



CITY OF SURPRISE
Regular City Council Meeting Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, October 4, 2016 @ 6:00 PM
COUNCIL CHAMBERS

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

District Citywide [A proclamation recognizing October as *Domestic Violence Awareness Month*. Mayor Sharon Wolcott will present the proclamation to Laura Horsley, Executive Director, Eve's Place.](#)

None
Mayor
Sharon
Wolcott

[Recognition of Michelle Dionisio, Benevilla CEO and President.](#)

E. City Manager Report:

F. City Attorney Report:

G. City Clerk Report:

District Citywide [Election and Passport Report](#)

None
Sherry Ann
Aguilar,
City Clerk

H. Call To The Public:

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

I. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|-------------------|---|--|
| 1. | District Citywide | <u>Consideration and action pertaining to an amendment of the fiscal year 2017 budget by reallocating appropriations in the amount of \$12,800 within the Grants and Contingency Fund and acceptance of three fiscal year 2017 Governor's Office of Highway Safety Grants; Resolution # 2016-112.</u> | None
Terry Young,
Chief of Police |
| 2. | District 6 | <u>Consideration and action pertaining to acceptance of maintenance of streets and public utility improvements at Marley Park Phase 3 Parcels 17 and 18, generally located on the northwest corner of 143rd Avenue and Cactus Road; Resolution # 2016-123.</u> | None
Karl Zook,
Public Works
Department |
| 3. | District Citywide | <u>Consideration and action pertaining to approval of the Intergovernmental Agreement with Maricopa County for access to, and participation in, AZLink criminal justice information sharing system; Resolution # 2016-118.</u> | None
John Heffelfinger,
Police Dept. |
| 4. | District Citywide | <u>Consideration and action on the minutes of September 15, 2016 Special City Council Meeting and September 20, 2016 Regular City Council Work Session and Regular City Council Meeting.</u> | None
Sherry Ann Aguilar,
City Clerk |

Regular Agenda Item - Public Hearing:

- | | | | |
|----|-------------------|--|---|
| 5. | District Citywide | <u>Consideration and action pertaining to declaring as a public record the amendments to the 2012 international building and fire codes; and adopting the public record as an amendment to said codes; Resolution # 2016-114 and Ordinance #2016-28, respectively.</u> | None
Chris Boyd -
Community Development |
|----|-------------------|--|---|

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|----|-------------------|---|--|
| 6. | District Citywide | <u>Consideration and action on approving Ordinance 2016-27 amending the Surprise Municipal Code Sections 2-295, 2,301 thru 2-303 and renumbering 2-303 to 2-305.</u> | None
Eric Fitzer -
Community Development |
| 7. | District Citywide | <u>Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations from various funds which are dependent on fiscal year 2016 expenditure estimates and adjusting budget authority; Resolution # 2016-122.</u> | None
Lindsey Duncan,
Finance Director |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council

may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

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Council Meeting Date:	October 4, 2016	Contact Person:	Terry Young, Chief of Police
Submitting Department:	Police	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to an amendment of the fiscal year 2017 budget by reallocating appropriations in the amount of \$12,800 within the Grants and Contingency Fund and acceptance of three fiscal year 2017 Governor's Office of Highway Safety Grants; Resolution # 2016-112.

Motion:

I move to approve Resolution # 2016-112.

Background:

The City of Surprise Police Department applied for grant funding from the Arizona Governor's Office of Highway Safety and was awarded \$30,000 for overtime expenses related to participation in the West Valley Driving Under the Influence (DUI) Task Force, \$7,500 for overtime expenses related to participation in the Know Your Limit Campaign, and \$7,165 to acquire a drug screening system for a total grant award of \$44,665.

The amount budgeted in the fiscal year 2017 grant funds contemplated that these grant awards would be \$12,800 greater. Because the award was less than budgeted, it is necessary to amend the 2017 budget accordingly.

Objective Analysis:

This grant funding will produce many positive impacts. DUI driving will be prosecuted and discouraged by traffic task force operation and awareness programs. The source of impairment for offending drivers will be determined more quickly, efficiently, and with greater accuracy by the purchase of the drug screening system. The one negative to obtaining any grant funding is the employee time spent in overseeing the grant and making regular reports back to the grantor.

Policy Compliant:

This grant is consistent with the City's past practice of discouraging DUIs and successfully discovering and prosecuting DUIs.

Financial Impact:

This grant award is \$37,500 for overtime and \$7,165 for operating equipment, tools, and parts for a one-time total of \$44,665. There is no City match requirement.

Budget Impact:

This grant was included as part of the FY2017 adopted budget in the amount of \$57,500. Due to the final award being less than estimated, a reallocation of \$12,800 within the Grants and Contingency Fund will be done to align the project's budget with the actual grant award without exceeding the approved total annual budget for FY2017.

FTE Impact:

The number of full-time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

Click to download

- ☐ [Resolution #2016-112](#)
 - ☐ [GOHS Award Letter](#)
-

RESOLUTION # 2016-112

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT AND ENTER INTO THE GRANT PROGRAM HS-FY2017 FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, STATE OF ARIZONA FOR OVERTIME AND PURCHASE OF A DRUG SCREENING SYSTEM AND AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$12,800 WITHIN THE GRANTS AND CONTINGENCY FUND FOR THE PURPOSES OF ALIGNING BUDGET AUTHORITY WITH THE GRANT AWARD.

WHEREAS, the Arizona Governor's Office of Highway Safety annually awards grants to local agencies to focus upon highway safety;

WHEREAS, the City of Surprise Police Department has been awarded grant funding in the amount of \$30,000 for overtime expenses related to participation in the West Valley DUI Task Force, \$7,500 for overtime expenses related to participation in the Know Your Limit Campaign, and \$7,165 to acquire a drug screening system for a total grant award of \$44,665;

WHEREAS, accepting grant funding for these purposes will cause impaired driver enforcement to be increased, educate citizens on the dangers of impaired driving, and quickly identify sources of impairment in drivers suspected of driving under the influence;

WHEREAS, the City of Surprise Police Department desires to accept these three grant awards;

WHEREAS, the FY2017 budget was adopted by Council Resolution # 2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council prior to the acceptance of grant funds and amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise is authorized to accept and enter into a grant program in the amount of \$44,665 from the Arizona Governor's Office of Highway Safety for the City of Surprise, acting through its Police Department, to be able to conduct DUI and impaired driving enforcement and awareness pursuant to the Governor's Office of Highway Safety Grant Programs HS-FY 2017.

Section 2. The City Manager Bob Wingenroth, or his designees, is hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with this grant application and, if awarded in whole or in part, the grant acceptance.

Section 3. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-112

Exhibit A

The FY2017 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Grants and Contingency Fund, Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Overtime, FY17 GOHS DUI Task Force	\$40,000	(\$10,000)	\$30,000
Overtime, FY17 GOHS Know Your Limit	10,000	(2,500)	7,500
Operating Equipment, Tools, and Parts < \$10,000, FY17 GOHS Drug Screening System Contingency	7,500	(300)	7,200
	12,497,200	12,800	12,510,000
	<u>\$12,554,700</u>	<u>0</u>	<u>\$12,554,700</u>
Federal Grant Revenue, FY17 GOHS DUI Task Force	\$40,000	(\$10,000)	\$30,000
Federal Grant Revenue, FY17 GOHS Know Your Limit	10,000	(2,500)	7,500
Federal Grant Revenue, FY17 GOHS Drug Screening System	7,500	(300)	7,200
Other Grant Revenue		12,800	
	12,492,200		12,505,000
	<u>\$12,549,700</u>	<u>\$0</u>	<u>\$12,549,700</u>

The fund changes are as follows:

- The amendment transfers \$12,800 back to Grants Fund contingency and other grant revenue to adjust for the GOHS grants being awarded at less than originally budgeted.



DOUGLAS A. DUCEY
GOVERNOR

ALBERTO GUTIER
DIRECTOR
GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE

August 3, 2016

Chief Terry Young
Surprise Police Department
14250 W. Statler Plaza
Surprise, AZ 85374

Re: **FFY 2017 GOHS Grant Application**

Proposal:	Contract No.:	Grant Description:	Award Amount:
178	2017-AL-045	1 Drager DrugTest 5000 Analyzer	\$7,165.00
219	2017-II-015	DUI Overtime	\$30,000.00
220	2017-II-016	Know Your Limit Overtime	\$7,500.00

Dear Chief Young:

The Governor's Office of Highway Safety (GOHS) has completed the review of the proposals submitted for funding for Federal Fiscal Year (FFY) 2017, which will become available on and after October 1, 2016. All of the proposals were carefully considered by an evaluation team at GOHS that reviewed agency performance, program priority area, problem identification, consistency of reporting, and available funding levels.

As a result of this evaluation process, we were able to include the referenced proposal(s) in **Arizona's FFY 2017 Highway Safety Plan**. However, please be aware that your highway safety project(s) may not have been funded at the amount that you requested and could potentially be subject to change, as we strive to continue to protect taxpayers' dollars.

All FFY 2017 grants will begin on October 1, 2016. If approval from your Town/City Council or Board of Supervisors is required, you should begin the process of scheduling the grant award for their approval in the near future.

The assigned GOHS project coordinator will be contacting you soon regarding your project(s) and you should have the contract(s) in your hands as soon as possible. **In the interim, do not make any public announcement concerning the grant and do not incur any costs or proceed with any portion of the project until GOHS has written a contract with your agency and it has been signed and executed by both parties.**

We appreciate the time and effort your agency committed to the preparation of the proposal(s). If any questions and/or concerns arise please feel free to contact your assigned grant project coordinator at 602-255-3216.

Sincerely,

Alberto Gutier
Director, Governor's Office of Highway Safety



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

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Council Meeting Date:	October 4, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	6
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to acceptance of maintenance of streets and public utility improvements at Marley Park Phase 3 Parcels 17 and 18, generally located on the northwest corner of 143rd Avenue and Cactus Road; Resolution # 2016-123.

Motion:

I move to approve Resolution # 2016-123.

Background:

The Public Works Department conducted the final inspection of the public utility improvements for Marley Park Parcels on or about June 29, 2016 totaling 10,260 SY (approximately 1 ¼ lane miles) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, domestic water lines and wastewater lines

Objective Analysis:

The improvements for this property provide roadways for conveyance through the property, domestic water lines to convey water from the City's public system to the property, and sewer lines to convey wastewater from the property to the City's public system. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure items included with this item

is \$2,443,751.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-123](#)
 - ☐ [Memo](#)
 - ☐ [Notice of completion letter](#)
 - ☐ [Final Plat 1195-14](#)
 - ☐ [Inspector Sign Off](#)
-

RESOLUTION # 2016-123

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT MARLEY PARK PHASE 3 PARCELS 17 AND 18, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 143RD AVENUE AND CACTUS ROAD.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Marley Park Parcels 17 and 18" on, June 25, 2013;

WHEREAS, DMB, Inc. the developer of Marley Park, dedicated to the City the street and public utility improvements, generally located at the northwest corner of N 143rd Avenue and W Cactus Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on July 29, 2016;

WHEREAS, the City of Surprise notes that the one-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs that the City to release warranty and begin maintenance of the street and public utility improvements

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

MARLEY PARK PHASE 3

FS13-150 PARCELS 17-18

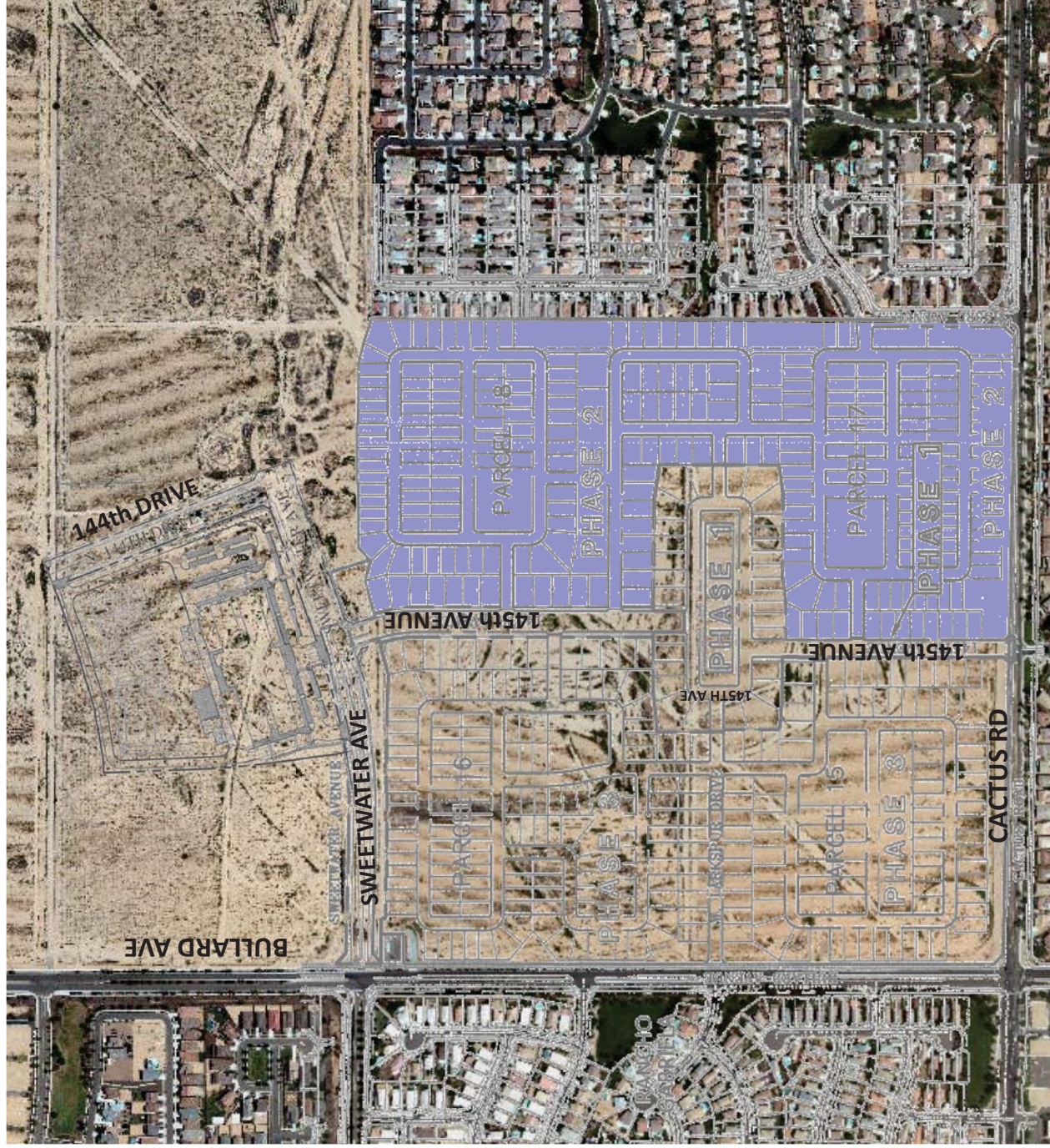


EXHIBIT B

List and Cost of Improvements



Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 9/13/16
Re: Marley Park Phase 3 Parcels 17 & 18 Improvements and City Acceptance

The public improvements for the above project have been completed and are on the October 4, 2016 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting.

