed through all levels of the building.*

Section 903.2.7 Group M is amended by changing items 1-3 to read as follows:

1. The Group M fire area is 7,500 square feet or greater.
2. The Group M fire area is located more than two stories above grade.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 7,500 square feet.

Section 903.2.7.1 High-piled storage is amended by adding:

The automatic fire sprinkler system shall be designed by a fire protection engineer.

Section 903.2.8 Group R is amended by adding exceptions 1 and 2 to read as follows:

Exception 1. Group R-3 one and two family dwellings, occupied as single family units, less than 7,500 square feet livable space unless more than two stories above grade. The calculated area shall include all livable and unfinished space, the area of any attached garage, and concealed or accessible spaces intended for storage use and/or future living space. Perimeter decks or outdoor living space is not calculated in the 7,500 square feet threshold requirement.

Exception 2. Group R-3 care facilities within a dwelling unit for ten or fewer persons.

Section 903.2.9 Group S-1 is amended by changing Group S-1 to Group S and changing items 1, 2 and 3 to read as follows:

Section 903.2.9 Group S

1. The Group S fire area is 7,500 square feet or greater.
2. The Group S fire area is located more than two stories above grade.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 7,500 square feet.

Section 903.2.9.1 Repair Garages is amended by changing items 1 and 2 to read as follows:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 7,500 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 7,500 square feet.

Section 903.2.10 Group S-2 enclosed parking garages is amended by changing item 1 to read as follows:

1. Where the fire area of the enclosed parking garage exceeds 7,500 square feet.

Section 903.2.13 Group B is an added section:

An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy where one of the following conditions exists:

1. *Where a Group B fire area is 7,500 square feet or greater.*
2. *Where a Group B fire area is located more than two stories above grade.*

Section 903.2.14 Group U is an added section:

An automatic sprinkler system shall be provided throughout all buildings containing a Group U occupancy 7,500 square feet or greater as determined by the fire code official.

Section 903.3.1.1.1 Exempt Locations is amended by deleting item number 4.

Section 903.3.1.3.1 Garages is amended by adding the following section:

Sprinklers are required in all attached garages and workshops.

Section 903.3.5 Water supplies is hereby amended by adding:

The water data for hydraulic calculations shall be based upon 85 percent of the available water supply as determined by flow test information.

CHAPTER 11

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Section 1103.5 Sprinkler systems is amended by adding the following subsections:

Section 1103.5.3 Building Addition. *A sprinkler system is required throughout the building when any addition increases the total floor area to 7,500 square feet or greater.*

Exception: R-3 Occupancies.

Section 1103.5.4 Change of Use. *A sprinkler system is required throughout the building when any change of use or occupancy occurs to a portion of the building to a more hazardous occupancy or as determined by the Fire Code Official.*

Section 1103.5.5 Group A-1, A-3, and A-4 Addition. *A sprinkler system is required throughout the building when any addition to existing assembly occupancies increases the occupant load to more than 300.*

Section 1103.5.6 Group A-2 Addition. *A sprinkler system is required throughout the building when any addition to existing assembly occupancies increases the occupant load to more than 100.*

Section 1103.5.7 Group E. *A sprinkler system is required throughout the building for Group E occupancies.*

Exception: Child day care facilities for more than five but no more than 10 children in a single-family residence.

Section 1103.5.8 Group R-3 Care Facilities. *A sprinkler system is required throughout the building in a single-family residence wherein ten or more persons receive care.*

Section 1103.5.9 Vacant Buildings. *A sprinkler system is required throughout the building when any A, E, or I occupancy that has been vacant for more than 18 months requests to resume as the same occupancy classification.*

Section 1103.5.10 Fire Wall Breach. *A sprinkler system is required throughout the building when any modification or alteration to an existing building, with a total floor area of 7,500 square feet or greater, breaches or removes a required fire rated wall assembly.*

Section 1103.7 Fire Alarm Systems is amended by adding the following subsections:

Section 1103.7.8 Non-Monitored Sprinkler System. *A fire alarm system shall be installed throughout the building when an existing, non-monitored fire sprinkler system is modified by 20 or more sprinkler heads.*

Section 1103.7.9 Sprinkled Building Fire Alarm Requirement. *An approved fire alarm system shall be installed in existing buildings when a fire sprinkler system is provided.*

CHAPTER 56

EXPLOSIVES AND FIREWORKS

Section 5601.2.4 Financial Responsibility is amended as follows:

Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 (*one million dollars*) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Section 5601.2.4.1 Blasting is amended as follows:

Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in the amount of \$1,000,000 (*one million dollars*) in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting.

