

Requesting Department:
Community Development



TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: JOHN KROSS, TOWN MANAGER

**FROM: CHRIS ANARADIAN, COMMUNITY DEVELOPMENT DIRECTOR
MICHAEL WILLIAMS, BUILDING SAFETY DIVISION MANAGER**

RE: CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 969-13 AND ORDINANCE 539-13 TO AMEND THE TOWN CODE, CHAPTER SEVEN, ARTICLE 1 "ADMINISTRATION" AND ARTICLE 2 "AMENDMENTS" ADOPTING NEW BUILDING CONSTRUCTION CODES AND STANDARDS BY REPEAL OF EXISTING ARTICLE 1 AND ARTICLE 2 AND ADOPTION OF NEW ARTICLES; REPEALING ALL ORDINANCES OF THE TOWN OF QUEEN CREEK IN CONFLICT THEREWITH AND SETTING AN EFFECTIVE DATE.

DATE: NOVEMBER 20, 2013

Staff Recommendation:

Staff recommends approval of Resolution 969-13 and Ordinance 539-13 to amend the town code, chapter seven, article 1 "administration" and article 2 "amendments" adopting new building construction codes and standards by repeal of existing article 1 and article 2 and adoption of new articles; repealing all ordinances of the Town of Queen Creek in conflict therewith and setting an effective date.

Relevant Council Goal(s):

KRA 8 goal 1 Bring forward changes to our zoning ordinance and development codes that clarify, identify and guide future development to meet the expectations of our community.

KRA 6 goal 3 Enhance the opportunities for queen creek businesses to be successful and amplify queen creek's reputation as a premier investment opportunity by adopting strategies and policies that provide for expedited permitting and support of existing businesses through marketing cooperatives.

Proposed Motion:

1. Move to approve resolution 969-13, declaring as a public record that certain document titled: Amendments to the Town Code, Chapter Seven “Building & Building Regulations”, Article 1 “Administration” and Article 2 “Amendments”, adopting new building construction codes and standards.
2. Move to approve Ordinance 539-13, adopting new building construction codes and standards by repeal of existing Article 1 and Article 2 and adoption of new articles; repealing all ordinances of the Town of Queen Creek in conflict therewith and setting an effective date.

Discussion:

Through the adoption of contemporary construction standards that are developed, recognized, and implemented commonly across the United States. Queen Creek will be able to establish minimum, uniform levels of acceptable construction practice, safety and sanitation.

Modern construction codes maintain a reasonable, minimum standard for fire and life safety within the community and mitigate factors that contribute to substandard or hazardous conditions that pose a risk to public health, safety or welfare

Adopting these modern construction codes contributes to the quality of life and standards of safety enjoyed and expected by those who chose to live, work, visit, and go to school in our community.

These outcomes are best summarized by the statement of intent found in our proposed building codes:

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

The codes being proposed for adoption include:

- International Building Code, 2012 edition
- International Residential Code, 2012 edition
- International Mechanical Code, 2012 edition
- National Electrical Code, 2011 edition
- Uniform Plumbing Code, 2012 edition
- International Fuel Gas Code, 2012 edition
- International Existing Building Code, 20012edition

- International Energy Conservation Code, 2012 edition
- International Property Maintenance Code, 2012 edition
- International Urban-Wildland Interface Code, 2012 edition
- International Fire Code, 2012 edition

These codes are updated every three years by the International Code Council through an open public process in which all stakeholders are encouraged to participate. Voting members of the International Code Council are comprised of building and fire officials from towns, cities, counties and state governments. Arizona currently has 137 governmental members and 432 appointed governmental voters as participants in the code development process of the International Code Council.

Code change recommendations may be submitted by any concerned individual or organization. These recommended changes are assigned to the applicable committee, and subsequent committee recommendations are then discussed and voted upon at the annual business meetings. Voting members are municipal employees who are the appointed representatives from building and fire departments across the United States.

The list of other municipalities in the region that have recently adopted the 2012 I Codes continues to grow and currently includes:

Avondale	Fountain Hills	Phoenix
Gilbert	Glendale	Pinal County
Chandler	Maricopa County	Scottsdale
El Mirage	Paradise Valley	Tucson
Flagstaff	Peoria	Youngtown

The Town’s Building Codes were first adopted in 1990 and subsequently updated in 1997, 1999, 2001, 2004 and 2008. The last update was based upon the 2006 International Codes, published by the International Code Council.

Many of these codes will have amendments, which are incorporated into the proposed Town Code. These amendments are either pre-existing from previous codes, recommendations from the; Arizona Building Officials (AZBO), the Small Business Alliance, the Home Builders Association of Central Arizona, MAG Building Codes Committee, Town of Gilbert, Pinal County and others. The goal is to keep amendments to a bare minimum yet still promote regional uniformity. The AZBO committee and MAG Building Codes Committee invited and received input from the local Homebuilders Associations, architects, engineers, contractors, and other interested parties while developing their recommended amendments. The MAG Building Codes Committee did endorse the use of their uniform set of amendments for the 2012 I Codes.

The Administrative chapters of most of these Codes have been consolidated into Section 7.1 of the Town Code in an effort to create consistent administration across each of the codes.

It is staff's recommendation that the Council allow ninety (90) days as a grace period before the Codes go into effect, similar to the grace period of previous adoptions. This will provide adequate time for builders and designers to prepare for the new requirements. This will also provide flexibility by allowing permits to be issued during this grace period under either the current 2006 I Codes or the 2012 I Codes as the project desires. Existing standard home plans will be updated to the 2012 I Codes between January 1, 2014 and July 1, 2014.

Fiscal Impact:

Minimal impact - some training of building inspectors and our plan reviewer has already been accomplished and will be supplemented with additional internal training. In addition, Salt River Project has extended our town the opportunity to receive free classes in the 2012 I Codes for inspectors, plan reviewers, contractors, architects and engineers.

Alternatives:

Council could choose to continue with the 2006 codes adopted by the Town in 2008.

Attachments:

1. Resolution 969-13
2. Ordinance 539-13
3. Exhibit A to Ordinance 539-13 & 969-13, entitled: *"Amendments to the Town Code, Chapter Seven "Building & Building Regulations", Article 1 "Administration" and Article 2 "Amendments", adopting new building construction codes and standards"*
4. Public Communication matrix.
5. Public Communications related to proposed code adoption.

RESOLUTION 969-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED: AMENDMENTS TO THE TOWN CODE, CHAPTER SEVEN "BUILDING & BUILDING REGULATIONS", ARTICLE 1 "ADMINISTRATION" AND ARTICLE 2 "AMENDMENTS", ADOPTING NEW BUILDING CONSTRUCTION CODES AND STANDARDS

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA:

Section 1: That the document attached hereto as Exhibit "A" titled: *Amendments to the Town Code, Chapter Seven "Building & Building Regulations", Article 1 "Administration" and Article 2 "Amendments", adopting new Building Construction Codes and Standards* is hereby declared to be a public record.

Section 2: That three (3) copies of Exhibit "A" are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of Queen Creek, Arizona, this 20th day of November, 2013.

FOR THE TOWN OF QUEEN CREEK

ATTESTED TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Fredda J. Bisman
Dickinson Wright/Mariscal Weeks,
Town Attorneys

ORDINANCE 539-13

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE, CHAPTER SEVEN, ARTICLE 1 “ADMINISTRATION” AND ARTICLE 2 “AMENDMENTS”, ADOPTING NEW BUILDING CONSTRUCTION CODES AND STANDARDS BY REPEAL OF EXISTING ARTICLE 1 AND ARTICLE 2 AND ADOPTION OF NEW ARTICLES; REPEALING ALL ORDINANCES OF THE TOWN OF QUEEN CREEK IN CONFLICT THEREWITH AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council deem it necessary, in order to protect the public health, safety and welfare and public and private property, to adopt certain rules and regulations controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of heating, cooling, ventilating, process piping, refrigerator systems, incinerator or other heat-producing appliance and to adopt certain rules and regulations to regulate the erection, construction, enlargement, alteration, repair, moving, removal, and demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings, structures, or premises, and

WHEREAS, the Town desires to bring uniformity to the building community and to promote the use of established construction procedures and materials; and

WHEREAS, International Codes have been designed to be used nationally across the United States in lieu of multiple regional codes; and

WHEREAS, these building codes have been supported by organizations such as the Arizona Building Officials, Inc., National Association of Homebuilders, FEMA and the American Institute of Architects; and

WHEREAS, the Town has deemed it necessary to allow for a ninety (90) day grace period after the adoption date of this ordinance before the new Codes go into effect, to allow builders, designers, and staff adequate time to prepare for the new requirements; and

WHEREAS, the codes and amendments being adopted herein were made public record by Resolution # 969-13;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Queen Creek, Arizona as follows:

Section 1: Town Code Chapter Seven “Building & Building Regulations”, Articles 1 and 2 “Administration” and “Amendments”, are hereby repealed in their entirety.

Section 2: That the certain document Titled *“Amendments to the Town Code, Chapter Seven “Building & Building Regulations”, Article 1 “Administration” and Article 2 “Amendments”, Adopting New Building Construction Codes and Standards”*, a copy of which is attached hereto as Exhibit “A” and which document was made public record by Resolution No. 969-13 of the Town of Queen Creek, Arizona, is hereby referred to, adopted, and made a part of the Town of Queen Creek Code as if fully set out in this Ordinance.

Section 3: The following listed publications are hereby adopted by reference and declared to be public records, as if fully set out at length in this Ordinance. Three copies of each publication are on file and are available for public use and inspection during normal business hours in the office of the Town Clerk.

International Building Code, 2012 edition
International Residential Code, 2012 edition
International Mechanical Code, 2012 edition
National Electrical Code, 2011 edition
International Plumbing Code, 2012 edition
International Fuel Gas Code, 2012 edition,
International Existing Building Code, 2012 edition
International Energy Conservation Code, 2012 edition
International Property Maintenance Code, 2012 edition
International Urban-Wildland Interface Code, 2012 edition
International Fire Code, 2012 edition

Section 4: To the extent of any conflict between other Town ordinances and this Ordinance, this Ordinance shall be deemed to be controlling.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or parts thereof.

Section 6: Any person violating any provision of this chapter shall be guilty of a Class One Misdemeanor.

Section 7: This Ordinance shall become effective 12:01 AM, December 20, 2013 for all permits applied for after December 31, 2013, except that applicants may submit applications and construction documents which depict compliance to the 2006 International Codes, as adopted and amended under Ordinance 426-08, until March 31, 2014.

Section 8: The Town Clerk is hereby directed to publish this adopting ordinance in full and to keep at least 3 copies of Exhibit A available to the public during regular business hours.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona this 20th day of November, 2013.

FOR THE TOWN OF QUEEN CREEK

ATTESTED TO:

Gail Barney, Mayor

Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

John Kross, Town Manager

Fredda J. Bisman
Dickinson Wright/Mariscal Weeks,
Town Attorneys

EXHIBIT "A"
TO ORDINANCE 539-13 and RESOLUTION 969- 13

AMENDMENTS TO THE TOWN CODE, CHAPTER SEVEN "BUILDING & BUILDING REGULATIONS", ARTICLE 1 "ADMINISTRATION" AND ARTICLE 2 "AMENDMENTS", ADOPTING NEW BUILDING CONSTRUCTION CODES AND STANDARDS

SECTION 7.1 - ADMINISTRATION

SECTION 7.1.1 - TITLE, SCOPE AND PURPOSE

7.1.1.1 Title. This section shall be known as the *Queen Creek Building and Building Regulations Administrative Code* of the Town of Queen Creek, hereinafter referred to as "This Code". This Administrative section shall apply to all of the Technical Codes referenced in 7.1.1.2, except as otherwise noted in this Section 7.1 and Section 7.2. If there are conflicts between sections, the more restrictive requirement will apply.

7.1.1.2 Scope. The provisions of this Administration section shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes and other building regulations of the Town as to the prescribed extent of each such reference. The provisions of "This Code" shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings, structures or premises.

The technical codes shall include all of the following codes. The codes and standards referenced in "This Code" shall be considered part of the requirements of the technical codes to the prescribed extent of each such reference.

- International Building Code, 2012 edition
- International Residential Code, 2012 edition
- International Mechanical Code, 2012 edition
- National Electrical Code, 2011 edition
- International Plumbing Code, 2012 edition
- International Fuel Gas Code, 2012 edition,
- International Existing Building Code, 2012 edition
- International Energy Conservation Code, 2012 edition
- International Property Maintenance Code, 2012 edition
- International Urban-Wildland Interface Code, 2012 edition
- International Fire Code, 2012 edition

7.1.1.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

7.1.1.3 Intent. The purpose of "This Code" is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength,

means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of "This Code". Although the Town's Building Official or other designated Town official is directed to obtain substantial compliance with the provisions of "This Code", a guarantee that all buildings, structures or utilities have been constructed in accordance with all the provisions of the code or other ordinances of the Town of Queen Creek is neither intended nor implied.

7.1.1.4 Technical codes. The technical codes listed in Section 7.1.1.2 and referenced elsewhere in "This Code" shall be considered part of the requirements of "This Code" to the prescribed extent of each such reference. Any references to codes other than listed in 7.1.1.4.1 through 7.1.1.4.11 shall be deleted and the codes listed in 7.1.1.4.1 through 7.1.1.4.11 inserted in lieu thereof. (Example: ICC Electrical Code would be replaced with National Electrical Code). Any reference to the International Zoning Code shall mean the current Town of Queen Creek Zoning Ordinance. Where references to private swimming pools, spas or hot tubs are indicated in "This Code", it shall be amended and the requirements shall meet Appendix G of the 2012 International Residential Code, as amended in Section 7.2.2.

7.1.1.4.1 Building Code. The provisions of the 2012 *International Building Code* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings, structures or premises.

7.1.1.4.2 Residential Code. The provisions of the 2012 *International Residential Code* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures. Such Dwellings and Townhouses shall be designated as R-3 occupancies.

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

7.1.1.4.4 Electrical Code. The provisions of the 2011 *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

7.1.1.4.5 Plumbing Code. The provisions of the 2012 *International Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Any references to a plumbing code or gas code within “This Code” shall mean the International Plumbing Code or International Fuel gas Code.

7.1.1.4.6 Fuel Gas Code. The provisions of the 2012 *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in “This Code”. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

7.1.1.4.7 Existing Building Code. The provisions of the 2012 *International Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.

Exception:

Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *International Building Code* or *International Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

7.1.1.4.8 Energy. The provisions of the 2012 *International Energy Conservation Code* shall be applied to all matters governing the design and construction of buildings for energy efficiency.

7.1.1.4.9 Property Maintenance Code. The provisions of the 2012 *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

7.1.1.4.10 Urban-Wildland Interface Code. The provisions of the 2012 *International Urban-Wildland Interface Code* shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

7.1.1.4.11 Fire Code. The provisions of the 2012 *International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the

hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

7.1.1.5 Definitions. Unless otherwise expressly stated, the following words or terms shall have the meaning as set forth in “This Code”. Definitions located in the technical codes are hereby incorporated into “This Code”.

Building Official - The officer or other designated authority charged with the administration and enforcement of “This Code” and the technical codes, or duly authorized representative. When the term or title administrative authority, Building Official, chief inspector, code enforcement officer, code official, gas official, plumbing official, mechanical official, responsible official, fire code official, or other similar designation is used in “This Code” or in any of the technical codes, it shall be construed to mean the Building Official.

Certificate of Compliance - A document issued by the Building Official indicating satisfactory compliance of a building or portion of a building, structure, electrical, gas, mechanical or plumbing system. This certificate can apply to various Town ordinances and the approved plans, and does not grant authority to occupy the building, structure or portion thereof prior to the issuance of a Temporary Certificate of Occupancy or a Certificate of Occupancy.

Certificate of Occupancy - A document issued by the Building Official upon completion of all required inspections and approval of all requirements associated with the project whether onsite or offsite. It is a control device employed to ensure that a building is not used or inhabited until such time as the building official has deemed it safe to do so.

Existing Building or Structure – A building or structure erected prior to the date of adoption of the code, or one for which a legal Certificate of Occupancy, or Town final approval, if no Certificate of Occupancy is required, has been issued.

Name of Jurisdiction - Any reference to the Jurisdiction within “This Code” shall mean the Town of Queen Creek, Arizona.

Revisions - Revisions are documents or other data submitted by applicants seeking to change the approved plans, for which a permit has been issued and remains in force, such that the scope of the original permit.

R-3 (IRC) Occupancies - Detached one- and two-family dwellings and townhouses not more than three stories above grade in height with a separate means of egress and their accessory structures regulated by the International Residential Code for One and Two-family Dwellings.

R-3 (IBC) Occupancies - Detached one- and two-family dwellings and townhouses more than three stories above grade in height with a separate means of egress and their accessory structures regulated by the International Building Code.

Shell Building - A permitted building or portion of, that when completed, cannot qualify for a Certificate of Occupancy.

Stand Alone Permits - Stand Alone Permits are those that involve separate plumbing, mechanical, electrical, fire protection or other work not included in a combination Permit for a building or structure. Stand Alone fees shall be as indicated in the currently adopted fee schedule.

Standard Plans - Plans approved and to be used in construction on a repetitive basis. Standard plans may include options allowing variations to the building design that may alter the interior and exterior appearance.

Temporary Certificate of Occupancy - A Certificate that is intended to acknowledge that some of the building features may not be completed even though the building is safe, or that a portion of the building can be safely occupied while work continues in another area. Temporary Certificates would be issued only when incidental construction remains, such as site work that is not necessary for the safety of people, whether employees or the general public. This Certificate precludes the occupancy of the building or structure that does not contain all of the required fire protection systems and means of egress.

SECTION 7.1.2 - APPLICABILITY

7.1.2.1 General. Where, in any specific case, different sections of “This Code” specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

7.1.2.2 Other laws. The provisions of “This Code” shall not be deemed to nullify any provisions of local, state or federal law.

7.1.2.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the specific code.

7.1.2.4 Referenced codes and standards. The codes and standards referenced in “This Code” shall be considered part of the requirements of “This Code” to the prescribed extent of each such reference. Where differences occur between provisions of “This Code” and referenced codes and standards, the more restrictive code shall apply.

7.1.2.5 Partial invalidity. In the event that any part or provision of “This Code” is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

7.1.2.6 Existing structures. The legal occupancy and any electrical, plumbing, mechanical or fire system of any structure existing on the date of adoption of “This Code” shall be permitted to continue without change, except as is specifically covered in “This Code”, the *International Property Maintenance 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.

It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any provision of “This Code” without approval of the Building Official. The Building Official shall verify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

7.1.2.7 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any mechanical, plumbing or electrical system shall conform to that required for a new system without requiring the existing system to comply with all the requirements of “This Code”. Additions, alterations or repairs shall not cause an existing system to become unsafe, unsanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are approved by the Building Official.

7.1.2.8 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, premises, system, or for the public safety, health and general welfare, not specifically covered by “This Code” shall be determined by the Building Official.

SECTION 7.1.3 - DUTIES AND POWERS OF BUILDING OFFICIAL

7.1.3.1 General. The Building Official is hereby authorized and directed to enforce the provisions of “This Code”. The Building Official shall have the authority to render interpretations of “This Code” and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of “This Code”. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in “This Code”.

7.1.3.2 Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits

have been issued, and enforce compliance with the provisions of “This Code” and other laws and ordinances of the jurisdiction.

7.1.3.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with “This Code” and other laws and ordinances of the jurisdiction to the prescribed extent of each such reference.

7.1.3.4 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

7.1.3.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under “This Code”.

7.1.3.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of “This Code”, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of “This Code”, and other laws and ordinances of the jurisdiction to the prescribed extent of each such reference, which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by “This Code” and other laws and ordinances of the jurisdiction to the prescribed extent of each such reference, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

7.1.3.7 Records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

7.1.3.8 Liability. The Building Official, member of the Board of Appeals or Town employee charged with the enforcement of “This Code”, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by “This Code” or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of “This Code” shall be defended by legal representative of the jurisdiction until the final

termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of "This Code".

7.1.3.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

7.1.3.9.1 Used materials and equipment. The use of used materials which meet the requirements of "This Code" for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

7.1.3.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of "This Code" or other pertinent law or ordinance, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative and appropriate fees paid, provided the Building Official shall first find that special individual reason makes the strict letter of "This Code" or other pertinent law or ordinance impractical and the modification is in compliance with the intent and purpose of "This Code" and other pertinent law or ordinance and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in accordance with Section 7.1.3.7.

7.1.3.11 Alternative materials, design and methods of construction and equipment. The provisions of "This Code" are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by "This Code", provided that any such alternative has been approved and the appropriate fees have been paid. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of "This Code", and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in "This Code" in quality, strength, effectiveness, fire resistance, durability and safety.

7.1.3.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in "This Code", shall consist of valid research reports from approved sources.

7.1.3.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of "This Code", or evidence that a material or method does not conform to the requirements of "This Code", or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in "This Code" or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency.

Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

7.1.3.12 Occupancy Violations. When a building, structure, premises or building service equipment regulated by “This Code”, the technical codes, or any other regulation within the jurisdiction is being used contrary to the provisions of “This Code”, or the technical codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall, after receipt of notice, discontinue the use within the time prescribed by the Building Official and make the building, structure, premises, or portion thereof, comply with the requirements of such codes.

7.1.3.13 Authority to Disconnect Utilities. In case of emergency, the Building Official or authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure, premise or building service equipment therein regulated by “This Code” or the technical codes where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such utility, owner and occupant of the building, structure, premise or building service equipment, in writing, of such disconnection immediately thereafter.

7.1.3.14 Unsafe Structures And Equipment

7.1.3.14.1 Conditions. Structures or existing equipment or systems that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

7.1.3.14.2 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

7.1.3.14.3 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

7.1.3.14.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

7.1.3.14.5 Restoration. The structure, premise or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of "This Code" to the prescribed extent of each such reference.

SECTION 7.1.4 - PERMITS

7.1.4.1 Permit Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by "This Code", or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Exception:

Entities that are, as a matter of law, immune from having to obtain a permit are exempt from the requirement to obtain permits unless agreed to in writing by both parties.

7.1.4.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit. The Annual Facilities Permit fees shall be as indicated within the currently adopted Permit Fee Schedule. The Building Official may develop a process and procedures for Annual Permits. The Building Official may suspend or revoke an Annual Facilities Permit when the facility fails to comply with any of the responsibilities of any provisions of "This Code" or the processes and procedures stipulated by the Building Official.

7.1.4.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall

be filed with the Building Official as designated. Annual Facilities Permit is not transferable.

7.1.4.1.3 Compliance with Other Town Code Provisions, When Required.

Building permits for construction of residences in new subdivisions shall not be issued until installation of all utilities, streets and other offsite improvements have been completed and accepted by the Town, except in those instances where the Building Official or a duly authorized representative, determines that phasing of utilities, streets and other selected offsite improvements are acceptable. When such phasing is desired, the utilities, streets, and other offsite improvements to be phased shall be approved in accordance with all Town-adopted Codes and Ordinances.

7.1.4.2 Work exempt from permit. Exemptions from permit requirements of “This Code” shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of “This Code” or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

7.1.4.2.1 International Building Code and the International Residential Code.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Fences not over 7 feet high unless required by any other laws or ordinances of this jurisdiction.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 Single Family Dwelling occupancies which are less than 18 inches (457 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one and two family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1773 mm) in height.
14. Flag poles and light poles not over 35 feet (10.67 m) in height.
15. Window replacement with same style window in same opening. Egress requirements must be maintained.

7.1.4.2.2 International Mechanical Code.

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by "This Code".
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

7.1.4.2.3 National Electrical Code.

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when the cord or cable is permitted by the adopted National Electrical Code.
2. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
3. The provisions of "This Code" shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
4. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
5. Repair or replacement of fixed motors, transformers, overcurrent devices, electrodes, transformers or approved appliances of the same type and rating in the same location.
6. Listed cord and plug connected temporary decorative lighting.
7. Repair or replacement of current-carrying parts of any switch, contactor or control device.
8. Reinstallation of plug receptacles, but not the outlets therefore.
9. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 27 volts and not capable of supplying more than 50 watts of energy.
10. The wiring for temporary theater, motion picture or television stage sets.
11. Low-energy power, control and signal circuits of Class II and Class III as defined by the Electrical Code.
12. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
13. Installation of temporary portable generators for special events.

7.1.4.2.4 International Plumbing Code.

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new

material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in "This Code".

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Replacement of electric water heating appliances of equal or less amperage rating and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.
4. Replacement of electric air-handling units, appliances, furnaces, and log lighters of equal or less amperage rating, and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.
5. Replacement of electric heaters, overhead radiant heaters, freestanding heaters, overhead heaters, of equal or less amperage rating, and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance. Any appliance or appurtenances equipped with required fire detection, fire notification or fire suppression systems will require a permit and inspections.
6. Water softeners.

7.1.4.2.5 International Fuel Gas Code.

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
4. Replacement of gas water heating appliances of equal or less BTU/CFH rating and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.
5. Replacement of gas pool and spa heating appliances of equal or less BTU/CFH rating, and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.
6. Replacement of gas air-conditioning units, direct-vented appliances, furnaces, and log lighters of equal or less BTU/CFH rating, and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.

7. Replacement of gas unit heaters, overhead radiant heaters, vented freestanding heaters, vented overhead heaters, direct gas-fired make-up air heaters, industrial air heaters, and furnaces of equal or less BTU/CFH rating, and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance.
8. Replacement of gas air-conditioning units and heat pumps of equal or less BTU/CFH rating, same toxicity and same flammability classification of refrigerants and minor modification to electrical, mechanical, and plumbing connections necessary to serve the new appliance. Any appliance or appurtenances equipped with required fire detection, fire notification or fire suppression systems will require a permit and inspections.

7.1.4.2.6 Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

7.1.4.2.7 Repairs.

Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

7.1.4.2.8 Public service agencies.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

7.1.4.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 7.1.5.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.
8. Licensing requirement. When the Town requires the issuance of a building permit as a condition precedent to the construction, alteration, improvement, demolition or repair of a building, structure or other improvement to real property other than a single family detached dwelling and its accessory structures, as part of the application procedures, the town shall require that each applicant for a building permit file a signed statement that the contractor is currently licensed under the provisions of this chapter with the contractor's license number and the privilege license number as required pursuant to ARS section 42-5005. All work performed on the premises shall be by licensed contractor(s) and the building permit shall be issued to a General Contractor licensed by the State of Arizona Registrar of Contractors when a building permit other than "Stand Alone Permits" is required.

Exception:

Permits for Single Family Detached Dwellings and their accessory structures may be issued to the owner if the structure, group of structures or appurtenances, including the improvements thereto, are intended for occupancy solely by the owner and are not intended for occupancy by members of the public as the owner's employees or business visitors and the structures or appurtenances are not intended for sale or for rent. In all actions brought under this exception, proof of the sale or rent or the offering for sale or rent of any such structure by the owner-builder within one year after final approval or issuance of a certificate of occupancy by the Town is prima facie evidence that such project was undertaken for the purpose of sale or rent.

7.1.4.3.1 Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of "This Code" and laws and ordinances of the Town, the Building Official shall issue a permit therefore as soon as practicable. A separate permit shall be issued for each building or structure. A

single Site Permit may be issued where the work associated with the site is relevant to the entire project. The Building Official shall determine the Site Permit scope of work.

7.1.4.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of acceptance, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated by the applicant. The Building Official shall determine justifiable cause.

7.1.4.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of “This Code” or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of “This Code” or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure or the premise where in violation of “This Code” or of any other ordinances of this jurisdiction.

7.1.4.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the permittee within 180 days after its issuance, or if more than 180 days elapses between required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 days. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new permit fee shall be paid based on the current fee schedule adopted by the Town.

7.1.4.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of “This Code” wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of “This Code” or any other ordinance of this jurisdiction.

7.1.4.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

7.1.4.8 Dust Control. Prior to the issuance of a permit, the owner or contractor causing or performing the work indicated within the permit, shall furnish a written plan, approved by Maricopa or Pinal County (if applicable), specifying the methods or means of controlling dust in accordance with County regulations concerning fugitive dust sources. For the purposes of this section, dust means all fugitive particulate matter as defined by applicable Maricopa or Pinal County fugitive dust regulations.

7.1.4.9 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems to comply with “This Code” or any other ordinances of this jurisdiction.

SECTION 7.1.5 - CONSTRUCTION DOCUMENTS

7.1.5.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction or the State of Arizona. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception:

The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with “This Code”.

7.1.5.1.1 Information on Construction Documents. Construction documents shall be dimensioned and drawn to scale upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of “This Code” and relevant laws, ordinances, rules and regulations of the jurisdiction, as determined by the Building Official or duly authorized Town representative.

The construction documents shall contain, at a minimum, a sheet(s) indicating the name, address and phone numbers of project owner(s), design professionals and contractors (if known). The sheet shall also contain information regarding the Code review as performed by the design professional, including the size of the building, type of construction and type(s) of occupancy, area and height modifications (If any), fire sprinklers (if any), and other information as directed by the Building Official.

7.1.5.1.2 Screening. Submittal documents may be subject to screening for administrative completeness prior to being accepted for permit review. Incomplete submittals shall be returned to the applicant without being accepted, unless otherwise directed by the Building Official.

7.1.5.1.3 Standard Plans. The applicant shall submit the site drawings, application, and other documents as required for permits to construct the approved Standard Plan in accordance with “This Code”, the technical codes and relevant laws, ordinances, rules and regulations.

7.1.5.1.4 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with “This Code” and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards.

7.1.5.1.5 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of “This Code”. The construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

7.1.5.1.6 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with “This Code”. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

7.1.5.1.7 Manufacturer’s Instructions. The construction documents shall include manufacturer’s installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

7.1.5.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, design flood elevations and any additional information required by the Building Official and Town Engineer; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official, in consultation with the Town Engineer, is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

7.1.5.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of “This Code” and other pertinent laws or ordinances.

7.1.5.4 Approval of construction documents. When the Town issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for

Code Compliance” or other such designation as required by the Town. One set of construction documents so reviewed shall be retained by the Building Official. A second approved set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized Town representative.

7.1.5.4.1 Previous approvals. “This Code” shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of “This Code” and has not been abandoned.

7.1.5.4.2 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of “This Code” or any other laws or ordinances of this jurisdiction. The holder of such permit for the foundation or other parts of a building, structure or premises shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

7.1.5.5 Design Professional in Responsible Charge. When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by “This Code”, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. The Building Official shall approve the individual or firm before inspections are conducted.

7.1.5.6 Deferred Submittals. For the purposes of “This Code”, deferred submittals are defined as those portions of the design that are not submitted at the time of the initial accepted application and that are to be submitted to the Building Official within a specified period thereafter.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official, the appropriate fees are paid and the permits issued.

All deferred submittals shall be subject to the same plan review and approval process as the original accepted permit application and the work associated with the deferral for the project shall not commence before approval of the deferred submittal.

Deferred submittals do not constitute the phasing of construction permits but may constitute a revision to the original permit or application if the deferred submittal involves changes in the design or work meeting the definition of a revision.

7.1.5.7 Revised Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

7.1.5.7.1 Revisions to Construction Documents. The project owner or owner's representative may submit revisions to or modifications of the application or the construction documents at any time prior to the final completion of the work. Such revision shall be subject to the same plan review and approval process as the original accepted permit application. Revisions are documents or other data submitted by applicants seeking to change the approved plans, for which a permit has been issued and remains in force, such that the scope of the original permit is not expanded. Upon approval, revised/modified documents shall supersede and shall be incorporated into the original submission or permit documents. Such approved revisions shall not constitute a new permit request.

7.1.5.8 Retention of Construction Documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days, from date of final approval or issuance of a Certificate of Occupancy of the permitted work, or as required by state or local laws.

SECTION 7.1.6 - TEMPORARY STRUCTURES AND USES

7.1.6.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but

shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

7.1.6.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of “This Code” and all other ordinances of the Town for temporary uses as necessary to ensure the public health, safety and general welfare.

7.1.6.3 Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion or occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Town’s *Electrical Code*.

7.1.6.4 Termination of approval. The Building Official is authorized to revoke such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 7.1.7 - FEES

7.1.7.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall a revision to a permit be released until the additional fee, if any, has been paid. A fee for each permit shall be paid as required, in accordance with the currently adopted fee schedule as established by the Town. Permit fees shall be paid at the time of issuance of a permit.