- City Paving - \$704,288.00
- City Concrete - \$551,396.20
- City Storm Drain - \$233,439.20
- City Water - \$538,333.60
- City Sewer - \$416,294.15

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 9/13/16
Re: Marley Park Phase 3 Parcels 17 & 18 Improvements and City Acceptance

The public improvements for the above project have been completed and are on the October 4, 2016 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting.

- City Paving - \$704,288.00
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- City Water - \$538,333.60
- City Sewer - \$416,294.15



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 03, 2016

DMB
7600 E. Doubletree Ranch Rd. Suite 300
Scottsdale, AZ 85258

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
MARLEY PARK PHASE 3 PARCELS 17 & 18 – FS13-150**

The City of Surprise Public Works Department has completed the inspection of the street and public utility improvements for the above referenced subdivision. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of one (1) year; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,



Kristin Tytler P.E.,
Development Engineering Manager

kt/jg

c: David Mobley, Civil Inspector
Mike Gent, Public Works
David Kohlbeck, Public Works
John McFarland, Public Works
Lee Lambert, Water Resources Management
File

Lora Ingram, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Resources Management
Warren Dancer, Water Resources Management

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL PERSONS BY THESE PRESENTS:

THAT MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF FINAL PLAT FOR "MARLEY PARK PARCELS 17 AND 18", LYING WITHIN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "MARLEY PARK PARCELS 17 AND 18", AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH, RESPECTIVELY, AS SHOWN ON THIS PLAT AND INCLUDED IN THE ABOVE-DESCRIBED PREMISES.

OWNER HEREBY DEDICATES AND CONVEYS TO THE CITY OF SURPRISE, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS PLAT AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY, EFFECTIVE UPON THE CONSTRUCTION AND ACCEPTANCE BY THE CITY OF SURPRISE OF THE PUBLIC STREET IMPROVEMENTS TO BE LOCATED THEREIN, SUCH DEDICATION TO BE SUBJECT TO THE EASEMENTS SET FORTH BELOW. ALL IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED OR GRANTED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE OF SUCH IMPROVEMENTS. NOTWITHSTANDING THE FOREGOING, OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE MARLEY PARK COMMUNITY FACILITIES DISTRICT. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN MARLEY PARK PHASE II LLC AND THE CITY OF SURPRISE.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF (A) THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH DEVELOPMENT AGREEMENT OR (B) JUNE 30, 2029.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND UTILIZING PUBLIC UTILITY SERVICES, INCLUDING BUT NOT LIMITED TO ONE OR MORE SEWER LINES, WATER LINES, ELECTRIC LINES, GAS LINES, CATV LINES, FIBER OPTIC LINES, TELEPHONE LINES, COMMUNICATIONS LINES, SECURITY LINES AND FIRE CONTROL LINES AND RELATED FACILITIES, TOGETHER WITH ACCESS RELATED TO THE INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF SAID UTILITY LINES AND RELATED FACILITIES; PROVIDED, HOWEVER, THAT ALL UTILITY LINES SHALL BE CONSTRUCTED UNDERGROUND AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT OR REPAIR OF ANY UTILITY LINE OR RELATED FACILITY WITHIN SUCH EASEMENT, THE CITY OF SURPRISE (OR ANY OTHER PERSON OR ENTITY CLAIMING A RIGHT THROUGH THE CITY OF SURPRISE TO USE SUCH EASEMENT), AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY DEDICATES TO MARLEY PARK COMMUNITY ASSOCIATION, INC., A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS TRACTS "A17", "B17", "C17", "D17", "E17", "G17", "A18", "B18", "C18", "D18", "E18", "F18" AND "G18" AND ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E.", AND ALL PREMISES DESIGNATED ON THIS PLAT AS "SUBDIVISION FACILITIES EASEMENT" OR "S.F.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND OPERATING SUCH IRRIGATION CONTROLLERS, BACKFLOW PREVENTION DEVICES, IRRIGATION LINES AND OTHER IRRIGATION FACILITIES, ELECTRICAL PANELS AND ELECTRICAL LINES, AND RELATED FACILITIES, AS MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY DEEM APPROPRIATE TO SERVE THE SUBDIVISION SHOWN ON THIS PLAT AND NEIGHBORING SUBDIVISIONS WITHIN MARLEY PARK, WITHOUT LIMITING ANY OTHER RIGHT THAT MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY HAVE TO INSTALL, CONSTRUCT, MAINTAIN, REPLACE OR REPAIR ANY SUCH FACILITIES ELSEWHERE IN THE SUBDIVISION SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE PREMISES DESIGNATED ON THIS PLAT AS "SEWER EASEMENT" OR "S.E.", FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND OPERATING ONE OR MORE SEWER LINES AND RELATED FACILITIES, TOGETHER WITH ACCESS RELATED TO THE INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF SAID SEWER LINES AND RELATED FACILITIES; PROVIDED, HOWEVER, THAT ALL SEWER LINES SHALL BE CONSTRUCTED UNDERGROUND, AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT OR REPAIR OF ANY SEWER LINE OR RELATED FACILITY WITHIN SUCH EASEMENT, THE CITY OF SURPRISE AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS TRACTS "A17", "B17", "G17", "A18", "B18", "C18" AND "D18" FOR PURPOSES OF WATER DRAINAGE, RETENTION AND DISCHARGE TO, ON, ACROSS AND FROM MARLEY PARK AND FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPLACING AND REPAIRING THE PIPES, CHANNELS, CULVERTS, RETENTION AREAS AND OTHER DRAINAGE FACILITIES NOW OR HEREAFTER LOCATED THEREON.

OWNER HEREBY ESTABLISHES AND GRANTS TO THE OWNER OF EACH OF THE LOTS DEPICTED HEREON THAT IS ADJACENT TO ONE OR MORE TRACTS DEPICTED HEREON, A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE ADJACENT TRACT(S) FOR THE PURPOSE OF STORMWATER DRAINAGE AND DISCHARGE FROM SUCH LOT, OVER, UPON AND ACROSS SUCH ADJACENT TRACT(S).

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS SHOWN ON THIS PLAT AS "SIGHT VISIBILITY EASEMENT" OR "S.V.E." FOR PURPOSES OF MAINTAINING VISIBILITY AREAS WITHIN WHICH NO LANDSCAPING, SIGN OR OTHER VISIBILITY OBSTRUCTION MAY BE CONSTRUCTED OR INSTALLED EXCEPT (A) LANDSCAPING THAT IS NO GREATER THAN 2 FEET IN HEIGHT, OR TREES WITH A CANOPY THAT IS AT LEAST 7 FEET IN HEIGHT UPON INSTALLATION, SUCH HEIGHTS TO BE MEASURED FROM NEAREST STREET LINE ELEVATION, AND (B) IMPROVEMENTS APPROVED BY THE CITY OF SURPRISE.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

OWNER HEREBY ESTABLISHES AND GRANTS TO THE OWNERS OF LOTS "18075" THROUGH "18086", INCLUSIVE, A PERPETUAL EASEMENT OVER, UPON AND ACROSS TRACTS "F18" AND "G18" FOR THE PURPOSE OF PROVIDING VEHICULAR AND PEDESTRIAN ACCESS BETWEEN LOTS "18075" THROUGH "18086", INCLUSIVE, AND THE PUBLIC RIGHT-OF-WAY, AND FOR THE INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF DRIVEWAY IMPROVEMENTS IN CONNECTION THEREWITH, WHICH EASEMENT SHALL BE LOCATED IN THE AS-BUILT LOCATIONS OF THE DRIVEWAYS BUILT IN ACCORDANCE WITH THE DULY ISSUED CITY OF SURPRISE BUILDING PERMITS FOR LOTS "18075" THROUGH "18086", AND IN ACCORDANCE WITH THE DESIGN FOR SUCH LOTS APPROVED BY MARLEY PARK COMMUNITY ASSOCIATION, INC. OR THE DULY APPOINTED DESIGN REVIEW COMMITTEE THEREOF, AS APPLICABLE.

OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY AS DEPICTED ON THIS MAP UNTIL SUCH TIME THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARDS AND THOSE IMPROVEMENTS ARE APPROVED AND ACCEPTED BY THE CITY COUNCIL. THE MAINTENANCE OF THE AREA WITHIN ANY NEWLY DEDICATED RIGHT-OF-WAY AS SHOWN ON THIS MAP SHALL BE THE RESPONSIBILITY OF OWNER UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

LANDSCAPING MAINTENANCE WITHIN THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

THE TEMPORARY SLOPE/ROADWAY EASEMENT SHOWN IN THIS PLAT IS TEMPORARY AND WILL EXPIRE IN ACCORDANCE WITH ITS TERMS, WITHOUT NEED FOR FURTHER ACTION BY ANY PARTY, ON THE DATE ON WHICH MARLEY PARK PHASE II LLC COMMENCES GRADING OF THE EASEMENT PROPERTY PURSUANT TO GRADING PLANS APPROVED BY THE CITY OF SURPRISE.

FINAL PLAT FOR

MARLEY PARK PARCELS 17 AND 18
BEING A PORTION OF THE WEST HALF OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA.

KEY MAP

SEE SHEET 2

DESCRIPTION

SEE SHEET 3

NOTES

SEE SHEET 2

LOT & TRACT AREA TABLES

SEE SHEET 2

DEDICATION CONTINUED

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON MARLEY PARK PHASE II LLC AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

MARLEY PARK PHASE II LLC WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT AND MARLEY PARK COMMUNITY ASSOCIATION, INC. ARE THE SOLE OWNERS OF THE PROPERTY COVERED BY THIS PLAT, THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., HAS RATIFIED THIS PLAT AS SHOWN HEREON, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS PLAT, HAS CONSENTED TO OR JOINED IN THIS PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE II LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS 10 DAY OF July, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: Daniel T. Kelly
ITS: Sr. Vice President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF July, 2013, BY Daniel T. Kelly, THE Sr. Vice President OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, IN ITS CAPACITY AS MANAGER OF MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

Kate Bulmann
NOTARY PUBLIC
MY COMMISSION EXPIRES: 03-02-2017



APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS 18th DAY OF MARCH, 2014 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

Justin J. Jett 03-18-2014
CITY ENGINEER DATE

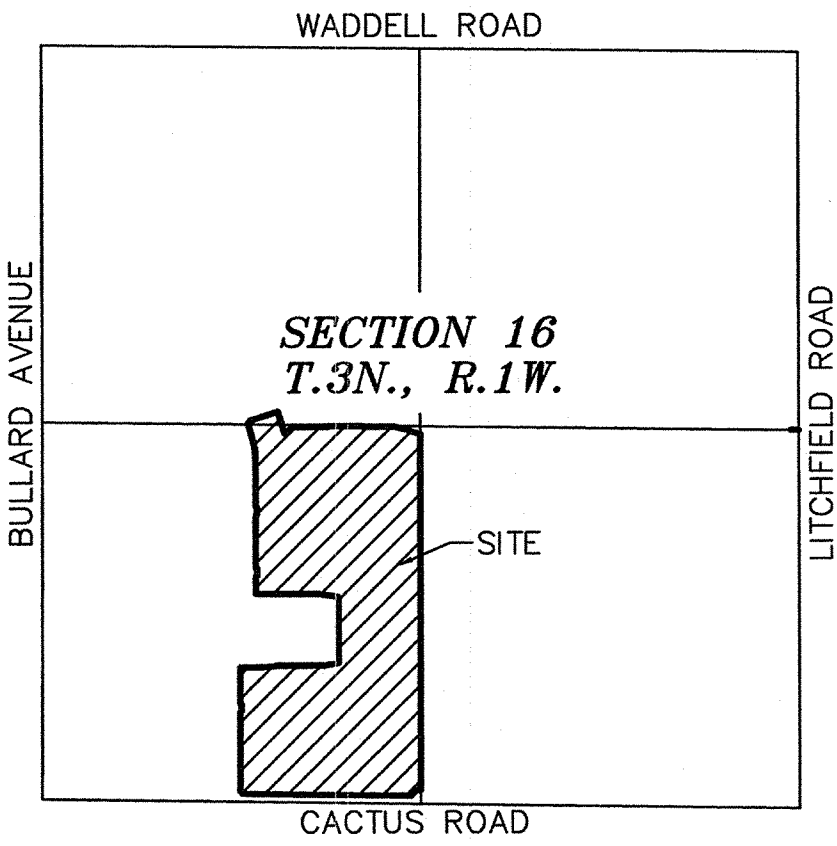
APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS 25 DAY OF June, 2013.

S.D.R. Wolcott 3/26/14
MAYOR DATE

ATTEST: Linda Stevens 3/26/14
Deputy CITY CLERK DATE

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140492743 07/29/2014 08:12
BOOK 1195 PAGE 14
ELECTRONIC RECORDING

MarleyParkPar17and18-7-1-1-M-
chagol1aj



VICINITY MAP

N.T.S.

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)-367-7000

BASIS OF BEARING

THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF NORTH 89 DEGREES 11 MINUTES 53 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

RATIFICATION AND APPROVAL

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR FINAL PLAT FOR "MARLEY PARK PARCELS 17 AND 18" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, MARLEY PARK COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS 10 DAY OF July, 2013.

MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION

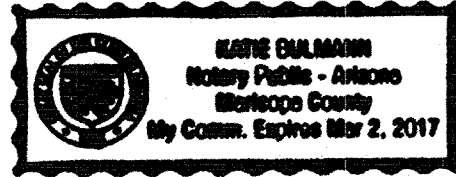
BY: Melinda Gulick
ITS: President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS EXECUTED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS 10th DAY OF July, 2013, BY Melinda Gulick, THE President OF MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, ON BEHALF OF THE CORPORATION.

Kate Bulmann
NOTARY PUBLIC
MY COMMISSION EXPIRES: 03-02-2017



PLAT CERTIFICATION

I, KATHY M. SVECHOVSKY, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CONSISTING OF SEVEN (7) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF DECEMBER OF 2012; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Kathy Svecchovsky 7-8-13
KATHY M. SVECHOVSKY
ARIZONA REGISTERED LAND SURVEYOR, #46118
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021
DATE

BOUNDARY AREA = 66.3363 AC.
NUMBER OF LOTS = 259

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PARCELS 17 AND 18 FINAL PLAT



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
TRANSPORTATION / TRAFFIC
WATER / WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8500
PHOENIX • MESA • TUCSON



DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE N.T.S.
JOB NO. WP#123890
SHEET 1 OF 7

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18
LOT AREA

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140492743 07/29/2014 08:12
BOOK 1195 PAGE 14
ELECTRONIC RECORDING

NOTES

- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED ON, OVER, OR PLACED WITHIN THE EASEMENTS EXCEPT WOOD, WIRE, OR REMOVABLE SECTION FENCING AND OR PAVING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY OWNED IMPROVEMENTS OR UTILITIES, OTHER THAN THE EXCEPTIONS LISTED ABOVE.
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES IN ACCORDANCE WITH THE WADDELL P.A.D.
- RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE PLATTED BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.
- PURSUANT TO A.R.S. §42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
- IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN 2020.