Section 5601.2.4.2 Fireworks Display is amended as follows:

Before approval for a display is issued, the permit holder shall furnish a bond or certificate of insurance in the amount of \$1,000,000 (*one million dollars*) per occurrence for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors to indemnify the jurisdiction against any and all damages arising from permitted fireworks displays.

CHAPTER 80

REFERENCED STANDARDS

Part VI-Referenced Standards is amended to add the following:

Add the document known as Central Yavapai Fire District "Fire Protection Standards" for Builders, Developers, Engineers & Architects.

APPENDIX A

Section A101.2 Membership is amended as follows:

The membership of the board shall consist of five voting members that have the qualifications established by this section and *reside within the boundaries of the Fire District*. In the event that it is not practical to find members as required by this section, the Fire Code official reserves the right to relax the qualifications as to create a valid professional board to serve this jurisdiction. *Prospective members shall apply to the Fire Marshal of the jurisdiction, subject to confirmation by a majority vote of the Fire District Fire Board*. Members shall serve without remuneration or compensation, and shall be removed from office prior to the end of their appointed terms only for cause.

Section A101.3 Terms of Office is deleted.

Section A101.3.1 Initial Appointments is deleted.

Section A101.5 Secretary of Board is amended as follows:

The fire code official or his designee shall act as Secretary of the Board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote.

APPENDIX B

Table B105.1 Minimum Required Fire Flow and Flow Duration for Buildings is amended by adding Footnote c as follows:

Footnote c: In special circumstances, where the municipal or rural water supply will not provide the required 1,500 gpm, the fire code official may accept a lesser amount. This amount shall never be less than 1,000 gpm.

APPENDIX D

Section D103.2 Grade is amended as follows:

Fire apparatus access roads shall not exceed 12 percent grade.

The exception is deleted and replaced as follows:

Exception: *The fire code official may permit the access road grade to increase, but shall not exceed 15 percent if fire sprinkler protection is installed.*

Section D103.3 Turning Radius is amended as follows:

The minimum turning radius shall be 28' (twenty eight feet) inside and 50' (fifty feet) outside diameter for all fire department access roads and parking lots.

**2012 International Fire Code
Occupancy Classifications**

Group A-Assembly

- A-1 Theaters
- A-2 Restaurants and bars
- A-3 Churches, Museums, Libraries, etc.
- A-4 Indoor sporting events
- A-5 Stadiums

Group B-Business

Group E-Educational

Group F-Factory Industrial

Group H-High Hazard

Group I-Institutional

Group M-Mercantile

Group R-Residential

- R-1 Hotels
- R-2 Apartments
- R-3 One and two family dwellings
- R-4 Assisted Living

Group S-Storage, repair garages

Group U-Miscellaneous accessory structures

CHINO VALLEY FIRE DISTRICT PERMIT AND FEE SCHEDULE

PLAN REVIEW FEES

Fire Alarm Systems

Commercial (minimum \$250)	\$.02 per square foot
Modifications	\$100

Sprinkler Systems

Commercial (minimum \$300)	\$.02 per square foot
Modifications	\$150
Residential 13D	\$150

Alternative Fire Extinguishing Systems..... \$200

Underground Fire Mains, Remote Fire Dept Connections \$120

Commercial Cooking Equipment, Spray Booths, Spray Rooms \$150

Fire Pumps \$250

PERMIT FEES

Blasting (\$1,000,000 insurance required) \$50

Fireworks (\$1,000,000 insurance required)

Plan Review \$150

Personnel Standby (per person)..... \$50 per hour

Aboveground Fuel Storage – Flammable and Combustible Liquids \$100

LPG Tanks Greater Than 500 Gallons \$100

Amusement Buildings \$150

Special Events

Plan Review \$150

Personnel Standby (per person)..... \$50 per hour

OTHER FEES

Fire Investigation Reports..... \$20

Photo Discs \$10

After Hours Inspections (per person, two hour minimum)..... \$50

Fire Watch Standby Personnel (per person, two hour minimum)..... \$50

For more information

**CHINO VALLEY FIRE DISTRICT
1133 W ROAD 3 NORTH
CHINO VALLEY AZ 86323
(928) 636-2442**

All references are to the 2012 International Fire Code with local amendments.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. e.