7.1.7.2 Building permit valuations. The applicant for a permit shall provide an estimated construction valuation at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.

For the purposes of determining final valuations for new buildings, the building valuation data as indicated in the most currently adopted fee schedule shall be used. When a foundation-only permit is authorized by the Building Official, it shall be permitted to include the foundation, interior underground utilities and any interior slab-work when so specified.

Any valuation not specifically provided for shall be classified in the use and construction it most nearly resembles.

7.1.7.3 Work commenced before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or approvals shall be subject to an “Unauthorized Construction” fee in addition to the required permit fees. The fee shall be in accordance

with the currently adopted fee schedule as established by the Town. This “Unauthorized Construction Fee” is in addition to the permit fee and shall be assessed whether or not a permit is then or subsequently issued.

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

7.1.7.5 Refunds. The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected. The Building Official shall be permitted to authorize refunding of the permit fee paid when no work has been done under a permit issued in accordance with “This Code”. The Building Official shall be permitted to authorize refunding of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The amount of refunds shall be as indicated under the currently adopted fee schedule.

The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permit holder.

7.1.7.6 Plan review fees. Plan review fees shall be as per the currently adopted fee schedule. Any submittals that require third or subsequent reviews shall be charged an additional plan review fee in accordance with the Town’s adopted fee schedule. The estimated plan review fee shall be collected at the time of initial plan acceptance for review and any subsequent review.

Exception:
Plan review fees of \$100 or less.

After the plan review has been completed, if the permit has not been issued and expiration of the plan review time period has passed as noted in Section 7.1.4.3.2, the plan review fees shall become due and payable.

SECTION 7.1.8 – INSPECTIONS

7.1.8.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of “This Code” or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of “This Code” or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the permit holder to provide an approved property address, including the number and street address, at all construction sites. Such temporary premises identification shall be clearly visible from the street or roadway fronting the property, shall be installed prior to the first inspection, and shall be maintained until the permanent premises identification is installed and approved.

7.1.8.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. Inspection fees shall be in accordance with the currently adopted fee schedule.

7.1.8.3 Required inspections. The Building Official, upon notification, shall make the inspections set forth in Sections 7.1.8.3.1 through 7.1.8.3.10.

7.1.8.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel and ufer is in place. For concrete foundations, any required forms shall be in place prior to inspection.

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

7.1.8.3.3 Lowest floor elevation. The elevation certificate required in "This Code" or any other Town ordinance or requirements shall be submitted when required by the Building Official or Town Engineer.

7.1.8.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place, pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, mechanical, wires, pipes and ducts are installed and after the roof is loaded with the roof covering material or material that would equal the weight of the finished roofing material. Roof decking or sheathing may be inspected before the roof covering or material of equal weight is applied.

7.1.8.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception:

Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

7.1.8.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

7.1.8.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with “This Code” and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency. The Building Official is authorized to accept reports verifying the above requirements.

7.1.8.3.8 Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of “This Code” and other laws of the jurisdiction.

7.1.8.3.9 Special inspections. Special inspections and structural observations shall be conducted as required by “This Code” or as required by the Building Official. Special inspection approval shall be documented by the designated special inspection agency and submitted to the Town at or before the final inspection.

7.1.8.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

7.1.8.4 Special inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

7.1.8.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by “This Code”.

7.1.8.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with “This Code”. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official. There shall be a final inspection and approval of all construction authorized by the permit when the work is completed and prior to any occupancy or use.

7.1.8.7 Gas Certificate. If, upon final gas piping inspections, the installation is found to comply with the provisions of “This Code”, the technical codes and any other requirements of the jurisdiction, a certificate of inspection shall be issued by the Building Official. The serving gas supplier to the premises shall be notified of the approval. It

shall be unlawful for any serving gas supplier, or person furnishing gas, to turn on, or cause to be turned on, any fuel gas or any gas meter or meters, until such certificate of final inspection has been issued. The certificate of inspection shall be of any form approved by the Building Official.

7.1.8.8 Electrical Certificate. If, upon final electrical inspections, the installation is found to comply with the provisions of “This Code”, the technical codes and any other requirements of the jurisdiction, a certificate of inspection shall be issued by the Building Official. The serving electrical supplier to the premises shall be notified of the approval. It shall be unlawful for any serving electrical supplier, or person furnishing electric, to turn on, or cause to be turned on, any electrical system or any electrical meter or meters, until such certificate of final inspection has been issued. The certificate of inspection shall be of any form approved by the Building Official.

SECTION 7.1.9 - CERTIFICATE OF OCCUPANCY/COMPLIANCE

7.1.9.1 Use and Occupancy. No building, structure or premise shall be used, occupied or open to the public, in whole or in part, and no change in the existing occupancy classification of a building, premise, structure or portion thereof shall be made until the Building Official has issued a temporary, partial or a full Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval to violate or cancel the provisions of “This Code” or of other ordinances of the jurisdiction.

7.1.9.2 Certificate of Occupancy. After the Building Official inspects the building or structure and finds no violations of the provisions of “This Code”, other laws and any other requirements of the jurisdiction associated with the project whether onsite or offsite, the Building Official shall issue a Certificate of Occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. A description of that portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of “This Code” for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
5. The name of the Building Official or authorized representative.
6. The edition of the code under which the permit was issued.
7. The use and occupancy.
8. The type of construction.
9. The design occupant load.
10. If an automatic sprinkler system is provided, whether the sprinkler system is required.
11. Any special stipulations and conditions of the certificate.

Exception:

A single family, detached dwelling unit, designated as an R-3 occupancies, and its accessory structures, regulated under the International Residential Code unless specifically requested by the permit holder or owner.

7.1.9.3 Temporary or Partial Occupancy. The Building Official is authorized to issue a temporary or partial Certificate of Occupancy before the completion of the entire work covered by or associated with the permit, provided that such portion or portions shall be occupied or used safely. The Building Official shall set a time period during which the temporary Certificate of Occupancy is valid. The Building Official may revoke the Certificate of Occupancy for just cause.

7.1.9.4 Letter of Compliance. After the Building Official or designee inspects the building or structure and finds no violations of the provisions of "This Code" or of related land use and public health ordinances, rules and regulations, the Building Official may issue a Letter of Compliance. Such Letter of Compliance certifies that the work performed under the permit has been satisfactorily completed at the time of the inspection. The Letter of Compliance does not authorize the occupancy of the building or structure.

7.1.9.5 Revocation. The Building Official is authorized to, in writing, suspend or revoke a Certificate of Occupancy, Temporary Certificate of Occupancy or Partial Certificate of Occupancy issued under the provisions of "This Code" wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of "This Code" or ordinances of the jurisdiction.

7.1.9.6 Posting. The Certificate of Occupancy or the Temporary Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

Exception:

Single family, detached dwelling unit and its accessory structures.

SECTION 7.1.10 - SERVICE UTILITIES

7.1.10.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by "This Code" for which a permit is required, until authorized by the Building Official.

7.1.10.2 Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

7.1.10.3 Authority to Disconnect Service Utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, premise,

structure or system regulated by “This Code” and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, premise, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 7.1.11 - BOARD OF APPEALS

7.1.11.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of “This Code”, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the Town Council and shall hold office at its pleasure. The Board may adopt rules of procedure for conducting its business.

7.1.11.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of “This Code” or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of “This Code” do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of “This Code”.

7.1.11.3 Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

7.1.11.4 Administration. The Building Official shall take action in accordance with the decision of the Board.

SECTION 7.1.12 - VIOLATIONS

7.1.12.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, premises or equipment regulated by “This Code”, or cause same to be done, in conflict with or in violation of any of the provisions of “This Code” or any other laws or ordinances of this jurisdiction.

7.1.12.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of “This Code”, or in violation of a permit or certificate issued under the provisions of “This Code”. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

7.1.12.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the

jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of "This Code" or of the order or direction made pursuant thereto.

7.1.12.4 Violation penalties. Any person who violates a provision of "This Code" or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of "This Code", shall be subject to penalties as prescribed by law. The violations of "This Code" are in addition to any other violation established by law.

SECTION 7.1.13 - STOP WORK ORDER

7.1.13.1 Authority. Whenever the Building Official finds any work regulated by "This Code" is being performed in a manner either contrary to the provisions of "This Code", or if such work is dangerous or unsafe, the Building Official is authorized to issue a stop work order.

7.1.13.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

7.1.13.3 Unlawful continuance. Any person who shall continue 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 subject to penalties as prescribed by law.

SECTION 7.1.14 - UNSAFE STRUCTURES AND EQUIPMENT

7.1.14.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be demolished and removed or made code compliant, as the Building Official deems necessary and as provided for in "This Code" or other ordinances or regulations of this jurisdiction. A vacant structure that is not secured against entry shall be deemed unsafe.

7.1.14.2 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be

demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the notice.

7.1.14.2.1 Method of service. Such notice shall be deemed properly served if a copy thereof is:

1. Delivered to the owner personally, or;
2. Sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested, or;
3. Delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

7.1.14.3 Imminent Danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building, equipment or system that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to remove such notice, to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

7.1.14.4 Temporary Safeguards. Notwithstanding other provisions of "This Code", whenever, in the opinion of the Building Official, there is imminent danger due to an unsafe condition, the Building Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as deemed necessary to meet such emergency.

When necessary for public safety, the Building Official shall work closely with other public safety agencies and may temporarily close structures and order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

7.1.14.5 Emergency Repairs. When a condition of imminent danger exists, the Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The Town shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of costs incurred for emergency repairs.

7.1.14.6 Records. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

7.1.14.7 Restoration. The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a code compliant condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 7.1.4 and “This Code”.

7.1.14.8 Hazard Marking System. The Building Official, in conjunction with other public safety agencies, shall establish a hazard identification marking system to provide personnel responding to a fire or other emergency with a visual identification marking that the property is vacant, abandoned, or unsafe.

SECTION 7.2 AMENDMENTS

7.2.1 Amendments to the International Building Code

The following provision of the International Building Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, “Administration”, is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Chapter 2, Definitions.

Chapter 2 “Definitions”, is hereby amended by adding the following definitions:

PERSONAL CARE SERVICE The care of persons who do not require medical care. Personal care involves responsibility for the safety of persons while inside the building. Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

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

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.

ASSISTED LIVING FACILITY A residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

ASSISTED LIVING CENTER An assisted living facility that provides resident rooms or residential units to eleven or more residents.

ASSISTED LIVING HOME An assisted living facility that provides resident rooms to ten or fewer residents.

Chapter 3, Use and Occupancy Classification.

Sections 308.3, 308.4, 310.2, and 310.6 are amended to read as follows:

INSTITUTIONAL GROUP I

308.3 Institutional Group I-1. This occupancy shall include buildings, structures or portions thereof for more than 16 persons who reside on a 24 hour basis in a supervised environment, receive *custodial care*, and are capable of self-preservation. This group shall include, but not be limited to, the following:

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

308.3.1 Five or fewer persons receiving care. A licensed care facility such as above with five or fewer persons receiving care shall be classified as a Group R-3 and shall comply with the International Residential Code.

308.3.2 Six to Ten Persons Receiving Care. A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, may be classified as Group R-4.

308.4 Institutional Group I-2. This occupancy shall include buildings and structures used for *medical care* on a 24-hour basis for more than five persons who are *incapable of self-preservation*. This group shall include, but not be limited to, the following:

Foster care facilities
Detoxification facilities
Hospitals
Nursing homes
Assisted Living Centers
Psychiatric hospitals

308.4.1 Five or fewer persons receiving care. A licensed care facility such as above with five or fewer persons receiving care shall be classified as a Group R-3 and shall comply with the International Residential Code.

SECTION 310

310.2 Definitions The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY
ASSISTED LIVING CENTER
ASSISTED LIVING HOME
BOARDING HOUSE
CONGREGATE LIVING FACILITIES.
DIRECTED CARE SERVICES
DORMITORY
GROUP HOMES
PERSONAL CARE SERVICE
SUPERVISORY CARE SERVICES
TRANSIENT

Section 310.6 Residential Group R.

Replace text with the following language:

310.6 Residential Group R-4. A licensed care facility for more than 5 but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*, within a single-family dwelling. The persons receiving care are capable of self-preservation, except as provided for *assisted living homes*. This group shall include, but not be limited to, the following:

Alcohol and drug centers
Assisted living facilities
Assisted living homes
Congregate care facilities
Convalescent facilities
Group homes

Halfway houses
Residential board and *custodial care* facilities
Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 and Section 425.

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

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

Chapter 4, Special Detailed Requirements based on Use and Occupancy.

Sections 406.3.4 is amended and a new Section 425 is added, as follows:

Section 406.3.4 Separation.

Add the following paragraph:

4. In buildings protected with an automatic fire sprinkler system, including the private garage, the room finish materials of the garage shall be permitted to be a minimum 1/2-inch (12.7 mm) gypsum board applied to the garage side.

Section 425 Residential Care/Assisted Living Homes.

Add a new Section 425 as follows:

SECTION 425 RESIDENTIAL CARE/ASSISTED LIVING HOMES

425.1 Applicability. The provisions of this section shall apply to a building or part thereof housing not more than 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 licensed care services.

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

425.2 General. Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

425.3 Special Provisions. R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

425.3.1 Mixed Uses. R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

425.4 Access and Means of Egress Facilities

425.4.1 Accessibility. R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

425.4.2 Exits

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

Exception:

Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

425.4.2.2 Distance to Exits. The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

425.4.2.3 Emergency Exit Illumination. In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

425.4.2.4 Emergency Escape and Rescue. R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

425.4.2.5 Delayed Egress Locks. In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1, 2, 4, 5, and 6.

425.5 Smoke Alarms and Sprinkler Systems.

425.5.1 Smoke Alarms. R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

425.5.2 Sprinkler Systems. R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve

and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

Chapter 5, General Building Heights and Areas.

Section 501.2 is amended to read as follows:

Section 501.2 Premises identification.

Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters or per the Town Code, whichever is the more restrictive. Numbers shall be the minimum size required by the Fire Department or other Town requirements, whichever is more restrictive.

Chapter 9, Fire Protection Systems.

Sections 903.2 through 903.2.11.3 are deleted in their entirety and amended as follows:

903.2 Where required. All new building and structures shall be provided with an automatic sprinkler throughout.

Exceptions:

1. Detached single family dwellings, Group R-3 and their associated detached accessory structures not including Group R-4.
2. Detached telecommunication buildings not exceeding 600 square feet in floor area and not intended for occupancy other than maintenance purposes.
3. Detached accessory use structures such as gazebos, ramadas, guardhouses, restroom buildings at golf courses, parks and similar uses.
4. Detached canopies of type I or II construction not exceeding 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
5. Fire rated fabric shade canopies of type I or II framing construction not in excess of 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
6. Portable storage containers of type I or II construction not in excess of 360 square feet located a minimum of 10 feet from buildings structures, property lines and other containers, with no hazardous materials storage.

7. Factory built buildings less than 1,500 square feet used as temporary offices for real estate leasing or construction management and not to exceed 12 months from installation date.

8. Detached U occupancies of less than 3,000 square feet and located a minimum of 10 feet from buildings, structures and property lines.

9. Covered walkways of type I or II construction with no combustible storage underneath and approved by the fire code official.

903.2.1 Additions to Existing Buildings and Structure. Added as follows:

All additions to existing buildings or structures and all buildings or structures that are expanded by an addition(s) shall be provided with an approved automatic fire sprinkler system throughout all levels complying with section 903.2

Exception:

The maximum aggregate fire area of an addition (s) is less than 1,000 square feet or 10% of the floor area of the existing building or structure, whichever is less.

903.2.2 Change of Occupancy within hazard level 1. Added as follows:

An automatic fire sprinkler system shall be installed when a building, regardless of the building area, under goes a change of occupancy within hazard level 1 as defined by table 903.2.5

903.2.3 Change of Occupancy over 5,000 square feet. Added as follows:

An automatic fire sprinkler system shall be installed in any building 5,000 square feet or greater that under goes any change of occupancy.

903.2.4 Change of Occupancy less than 5,000 square feet. Added as follows:

An automatic fire sprinkler system shall be installed in any building less than 5,000 square feet that under goes a change of occupancy to a higher Level as defined by Table 903.2.5

**Table 903.2.5
Existing Building Hazard Levels**

Hazard Level	Building Occupancy Type*
1 (highest)	A, H, I, R-1, R-2, R-4
2	F-1, S-1
3	E, F-2, S-2
4 (lowest)	B, M, R-3, U

*Occupancies as defined in the Town of Queen Creek Building Code

Chapter 10 Means of Egress.

Section 1008.1.2 Door Swing.

Exception 4 is amended to read as follows:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable and R-4.

Section 1016.2 Limitations.

Section 1016.2 Limitations.

New subsection 1016.2.2 added to read as follows:

1016.2.2 Group F-1 and S-1 increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 and S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height.
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm); and
3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

Chapter 11, Accessibility.

Sections 1101.1, 1101.2, and 1103.2.4 are amended to read as follows:

Section 1101.1 Scope.

1101.1 Scope. The provisions of this chapter and Arizona Revised statutes, ARS sections 41-1492 through 41-1492.12 shall control the design and construction of facilities for accessibility to physically disabled persons.

Section 1101.2 Design.

1101.2 Design. Buildings and facilities shall be designed and constructed to be *accessible* in accordance with this code and ICC A117.1 and in accordance with provisions State of Arizona Attorney General Administrative Rules R10-3-401 through R-10-3-404 (2010 ADA Standards for Accessible Design, referred to as "2010 Standards", adopted by the U.S. Department of Justice), whichever standard provides the greatest degree of accessibility.

Section 1103.2.4 Detached dwellings.

A new Section 1103.2.4.1 is added to read as follows:

1103.2.4.1 Home Occupations. Home occupations as defined in the Town Code are not required to be accessible. For all other combinations of businesses in Group R occupancies, the business portion shall be accessible and shall include a minimum of one accessible toilet room and an accessible route from the business portion to the accessible toilet room, accessible parking space and public sidewalk.

Chapter 12, Sound Transmission.

A new Section 1207.4 is added to read as follows:

Section 1207.4 Maximum Residential Interior Noise Level.

All residences shall be constructed in accordance with the requirements as described in Article 4.15 of the Queen Creek Zoning Ordinance.

Chapter 16, Structural Design.

Table 1607.1 is amended to read as follows:

Table 1607.1 Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads

Revise Item 25, Residential – revise two values in the Table, and delete footnote j, replacing it as follows:

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
25. Residential One- and two-family dwellings	20 40	
Uninhabitable attics with limited storage i,j,k	30 40	
Habitable attics and sleeping areas		

j. For trussed systems, this live load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

Chapter 31, Special Construction.

Section 3109 Swimming Pool Enclosures and Safety Devices.

Section 3109 is hereby amended to read as follows:

3109 Swimming pool enclosures and safety devices. Swimming pool enclosures and safety devices shall comply with Appendix G of the International Residential Code.

Appendices.

The following appendices are adopted:

Appendix C, Group U - Agricultural Buildings
Appendix I, Patio Covers
Appendix J, Grading

7.2.2 Amendments to the International Residential Code

The following provision of the International Residential Code, 2012 Edition, published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Chapter 3, Building Planning.

Sections R302.1, R302.2, R302.3, R302.4, R310.2.2, R313, R318.1, R319.1, R322.1.1, and R322.2, and Tables R301.2(1) and R301.5 are amended to read as follows:

Section R302.1 Exterior walls is amended to read as follows:

R302.1 Exterior walls. Exterior walls with a fire separation distance less than 3 feet (914mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 2 feet (610 mm) from the line used to determine the fire separation distance.

Exception:

Detached garages accessory to a dwelling located within 2 feet of a lot line may have roof eave projections not exceeding 4 inches.

Add a new Section R302.2 to read as follows:

R302.2 Projections. Projections with a fire separation distance less than 3 feet (914mm) shall have one-hour fire-resistive construction on the underside. The above

provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

Exception:

Tool and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

Add a new Section R302.2 to read as follows:

R302.3 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance less than 3 feet (914 mm). The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

Section R302.2.4 Structural Independence.

Replace Exception 5 to read as follows:

5. Post tensioned slabs and foundations.

R310.2.2 Drainage is hereby deleted in its entirety.

Section R313 Automatic Sprinkler Systems is hereby deleted in its entirety.

Section R318.1 is amended to read as follows:

R318.1 Subterranean termite control methods. In areas designated as slight to moderate, moderate to heavy, and very heavy, as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combinations of these methods:

Section 319.1 Premises identification.

Add the following language at the end of the paragraph:

These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters or per the Town Code, whichever is the more restrictive. Numbers shall be the minimum size required by the Fire Department or other Town requirements, whichever is more restrictive.

Section R322.1.1 Model Home complex.

Add a new section to read as follows:

R322.1.1 Model Home complex. At least one single family dwelling as part of a model home complex as described in Town Codes and Ordinances shall have a no-step entrance.

Residential single family dwellings, as part of a model home complex, as described in Town Codes and Ordinances, shall have a route of travel as described herein. The route of travel shall be a continuous no-step path connecting each subdivision sales office or public way to the primary entry. The route of travel shall conform to the following requirements:

1. The running slope shall not exceed 1:12.
2. Routes of travel complying with this section are not required to have handrails.
3. The route of travel shall be a firm, stable, and slip resistant surface for a minimum width of 36 inches (914 mm) continuous and clear for a height of 7 feet above the route.
4. The entry to the model home shall have a maneuvering space of a minimum 48 inches (1219 mm) by 48 inches (1219 mm) on the exterior side of the entry door.
5. The threshold at the entry shall not exceed ½ inch (13 mm).
6. The no step entry shall be identified by a readily viewable sign.

If public restrooms are provided for residential development models, such restroom facilities shall be accessible and shall be provided by either of the following methods:

1. Converting one ground model home restroom into an ADA accessible unisex facility; or
2. Providing one ADA accessible unisex portable toilet and hand washing unit located on an accessible route. The accessible portable toilet facility shall be removed when the sales office is permanently closed.

Table R301.2(1) Climatic and Geographic Design Criteria.

Insert the following into Table R301.2(1):

Ground Snow Load: N/A
Wind speed: 90 mph, Exposure C
Seismic Design Category: B
Weathering: NEGLIGIBLE
Frost Line Depth: 12”
Termite: MODERATE TO HEAVY
Decay: NONE TO SLIGHT
Winter Design Temperature: 32 degrees F
Ice Barrier Underlayment Required: NO
Flood Hazards: (a) July 25, 1990, (b) October 16, 2013 (Maricopa County)
December 4, 2007 (Pinal County)

Air Freezing Index: NO
Mean Annual Temp: 70° F

Table R301.5 Minimum Uniformly Distributed Live Loads.

Revise the Table R301.5, and add a new footnote i:

USE	LIVE LOAD
Attics with storage ^{b, g}	20 40
Sleeping rooms	30 40

i. For trussed systems, this load need not be considered as acting simultaneously with other live loads imposed upon the ceiling framing or its supporting structure.

Chapter 4, Foundations.

Section R403.1.1 is amended to read as follows:

Section R403.1.1 Minimum size.

Add the following exception:

Exception:

For enclosure of existing carports and patio covers, nonbearing wood-framed exterior walls within the projection of the existing roof may be supported on an existing, uncracked concrete slab. The minimum slab thickness shall be 3½ inches and the construction shall comply with the requirements of R319 for protection against decay.

Chapter 7, Wall Covering.

Section R703.6.2.1 is amended to read as follows:

Section R703.6.2.1 Weep screeds.

Add the following exception:

Exception:

At no-step entries to a residence a weep screed may be installed over an approved drain channel. The drain channel shall drain to an approved area.

Chapter 11, Energy Efficiency.

Chapter 11, Energy Efficiency is amended as follows:

Sections N1101.7.1, N1101.15.1, R401.2.1, N1101.17, R401.4, N1103.2, N1103.2.1, N1103.2.2.1, R403.2.2.1 are hereby amended as follows:

N1101.7.1 RESNET Testing & Inspection Protocol. The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections, shall be deemed to meet the requirements of sections N1102.4.1.1, N1102.4.1.2 and N1103.2.2. and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
 - a. N1102.4.1.1 –Building Envelope – Thermal and Air Barrier Checklist
 - b. N1102.4.1.2 –Testing – Air Leakage Rate
 - c. N1103.2.2 – Sealing – Duct Tightness
4. The other requirements identified as “mandatory” in Chapter 11 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

N1101.15.1 (R401.2.1) Alternative approach for compliance. A Home Energy Rating System (“HERS”) Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section N1101.15. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Section N1101.17 (R401.4) New section to read as follows:

All mandatory testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network.

N1103.2 Ducts. Ducts and air handlers shall be in accordance with Sections N1103.2.1 through 1103.2.3.

N1103.2.1 Insulation (Prescriptive). Supply ducts shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

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

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply and return ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met;
 - 2.1. Minimum SEER rating of space heating/cooling system is increased to 15
 - 2.2. Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to 0.22 for all fenestration products
 - 2.3. Wall cavity insulation minimum R-value is increased to R-19.
 - 2.4. Residential buildings that meet section N1101.7 or section R405 of the *2012 International Energy Conservation Code*.
 - 2.5. Residential buildings with attic radiant barriers in accordance with ASTM C1313, installed in accordance with ASTM C1743.

Sections N1103.2.2.1 (R403.2.2.1) are hereby deleted in their entirety.

Section M1411.6 Locking access port caps is hereby deleted in its entirety.

Section M1901.3 Prohibited Locations is hereby deleted in its entirety.

Table E3603.1 Service conductor and grounding electrode conductor sizing. New column added as follows:

CONDUCTOR TYPES AND SIZES-THHW, THW, THWN, USE, EXHHW (Parallel sets of 1/0 and larger conductors are permitted in either a single raceway or in separate raceways)		Service or Feeder Rating (Amperes)	
		≤ 30°C (86°F)	> 30°C (86°F)
Copper (AWG)	Aluminum and copper-clad aluminum (AWG)		
4	2	100	
3	1	110	
2	1/0	125	100
1	2/0	150	125
1/0	3/0	175	150
2/0	4/0 or two sets of 1/0	200	175
3/0	250 kcmil or two sets of 2/0	225	200
4/0 or two sets of 1/0	300 kcmil or two sets of 3/0	250	225
250 kcmil or two sets of 2/0	350 kcmil or two sets of 4/0	300	250
350 kcmil or two sets of 3/0	500 or two sets of 250 kcmil	350	300
400 kcmil or two sets of 4/0	600 or two sets of 300 kcmil	400	350
500 kcmil	750 kcmil		400

(Minimum grounding electrode conductor size and footnotes to remain.)

Section E3902.2 Garage and accessory building receptacles is hereby amended by adding the following exceptions:

Exceptions:

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for 2 applications located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord-and- plug connected.

Appendices.

The following appendices are adopted:

Appendix B:

Appendix C:

Appendix D:

Appendix G: (as amended)

Appendix H:

Appendix K: (as amended)

Appendix G, Swimming Pools, Spas and Hot Tubs.

Is hereby deleted in its entirety and replaced with the following:

SECTION AG101 - SCOPE

AG101.1 General. The provisions of this Appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a detached one- or two-family dwelling or a one-family townhouse.

The purpose of these requirements is to provide an integrated level of protection against potential swimming pool drowning through the use of physical barriers and warning devices. It is not intended as a substitute for adult supervision of children.

Swimming pools constructed prior to the effective date of this Appendix, need only comply with the required pool barrier requirements in effect at the time of permit issuance. All pools constructed after the effective date of "This Code" shall meet or exceed the requirements within this Appendix.

AG101.2 Notice Required. A person, on entering into an agreement to build a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the State and/or County Department of Health Services.

AG101.3 Submittal Requirements. All swimming pool plans are required to identify the location of the required swimming pool barrier fencing, the height of the fencing, and all details necessary to show compliance with the requirements within this Appendix.

When plans are submitted for a pool permit, they must show at a minimum, the following:

1. An accurate outline of the swimming pool or spa.
2. Location of the swimming pool (and rock formations and waterfalls) with dimensions to each lot line, dwelling and any accessory structure and equipment location.
3. Location of any exterior doors or windows opening into the area of the swimming pool.
4. Location and height of the pool barrier (fence) and gate(s).
5. Details of the construction of the barrier to include materials, size of all openings within the barrier, etc.
6. All necessary information required to show compliance with this Appendix.

AG101.4 Easements. If there is an easement affecting the property, the swimming pool, decking and pool equipment cannot violate/disturb the easement unless approved by the Town.

AG101.5 Zoning Ordinance. The general design, materials, and appearance of the required Pool Barrier shall meet the requirements of the Town's Zoning Ordinance, however, in all cases shall meet the minimum safety requirements of this Appendix.

AG101.6 Setbacks. The swimming pool water's edge shall be set back from all lot lines a distance of not less than three (3) feet.

SECTION AG102 - DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A permanent fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. As used within this Appendix, permanent shall mean not being able to be removed, lifted or relocated without the use of tools.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that is designed to contain water 18" inches or more in depth. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SWIMMING POOL, PUBLIC OR SEMI-PUBLIC. Any swimming pool which is not accessory to a residential use as defined herein.

SECTION AG103 - SWIMMING POOL REQUIREMENTS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

AG103.3. Public or Semi-public swimming pools. Shall comply with State and County Requirements.

SECTION AG104 - SPA AND HOT TUB REQUIREMENTS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION AG105 - BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this Appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs. There are no exemptions for households without children.

AG105.1.1 Effective Date. All swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling on or after the effective date of the ordinance adopting this Appendix shall be enclosed by a permanent fence, wall or barrier, as set forth in this Appendix.

AG105.1.2 Special Considerations. It is the responsibility of the property owner and any other person in responsible charge of a swimming pool to insure that the required swimming pool barrier, including all gates, doors, locks, latches and other portions of the barrier, are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct or replace the barrier in compliance with the provisions of this Appendix.

AG105.1.3 Approval Required. No swimming pool, spa or hot tub shall be filled in whole or in part with water unless the pool enclosure has been installed in accordance with this Appendix and approved by the Building Official.

AG105.1.4 Temporary Fencing Unsuitable. Plastic mesh and fences defined by the manufacturer as a temporary or removable fence, even if indicated as a swimming pool barrier, are deemed unsuitable for the purposes of this Appendix regardless of any modifications proposed to make said fence compliant.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be completely surrounded by a barrier which shall comply with the pool barrier requirements as described in Article 6.1 of the Queen Creek Zoning Ordinance.

AG105.3 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with the pool barrier requirements of AG105.2.

AG105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers. For the purposes of structures, equipment or similar objects, the nearest edge being a minimum of three (3) feet or more horizontal distance away from the required barrier shall be considered adequate for the determination of not being used to climb the barrier.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, shall be exempt from the provisions of this Appendix.

SECTION AG106 - ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or

other such multiple suction outlets whether isolated by valves or other-wise shall be protected against user entrapment.

AG106.2 Suction fittings. All Pool and Spa suction outlets shall be provided with a cover that conforms with ANSI/ASME A112.19.8M, or a 12" x 12" drain grate or larger, or an approved channel drain system.

Exception:
Surface skimmers

AG106.3 Atmospheric vacuum relief system required. All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17, or
2. An approved gravity drainage system

AG106.4 Dual drain separation. Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate such outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps.

AG106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

SECTION AG107 - ABBREVIATIONS

1. ANSI. American National Standards Institute
11 West 42nd Street, New York, NY 10036
2. ASTM. American Society for Testing and Materials
1916 Race Street, Philadelphia, PA 19103
3. NSPI. National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

SECTION AG108 - STANDARDS

1. ANSI/NSPI-3-99 Standard for Permanently Installed Residential Spas
2. ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential Swimming Pools
3. ANSI/NSPI-5-99 Standard for Residential In-ground Swimming Pools
4. ANSI/NSPI-6-99 Standard for Residential Portable Spas

5. ANSI/ASME A112.19.8M-1987 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances
6. ASTM F 1346-91 (1996) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
7. ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool

Appendix K, Sound Transmission.

Add the following new section AK102.2 tioread as follows:

AK102.2 Sound Attenuation. All residences shall be constructed in accordance with the requirements as described in Article 4.15 of the Queen Creek Zoning Ordinance.