PUBLIC NOTICE

- THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

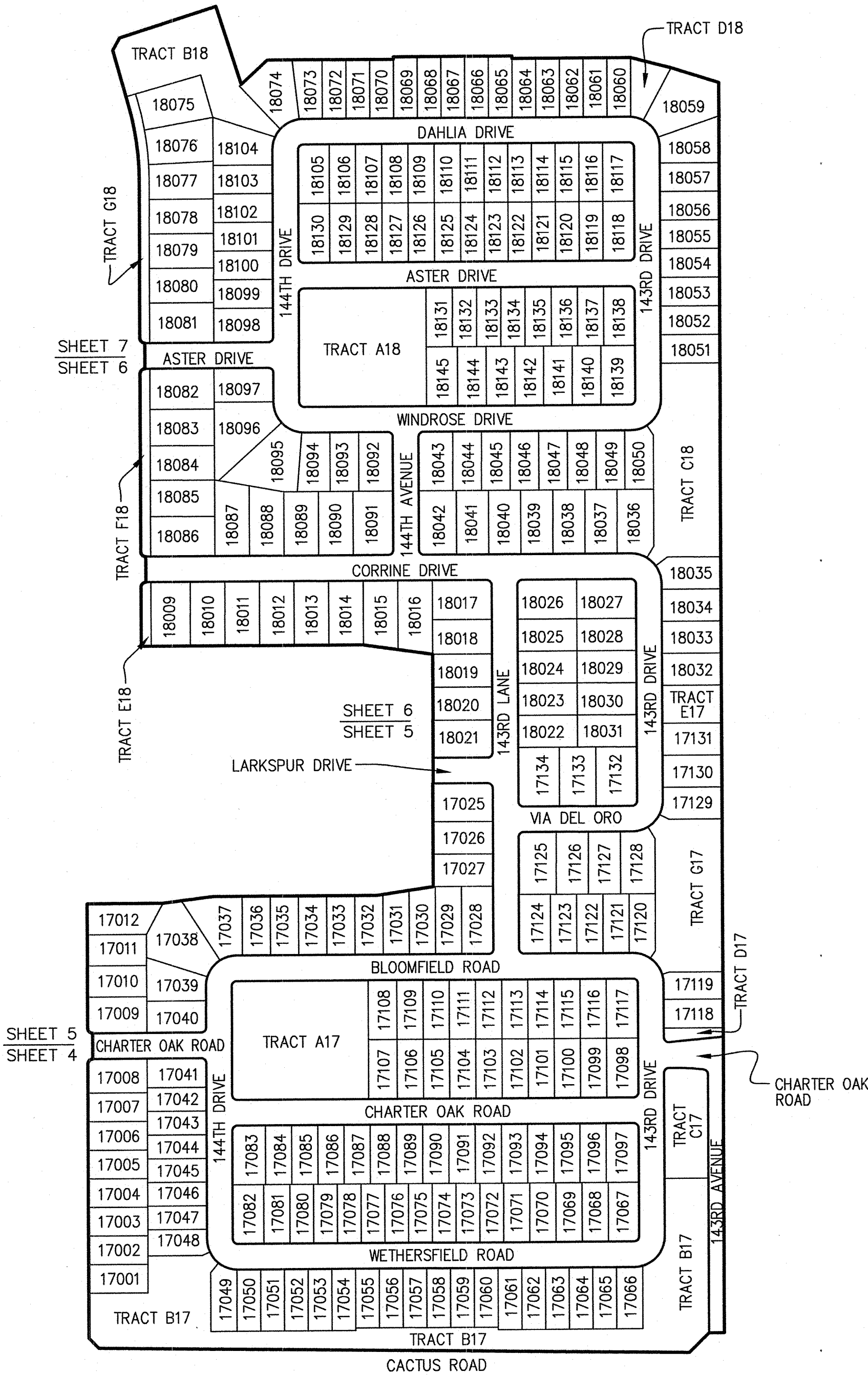
- MARLEY PARK PHASE II LLC DOES HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN THE INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL AND LUBRICANT PARTICLES.
- MARLEY PARK PHASE II LLC HEREBY AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THIS PLAT, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.
- THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE ENGINEERING DEPARTMENT.
- THE PROPERTY DEPICTED ON THE PLAT IS LOCATED WITHIN AN AREA DESIGNATED AS OTHER FLOOD AREAS ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1605 J, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 30, 2005, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- ALL RESIDENTIAL LOTS, PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, MUST BE FINISHED GRADED PER IRC R401.3, R403.1.7.3 AND R404.1.6 IF POSITIVE DRAINAGE CANNOT BE MAINTAINED PER IRC R403.1.7.3 AN UNDERGROUND DRAINAGE SYSTEM MUST BE INSTALLED. ALL LOTS REQUIRE REGULAR DRAINAGE INFRASTRUCTURE MAINTENANCE, INCLUDING WITHOUT LIMITATION MAINTENANCE OF LOT GRADING IN ACCORDANCE WITH IRC R401.3, R403.1.7.3 AND R404.1.6, WHICH MAINTENANCE IS THE RESPONSIBILITY OF THE HOMEOWNER. ANY LANDSCAPING, NEW CONSTRUCTION OR MODIFICATION OF EXISTING IMPROVEMENTS MUST ALSO COMPLY WITH THE FOREGOING REQUIREMENTS.
- ANY EASEMENT RIGHTS RESERVED HEREIN TO MARLEY PARK PHASE II LLC MAY BE ASSIGNED, IN WHOLE OR IN PART, TO MARLEY PARK COMMUNITY ASSOCIATION, INC. UPON ANY SUCH ASSIGNMENT, MARLEY PARK PHASE II LLC SHALL BE FULLY RELEASED FROM ANY LIABILITIES OR OBLIGATIONS THEREAFTER ARISING WITH RESPECT TO THE EXERCISE OF OR FAILURE TO EXERCISE SUCH EASEMENT RIGHTS, AND ALL ASSOCIATED LIABILITIES AND OBLIGATIONS.
- TRACTS "A17", "B17", "D17", "E17", "A18", "B18", "C18", "D18", "E18", "F18", "G18", AND "G18" INCLUSIVE, WILL BE OWNED AND MAINTAINED BY MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, SUBJECT TO THE EASEMENT RIGHTS GRANTED OVER SUCH TRACTS AS ELSEWHERE SHOWN ON THIS PLAT.
- NO STRUCTURES OF ANY KIND MAY BE CONSTRUCTED, OR ANY VEGETATION NEITHER PLANTED NOR ALLOWED TO GROW WITHIN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF WATER THROUGH THE EASEMENTS.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND LANDSCAPE AREAS WITHIN THE PROJECT.
- ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2 INCH REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.

Parcels 17 and 18: Lot Areas							
Lot	Area (Sq. Ft.)	Lot	Area (Sq. Ft.)	Lot	Area (Sq. Ft.)	Lot	Area (Sq. Ft.)
17001	6960	17078	5760	18017	9578	18082	10769
17002	6960	17079	5760	18018	8400	18083	9620
17003	6960	17080	5760	18019	8040	18084	9100
17004	6960	17081	6360	18020	8040	18085	9620
17005	6960	17082	7539	18021	9099	18086	10530
17006	6960	17083	8019	18022	7800	18087	10413
17007	6960	17084	6360	18023	7800	18088	9538
17008	8259	17085	6360	18024	7800	18089	9100
17009	8739	17086	6360	18025	7800	18090	9100
17010	7560	17087	6360	18026	9579	18091	10509
17011	7560	17088	6360	18027	9579	18092	8259
17012	8623	17089	6360	18028	7800	18093	6960
17013	8623	17090	6360	18029	7800	18094	7427
17014	8623	17091	6360	18030	7800	18095	13524
17015	7986	17092	6360	18031	7800	18096	13744
17016	7986	17093	6360	18032	7800	18097	8259
17017	8747	17094	6360	18033	7800	18098	8259
17018	7281	17095	6360	18034	7800	18099	6960
17019	7082	17096	6360	18035	7939	18100	6960
17020	6664	17097	7908	18036	9680	18101	6960
17021	6664	17098	7659	18037	8450	18102	6960
17022	6840	17099	6360	18038	8450	18103	6960
17023	6840	17100	6360	18039	8450	18104	9434
17024	6840	17101	6360	18040	8450	18105	7539
17025	10643	17102	6360	18041	8450	18106	6360
17026	13984	17103	6360	18042	9859	18107	6360
17027	8249	17104	6360	18043	8259	18108	6360
17028	7659	17105	6360	18044	6960	18109	6360
17029	7059	17106	6360	18045	6960	18110	6360
17030	5760	17107	6960	18046	6960	18111	5760
17031	5760	17108	6960	18047	6960	18112	5760
17032	5760	17109	6360	18048	6960	18113	5760
17033	5760	17110	6360	18049	6960	18114	5760
17034	5760	17111	6360	18050	7066	18115	5760
17035	5760	17112	6360	18051	6960	18116	5760
17036	5760	17113	6360	18052	6960	18117	7607
17037	6856	17114	6360	18053	6960	18118	7607
17038	6000	17115	6360	18054	6960	18119	5760
17039	6000	17116	6360	18055	6960	18120	5760
17040	6000	17117	7659	18056	6960	18121	5760
17041	6000	17118	6960	18057	6960	18122	5760
17042	6000	17119	6595	18058	8966	18123	5760
17043	6000	17120	6522	18059	13775	18124	5760
17044	5760	17121	6360	18060	5760	18125	6360
17045	5760	17122	6360	18061	5760	18126	6360
17046	5760	17123	6360	18062	5760	18127	6360
17047	5760	17124	7659	18063	5760	18128	6360
17048	5760	17125	9630	18064	5760	18129	6360
17049	6000	17126	8255	18065	6000	18130	7539
17050	6000	17127	8255	18066	6000	18131	6360
17051	6000	17128	8936	18067	6000	18132	5880
17052	6000	17129	7837	18068	6000	18133	5880
17053	6000	17130	7800	18069	6000	18134	5880
17054	6639	17131	7800	18070	5760	18135	6360
17055	7428	17132	9939	18071	5760	18136	6360
17056	6360	17133	8880	18072	5760	18137	6360
17057	6360	17134	9939	18073	6437	18138	7539
17058	6360	18009	10345	18074	10509	18139	8259
17059	6360	18010	9100	18075	11433	18140	6960
17060	5760	18011	9100	18076	10732	18141	6960
17061	5760	18012	9100	18077	9573	18142	6960
17062	5760	18013	9100	18078	9100	18143	6960
17063	5760	18014	9100	18079	9100	18144	6960
17064	5760	18015	9454	18080	9100	18145	7560
17065	5760	18016	10151	18081	10530	TOTAL	1895358

TRACT AND RIGHT-OF-WAY AREAS

Parcels 17 and 18: Open Space Tract Areas		
Tract	Purpose	Area (Sq. Ft.)
A17	OPEN SPACE, RETENTION, S.F.E.	66,216
B17	OPEN SPACE, RETENTION, S.F.E.	114,282
C17	OPEN SPACE, S.F.E.	19,764
D17	OPEN SPACE, S.F.E.	2,820
E17	OPEN SPACE, S.F.E.	9,216
G17	OPEN SPACE, RETENTION, S.F.E.	42,635
A18	OPEN SPACE, RETENTION, S.F.E.	61,774
B18	OPEN SPACE, RETENTION, S.F.E.	38,271
C18	OPEN SPACE, RETENTION, S.F.E.	52,454
D18	OPEN SPACE, RETENTION, S.F.E.	6,430
E18	OPEN SPACE, S.F.E.	2,579
F18	OPEN SPACE, S.F.E.	7,594
G18	OPEN SPACE, S.F.E.	10,089
R/W	PUBLIC INGRESS & EGRESS	560,214
TOTAL		994,339
NOTES:		
THE ABOVE LISTED DESIGNATIONS ENCOMPASS THE ENTIRE TRACT. THERE MAY BE OTHER DESIGNATIONS OR EASEMENTS THAT ARE DELINEATED ON THIS PLAT THAT ENCUMBER PORTIONS OF THESE TRACTS.		

KEY MAP
N.T.S.



DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
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BOOK 1195 PAGE 14
ELECTRONIC RECORDING

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DESCRIPTION

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 16, A 3-INCH CITY OF SURPRISE BRASS CAP FLUSH, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION, A 2-INCH ALUMINUM CAP IN PAVEMENT STAMPED RLS 27239, BEARS NORTH 89°11'53" WEST (BASIS OF BEARING), A DISTANCE OF 2640.54 FEET; THENCE ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 16, NORTH 00°01'08" EAST, A DISTANCE OF 95.43 FEET, TO THE NORTHERLY LINE OF CACTUS ROAD AS SHOWN ON MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, MARICOPA COUNTY RECORDS (M.C.R.); AND THE POINT OF BEGINNING;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 89°58'52" WEST, A DISTANCE OF 31.00 FEET; THENCE SOUTH 45°24'38" WEST, A DISTANCE OF 56.18 FEET; THENCE NORTH 89°11'53" WEST, A DISTANCE OF 1195.19 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 44°35'22" WEST, A DISTANCE OF 28.48 FEET; THENCE NORTH 00°01'08" EAST, A DISTANCE OF 555.98 FEET, TO THE BEGINNING OF A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, WHOSE RADIUS BEARS NORTH 00°01'08" EAST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 252.00 FEET; THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 153.75 FEET; THENCE NORTH 82°41'05" EAST, A DISTANCE OF 101.83 FEET; THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 332.33 FEET; THENCE NORTH 81°32'16" EAST, A DISTANCE OF 115.26 FEET; THENCE NORTH 00°01'07" EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 89°58'53" EAST, A DISTANCE OF 1.00 FEET; THENCE NORTH 00°01'07" EAST, A DISTANCE OF 262.00 FEET; THENCE NORTH 81°53'01" WEST, A DISTANCE OF 141.99 FEET; THENCE NORTH 89°58'52" WEST, A DISTANCE OF 449.00 FEET; THENCE NORTH 00°01'08" EAST, A DISTANCE OF 120.00 FEET, TO THE BEGINNING OF A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, WHOSE RADIUS BEARS NORTH 00°01'08" EAST, THROUGH A CENTRAL ANGLE OF 90°00'02", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 361.84 FEET, TO THE BEGINNING OF A CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, WHOSE RADIUS BEARS NORTH 00°01'08" EAST, THROUGH A CENTRAL ANGLE OF 90°00'02", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 324.03 FEET, TO THE BEGINNING OF A CURVE; THENCE NORTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 541.50 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'51", A DISTANCE OF 149.14 FEET, TO THE CURVE'S END;
THENCE NORTH 15°45'42" WEST, A DISTANCE OF 117.30 FEET; THENCE NORTH 28°43'03" EAST, A DISTANCE OF 28.54 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2833.00 FEET, CONCAVE NORTHERLY, WHOSE RADIUS BEARS NORTH 17°00'20" WEST, THROUGH A CENTRAL ANGLE OF 00°41'15", A DISTANCE OF 33.99 FEET, TO THE CURVE'S END;
THENCE NORTH 72°18'25" EAST, A DISTANCE OF 171.40 FEET; THENCE SOUTH 17°41'35" EAST, A DISTANCE OF 166.28 FEET; THENCE NORTH 46°56'43" EAST, A DISTANCE OF 71.83 FEET; THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 255.14 FEET; THENCE NORTH 00°01'08" EAST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 75°21'28" EAST, A DISTANCE OF 84.48 FEET; THENCE SOUTH 72°32'58" EAST, A DISTANCE OF 101.16 FEET, TO THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION;
THENCE ALONG SAID NORTH-SOUTH MID-SECTION LINE, SOUTH 00°01'08" WEST, A DISTANCE OF 2535.50 FEET, TO THE POINT OF BEGINNING.

TOTAL AREA IS 2,889,697 SQUARE FEET OR 66.3383 ACRES, MORE OR LESS.