Meeting Date: 11/18/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: Prescott Airport and Town of Chino Valley

AGENDA ITEM TITLE:

Report by Councilmember Mike Best and possible action regarding a report from the Council Public Safety Subcommittee pertaining to noise pollution from the Prescott Airport and airport expansion plans.

RECOMMENDED ACTION:

Direction to the Public Safety Subcommittee or Town staff.

SITUATION AND ANALYSIS:

During the September 23 Call to the Public, Al Gibbons submitted an agenda item request, asking Council to issue an opinion with regard to noise pollution from the Prescott Airport, as well as airport expansion plans.

On October 14, Councilmember Best reported that as the FAA had designated the Town as a noise sensitive area, he was writing a letter to the FAA for more information; and he and Mayor Marley recommended that the matter be referred to the Public Safety Committee for further research, review, and recommendation.

Council voted to refer the matter to the Public Safety Subcommittee and report back in a month.

Fiscal Impact

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. f.

Meeting Date: 11/18/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion and possible action regarding Council's procedure for appointing members to the Planning and Zoning Commission.

RECOMMENDED ACTION:

Direction to staff and/or Council Appointments Subcommittee.

SITUATION AND ANALYSIS:

Issue Statement

Currently, Council's involvement in the process for appointing members to the Town's public bodies is as follows:

- Staff initiates recruitment and accepts applications for the various public bodies.
- The Council Appointments Subcommittee reviews the applications, interviews applicants in some cases, and makes recommendations to Council for appointments.
- Council reviews the Subcommittee's recommendation and votes on the matter; they may also send selected appointments back to the Subcommittee for further review or to conduct interviews.

In the past, as councils changed, so had the procedure for appointing members to public bodies. Generally, the process has been done three ways:

- the Subcommittee bases its recommendation upon a review of the application alone;
- the Subcommittee bases its recommendation upon review of the application and applicant interviews; and
- the Council as a whole interviews all or selected applicants and makes a decision without the Subcommittee's involvement.

Since June 2013, the current Subcommittee has made recommendations based on applications alone or application and interviews; the whole Council conducted no interviews. Since the Planning & Zoning

Commission ("Commission"), in particular, deals with certain technical and legal matters, it has been suggested that Council discuss the possibility of:

- Directing staff to develop a "job description" for prospective Commissioners, with specific requirements for candidacy that can be used during recruitment and interviews (sample language is attached).
- Changing the appointment process and setting specific parameters for such process, such as requiring the Subcommittee to interview all prospective candidates for Commissioner or determining that the whole Council should interview Commission applicants.

Applicable "Policy"

- Town Code § 30.071 - Gives Council the authority generally to create public bodies in general, determine their consistency and duties, and such bodies exist at the pleasure of the Council.
- Unified Development Ordinance § 1.4 - Establishes the Commission with seven members, who serve at the pleasure of the Council.
- A.R.S. § 9-461.02 - Provides that the Commission's creation be enacted by local ordinance and shall have at least five members.

Satisfaction of "Policy"

Council has the authority to change its procedure for appointments.

Summary of Issues and Staff Rationale

N/A

Findings of Fact

- The Council has the authority to change procedures for appointments to public bodies, and the Commission specifically.
- The Mayor and Vice-Mayor desired a discussion regarding the Commission appointment process so that they may instruct staff and the Subcommittee on a preferred procedure for appointing applicants to the Planning and Zoning Commission.

Fiscal Impact

Attachments

Commissioner position description for classified ad

SAMPLE COMMISSIONER POSITION DESCRIPTION

The Commission makes recommendations to the Town Council regarding planning, zoning, and other land use matters. Qualified appointees will have knowledge of Planning and Zoning, development, real estate, or related experience. Appointees must also have completed the Chamber of Commerce Citizen's Academy or complete it within twelve (12) months of appointment. The ability to read and comprehend ordinances, specific plans, and General Plans within the confines of the authority of the Commission is paramount. The Commission meets at 6:00 p.m. on the first Tuesday of each month. The term of office is three years.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **8. a.**

Meeting Date: 11/18/2014
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Executive
Estimated length of Staff Presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Pursuant to A.R.S. § 38-481.03(A)(1) for discussion or consideration of employment, assignments, appointment, promotion, dismissal, salary of Town Manager Robert Smith, and pursuant to A.R.S. § 38-481.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding the contract with Town Manager Robert Smith. (Mayor and Council)

SITUATION & ANALYSIS:

N/A

Attachments

No file(s) attached.