7.2.3 Amendments to the International Mechanical Code

The following provision of the International Mechanical Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, “Administration”, is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

7.2.4 Amendments to the National Electrical Code

The following provision of the National Electrical Code, 2011 Edition, as published by the National Fire Protection Association, is hereby amended or modified as follows:

Article 90, Introduction.

Article 90.1 is amended to read as follows:

Article 90.1 Purpose.

Add a new subsection (E) as to read as follows:

(E) Administration. For administration of this Code, refer to Section 7.1 of the Town Code.

210.8 Ground Fault Circuit interceptor protection for personnel.

(A) Dwelling Units

Add two exceptions to read as follows:

Exceptions:

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for 2 applications located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord-and- plug connected.

Article 230 Services

Add a new subsection 230.11 to read as follows:

230.11 Performance Testing. All service entrance equipment and associated equipment rated 1000 amperes or more, or where otherwise required by the servicing utility company, or registered design professional shall be performance tested (high potential testing) when first installed on site. The test shall be conducted in accordance with instructions that shall be provided with the equipment. A written record of the test shall be made and shall be available to the authority having jurisdiction.

Add a new subsection 230.63 to read as follows:

230.63 Location. All service equipment rated at 1000 amperes or more and located inside a building shall be enclosed within a room or space separated from the rest of the building by not less than one-hour fire-resistive occupancy separation or fire barrier installed in compliance with the International Building Code.

Article 310 Conductors for General Wiring.

Table 310-15 (B)(7) is amended to read as follows:

Table 310-15 (B)(7). Conductor Types and Sizes for 120/240-Volt and 120/208-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. Conductor types RHH, RHW, RHW-2, THHN, THHW, THW, THW-2, THWN, THWN-2, XHHW, XHHW-2, SE, USE, USE-2 – New column added as follows:

Conductor (AWG or kcmil)		Service or Feeder Rating (Amperes)	
Copper	Aluminum or Copper-Clad Aluminum	≤ 30°C (86°F)	> 30°C (86°F)
		4	2
3	1	110	----
2	1/0	125	100
1	2/0	150	125
1/0	3/0	175	150
2/0	4/0 or two sets of 1/0	200	175
3/0	250	225	200
4/0	300	250	225
250	350	300	250
350	500	350	300
400	600	400	350
500	750	----	400

7.2.5 Amendments to the International Plumbing Code

The following provision of the Uniform Plumbing Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Sections 410.3, 504.6, 504.7.2, 903.1, Chapter 13, and Appendix B are amended to read as follows:

410.3 Substitution. The last sentence of the section revised to read as follows:

In other occupancies, where drinking fountains are required, bottled water dispensers or water coolers shall be permitted to be substituted.

504.6 Requirements for discharge pipe. Items number 5 and 10 revised to read as follows:

5. Discharge to an indirect waste receptor or to the outdoors.

10. Shall terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface.

An exception is added to Section 504.7.2 to read as follows:

Exception:

Where structural conditions do not permit extending the drain to the exterior the drain may extend to and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent garage floor surface sloped to drain to the exterior.

Section 607.2 Hot or tempered water supply to fixtures. Is hereby deleted.

Section 903.1 Roof extension. Is hereby amended by inserting the number 6 as the number of inches and 152 as the number of mm.

Chapter 13, Gray Water Recycling Systems is hereby deleted in its entirety.

Appendices.

The following appendices are adopted:

Appendix B: (as amended)

Appendix E:

Appendix F:

APPENDIX B, RATES OF RAINFALL FOR VARIOUS CITIES.

Is hereby amended to read as follows: Arizona: Queen Creek.....6.0

7.2.6 Amendments to the International Fuel Gas Code

The following provision of the International Fuel Gas Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Section 404.12 Minimum burial depth is deleted in its entirety and revised to read as follows:

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

404.12.1 Individual outside appliances is hereby deleted in its entirety.

Section 404.17.3 is hereby amended to read as follows:

404.17.3 Tracer. An insulated copper tracer wire or other approved conductor shall be installed adjacent to underground nonmetallic piping. Access shall be provided to the tracer wire or the wire shall terminate above ground at each end of the nonmetallic piping. The tracer wire shall be not less than 18 AWG.

Section 406.4 is hereby amended to read as follows:

406.4 Test pressure measurement. Amended to read as follows and This inspection shall be made after all piping authorized by the permit has been installed and prior to concealment. An additional inspection is required after all portions thereof which are to be covered or concealed are so concealed and before any fixtures or appliances have been attached thereto. This inspection shall include an air, Co2 or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the Administrative Authority, the piping and valves may be tested at a pressure of at least six (6) inches (152.4mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the Administrative Authority, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure. For welded piping, and piping carrying gas at pressures in excess of fourteen (14) inches (0.4m) water column pressure, the test pressure shall not be less than sixty

(60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes. These tests shall be made using air, Co₂, or nitrogen pressure only and shall be made in the presence of the Administrative Authority. All necessary apparatus for conducting tests shall be furnished by the permit holder.

Sections 406.4.1 and 406.4.2 are hereby deleted in their entirety:

7.2.7 Amendments to the International Existing Building Code

The following provision of the International Existing Building Code, 2012 Edition, published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

7.2.8 Amendments to the International Energy Conservation Code

The following provision of the International Energy Conservation Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Sections C101.2, R101.2, R102.1.2, R401.2.1, R403.2, R403.2.1 and R403.2.2.1 are hereby amended as follows:

C101.2 Scope. This code applies to *commercial buildings* and the building sites and associated systems and equipment. Group R-2 when defined as a *Commercial Building* by section C202, shall have the option of complying under the Residential Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

R101.2 Scope. This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

R102.1.2 RESNET Testing & Inspection Protocol. The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections, shall be deemed to meet the

requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2. and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
 - a. R402.4.1.1 –Building Envelope – Thermal and Air Barrier Checklist
 - b. R402.4.1.2 –Testing – Air Leakage Rate
 - c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as “mandatory” in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

R401.2.1 Alternative approach for compliance. A Home Energy Rating System (“HERS”) Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

R403.2 Ducts. Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

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

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met;
 - 2.1 Minimum SEER rating of space heating/cooling system is increased to 15.
 - 2.2 Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to 0.22 for all fenestration products.
 - 2.3 Wall cavity insulation minimum R-value is increased to R-19.
 - 2.4 Residential buildings that meet the requirements of sections R102.1.1 or R405.
 - 2.5 Residential buildings with attic radiant barriers in accordance with ASTM C1313, installed in accordance with ASTM C1743.

Section R403.2.2.1. Sealed air handler is deleted in its entirety.

7.2.9 Amendments to the International Property Maintenance Code

The following provision of the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 3, General Requirements.

Sections 303.2 and 304.14 are amended to read as follows:

Section 303.2 Enclosures.

Replace with the following language:

Swimming pool enclosures shall comply with the requirements of Appendix G of the Queen Creek Residential Building Code.

Section 304.14 Insect screens is hereby deleted in its entirety.

Chapter 6, Mechanical and Electrical Requirements.

Sections 602.3 and 602.4 are amended to read as follows:

Section 602.3 Heat supply.

1. Insert the following dates: "November 1 to April 1".
2. Delete both Exceptions.

Section 602.4 Occupiable work spaces.

Insert the following dates: "November 1 to April 1".

7.2.10 Amendments to the International Wildland-Urban Interface Code

The following provision of the International Wildland-Urban Interface Code, 2012 Edition, as published by the International Code Council, is hereby amended or modified as follows:

Chapter 1, Administration.

Chapter 1, "Administration", is hereby deleted except as follows: For administration of this Code, refer to Section 7.1 of the Town Code.

Appendices.

The following appendices are adopted:

Appendix A, General Requirements

7.2.11 Amendments to the International Fire Code

The *International Fire Code*, 2012 Edition, as published by the National Fire Prevention Association, is hereby amended or modified as follows:

101.1 Title. This code shall be known as the Town of Queen Creek Fire Code, may be cited as such, and hereinafter referred to as “this code.”

105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days upon written request by the owner or applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

105.6.16 Flammable and combustible liquids. An operational permit is required:

1. To store, handle or use more than 10 gallons of Class I-A or more than 30 gallons of Class I-B or I-C liquids (19 L) inside or outside a building,
2. To store, handle or use Class II or Class IIIA liquids in excess of 60 gallons inside or outside a building, except for fuel oil used in connection with oil-burning equipment.
3. To remove Class I or Class II liquids from an underground or aboveground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
4. To operate equipment, tanks, plants, terminals, wells, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
5. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
6. To utilize a site for the dispensing of Class II or III liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
To slurry fill an underground tank.
7. To abandon an underground or aboveground tank.

105.6.27 LP-gas. An operational permit is required for:

1. LP-gas containers with an aggregate water capacity of 2,000 gallons or more used exclusively for vapor service.
2. Flaring off LP-gas prior to the abandonment or removal of an LP-gas container.
3. LP-gas containers used for liquid transfer service.

105.6.43 Temporary membrane structures, and tents. A permit is required to erect a temporary membrane structure, or a tent having an area in excess of 1600 square feet.

Exceptions:

1. Tents used exclusively for recreational camping.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

105.6.47 Aircraft refueling vehicles An operational permit is required to operate any refueling vehicle located within the Town of Queen Creek.

105.6.48 Commercial rubbish handling operation. An operational permit is required for the handling or storage of any commercial rubbish.

105.6.49 Recycling operations. An operational permit is required to operate commercial recycling operations.

105.6.50 Used or waste tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of 100 or more used or waste tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires in an open area or portion thereof outdoors and for indoor storage of tires and tire byproducts.

105.6.51 Health care facility inspections. An operational permit for health care facilities shall be required for a fire inspection which is conducted once per year and upon change of ownership. This includes adult care, hospitals and congregate living facilities. The fee schedule is based on the number of licensed beds as determined by ADHS.

Note: The annual inspection fee includes consulting services for fire and life safety concerns and maintenance issues. The annual fee does not include permit fees for new construction, remodeling or Annual Facility Permit (AFP) projects, or hazardous materials assessment fees.

105.6.52 Assisted living facilities inspections . An operational permit for assisted living facilities shall be required for a fire inspection which is conducted upon opening and once every three years or upon change of ownership, and complies with the Arizona Department of Health Services (ADHS) requirements.

This includes assisted living homes R-4, assisted living centers, supervisory care and adult foster care.

Note: The annual inspection fee includes consulting services for fire and life safety concerns and maintenance issues. The annual fee does not include permit fees for new construction, remodeling or Annual Facility Permit (AFP) projects, or hazardous materials assessment fees.

105.6.53 Commercial Daycare Facilities inspections . An operational permit shall be required for a thorough fire inspection which is conducted once per year and upon change of ownership.

105.6.54 Behavioral or Correctional facilities inspections. An operational permit shall be required for a fire inspection which is conducted once per year and upon change of ownership.

105.7 Required construction permits. The fire code official is authorized to issue permits for work as set forth in Section 105.7.1 through 105.7.29

105.7.2 Battery systems:

105.7.2.1 Stationary lead-acid. A construction permit is required to install or modify a stationary lead-acid battery system having a liquid capacity of more than 100 gallons in a sprinklered building or 50 gallons in a non-sprinklered building.

105.7.2.2 Valve-regulated lead-acid (VRLA). A construction permit is required to install or modify a valve-regulated lead-acid (VRLA) battery systems.

105.7.8 Flammable and combustible liquids. A permit is required to:

1. Temporarily or permanently install a storage tank or aboveground storage tank or pressure vessel for Class I, II or III-A liquids with a nominal capacity of 125 or more gallons located outside a building.
2. Temporarily or permanently install a storage tank or aboveground storage tank or pressure vessel for Class I, II or III-A liquids inside a building regardless of size.
3. Temporarily or permanently install a storage tank or aboveground storage tank or pressure vessel for Class III-B liquids with a nominal capacity of 1,000 gallons or more whether installed inside or outside a building.
4. Install, construct or equipment, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
5. Alter, remove, abandon or otherwise dispose of a flammable or

- combustible liquid tank.
- 6. Construct or modify a flammable liquids room or warehouse.

105.7.9 Hazardous materials. A permit is required to:

1. Install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Permit Amounts and Fees By Hazardous Materials Classification and Quantity Table.
2. Install or modify a hazardous materials storage tank.
3. Install or modify a Group H-1, H-2, H-3, H-4 or H-5 occupancy.
4. Install or modify gas cabinets, exhausted enclosures, gas rooms or chemical drainage and containment.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.11 LP-gas. A permit is required to:

1. Install, alter or modify an LP-gas system.
2. Install, alter or modify LP-gas containers with an aggregate water capacity of 125 gallons or more used exclusively for vapor service.
3. Install, alter or modify racks storing 20-pound cylinders or larger for the purpose of conducting an LP-gas exchange program at a specific site.
4. Install, alter or modify LP-gas containers used for liquid transfer service.

Exception: A permit is not required to install, alter or modify portable containers of less than 125 gallon aggregate water capacity used exclusively for vapor service.

105.7.16 Temporary membrane structures, and tents. A permit is required to erect a temporary membrane structure, or a tent having an area in excess of 1600 square feet.

Exceptions:

1. Tents used exclusively for recreational camping.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

105.7.17 Access gates, fire apparatus. A permit is required to install, or

modify manual or automatic fire apparatus access gates and their appurtenances. This also includes gates for auxiliary access openings.

105.7.18 Fire apparatus access roads. A permit is required to install or modify fire apparatus access roads.

105.7.19 Alternative surface access roads. A permit is required to install or modify alternative surface fire apparatus access roads.

105.7.20 Fire protection equipment. A permit is required for installation or modification, or removal from service of any fire protection system, automatic sprinkler system, automatic underground, standpipe, fire main, fire pump, fire hydrant, halon or any other extinguishing device or equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.21 Flammable finishes. A permit is required to install or modify a spray booth, spray room, spray area, or powder coating booth.

105.7.22 Kitchen hoods systems, commercial. A permit is required to install or modify fire suppression systems installed above commercial cooking equipment.

105.7.23 Refrigeration system, anhydrous ammonia. A permit is required to install, alter or modify an anhydrous ammonia refrigeration system.

105.7.24 Special extinguishing systems. A permit is required to install, alter or modify special extinguishing systems, including but not limited to, Halon, dry chemical, carbon dioxide, FM200.

109.4. Civil actions or criminal citations. Any person, firm, or corporation who causes, permits, facilitates aids or abets any violation of this Code or who fails to perform any act or duty required by this Code is subject to a civil sanction of not less than 500 dollars (\$500) nor more than 2500 dollars (\$2500) or a Class 1 criminal misdemeanor.

109.4.1 Commencement of civil action. Any civil action to enforce the provisions of this Code shall be commenced, and summons shall be issued, in accordance with the procedures set forth in Arizona Revised Statutes, City ordinance or as provided in the Local Rules of Practice and Procedure – Town Court – Town of Gilbert.

109.4.2 Admission or denial of allegation; hearing; findings of court; civil sanction.

109.4.2.1 A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the

time, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.

109.4.2.2 If the allegations are admitted, the court shall enter judgment for the Town and impose a civil sanction.

109.4.2.3 If the person denies the allegations, the court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the Town of Queen Creek is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for the statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall also notify the court at least 10 days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the citation or complaint. If the court finds in favor of the Town, the court shall enter judgment for the city and impose a civil sanction.

109.4.2.4 If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations shall be deemed admitted and the court shall enter judgment for the Town and impose a civil sanction.

109.4.3 Criminal penalties. Whenever in any section of this Code the doing of any act is required, prohibited or declared to be unlawful, any person, firm or corporation who shall be convicted of a violation of any such section shall be guilty of a Class I misdemeanor.

ADD NEW SECTION TO READ AS FOLLOWS

ADD OR REVISE CHAPTER 2, DEFINITIONS TO READ AS FOLLOWS:

ADDRESS DIRECTORIES. See Section 502.

ASPHALT (ROOFING) KETTLE. A vessel or container used to process, heat, hold for heating, or dispense flammable or combustible roofing materials that are in liquid form or will take that form as a result of being exposed to such vessel or container.

AUXILIARY ACCESS OPENINGS. See Section 502

COMBUSTIBLE WASTE MATERIAL. Rubbish and refuse including, but not limited to magazines, books; trimmings from lawns, trees or flower gardens, plastic, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, and boxes that will ignite through contact with flames of ordinary temperatures and recyclables.

CONFINED SPACE is a space that is large enough and so configured that an employee can bodily enter and perform assigned work; and has limited or restricted means for

entry or exit (for example tanks, vessels, silos, storage bins, hoppers, vaults and pits and spaces that may have limited means of entry; and is not designed for continuous employee occupancy.

EMERGENCY. An event or set of circumstances demanding immediate attention and remediation.

EMERGENCY POWER SYSTEM. An electrical system where the current supply is designed such that in the event of interruption of the normal power supply, a second source of adequate capacity and rating is available within 10 seconds of power failure.

EXCAVATION is any man-made cut, cavity, trench or depression in an earth surface, formed by earth removal.

FIRE APPARATUS ACCESS GATES. See Section 502.

FIRE OFFICER. A fire officer is a sworn member of the Queen Creek Fire Department having the rank of Captain or higher.

FIRE CODE OFFICIAL. Fire Code Official charged with the administration and enforcement of the 2006 IFC or "This Code" is the Fire Chief or duly authorized representative.

IMMINENT HAZARD. Is defined as a high, real and immediate risk to life, health or property.

OUTDOOR ASSEMBLY EVENTS. Private and public events conducted outdoors, including but not limited to beer gardens and mazes, having a projected attendance of 500 or more persons, at any one time, or confines 50 or more attendees by the permanent or temporary installation of barricades or fencing.

PEDESTRIAN GATES. See Section 502.

PREEMPTION DEVICE. See Section 502.

R-4 See the International Building Code (IBC)

SPREAD NUMBERS. See Section 505.

SPREAD PLATE. A permanent sign that identifies individual dwelling units at a common entrance of a building.

STANDBY POWER SYSTEM. An electrical system where the current supply is designed such that in the event of interruption of the normal power supply, a second source of adequate capacity and rating is available within 60 seconds of power failure.

TEMPORARY. Temporary shall be for a period of less than 180 days.

TRENCH is a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench (measured at the bottom) is not greater than 15 feet. If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structure to the side of the excavation to 15 feet or less (measured at the bottom), the excavation is also considered to be a trench.

REVISE CHAPTER 3 TO READ AS FOLLOWS

307.1.1 Prohibited open burning. Open burning of rubbish that contains paper products is prohibited. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.6 Warming fires.

307.6.1 General. Warming fires shall be conducted in accordance with Section 307.6 when no other form of heat is available for warming and the following is complied with:

1. All warming fires shall be under control at all times and have a responsible person in constant attendance.
2. A noncombustible container shall be used for burning wood scraps. Maximum size of the container shall be 55 gallons water capacity.
3. A spark arrester shall be installed on the top of each container. The spark arrester shall be constructed of iron, heavy wire mesh or other noncombustible material with openings not larger than ½ inch.
4. A minimum of a 10 foot radius shall be provided between the warming fire container and combustible materials.

ADD NEW SECTION TO READ AS FOLLOWS

SECTION 319 EXCAVATIONS AND CONFINED SPACES

319.1 Scope. This section shall apply to any man-made cut, cavity, trench or depression in an earth surface formed by earth removal and procedures to protect employees from the hazards of entry into confined spaces.

319.2 Excavations and Trenches. Excavations and trenches shall be in accordance with Title 29 Code of Federal Regulations, Part 1926.

319.3 Confined Spaces. Confined spaces shall be in accordance with Title 29 Code of Federal Regulations, Part 1910.

319.4 Unsafe Conditions. When in the opinion of the fire code official, an unsafe

condition exists, excavation and confined space operations shall cease and all persons removed until such time as adequate means have been taken to provide for the safety of persons working in or around the excavation or confined space.

ADD NEW SECTION TO READ AS FOLLOWS

SECTION 409 DIGITAL / ELECTRONIC DRAWING FILE SUBMISSIONS

409.1 General. Projects requiring a construction permit from the Building Safety Division, including projects performed under annual facilities permits, shall submit a digital/electronic copy of the permit drawings in accordance with the required format. A digital/electronic copy of the drawing shall not be required for the following:

- (1) R3 occupancies.
- (2) R4 occupancies.
- (3) Single family residences.
- (4) Other buildings or structures accessory to and located on the same lot with one and two family dwellings.
- (5) Projects not required to submit drawings to obtain a permit.

The digital/electronic copy of the permit drawings shall be submitted to the Fire Department through the Building Safety Division for approval by the Fire Department's Technical Services Section prior to the issuance of the certificate of occupancy/completion by the Building Official.

409.2 Required Format. The digital/electronic files, required under this section, shall be submitted on cd/dvd-rom in one of the following formats: (dwg), (dxf), or (dgn). If submitted files are embedded with external references ("xref's"), such (xref) drawings shall be included on the submitted cd/dvd-rom. Cryptic naming for layers/files shall include a "definition key." All digital/electronic files shall be drawn in "feet" at a 1:1 scale.

409.2.1 Required Information. At a minimum, each file shall contain the following information:

Floor Plans:

One plan for each building floor.

All exterior and interior walls.

All door locations (ingress/egress) throughout the building, including roll up doors and roof hatch/doors.

Stairs and elevator locations.

Room/suite's names and/or numbers.

Utility shutoff locations (water, electric and gas).

Special hazards and high-piled stock/racks, if any.

Fire Department items shall include, but are not limited to, standpipes, fire sprinkler risers, alarm panels, fire department connections, and key boxes.

Site Plan:

Including parking lot, building numbers, parking garages, fire lanes and hydrants.
Roof Plan:
Layout and access (ladder/hatch locations).

409.3 Not Required. The drawings are not required to contain layers listing furnishings, floor coverings, ceiling styles/grids, plumbing fixtures, electrical (lights, switches, outlets), wall coverings, or landscape information.

ADD OR REVISE 503 AS FOLLOWS

503.2.4 Turning radius. Fire apparatus access roads shall have a minimum 45-foot center line radius (35 foot inside radius, 55 foot outside radius) on curves.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus 66,000 pounds with a maximum axle load of 28,000 pounds. Vehicle load limits shall be posted at both entrances to bridges when required by the code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code official.

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 15 percent (15 feet in 100 feet). Cross-slope of an access road shall not exceed 6%.

503.3.1 Curbs. Fire apparatus access roads shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curb exists or a rolled curb is installed, a 6 inch wide red stripe applied the full length of the fire apparatus access road shall be installed. Refer to Appendix D.

503.3.2 Marking not required. Signs and red painted curbs are not required on either side of the fire apparatus access road when a fire apparatus access road is greater than 32 feet in width.

503.3.3 Signs required on both sides of a road. When a fire apparatus access road is less than 26 feet in width fire lane signs and red painted curbs are required on both sides of the access road.

Fire apparatus access roads serving only R-5 or R-3 single family detached dwelling occupancies are required to have signs and red painted curbs installed on both sides of the road when 20 feet or less in width.

503.3.4 Signs required on one side of road. When a fire apparatus access

road is 26 feet or greater and less than or equal to 32 feet in width, fire lane signs and red painted curbs are required to be installed on a minimum of one side of the access road. Fire apparatus access roads serving only R-5 Occupancies require signs and red painted curbs on a minimum of one side of the fire apparatus access road when it is greater than 20 feet and less than 26 feet in width.

503.3.5 Stenciling. The fire department is authorized to require stenciling or other permanent markings to improve the identification of fire apparatus access roads. When required, the stenciling shall state "FIRE LANE NO PARKING". Lettering shall be white on a red painted curb and shall be a minimum of 3 inches high with ½ inch brush stroke.

503.4.2 Stopping or parking in fire apparatus access roads. Motor vehicles, with or without power, including trailers, shall not be stopped or parked in any fire apparatus access road.

Any vehicle stopped or parked within an approved fire apparatus access road may be issued a "Notice of Parking Violation" by any member of the Queen Creek Fire Department, Maricopa County Sheriff, Pinal County Sheriff or any representative that the fire chief or Sheriff designates.

Any vehicle stopped or parked within the fire apparatus access road may be removed at the expense of the vehicle owner. Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the chief. The person in lawful possession of the property shall keep designated fire apparatus access roads free of vehicles and other obstructions.

503.4.3 Maintenance of fire apparatus access roads. Fire apparatus access roads shall be maintained by the owner at all times. Faded, damaged or vandalized signs shall be replaced with approved signs and posts.

503.4.4 Marking. The curb shall be painted red or approved red reflectors shall be installed to define the width of alternative surface fire apparatus access roads. The reflectors shall be imbedded into bordering curbing at intervals not exceeding 15 feet.

503.7 Fire Apparatus Access Roads During Construction.

Fire department access during construction, shall comply with this section.

503.7.1 Required access. Fire apparatus access is required within 200 feet of all points on the exterior of the building. Fire apparatus access roads shall be provided prior to introducing combustible materials on the construction site.

503.7.2 Width. Fire apparatus access roads shall be a minimum of 20 feet in

width. Fire apparatus roads on construction sites shall not be obstructed.

503.7.3 Surface. At a minimum, the surface of fire apparatus roads shall be as follows:

1. Minimum 6 inches of native soil compacted to 95% of standard proctor density (ASTM D698), and
2. Minimum 4 inches of aggregate base compacted to 100% of standard proctor density (ASTM D698).

The surface of fire apparatus access roads may differ from the above requirements if it is shown that the surface provided is sufficient to support an imposed live load of 66,000 pounds with a maximum axle load of 28,000 pounds. An engineer registered in the State of Arizona shall prepare and seal the soil compaction report. The report shall be available for review by the fire code official.

503.7.4 Stabilization. Curbs are not required for fire apparatus access roads for sites under construction.

503.7.5 Turning radius. Fire apparatus access roads shall have a minimum 45-foot center line radius (35 foot inside radius, 55 foot outside radius) on curves.

503.7.6 Dead-ends. Dead-end fire apparatus access roads in excess of 200 feet in length shall terminate in an approved turnaround.

505.2 Premises identification for residential occupancies. Shall be in accordance with Section 505.

505.2.1 Single-family homes. The address numbers for single-family homes shall be a minimum of 4 inches high, with a minimum 3/8 inch brush stroke on a contrasting background.

505.2.2 Address Marking of Multi-Family Residential Occupancies. The address, individual building, spread, and dwelling numbers at Group R occupancies shall be in accordance with this section.

505.2.2.1 Building or Site Address. The street address numbers for Group R, other than single family occupancies shall be a minimum of 12 inches high with a minimum of 2 inch wide brush stroke on contrasting color. For buildings less than 100 feet long, a minimum of one address shall be provided. For buildings over 100 feet in length, the address is required in a minimum of two places. Each building in a complex shall display its own identification.

505.2.2.2 Building identification numbers. Each building shall display its specific alphabetical or numerical designation which must be clearly

visible from the fire apparatus access road. The building identification numbers shall be a minimum of 18 inches high with a minimum 3-inch brush stroke on contrasting color. For buildings less than 100 feet long, a minimum of one building identification number per building shall be provided. The building identification number is required to be internally or externally illuminated.

505.2.2.3 Spread numbers. Spread numbers shall be provided adjacent to the building identification numbers to indicate the apartment or unit numbers by floors in the building. Spread numbers shall be a minimum of 7 inches high with a 1-inch brush stroke on a contrasting background. The spread numbers are required to be internally or externally illuminated.

505.2.2.4 Unit identification at entrances. When more than one dwelling or unit is accessed from an entrance, a spread plate is required.

505.2.2.5 Apartment or unit numbers. Individual apartment or unit numbers shall be a minimum 4 inch high with a minimum 3/8 inch brush stroke on a contrasting background.

505.2.2.6 Additional unit identification signs.

Where a building is not visible from the fire apparatus access road, a directional sign indicating the location of the unit is required.

505.3 Premises identification for commercial buildings. Commercial building address numbers shall be a minimum of 12 inches high with a minimum 2-inch brush stroke on contrasting background. The address shall be visible from all access directions. When buildings are more than 200 feet long or set back from the road more than 100 feet they shall be identified with building address numbers that are a minimum of 24 inches high with a 4-inch brush stroke of a contrasting color. When buildings are greater than 500 feet in length, the number and address shall be provided in a minimum of two locations. When buildings have multiple access points, numbers and addresses shall be provided at each access point.

505.3.1 Multi-tenant commercial buildings. Individual tenant spaces in multi-tenant commercial buildings shall have their address or suite number posted at the front entrance and rear access doors. This number shall be a minimum of 6" high with a 1-inch brush stroke on a contrasting background.

505.3.2 Multiple buildings at a single address. Each building shall display its specific alphabetical or numerical designation that shall be clearly distinguishable from the fire apparatus access road. See Section 505.2.1 for minimum letter height and brush stroke requirements.

505.4 Address directories.

505.4.1 When required. An approved address directory shall be provided at properties containing one of the following:

1. More than one principal building,
2. Buildings with unit identification numbers that are randomly numbered or sequenced.
3. When, in the opinion of the fire code official, emergency response may be delayed due to the physical layout of the complex.

505.4.2 Specifications. Address directories shall be constructed and installed in accordance with this section.

505.4.3 Dimensions. The number of buildings in the complex shall determine the minimum dimensions of the directory. Minimum directory dimensions shall be as follows:

1. Complexes containing 12 or fewer buildings require a minimum 3 feet by 3 feet (9 square feet) site directory.
2. Complexes containing 13 to 30 buildings require a minimum 4 feet by 4 feet (16 square feet) site directory.
3. Complexes containing 31 or more buildings require a minimum 5 feet by 5 feet (25 square feet) site directory. Stanchions or supports shall not be included in the required size of the directory.

505.4.4 Protection. The directory shall be protected against vandalism and disfigurement by a clear polycarbonate cover, having a minimum thickness of 1/8 inch, sealed to protect the directory from weather.

505.4.5 Illumination. Address directories shall be internally illuminated utilizing white light.

505.4.6 Installation requirements. Support posts or stanchions shall be set in concrete. Directories with dimensions of 3 feet by 3 feet (9 square feet) shall be mounted with the bottom of the directory not less than 36 inches above grade. Directories with dimensions of 4 feet by 4 feet (16 square feet) and 5 feet by 5 feet (25 square feet) shall be mounted with the bottom of the directory not less than 24 inches above grade.

505.4.7 Depictions. All depictions must be clear, easily understood, and legible at a distance of 8 feet. The directory shall depict structures, building numbers, units, apartment or space numbers, tennis courts, swimming pools, elevators, driveways, streets, laundry rooms, fire hydrants, fire apparatus access roads and other features as determined by the fire department. The depictions shall comply with the following:

1. Directories shall be a dark print on a contrasting light background. Buildings shown on the directory shall not be the same color as other features indicated on the directory.
2. The name and address of the complex are required and shall not exceed

- 10% of the total size of the site directory.
3. Swimming pools, canals, and waterway areas shall be translucent blue.
 4. Tennis courts shall be translucent green.
 5. Fire hydrants shall be a ¼ inch diameter black circle filled in with a translucent yellow center. The abbreviation ‘HYD’ must be affixed by the location of the hydrant on the directory.
 6. The directory shall be properly oriented to the viewer with a red dot, 1-inch in diameter, with the words “YOU ARE HERE” affixed at the appropriate location on the directory.
 7. A north arrow shall be included in the upper right quadrant of the directory. The arrow shall be a minimum of 3 inches in length and a minimum of 1-inch brush stroke.
 8. Interior fire apparatus access roads, where provided, shall be marked on the directory with red crosshatching.

505.4.8 Setbacks. The directory shall be installed on the occupancy’s property, at locations approved by the fire code official. Placement of the address directory shall be as follows:

1. The directory shall be set back from the street or curbing at least 25 feet to allow emergency vehicles to clear the public right-of-way.
2. Shall not exceed a distance of 4 feet from the edge of the fire apparatus access road facing the direction of oncoming traffic.
3. Shall not conflict with traffic visibility zones as provided for by other ordinances.
4. Shall be immediately visible and free from obstructions including architectural design and landscaping.

505.4.9 Prohibitions. Information such as advertising or additional art work shall not be allowed on the address directory.

505.4.10 Maintenance. All premises identification shall be maintained clearly visible and free from obstructions, including landscaping.