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PARCELS 17 AND 18 FINAL PLAT



DRAWN	KMS
CHECKED	TRG
DATE	07-08-13
SCALE	N.T.S.
JOB NO.	WP#123890
SHEET	3 OF 7

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FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18

LEGEND

- △ CORNER OF THIS SUBDIVISION SET
SURVEY MONUMENT W/ R.L.S. TAG OR
CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND
AS NOTED
- SURVEY MONUMENT BRASS CAP TO
BE SET AT TIME OF CONSTRUCTION
- M.C.R. MARICOPA COUNTY RECORDS
C.O.S. CITY OF SURPRISE
B.C.F. BRASS CAP FLUSH
P.U.E. PUBLIC UTILITIES EASEMENT
T.S.R.E. TEMPORARY SLOPE/ROADWAY EASEMENT
BK. BOOK
PG. PAGE
- S.V.E. SIGHT VISIBILITY EASEMENT
R/W RIGHT-OF-WAY
EX. EXISTING
S.E. SEWER EASEMENT
SQ. FT. SQUARE FEET
FD. FOUND
L1 PROPERTY LINE - LINE TABLE ITEM
C4 PROPERTY LINE - CURVE TABLE ITEM
AC. ACRES
- SUBDIVISION BOUNDARY
--- EASEMENTS AS NOTED
--- CENTERLINE
--- PROPERTY LINE
--- SECTION LINE
--- RIGHT-OF-WAY LINE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°58'52"W	31.00'
L2	S45°24'38"W	56.18'
L3	N44°35'22"W	28.48'
L5	N84°32'20"E	109.54'
L6	N65°23'44"E	17.20'
L7	N38°54'08"E	25.36'
L23	N00°01'08"E	52.00'

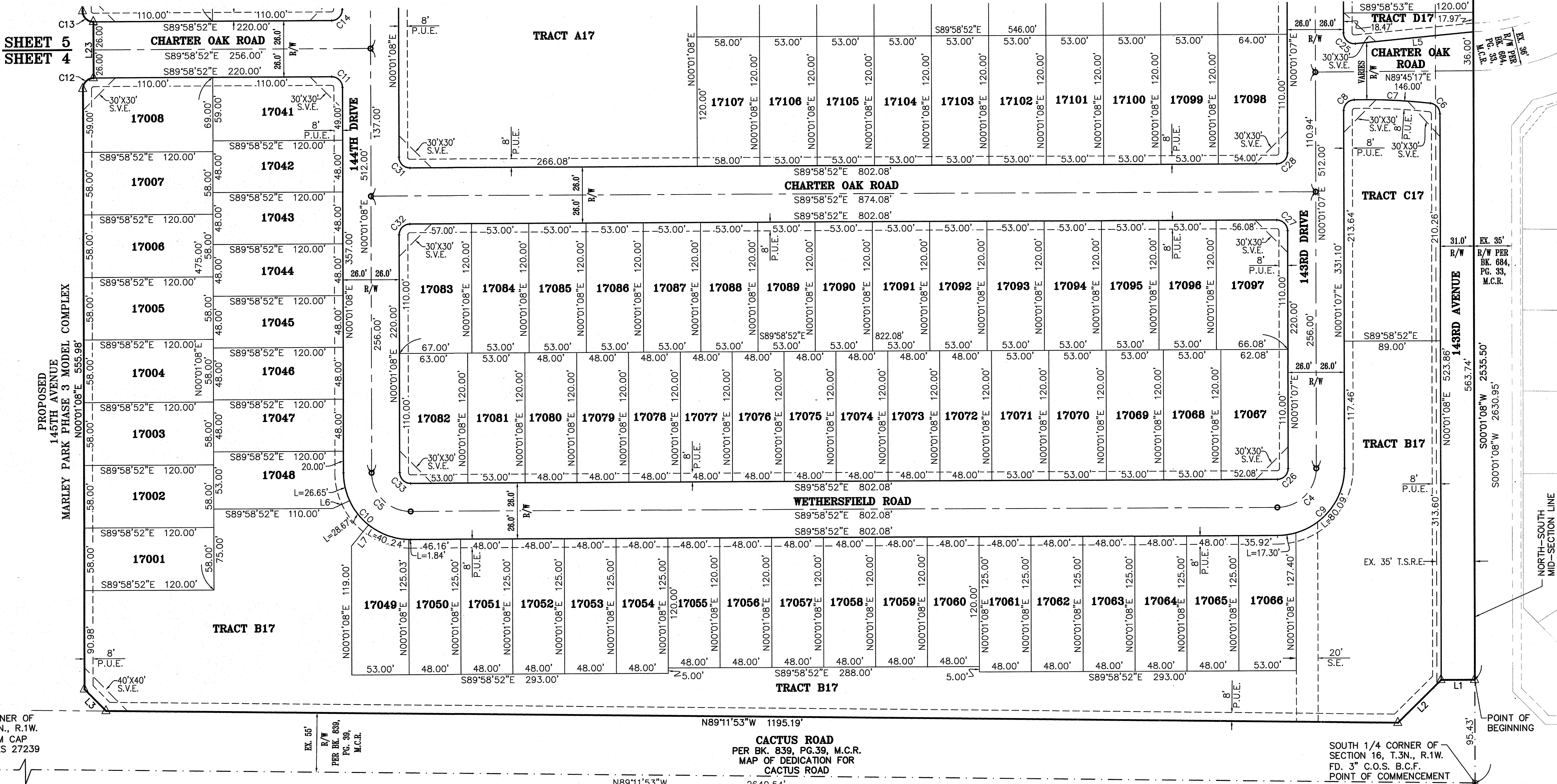
CURVE TABLE				
CURVE	DELTA	RADIUS	ARC CHORD BEARING	CHORD
C4	90°00'01"	36.00'	S65°55'10"E	50.91'
C5	90°00'00"	36.00'	S44°58'52"E	50.91'
C6	83°20'47"	10.00'	N41°39'15"W	13.30'
C7	07°41'54"	524.51'	N87°10'35"W	70.42'
C8	88°57'20"	10.00'	S44°29'47"W	14.01'
C9	90°00'01"	62.00'	N45°01'08"E	87.68'
C10	90°00'00"	62.00'	S44°58'52"E	87.68'
C11	90°00'00"	10.00'	N44°58'52"W	14.14'
C12	90°00'00"	10.00'	S45°01'08"W	14.14'

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC CHORD BEARING	CHORD
C13	90°00'00"	10.00'	S44°58'52"E	14.14'
C14	90°00'00"	10.00'	N45°01'08"E	14.14'
C25	95°28'47"	10.00'	S47°43'17"E	14.80'
C26	90°00'01"	10.00'	N45°01'08"E	14.14'
C27	89°59'59"	10.00'	N44°58'52"W	14.14'
C28	90°00'01"	10.00'	N45°01'08"E	14.14'
C31	90°00'00"	10.00'	S44°58'52"E	14.14'
C32	90°00'00"	10.00'	S45°01'08"W	14.14'
C33	90°00'00"	10.00'	S44°58'52"E	14.14'

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
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ELECTRONIC RECORDING

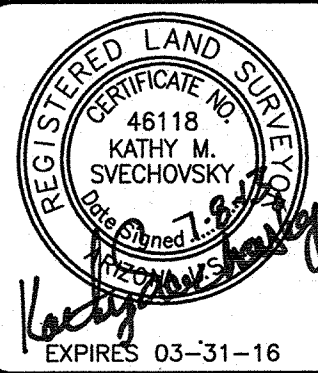
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50 0 25 50
1 inch = 50 ft.



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MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PARCELS 17 AND 18 FINAL PLAT



DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE 1" = 50'
JOB NO. WP#123840
SHEET 4 OF 7

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18

LEGEND

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CAP, UNLESS OTHERWISE NOTED
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AS NOTED
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C.O.S. CITY OF SURPRISE
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BK. BOOK
PG. PAGE
- S.V.E. SIGHT VISIBILITY EASEMENT
R/W RIGHT-OF-WAY
EX. EXISTING
S.E. SEWER EASEMENT
FD. FOUND
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AC. ACRES
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----- EASEMENTS AS NOTED
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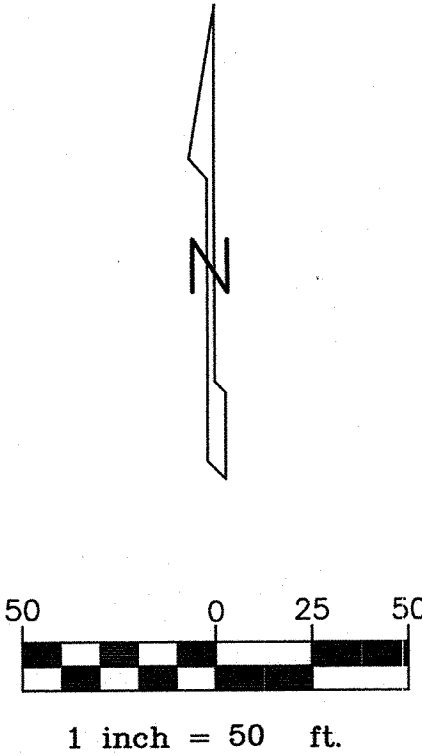
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MARICOPA COUNTY RECORDER
HELEN PURCELL
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BOOK 1195 PAGE 14
ELECTRONIC RECORDING

MarleyParkPar17and18-7-1-1-M-
chagollaj

LINE TABLE		
LINE	BEARING	DISTANCE
L4	N00°01'08"E	83.00'
L5	N84°32'20"E	109.54'
L8	N73°03'04"E	15.37'
L10	N62°55'19"W	21.10'
L11	S89°58'53"E	1.00'
L20	N30°50'11"W	27.69'
L21	N34°47'37"E	18.65'
L23	N00°01'08"E	52.00'

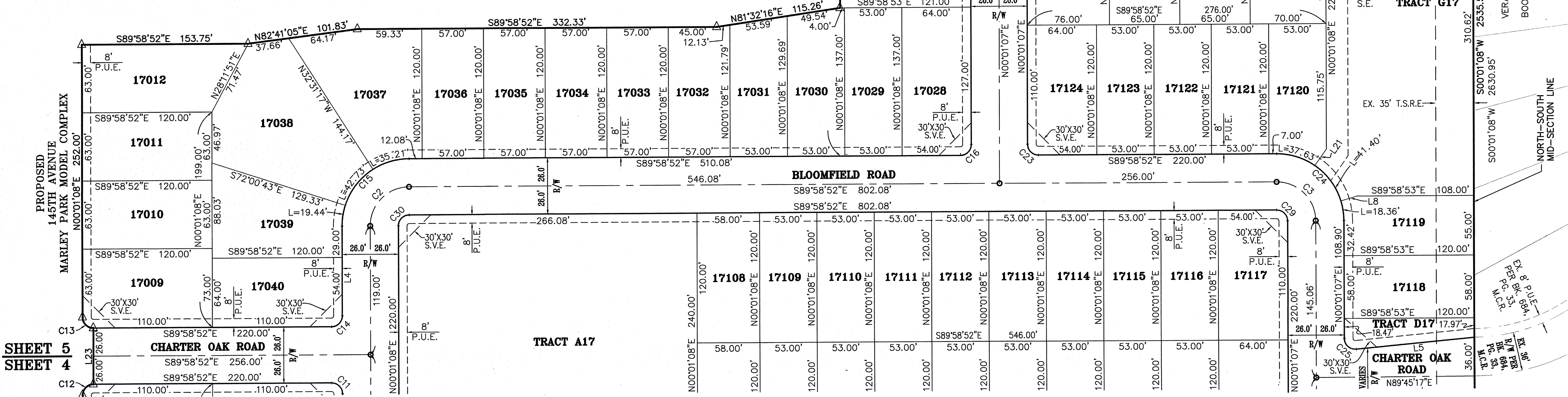
CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD BEARING
C1	90°00'00"	36.00'	56.55'	N45°01'07"E
C2	90°00'00"	36.00'	56.55'	S45°01'08"W
C3	89°59'59"	36.00'	56.55'	N44°58'52"W
C11	90°00'00"	10.00'	15.71'	N44°58'52"W
C12	90°00'00"	10.00'	15.71'	S45°01'08"W
C13	90°00'00"	10.00'	15.71'	S44°58'52"E
C14	90°00'00"	10.00'	15.71'	N45°01'08"E
C15	90°00'00"	62.00'	97.39'	S45°01'08"W
C16	90°00'01"	10.00'	15.71'	N45°01'08"E

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD BEARING
C17	90°00'00"	10.00'	15.71'	N44°58'53"W
C20	90°00'00"	10.00'	15.71'	N45°01'07"E
C21	90°00'00"	62.00'	97.39'	N45°01'07"E
C22	90°00'00"	10.00'	15.71'	S45°01'07"W
C23	89°59'59"	10.00'	15.71'	S44°58'52"E
C24	89°59'59"	62.00'	97.39'	N44°58'52"W
C25	95°28'47"	10.00'	16.66'	S47°43'17"E
C29	89°59'59"	10.00'	15.71'	N44°58'52"W
C30	90°00'00"	10.00'	15.71'	S45°01'08"W
C62	90°00'00"	10.00'	15.71'	N45°01'07"E
C65	90°00'00"	10.00'	15.71'	S44°58'53"E



SHEET 6
SHEET 5

PROPOSED
MARLEY PARK PHASE 3 MODEL COMPLEX



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FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18

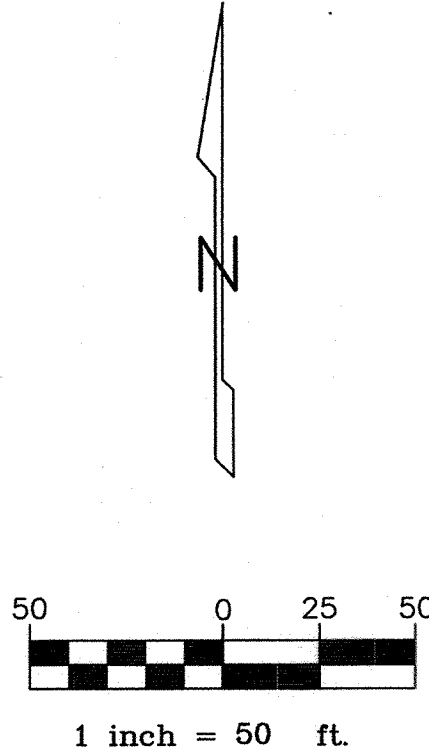
LEGEND

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PG. PAGE
- S.V.E. SIGHT VISIBILITY EASEMENT
R/W RIGHT-OF-WAY
EX. EXISTING
S.E. SEWER EASEMENT
FD. FOUND
L1 PROPERTY LINE - LINE TABLE ITEM
C4 PROPERTY LINE - CURVE TABLE ITEM
AC. ACRES
- SUBDIVISION BOUNDARY
--- EASEMENTS AS NOTED
--- CENTERLINE
--- PROPERTY LINE
--- SECTION LINE
--- RIGHT-OF-WAY LINE

LINE TABLE		
LINE	BEARING	DISTANCE
L9	N32°47'46"W	23.67'
L12	N00°01'08"E	52.00'
L13	N00°01'08"E	52.00'
L18	N31°26'17"E	27.06'
L19	N53°53'57"E	29.61'
L22	N00°01'08"E	59.84'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C18	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C19	90°00'02"	10.00'	15.71'	S44°58'51"E	14.14'
C46	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C47	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C48	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C49	90°00'00"	62.00'	97.39'	S44°58'52"E	87.68'
C50	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C51	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C52	90°00'01"	10.00'	15.71'	N45°01'08"E	14.14'
C53	90°00'01"	36.00'	56.55'	N45°01'08"E	50.91'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C54	90°00'01"	62.00'	97.39'	N45°01'08"E	87.68'
C55	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C56	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C57	89°59'59"	10.00'	15.71'	N44°58'52"W	14.14'
C58	90°00'01"	10.00'	15.71'	S45°01'08"W	14.14'
C59	89°59'59"	62.00'	97.39'	N44°58'52"W	87.68'
C60	89°59'59"	36.00'	56.55'	N44°58'52"W	50.91'
C61	89°59'59"	10.00'	15.71'	N44°58'52"W	14.14'
C63	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C64	90°00'02"	10.00'	15.71'	S44°58'51"E	14.14'
C66	90°00'00"	36.00'	56.55'	S44°58'52"E	50.91'



SHEET 7
SHEET 6



OFFICIAL RECORDS OF
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SHEET 6
SHEET 5

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PARCELS 17 AND 18 FINAL PLAT



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CONSTRUCTION MANAGEMENT
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DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE 1" = 50'
JOB NO. WP#123840
SHEET 6 OF 7

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FINAL PLAT
FOR
MARLEY PARK PARCELS 17 AND 18

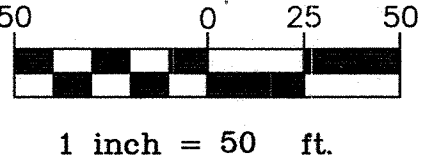
LEGEND

- △ CORNER OF THIS SUBDIVISION SET SURVEY MONUMENT W/ R.L.S. TAG OR CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND AS NOTED
- SURVEY MONUMENT BRASS CAP TO BE SET AT TIME OF CONSTRUCTION
- M.C.R. MARICOPA COUNTY RECORDS
- C.O.S. CITY OF SURPRISE
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- R/W RIGHT-OF-WAY
- EX. EXISTING
- S.E. SEWER EASEMENT
- FD. FOUND
- L1 PROPERTY LINE - LINE TABLE ITEM
- C4 PROPERTY LINE - CURVE TABLE ITEM
- AC. ACRES
- SUBDIVISION BOUNDARY
- EASEMENTS AS NOTED
- CENTERLINE
- PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE

LINE TABLE		
LINE	BEARING	DISTANCE
L13	N00°01'08"E	52.00'
L14	N28°43'03"E	28.54'
L15	N00°01'08"E	5.00'
L16	S00°01'08"W	5.00'
L17	N15°45'42"W	19.61'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C18	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C19	90°00'02"	10.00'	15.71'	S44°58'51"E	14.14'
C34	15°46'51"	541.50'	149.14'	N07°52'17"W	148.67'
C35	00°41'15"	2833.00'	33.99'	N72°39'02"E	33.99'
C36	90°00'00"	62.00'	97.39'	S45°01'08"W	87.68'
C37	90°00'00"	36.00'	56.55'	S45°01'08"W	50.91'
C38	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C39	89°59'59"	62.00'	97.39'	N44°58'52"W	87.68'
C40	89°59'59"	36.00'	56.55'	N44°58'52"W	50.91'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C41	89°59'59"	10.00'	15.71'	N44°58'52"W	14.14'
C42	90°00'01"	10.00'	15.71'	N45°01'08"E	14.14'
C43	89°59'59"	10.00'	15.71'	N44°58'52"W	14.14'
C44	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C45	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C46	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C47	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C67	15°46'51"	561.50'	154.65'	N07°52'17"W	154.16'



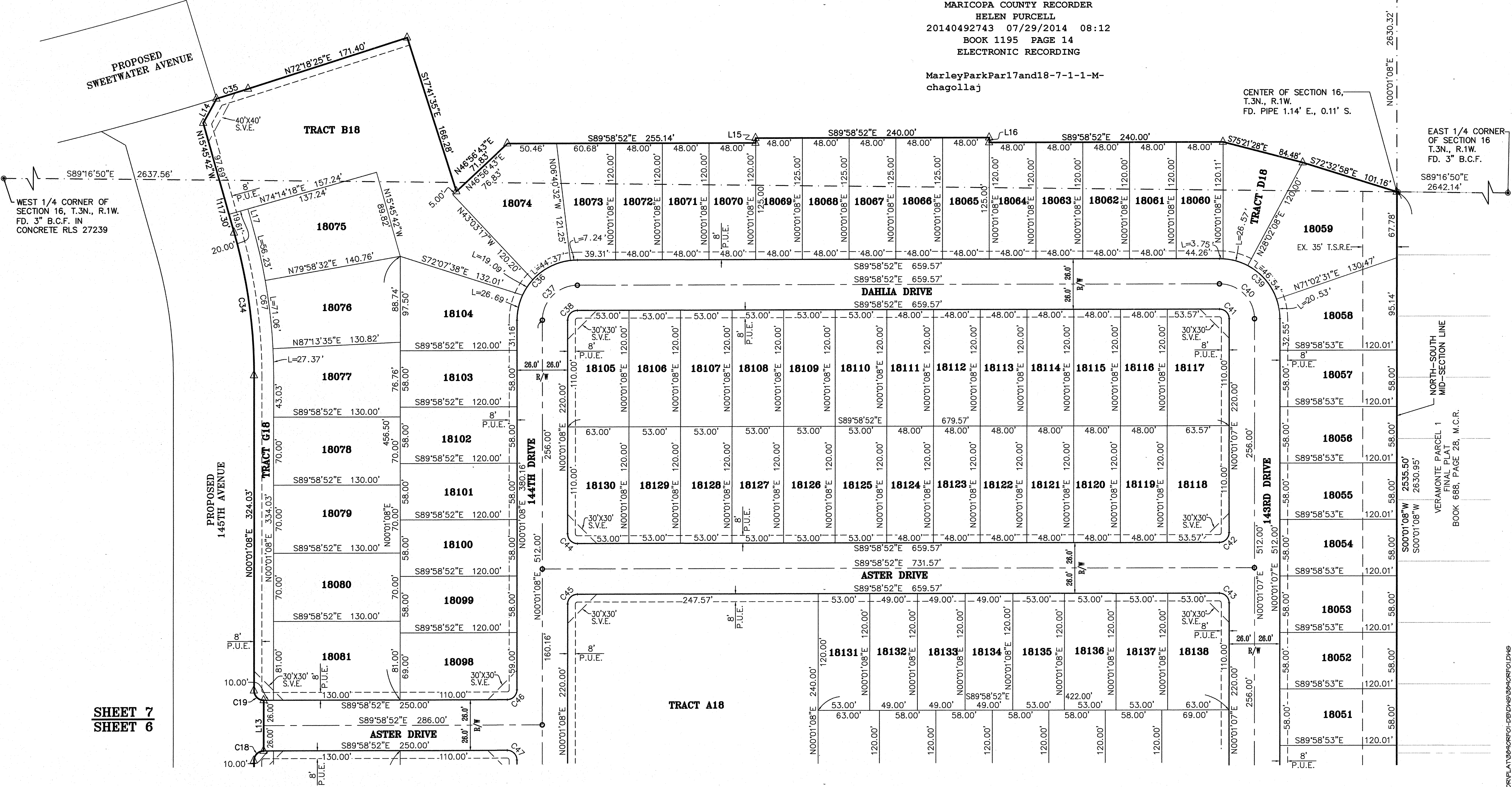
NORTH 1/4 CORNER
OF SECTION 16
T.3N., R.1W.
FD. 3" C.O.S. B.C.F.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140492743 07/29/2014 08:12
BOOK 1195 PAGE 14
ELECTRONIC RECORDING

MarleyParkPar17and18-7-1-1-M-
chagollaj

CENTER OF SECTION 16,
T.3N., R.1W.
FD. PIPE 1.14' E., 0.11' S.

EAST 1/4 CORNER
OF SECTION 16
T.3N., R.1W.
FD. 3" B.C.F.



SHEET 7
SHEET 6



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8600
PHOENIX • MESA • TUCSON

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PARCELS 17 AND 18 FINAL PLAT



DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE 1" = 50'
JOB NO. NP#123890
SHEET 7 OF 7



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 7/29/2016 ☐ Commercial ☐ Commercial w/Offsite ☒ Residential

☒ COMPLETION ACCEPTANCE (End of Construction) ☐ FINAL ACCEPTANCE (End of Warranty)

6/29/16 Date of Punch-List Walk 7/26/2016 Date Punch-List Completed

Permit Number: E15P-0215

Project Name: Marley Park Phase 3 Parcel 17 and 18

Project Description (Phase/Parcel): _____

Project Developer/Builder: (Name, Address, and Phone #)

DCS Contracting INC.

Chandler AZ, 85286

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Wethersfield Road	Local	143rd Drive	144th Drive	One	1/4	
W. Charter Oak Road	Local	143rd Drive	144th Drive	One	1/4	
W. Bloomfield Road	Local	143rd Drive	144th Drive	One	1/4	
144th Drive	Local	Wethersfield Road	W. Bloomfield Road	One	1/4	
143rd Drive	Local	Wethersfield Road	W. Bloomfield Road	One	1/4	

MATERIALS:

Asphalt: SouthWest Materials Supplier 4 Total Lane Miles 10,260 Total Square Yards

Water: 12" DIP Size/Type 2631' Total Linear Feet 8" PVC Size/Type 8746' Total Linear Feet

Size/Type _____ Total Linear Feet Size/Type _____ Total Linear Feet

Sewer: 10" PVC Size/Type 2518' Total Linear Feet 8" PVC Size/Type 6776' Total Linear Feet

4" PVC Size/Type 276' Total Linear Feet _____ Size/Type _____ Total Linear Feet

Fire Ln: N/A Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

☐ Final Certification Letter from Engineer of Record

☐ Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

☐ Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (PDF copy on CD)

☒ Sewer Manhole Insecticide Certification

☒ As Built Documents in PDF format (copy on CD)

☒ Sewer Videos with Operators Notes (inc. re-videos)

☒ Updated asbuilt CAD base files (copy on CD)

Other _____ (Specify)

APPROVAL:

Civil Inspector: [Signature]

Date: 7/29/2016

Civil Engineering Supervisor: [Signature]

Date: 7/29/16



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 7/29/2016 Commercial Commercial w/Offsite X Residential

X COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

6/29/16 Date of Punch-List Walk 7/26/2016 Date Punch-List Completed

Permit Number: E15P-0215

Project Name: Marley Park Phase 3 Parcel 17 and 18

Project Description (Phase/Parcel): _____

Project Developer/Builder: (Name, Address, and Phone #)

DCS Contracting INC.

Chandler AZ, 85286

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
143rd Lane	Local	W. Bloomfield Road	Corrine Drive	One	1/4	
143rd Drive	Local	W. BloomField Road	Corrine Drive	One	1/4	
Corrine Drive	Local	143rd Drive	145th Ave	One	1/4	
144th Ave	Local	Corrine Drive	Windrose Drive	One	1/4	
Windrose Drive	Local	143rd Drive	144th Drive	One	1/4	

MATERIALS:

Asphalt: SouthWest Materials Supplier 4 Total Lane Miles 10,260 Total Square Yards

Water: 12" DIP Size/Type 2631' Total Linear Feet 8" PVC Size/Type 8746' Total Linear Feet

Size/Type Total Linear Feet Size/Type Total Linear Feet

Sewer: 10" PVC Size/Type 2518' Total Linear Feet 8" PVC Size/Type 6776' Total Linear Feet

4" PVC Size/Type 276' Total Linear Feet Size/Type Total Linear Feet

Fire Ln: N/A Size/Type Size/Type Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

X Copy of Punch List

N/A Final Certification Letter from Engineer of Record

X Complete Geotechnical Testing Packet

X Sewer Pressure Testing Results

X Sewer Manhole Vacuum Testing Certification

X Sewer Manhole Insecticide Certification

X Sewer Videos with Operators Notes (inc. re-videos)

Other (Specify)

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

X Asphalt Concrete Ticket w/ Name of Contractor

N/A Streetlight Energize Letter

X As built Documents (PDF copy on CD)

X As Built Documents in PDF format (copy on CD)

X Updated asbuilt CAD base files (copy on CD)

APPROVAL:

Civil Inspector:

Paul A. Mahley

Date: 7/29/2016

Civil Engineering Supervisor:

Date: _____



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	October 4, 2016	Contact Person:	John Heffelfinger, Police Dept.
Submitting Department:	Police	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of the Intergovernmental Agreement with Maricopa County for access to, and participation in, AZLink criminal justice information sharing system; Resolution # 2016-118.

Motion:

I move to approve Resolution # 2016-118.

Background:

AZLink (formerly ("CopLink")) is an information sharing tool that utilizes software to allow users to search participating agencies' crime information databases, thereby avoiding the cumbersome process of contacting each agency to have them conduct the search. This direct access will allow the Surprise Police Department to continue to solve crimes faster, enhance officer safety and stop criminal and terrorist activity more quickly, perhaps before it even occurs. In order for the system to be more efficient, the City of Phoenix has merged its node/hub with Maricopa County. Maricopa County is requesting this Intergovernmental Agreement (IGA) to properly authorize our access. Most Arizona law enforcement agencies are contributing data to AZLink with other participating agencies including the U.S. Department of Homeland Security, Immigration and Customs Enforcement, and other law enforcement agencies from Los Angeles, San Diego and Nevada.

The original resolution #2016-93 was approved on June 21, 2016, however Maricopa County has requested revisions to the IGA. The revisions include the removal of Article VIII, the addition of specific contacts within the City of Surprise and Maricopa County, the addition of clarifying language, etc. The revised version is attached for Council approval.

Objective Analysis:

Participation in AZLink provides quicker access to law enforcement and probation information than calling an agency. There are no negative impacts associated with this agreement, as the minimal associated costs are already included within the operational budget.

Policy Compliant:

The City has participated in AZLink (formerly "CopLink") since 2011 without encountering any significant security or other issues. The City's practice, especially relative to criminal investigations, has always been to attempt to gather as much relevant information as possible before taking any action. This IGA furthers that practice with minimal cost.

Financial Impact:

There is a \$100 annual user fee due to the Maricopa County Sheriff for hosting our AZLink data. The City of Surprise presently has 40 authorized users for a total cost of \$4,000 per year. Additionally, the City is responsible for annual maintenance packages which includes \$1,950 to i2/Knowledge Computing Corporation (KCC) and \$1,070 to Spillman Technologies for a total cost of \$3,020 per year.

The total ongoing annual cost to the City for fees and maintenance is \$7,020.

Budget Impact:

Annual costs for participation in AZLink are included as part of the FY2017 budget.

FTE Impact:

This action does not have an impact on current staffing levels.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-118](#)
 - ☐ [AZLink MOU](#)
-

RESOLUTION # 2016-118

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF MARICOPA, STATE OF ARIZONA, FOR ACCESS TO THE AZLINK CRIMINAL JUSTICE INFORMATION SHARING SYSTEM.

WHEREAS, pursuant to Arizona Revised Statute §11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities for the purposes set forth within;

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to facilitate the exchange of criminal justice information and especially the Surprise Police Department's access to criminal justice information held by other agencies ; and

WHEREAS, execution of this intergovernmental agreement will allow these things to happen.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The Intergovernmental Agreement between the City of Surprise and the County of Maricopa, State of Arizona, attached as Exhibit A, is approved.