505.5 Private street or road signs. Private streets and roads shall be identified with approved signs. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

506.1.2 Height. The key box shall be mounted between 5 ½ and 6 feet above grade measured within 3’ of the box.

506.1.3 Visibility. The key box shall be illuminated so as to be immediately visible to fire personnel from the emergency apparatus. Posts, fences, vehicles, growth, trash, storage, and other materials shall not be placed or kept near key boxes in a manner that would prevent the key boxes from being immediately discernible.

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B.

ADD NEW SECTION TO READ AS FOLLOWS

**SECTION 511
CONTROLLED ACCESS GATES**

511.1 General. The installation of controlled access gates across a fire apparatus access road shall be approved by the fire code official and meet the requirements of Section 511.

511.1.1 Permits. Permits shall be required to install or modify controlled access gates.

511.1.2 Gate installation companies. When gates are installed at any location that obstructs a fire apparatus access road, the installing company shall be licensed by the Arizona Registrar of Contractors

511.1.3 Egress. Fire apparatus access gates shall be designed and installed such that they do not obstruct the ingress and egress of emergency vehicles.

511.1.4 Maintenance. All fire apparatus access gates shall be maintained operable at all times and shall be inspected at least annually. Copies of the annual inspection report shall be maintained and be accessible for fire department review.

511.1.5 Inoperable gates. Controlled access gates that are inoperable and impede the entrance of fire apparatus shall be chained open or removed at the owner's expense.

511.1.6 Illegal gates. Controlled access gates that cross fire apparatus access roads that have been installed without a permit shall be chained open or removed at the owner's or installing contractor's expense until a permit and final approval has been obtained from the fire department.

511.2 Fire Apparatus Access Gates.

511.2.1 General. Access gates are required to be automatic where no turn-around is provided for fire apparatus.

511.2.2 Main entrance identification. Access openings shall have signs that identify the location of the property's primary entrance, and signs shall be bolted on the street side of the fire apparatus access gate.

511.2.3 Marking and signage. Manual and automatic access openings are

required to be marked in accordance with Section 511.3.5. Signage shall be provided in accordance with Section 511.5.2.

511.3 Controlled access Gate Specifications. When controlled access gates are installed across a fire apparatus access road the specifications in 511.2 shall apply.

511.3.1 Opening width. When the gate is fully opened, a minimum 20-foot clear width shall be provided for both the entrance and exit gates. Gates installed and approved prior to the effective date of this code shall be maintained in accordance with the original approval.

The Fire Code Official shall require additional width opening when existing conditions cannot meet the 45-foot fire apparatus turning radius.

511.3.2 Electrically operated gates. Electrically operated gates shall be installed in accordance with this section.

511.3.2.1 Standby power systems. Electrically operated gates shall be provided with a standby power system. Standby power is permitted to be, but not limited to, battery back-up or connection to an emergency generator. The activation of the system shall open gates and maintain them in the open position until primary power is restored to the system. Standby power systems are required to comply with the National Electrical Code Article 701.

Exception: Controlled access gates installed at occupancies other than multi-family residential properties may remain closed until the emergency gate switch is activated, and shall then remain open while the standby power system is operating the gate.

511.3.3 Opening time. Electrically operated controlled access gates shall open at a minimum rate of one foot per second.

511.3.4 Key switch. Each electrically operated controlled access gate shall be equipped with an approved key switch on both sides of the gate. When separate entry and exit gates are provided, the emergency key switch shall open the entrance and exit gates.

511.3.5 Key switch identification. An approved sign reading "F.D. ACCESS" shall be installed within 12 inches of the emergency key switch. The key switch shall be illuminated so as to be visible from fire apparatus.

511.3.6 Height. The key switch shall be mounted between 5 ½ feet and 6 feet above grade.

511.3.7 Obstruction and impairment. Posts, fences, vehicles, growth, trash, storage and other materials shall not be kept near key switches in a manner that

would prevent the key switches from being visible. A three foot clear space shall be maintained around the circumference of the key switch.

511.3.8 Bypass of systems. When activated, the emergency key switch shall bypass all occupant and loop switch systems.

511.4 Preemption devices. Preemption devices are required on all new automatic fire access gates installed after the adoption of this code, at residential properties. Gates installed without permits or proof of installation date, require preemption devices. Voluntary installations of preemption devices shall comply with the requirements of Section 511.4.2.

511.4.1 Locations. The devices shall be installed such that the gate will open for both ingress and egress of emergency vehicles.

511.4.2 Minimum installation standards. The installation of preemption devices shall comply with the following:

1. Detectors shall be mounted 8 feet to 10 feet above grade.
2. Detectors shall be located a minimum of 18 inches behind the gate on the property side.
3. Detectors shall be mounted on a separate 4 inch by 4 inch metal post and not on the guidepost. The metal post shall be cemented a minimum of 18 inches below grade.
4. Detectors shall activate at a minimum of 150 feet from the gate.
5. Detectors shall point toward both the approach and the exit path of the emergency vehicle.
6. The sight path of the detector shall be free of visual obstructions such as signs, covered parking, canopies and vegetation.
7. Individual detectors shall be mounted together with the power module in the dual detector-mounting box. Detectors shall be approved by the fire department.

ADD OR REVISE SECTIONS WITHIN 903 AS FOLLOWS.

Sections 903.2 through 903.2.11.3 are deleted in their entirety and amended as follows:

903.2 Where required. All new building and structures shall be provided with an automatic sprinkler throughout.

Exceptions:

1. Detached single family dwellings, Group R-3 and their associated detached accessory structures not including Group R-4.

2. Detached telecommunication buildings not exceeding 600 square feet in floor area and not intended for occupancy other than maintenance purposes.
3. Detached accessory use structures such as gazebos, ramadas, guardhouses, restroom buildings at golf courses, parks and similar uses.
4. Detached canopies of type I or II construction not exceeding 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
5. Fire rated fabric shade canopies of type I or II framing construction not in excess of 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
6. Portable storage containers of type I or II construction not in excess of 360 square feet located a minimum of 10 feet from buildings structures, property lines and other containers, with no hazardous materials storage.
7. Factory built buildings less than 1,500 square feet used as temporary offices for real estate leasing or construction management and not to exceed 12 months from installation date.
8. Detached U occupancies of less than 3,000 square feet and located a minimum of 10 feet from buildings, structures and property lines.
9. Covered walkways of type I or II construction with no combustible storage underneath and approved by the fire code official.

903.2.1 Additions to Existing Buildings and Structure. Added as follows:

All additions to existing buildings or structures and all buildings or structures that are expanded by an addition(s) shall be provided with an approved automatic fire sprinkler system throughout all levels complying with section 903.2

Exception:

The maximum aggregate fire area of an addition (s) is less than 1,000 square feet or 10% of the floor area of the existing building or structure, whichever is less.

903.2.2 Change of Occupancy within hazard level 1. Added as follows:

An automatic fire sprinkler system shall be installed when a building, regardless of the building area, under goes a change of occupancy within hazard level 1 as defined by table 903.2.5

903.2.3 Change of Occupancy over 5,000 square feet. Added as follows:

An automatic fire sprinkler system shall be installed in any building 5,000 square feet or greater that under goes any change of occupancy.

903.2.4 Change of Occupancy less than 5,000 square feet. Added as follows:
 An automatic fire sprinkler system shall be installed in any building less than 5,000 square feet that under goes a change of occupancy to a higher Level as defined by Table 903.2.5

**Table 903.2.5
 Existing Building Hazard Levels**

Hazard Level	Building Occupancy Type*
1 (highest)	A, H, I, R-1, R-2, R-4
2	F-1, S-1
3	E, F-2, S-2
4 (lowest)	B, M, R-3, U

*Occupancies as defined in the Town of Queen Creek Building Code

903.3.1.2.2 Attics. Where installed in buildings, Fire Sprinkler systems shall be provided within attic areas.

903.3.1.2.3 Exterior storage closets. Where installed in buildings, sprinkler protection shall be extended into attached exterior storage closets.

903.3.1.2.4 Attached garages, carports and balconies. Where installed in buildings, sprinkler protection shall be extended into attached garages, carports, open patios or balconies with living space directly above or adjacent to.

903.3.1.2.5 Residential combination services.

With Water Department approval a single combination water supply shall be permitted provided that the domestic demand is added to the sprinkler demand as required by NFPA 13R.

903.5.1. Fire Sprinkler Riser Room. For the purpose of inspection, testing, or maintenance of NFPA 13 & 13R fire protection systems in new buildings, there shall be provided, at the time of construction, a dedicated interior riser room with direct exterior access door on the side of the building next to the fire sprinkler riser of adequate size to allow for valves and gauges to be accessed, repaired and viewed for testing and maintenance purposes. The dimensions of the access door will be dependent upon the design of the riser and system devices but shall, in no case, require that service personnel must enter a private dwelling or garage to reach the riser for service and/or repair.

903.3.7.1 Remote Fire Department Connections. Remote fire department connections shall be located within four (4) feet (1219.2mm) to eight (8) feet (2438.4mm) of the curb line of an access road or public street, or as otherwise

specified. The fire department connection line shall be a wet line with the check valve at the hose connection above grade.

903.3.7.2. Fire department connection sizing. The size of the fire department connection and piping is dependent on the automatic sprinkler design flow. The maximum design flow for a 2-½ inch Siamese connection is 500 gpm. For design flows greater than 500 gpm install a single 2-½ inch siamese connection and 5 inch Storz connection sized by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. An interior alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location when off-site monitoring is required. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be active

905.3.4 Stages. Stages greater than 1,000 square feet in area (93 m²) shall be equipped with a Class I wet standpipe system with 2.5 inch (64 mm) hose connections on each side of the stage supplied from the automatic fire sprinkler system and shall have a flow rate of not less than that required for class 1 standpipes.

905.3.4.1 Hose and cabinet. Delete section.

905.12. Hose connections for access challenges. Buildings exceeding 10,000 square feet (929 m²) in area per story, and not otherwise required to be equipped with a standpipe system by section 905.3 of the 2012 IFC, shall be equipped with class I manual hose connections (2-1/2" NST) for fire department use as follows:

1. The locations shall be in accordance with, NFPA13, and 2012 IFC sec. 905.4, except item 1. 905.4, item 1 locations shall be at each floor-level landing, including grade level, within enclosed stairways, rather than located at intermediate floor level landings.
2. The hose connections are required when exterior ground floor walls exceed the required distance from fire apparatus access roads.
3. Single story structures are not required to have hose connections except in those interior portions of the building that exceed 200 feet (60.96 m) of travel from an emergency access road.
4. Where the most remote portion of a floor or story is more than 200 feet of travel from a hose connection, additional hose connections are required.
5. The hose connections may be combined with the fire sprinkler system and sized to deliver 250 gallons per minute at 100 psi from the most hydraulically remote outlet, using 150 psi fire department pump-in pressure. Calculations for hose demand shall be submitted with sprinkler plans.

907.2.12.1 Automatic fire detection. Smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall operate the emergency voice/alarm communication system.

907.10 Visible alarms. Visible alarm notification appliances shall be provided in accordance with Sections 907.10.1.1 through 907.10.1.45.

ADD SECTION 907.10.1.5 TO READ AS FOLLOWS

912.1.1 Underground pipe. All fire department connection underground piping shall be installed as a minimum DIP Class 350.

REPLACE SECTION 912.2.1 TO READ AS FOLLOWS

912.2.1 Visible location. Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. The location of fire department connections shall be approved and installed as follows:

1. Within 50 feet of an approved fire access rd., and arranged so that hose lines can be readily attached to the inlets without interference from any objects including buildings, fences, posts, plantings, or other fire department connections.
2. Within 300 feet of an approved hydrant.
3. So that the inlet height shall not be less than 18 inches nor more than 48 inches above grade.
4. Guard posts or other approved means may be required to protect fire department inlet connections from vehicular damage.

912.2.3 Wall mounted Fire Department Connections. Wall mounted fire department connections are permitted on light and ordinary Group 1 construction, when:

1. There are no glazed structural openings within 5 feet (1524mm) horizontally from inlet connection.
2. The structure is not classified as an "H" occupancy.
3. The fire department connection is within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, post, plantings or other fire department connections. as approved by the fire code official.

912.4 Signs. Each fire department connection shall be identified by a permanent weather resistant sign. The sign face shall be a minimum 12" x 12" and fabricated from .080 aluminum sheet or equivalent. The sign face shall have a white 3M diamond grade

sheeting or equivalent applied as background. When the system supplied by the FDC does not supply the entire building or supplies multiple buildings, the sign shall identify the buildings or areas of the building supplied by the FDC. The fire department connection sign shall identify the building address or area, where necessary, and type of systems the FDC supplies.

ADD NEW SECTION TO READ AS FOLLOWS

SECTION 915 FIREFIGHTER BREATHING AIR REPLENISHMENT SYSTEM

915. Firefighter Breathing Air Replenishment Systems

915.1. General. A firefighter breathing air replenishment system (FBAR System) is a complete, self-contained high pressure breathing air replenishment system for emergency responders. This system consists of a fire department air connection panel, remote air fill panels and high pressure interconnected piping, permanently installed within a structure. This allows fire department personnel to replenish empty self-contained breathing apparatus (SCBA) cylinders within close proximity to the location of the incident requiring emergency response, thus reducing the amount of travel distance, time and support personnel needed at an emergency incident.

915.2. Applicability. The requirements of this subsection shall apply to all new buildings and structures meeting the specifications set forth in paragraph 915.3.

915.3. Buildings and structures requiring FBAR System. A FBAR System shall be installed in all new buildings, existing buildings that have a change of occupancy and structures meeting any of the following criteria:

915.3.1. Buildings and structures five (5) floors or more above grade or high rise buildings as defined by the Queen Creek Code; or

915.3.2. Underground buildings and structures, or components thereof, totaling ten thousand (10,000) square feet or more that are either more than two (2) floors below grade or more than thirty (30) feet below grade.

915.4. Drawings. Submit scaled drawings of the FBAR system to the Town of Queen Creek as required in Section 105 of the Queen Creek Code.

915.5. Contractor qualifications. The FBAR system shall be installed tested and maintained by a contractor with an Arizona Registrar of Contractors license and have knowledge of high pressure and medical gas piping.

915.6. FBAR System requirements. The FBAR System installation shall allow fire department personnel to simultaneously replenish four (4), 45 cubic foot self-contained breathing apparatus cylinders at any one (1) time, with two (2) connections at three

thousand (3,000) psi and two (2) connections at four thousand five hundred (4,500) psi. Fire department personnel shall be able to connect into the FBAR System's fire department air connection panel at grade level from a mobile air support apparatus thereby providing a constant source of breathing air supplied directly from the air support apparatus to the system's remote air fill panels.

915.7. FBAR System components. The FBAR System shall consist of the following minimum components:

915.7.1. Exterior fire department air connection panel;

915.7.2. Interior cylinder fill panels;

915.7.3. Interconnected piping; and

915.7.4. Low pressure monitoring switches and alarm.

915.8. Exterior Fire Department Air Connection Panel.

915.8.1. Location: An exterior fire department air connection panel shall be installed on the exterior of the building or within a remote monument at a location approved by the Fire Chief with a minimum of six (6) foot – 180 degree clear unobstructed access to the front of the panel and shall be interconnected to the building's interior remote air fill panels. Locate the fire department fill panel within 50 feet of the approved fire access.

915.8.2. Enclosure: The fill inlet and associated components of the air connection panel shall be contained in a lockable, weather tight enclosure. The enclosure shall be a weather resistant metal cabinet constructed of minimum 18-gauge carbon steel or equivalent. The enclosure shall be provided with a coating or other means to protect the enclosure from corrosion.

915.8.3. Enclosure components: The exterior fire department connection panel shall contain all of the necessary gauges, isolation valves, pressure relief valves, pressure regulating valves, check valves, tubing, fittings, supports, connectors, adapters and other necessary components as may be required to allow the fire department's mobile air unit to quickly connect and augment the system with a constant source of breathing air. The panel shall be locked at all times, unless in use by fire department personnel. The locking mechanism for the panel cover shall be contained in an approved key box installed at a location approved by the Fire Chief. The key to unlocking the cover shall be stored in the approved key box. Each fire department connection panel shall contain at least two (2) connections.

915.8.4. Pressure relief valve: Install a pressure relief valve downstream of the pressure regulator inlet. The relief valve shall meet the requirements of CGA S-

1.3 Safety Relief Valves and shall not be 28 field adjustable. The relief valve shall have a set to open pressure not exceeding 1.1 times the design pressure of the system. Pressure relief valve discharge shall terminate so that the exhaust air stream cannot impinge upon personnel in the area. Valves, plugs or caps shall not be installed in the discharge of a pressure relief valve. Where discharge piping is used the end shall not be threaded.

915.8.5. Damage protection: The fire department air connection panel shall be installed in an area protected from physical damage.

915.9. Interior cylinder fill panels.

915.9.1. New buildings. Unless otherwise approved by the chief, the interior cylinder fill panels shall be installed in the above grade portion of applicable structures in all stairwells. Install the required interior cylinder fill panels commencing on the third floor and on every other floor above the third floor. The interior cylinder fill panels are not required on the highest floor or on the floor immediately below the highest floor. Unless otherwise approved by the chief, the interior cylinder fill panels shall be installed in the below grade portion of applicable structures at stairwells, or other areas of ingress or egress approved by the chief, commencing on the third floor below ground level and every other floor below grade level thereafter or, if there are fewer than three (3) floors below ground level, the lowest floor.

915.9.2. Existing buildings. Install the interior cylinder fill panels per Section 915.9 in existing buildings within one stairwell only. The Fire Chief shall approve that stairwell. The interior cylinder fill panels may be surfaced mounted within the stairwell and shall be at the stairwell floor landing.

915.9.3. Cabinet requirements. Each cylinder fill panel shall be installed in a metal cabinet constructed of minimum 18-gauge carbon steel or equivalent. The depth of the cabinet shall not create an exit obstruction when installed in building stairwells. With the exception of the shutoff valve, pressure gauges, fill hoses and ancillary components, no system components shall be visible and shall be contained behind a minimum 18-gauge interior panel.

915.9.3.1. Door. Hinges for the cabinet door shall be located inside of the cabinet. The door shall be arranged such that when the door is open, it does not reduce the required exit width or create an obstruction in the path of egress.

915.9.3.2. Cabinet components. The cabinet shall be of sufficient size to allow for the installation of the following components:

915.9.3.2.1. The cylinder fill panel shall contain all of the gauges, isolation valves, pressure relief valves, pressure regulating valves,

check valves, tubing, fittings, supports, connectors, hoses, adapters and other components to refill SCBA cylinders.

915.9.3.2.2. Cylinder filling hose. The design of the cabinet shall provide a means for storing the hose to prevent kinking. When the hose is coiled, the brackets shall be installed so that the hose bend radius is maintained at 4 inches or greater. Fill hose connectors for connection to SCBA cylinders shall comply with the requirements of NFPA 1981. No other SCBA cylinder fill connections shall be permitted.

915.9.3.2.3. Security. Each panel cover shall be maintained locked by an approved means.

915.9.3.3. Clearance and access. The panel shall be a minimum of 36 inches but not more than 60 inches above the finished floor or stairway landing. Clear unobstructed access shall be provided to each panel.

915.9.4. The interior cylinder fill panel capacity. The interior cylinder fill panels shall contain all of the necessary gauges, isolation valves, pressure relief valves, pressure regulating valves, check valves, tubing, fittings, supports, connectors, adapters and other necessary components as may be required to allow firefighters and other first responders to safely and reliably replenish a minimum of two (2) forty-five (45) cubic feet breathing air cylinders simultaneously.

915.10. Tubing, valves and fittings. Unless otherwise approved by the Fire Chief, all tubing, valves and fittings shall be compatible and support a minimum working pressure of five thousand (5,000) psi. Design the tubing, valves and fittings with a safety factor of four (4). Support the tubing not less than at five-foot intervals.

915.10.1. Tubing. Tubing shall be stainless steel complying with ASTM A269 or other approved materials that are compatible with breathing air at the system pressure. Routing of tubing and bends shall be such as to protect the tubing from mechanical damage.

915.10.2. Fittings. Fittings shall be constructed of stainless steel complying with ASTM A403/A403M or other approved materials that are compatible with breathing air at the system pressure.

915.10.3. Prohibited materials. The use of non-metallic materials, carbon steel, iron pipe, malleable iron, high strength gray iron, or alloy steel shall be prohibited for breathing air pipe and tubing materials.

915.10.4. Protection. The entire system shall be protected by a minimum of two-hour rated construction that protects the system from possible damage. When piping must pass through a fire rated or solid material, protect the piping with a

sleeve that is at least three (3) times the pipe diameter. Fill both ends of the sleeve and wall gap with an approved fire stop. Label the piping with "Rescue Breathing Air" at internals not less than 10 feet.

915.11. Low pressure monitoring and alarm. When not being utilized by fire department personnel, the FBAR System shall maintain a constant pressure of at least four thousand five hundred (4,500) psi. An alarm or monitoring system capable of detecting, and that is set to detect, a pressure drop of one thousand (1,000) psi shall be included and maintained with the FBAR System. The low-pressure alarm shall transmit a supervisory signal to the building alarm fire system and to the central alarm monitoring station when the system pressure falls below the minimum allowed pressure. A building or structure owner or designee, shall notify the fire department of any scheduled test of the system conducted by the owner of the building or structure. Unless otherwise approved by the Fire Chief, the low-pressure alarm shall be monitored by an approved fire and smoke alarm system for the building or structure.

Exception:

In lieu of the low pressure monitoring and alarm, the building owner shall test the air quality of the system every three months according to NFPA 1989.

915.12. Isolation valve. A system isolation valve shall be installed downstream of each air fill station and shall be located in the panel or within 3 feet of the station. The isolation valve shall be marked with its function in letters that are a minimum of 3/16-inches high with a 1/16-inch brush stroke.

915.13. Markings and record keeping. The fire department air connection panel and the remote air fill panels shall be clearly identified by means of permanently installed signage which says: "FIREFIGHTER AIR SYSTEM" in minimum letters 1½ inch high with a ¼ inch stroke and be located where plainly visible. The building or structure owner shall keep the area in and around the fire department air connection panel and the remote air fill panels free of objects that may block use of these panels and shall maintain and test the FBAR System in accordance with NFPA Standards and manufacturer specifications. Records of all maintenance and testing of the FBAR System shall be kept on-site for a minimum of three (3) years and be available to fire department personnel upon request.

915.14. Testing requirements. When fabrication, assembly and installation of the FBAR System is complete, the entire system shall be tested in accordance with the following:

915.14.1 The system shall be inspected for leaks by pneumatically pressure testing the system to five thousand (5,000) psi using oil-free, dry air. An approved solution shall be used on each joint and fitting in the system to detect leaks. All leaks or failure to maintain five thousand (5,000) psi pneumatic pressure shall be documented by the system installer and forwarded to the system manufacturer for inspection, repair and/or replacement.

915.14.2 Upon successful completion of the five thousand (5,000) psi pressure testing, the entire system shall be pneumatically pressure tested to one and one-half (1 1/2) times the working pressure (seven thousand five hundred (7,500) psi) using oil free, dry air for at least one (1) hour. All leaks or failure to maintain seven thousand five hundred (7,500) psi pneumatic pressure shall be documented by the system installer and forwarded to the system manufacturer for inspection, repair and/or replacement.

915.14.3 Final Proof Test. The Authority Having Jurisdiction shall witness filling of two (2) empty sixty six (66) cubic foot capacity SCBA cylinders in three (3) minutes or less using compressed air supplied by fire department equipment connected to the exterior fire department connection panel. The SCBA cylinders shall be filled at the air fill panel or station farthest from the exterior fire department connection panel. Following this, a minimum of two (2) air samples shall then be taken from separate air filling stations and submitted to an independent certified gas analyst laboratory to verify the system's cleanliness and that the air meets the requirements of NFPA 1989. The written report shall be provided to the Authority Having Jurisdiction certifying that the air analysis complies with the above requirements.

915.15 Air quality testing. Upon completion of the pressure testing, test the air quality of the systems according to NFPA 1989.

CHAPTER 37 PLACES OF ASSEMBLY

SECTION 3701 GENERAL

3701.1 Scope. Places of assembly, including, trade shows and exhibitions, outdoor assembly events, outdoors mazes, special amusement buildings and special scaffolding structures shall comply with Chapter 37.

3701.2 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7.

3701.3 Construction documents. Construction documents shall be submitted to the fire code and building official prior to the construction or modification of special amusement buildings, special scaffolding-type structures and multi-level exhibits

3701.4 Site plans. Site plans shall be submitted to the fire code official for prior approval in accordance with the following:

1. **Outdoor assembly events:** At least 30 work days prior to the event, site plans shall be submitted to the fire code official that include, but not be limited to the location and width of exits, location of fencing or means used to confine attendees,

and locations of fire apparatus access roads.

2. Trade shows and exhibitions: A minimum of 30 days prior to set-up of trade shows or exhibitions, site plans shall be submitted to the fire code official documenting all details of the trade show or exhibition including, but not limited to the location and size of exhibits and booths, aisles and exits, location of fire extinguishers, hose valves, manual pull stations, and fire alarm strobes, location of covered or multi-level exhibits or booths.

3. Outdoor mazes. A minimum of 30 days prior to the event, site plans shall be submitted to the fire code official. The site plan shall document the location of mazes and any other buildings or structures on the site, location of means to confine attendees, location and width of exits, location of internal combustion engines, location of approved fire extinguishers, location of generators and location of fire hydrants.

4. Vehicle displays: At least 10 work days prior to the display of liquid- or gas-fueled vehicles, boats or other motor craft in Group A occupancies. See Section 314.4.

Exception:

Auto dealerships.

5. Vehicle competition or demonstration. At least 10 days prior to the competition or demonstration of gas-fueled vehicles, boats or other motor craft in Group A occupancies. See Section 314.4.

SECTION 3702 DEFINITIONS

3702.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

[B] Assembly Group A. See Section 202, General Definitions.

EXHIBITS. A space or portable structure used for the display of products or services.

MAZES. A labyrinth of paths throughout a confined area accessible by walking or mobile.

OUTDOOR ASSEMBLY EVENTS. Private and public events conducted outdoors, including but not limited to beer gardens and mazes, having a projected attendance of 500 or more persons throughout the event and confine attendees by the permanent or temporary installation of barricades or fencing.

SWEAT LODGE. A structure constructed for a religious ceremony that contains a fire.

TORCHES. The use of open flame torches for entertainment purposes before a proximate audience.

TRADE SHOWS OR EXHIBITIONS. Public or private displays, events or occurrences held in buildings or portions of buildings for gathering together of 50 or more persons for

purposes of competition, demonstration, a setting or presentation of something in open view, or showing the merits of a product or service to a prospective consumer.

SECTION 3703 TRADE SHOWS AND EXHIBITIONS

3703.1 General. Trade shows and exhibitions, conducted within any occupancy shall comply with Sections 3703 and 314.

3703.2 Fixtures and displays. Fixtures and displays of goods for sale to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.

3703.3 Vehicles. Liquid- or gas-fueled vehicles, boats or other motor-craft displayed shall comply with Section 314.

3703.4 Means of egress. Shall comply with this code and the requirements of the International Building Code.

3703.4.1 Travel distance. The maximum travel distance from any point in an exhibit to an exit access shall not exceed 50 feet (15240mm).

3703.4.2 Aisles.

3703.4.2.1 Aisle width. Minimum aisle width in a trade show or exhibition shall comply with the following:

Square Footage of Trade Show or Exhibition	Minimum Aisle Width
---	----------------------------

Greater than 15,000 square feet	10 feet
5,000 square feet to 15,000 square feet	8 feet
Less than 5,000 square feet	6 feet

The square footage of the trade show or exhibition shall be determined by adding all of the areas being used in the occupancy for the venue, not the individual size of each room.

3703.4.3 Obstructions. Aisles shall be kept clear of all obstructions, including but not limited to, chairs, tables, product, displays, vehicles, and trailer tongues.

3703.4.4 Exit signs. Exit signs shall be visible from all locations in the occupancy.

3703.5 Exhibit construction and materials. The materials used for an exhibit shall comply with Section 3703.6.

3703.5.1 Materials.

1. Noncombustible or limited-combustible materials.
2. Wood exceeding ¼-inch (6mm) nominal thickness

3. Wood ¼-inch (6mm) nominal thickness or less that is pressure-treated fire-retardant wood meeting the requirements of NFPA 703, *Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials*. The product shall be marked or labeled by the manufacturer. See NFPA 703, Section 1.2.3 for labeling requirements. The product shall not be painted or similarly modified until the material has been inspected and the marking or labeling verified, or provide documentation acceptable to the fire code official.

3703.5.1.1 Flame retardant materials. Vertical materials shall comply with NFPA 701.

3703.5.1.2 Wall and ceiling coverings. Textile wall coverings, such as carpeting and similar products used as wall or ceiling finishes shall comply with NFPA 101, Sections 10.2.2 and 10.2.4.

3703.5.1.3 Plastics. Plastics shall be limited to those that comply with Section 803.2.1. Plastics used in trade shows and exhibitions with an occupant load of 300 or more shall be Class A or Class B. Plastics used in trade shows and exhibitions with an occupant load of less than 300, shall be Class A, Class B or Class C.

3703.6 Combustible materials storage.

3703.6.1 Quantity. Combustible materials shall be limited to a one-day supply.

3703.6.2 Location. Storage of combustible materials behind exhibits is prohibited. Combustible materials, including but not limited to wood crates, paper and cardboard boxes, shall be stored outside the building in an approved area or in a storeroom having a fire-resistance rating of at least one hour and protected by an approved automatic fire-extinguishing system.

3703.7 Fire Protection.

3703.7.1 Clearance. A minimum 3-foot (914mm) clearance shall be provided around all fire extinguishers, fire hose cabinets, fire alarm pull stations and all other fire protection equipment, and shall be visible and accessible from an aisle.

3703.7.2 Fire extinguishers. Fire extinguishers shall be in accordance with Section 906.

3703.7.3 Covered exhibits and booths.

3703.7.3.1 Automatic extinguishing systems. Approved automatic extinguishing systems shall be provided in covered exhibits and booths exceeding 300 square feet. See Section 105.7. Each level of multi-level exhibit

booths shall be protected throughout, including the uppermost level where the uppermost level is covered with a ceiling.

Exception: Displays including boats, motor homes and other recreational vehicles.

3703.7.3.2 Smoke detectors. Single-station smoke detectors shall be provided in all enclosed, covered exhibits exceeding 120 square feet (111,484 cm²).

3703.8 Multi-level booths. Construction documents for all multi-level exhibits shall be approved and stamped by a licensed structural engineer or architect and shall be submitted with the permit application. This includes any exhibit where a live load is proposed above the exhibit area floor level, regardless of the accessibility of the area to the public. Upper levels of multi-level booths with an occupant load greater than 10 persons shall have at least 2 remote exits.

3703.8 Hazardous Materials. Hazardous materials shall comply with Section 4703.10 and Chapter 27.

3703.8.1 Specific prohibitions. The following hazardous materials and operations are prohibited in trade shows and exhibitions:

1. Division 1.1, 1.2, 1.3, and 1.5 explosives as classified by the U.S. Department of Transportation.
2. Detonable, Class I and Class II organic peroxides.
3. Class I-A flammable liquids.
4. Class 4 and Class 3 oxidizers.
5. Class 4 and Class 3 (unstable) reactive materials.
6. Class 3 water-reactive materials.
7. Pyrophoric materials.
8. Highly toxic materials
9. Toxic gases.
10. Fueling or defueling of flammable or combustible liquids or compressed gases.

3703.9 Decorations. Curtains, drapes and decorations including, but is not limited to drapes, signs, banners, acoustical materials, cotton, hay, fabric, paper, straw, moss, split bamboo, and wood chips shall be flame resistant as demonstrated by testing in accordance with NFPA 701, or provide documentation of flame retardancy. Materials that cannot be treated for flame retardancy shall not be used. This includes but is not limited to oilcloth, tarpaper, nylon, plastic cloth, and other plastic materials.

3703.10 Liquid- and Gas-fueled vehicles and equipment. Liquid- and gas-fueled vehicles used for display, competition or demonstration within a building shall be in accordance with Section 314.4.