Section 2. The City Manager, or his designee, is hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said Intergovernmental Agreement.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE COUNTY OF MARICOPA, STATE OF
ARIZONA

AZLink

MEMORANDUM OF UNDERSTANDING

between

MARICOPA COUNTY

on behalf of

Maricopa County Sheriff's Office

and

CITY OF SURPRISE

on behalf of

Surprise Police Department

FOR SHARING LAW ENFORCEMENT INFORMATION

This Memorandum of Understanding ("MOU") is made and entered into this 01 day of July, 2016, by and between Maricopa County, on behalf of Chief Law Enforcement Officer, Joseph Arpaio, and the Maricopa County Sheriff's Office ("MCSO"), a law enforcement agency duly organized and existing under the laws of the State of Arizona, and the City of Surprise on behalf of its Police Department ("SPD"), organized and existing under the laws of the State of Arizona.

NOW, THEREFORE, the parties do hereby agree as follows:

ARTICLE I. PURPOSE

The purpose of this MOU is to enhance the effectiveness of law enforcement by increasing information sharing related to crime and criminal activities. The objective of the collaborative relationship described in this MOU is to facilitate sharing of regional law enforcement information among federal, state, local, and tribal law enforcement partners. Through this relationship, the parties intend to capture the cumulative knowledge of regional law enforcement agencies at all levels in a systematic and ongoing manner to maximize the benefits of information gathering and analysis needed to respond to criminal threats, to support law enforcement activities, and to enhance public safety and enforce protection of the Nation's critical infrastructure in Arizona.

The MCSO has assisted in the design and implementation of a program known as AZLink. AZLink is a consortium of law enforcement agencies that have agreed to a method of sharing law enforcement and probation information that permits electronic access to confidential law enforcement information.

The MCSO represents the AZLink Arizona Region (known as the regional agency) and works with the AZLink Eastern Arizona Region to implement standard information sharing practices, policies, procedures, and security. The MCSO is also working with law enforcement agencies in northern, central and southern Arizona (known as "Client Agencies") to connect these agencies into the AZLink program.

The MCSO is part of the Governance Committee that includes client agencies as members for the purpose of developing regional programs, insuring compliance of standards, policies, procedures and security. The Committee oversees the AZLink regional law enforcement information sharing program across the state.

AZLink

The AZLink Governance Committee also works with federal agencies and other states on developing information sharing programs and creating standard MOUs. Each AZLink Region, under the authority of the representative regional law enforcement officer and by action of their respective legislative or other governing body, has binding authority to execute MOUs. The AZLink Regions work with their client agencies to ensure compliance with federal and state MOUs.

Regional Law Enforcement Systems (known as RLES) have been developed and are being implemented throughout Arizona. These systems are centrally managed by the AZLink regions. Each region connects local client agencies to the RLES. Through the RLES, client agencies have access to information from other client agencies.

This agreement adds the SPD as a Contributing Agency in the AZLink Arizona Region RLES, to share law enforcement information administered by the MCSO and to have access to information from other client agencies participating in the AZLink program.

ARTICLE II. DEFINITIONS

- A. "Client agencies" are law enforcement agencies participating in AZLink who are read only. Federal and non-Arizona state agencies may also be considered client agencies.
- B. "Contributing agencies" are agencies participating in the AZLink data sharing effort that contribute data and have access to AZLink RLES.
- C. "Regional agency" in this MOU refers to the AZLink Arizona Region. The MCSO is the Administering Agency for the AZLink Arizona Region. Mesa Police Department for the Eastern Arizona Region;
- D. "RLES" means the regional law enforcement systems that will be used for sharing law enforcement information across regions, across states, and with federal agencies.
- E. "Owning Agency" in this MOU will be defined as the agency that controls the information generated by their law enforcement department.
- F. "Background screening" means a background investigation that is fingerprint-based including checks of both the state and national criminal history repositories.

ARTICLE III. EFFECTIVE DATE AND TERM

This MOU will become effective upon the day it is fully executed and shall continue in force until either agency provides sixty (60) days prior written notice to the other agency of its intent to terminate the other agency's access to its records through the methods provided in this MOU. Either party may cancel this MOU at any time for any reason upon sixty (60) days' notice to the other party.

AZLink

ARTICLE IV. CANCELLATION

Pursuant to A.R.S. § 38-511, the state, its political subdivisions, or any department or agency of either, may cancel this contract within three (3) years after its execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions, or any of the departments or agencies of either is, at any time while the contract or any extension of contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. Cancellation of the MOU shall be effective upon written notice as provided in A.R.S. § 38-511.

ARTICLE V. DATA ACCESS AND SECURITY REQUIREMENTS

- A. Access to other client agencies' law enforcement information will be provided utilizing the TCP/IP communications protocol over a network segment maintained by the Arizona Department of Public Safety or any other secure network configuration that is mutually acceptable to the client agencies and that meets state and federal security requirements. The law enforcement information shall be available on a 24 hours per day, 7 days per week basis, with downtime limited to those hours required for any necessary system maintenance activities. Agencies agree to inform each other in advance, whenever possible, of scheduled system downtimes.
- B. Data will be shared with member agencies that have entered into an MOU with a regional agency. No client or regional agency will share information gained through this system with an agency that is not a client agency, except by permission of the agency originating the information. Client and regional agencies shall ensure that only those authorized by law have access to any Criminal History Record information as defined in A.R.S. § 41-1750 and 28 C.F.R. 20.3 including in the law enforcement information from the system.
- C. Client and regional agencies agree to enforce and maintain security requirements and networks as specified in the Technical Requirements Section of the Federal Bureau of Investigation's Criminal Justice Information Systems Security Policy, and regional agency MOUs and Agreements with federal and state agencies. Exceptions to the above policy shall not be implemented by any client agency without the approval of the regional agency and the AZLink Governance Committee.
- D. Client and the regional agencies acknowledge that the law enforcement information hosted by the RLES shall be used for law enforcement purposes only, and that only law enforcement agency employees that have passed a background screening and any required certification, such as Terminal Operator Certification (TOC), will be allowed access to the systems.
- E. If at any time any client agency violates the requirements of this MOU in regards to sharing of information, the regional agency connecting that client agency may disconnect the client agency. Except in the case of a critical emergency, access shall not be terminated by a regional agency until the offending client agency has been provided with sixty (60) days written notice of the violation and the opportunity to correct the violation.

AZLink

- F. If at any time any client agency believes that another agency is allowing unauthorized access to or use of the client agency's data, the client agency may withdraw from the shared data system with a 30-day written notice
- G. All disputes concerning access shall be first communicated to an offending agency and then settled by consensus among the agencies of the region within 30 days' notice to the offending agency of the initial dispute. In the absence of consensus, the data sharing link of the offending agency shall be terminated with a 30-day written notice.

ARTICLE VI. INFORMATION OWNERSHIP, RELEASE, AND ACCURACY

- A. Client and regional agencies retain control of all information they provide through the system at all times. Any request for access to information hosted by the RLES that is not authorized under current MOUs will be referred to the agency originating the information being requested. Except as required by law, information shall not be made available to any unauthorized requestor without the approval of the originating agency.
- B. Agencies acknowledge that the law enforcement data provided by the RLES consists of information that may or may not be accurate. To the extent permitted by law, agencies agree to hold the originating agency blameless for any harm that may arise due to the inaccuracy of any information they have submitted.
- C. All participating agencies have the sole responsibility to ensure that information it makes available to the agencies via the RLES was not obtained and is not being maintained in violation of any federal, state, or local law applicable to the obtaining component. In addition, all participating agencies have the sole responsibility and accountability for ensuring compliance with all laws, regulations, policies, and procedures applicable to the posting of its information for access via the RLES.
- D. Each client agency has the duty, sole responsibility, and accountability to make reasonable efforts to ensure the accuracy upon entry, and continuing accuracy thereafter, of information that it contributes to an AZLink regional agency. Should a client agency receive a challenge to or reasonable question about the accuracy of client agency information, the client agency will notify the AZLink regional agency and the AZLink Governance Committee in writing as soon as is practicable.
- E. AZLink regional information may be accessed and used by agencies for official criminal law enforcement, probation, and national security purposes only. All agencies will protect information from disclosure to the greatest extent possible consistent with the Freedom of Information Act, the Privacy Act of 1974, any other applicable laws and applicable compulsory processes (such as a court order). All agencies will notify the AZLink regional agency immediately upon becoming aware of any lawsuit, proceeding, or information demand brought in state or federal court seeking access to agency information, in either verbatim or derivative form.
- F. Access is trackable and reportable through the information system. The regional agency will ensure that client agencies restrict access to information obtained under the terms of this MOU to only those authorized supervisors, law enforcement officers, probation and surveillance officers, intelligence research specialists, employees, agents, representatives, task force members, contractors/subcontractors, or consultants who require access to the

AZLink

information described in this MOU to perform their official duties. There shall be no access of unauthorized personnel to the information contained in or accessible through the RLES.

- G. To the extent that the RLES contains information covered by the Bank Secrecy Act (31 U.S.C. § 5311 et. seq.), each participating regional and client agency will sign a separate MOU acknowledging that they will not further disseminate such information to any party without prior written authorization from Immigration and Customs Enforcement (ICE). ICE will provide each agency a standard MOU containing this acknowledgment. The failure of any agency to sign the MOU will result in all Bank Secrecy Act information being removed from the RLES.
- H. All participating agencies acknowledge that information, including analytical products derived therefrom, may not be used as a basis for action or disseminated for any other purpose or in any other manner outside the agency that accessed the information, unless that agency first obtains the express permission given in writing from the owning agency. Specifically included within this prohibition is any inclusion of information in an official investigative or case file, or any use of information in the preparation of judicial processes such as affidavits, warrants, or subpoenas. Agency users of information may not print or electronically retain information without obtaining permission from the owning agency. When information is summarized or otherwise documented, the AZLink regional or client agency will document the owning agency.
- I. All participating agencies are responsible for ensuring that their supervisors, law enforcement officers, probation and surveillance officers, intelligence research specialists, employees, agents, representatives, task force members, contractors/subcontractors, or consultants with access to the information are properly advised of the rules governing the handling of data, including specialized handling necessary for data on citizens and lawful permanent residents of the United States and are fully apprised of the terms and conditions of this MOU.
- J. When alerted to any attempts to gain inappropriate access to data, client agencies shall report such events in a timely manner to the AZLink regional agency. Reporting such events should be done as soon as reasonably practicable, and in any case, not later than 24 hours after the client agency becomes aware of any breach of privacy or security.

ARTICLE VII. FINANCIAL CONSIDERATIONS

- A. Each regional and client agency is responsible for the cost of acquiring and maintaining the necessary hardware and licensed software to participate in the AZLink system. Nothing included in this MOU requires any agency to fund the activities of any other agency.
- B. Regional and client agencies may individually or collectively apply for grant funding. Any joint grant funding which may result from such applications will be considered to be outside of this MOU. Such monies shall in no way be controlled by or fall under the jurisdiction of this MOU.

ARTICLE VIII. INSURANCE

No insurance is required for any government agencies. Any contractor performing duties under this MOU must comply with the insurance requirements for contracts with Arizona State

AZLink

agencies. The insurance requirements are available from the Arizona Department of Risk Management.

ARTICLE IX. INDEMNIFICATION

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

In addition, the parties shall cause its contractor(s) and subcontractors, if any, to indemnify, defend, save and hold harmless the State of Arizona, any jurisdiction or agency issuing any permits for any work arising out of this MOU, and their respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the parties' contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable.

ARTICLE X. E-VERIFICATION OF EMPLOYEES

The parties mutually warrant that they are in compliance with A.R.S. § 41-4401 and further acknowledge that:

- (1) They and their subcontractors, if any, warrant their compliance with A.R.S. § 41-4401 and all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214, subsection A, and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer;
- (2) A breach of a warranty under subsection (1) above shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract;
- (3) The parties mutually retain the legal right to inspect the papers of any contractor or subcontractor employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty provided under subsection (1) above and that the contractor agrees to make all papers and employment records of said employees(s) available during normal working hours in order to facilitate such an inspection; and

AZLink

- (4) That nothing herein shall make any contractor or subcontractor an agent or employee of either of the contracting governmental entities.

ARTICLE XI. REQUIRED TERMS FOR ACCESS TO PROBATION RECORDS

Client and regional agencies must agree to the terms listed in the Arizona Code of Judicial Administration section 1-606.

ARTICLE XII. NON-DISCRIMINATION

Both parties shall comply with Executive Order 2009-9, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Both parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

ARTICLE XIII. APPLICABLE LAW; LEGAL OBLIGATIONS

This MOU shall be construed in accordance with the laws of the State of Arizona. This MOU does not relieve either party of any obligation or responsibility imposed upon it by law.

ARTICLE XIV. ARBITRATION

Except for processes for handling of disputes that are addressed elsewhere in this MOU, the parties to this MOU agree to resolve other disputes arising out of or relating to this MOU through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes. The resolution may result in termination of the MOU.

ARTICLE XV. WAIVER AND MODIFICATION

None of the provisions of the MOU may be waived, changed or altered except in writing signed by both parties.

ARTICLE XVI. AVAILABILITY OF FUNDS

Every payment obligation of either party under this MOU is conditioned upon the availability of funds allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this MOU, this MOU may be terminated by either party or any other agency of the State of Arizona at the end of the period for which funds are available. No legal liability on the part of either party or any other agency of the State of Arizona for any payment may arise under this MOU until and only as long as funds are made available for performance of this MOU. If the necessary funds are not made available, then that party shall provide written notice to the other party and may cancel this MOU without further obligation. No liability shall accrue to either party or any other agency of the State of Arizona in the event this provision is exercised, and neither party nor any other agency of the State of Arizona shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph, including payments or damages for purchases or subcontracts entered into in anticipation of funding.

AZLink

ARTICLE XVII. METHOD OF EXECUTION

This MOU may be executed in one or more identical counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one MOU.

ARTICLE XVIII. NOTICE

Any notice given pursuant to this contract shall be in writing and shall be considered to have been given when actually received by the following addressees or their agents or employees:

for Maricopa County:

Captain Timothy Palmer
Criminal Intel and Counter Terrorism
c/o Criminal Intelligence and
Investigations Bureau
550 W Jackson Street 5th Floor
Phoenix, AZ 85003

for City of Surprise:

Kim Ukish
IT-Application Analyst
Surprise Police Department
14250 W Statler Plaza Suite 103
Surprise, AZ 85374

IN WITNESS WHEREOF, the chief law enforcement officer and chief executive officer of the parties hereto have given their respective consents authorized by A.R.S. §13-3872 and the parties hereto have executed this MOU by and through their respective officers duly authorized.