3703.11 Demonstration Cooking and warming equipment and devices.

3703.11.1 General. Cooking and warming devices shall be in accordance with Section 4703.13. This section shall apply to the use of cooking and warming devices for demonstration purposes only.

3703.11.2 Public Isolation. The equipment and devices shall be isolated from the public by not less than 4 feet (1219mm) or by a noncombustible 3-sided barrier between the equipment and devices and the public.

3703.11.3 Protection. Single-well cooking equipment using combustible oils or solids shall meet the following:

1. A noncombustible lid shall be immediately available. The lid shall be of sufficient size to cover the cooking well completely.
2. The cooking surface shall not exceed 288 square inches (18,580mm).
3. The equipment shall be placed on a noncombustible surface.
4. The equipment shall be separated from each other by a horizontal distance of not less than 2 feet (609mm).

3703.11.4 Fire extinguishers. An approved 20-B: C rated dry chemical fire extinguisher shall be provided within 30 feet (9144mm) of deep fat fryers using animal fat oil. An approved Class K rated fire extinguisher shall be provided within 30 feet (9144mm) of deep fat fryers using vegetable oils.

3703.11.5 The cooking equipment shall be separated from combustible materials by a horizontal distance of at least 2 feet (609mm).

3703.12 Electrical. See Section 605.

3703.13 Open flame devices. See Section 308.

3703.14 Lasers. Lasers shall comply with State of Arizona regulations.

SECTION 3704 OUTDOOR ASSEMBLY EVENTS

3704.1 General. Outdoor assembly events shall be in accordance with Section 4704.

3704.2 Occupant load. The fire code official shall establish an occupant load for the event site when not in conjunction with building occupant loads determined under the IBC.

3704.3 Exits. Exits as remote from each other as practical shall be provided as follows:

Occupant Load	Minimum Number of Exits
500 to 4,999	2
5,000 to 8,999	3
9,000 or more	4

3704.3.1 Width. The aggregate clear width of exits shall be a minimum of 36 inches wide (914mm) for each 500 persons to be accommodated.

3704.3.2 Signs. Exits shall be identified with signs that read "EXIT". The signs shall be weather-resistant with red lettering on a contrasting background. The lettering shall be of sufficient height and brush stroke to be immediately visible from 75 feet (22,860mm). Placement of the exit signs shall be approved by the fire code official.

3704.4 Access. Fire apparatus access roads shall be provided in accordance with Chapter 5.

3704.5 Fire extinguishers.

3704.5.1 General. Portable fire extinguishers shall be provided for the entire event site in accordance with Section 906.

3704.5.2 Travel distance. Maximum travel distance to reach a portable fire extinguisher shall not exceed 75 feet (22,860mm).

3704.6 Electrical equipment. Electrical equipment and installations shall comply with the National Electrical Code.

3704.7 Concession stands and food booths.

3704.7.1 General. Concession stands and food booths shall be in accordance with Section 4704.7.

3704.7.1.1 Distances. A minimum of 10 feet (3048mm) shall be provided behind booths when placed back-to-back. A minimum of 20 feet (6096mm) shall be provided between every 150 feet (45,720mm) of concession stand and food booth space. A minimum of 30 feet (9144mm) shall be provided between food booths and the parking of automobiles, generators, or any other internal combustion engine.

3704.7.1.2 Location. Concession stands used for cooking shall have a minimum of 10 feet (3048mm) of clearance on 2 sides and shall not be located within 10 feet (3048mm) of amusement rides or devices.

Exception: hotdog carts that are licensed by the City for use in right-of-ways.

3704.7.1.3 Fire extinguishers. An approved 20-B: C rated dry chemical fire extinguisher shall be provided within 30 feet (9144mm) of deep fat fryers using animal fat oil. An approved Class K rated fire extinguisher shall be provided within 30 feet (9144mm) of deep fat fryers using vegetable oils.

3704.7.2 Cooking appliances or devices.

3704.7.2.1 Public isolation. Concession stand and food booth cooking appliances or devices shall be isolated from the public by providing the following:

1. A minimum of 4 feet (1219mm) between the cooking appliances or devices from the front of the booth, or
 2. A noncombustible 3-sided shield installed between the cooking appliance or device and the public.
- A minimum of 3 feet (914mm) shall be provided between concession stands and food booths and solid fuel-burning appliances or devices.

3704.7.3 Liquefied petroleum gas (LP-gas). LP-gas shall be in accordance with Chapter 38 and NFPA 58.

3704.7.3.1 Maximum number and quantity. A maximum of two LP-gas containers with a total aggregate water capacity of 25 gallons (95L) is permitted at one concession stand or food booth.

3704.7.3.2 LP-gas cylinder hoses. Hoses shall be designed for a working pressure of 350 PSIG with a safety factor of 5 to 1 and shall be continuously marked with LP-GAS, PROPANE, 350 PSI WORKING PRESSURE, and the manufacturer's name or trademark. Hose assemblies, after the application of couplings, shall have a design capability of 700 PSIG. Hose assemblies shall be leak tested at the time of installation at not less the operating pressure of the system in which they are installed. The hose length shall be 36-inches (914mm) or less.

3704.7.3.3 Storage of containers. Containers shall be stored in accordance with Chapter 38.

3704.8 Internal combustion engines. Internal combustion power sources, generators and similar equipment shall be in accordance with Section 4704.8.

3704.8.1 Fueling. Fueling of internal combustion power sources shall be conducted only when not in use.

3704.8.2 Protection. Internal combustion power sources shall be isolated from the public by physical guard, fence or enclosure installed at least 3 feet (914mm) away from the internal combustion power source.

3704.9 Water stations. When outdoor temperatures are expected to exceed 100°F (38°C), the event sponsor shall provide and maintain a minimum of one staffed water station for each 25,000-projected attendance. The water station shall include adequate water supply and cups, and a means for rapid replenishing of exhausted water and ice supplies. Each water stations shall be located as far apart as practicable to allow ease of access for event attendees.

SECTION 3705 SPECIAL AMUSEMENT BUILDINGS

3705.1 General. Special amusement buildings shall be in accordance with this section, Section 411 of the *International Building Code*, and this section.

Exception: Amusement buildings or portions thereof, that are without walls or a roof and constructed to prevent the accumulation of smoke.

3705.2 Use of combustible decorative materials. Use of combustible decorative materials shall be in accordance with Chapter 3.

3707.4 Combustible decorative materials. Combustible decorative materials shall be Class A in accordance with Chapter 8.

3705.3 Assistance. Adult monitors with flashlights shall be available to provide assistance in the event someone becomes lost or disoriented.

3705.4 Automatic sprinkler system. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Chapter 9.

3705.4.1 Temporary special amusement buildings. Where the special amusement building is temporary, the sprinkler water supply shall be of an approved temporary means. The sprinkler piping shall be connected to a temporary water supply having sufficient capacity (flow and pressure) to supply residential or standard quick spray response sprinkler heads at a minimum design density of 0.15 gpm per square foot of protected floor area. The design shall be based on flowing the six most hydraulically remote sprinkler heads. Should the temporary amusement building contain less than six heads, the design shall assume that all heads are flowing simultaneously. The temporary water supply may be connected to either a domestic water line, a fire line, or temporary on-site storage, as long as the minimum design densities are met. An indicating type control valve shall be installed in an accessible location between the sprinkler system and the connection to the water supply.

When the temporary sprinkler system is installed from a domestic water line, back flow prevention shall be provided in accordance with the requirements of the Plumbing Code.

SECTION 3706 OUTDOOR MAZES

3706.1 General. Outdoor mazes including, but not limited to corn stalk or hedge mazes, shall be in accordance with Section 3706.

3706.1.1 Smoking and open flame devices. Smoking and open flame devices shall not be permitted within 50 feet of the maze site.

3706.1.2 Safe refuge areas. Safe refuge areas shall be established outside of the maze or building and structure, and not closer than 50 feet (15240mm).

3706.1.3 Generators. When generators are installed, a permit from the Development Services Department shall be obtained. The generators shall be installed at least 10 feet (3048mm) from combustible materials.

3706.1.4 Paths. Paths throughout the maze shall be a minimum of 36 inches (914mm) clear and unobstructed width.

3706.1.5 Separation. A minimum of 20 feet (6096mm) shall be provided between mazes and buildings and structures. The 20-foot (6096mm) clearance shall be free from vegetation and obstructions.

3706.1.6 Means of egress. Each exit shall be a minimum of 6 feet (1828mm) wide.

3706.1.6.1 Travel distance. The maximum travel distance to reach an exit access shall not exceed 75 feet (22,860mm). The travel distance shall be determined by using the maze path.

3706.1.6.2 Number. The travel distance required to reach an exit access shall determine the number of exits required. Locking devices shall not be allowed on exits when the maze is occupied.

3706.1.6.3 Exit signs. Exit signs shall be provided next to or above each exit. The lettering shall be a minimum of 12 inches (305mm) high with 2-inch (51mm) brushstroke. The signs shall read EXIT with lettering in a color contrasting to the sign's background.

3706.1.6.4 Fire extinguishers. A minimum 2:A:10-B:C portable fire extinguisher shall be provided at each exit.

3706.2 Permit application. At time of permit application, the event coordinator shall submit to the fire code official, a letter from the property owner authorizing the use of the site, the address of the site, dates and hours of operation and names and 24-hour phone numbers of at least two principals.

3706.2.1 Event plans. The following plans shall be submitted to the fire code official for approval.

3706.2.1 .2 General fire safety plan. The plan shall include, but not be limited to procedures that shall be used to prevent over-drying of vegetation throughout the

site, documentation of decorative materials flame-retardancy, the maximum number of attendees.

3706.2.1.3 Security plan. The plan shall document who shall provide security (e.g., off-duty Police Officers, Sheriff's posse, employees). Each security personnel shall be provided with a 2-way radio and flashlight.

3706.2.1.4 Evacuation plans. The plan shall document the responsibilities of all on-site employees. The plan shall also document how attendees will be evacuated, and where they will be evacuated.

3706.2.1.5 Maze rules. Each attendee shall be provided with maze rules.

3706.3 Employee responsibilities. Each employee shall be familiar with the evacuation plan and with fire extinguisher locations.

3706.3.1 Guides. An employee shall be responsible for guiding a group of not more than 14 attendees through the maze. Each employee shall be provided with a minimum of one "D" size flashlight and two-way radio. The employees shall be responsible for detecting and reporting fire or smoke to a competent person posted at the maze main entrance.

3706.3.2 Main entrance employee. Each maze shall be manned by an employee at the entrance. The employee shall be capable of communicating with the employees and shall be provided with a cellular telephone. When the main entrance employee receives a report of smoke, fire or injury, the employee shall immediately call 9-1-1.

3706.4 Watering. Corn stalk and hedge mazes shall be provided with sufficient water and at a frequency that prevents the vegetation from becoming dry or brittle. Failure to comply with this provision is an imminent hazard and the fire code official shall issue a stop order.

3706.5 Buildings and structures. When buildings and structures are intended to be occupied by attendees, the building and structure shall comply with Section 4705.

Appendices.

The following appendices are adopted:

- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E
- Appendix F
- Appendix G

Attachment 4

Matrix Summary of Public Communication

**Town of Queen Creek
2013 Building Code Adoption Process
Public Input regarding adoption of 2012 ICC codes**

Person/Organization		Opposition	Support
ASHRAE Central Arizona Chapter/Tucson Chapter (American Society of Heating, Refrigerating and Air-Conditioning Engineers)	Professional Organization		ASHRAE encourages the adoption of all current ICC building codes, especially those that make use of carefully-developed ASHRAE Standards. This letter is intended to explain why adopting current code versions (the 2012 IECC, in particular) are a benefit to the town and community at-large. -Codes/stds revised on a 3yr basis ensure the latest efficiency- and safety-related technologies and techniques are codified, made available to technical professionals/code officials -Public benefits from up-to-date codes/stds; taxpayers bear cost of legal actions, high bldg. operations/maint. costs when codes/stds are not updated regularly -Delayed implementation puts state/jurisdiction far behind others. This can mean that const. industry & code inspectors would need to absorb 6+ yrs of new information at one time. Consumer has less access to technologies developed since last update.
Bettina Bickel Email dated 10/18/13	Non-resident		Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure risk, drive down short- & long-term energy, improve air quality, reduce stress on electrical grid, defers need for new energy
Roger Daniel Email dated 10/18/13	Non-resident		Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure
Home Builders Association of Central Arizona Jackson Moll Deputy Director Municipal Affairs Email dated 10/18/13	Professional Organization	HBACA does not support the 2012 IECC (energy conservation code). And offers suggested amendments that mitigate some of their concerns. They support energy efficient construction but the suggested amendments replicate the characteristics of the market which led to successes experienced in Phoenix market in energy efficient construction.	Building codes are some of the most significant regulations faced by the homebuilding industry -Bldg codes should focus exclusively on direct & easily identifiable life, health, and safety aspects -Bldg codes are an expression of the legitimate function of local governments to regulate construction to protect life/health/safety of its residents -We believe the best code to adopt is the IRC as the most widely adopted code, therefore is familiar to design professionals saving time & money -IRC serves to establish a community/industry standard of care

<p>Kathy Hinson</p> <p>Email dated 10/18/13</p>	<p>Non-resident</p>		<p>Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure risk, drive down short- & long-term energy, improve air quality, reduce stress on electrical grid, defers need for new energy infrastructure, decreases greenhouse gas emissions. Energy efficient homes are more comfortable.</p> <p>Homeowners with homes built under 2012 energy code will save \$6,550 over 30 yrs.</p>
<p>Derek D. Horn, P.E. Retired acting Planning & Development Director for City of Phoenix</p> <p>Email dated 10/17/13</p>	<p>Non-resident</p>		<p>Adopting the newest codes promotes commerce & prudent life safety.</p> <ul style="list-style-type: none"> -Codes contain provisions for the latest building technology resulting in reduced design, construction & energy costs for designers/builders/owners. -Incorporates the latest methodologies in life safety developed by experts in the field. -Having codes consistent with other valley and state municipalities makes QC and the valley more competitive for attracting businesses.
<p>David A. Mann P.E.</p> <p>Email dated 10/17/13</p>			<p>Impressed with the growth and development in Queen Creek. Indicates one of the best ways to insure continued volume and quality development is to be on the current building code and the same codes as most of central Arizona jurisdictions.</p>
<p>Small Business Alliance Aimee Rigler</p> <p>Email dated 07/11/13</p>	<p>Professional Organization</p>		<p>Support adoption of 2012 I-codes, with exceptions; encourage adoption of IgCC as optional or voluntary, and continue using the 2006 IECC as previously adopted.</p>
<p>Rob Stonecipher</p> <p>Email dated 10/18/13</p>	<p>Non-resident</p>		<p>Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure risk, drive down short- & long-term energy, improve air quality, reduce stress on electrical grid, defers need for new energy infrastructure, decreases greenhouse gas emissions. Energy efficient homes are more comfortable.</p> <p>Homeowners with homes built under 2012 energy code will save \$6,550 over 30 yrs.</p>

<p>Salt River Project Sharon Bonesteel, RA, CBO, CP Senior Policy Analyst-Codes & Standards Initiative</p> <p>Email dated 10/17/13</p>	<p>Professional Organization</p>		<p>Supports adoption of 2012 I-Codes including IECC and IgCC; codes that establish baseline performance measures for energy efficiency and water conservation. These codes help citizens reduce water and energy use, reducing utility bills. These codes provide solid guidance on minimum standards for installation of energy efficient components & building resilient structures.</p> <p>Different codes in defferent cities cost builders time and money; national chains want consistency in interstate ventures.</p> <p>-SRP is already educating key stakeholders within service territory to advocate & support adoption of the 2012 IECC.</p>
<p>Ms. Carson Watkinson</p> <p>Email dated 10/18/13</p>	<p>Non-resident</p>		<p>Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure risk, drive down short- & long-term energy, improve air quality, reduce stress on electrical grid, defers need for new energy infrastructure, decreases greenhouse gas emissions. Energy efficient homes are more comfortable.</p> <p>Homeowners with homes built under 2012 energy code will save \$6,550 over 30 yrs.</p>
<p>Tom Wenzel</p> <p>Email dated 10/18/13</p>	<p>Non-resident</p>		<p>Requests adoption of 2012 International Energy Conservation Code to help save energy and help consumers save money. Energy efficient homes are more affordable, reduce default/foreclosure risk, drive down short- & long-term energy, improve air quality, reduce stress on electrical grid, defers need for new energy infrastructure, decreases greenhouse gas emissions. Energy efficient homes are more comfortable.</p> <p>Homeowners with homes built under 2012 energy code will save \$6,550 over 30 yrs.</p>

<p>Ric Ashby Ashby Realty Group</p> <p>Email dated 10/22/13</p>	<p>Resident Town Business owner</p>	<p>Feels the code changes are invasive and unnecessary to preserve liberty and way of life</p>	
<p>Gwen Black Realtor</p> <p>Email dated: 10/21/13</p>	<p>Town Business owner</p>	<p>Opposes excessive building codes. Wants less government, less regulations, less hoops to jump through. Keep status quo, do not change current building codes</p>	
<p>Lucky Chesley</p> <p>Email dated 10/29/13</p>	<p>Resident</p>	<p>Skeptical of anything coming from Washington. Concerned with how the 2012 codes affect deaf people</p>	
<p>Gordon Ray House Plans in a Week</p> <p>Email dated: 10/16/13 10/22/13 (1) 10/22/13 (2) 10/22/13 (3) 10/29/13</p>	<p>Non-resident</p>	<p>Considers the ICC code system cumbersome and corruptive Wants to shrink government and the oppressive grip it has on citizens and business Claims ICC is connected to the White House ICC codes are federal control at a local level Wants to only mandate the items that Council feels are necessary to insure building safety States the energy codes or energy conservation requirements/standards are not life-safety items and should be a choice not a requirement.</p>	

<p>Adam and Christy Layton</p> <p>Email dated 10/29/13</p>	<p>Resident Business owner</p>	<p>Want council to refuse to even consider adopting any of these codes that take away so many personal choices</p>	
<p>Rusdon Ray</p> <p>GER Drafting Services; House Plans in a Week</p> <p>Email dated: 05/16/13 05/31/13 08/22/13 08/30/13 10/22/13 11/11/13</p>	<p>Non-resident</p>	<p>Feels the codes are not about safe building practices 2012 codes regulate too much Removes the right of personal choice Penalty for non-compliance Retroactive application of new codes</p>	
<p>Mark Safsten</p> <p>Email dated 10/24/13</p>	<p>(Not indicated)</p>	<p>Concerned about the costs imposed on builders by 2012 codes. Feels the codes will make homes more expensive. Agrees that government should set a standard for construction, especially to preserve the values of the properties. Wants the discretionary costs associated with adopting the codes closely looked at. Additional cost to builders may drive them out of Queen Creek.</p>	
<p>Scott Ray</p>	<p>(Not indicated)</p>	<p>Requests building codes be life safety items only. Doesn't want building code that regulates citizen's everyday lives and personal property.</p>	
<p>Mike Stiles</p> <p>Email dated 11/06/13</p>	<p>(Not indicated)</p>	<p>Thinks the international codes guarantees workload and job security for bureacrats. Thinks this puts more burden on the public with more regulations.</p>	

Brian Swain Email dated 10/22/13	Non-resident	States the building codes should be for life safety, not to mandate energy efficiency	
Emilena P Turley Realtor, LD12 Republican Committee Secretary Email dated 10/22/13	Resident	Opposes 2012 ICC codes: wants less regulation. Considers the codes "far from principals of freedom, and far from conservative principals the towns elected officials promised to govern	

Attachment 5
Letters of Support



ASHRAE Central Arizona Chapter – P.O. Box 45104, Phoenix, AZ 85064-2061

November 6th, 2013

Town of Queen Creek Code Adoption & Energy Efficiency Concerns

Statement: ASHRAE encourages the adoption of all current ICC building codes, especially those that make use of carefully-developed ASHRAE Standards. This letter is intended to explain why adopting current code versions (the 2012 IECC, in particular) are a benefit to the town and community at-large.

Addressed to:

Mayor Gail Barney: Gail.Barney@queencreek.org

Vice Mayor Dawn Oliphant: Dawn.Oliphant@queencreek.org

Council Member Craig Barnes: Craig.Barnes@queencreek.org

Council Member Robin Benning: Robin.Benning@queencreek.org

Council Member Jeff Brown: Jeff.Brown@queencreek.org

Council Member Jason Gad: Jason.Gad@queencreek.org

Council Member Julia Wheatley: Julia.Wheatley@queencreek.org

Building Official: Michael.Williams@queencreek.org

Courtesy Copy: Sharon Bonesteel Sharon.Bonesteel@srpnet.com; David Nichols dnichols@iccsafe.org; Mark Bender mbender@benderdean.com; Mark Wills MWills@ashrae.org; Patrick Panetta Patrick.Panetta@asu.edu

To Whom It May Concern,

We have noted over time that a handful of municipalities have considered, or are considering, delaying updates to building energy codes (i.e., in most cases, from every three years to every six years) and, at worst, rolling back codes to earlier, less energy-efficient versions of the codes.

In several municipalities, lawmakers are examining such proposals on the grounds that code and standard updates are considered too costly to implement or update on so “frequent” a basis.

CHAPTER MAY NOT ACT FOR THE SOCIETY



ASHRAE Central Arizona Chapter – P.O. Box 45104, Phoenix, AZ 85064-2061

These proposals are problematic for ASHRAE for several reasons:

- Codes and standards developed and revised on a regular three-year basis ensure that the latest advances in efficiency- and safety-related technologies and techniques (which are moving forward at a faster rate than ever) are codified, made available to technical professionals and code officials in a way to ensure the health, safety, and welfare of the general public.
- As noted above, the public benefits from up-to-date codes and standards: families and building owners want safe and efficient homes and buildings; owners and tenants want to ensure customer and employee safety *and* keep their overheads low; and taxpayers bear the costs of legal actions and high building operations and maintenance costs when codes and standards are not updated regularly.
- Delaying code and standard update cycles puts a state far behind others. For example, if a local municipality enacts a delay law this year, the 2012 standards and codes wouldn't be implemented until 2015, while other municipalities would, presumably, have adopted 2012 *and* 2015 editions. This means that the construction industry and code inspectors would need to absorb six years of new information at one time. Also, consumers would have less access to technologies developed since the last update because the design community and code officials would have inadequate safety installation information.

Recently, ASHRAE entered into a partnership with several other organizations who are similarly worried about these developments. As suggested by its name, the Coalition for Current Safety Codes Advisory Committee is not focused on the energy efficiency standards and codes about which ASHRAE chapters and members are experts, but the trend toward code rollbacks and delays in code updates that have the potential to impact any and all model codes and standards, including energy efficiency-related measures developed and maintained by ASHRAE.

Therefore, the local Arizona ASHRAE chapters support updated code adoption by local municipalities including:

- ASHRAE Standards 90.1 (“Energy Standard for Buildings Except Low-Rise Residential Buildings”), and 100 (“Energy Conservation in Existing Buildings”)
- ASHRAE Standard 189.1 (“Standard for the Design of High-Performance, Green Buildings Except Low-Rise Residential Buildings”) as a “green” code

CHAPTER MAY NOT ACT FOR THE SOCIETY



ASHRAE Central Arizona Chapter – P.O. Box 45104, Phoenix, AZ 85064-2061

- ASHRAE Standards protecting the health, safety, and welfare of the general public – notably, Standards 62.1 (“Ventilation for Acceptable Indoor Air Quality”), 62.2 (“Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings”), 170 (“Ventilation of Health Care Facilities”), and 180 (“Standard Practice for Inspection and Maintenance of Commercial-Building HVAC Systems”)

For more details on ASHRAE, please visit www.ashrae.org

Both Dave and/or I can be available for discussion on a limited basis, so please do not hesitate to contact us with questions or concerns.

Sincerely submitted,

ASHRAE, Central Arizona Chapter

Grassroots Government Activities Committee (GGAC) Chairman &
President-Elect

Colin E. Laisure-Pool P.E, LEED AP, CEM:

Colin.Laisure-Pool@mwgroup.net

ASHRAE, Tucson Chapter

Grassroots Government Activities Committee (GGAC) Chairman

Dave Palty:

Dapalty@trane.com

CHAPTER MAY NOT ACT FOR THE SOCIETY

----- Forwarded message -----

From: **Michael Williams** <michael.williams@queencreek.org>

Date: Thu, Nov 7, 2013 at 9:41 AM

Subject: Fwd: Queen Creek Code Adoption & Energy Efficiency Concerns - ASHRAE

To: Gail Barney <gail.barney@queencreek.org>, Craig Barnes <craig.barnes@queencreek.org>, Robin Benning <robin.benning@queencreek.org>, Jeff Brown <jeff.brown@queencreek.org>, Jason Gad <jason.gad@queencreek.org>, Dawn Oliphant <dawn.oliphant@queencreek.org>, Julia Wheatley <julia.wheatley@queencreek.org>

Cc: John Kross <John.Kross@queencreek.org>, Chris Anaradian <chris.anaradian@queencreek.org>

Dear Mayor Barney and Council Members:

Please find the attached letter from the Central Arizona and Tucson Chapters of ASHRAE in support of the adoption of the 2012 I Codes.

Council member Brown requested a clarification of ASHRAE's intent as their previous letter was somewhat ambiguous. The attached revised letter and email clearly state that ASHRAE is in favor of the adoption of the 2012 I Codes.

Sincerely,

Michael J Williams, **CBO, CPM**
Building Official
Building Safety Division Manager
Town of Queen Creek

Michael.Williams@QueenCreek.org

[P \(480\) 358-3009](tel:(480)358-3009)

[C \(480\) 489-4727](tel:(480)489-4727)

E-mails that board members or staff generate pertaining to the business of the public body are public records. Therefore, the e-mails must be preserved according to a records retention program and generally be made available for public inspection. The recipient of this message is hereby notified that participation in email discussions with this sender can and will result in all information contained therein being reviewed by any interested parties, including media outlets and reporters. To ensure compliance with the Open Meeting Law, Town Council recipients of this message should not forward it to other members of the Council. Members of the Council may reply to this message, but they should not send a copy of the reply to other members. Any questions may be directed to the Town of Queen Creek's Town Attorney: 602-285-5000.

----- Forwarded message -----

From: **Laisure-Pool, Colin** <Colin.Laisure-Pool@mwgroup.net>

Date: Wed, Nov 6, 2013 at 5:19 PM

Subject: RE: Queen Creek Code Adoption & Energy Efficiency Concerns - ASHRAE

To: "Jeff.Brown@queencreek.org" <Jeff.Brown@queencreek.org>, "Michael.Williams@queencreek.org" <Michael.Williams@queencreek.org>

Cc: "DAPALTY@TRANE.COM" <DAPALTY@trane.com>

Jeff and Michael,

Attached is a revised version of our letter. I've simply added a line on the top stating ASHRAE's position as being in favor of adopting the latest codes (concern would be if they are *not* adopted), in particular the 2012 IECC.

Please distribute as you see fit. Let me know if you have questions. Thank you.

Best Regards,

Colin E. Laisure-Pool, P.E., LEED AP, CEM
Mechanical Engineering Discipline

M+W U.S., Inc. – A Company of the M+W Group
4710 E. Elwood, Suite 9, Phoenix, AZ 85040, USA
Phone [+1 602-567-9664](tel:+16025679664), Mobile [+1 480-249-7488](tel:+14802497488)
<mailto:colin.laisure-pool@mwgroup.net>, www.mwgroup.net



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From: Laisure-Pool, Colin

Sent: Tuesday, November 05, 2013 2:07 PM

To: 'Gail.Barney@queencreek.org'; 'Dawn.Oliphant@queencreek.org'; 'Craig.Barnes@queencreek.org'; 'Robin.Benning@queencreek.org'; 'Jeff.Brown@queencreek.org'; 'Jason.Gad@queencreek.org'; 'Julia.Wheatley@queencreek.org'; 'Michael.Williams@queencreek.org'

Cc: DAPALTY@TRANE.COM; 'Mary Hebert'; 'Sharon.Bonesteel@srpnet.com'; 'dnichols@iccsafe.org'; 'mbender@benderdean.com'; 'MWills@ashrae.org'; 'Patrick.Panetta@asu.edu'

Subject: Queen Creek Code Adoption & Energy Efficiency Concerns - ASHRAE

To the Mayor and Council Members,

In representation of the Central Arizona and Tucson Chapters of ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers), please refer to the attached letter expressing our concern over recent code adoption news from the Town of Queen Creek.

Please feel free to contact me or Mr. Palty with any questions, concerns, or discussion items. Also, let us know if there is anything else we can do to help. Thank you for your time.

Best Regards,

Colin E. Laisure-Pool, P.E., LEED AP, CEM
Mechanical Engineering Discipline

M+W U.S., Inc. – A Company of the M+W Group
4710 E. Elwood, Suite 9, Phoenix, AZ 85040, USA
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<mailto:colin.laisure-pool@mwgroup.net>, www.mwgroup.net



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On Sun, Oct 20, 2013 at 10:44 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:
Thank you for your input Ms Bickel

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 4:30 PM, Bettina Bickel <bbickel08@gmail.com> wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Ms. Bettina Bickel
9218 N 51st Dr
Glendale, AZ 85302-3401
[\(623\) 939-1667](tel:(623)939-1667)

On Sun, Oct 20, 2013 at 10:42 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:

Thank you for your input Mr Daniel

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 3:00 PM, Roger Daniel <rogwriter@aol.com> wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Mr. Roger Daniel
130 Castle Rock Rd Unit 67
Sedona, AZ 86351-8876
[\(248\) 641-5113](tel:(248)641-5113)



ESTABLISHED 1951

October 18, 2013

Sent Via Email

Michael Williams
Building Official, Town of Queen Creek
22350 S Ellsworth Rd
Queen Creek, AZ 85142

RE: 2012 Building Codes

Dear Mr. Williams:

On behalf of the Home Builders Association of Central Arizona (“HBACA”) and our members, thank you very much for the opportunity to comment on the Town of Queen Creek’s (“Town”) adoption of the 2012 International Construction Codes. Although far from the only regulations imposed upon home builders, building codes are some of the most significant regulations faced by the industry.

In general, the HBACA believes that building codes should focus exclusively on the direct and easily identifiable life, health, and safety aspects of building codes. We believe that this strikes the appropriate balance between the necessary and historic role of government in providing and protecting the safety of its citizenry and preserving the liberty of individual decision making.

On the one hand, building codes are an expression of the legitimate function of local governments to regulate construction to protect the life, health, and safety of its residents. Therefore, to the extent that a local government is going to adopt a construction code, we believe the best code to adopt is the International Residential Code. History suggests that when a municipality ventures out on its own to develop a construction code, it actually serves to hinder economic development. Since the IRC is the most widely adopted code there is a familiarity with the code that saves design professionals time and money in determining what is required. Moreover, the IRC serves to establish a community and industry standard of care which is a vital tool in defending against claims of negligence.

While the HBACA believes that the IRC is the most consistent way to regulate building safety, we also believe that it is less important what version of the code is in place. There is no evidence that buildings in Queen Creek under the 2006 version of the IRC are unsafe. However, we also recognize that there are differences in the 2006 and 2012 codes which may actually provide less regulation in the 2012 code and more flexibility for builders. Therefore, if the Town were to make a decision not to proceed with the 2012 IRC, we would ask that the Town adopt the following amendment to its 2006 code to allow for approval of designs constructed in compliance with the 2012 code:

R.104.11.2 Subsequent Code Editions. Use of a material, product, method of manufacture, or method or manner of construction or installation provided for in the 2012 edition of the International Residential Code shall be authorized and permitted upon publication of the 2012 edition of the International Residential Code, but shall not be mandated by the *building official*. The *building official* may require that if such a material, product, method of manufacture, or method or manner of construction or installation provided for in the 2012 edition of the International Residential Code is used, the use shall comply with all applicable requirements set forth in the 2012 edition of the International Residential Code.

On the other hand, building codes may, in some instances, infringe upon the freedom of home buyers to choose the options they want to invest in based on their own cost benefit analysis, including “green” and energy efficiency options. Therefore, the HBACA does not support the adoption of the International Green Construction Code (“IgCC”) or the International Energy Conservation Code (“IECC”), including Chapter 11 of the International Residential Code. Should the Town elect to proceed with the adoption of the IECC, we strongly support the inclusion of the attached amendments to mitigate some of our concerns.

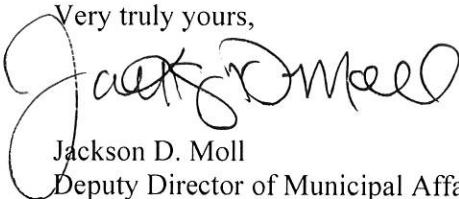
This is not to suggest that the HBACA does not believe that energy efficiency is important. Rather, it is because of the importance of energy efficiency to new residential construction that the HBACA has developed these amendments. In fact, the Phoenix market has led the nation in penetration of Energy Star Homes, and these amendments were designed to replicate the characteristics of the market which led to the success we have experienced in energy efficiency construction.

The most significant amendment allows for the use of a Home Energy Rating System (“HERS”) Index score to demonstrate compliance with the IECC. This eliminates many of the costly mandatory requirements of a building code. By adopting this amendment, builders will have additional flexibility to meet a buyer’s demands at the lowest cost, while at the same time meeting, documenting, and verifying the same level of energy efficiency as required by the 2012 IECC. For these reasons, the amendment was unanimously adopted by the Phoenix City Council on May 15, 2013. It has also been adopted by Chandler and Maricopa County (the County also voted to make IECC voluntary) and is being recommended for adoption in Surprise and Gilbert (the Gilbert Town Council has declined to proceed with the 2012 code adoption at this time).

Finally, I have also included the implementation plan that the HBACA developed with the City of Phoenix for its code update. The plan set an effective date of July 1, 2013 for the 2012 codes. Any new standard plans submitted after the effective date would need to comply with the 2012 codes. However, builders could continue pulling permits off a standard plan in a platted subdivision for an addition 12 months. If the Town were to adopt a similar plan, it would give builders the opportunity to close out a subdivision without having to go through the expense of updating standard plans. The Town would also avoid having to review a number of standard plans all at the same time, which would delay construction activities and create a substantial burden on the Town.

I would really enjoy the opportunity to discuss these proposals with the Town. Please let me know when you are able to meet and I will do my best to ensure that I am available as well. Thank you again for your willingness to discuss these issues and let me know if there is anything else I can provide.

Very truly yours,



Jackson D. Moll
Deputy Director of Municipal Affairs
Home Builders Association of Central Arizona

Enclosures



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

**Proposed Amendments to 2012 International Energy Conservation Code
Section R401.2.1**

Submitted by: Connie Wilhelm, Home Builders Association of Central Arizona

R401.2.1 Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Reasons:

With Energy Conservation the end result is all that matters and it should not matter to the City how that result is achieved. The HERS Index was developed as a way to quantify energy efficiency and standardize the results. The Index considers the entire building system when calculating the score. Allowing a HERS Index as a means for complying with the IECC would allow for additional innovation in energy efficiency in new residential construction, while at the same time ensuring the city meets its energy conservation goals. Moreover, it would allow builders to engage in a cost benefit analysis with different construction methods and materials in order to achieve a home which meets the energy efficiency goals.

Cost Impact: HERS Index Testing is done by private Raters and must be certified under the RESNET Standards. Therefore, there would be no additional cost to the city. By utilizing a HERS Index, builders are required to achieve a required level of energy efficiency, however, that are also provided increased flexibility to utilize a cost-benefit analysis on the methods used to achieve that efficiency.

ACTION TAKEN:

2012 Code Committee			Date: 11/27/12
<input type="checkbox"/> Approved as submitted	<input checked="" type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Development Advisory Board Technical Subcommittee			Date: 12/11/12
<input type="checkbox"/> Approved as submitted	<input checked="" type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Development Advisory Board			Date: 1/17/13
<input type="checkbox"/> Approved as submitted	<input checked="" type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Council Subcommittee			Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
City Council Action			Date: 5/15/13
<input type="checkbox"/> Approved as submitted	<input checked="" type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

CODE ADOPTION PROPOSAL

Proposal for 2012 IECC CODE

Select from the drop down options only

Section R102.1.2

Submitted by: Sharon Bonesteel
 FIRST NAME (REQUIRED) LAST NAME (REQUIRED)
 Company/Entity Information: on behalf of MAG Building Codes Comm. – Testing Protocol Ad Hoc Comm.
 COMPANY/ENTITY (REQUIRED)
 602-236-4498 Sharon.Bonesteel@SRPnet.com
 PHONE NUMBER (REQUIRED) E-MAIL ADDRESS (REQUIRED)

Proposed Language: (Insert current language of code section. Use ~~strikeouts~~ for deletions; underline text to be added.)
R102.1.2 RESNET Testing & Inspection Protocol. The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections, shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2. and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
 - a. R402.4.1.1 –Building Envelope – Thermal and Air Barrier Checklist
 - b. R402.4.1.2 –Testing – Air Leakage Rate
 - c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Reasons: (must provide rationale for proposal)

- 1) Maricopa Association of Governments Building Code Committee has reviewed the Third Party Testing and Inspection procedures of the Residential Energy Services Network (RESNET) with the intent to promote and present uniform guidelines for the acceptance of the RESNET Mortgage Industry National Home Energy Rating System Standards (Standards) as an "Above Code Program" for the jurisdictions within Maricopa County; and
- 2) The inspection and testing required under the 2012 International Residential Code (IRC) and the 2012 International Energy Conservation Code (IECC) is currently being performed under the RESNET Standards for home builders participating in the Environmental Protection Agency's ENERGY STAR for Homes Program; and
- 3) The RESNET Standards (Chapters 3,6, and 8) are in the process of being certified as ANSI Standards; and
- 4) The utilization of the RESNET Standards would assure home builders of the ability to continue a testing and inspection process that has been proven to be successful in saving energy while protecting the health, safety and welfare of the public in the building code sections covered by the program; and
- 5) The committee has researched and discussed this issue and determined that the intent of the code is being met by the acceptance of the testing and inspection protocols of the RESNET Standards; and
- 6) The committee will hear the final form and draft requested of the Ad Hoc committee (as proposed above) at their meeting scheduled for January 16, 2013, and will be voting on this item (after full committee review) as a new MAG standard.

Cost Impact: (must estimate cost additions or savings for implementing proposed language)

- 1) There will be no cost additions to Cities and Towns.



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

**Proposed Amendments to the 2012 International Energy Conservation Code
Section R403.2.1**

Submitted by: Forrest Fielder, Private Individual

R403.2 Ducts. Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

Exceptions: ~~Ducts or portions thereof located completely inside the building thermal envelope.~~

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:

- 2.1 Minimum SEER rating of space heating/cooling system is increased to 15.
- 2.2 Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to 0.22 for all fenestration products.
- 2.3 Wall cavity insulation minimum R-value is increased to R-19.
- 2.4 Residential buildings that meet the requirements of sections R102.1.1 or R405.
- 2.5 Residential buildings with attic radiant barriers in accordance with ASTM C1313, installed in accordance with ASTM C1743.

Reason:

The Arizona Homebuilders Association proposed efficiency improvements in heating/cooling equipment, glazing product performance, and increased thermal envelope insulation as an alternative to providing R-8 duct insulation required by the IECC. A Code Modification was approved in July 2006 to allow a trade-off to the use of R-6 insulation on HVAC ducts in residential attics. Energy simulation software was used to compare cost savings for each of the proposed areas of concentration. The benefits from improving the efficiency of the air conditioning system, window thermal resistance to heat gain, and wall cavity insulation were shown to surpass cost savings from increasing HVAC duct insulation. Based on these findings, staff recommendation is that this amendment be adopted for use in the 2012 IECC and the 2012 IRC Chapter 11.

** A public proposal was submitted to include attic radiant barriers in the list of trade-offs for the R-8 duct insulation. Simulation software was used to demonstrate cost savings when radiant barriers and R-6 insulation was incorporated, as compared to no radiant barriers and R-8 duct insulation. Based on these positive savings results and the requirement for listed products, staff recommends that this previously approved proposal be modified to include radiant barriers in the list of exceptions.

Cost Impact: Savings from reconfiguration of attic truss openings.

ACTION TAKEN:

2012 Code Committee				Date: 02/01/2013
<input type="checkbox"/> Approved as submitted	<input checked="" type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken	
Development Advisory Board Technical Subcommittee				Date: 02/12/2013
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken	
Development Advisory Board				Date: 2/21/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken	
Council Subcommittee				Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken	
City Council Action				Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Modified and approved	<input type="checkbox"/> Denied	<input type="checkbox"/> No action taken	



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

**Proposed Amendments to 2012 International Residential Code
Section R403.2.2.1**

Submitted by: Connie Wilhelm, Home Builders Association of Central Arizona

~~**R403.2.2.1. Sealed air handler.** Air Handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 103.~~

Reasons:

Air handler manufacturers are having difficulty manufacturing air handlers that are capable of meeting this requirement. Therefore, this equipment is not readily available on the marketplace for purchase and this requirement should be deleted. There is already a requirement for a duct leakage testing in the Code which will incorporate the measurement of leakage at the air handler. As long as the duct leakage requirements are met, the leakage from the air handler will have been accounted for making this requirement unnecessary.

Cost Impact: No additional cost to the city.

ACTION TAKEN:

2012 Code Committee	Date: 12/7/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Development Advisory Board Technical Subcommittee	Date: 12/11/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Development Advisory Board	Date: 12/20/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
Council Subcommittee	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken
City Council Action	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied	<input type="checkbox"/> No action taken



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL
Proposed Amendments to 2012 International Residential Code
Section N1101.15.1

Submitted by: Connie Wilhelm, Home Builders Association of Central Arizona

N1101.15.1 (R401.2.1) Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section N1101.15. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Reasons:

With Energy Conservation the end result is all that matters and it should not matter to the City how that result is achieved. The HERS Index was developed as a way to quantify energy efficiency and standardize the results. The Index considers the entire building system when calculating the score. Allowing a HERS Index as a means for complying with the IECC would allow for additional innovation in energy efficiency in new residential construction, while at the same time ensuring the city meets its energy conservation goals. Moreover, it would allow builders to engage in a cost benefit analysis with different construction methods and materials in order to achieve a home which meets the energy efficiency goals.

Cost Impact: HERS Index Testing is done by private Raters and must be certified under the RESNET Standards. Therefore, there would be no additional cost to the city. By utilizing a HERS Index, builders are required to achieve a required level of energy efficiency, however, that are also provided increased flexibility to utilize a cost-benefit analysis on the methods used to achieve that efficiency.

ACTION TAKEN:

2012 Code Committee	Date: 11/27/12
<input type="checkbox"/> Approved as submitted <input checked="" type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board Technical Subcommittee	Date: 12/11/12
<input type="checkbox"/> Approved as submitted <input checked="" type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board	Date: 1/17/13
<input type="checkbox"/> Approved as submitted <input checked="" type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Council Subcommittee	Date: 4/16/13
<input type="checkbox"/> Approved as submitted <input checked="" type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
City Council Action	Date: 5/15/13
<input type="checkbox"/> Approved as submitted <input checked="" type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

**Proposal for 2012 IRC CODE
Section N1101.7.1**

Submitted by: Sharon Bonesteel on behalf of MAG Building Codes Comm., Testing Protocol Ad Hoc Comm.

Proposed Language:

N1101.7.1 RESNET Testing & Inspection Protocol. The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections, shall be deemed to meet the requirements of sections N1102.4.1.1, N1102.4.1.2 and N1103.2.2. and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
 - a. N1102.4.1.1 –Building Envelope – Thermal and Air Barrier Checklist
 - b. N1102.4.1.2 –Testing – Air Leakage Rate
 - c. N1103.2.2 – Sealing – Duct Tightness
4. The other requirements identified as "mandatory" in Chapter 11 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Reasons:

- 1) Maricopa Association of Governments Building Code Committee has reviewed the Third Party Testing and Inspection procedures of the Residential Energy Services Network (RESNET) with the intent to promote and present uniform guidelines for the acceptance of the RESNET Mortgage Industry National Home Energy Rating System Standards (Standards) as an "Above Code Program" for the jurisdictions within Maricopa County; and
- 2) The inspection and testing required under the 2012 International Residential Code (IRC) and the 2012 International Energy Conservation Code (IECC) is currently being performed under the RESNET Standards for home builders participating in the Environmental Protection Agency's ENERGY STAR for Homes Program; and
- 3) The RESNET Standards (Chapters 3,6, and 8) are in the process of being certified as ANSI Standards; and
- 4) The utilization of the RESNET Standards would assure home builders of the ability to continue a testing and inspection process that has been proven to be successful in saving energy while protecting the health, safety and welfare of the public in the building code sections covered by the program; and
- 5) The committee has researched and discussed this issue and determined that the intent of the code is being met by the acceptance of the testing and inspection protocols of the RESNET Standards; and
- 6) The committee will hear the final form and draft requested of the Ad Hoc committee (as proposed above) at their meeting scheduled for January 16, 2013, and will be voting on this item (after full committee review) as a new MAG standard.

Cost Impact:

- 1) There will be no cost additions to Cities and Towns.
- 2) There will be significant cost savings for the large production home builders.
- 3) There will be significant energy savings for the future homeowners.



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

Proposed Amendments to the 2012 International Residential Code Section N1103.2

Submitted by: Forrest Fielder, Private Individual

N1103.2 Ducts. Ducts and air handlers shall be in accordance with Sections N1103.2.1 through 1103.2.3.

N1103.2.1 Insulation (Prescriptive). Supply ducts shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

Exceptions: ~~Ducts or portions thereof located completely inside the building thermal envelope.~~

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply and return ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
 - 2.1. Minimum SEER rating of space heating/cooling system is increased to 15
 - 2.2. Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to 0.22 for all fenestration products
 - 2.3. Wall cavity insulation minimum R-value is increased to R-19.
 - 2.4. Residential buildings that meet section N1101.7 or section R405 of the 2012 International Energy Conservation Code.
 - 2.5. Residential buildings with attic radiant barriers in accordance with ASTM C1313, installed in accordance with ASTM C1743.

Reason:

The Arizona Homebuilders Association proposed efficiency improvements in heating/cooling equipment, glazing product performance, and increased thermal envelope insulation as an alternative to providing R-8 duct insulation required by the IECC. A Code Modification was approved in July 2006 to allow a trade-off to the use of R-6 insulation on HVAC ducts in residential attics. Energy simulation software was used to compare cost savings for each of the proposed areas of concentration. The benefits from improving the efficiency of the air conditioning system, window thermal resistance to heat gain, and wall cavity insulation were shown to surpass cost savings from increasing HVAC duct insulation. Based on these findings, staff recommendation is that this amendment be adopted for use in the 2012 IECC and the 2012 IRC Chapter 11.

** A public proposal was submitted to include attic radiant barriers in the list of trade-offs for the R-8 duct insulation. Simulation software was used to demonstrate cost savings when radiant barriers and R-6 insulation was incorporated, as compared to no radiant barriers and R-8 duct insulation. Based on these positive savings results and the requirement for listed products, staff recommends that this previously approved proposal be modified to include radiant barriers in the list of exceptions.

Cost Impact: Savings from reconfiguration of attic truss openings.

ACTION TAKEN:

2012 Code Committee	Date: 2/1/2012
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board Technical Subcommittee	Date: 2/12/2013
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board	Date: 2/21/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Council Subcommittee	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
City Council Action	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

BUILDING CONSTRUCTION CODE CHANGE PROPOSAL

Proposed Amendments to 2012 International Residential Code Section N1103.2.2.1

Submitted by: Connie Wilhelm, Home Builders Association of Central Arizona

~~N1103.2.2.1 (R403.2.2.1) - Sealed air handler.~~ Air Handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.

Reasons:

Air handler manufacturers are having difficulty manufacturing air handlers that are capable of meeting this requirement. Therefore, this equipment is not readily available on the marketplace for purchase and this requirement should be deleted. There is already a requirement for a duct leakage testing in the Code which will incorporate the measurement of leakage at the air handler. As long as the duct leakage requirements are met, the leakage from the air handler will have been accounted for making this requirement unnecessary.

Cost Impact: No additional cost to the city.

ACTION TAKEN:

2012 Code Committee	Date: 11/19/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board Technical Subcommittee	Date: 12/11/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Development Advisory Board	Date: 12/20/12
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
Council Subcommittee	Date: 4/16/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	
City Council Action	Date: 5/15/13
<input checked="" type="checkbox"/> Approved as submitted <input type="checkbox"/> Modified and approved <input type="checkbox"/> Denied <input type="checkbox"/> No action taken	

Transition of Standard Plans with Adoption of the 2012 Codes

Residential Standard Plans Approved under the 2006 IRC

- All standard plans designed to the 2006 codes will expire on July 1, 2013 with the adoption of the 2012 Codes.
- To provide time to redesign current standards and to allow completion of existing subdivisions, City will continue to issue permits on these standard plans for 12 months ending June 30, 2014.
- It is the Homebuilders' responsibility to submit plans in a timely fashion that ensures City staff adequate time to complete the review during the 12 months following the adoption of the code.
- Beginning January 7, 2013, the City will accept standard plan submittals designed using the 2012 IRC.

Residential Standard Plans Approved under the 2003 IRC

- Residential Standard plans approved under codes prior to 2006 will expire on July 1, 2013 with the adoption of the 2012 Codes.
- To provide time to redesign to current standards and to allow the completion of existing subdivisions, City will continue to issue permits on these standard plans for six months ending December 31, 2013.

NOTE: Per ordinance, residences constructed in residential developments that have received preliminary site plan approval prior to July 2, 2007 may continue to comply with building setback requirements of the 2003 International Residential Code. This provision will expire on July 1, 2015.

See Attachment

On Fri, Oct 18, 2013 at 11:27 AM, Jackson Moll <mollj@hbaca.org> wrote:
Good morning Mike,

Attached, please find a letter outlining the HBACA's position on the 2012 Code Adoption. I have also included in the attachment the HBACA's recommended amendments to the IECC (and Chapter 11 of the IRC) and our recommended transition plan for already approved standard plans. I apologize for the delay in getting this information to you. If you have any questions, comments, or if there is any additional information I can provide, please let me know. Hope you have a great weekend and I look forward to speaking with you further regarding this issue.

Jackson

Jackson D. Moll :: Deputy Director Municipal Affairs
Home Builders Association of Central Arizona
7740 N. 16th Street., Suite 385 :: Phoenix, AZ 85020
p [602.274.6545](tel:602.274.6545) :: f [602.328.2020](tel:602.328.2020)
Licensed to Practice Law in Arizona

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On Sun, Oct 20, 2013 at 10:41 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:

Thank you for your input Ms Hinson

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 3:00 PM, Kathy Hinson <angelfishhinson@aol.com> wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Miss Kathy Hinson
1411 S Nielson St
Gilbert, AZ 85296-9712

On Thu, Oct 17, 2013 at 8:56 PM, <OlympicCBO@aol.com> wrote:
Dear Queen Creek Mayor and City Council,

As a concerned citizen, I am writing you today to urge you to adopt the 2012 editions of the construction codes when they come before you for action.

For the past 30+ years the Valley of the Sun has been my home. During that time I made a career both as a design professional in the private sector and as a municipal employee having recently retired as the acting Planning and Development Director for the city of Phoenix.

I ask you to consider the following reasons for adopting the new codes:

First, I believe that adopting the newest versions promote commerce as well as prudent life safety. These codes contain provisions for the latest in building technology which can result in reduced design, construction and energy costs for designers, builders, and owners. They also incorporate the latest methodologies in life safety that have been developed by experts in the field.

Second, having codes consistent with the other valley and state municipalities can help make your community and the Valley more competitive for attracting businesses.

Thank you for your consideration on this matter.

Sincerely,

Derek D. Horn, P.E.

----- Forwarded message -----

From: <dmannpe@cox.net>

Date: Thu, Oct 17, 2013 at 3:03 PM

Subject: ICC Building and Energy Codes

To: Jeff.Brown@queencreek.org

I am a long time Arizona resident and an Arizona registered professional engineer. I recently did some work in Queen Creek and I was impressed with the growth and development that has occurred in your municipality. One of the best way to insure the continued volume and quality of development is to be on the current building code and the same codes as most of the central Arizona jurisdictions.

I urge you to adopt the 2012 editions of the International Code Conference construction codes to coordinate with other jurisdictions in the valley and state.

David A. Mann P.E.



July 11, 2013.

The Small Business Alliance supports the adoption of the 2012 ICC building codes with some exceptions.

Mayor Barney, Council Members, and Manager Kross:

The Small Business Alliance’s Free Enterprise Committee (FEC) has studied the merits and potential drawbacks of the Town of Queen Creek adopting the new 2012 International Code Council’s model building codes. The FEC sought input from members and non-members in construction related businesses including builders, tradesmen, architects, designers, and others. FEC members also attended public forums where a multitude of issues were discussed, both favoring and opposing the adoption of the new codes.

The members of the FEC recommend the Town adopt the 2012 ICC building codes, with the exception of certain codes outlined in the following attachment. In addition to this recommendation, the members of the FEC also encourage the Town to accept the Green Construction Code (IgCC) as optional or voluntary and continue using the 2006 Energy Conservation Code as previously adopted.

The ICC building codes—“living code” that works.

The intent of the International Code Council is to provide basic, proven standards drafted into uniform codes by experienced engineers, builders, architects and others in the industry. Being updated every three years, the uniform building codes chronicle the history of continual improvements and advancements in engineering design and building technology. The drafters of the building codes also take into account the many different ways that people actually use, work, and live in buildings. The uniform codes are continually refined to address identified problem areas, and to relax the codes where experience demonstrates that existing standards are too restrictive. The 2012 edition of the ICC codes continues to reflect this method of making refinements to the codes as experience warrants. In the 2012 codes there are areas where restrictions are tighter, and there are other areas where the codes requirements have been relaxed. The members of the FEC believe this ongoing periodic refinement in the building codes, born out of experience, drafted by experts in their respective fields, made with input from others in the industry and from the public, is a good process. It creates a “living code” that strives to maintain an appropriate balance in this very broad-ranging, highly technical, and ever-changing field that affects every one of us.

Queen Creek needs to periodically update its building codes.

While it is not necessary to adopt each and every building code update, there are many benefits to keeping the Town's building codes relatively up to date with the uniform codes. Updating the building codes helps keep Queen Creek codes reflective of new developments in the industry. It helps maintain consistency between Queen Creek's building codes and the codes of other communities in the area. Having effective and current building codes also helps attract new business and new residence to the Town. It helps improve property values. And it helps keep people in the Town safe. This does not mean that Queen Creek needs to adopt every new code every three years. However, putting off addressing the new codes through multiple update cycles can soon leave the Town with code requirements that are more than a decade old. Building structures to codes that are many years behind have a tendency to stagnate the construction industry by mandating that it rely on outdated methods and technologies.

We recommended certain exceptions and amendments.

We propose the various amendments to the 2012 uniform codes outlined in the attachment to this position statement. The FEC believes these exceptions to be unnecessary overreaches that do not have an impact on life safety issues. These have been accumulated based upon the input and expertise of professionals in the industry.

There is no uniform building code that perfectly addresses all of the concerns in every city and town across the nation, and we should not expect that every provision in the 2012 codes would be consistent with Queen Creek's needs. To the contrary, what should be expected is that a uniform code provision will address significant concerns facing many cities and towns.

The adoption of the Green Construction Code (IgCC) should be left voluntary.

The ever-growing concern for the environment has made "green" construction a significant consideration for many. However, we believe that the adoption of the uniform codes specific to this subset of the industry ought to be left to a voluntary decision made by the buyers and builders.

Many municipalities are adopting these "green codes" as optional. This allows for individual choices and the freedom to determine whether or not to operate under "green" regulations, depending on the abilities of the businesses and the demands of their customers. Maintaining the environment is indeed an important consideration when beginning any sort of construction project; however, an across-the-board requirement of compliance with a specific set of "green" regulations is not the ideal solution. Instead, market forces should dictate whether "green" construction should be followed, or whether more conventional materials and designs are the appropriate choice.

By adopting the green building codes as an optional code, the Town will facilitate either decision. If buyers or builders specify a “green” code building, the Town’s optional green code will apply and will define the code standards to be followed; and everyone (designers, builders, buyers, financiers and others) will know what to expect. But if the decision is that a conventional building will be the choice, the codes will allow for this as well.

Application of the ICC Energy Conservation Code should be maintained at the current 2006 standard..

We believe that the ICC Energy Conservation Code is another area where market forces and personal choice is effective in achieving public policy objectives, and government mandates are unnecessary and in some instances counterproductive. Therefore we propose that the ICC Energy Conservation Code should be maintained at the current 2006 standards.

In the field of energy conservation, there are inherent market forces that create enormous incentives to adopt energy conserving practices and technology. These incentives affect builders and buyers alike. In our desert climate, families and businesses are facing a seemingly never-ending challenge to pay for air conditioning, which inherently pressures the public to employ energy conserving technology and practices. Also, the private industry groups market and offer direct incentivizes for energy conservation and efficiency through programs like Energy Star Certification and other similar programs. The energy providers pay customers to employ energy saving practices by paying their customers to have energy “audits” done on their premises intended to save energy and pass on energy savings. Seemingly everywhere you turn builders are marketing these energy efficient features and consumers are seeking them out. Energy conservation sells, and for good reason.

Additionally, technological advancements in energy conservation are moving at an extremely rapid pace, often even faster than the uniform codes. For example, the 2012 ICC energy code mandates that 25% of all light bulbs/fixtures in the home be CFLs. But with the recent advancements in new LED technology, many consumers have already moved on from CFL to LEDs. But despite the leading energy-smart role that LEDs have over CFLs, the 2012 energy codes currently requires that CFLs be used. In this instance, the advancements in technology and the public’s acceptance of the new technology are moving forward faster than the codes. When government mandates fall behind the accepted technology, it inadvertently puts an unneeded financial burden on the builders and their customers.

Like the green code, the energy conservation code is for the most part is not a life safety concern. At the same time, the mandates included in the 2012 ICC energy conservation code makes the energy conservation code one of more expensive additions to the code for consumers to bear.

Overall, we believe these factors sway the balance toward personal choice and market forces being the better guidepost for energy efficient construction decisions in Gilbert, and away from added government mandates.



SUMMARY OF NEW PROPOSED AMENDMENTS TO THE 2012 ICC CODES

INTERNATIONAL BUILDING CODE (IBC)

Section 1016.2 Limitations. New subsection added to read as follows:

1016.2.2 Group F-1 and S-1 increase. The maximum exit access travel distance shall be 400 feet (122 m) in Group F-1 and S-1 occupancies where all of the following are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height.
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm); and
3. The building is equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.

Narrative: This is the language that has been approved for the 2015 IBC after extensive research by the California State Fire Marshals office. This is less restrictive than our current code as well as the 2012 IBC and we are opting to adopt this language now rather than wait for the 2015 codes to be published.

Note: Group F-1 and S-1 occupancies are warehouse type structures.

INTERNATIONAL RESIDENTIAL CODE (IRC)

Section R105.2 Work exempt from permit. Amended as follows:

11. Added to read – Flag poles not over 20 feet (6096 mm) in height.
12. Added to read – Equipment screen walls not over 5 feet (1524 mm) high and not utilized as a perimeter/property line fence.
13. Added to read – Window replacement with same style window in same opening. Egress requirements must be maintained.
15. Added to read – Water softeners

Section R310.2.2 Drainage. Delete in its entirety.

Narrative: Requires drains in window wells of basements. Based on feedback from public meetings we propose deleting this section.



Section R313 Automatic Sprinkler Systems. Deleted in its entirety. Refer to The municipality's Fire Code for fire sprinkler requirements.

Narrative: State law prohibits jurisdictions from adopting a code that requires fire sprinklers in residences so this section must be deleted.

Section N1101.15.1 (R401.2.1) New subsection added to read as follows:

Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section N1101.15 above. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Section N1101.17 (R401.4) New section to read as follows:

All mandatory testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Standards as adopted by the Residential Energy Services Network.

Section N1103.2.1 (R403.2.1) Insulation. Amended by adding a new exception 2 to read as follows and re-numbering existing exception as exception 1:

Exception:

1. (text unchanged)
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
 - 2.1 Minimum SEER rating of space heating/cooling system is increased to 15.
 - 2.2 Maximum U-factor is decreased to .035 and maximum SHGC is decreased to 0.22 for all fenestration products.
 - 2.3 Wall cavity insulation minimum R-value is increased to R-19.
 - 2.4 Residential buildings that meet the requirements of sections N1103.1.1 (R103.1.1), N1101.15.1 (R401.2.1), or N1104 (R404).

Section N1103.2.2.1 (R403.2.2.1) shall be deleted.

Narrative: Amendments to these 4 sections were proposed by the HBACA to allow for alternatives to requirements in the energy code. This is being adopted by other jurisdictions in the valley as well.



Section M1411.6 Locking access port caps. Deleted in its entirety.

Narrative: Requires A/C units to be secured to protect from “huffing” issues that have arisen in parts of the country. Based on feedback from public meetings we propose deleting this section.

Section E3609.3 Bonding for other systems. Deleted in its entirety

Narrative: Requires a bonding buss bar to be provided for the bonding of future low voltage systems i.e. satellite, cable, phone etc. Based on feedback from public meetings we propose deleting this section.

Section E3902.2 Garage and accessory building receptacles. Amend by adding the following:

Exceptions:

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for 2 applications located within dedicated space for each appliance that in normal use is not easily moved from one place to another, and that is cord-and- plug connected.

Narrative: Requires all receptacles in garages to be GFCI protected. The proposed exceptions conform to current code. Based on feedback from public meetings we propose keeping these exceptions in place.

ENERGY CONSERVATION CODE

Section C101.2 Scope. Amended by adding the following:

Group R-2 when defined as a Commercial Building by section C202, shall have the option of complying under the Residential Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

Section R101.2 Scope. Amended by adding the following:

Group R-2 when defined as a Residential Building by section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Narrative: These 2 sections were proposed by the multi housing industry and have been accepted by other municipalities in the valley.

FIRE CODE

202 GENERAL DEFINITIONS



AIRBORNE LANTERNS. Added as follows:

A device or any similar device designed to carry an open flame such as a small candle or fuel cell composed of flammable material as an airborne light. When lit, the flame heats the air inside the lantern, lowering its density and causing the lantern to rise into the air.

Section 308.1.2.1 Airborne Lanterns. Added as follows.

The lighting and the release of airborne lanterns shall be prohibited.

Section 903.2 Where required. Added as follows:

An approved automatic sprinkler system shall be installed throughout all levels of all buildings or structures in excess of zero (0) square feet.

Exceptions:

2. Detached telecommunication buildings not exceeding 600 square feet in floor area and not intended for occupancy other than maintenance purposes.
4. Detached canopies of type I or II construction not exceeding 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
5. Fire rated fabric shade canopies of type I or II framing construction not in excess of 3000 square feet in roof area located a minimum of 10 feet from buildings, structures and property lines.
8. Detached U occupancies of less than 3,000 square feet and located a minimum of 10 feet from buildings, structures and property lines.
9. Covered walkways of type I or II construction with no combustible storage underneath and approved by the fire code official.

Section 903.2.3 Change of Occupancy over 5,000 square feet. Added as follows:

An automatic fire sprinkler system shall be installed in any building 5,000 square feet or greater that under goes any change of occupancy.

Section 903.2.4 Change of Occupancy less than 5,000 square feet. Added as follows:

An automatic fire sprinkler system shall be installed in any building less than 5,000 square feet that under goes a change of occupancy to a higher Level as defined by Table 903.2.5

**Table 903.2.5
Existing Building Hazard Levels**

Hazard Level	Building Occupancy Type*
1 (highest)	A, H, I, R-1, R-2, R-4
2	F-1, S-1
3	E, F-2, S-2



4 (lowest)	B, M, R-3, U

Adoption of Green Construction Code (IgCC) as a voluntary code

----- Forwarded message -----

From: **Aimee SBA** <arigler@smallbusinessallianceaz.com>

Date: Thu, Jul 11, 2013 at 4:28 PM

Subject: International Building Codes

To: chris.anaradian@queencreek.org

Hello Chris,

Nice catching up on the phone today. Attached is our statement on the 2012 IBC as well as our recommendations for minor amendments. These had been vetted by Gilbert Building staff and we think they are very reasonable changes they suggested and fully support them.