City of Surprise

Maricopa County Board of Supervisors

Signature Date

Clint Hickman, Chairman
Chairman of the Board Date

ATTEST:

ATTEST:

Signature Date

Fran McCarroll,
Clerk of the Board Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Attorney Date

Deputy County Attorney Date

Chief of Police
Surprise Police Department Date

Sheriff Joseph M. Arpaio
Maricopa County Sheriff's Office Date



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date: October 4, 2016
Submitting Department:
Staff Recommendations: None

Contact Person: Sherry Ann Aguilar, City Clerk
District: Citywide

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the minutes of September 15, 2016 Special City Council Meeting and September 20, 2016 Regular City Council Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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- ☐ [Work Session](#)
 - ☐ [Reg Mtg](#)
 - ☐ [Spec Mtg](#)
-

CITY OF SURPRISE
Regular City Council Work Session Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 20, 2016 @ 04:01 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:01 p.m. at Surprise City Hall, Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 20, 2016**. Also in attendance with Mayor Wolcott were Council Member Winters, Council Member Williams, Council Member Villanueva, Council Member Hall, Council Member Tande, and District 2 - Vacant.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public

Richard Houser - Would like to start a Surprise Cycling Club. I need assistance getting the club started in Surprise. Looking for membership and establishing the club. Need advocates and members, need to file for a 501C3 status. Event - Surprise Family Bike Day!

Regular Agenda Item - Non-Public Hearing

1 – Presentation and discussion pertaining to an update on Fighter Country Partnership - NO ACTION

DCM Lance introduced Mr. Ron Sites.

Mr. Sites, Fighter Country Partnership handed out a summary of accomplishments, calendar of events, etc. He also conducted a powerpoint presentation. Deployed family programs and Luke AFB Open House are two events just to name a few.

Regular City Council Work Session Minutes – September 20, 2016 – Page 2

Mr. Sites thanked each Councilmember and gave a token of appreciation for their support.

Mayor Wolcott thanked Ron for his effort and all of the hard work he has done for the effort.

2 – Presentation and discussion on amendments to the City Code pertaining to the Planning and Zoning Commission and the Board of Adjustment and Construction Review - NO ACTION

Community Development Director, Eric Fitzer gave an overview of Ordinance 2016-27. A powerpoint presentation was reviewed with Council. The purpose of this ordinance will be to combine the Board of Adjustment and Construction Review Board and place under the responsibility of the Planning & Zoning Commission.

Council Member Winters - This would make a change to the board and commission handbook, correct?

Mr. Fitzer - Yes that is correct.

Mayor Wolcott - Clearly we are trying to solve the problem with filling vacancies, the perfect place would be the Planning & Zoning Commission. Comparable to the Council acting as the Marley Park CFD Board.

Council Member Tande - You had mentioned that we can delegate authority to the planning & zoning to select Construction Review Board?

Mr. Fitzer - Yes that is correct.

3 – Presentation and discussion pertaining to proposed amendments to adopted building and fire codes; Ordinance # 2016-28 - NO ACTION

Manager, Chris Boyd gave an overview and powerpoint presentation for Ordinance No. 2016-28. Mr. Boyd explained the outreach efforts for the fire and building code amendments.

Council Member Tande - Mid-cycle review process?

Mr. Boyd - This is what we recently went through reviewing the current code.

Council Member Tande - Do we have a way to evaluate risk without adopting the new codes currently?

Regular City Council Work Session Minutes – September 20, 2016 – Page 3

Mr. Boyd - I don't see much of a risk for skipping one cycle, we did this in 2009, we had our ISO rating as one factor. With our mid-term adjustments we should be okay.

Council Member Hall- How does this affect our self-certification process?

Mr. Boyd - Not at all. If I could get everyone to go through self-certification process I would encourage this.

4 – Presentation and discussion pertaining to school parking - NO ACTION

Community Development Director, Eric Fitzer gave a powerpoint presentation and overview regarding school parking.

Current issues for elementary and high school sites including on street parking, parking in private driveways; etc.

Council Member Tande - This isn't just a Surprise issue, it is valley wide. Most of our schools have issues with drop off and pick up. In District 6, Marley Park Elementary School, very impressed on how they handled this, tremendously efficient process in place. Concerned about bike lane and bike parking areas as well. I want to focus on safety, but also want to keep the quality of life in mind for our residents.

Council Member Williams - We had an issue with Greer Ranch and Eric talked about this issue. When you look at this globally, you have several groups of people affected, safety is paramount. I love the walking school bus idea, we need to involve our community members for this idea, it won't cost any money. I would like to look at the residential parking permit a little more. There is an ongoing issue with Sara Ann Ranch.

Council Member Villanueva - When you say you are going to need a permit, how are you going to monitor this?

Mr. Fitzer - A staff member will monitor this program, the permit will be affixed to the car. Parking enforcement will be through the Police Department.

Council Member Villanueva - At West Point it's a problem when cars line up on Greenway Road, but it doesn't take too long to unload and pick up the kids.

Council Member Hall - This is a huge conundrum, I have a lot of respect for Council Member Williams and his education background but I think the problem emanates from the schools and we need to involve them to help solve this issue. We need to take a look at certain schools where there is a problem, and if it requires no parking on the street, let's do that.

Regular City Council Work Session Minutes – September 20, 2016 – Page 4

I am totally against parking permits, and staff trying to enforce this, no way! Tempe and Phoenix are densely populated cities, we don't have this, we are spread out. I love the walking school bus, I have witnessed it 6 or 7 times and it takes pressure off of the cars. The PTA can get involved and rotate with parents. There is a thing called tandem parking.

Council Member Winters - I hope it does not come to parking permits, it is a bad precedent to set for our residents. This \$5.00 fee that Tempe is asking their residents to pay, is it for a year?

Mr. Fitzer - Yes per year.

Council Member Tande - This is not a one size fits all situation, I have different issues in District 6. This is a tough issue but I really feel like a certain number of residents want to see some solutions, and they want us to come up with solutions.

Council Member Williams - I agree, I think what we are seeing here is very sight specific and varies throughout the City. Some areas the geography is different, some of the schools are off an arterial roadway. Where you get into issues is High School where the students are driving and this is what we are seeing at Sara Ann Ranch right now. We are a partner coming in and looking at solutions.

Council Member Hall - I would like to see us look at sight specific and deal with that issue.

Council Member Villanueva - Remind Eric that Surprise Elementary school is in El Mirage, but it still crosses Greenway Road and it is dangerous.

Mayor Wolcott - I agree it is not a one size fits all, we do have to be sensitive to the neighborhoods and reaching out to the schools is a good start.

Public Comments:

Jean Bilhardt - Sarah Ann Ranch - Councilmember Hall wish you would come out to our neighborhood to see what is happening. Paradise Lane has very limited access, we are having the overflow for younger drivers who don't have permission to park in the parking lots. I noticed that Paradise had a football extravaganza, they had tons of cars parking there, there have been 8 to 10 cars parking there since the event. This might be something to look into, why don't they open it up.

Executive Session

Regular City Council Work Session Minutes – September 20, 2016 – Page 5

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Work Session. Council Member Williams seconded the motion. Six yes votes, 1 vacancy - District 2.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, September 20, 2016.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 20, 2016 @ 06:00 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 20, 2016**. Also in attendance with Mayor Wolcott were Council Member Winters, Council Member Williams, Council Member Villanueva, Council Member Hall, Council Member Tande, and District 2 - Vacant.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

Service Award for Jerry Hoyler and Steve Somers for years of service on the Planning & Zoning Commission.

Youth Services Administrator, Paul Bernardo - Kingswood Elementary Lady Knight Softball Team.

Service Award - Planning & Zoning Commission Members Jerry Hoyler and Steve Somers, years of service recognition. Mr. Hoyler was not present tonight.

November 1st, 2016 the City will take over the water billing so our project is on track, enhanced payment methods and a really nice feature will be our Surprise logo on the bill.

City Attorney Report

City Clerk Report

2016 General Election and Passport Services Update.

City Clerk Aguilar reported on the upcoming General Election, Nov. 8, 2016.

Call to the Public

Consent Agenda

1 – Consideration and action on the meeting minutes September 6, 2016 Regular City Council Work Session and Regular City Council Meeting - APPROVED

2 – Consideration and action pertaining to revising the Dial-a-Ride fares adopted on May 4, 2016; Resolution # 2016-119 - APPROVED

3 – Consideration and action pertaining to an amendment of the fiscal year 2016 budget by reallocating appropriations in the amount of \$50,000 to the clubhouse improvements project (21514), \$16,800 to Surprise Farms Skate Park project (21507), and \$88,000 to the Surprise Farms Park project (21417); Resolution # 2016-116 - APPROVED

4 – Consideration and action authorizing the City Manager to renew an Intergovernmental Agreement (IGA) between the City of Surprise and the Department of Justice Drug Enforcement Administration (DEA) for two (2) experienced officers to be assigned to the DEA Task Force for a period of not less than two years; Resolution # 2016-113 - APPROVED

5 – Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #410 located at 14007 W. Grand Avenue, Surprise, AZ 85374 for existing license No. 10075655 - APPROVED

6 – Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #494 located at 11420 W. Bell Road, Surprise, and AZ. 85378 for existing license 10074070 - APPROVED

Council Member Winters made the motion to approve the consent agenda. Council Member Hall seconded the motion. Six yes votes, one vacancy (District 2). Motion carried.

Regular Agenda Item - Non-Public Hearing

7 – Presentation and discussion pertaining to an update on the Bell and Grand construction project - NO ACTION

Economic Development Director, Jeanine Jerkovic gave an overview and update on the Bell & Grand Construction Project. A powerpoint presentation was reviewed. Upcoming educational event featuring financial options available for the businesses in this area.

Brock Burnhardt, ADOT - Phase 3C, currently in Phase 3B. Opening Bell Road target date of November 22nd, 2016. We now have a target date. Entire project complete by Spring 2017.

Council Member Hall - What caused the slip on timeline?

Mr. Burnhardt - contractor builds in float time in any type of contract.

Council Member Hall - referred to Feb. 1, what was that date?

Mr. Burnhardt - I'm not sure, but our target is Spring.

Council Member Hall - we need to be totally done by Spring Training, do you understand?

Council Member Winters - Great job that ADOT has done on this project.

Council Member Villanueva - The project has runs smoothly with transportation.

Karl Zook - We are assisting ADOT with the detours, as of now, things are running smooth. Hopefully with Bell opening up allow more access to the area.

Council Member Hall - When is the last gap filled?

Mr. Zook - Now and November.

8 – Consideration and action pertaining to approval of an amendment to the Surprise Center Development Company L.L.C. Compromise Settlement Agreement and Full and Final Release of All Claims - APPROVED

City Manager Bob Wingenroth gave an overview for this item. The amendment is to consider the deadline to December 6, 2016 and the incentive package to November 15, 2016.

Regular City Council Meeting Minutes – September 20, 2016 – Page 4

Council Member Hall - that's not "floating-time" correct?

Mr. Wingenroth - no, it is not.

Council Member Williams made the motion to approve the first amendment to the Compromise Settlement Agreement and Full and Final Release of All Claims. Council Member Winters seconded the motion. Six yes votes, one vacancy (District 2).

9 – Discussion and action pertaining to the absences of, and/or non-responsiveness to contact from city staff by, certain City Board or Commission members - NO ACTION TAKEN

Council Member Winters explained the item and why it is on the agenda. He read the City Code regarding attendance for Boards/Commissions and referred to the members in question.

Mayor Wolcott commented that she asked the City Clerk to put together a list of boards/commission including the Mayor and Council attendance from 2014 to 2016. Attendance is an issue all across the board, but some commissions don't meet on a regular basis. Our goal as a Council should be to encourage participation to volunteer for our boards and commissions. It is difficult to find people to serve.

The planning and zoning commission meet 2 times per month same as Council, and the prep time is extensive and sight visits are common.

Shari Martin - Death in the family for her last absence. She has requested to continue.

Mayor Wolcott - We need to be sensitive to the volunteers, everyone has a life, vacations, deaths in the family, etc.,

Council Member Williams - Speaking as one of the Council Members with the worst attendance record. I will echo the sentiments of the Mayor. We need to deal with this at the very lowest level, and not go through this process of bringing these people before Council and disenfranchise them.

Council Member Hall - I agree John with most of what you said. I am wondering if we should not change our policy on this issue. The only commission we have to have is the Planning & Zoning commission mandated by State Law. I really think their attendance is very important and I don't think it needs to come to us. Years ago, we use to have a dinner for the Planning & Zoning Commission and all of the Boards/Commissions as a small token of appreciation.

Regular City Council Meeting Minutes – September 20, 2016 – Page 5

Council Member Villanueva - I don't think they should be removed, I am on the committee, we spent 5 hours the other day. It's just not right to remove volunteers.

Mr. Fitzner - Commented that he has received a resignation from Shari Martin due to moving out of the City.

Council Member Tande - This is a good discussion, I want all the volunteers to know we appreciate their service. They are going to study and make decisions for the City. I wish we had more volunteers like this.

Council Member Hall - I witnessed a commission where Mark's people and they didn't have a quorum.

No action was taken on this item, it will be discussed at a future Council Meeting.

Public Comments:

Mike Planeta - I really appreciate your comments on this topic. I appreciate your position and your comments are right on track. I believe I bring a lot of experience and good ideas to the CRS Commission. I enjoy serving on the commission, we have two new people right now, so it takes a little while to get use to the routine.

Ken Wright - What we have here is a lack of exemption language. I think there is very clear language you can put in to take care of this. There are Council rules and procedures, areas that need to be clarified.

Other Business

Mayor/Council Reports

Council Member Tande - provide a tour to a group of ladies spoke about some functions of government.

Council Member Hall - Water campus - Gateway College building, Helping Partners - Benevilla, Achieve 60 and Professional Friends.

Council Member Villanueva - Senior Center tomorrow night, meeting regarding the Bond.

Council Member Tande made the motion to recess the Council Meeting and enter into executive session at 7:14 PM. Council Member Williams seconded the motion. Six yes votes, one absent (District 2). Motion carried.

Executive Session

- 10. Consideration and action to enter into executive session for discussions and consultation with staff in order to consider the City Council's position and instruct staff regarding negotiations for the sale or lease of real property in the proximate vicinity of Surprise City Hall and Surprise Stadium pursuant to ARS 38-431.03(A)(7).**

Adjournment

Mayor Wolcott made the motion to adjourn the Regular City Council Meeting of September 20, 2016 at 7:47 PM. Council Member Tande seconded the motion. Six yes votes, one vacancy (District 2). Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, September 20, 2016.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Special City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Thursday, September 15, 2016 @ 04:01 PM

Call to Order

Roll Call

Mayor Wolcott called the **Special City Council Meeting** to order at 04:01 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Thursday, September 15, 2016**. Also in attendance with Mayor Wolcott were Council Member Winters, Council Member Hall, Council Member Tande and District 2 – Vacant.

Staff City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City
Present: Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Regular Agenda Item - Non-Public Hearing

1 – Consideration and action on Resolution No. 2016-109; A Resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona, declaring and adopting the results of the Primary Election held on August 30, 2016 and ordering the recording of such resolution - APPROVED

Mayor Wolcott thanked City Clerk Aguilar for her extensive work on obtaining the results of the Primary Election.

Council Member Hall made the motion to approve Resolution 2016-109. Council Member Winters seconded the motion. Four yes votes, two absent (Williams and Villanueva) and one vacancy (District 2). Motion carried.

Executive Session

Special City Council Meeting Minutes – September 15, 2016 – Page 2

Adjournment

Council Member Winters made the motion to adjourn the Special City Council Meeting of September 15, 2016 at 4:03 PM. Council Member Hall seconded the motion. Four yes votes, two absent (Williams and Villanueva) and one vacancy (District 2). Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting of **Thursday, September 15, 2016**.

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	October 4, 2016	Contact Person:	Chris Boyd - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to declaring as a public record the amendments to the 2012 international building and fire codes; and adopting the public record as an amendment to said codes; Resolution # 2016-114 and Ordinance #2016-28, respectively.