I will not pass this on to Council until you think it is the right time, so let me know when this will be most helpful.

Warm Regards,
Aimee Rigler

Where **SMALL** Business has a **BIG VOICE**

Small Business Alliance AZ

Office: [480-478-1126](tel:480-478-1126)

Mobile: [480-381-6893](tel:480-381-6893)

Web Site: www.smallbusinessallianceaz.com

2540 S. Val Vista Dr. Ste. 104 * Gilbert, AZ 85295



P.O. Box 52025
Phoenix, AZ 85072-2025
(602) 236-5900
www.srpnet.com

October 17, 2013

Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, AZ 85142

RE: Adoption of the 2012 I-Codes and the 2012 IECC & IgCC

Mayor Gail Barney and Members of the Queen Creek Town Council:

SRP supports your efforts to adopt the 2012 I-Codes, including the IECC and IgCC; codes that establish baseline performance measures for energy efficiency and water conservation. These measures are essential to the success of our mission, which is to provide reliable and reasonably priced water and power while minimizing impacts on the environment.

These codes will help your citizens and our customers reduce their water and energy use, resulting in reduced utility bills. People will go to great lengths to save money, sometimes creating hazards to themselves in the process. Improperly installed air sealing and insulation can result in moisture traps and create health hazards like mold. These codes provide solid guidance on minimum standards for installation of energy efficient components and building resilient structures. Different codes in different cities cost builders' time and money; national chains want consistency in their interstate ventures. We hope you will join the other cities across the valley that have adopted the 2012 I-Codes.

SRP aims to raise awareness and understanding of residential and commercial building energy codes and is spearheading an initiative to educate key stakeholders within SRP's electric service territory. Our goal is to advocate and support the adoption of the 2012 IECC. We are committed to providing education and customized support to jurisdictions that adopt these important codes.

Building codes are the most cost effective method of obtaining water and energy efficiency. It is through the efforts of communities like Phoenix, Scottsdale, Chandler, Peoria, Avondale, Glendale and Paradise Valley, that have already adopted the 2012 I-Codes and IECC, that we can meet the future and current water and power demand.

We support and encourage the adoption of the 2012 I-Codes including the IECC and IgCC.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Bonesteel", with a long, sweeping underline that extends to the right.

Sharon Bonesteel, RA, CBO, CP
Codes & Standards Initiative



On Thu, Oct 17, 2013 at 1:31 PM, Bonesteel Sharon A <Sharon.Bonesteel@srpnet.com>wrote:

Please find attached a letter of support from SRP for your adoption of the 2012 I–Codes, including the 2012 IECC. We will have a representative at your City Council Meeting to speak in support of your adoption.

Sharon Bonesteel RA, CBO, CP

Senior Policy Analyst – Codes & Standards Initiative

Salt River Project

[602-236-4498](tel:602-236-4498) office / [602-814-7357](tel:602-814-7357) cell

This email inconvenienced a lot of electrons, but didn't kill a single tree.



P.O. Box 52025
Phoenix, AZ 85072-2025
(602) 236-5900
www.srpnet.com

November 13, 2013

Town of Queen Creek
22350 S. Ellsworth Road
Queen Creek, AZ 85142

RE: Adoption of the 2012 I-Codes including the 2012 IECC & voluntary IgCC

Mayor Gail Barney and Members of the Queen Creek Town Council:

When SRP supports your efforts to adopt the 2012 I-Codes, including the IECC and IgCC; this is not just an expression of what we believe is best for our customers living in Queen Creek and throughout our service territory. It is also our commitment to assist in those actions that are a part of a comprehensive change of code and mentality. We are also committing resources to train both the public and your staff.

These codes are the result of an effort by Americans to reduce the burden on local government by pooling resources to create a code that can be adopted across the county. This family of codes folds in the latest technologies being used already in the field into an enforceable guide to building safe and durable buildings. These codes insure consistent usability and comfort to American standards, implementing current technologies when it is most economical. Delivering code enforcement in the Best Customer Service Method is a critical key- a subject we have discussed many times with your building official Michael Williams. We want to assist him in delivering the best customer experience in a Development Services experience that is helpful and informative while maintaining safety.

SRP has been providing training classes across the valley to cities that have adopted the 2012 IECC and the 2012 I-Codes. We provided customized training to Avondale, Peoria and Glendale for their entire Development Services staff, as well as specific training to Phoenix staff needing in depth training on HERS and RESNET methodologies. We provided a custom training session for home owners and small contractors wanting to build safer energy efficient homes themselves. **We are ready to provide Queen Creek Development Services staff a customized program of classes for contractors, inspectors, homeowners and designers.**

We urge your adoption of these codes and look forward to working with the Town,

Sincerely,

A handwritten signature in black ink, appearing to read 'SB', is written over a light blue horizontal line.

Sharon Bonesteel, RA, CBO, CP
Codes & Standards Initiative



On Sun, Oct 20, 2013 at 10:43 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:
Thank you for your input Mr Stonecipher

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 4:29 PM, Rob Stonecipher <rstone71@icloud.com> wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Mr. Rob Stonecipher
3601 N 5th Ave Apt 102
Phoenix, AZ 85013-3732
[\(312\) 342-9760](tel:(312)342-9760)

On Sun, Oct 20, 2013 at 10:44 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:

Thank you for your input Ms Watkinson

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 6:00 PM, Carson Watkinson <carson.watkinson@gmail.com>wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Ms. Carson Watkinson
2226 N 16th Ave
Phoenix, AZ 85007-1409
[\(602\) 944-8115](tel:6029448115)

On Sun, Oct 20, 2013 at 10:43 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:

Thank you for your input Mr Wenzel

Michael Williams - Please add this to the official file related to the issue.

On Fri, Oct 18, 2013 at 5:30 PM, Tom Wenzel <tomwenzel@hush.com> wrote:

Oct 18, 2013

Council Member Jeff Brown
22350 S Ellsworth Rd
Queen Creek, AZ 85142

Dear Council Member Brown,

I am writing to urge you to support adoption of the 2012 International Energy Conservation Code.

Adoption of the 2012 codes will not only help save energy but will also help consumers save money.

Energy efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are generally more comfortable, as well, with fewer hot spots in different areas.

Energy efficient homes are 32 percent less likely to go into default. On average, Arizona homeowners with a house built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.

Please act now to help us reduce energy use and to save customers money!

Sincerely,

Mr. Tom Wenzel
2063 Meadowbrook Rd
Prescott, AZ 86303-5696

Attachment 5
Letters of Opposition

Forwarded message -----

From: **Ashby Realty Group** <ashbyrealtygroup@gmail.com>

Date: Tue, Oct 22, 2013 at 10:53 AM

Subject: 2012 ICC Codes

To: jeff.brown@queencreek.org

Good morning council member Brown,

My name is Ric Ashby, I am the Owner and Designated Broker of Ashby Realty Group based here in Queen Creek. Not only am I a small business owner in Queen Creek, but I reside here as well with my wife and our eight children. It has come to my attention that our town is considering the passing the implementation of the 2012 ICC Codes. I have been researching the potential effect this will have not only on my business, but the crushing impact this will have on all homeowners who call Queen Creek our home. These code changes would prove to be invasive and unnecessary to preserve our liberty and way of life. I strongly urge you to vote "No" and reject the 2012 ICC Codes.

Respectfully,

Ric Ashby
Designated Broker
Ashby Realty Group, LLC.

Forwarded message -----

From: **Gwen Black** <gwenblack@gmail.com>

Date: Mon, Oct 21, 2013 at 9:52 AM

Subject: No new building codes!

To: gail.barney@queencreek.org, craig.barnes@queencreek.org, dawn.oliphant@queencreek.org, jason.gad@queencreek.org, Jeff Brown
<jeff.brown@queencreek.org>, julia.wheatley@queencreek.org, robin.benning@queencreek.org

It is my understanding that the City of Queen Creek is considering adopting new and excessive building codes. I would like to voice my concern as a local businesses person and Queen Creek resident to oppose these new regulations. I have always been a firm believer that less government, less regulations, and less hoops to jump though is better for everyone. Please keep the status quote and do not change the current building codes.

Gwen Black, Realtor

Dedicated, Determined, and Dependable

RE/MAX Property Shop

22036 S Ellsworth Rd.

Queen Creek, AZ 85142

www.gwenblack.remax-southwest.com

Mobile: [480-269-5467](tel:480-269-5467)

Fax: [480-219-0779](tel:480-219-0779)

My business is based on referrals. If you know of anyone who's thinking of buying, selling, or renting a property please pass along my information. I'd love to help them any way I can!

From: lucky chesley <lucky.chesley@gmail.com>

Date: October 30, 2013 at 2:58:40 PM MST

To: gail.barney@queencreek.org

Subject: Mayor, I am not up on ICC codes but am skeptical of anything coming from Washington. I have a friend in Idaho who is over the deaf phone net work. He has tried to explain what they are doing to the deaf but I do not understand it. I do know he knows what he is talking about. Could you help me? Lucky Chesley

----- Forwarded message -----

From: **Gordon Ray** <gordonray49@gmail.com>

Date: Wed, Oct 16, 2013 at 9:07 AM

Subject: FW: Insight into ICC process

To: Captain Rick <atridim@cox.net>, anitalchristy@cox.net, Scott Ray <scott.ray@sheahomes.com>, CouncilMembers@gilbertaz.gov, corycarpenter13@gmail.com, "Nielson Ray (Nielson Ray)" <nielsonray@gmail.com>, craig <craig.barnes@queencreek.org>, dawn <dawn.oliphant@queencreek.org>, gail barney <gail.barney@queencreek.org>, jason <jason.gad@queencreek.org>, jeff <jeff.brown@queencreek.org>, julia <julia.wheatly@queencreek.org>, robin <robin.benning@queencreek.org>

Oops! Try this one.

Did you see this?

<http://www.youtube.com/watch?v=VvWzBSD0RYo>

YouTube - Videos from this email

----- Forwarded message -----

From: Gordon Ray <gordonray49@gmail.com>

Date: Tue, Oct 22, 2013 at 3:12 PM

Subject: Code Corruption

To: CouncilMembers@gilbertaz.gov, Anita Christy <anitalchristy@cox.net>, Captain Rick <atridim@cox.net>, Scott Ray <scott.ray@sheahomes.com>, Stephen Ray <slray2317@gmail.com>, craig <craig.barnes@queencreek.org>, dawn <dawn.oliphant@queencreek.org>, gail barney <gail.barney@queencreek.org>, jason <jason.gad@queencreek.org>, jeff <jeff.brown@queencreek.org>, Julia <julia.wheatley@queencreek.org>, robin <robin.benning@queencreek.org>

Great article on the cumbersome, corruptive ICC code system in the US that everyone in gov't needs to read.

The "citizen's amendments" will take care of all the problems created by the adoption of they codes.

We now have the opportunity to correct the problem caused by previous unaware councils. Let's do the right thing, and let's do it now. Gordon

Gordon Ray

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Gilbert, AZ 85297

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Forwarded message -----

From: **Gordon Ray** <gordonray49@gmail.com>

Date: Tue, Oct 22, 2013 at 11:17 AM

Subject: FW: Gov't take over through the building codes worldwide!

To: Anita Christy <anitalchristy@cox.net>, Captain Rick <atridim@cox.net>, craig <craig.barnes@queencreek.org>, dawn <dawn.oliphant@queencreek.org>, gail barney <gail.barney@queencreek.org>, jason <jason.gad@queencreek.org>, jeff <jeff.brown@queencreek.org>, Julia <julia.wheatley@queencreek.org>, robin <robin.benning@queencreek.org>

Councilmembers,

The ICC is directly connected to the White House!

May was declared by Obama as “Building Safety Month”

<http://www.iccsafe.org/newsroom/Pages/05012013-NR-PresidentProc.aspx>

This was taken directly off the web page:

Federal Agencies

The **Federal Team** guides ICC activities and relations with Executive Branch agencies of the Federal Government.

ICC continues to strengthen its interaction with key decision-making federal agencies to secure their recognition and use of the I-Codes and standards, ICC services, as well as their membership and participation in ICC.

<http://www.iccsafe.org/gr/Pages/activities.aspx>

The Obama administration (following in the steps of the Bush administration) wants to control our every action. And they are through the codes!!!!!!!!!!

They have discovered that they cannot pass these laws through Congress but they can pass them through the building codes which have the same affect!

We must not let the Feds get any more control over Queen Creek than they already have,

We need to start taking steps NOW to take back local control by adopting the ICC codes (if we must) and only mandating the items that Council feels are necessary to insure the safety of our buildings.

We already have a voluntary panel of professionals in place to help you determine what items are needed. In fact, they have the mandatory list ready for review.

Please, Call us to set up a time we can meet to answer your concerns. Gordon [480-202-0133](tel:480-202-0133).

Gordon Ray House Plans in a Week

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Gilbert, AZ 85297

[480-988-2472](tel:480-988-2472)

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----- Forwarded message -----

From: **Gordon Ray** <gordonray49@gmail.com>

Date: Tue, Oct 22, 2013 at 10:42 AM

Subject:

To: CouncilMembers@gilbertaz.gov, Anita Christy <anitalchristy@cox.net>, Captain Rick <atridim@cox.net>, Rusdon Ray <houseplansinaweek@gmail.com>, Scott Ray <scott.ray@sheahomes.com>, "Nielson Ray (Nielson Ray)" <nielsonray@gmail.com>, corycarpenter13@gmail.com, craig <craig.barnes@queencreek.org>, dawn <dawn.oliphant@queencreek.org>, gail barney <gail.barney@queencreek.org>, jason <jason.gad@queencreek.org>, jeff <jeff.brown@queencreek.org>, Julia <julia.wheatley@queencreek.org>, robin <robin.benning@queencreek.org>

Councilmembers,

I would hope that the theme of your time in office would be taken from the words of Henry David Thoreau "The government that does best, is the government that does less".

We hope your time in government is the BEST. Please work to shrink government and the oppressive grip it has on citizens and business.

Remember: government intervention into a business has never helped that business. "LET MY PEOPLE GO"! Gordon

Gordon Ray

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----- Forwarded message -----

From: **Gordon Ray** <gordonray49@gmail.com>

Date: Tue, Oct 29, 2013 at 10:08 AM

Subject: IRC water meter sizing

To: CouncilMembers@gilbertaz.gov, Anita Christy <anitalchristy@cox.net>, Captain Rick <atridim@cox.net>, Rusdon Ray <houseplansinaweek@gmail.com>, Scott Ray <scott.ray@sheahomes.com>, "Nielson Ray (Nielson Ray)" <nielsonray@gmail.com>, corycarpenter13@gmail.com, michael.williams@queencreek.org, craig <craig.barnes@queencreek.org>, dawn <dawn.oliphant@queencreek.org>, gail barney <gail.barney@queencreek.org>, jason <jason.gad@queencreek.org>, jeff <jeff.brown@queencreek.org>, Julia <julia.wheatley@queencreek.org>, robin <robin.benning@queencreek.org>

Council Members,

I want to show you how out of touch the ICC building codes are as far as water meter sizing is concerned.

I have lived in Gilbert since 1978.

I have a 3/4" water meter and a 1" building supply.

I raised 11 children in my home. 6 girls, 5 boys and my wife and I.

We had 3 baths, a kitchen, and a laundry room up until 2005. We used a lot of water!

We never had a problem with water pressure in all of those years.

We ended up with 5 toilets, 6 sinks, 2 laundry tubs, 2 showers, 2 tub/shower combos, 2 washing machines, 12 hose bibs, and 2 kitchen sinks

We never upsized our water meter and never upsized our water supply.

We still do not have any problems with water pressure.

Back then, the cost for our water meter was \$0.00 because we were going to be buying water every month.

Installing the same 3/4" meter today, the pricing is \$6528.32 and rising.

If we would follow the current "ICC code" we would be forced to upsize to a minimum of a 1 1/2" water meter costing \$24,096.32! That does not even include the cost to

dig up the yard and driveway and install the ICC required upsized water supply line. (this needlessly happens daily on remodel jobs)

WE WOULD NOT USE ANY MORE WATER OTHER THAN WHAT WE WOULD WASTE BECAUSE OF THE GREATER PRESSURE!

If we decide to install 20 more toilets, 5 more laundry rooms, and 2 more kitchens, etc, etc, etc, we still would not need to upsize anything. Each fixture would just get used less.

We live in a desert! Gilbert should be concerned about saving water, not forcing citizens to use more water BY FORCING LARGER METERS.

A larger water meter and building supply makes people use and waste more water and most of it goes down the drain! More pressure=more wasted water.

The homeowner and builder should be able to decide how large of a water meter and building supply line to install! NOT some IRC code writers living back East somewhere!

(FYI: The same thing was discovered for the "code" gas line sizing charts.)

These are just some thoughts to consider before you put too much trust in, and think we need the "ICC codes" that were not even written for our area. Gordon P.S. I welcome your thoughts!

Gordon Ray

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Building Codes and the Public Domain

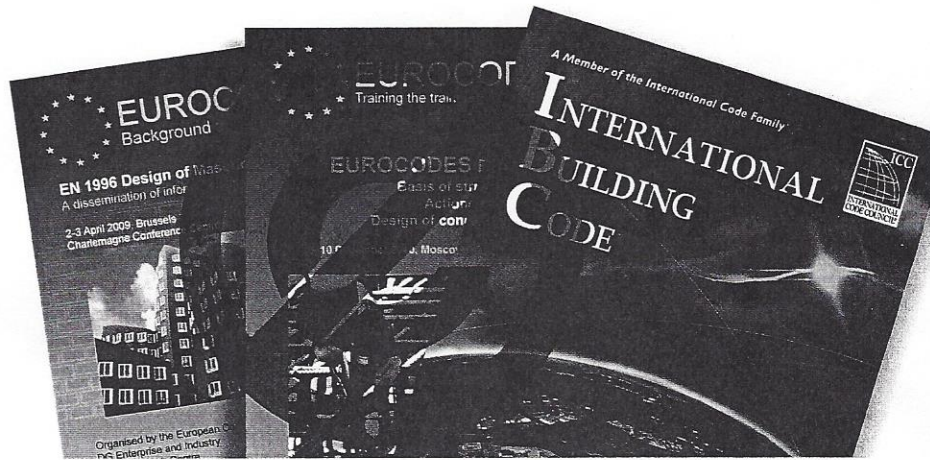
By David L. Pierson, S.E., SECB

A short time ago, I started working on a project that will be designed for construction in Europe. As such, I decided that I ought to know European construction law. I quickly found my way to the Eurocode, the governing building code for the European Union. Thinking that I ought to purchase it, I turned to the Internet. I discovered that it is not available from Amazon, and no online version shows up on any search engine. I need it in English, so there is only one place to go to buy it.

What is the cost? Well, if I want individual volumes – one covers snow loads, another wind loads, etc. – they run between \$250 and \$350 each. As it turns out, there are a total of 52 volumes. But wait – I get a discounted price of \$9,971 if I buy all of them together! I am still looking for alternatives – otherwise, I could be using 20% of my fee just to purchase the required code. If there is a silver lining here, it is that they do not update the Eurocode every three years.

This was the catalyst for me to start inquiring about things that I should have questioned when I was a younger engineer. I do not mind paying for textbooks, design guides, seminars, etc. To every squirrel his nut, I say. If you create value, then protect it, and make others pay for it. That is free-market activity. However, I have always been somewhat bothered when, in the course of my design work, I find that there is a code with which I need to comply that I do not already have, and it is going to cost me part of my fee to acquire it. Even worse, that code often references other codes or standards that I may not already have.

The key question is this: Is it right, in a country governed as a representative republic, that the government can create a law with which persons must comply (under threat of state-sanctioned penalties) and then not make the complete text of that law available for free in the public domain? Is it proper that the government forces a person to purchase the law – from a private organization – in order to find out exactly what the law requires? Is



this not where we find ourselves now with building codes and referenced standards?

I am somewhat astonished that our profession has acquiesced to the situation in which we currently find ourselves. Does every jurisdiction that mandates a building code make it available to design professionals in the public domain? Or are you required to buy it, and then buy it again and again, every three years? I have tried to figure out if there are any similar situations in other professions or occupations, but so far I have been unable to come up with any.

In 2002, there was a legal case (Veeck vs. Southern Building Code Congress) in which the U.S. Fifth Circuit Court of Appeals held that a building official was not violating copyright law when he put the adopted building code online for free access. This case essentially held that the model codes themselves are protected by copyright, but once they are enacted into law, they become part of the public domain. Because of that case, the organization Public Resource tries to publish the enacted building codes for every state online, making them available as free PDF files. However, in general, they only have the text of the code itself.

My next question is a simple extension: What about the various industry standards that are referenced within that code? Those standards bind me legally as part of the building code. Just because they are published in different books does not diminish the fact that I, as a design professional, am bound to

know what is in them and to comply with them. Yet the total cost to purchase all of the referenced standards could easily exceed the \$10,000 that is being asked for the Eurocode. Under what legal doctrine can I be compelled to engage in commerce with a third party in order to determine what is in the law?

I submit that once a building code is adopted by any authority having jurisdiction, then that jurisdiction should be required to make available in the public domain, free of charge, not only the code, but also all referenced standards within that code that are legally binding.

Perhaps this would require changes to how building codes are developed and promulgated. I think it is time that we address this. And before anyone goes jumping to the conclusion that the solution is elimination of the building codes, I would argue that this is not the correct answer. A staunch political libertarian may claim otherwise, but I maintain that building codes do have a necessary place in our society.

It is completely proper, however, to debate what the scope of the building codes should be, what their objectives ought to be, and how they should be developed. But that sounds like a topic for another time and place. In the meantime, does anyone know someone willing to trade a complete Eurocode for, say, a kidney?*

David Pierson, S.E., SECB (davep@arwengineers.com), is a Vice President at ARW Engineers in Ogden, Utah.

Structural Forum is intended to stimulate thoughtful dialogue and debate among structural engineers and other participants in the design and construction process. Any opinions expressed in Structural Forum are those of the author(s) and do not necessarily reflect the views of NCSEA, CASE, SEI, C³ Ink, or the STRUCTURE® magazine Editorial Board.

From: christy@skylinenursery.com

Date: October 29, 2013 at 3:05:39 PM MST

To: gail.barney@queencreek.org, craig.barnes@queencreek.org, dawn.oliphant@queencreek.org,

jason.gad@queencreek.org, jeff.brown@queencreek.org, julia.wheatley@queencreek.org,

robin.benning@queencreek.org

Subject: ICC Codes

As a citizen of Queen Creek and small business owners, we are concerned that the Town is considering adopting any of the 2012 ICC Codes. As conservatives, we hope that the council will refuse to even consider adopting any of these codes that take away so many of our personal choices.

Sincerely,

Adam and Christy Layton

----- Forwarded message -----

From: "Gordon Ray" <gordonray49@gmail.com>

Date: May 16, 2013 1:50 PM

Subject: 2012 codes

To: <gail.barney@queencreek.org>, <robin.benning@queencreek.org>, <craig.barnes@queencreek.org>, <jeff.brown@queencreek.org>, <jason.gad@queencreek.org>, <dawn.oliphant@queencreek.org>, <julia.wheatley@queencreek.org>

Council members,

I have been doing a lot of research into the ICC codes and who wrote them.

They are a non-profit group "in it for the money".

They have a one size fits all code for the nation.

We have been debunking each new item in the 2012 codes and many of the old 2006 codes.

The codes come to the cities as suggestions only and become law only when a city passes them as such.

We suggest that each city adopt the codes exactly as they come to them. Suggestions only.

I have provided in this email some important info to consider before the vote on whether or not to adopt the New International 2012 ICC Codes. Thanks for your service.

Here's a list of 17 things that are reasons why the new 2012 ICC codes should not be adopted as law.

1. Manual J-calcs required on all homes(Chapter 11 Energy Code)
2. Drains in window wells (R310.2.2)
3. Air infiltration design (Chapter 11 Energy Code)
4. Air duct leakage test (Chapter 11 Energy Code)
5. Blower door test (Chapter 11 Energy Code)
6. 75% of light bulbs to be high efficiency type (Chapter 11 Energy Code)
7. Locking caps required on refrigerant lines on all refrigerators required (M1411.6)
8. Larger range hoods required (M1503.4)
9. Whole house venting required (Chapter 11 Energy Code)
10. No commercial appliances allowed in residential (M1901.3)
11. Outside Air Venting Requirement (M1507.3)
12. Exterior plug required on decor balconies (E3901.7)
13. Additional outlets required in entryways of homes (E3901.11)
14. All exterior plugs required to be GFCI protected (E309.2/.5)
15. AFCI plugs required on every outlet in entire house (E3902.12)
16. New Style Tamper resistant outlets required on every outlet throughout house (E4002.14)
17. Two Layers of Water proof Wrap required (Section 2510)

Now this is only a small sample. Even if all these were taken out, there would still be hundreds of new requirements and regulations added to the existing thousands of pages of existing Codes.

Here's a better list of relaxed codes.

1. Independent Garage HVAC systems allowed (M1601.6)
2. "Gooseneck" handrails now allowed (R311.7.8.1)
3. Smoke Alarms. Now recognizes wireless systems (R314 wireless interconnection.)
4. SIP Panels now recognized (R613)
5. Water heaters allowed on garage floor (M307.3)

These are really insignificant compared to the hundreds of new requirements and do not justify the adoption of the new 2012 codes by any means, but rather justify exactly the opposite and this is why. These relaxed requirements are a list of things that have been required for the past decade unnecessarily, and hundreds if not more of just these sorts of things would be implemented in the New 2012 codes and are still existing in the 2006 codes.

All said and done, these new 2012 codes would be taking us another step backwards in Maricopa County. On step closer to government making all our decisions for us. **With Freedom comes responsibility and your responsibility is to protect our freedom.** We will stand with you in those efforts.

The current ICC building codes have a direct impact on the citizens of Queen Creek yet were not written by anyone from or familiar with Queen Creek.

The over burdensome codes have a negative effect on tradesmen and citizens alike, causing them to resort to silent compliance to illogical and nonsensical requirements.

The current town council should instead work with the citizens or those in the trades to put together a simple set of comprehensible life/safety codes rather than add onto the existing thousands of pages of unread codes hundreds of new unread codes.

The current ICC building codes were passed into law by previous and current council members without having been read or understood. We ask you to Not follow suit by readopting and passing thousands of pages of laws on the citizens of Queen Creek, especially when these codes have not been read or understood by those passing them into law.

Check out the web page www.nonewcodes.com especially the video link of Nancy Pelosi.

The guiding principles that our country was founded on dealing with the free market are these:

"Life and Liberty are secure only so long as the right of property is secure"

"The highest level of prosperity occurs when there is a Free Market and a minimum of government regulations"

"Only limited and carefully defined powers should be delegated to government, all other being retained by the people"

"Strong local self-government in the keystone to preserving human freedom"

(See the 28 Principles of Liberty in The 5000 Year Leap)

I appreciate you contacting and meeting with us. I hope we can continue the conversation.

Please read this informative article by Henry Lamb directly addressing the ICC codes?

<http://www.renewamerica.com/columns/lamb/110424>

If you have not read it, will you read it and let me know what you think?

It's not too long. Thanks. Henry Lamb died a year ago. Earl Taylor with NCCS recommends his books. This article addresses the codes.

Thanks for the careful consideration of this issue. I know you are hearing both sides. There are always two sides to every issue. Tyranny thrives on ignorance.

Let me know if you have any questions. We've been doing a lot of research on these codes recently. I would appreciate a response. Thanks.

Rusdon Ray
GER Drafting Services
2243 E. Claxton
Gilbert, AZ 85297
[\(480\)988-2472](tel:(480)988-2472) Office
[\(480\)988-5359](tel:(480)988-5359) Fax
www.houseplansinaweek.com

defenders of Liberty
God - Religion - Freedom - Peace - Family

----- Forwarded message -----

From: **Rusdon Ray** <houseplansinaweek@gmail.com>

Date: Fri, May 31, 2013 at 8:28 AM

Subject: ICC Codes - Who Currently Governs Gilbert? Is It Our Elected Town Council, or the Unelected International Organizations Who Write Our Laws?

To: Rusdon Ray <houseplansinaweek@gmail.com>

ICC Codes - Who Currently Governs Gilbert? Is It Our Elected Town Council, or the Unelected International Organizations Who Write Our Laws?

The Adoption of the International 2012 ICC Codes is not a question of Life-Safety or even Safe Building Standards, because we can come up with those locally. It is rather a question of whether or not we believe that we should or are even capable of governing ourselves. Do we believe we need to be governed by others who are members of unelected International bodies, which live thousands of miles away? It's also a matter of Taxation without representation. Many of the recently increased outrageous permit and licensing fees, including higher taxes and threats of additional fines, are rationalized due to the increased burden on local enforcement officers to inspect and enforce all the International mandates. (A recent home owner had to pay \$25,000 in permit fees alone to build a custom home, and that is not an exception. That is the new norm.)

As citizens of Arizona & Gilbert, we believe and maintain the truths of our forefathers that all men are endowed by their creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. In addition to reaffirming the truths in the Declaration of Independence, we feel it necessary today to clarify further the following, due to the ever-growing unelected bodies of international organizations and agencies coercing locally elected representatives to adopt their rules and regulations as law. These laws inflict their mandates on us with the ever more obvious design to undermine our liberty by controlling our everyday choices in our Communities, Businesses, Schools, Churches, Families and Personal Lives.

We also feel it necessary to state and clarify that the mandates are most often not being inflicted knowingly by our locally elected representatives. Their compliance, and acceptance and adoption of such rules and regulations, especially without reading or understanding them, does not exempt them from fault or conspiring, even if naively, of undermining our liberty by facilitating the following enactments of international or global governance of unelected bodies of men through such things as: National or State Healthcare (Medicaid or Medicare expansion), Deficit Spending, Common Core or No Child Left Behind, UN Agenda 21, ICLEE, EPA, ICC Codes, etc. All of which are not written or read by our representatives but passed, for many different reasons, as law on their citizens.

We therefore state that any further actions taken by our elected representatives to vote for or adopt codes, rules, regulations, or mandates not originating from the municipalities or regions from which they reside and represent, will be seen as an act of disloyalty and betrayal of the people and citizens who they represent. It is also in direct opposition to the proven fundamental principles of Liberty.

We further request that elected representatives reaffirm their allegiance to the Constitution and the Liberty of the people to which they already swore that they would defend and maintain.

We ask for our representatives to reinstate and maintain local sovereignty in our Towns and State by rejecting and replacing each Federal or International mandates, wherever they are found, with locally written and easily understood laws, codes, & ordinances.

We understand that these actions have federal financial consequences by design, and we are willing to know the worst and provide for it. We believe that if we are united in our Towns and Neighborhoods in the renewed spirit of our God-given Liberty, that we will be on the side of Truth and Right, protecting &

preserving the greatest environment for Peace and Prosperity, Charitable Giving and our Quest for Excellence.

We have an online petition Titled "Gilbert Can Govern Itself". Please sign and forward to Family and Friends.

<http://bit.ly/15fYUIb>

<http://nonewcodes.com/>

Send an Email to Gilbert Town Council. Let them know you support the petition "Gilbert Can Govern Itself"

CouncilMembers@gilbertaz.gov

Rusdon Ray

GER Drafting Services

2243 E. Claxton

Gilbert, AZ 85297

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[\(480\)988-5359](tel:(480)988-5359) Fax

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From: **Rusdon Ray** <houseplansinaweek@gmail.com>

Date: Thu, Aug 22, 2013 at 9:28 AM

Subject: 2012 ICC Codes

To: julia.wheatley@queencreek.org, Jeff Brown <jeff.brown@queencreek.org>

Cc: Benjamin Wheatley <Benjamin.Wheatley@phoenix.edu>

Council Members Julia and Jeff,

Do you know if Town Management is considering passing the 2012 ICC Codes anytime soon? Can you let me know if there is an agenda or time schedule for that? Thanks.

Feel free to call my cell [480-284-1008](tel:480-284-1008).

Here is a small sample of some of the new over the top code items proposed in the new 2012 code. A lot of these items may sound nice right off the top without looking into them, but when you consider the cost and the problems it will be solving, let alone eliminating personal choice, they don't make sense to pass as new laws.

Before we pass any new regulations on Queen Creek, we should first have those passing the laws justify and back up with data each new regulation and why it is needed here in Queen Creek. I think you will find, as have we, that they are not justified. They do however make more money for the companies and businesses writing the codes and putting their products into law. (We have uncovered the evidence of this and can give it to you if you would like.)

2012 code items

- Commercial cooking appliances not allowed in residences. (M1901.3)
- Out of reach GFCI & unfinished basement (E3802.2, R3802.5, E309.2/.5)
- Checklist item #85
 - Outside Air Venting Requirement (M1507.3)
 - Exterior plug required on decor balconies (E3901.7)
 - Additional outlets required in entryways of homes (E3901.11)
 - Tamper resistant outlets. (E4002.13, E4002.14)
 - Larger range hoods required (M1503.4)
 - Two Layers of Water proof Wrap required (Section 2510)
 - Special window sills ¼" to ½" higher than regular sills. (R310)
 - Air Make up air for larger hood vents. (1503.4)
 - Whole house venting (M1507.3)
 - Air plenums (M1601.1.1)
 - Test for plastic pipes. (G2503.5.1)
 - Carbon monoxide alarms. (R315)
 - 4 wire grounding on detached buildings. (E3607.3)
 - Breaker ties. (3701.5.1)
 - Low voltage grounding (E3609.3)
 - Tent & Canopies (IFC105.6.43)
 - Roof Obstructions (IFC316.4, 605.11-605.11.4)
 - Lockdown plans (IFC406.3.3)
 - Keys Available to Public Service Departments (IFC508.1.5, IFC607.5)
 - Radio Coverage (IFC510)
 - Kitchen Hood Systems (904.11.6.1)
 - Children Play structures (IFC424)
 - Fire Barrier under bleachers (IFC1028)
 - GFCI's on generators (IFC590.6)
 - Tempered Water (IPC607.2)
 - Vent Terminal (IPC903.5)
 - Drains in window wells (R310.2.2)

- HVAC huffing prevention. Locking access port caps. (M1411.6)
- Automatic Sprinkler Systems. (Checklist item #100)
- Air infiltration design (Chapter 11 Energy Code)
- No sizing of mechanical equipment per ACCA manual J required. (Chapter 11 Energy Code)
- High efficiency light bulbs. (Chapter 11 Energy Code)
- HERS Rating(Chapter 11 Energy Code)

Rusdon Ray

GER Drafting Services

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Gilbert, AZ 85297

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From: "Rusdon Ray" <houseplansinaweek@gmail.com>
Date: August 30, 2013, 10:32:14 AM MST
To: <gail.barney@queencreek.org>
Subject: ICC Codes

Mayor Barney,
Have you heard anything about the 2012 ICC codes in Queen Creek? Are they coming up for adoption? Can you keep me informed on any effort Town Management makes to pass these Codes? We have made a lot of progress in Gilbert to expose these over the top ICC codes for what they have become. I would love to speak to you about them and some practical solutions to the code adoption process. I would love to meet with you sometime if you are available. This issue is sure to come up soon since all Town's, Cities, and Counties are feeling the pressure to adopt. Thanks for your service as Mayor.

Rusdon Ray
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From: **Rusdon Ray** <houseplansinaweek@gmail.com>

Date: Tue, Oct 22, 2013 at 10:22 AM

Subject: Show Your Support for the Citizens of Queen Creek - Bastian of Liberty and Family Values - Email Queen Creek Town Council and Tell Them to Say No to the Oppressive International 2012 ICC Codes

To: Rusdon Ray <houseplansinaweek@gmail.com>

To Whom It May Concern:

We have led a successful campaign thus far in Gilbert in opposing the 2012 ICC Codes. They are on hold and hopefully we will soon come to the meaningful solution of reducing the copious amounts of laws & regulation that control nearly every aspect of the American Dream. Now Queen Creek Town Management is pushing for Queen Creek Town Council to pass the Oppressive 2012 ICC Codes. Queen Creek Town Council can use all the support we can give them to stand strong against Federal and International regulation. They will receive much pressure from the other side. If you could send them an email saying you support them in saying No to the 2012 International ICC Codes, every email is huge. Most of us either work, have family, plan to move to, or currently live in Queen Creek.

Here is an Email that was sent out yesterday that includes Email addresses of the Queen Creek Council Members for you to copy and paste. Thank you for any support you can offer.

"Dear Citizens of Queen Creek,

I met last week with Queen Creek Town Management about their plans and intentions to pass the International 2012 ICC Codes as law in Queen Creek. If passed, as desired by Town Management, our research shows this will be the largest increase in government regulation since the founding of Queen Creek. (See Attached Code Proliferation which illustrates the IRC, only one of the 8 proposed family of ICC code books) These International ICC code updates are no longer about safe building practices. They regulate everything imaginable within the walls of our own homes including appliances, plumbing fixtures, lighting fixtures, all building materials, # and placement of "convenience outlets", type of windows, size of all mechanical equipment, costly efficiency tests, and even the type and size of light bulbs in our homes etc. etc. All of which cost time and money, placing the American Dream well out of reach of many, not to mention the loss of personal choice.

If any of the above code items are not installed according to the International ICC Codes, a home owner is not allowed to move into his home or be allowed to have power turned on under penalty of stiff fines or arrest & incarceration (See the story of Gordon Heap in Gilbert among others). They are even mandating many of these codes retroactively on existing homes as they become aware of them as home owners make any home improvement. Imagine the cost of bringing your existing home up to unnecessary International code standards because of a simple room addition or kitchen remodel. That is what is required.

The ICC Code updates and regulations are endless. We are therefore asking that the Building Codes in Queen Creek be returned to their rightful place, which is life-safety issues only. That is the purpose of the Building Department - Not to regulate citizen's everyday lives and personal property. Please Email Queen Creek Town Council and let them know we do not want these International ICC codes passed here in Queen Creek. Your emails sent to Town Council a couple months ago when this issue first came up were huge. Town Council is listening. Encourage them to stand strong and reject the 2012 ICC codes. Leave the passage of 1000's of pages of unread bills to congress."

Copy and paste Queen Creek Town Council's email addresses.

gail.barney@queencreek.org

craig.barnes@queencreek.org

dawn.oliphant@queencreek.org

jason.gad@queencreek.org

jeff.brown@queencreek.org
julia.wheatley@queencreek.org
robin.benning@queencreek.org

Forward this email to all you know who have an interest in Queen Creek and encourage them to email Queen Creek Town Council.

For more information on this subject, visit: www.nonewcodes.com

P.S. - Here is a link to a great article published in Atridim News about the ICC Code battle in Gilbert. <http://bit.ly/1815DP9>

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On Mon, Nov 11, 2013 at 10:49 AM, Gail Barney <gail.barney@queencreek.org> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

From: "Rusdon Ray" <houseplansinaweek@gmail.com>

Date: November 11, 2013 at 10:00:40 AM MST

To: <gail.barney@queencreek.org>, <craig.barnes@queencreek.org>, <dawn.oliphant@queencreek.org>, <jason.gad@queencreek.org>, <jeff.brown@queencreek.org>, <julia.wheatley@queencreek.org>, <robin.benning@queencreek.org>

Subject: Unintended Consequences of the 2012 ICC Codes - The largest increase in regulation on private property and the home building/construction industry since the founding of Queen Creek.

Dear QC Council Members,

If the ICC building codes were what advocates of the codes said they were, we would have no problem with them and we would not be here opposing them. Advocates claim the proposed building codes are about legitimate structural and life/safety issues. That may have been true a decade ago but it is certainly not true today. Do you actually think we would be spending our valuable time fighting this cause if that was what this was about? Is there anyone here who actually believes that mandating the number of high efficiency light bulbs is a life/safety issue? Or maybe the type and amount of insulation? Or maybe the type of plumbing fixtures or appliances you choose to buy? Or maybe the type of windows etc. etc.? It is beyond common sense to say these are life-safety issues, yet those advocating the new codes are saying just that?

What more can we say? The building codes long ago left the realm of mandating legitimate structural & life-safety. We conclude that this clear departure from mandating only life-safety issues happened at the same time the ICC codes were formed at the start of the 21st Century only a decade ago. We are Not advocating No Codes. We are simply feeling it our duty to let those who are not working with these codes on a daily basis know what is happening. We will let you decide and then judge you accordingly. God will judge you on your intentions but in politics, we must judge you on your actions.

Please know that adopting the 2012 codes is the largest increase in regulation on private property and the home building/construction industry since the founding of Queen Creek, and are you willing to stand by that, especially when you have neither read nor understand that regulation? Please for the sake of the free market and the building industry and the citizens of Queen Creek Vote No to the adoption of the International 2012 ICC Building Codes.

Rusdon Ray

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Gilbert, AZ 85297

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Dear Council Members,

We ask for you to vote YES to return the International ICC Codes back to suggestions and recommendations as written. This action would take effect 3-6 months after a vote in which time we can review, revise and approve a Life-Safety set of Gilbert Governing Codes.

Whereas: The current ICC building codes have a direct impact on the citizens of Gilbert yet were not written by anyone from or familiar with Gilbert; and

Whereas: Those in the building industry have been rebuffed by plan reviewers and building inspectors in working together in a common sense fashion in the best interests of the home owners and citizens of Gilbert, due to the existing 2006 ICC codes; and

Whereas: Our earnest requests have been met with insults and retaliatory measures from Town Staff, having the negative effect on tradesmen and citizens alike, causing them to resort to silent compliance to illogical and nonsensical requirements; and

Whereas: The current town management has been unable and unwilling to work with the citizens or those in the trades to put together a simple set of comprehensible life/safety codes while these current 2006 ICC codes are still in place as law as passed by previous councils; and

Whereas: The current ICC building codes were passed into law by previous and current council members without having been read or understood, we ask you to rescind them as mandated law on the citizens of Gilbert and return them to their rightful place in the free market economy as suggestions and recommendations as intended.

- 2006 International Building Code
- 2006 International Residential Code
- 2006 International Mechanical Code
- 2006 International Plumbing Code
- 2006 International Fuel Gas Code
- 2006 International Energy Conservation Code
- 2006 International Fire Code
- 2005 National Electrical Code
- The Arizonans with Disabilities Act and Implementing Rules
- Significant Changes and Amendments to the IRC - 2006 Edition

We ask for you to vote YES to return the International ICC Codes back to suggestions and recommendations as written. This action would take effect 3-6 months after a vote in which time we can review, revise and approve a Life-Safety set of Gilbert Governing Codes.

From: Mark Safsten <msafsten@hotmail.com>

Date: October 24, 2013 at 11:16:41 PM MST

To: "gail.barney@queencreek.org" <gail.barney@queencreek.org>, "craig.barnes@queencreek.org" <craig.barnes@queencreek.org>, "dawn.oliphant@queencreek.org" <dawn.oliphant@queencreek.org>, "jason.gad@queencreek.org" <jason.gad@queencreek.org>, "jeff.brown@queencreek.org" <jeff.brown@queencreek.org>, "julia.wheatley@queencreek.org" <julia.wheatley@queencreek.org>, "robin.benning@queencreek.org" <robin.benning@queencreek.org>

Subject: Adoption of the ICC 2012 codes

Dear Queen Creek Town Council Leaders:

I understand that the council is considering adopting the ICC 2012 codes. I understand that the intent of these codes is to provide some level of consumer protection and construction standard which provides peace of mind to consumers.

I am very concerned about the costs imposed on builders by these codes. Typically, I would say the free market will sort out substandard builders from quality builders. I don't believe that this case as quality home construction has become the exception rather than the rule.

Ultimately, all builders' costs are passed down to the consumer. If I understand these codes and the "fallout", I am confident that homes in the area will be even more expensive. Is adopting the codes worth that additional expense for the home owners in Queen Creek?

To the extent that government can set a standard for construction for property owners in its "stewardship", I believe that is appropriate - especially if those standards preserve the values of the properties for their owners. I would hope that any discretionary costs that may be associated with adopting the codes will be closely looked at. We need more financially strong citizens in Queen Creek. We need to increase our tax base if we are going to grow and provide the kind of community we all want here in Queen Creek.

To the extent that you can, please be careful that the adoption of the codes does not create financial costs to homebuilders which make them less competitive and which would "drive" homebuilders out of Queen Creek to surrounding communities and by extension slow down the influx of families who can be tax contributors rather than tax consumers into our great town.

Thank you for all you do to make Queen Creek a great community.

Best regards,
Mark Safsten

----- Forwarded message -----

From: **Scott Ray** <scott.ray@sheahomes.com>

Date: Wed, Oct 23, 2013 at 9:24 AM

Subject: I Oppose Adoption of the 2012 ICC Codes! Say No to the Oppressive International 2012 ICC Codes.

To: "gail.barney@queencreek.org" <gail.barney@queencreek.org>, "craig.barnes@queencreek.org" <craig.barnes@queencreek.org>, "dawn.oliphant@queencreek.org" <dawn.oliphant@queencreek.org>, "jason.gad@queencreek.org" <jason.gad@queencreek.org>, "jeff.brown@queencreek.org" <jeff.brown@queencreek.org>, "julia.wheatley@queencreek.org" <julia.wheatley@queencreek.org>, "robin.benning@queencreek.org" <robin.benning@queencreek.org>

The ICC Code updates and regulations are endless. I ask that the Building Codes in Queen Creek be returned to their rightful place, which is life-safety issues only. That is the purpose of the Building Department - Not to regulate citizen's everyday lives and personal property.

Thank you for your service to the community!

Scott Ray

Project Superintendent
[\(480\)221-0231](tel:(480)221-0231) cell

From: Jeff Brown [mailto:jeff.brown@queencreek.org]
Sent: Wednesday, November 06, 2013 10:33 AM
To: Gordon Ray
Subject: Re: FW: FW: Please support us tomorrow!

Who is "Mike" ? I am uncertain as to who the email is from. From you Gordon Ray or from someone named Mike? Please clarify. Name and address of the person for the record please.

On Wed, Nov 6, 2013 at 10:01 AM, Gordon Ray <gordonray49@gmail.com> wrote:
I've been out of construction for a while and hadn't even heard that new building codes were being proposed. I'm sure they are spreading across the country. The only thing I need to know it is that the title has "International" in it. That says enough. That guarantees a liberal/socialist slant to them. Of course every bureaucrat loves and highly recommends them because it guarantees increased work load and job security. I suppose the bureaucrats don't have enough to do so instead of cutting back the man power and reducing the drain on the tax payers they put more burden on the public with more regulations. If something like this can't be defeated in a conservative city like Gilbert then there isn't much hope for the rest of us. It is quite irritating. Good luck tomorrow.

Mike

On Wed, Nov 6, 2013 at 11:11 AM, Jeff Brown <jeff.brown@queencreek.org> wrote:

I have to assume that Mr. Stiles lives somewhere other than Gilbert or Town of Queen Creek.

Thanks

On Wed, Nov 6, 2013 at 11:07 AM, Gordon Ray <gordonray49@gmail.com> wrote:
Mike Stiles is a good friend of mine. This was his response to my email. Gordon

Gordon Ray
House Plans in a Week
2243 E. Claxton Ave.
Gilbert, AZ 85297
[480-988-2472](tel:480-988-2472)
www.houseplansinaweek.com

Address: 756 N Monterey St, Gilbert, AZ 85233
Phone: [\(480\) 832-3299](tel:(480)832-3299)

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From: **Brian Swain** <brian@swainelectric.com>
Date: Tue, Oct 22, 2013 at 12:45 PM
Subject: 2012 ICC codes
To: "jeff.brown@queencreek.org" <jeff.brown@queencreek.org>

Councilman Brown,

I am writing you to let you know that I do not want the 2012 ICC codes implemented in Queen Creek. The building codes should be for life safety, and not to mandate energy efficiency. I believe in freedom over energy efficiency. Please reject the 2012 ICC codes.

I appreciate your consideration.

Thanks,

Brian Swain
Project Manager/ Estimator
Cell [\(602\)999-2291](tel:(602)999-2291)
Office [\(480\)832-3299](tel:(480)832-3299)
www.swainelectric.com

----- Forwarded message -----

From: **Emilena** <emilenapturley@gmail.com>

Date: Tue, Oct 22, 2013 at 2:30 PM

Subject: 2012 - ICC Codes - No!

To: gail.barney@queencreek.org, craig.barnes@queencreek.org, dawn.oliphant@queencreek.org, jason.gad@queencreek.org, jeff.brown@queencreek.org, julia.wheatley@queencreek.org, robin.benning@queencreek.org

Dear Mayor Barney and Town Council Members,

Thank you for your efforts and hard work on our behalf. We appreciate you!

I expect you will reject the Town Management's push to adopt the 2012 ICC Codes, as the regulation related to adopting these codes falls far from the principals of freedom upon which our country was founded and far from the conservative principals by which you each promised to govern our town when we elected you. I trust that you will uphold your promise to those whom you represent, and clearly express our wishes, as your constituents, that we want/less regulation, *not* more.

Thank you for supporting our individual freedoms.

Sincerely,

Emilena P. Turley

Paralegal, Realtor, LD12 Republican Committee Secretary and Citizen of Queen Creek



Requesting Department:

Town Manager

TO: HONORABLE MAYOR AND TOWN COUNCIL

**THROUGH: JOHN KROSS, AICP
TOWN MANAGER**

FROM: TRACY CORMAN, ASSISTANT TO THE TOWN MANAGER

**RE: DISCUSSION ON AMENDMENTS TO THE STANDARD FORM BYLAWS FOR
TOWN COMMITTEES, BOARDS AND/OR COMMISSIONS.**

DATE: NOVEMBER 20, 2013

DISCUSSION:

This item has been placed on the agenda at the Council's request. The Bylaws document with the proposed changes identified is attached to the staff report. The proposed amendments outlined in this report would also include amending the Town Council Policies and Procedures under Section XVI, COMMITTEES, The Town Center Committee and the Economic Development Commission bylaws based on Council's direction and would be brought back with the other documents for final approval in December.

The request for review of the bylaws has also presented an opportunity to clarify the difference between a committee and a Task Force.

A brief summary of the proposed changes is provided below.

Section I – Purpose and Applicability.

After further review, the changes to Section I – Purpose and Applicability are being recommended to provide clarity between a Committee and a Task Force. Historically Task Forces have included members of other Town Committees because of their knowledge of the specific issues related to their Committee's mission. For example, the last Finance Review Task Force included members from Parks and Recreation Advisory Committee and the Transportation Advisory Committee because their mission was to develop options for financing the development of future parks and roads.

Definitions for Committees and Task Forces are proposed in this section. In addition, applicability of the bylaws to certain committees, boards and/or commissions are being recommended to provide clarity as well as to ensure that the bylaws do not preclude the applicability of any provision by state statute. Also, the names of all committees and task forces were removed from the list provided in Section I because many of them were outdated.

Section II – Membership, Roster, Council Liaison, Residency Requirement and Terms of Office; Item (d), (f) and Item (g)

Currently item (d) reads:

Every Town committee shall have a minimum of seven (7) members and up to a maximum of eleven (11) members. Council Members serving as non-voting liaison members shall not be counted towards the minimum or maximum committee membership.

Proposed amendment

The proposed language will require a committee to have a minimum of seven (7) voting members and that any other non-voting members are not counted towards the minimum or maximum committee membership.

Currently item (f) reads:

- f) *Committee members may serve on no more than one committee at a time. Committee members serving on multiple committees at the time this amendment to the Bylaws is adopted may continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one committee on which to serve and resign from all other Town Committees.*

Proposed amendment

The proposed language would limit committee members to only serving on one internal or external committee at a time as a voting member, and that members serving on multiple committees at the time of the adoption of these amendments shall be allowed to continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one internal or external committee on which to serve and resign as a voting member from all other committees.

The third proposed amendment would insert a new item G to Section II.

Proposed amendment

The proposed language would allow members of an internal or external committee to be appointed to serve on a Task Force based on their knowledge of the Task Force’s specific objective.

Fiscal Impact:

There is no fiscal impact for the amendments proposed within this staff report.

Alternatives:

- 1. The Council may decide to direct staff to include a combination of the amendments summarized in this staff report, or none of them at all.

Attachments:

- 1. Exhibit “A” Amendments to Standard Form Bylaws for Designated Town Committees, Boards and/or Commissions

Exhibit "A"
**Amendments to Standard Form Bylaws for Designated Town Committees, Boards
and/or Commissions AND TASK FORCES**

REVISED APRIL 17, 2013 NOVEMBER 20, 2013

Section I: Purpose and Applicability

The purpose of establishing bylaws for citizen advisory committees is to maximize public involvement in the public policy-making process at all levels possible. The Queen Creek Town Council desires to include as many people as possible on Town committees and has adopted annual goals establishing citizen involvement and general public outreach as a priority for Queen Creek.

a) DEFINITIONS

COMMITTEE: A COMMITTEE IS A STANDING WORK GROUP APPOINTED OR SELECTED TO PERFORM A SPECIFIC SERVICE OR FUNCTION ON BEHALF OF A LARGER GROUP (TOWN COUNCIL).

TASK FORCE: A TASK FORCE IS A TEMPORARY WORK GROUP ASSIGNED FOR A CERTAIN PURPOSE FOR A SPECIFIC AMOUNT OF TIME TO ACCOMPLISH A DEFINED OBJECTIVE WITH THE EXPECTATION THAT THE GROUP WILL DISBAND WHEN THE OBJECTIVE HAS BEEN COMPLETED.

These bylaws for governance of Town Committees are applicable to **ALL** the following Town Committees and all future committees **AND TASK FORCES** so designated by the Town Council. **FOR THE PLANNING AND ZONING COMMISSION, ECONOMIC DEVELOPMENT COMMISSION, TOWN CENTER COMMITTEE AND BOARD OF ADJUSTMENTS, WHICH HAVE THEIR OWN BYLAWS, THESE BYLAWS WILL GOVERN IN ALL AREAS WHERE THEIR BYLAWS ARE SILENT, OR WHERE THERE IS A CONFLICT BETWEEN THESE BYLAWS AND THEIR BYLAWS. WHERE THEIR BYLAWS ARE SILENT, OR WHERE THERE IS A CONFLICT, THESE BYLAWS WILL APPLY. (FOR EXAMPLE, THEIR BYLAWS DO NOT LIMIT THE NUMBER OF COMMITTEES ON WHICH A PERSON MAY SERVE. IN THAT CASE, SECTION II(F) OF THESE BYLAWS WILL APPLY.) THESE BYLAWS DO NOT PRECLUDE THE APPLICABILITY OF ANY PROVISION BY STATE STATUTE.** ~~AIR Group, Community Policing Advisory Committee, Development Fee Working Group, Finance Review Task Force, Fire/EMS Service Committee, Housing Rehab Committee, Library Advisory Committee, Parks and Recreation Advisory Committee, Police Services Task Force, Redevelopment Advisory Steering Committee, San Tan Foothills Specific Area Plan TAC, SRP Task Force, Transportation Advisory Committee.~~

Section II: Membership, Roster, Council Liaison, Residency Requirement and Terms of Office

- a) Member terms are staggered so that the entire committee will not need to be appointed or reappointed at the same time. At the time a committee is first established, six members of an eleven-member committee shall be appointed for one-year terms and

the remainder of the committee shall be appointed to two-year terms. Successive appointments shall be for two-year terms. (in the event that a committee, at the time it is first appointed, has fewer than eleven members, members shall be divided evenly between one-year and two-year terms to the greatest extent possible). When a seat becomes vacant in the middle of a term, the Council shall appoint a member to serve the remaining term.

- b) The Town Council may appoint up to two members from the Town Council to serve as non-voting liaison members of a committee. The committee shall select a chair and vice chair from the voting members of the committee. The committee's selection for chair and vice chair shall be ratified by the Town Council.
- c) All Committee members serve at the pleasure of the Town Council and may be removed without cause at any time by a majority vote of the Council. Any committee created or appointed by the Town Council may, by appropriate rules and regulations, provide additional grounds for the removal of members, but in any event, the Town Council shall have the complete authority to remove members from the committee.
- d) Every town committee shall have a minimum of seven (7) members and up to a maximum of eleven (11) members. **TOWN COMMITTEES MUST MAINTAIN A MINIMUM OF SEVEN (7) VOTING MEMBERS.** Council Members serving as non-voting liaison members, **AND ANY OTHER NON-VOTING MEMBERS** shall not be counted towards the minimum or maximum committee membership.
- e) A maximum of two (2) non-residents may be appointed to a committee. An odd number of voting members must be maintained on committees.
- f) Committee members may **NOT** serve **AS VOTING MEMBERS** on ~~no~~ more than one **INTERNAL OR EXTERNAL** committee at a time. **FOR EXAMPLE: A CITIZEN MAY NOT SERVE AS A TOWN COUNCIL APPOINTED MEMBER OF A TOWN CREATED INTERNAL COMMITTEE AND A TOWN COUNCIL APPOINTED MEMBER/REPRESENTATIVE ON A NON-TOWN CREATED EXTERNAL COMMITTEE AT THE SAME TIME. THE TERM EXTERNAL COMMITTEES "REFERS" TO SUCH GROUPS AS THE EAST VALLEY PARTNERSHIP COALITION AND THE GREATER PHOENIX ECONOMIC COUNCIL.** Committee members serving on multiple committees at the time this amendment to the Bylaws is adopted may continue to serve on those committees until their earliest term expiration date. At that time, the member must choose one **INTERNAL OR EXTERNAL** committee on which to serve and resign **AS A VOTING MEMBER** from all other ~~Town~~ committees.
- g) **MEMBERS OF INTERNAL OR EXTERNAL COMMITTEES MAY FROM TIME TO TIME BE APPOINTED BY THE TOWN COUNCIL TO SERVE ON A TASK FORCE BASED ON THEIR KNOWLEDGE OF THE TASK FORCE'S SPECIFIC OBJECTIVE.**
- h) Employment with the town disqualifies a citizen from sitting on a committee.

Section III. Staff Assistance.

The Town Manager shall have the responsibility to appoint the necessary staff to serve in a support role to the advisory committee. The staff role is advisory and shall not have voting privileges.

Staff assigned to a committee shall be referred to as support staff. The staff person taking the lead role in supporting the committee shall be the committee manager.

Section IV. Meeting Quorum, Voting Procedures and Privileges

- a) The committee shall not conduct any business without the presence of a quorum consisting of a simple majority of the total number of voting members appointed by the Town Council. For example, if there is an eleven member committee, at least six must be present in order to conduct a meeting.
- b) Only town resident members shall have voting privileges for each action item on each agenda; may make a motion on any posted agenda item; and may second the motion for discussion and full committee voting.

Section V: Powers and Duties.

Town Committees shall have the following powers and duties:

- a) At the start of each new fiscal year, receive Town Council approval of its 12-month work program.
- b) Keep and submit meeting summaries or minutes to the Council for information following an official meeting of the committee.
- c) Advise the Council on matters pertaining to the designated committees and work program approved by the Town Council.
- d) Advise the Council on the status of its annual work program and achievement of various initiatives set forth by the Council for implementation.
- e) Advise the Council on matters of public policy affecting the community at-large as it relates to the function and mission of the designated committee and its work program.
- f) Advise the Town Manager on issues pertaining to operations and administration of the town organization.
- g) Representation of recommendations of the committee/expression of personal opinions; communicating personal opinion in conjunction with majority position of a committee, commission or board:

When speaking or writing regarding a matter within the jurisdiction of a committee,

members of the committee shall represent the official policies or positions of the board, commission or committee on which they serve to the best of their ability. When presenting their individual opinions and positions, members shall explicitly state that the opinions they are expressing are their own, do not represent the views or opinions of the Town of Queen Creek or a committee, board or commission of the Town, and will not infer or suggest that the opinion they are expressing is the opinion of the Town.

Section VI. Committees – General Qualifications of Members.

Attendance Required. Any member of a committee created and appointed by the Town Council may be replaced by the Council if s/he:

- a) Is absent for twenty-five (25) percent or more of the regular meetings within any consecutive 12-month period. The Town Council shall consider removal of the individual from the committee at the next available council meeting. Replacement of an individual who has been removed from a committee shall be considered as soon as reasonably possible.

Section VII. MEMBER APPOINTMENT PROCESS

Any citizen interested in joining a town committee must complete a Notice of Interest Form and submit it to the Town Clerk's office.

- a) Citizens completing the Interest Form must rank order (prioritize) their preference for a specific committee (only active committees shall be listed, with an option to check 'other' as well)
- b) Upon receipt of a notice of interest form, the Town Clerk's office shall generate a letter notice of acknowledgement.
- c) The Town Clerk's office shall keep, maintain, and update all master lists. Master lists include: 1. Committee members; and 2. Interested residents. Notice of Interest Forms shall be kept on file at the clerk's office for a period of twelve (12) months. At the end of twelve (12) months notice of interest forms will expire. Once a notice of interest form has expired, it will be removed from the master list and shredded. In order to be eligible for consideration for committee appointments, applicants must fill out an updated notice of interest form and submit it to the Town Clerk's office every twelve (12) months.

When there is a vacancy on a Town committee, the following appointment process will be followed to fill that vacancy:

- D) The committee manager shall notify their department director of any committee vacancies immediately. The department director shall in turn notify the Town Manager and Town Clerk of the vacancies, and request Notice of Interest Forms from the Town Clerk.
- E) Upon notice of the vacancy, the Town Clerk shall forward Notice of Interest Forms to

the committee manager. If no Notice of Interest Forms are on file, advertisements for committee vacancies shall be posted on sites that include, but are not limited to, the town web site, *About Town Newsletter*, and the weekly update. News releases shall also be issued. Depending on the time needed to fill a committee vacancy, alternatives to the master lists may be considered by the department director. Advertising will be done until the vacancy is filled. Please note: other forms of advertisement may be used to adequately reach the intended audience.

- F) The committee manager shall review Notice of Interest Forms to determine whether the residency requirement has been met for that committee. The committee manager shall forward eligible Notice of Interest Forms to the Mayor or designee, and committee chair, for review.
- G) The Mayor or designee shall make contact with applicants to discuss the committee meeting schedule and commitments in order to determine the interest and availability of the applicants.
- H) Interviews shall be conducted by the Mayor or if delegated by the Mayor, the committee chair (please note: the department director shall be used as the backup, if necessary). The purpose of the interview will be to determine the applicant's background, the individual's availability to serve, and their knowledge and areas of interest in relation to the committee's work program.
- I) The department director and committee chair shall decide which applicant(s) to recommend to the Mayor for membership. The department director shall meet with the Mayor to discuss the recommendation. If the Mayor approves, the committee chair shall contact the applicant(s) to confirm their acceptance of the recommendation. Upon confirmation, the committee chair shall notify the committee manager of the recommendation.
- J) The committee manager shall submit the recommendation as an item for an upcoming Council agenda through their department director. The agenda language should be formatted as follows: "consideration and possible approval of the appointment of _____ to the _____ committee."
- K) The committee manager shall develop and submit a staff report through their department director requesting the official committee appointment. Included with the staff report will be a copy of all the Notice of Interest Forms received.
- L) If the Mayor and Council approve the recommended appointment, the department director shall prepare a congratulatory letter of appointment with the Mayor's signature to the new committee member within one week of the official appointment. The department director shall also send notices to those applicants who were interviewed but not appointed.
- M) If the recommended applicant is not appointed by Mayor and Council, the Mayor, or if delegated by the Mayor the committee chair, must make a new recommendation based

on the remaining Notice of Interest Forms. If there are no remaining Notice of Interest Forms, the committee vacancy shall be advertised as specified in (b) above.

- N) Upon the appointment of a new committee member, the committee manager shall conduct an orientation. The orientation may vary depending on the committee's work plan, but must include at a minimum the following:
 - a. An overview of the role and authority of committees in the council-manager form of government.
 - b. An introduction to the purpose and mission of the committee, including a summary of the committee's bylaws, work plan and actions over the last six (6) months.
 - c. Hard copies of the Committee Bylaws, Work Plan, and any additional support materials including budgets and approved plans and maps.
 - d. A written schedule of meetings and other commitments.
 - e. Contact information for the committee manager and support staff.
- O) When the orientation has been completed, the committee manager shall notify their department director and provide the date of the first meeting the new member will be attending.

Section VIII. INACTIVE COMMITTEES

Town committees which have not met for more than twelve (12) consecutive months are automatically disbanded. In order to re-establish a committee that has been disbanded, members must be appointed to the committee through the appointment process detailed in section VII.