Motion:

I move to approve Resolution # 2016-114.
I move to approve Ordinance # 2016-28.

Background:

The proposed Building and Fire Code Amendments were drafted to further streamline the 2012 codes, ensure coordination between Building Safety and Fire Prevention, and create a uniform appeal process.

Objective Analysis:

The impact of these amendments will make certain the Building and Fire Codes are in concert with each other, while creating a uniform appeal process.

Policy Compliant:

This item is consistent with City of Surprise Policies.

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [00 - Ordinance #2016-28 Building Fire Code Amendment - RFLS #5212 - Staff Report](#)
 - ☐ [01 - Ordinance #2016-28 Building Fire Code Amendment - RFLS #5212 - Presentation](#)
 - ☐ [02 - Ordinance #2016-28 Building Fire Code Amendments-Ordinance](#)
 - ☐ [03 - Ordinance #2016-28 Building Fire Code Amendment - RFLS #5212 - Amendments to International Codes](#)
 - ☐ [04 - Ordinance #2016-28 Building Fire Code Amendment - RFLS #5212 - Resolution](#)
 - ☐ [05 - Ordinance #2016-28 Building Fire Code Amendment - RFLS #5212 - Public Engagement Form](#)
-



**Community Development Department
Fire-Medical Department**

Date: October 4, 2016

To: Mayor Sharon Wolcott
Surprise City Council

From: Eric Fitzer, Director, Community Development
Tom Abbott, Chief, Surprise Medical and Fire
Chris Boyd, Assistant Director

Re: 2012 Building and Fire Code Amendments

Overview

The Building Safety and Fire Prevention Divisions have collaborated to create a code amendment compendium that will further streamline the published 2012 Building and Fire Codes. This will allow the current adopted codes to stay in effect until the 2018 code cycle. The code amendment compendium better ensures both building and fire codes are in concert with each other, while identifying and clarifying fire protection requirements for new commercial construction and tenant improvement projects. This amendment compendium will create a uniform appeal process in conjunction with a proposed ordinance modifying the appeal boards.

Process

The building codes and local amendments currently in effect were adopted on September 1, 2014. The Fire Prevention Division and Building Safety Division have worked extensively over the past year to draft the proposed amendments. In addition to the considerable discussions amongst the two divisions, staff also conferred with other municipalities including the City of Phoenix and the Maricopa Association of Governments Building Codes Committee to make certain relevant best practices were being implemented.

Outreach

Staff worked with Communications to issue a news release announcing the proposed amendments would be available on the City's website for review and comment for a 60 day period beginning July 1, 2016. Additionally, an email was sent to all commercial permit applicants since 2014 announcing the proposed amendments and directing them to the website for review and comment. The Home Builders Association of Central Arizona was provided a copy of the proposed amendments and their comments were solicited. Staff conducted a public outreach meeting at City Hall in the evening of August 31, 2016.



Building and Fire Code Amendments

City Council Meeting October 4, 2016

Building and Fire Code Amendments

OVERVIEW

- Review of Building and Fire Code adoption
- Proposed amendment highlights
- Process and outreach



Building and Fire Code Amendments

CODE ADOPTION

- Building and Fire Code cycle is every three years (2012, 2015, 2018....)
- Most recent adoption by Surprise was the 2012 codes and amendments on September 1, 2014
- Proposed amendments will allow current codes to stay in effect until 2018 code cycle

Building and Fire Code Amendments

AMENDMENT HIGHLIGHTS

- Uniformity of appeals process to include the use of the Planning and Zoning Commission
- Reduction in amendments to further align with adopted codes
- Enhanced compatibility between Building and Fire Codes

Building and Fire Code Amendments

AMENDMENT PROCESS

- Extensive collaboration between Community Development and Fire-Medical
- Consulted with other municipal partners such as City of Phoenix
- Continued participation with MAG Building Code Committee

Building and Fire Code Amendments

OUTREACH

- Amendments posted to website for review/comment
- News release/email notification to permit holders
- Home Builders Association of Central Arizona
- Public outreach meeting at city hall



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

ORDINANCE 2016-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FOLLOWING 2012 INTERNATIONAL CODES ADOPTED BY REFERENCE IN SURPRISE MUNICIPAL CODE, CHAPTER 105, ARTICLE II, DIVISION 1, SECTION 105-19: BUILDING CODE, RESIDENTIAL CODE, MECHANICAL CODE, PLUMBING CODE, FUEL GAS CODE, CONSERVATION CODE, EXISTING BUILDING CODE, AND FIRE CODE; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, after working with various 2012 International Codes, staff is recommending the amendments contained in that certain public record entitled "2016 Amendments to the 2012 International Codes", dated September 20, 2016, three copies of which are on file in the office of the Surprise City Clerk; and

WHEREAS, the Mayor and Council deem it necessary, in order to protect the public health, safety and welfare and public and private property, to update and amend certain already adopted rules and regulations which 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 as noted in the public record "2012 Amendments to the 2012 International Codes".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. The 2012 International Codes, specifically the Building Code, Residential Code, Mechanical Code, Plumbing Code, Fuel Gas Code, Conservation Code, Existing Building Code, and Fire Code, as adopted by reference in Surprise Municipal Code, Chapter 105, Article II, Division 1, Section 105-19 are hereby amended by that certain public record entitled " 2016 Amendments to the 2012 international Codes" dated September 20, 2016, three copies of which are on file in the office of the Surprise City Clerk, and incorporated herein by this reference.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code amendments adopted by this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the 2012 International Codes, as amended herein, is for any reason held to be invalid or unconstitutional by decision of

any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective on and after November 1, 2016.

PASSED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

2016 Amendments to the 2012 International Codes

September 20, 2016

2012 International Building Code

SECTION 113 BOARD OF APPEALS

[A] 113.1 General. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW. ~~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 applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

[A] 113.2 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.~~

[A] 113.3 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.~~

310.5.1 Care facilities within a dwelling. Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.1.3 or Section P2904 of the International Residential code. Assisted living homes shall meet the requirements of Section 425.

EXCEPTIONS:

1. FAMILY FOSTER HOMES AND FOSTER GROUP HOMES LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY
2. GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND BEHAVIORAL HEALTH GROUP HOMES, WHICH SERVES SIX OR LESS RESIDENTS AND IS LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES.

310.6 Residential Group R-4. This occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. 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 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, except as otherwise provided for in this code 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 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.

EXCEPTIONS:

1. FAMILY FOSTER HOMES AND FOSTER GROUP HOMES LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY
2. GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND BEHAVIORAL HEALTH GROUP HOMES, WHICH SERVES SIX OR LESS RESIDENTS AND IS LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES.

903.2 Where required. *Approved* automatic fire sprinkler systems shall be required in all new commercial structures and buildings for which a permit is required or issued. Installation of the sprinkler system shall be in accordance with the requirements of NFPA 13, unless otherwise approved by the ~~Fire Marshal~~ FIRE CODE OFFICIAL.

~~Existing buildings, structures and occupancies will not require retrofitting fire sprinkler systems to current code standards unless:~~

- ~~1. Occupant load is increased without increasing square footage.~~
- ~~2. Occupancy classification is changed to a higher hazard~~
- ~~3. Building fire resistance rating is decreased.~~
- ~~4. Original building foot print (square footage) is increased 50% or more~~

Exceptions:

1. Detached gazebos, ramadas, restrooms, and guardhouses AND UTILITY VAULTS.
2. Detached non-combustible covered parking not exceeding ~~15,000~~ 5,000 square feet WITH A MINIMUM OF 26 FOOT SEPARATION BETWEEN COVERED STRUCTURES.
3. Detached non-combustible canopies used exclusively for automotive, motor fuel- dispensing. Canopies where vehicles are attended, and in place on a temporary basis, for non-maintenance activities.
4. Detached non-combustible non-occupied water supply Booster Pump structures.

~~For the purposes of this section "TEMPORARY" is defined as any time period of less than 8 hours in any 24 hour time period.~~

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies. ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m2).~~
- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~
- ~~4. The fire area contains a multitheater complex.~~

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies. ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 5,000 square feet (464 m²).~~
- ~~2. The fire area has an occupant load of 100 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies. ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies. ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.5 Group A-5. An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas. ~~in excess of 1,000 square feet (93 m²).~~

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility. ~~where either of the following conditions exist at any time:~~

- ~~1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.~~
- ~~2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.~~

~~In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level~~

~~of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.~~

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies. ~~as follows:~~

- ~~1. Throughout all Group E fire areas greater than 12,000 square feet (1115 m²) in area.~~
- ~~2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.~~

Exception: ~~An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.~~

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy. ~~where one of the following conditions exists:~~

- ~~1. A Group F-1 fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. A Group F-1 fire area is located more than three stories above grade plane.~~
- ~~3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).~~
- ~~4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).~~

903.2.4.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) which generate finely divided combustible waste or which use finely divided combustible materials.

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 20 POUNDS (9 071 KG) ~~100 pounds (45 kg).~~

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exceptions:

1. ~~An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.~~
2. ~~An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group I-1 facilities when in compliance with all of the following:~~
 - 2.1. ~~A hydraulic design information sign is located on the system riser;~~
 - 2.2. ~~Exception 1 of Section 903.4 is not applied; and~~
 - 2.3. ~~Systems shall be maintained in accordance with the requirements of Section 903.3.1.2.~~
3. ~~An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.~~
4. ~~In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, all floors below the level of exit discharge, other than areas classified as an open parking garage.~~

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy. ~~where one of the following conditions exists:~~

1. ~~A Group M fire area exceeds 12,000 square feet (1115 m²).~~
2. ~~A Group M fire area is located more than three stories above grade plane.~~
3. ~~The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).~~
4. ~~A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).~~

903.2.8.1 Group R-3 or R-4 congregate residences. A MOD. NFPA 13D sprinkler system shall be installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 or R-4 congregate living facilities. If any portion of a patio has habitable space directly above the patio, the patio shall be equipped with sprinkler protection.

903.2.8.1 ASSISTED LIVING FACILITY. MODIFIED NFPA 13D SPRINKLER SYSTEM SHALL BE REQUIRED TO BE INSTALLED IN ACCORDANCE WITH

SECTION 903.3.1.3. IF ANY PORTION OF A PATIO HAS HABITABLE SPACE DIRECTLY ABOVE THE PATIO, THE PATIO SHALL BE EQUIPPED WITH SPRINKLER PROTECTION.

SUCH SYSTEMS SHALL CONSIST OF AN ELECTRONICALLY SUPERVISED VALVE LOCATED BETWEEN THE DOMESTIC WATER RISER CONTROL VALVE AND THE SPRINKLERS, AND INCLUDE CONCEALED SPACES CONTAINING COMBUSTIBLE MATERIALS, AND SHALL BE EQUIPPED WITH AN ELECTRICALLY SUPERVISED WATER FLOW SWITCH AND MONITORED BY AN APPROVED CENTRAL STATION, AND SHALL SOUND AN ALARM AT A CONSTANTLY ATTENDED LOCATION INSIDE THE FACILITY. THE MINIMUM LISTED ELECTRONIC COMPONENTS FOR ALARMS SHALL CONSIST OF ONE AUTO DIALER, AND ONE INTERIOR HORN/STROBE AND ONE EXTERIOR HORN/STROBE CONNECTED TO THE FIRE RISER WATER-FLOW SWITCH.

EXCEPTIONS:

1. FAMILY FOSTER HOMES AND FOSTER GROUP HOMES LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY.
2. GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND BEHAVIORAL HEALTH GROUP HOMES, WHICH WHEN SERVES SIX OR FEWER RESIDENTS AND IS LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES.

~~**903.2.8.3 Group R, Division 3.** A Mod. NFPA 13D Residential Fire Sprinkler System shall be installed in Group R, Division 3 occupancies. If any portion of a patio or porch has habitable space directly above the patio or porch, the patio or porch shall have sprinkler protection.~~

~~**Exception:** Residential sprinklers may be omitted from Group R, Division 3 occupancies as long as the residence meets the required fire flows in accordance with Appendix B Table B105.1 Minimum Required Fire Flow and Flow Duration For Buildings.~~

~~**903.2.8.3.1 Sprinkle cost comparison.** The costs to install residential fire sprinklers shall be listed as one of the available options and show comparative installation costs.~~

~~**903.2.8.3.2 Display of fire sprinkler equipment.** The seller shall provide a full size display model of NFPA 13D automatic fire sprinkler system riser, control valves, and gauges in the sales office of each model home complex. A display model is not required if the sales office is equipped with a sprinkler system.~~

~~903.2.8.3.3 Educational materials.~~ The seller shall provide each buyer with a copy of approved Fire Department educational material describing the benefits of a residential fire sprinkler system.

~~903.2.8.3.4 Affidavit.~~ An affidavit signed by the buyer and the seller indicating a fire sprinkler option was offered and accepted, or refused shall be retained at the sales office and made available to the fire inspector for a period of one year from the date of transferring title to the buyer. A copy of the signed affidavit shall be attached to the application for permit.

~~903.2.8.4~~ 903.2.8.5 Special requirements for Group R-1 and R-2

~~occupancies.~~ Group R-1 and R-2 occupancies, sprinklers shall be installed in bathrooms, closet areas containing any electrical or mechanical equipment, foyers, and attached garages, accessible areas under interior stairs or landings, exterior balconies and covered patios or landings which have habitable space directly above the balconies, patio or porch. In living spaces, sprinklers shall be the concealed type. For the purpose of inspection, testing, or maintenance, there shall be provided, at the time of construction, an 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 from the exterior for testing and maintenance purposes. The dimensions of the access door will depend on the design of the fire riser, controls and gauges. When necessary, access shall be provided through private dwellings or garages so service personnel can maintain the fire sprinkler riser and equipment.

~~903.2.8.5 Special requirements for Group R-4 occupancies.~~ ~~R-4 occupancies, sprinklers shall be installed in bathrooms, closet areas containing any electrical or mechanical equipment, foyers, attached garages, and accessible areas under interior stairs or landings. State licensed facilities shall be equipped with an approved automatic sprinkler system in accordance with this code.~~

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy. ~~where one of the following conditions exists:~~

- ~~1. A Group S-1 fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. A Group S-1 fire area is located more than three stories above grade plane.~~
- ~~3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).~~
- ~~4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).~~

5. ~~A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).~~

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages. ~~in accordance with Section 406.8 of the International Building Code, as shown:~~

1. ~~Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m²).~~
2. ~~Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 12,000 square feet (1115 m²).~~
3. ~~Buildings with repair garages servicing vehicles parked in basements.~~
4. ~~A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).~~

903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m³) 10,000 CUBIC FEET (283 M³) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

~~903.2.8.6~~ 903.2.9.3 Special requirements for speculative warehouses. Speculative warehouses shall comply with this Chapter, Chapter 23, and NFPA 13. The minimum sprinkler design in speculative warehouses shall be based upon a minimum ~~class IV~~ High Hazard commodity and maximum allowable storage height in the building. The system shall be hydraulically designed to protect the maximum possible clear height of storage without in-rack sprinklers and/or use an approved alternate design such as Early Suppression Fast Response (ESFR) sprinklers.

~~903.3.7 Fire department connections.~~ ~~The location of fire department connections shall be approved by the fire code official. All signage shall be consistent with the Surprise Fire Department Emergency Access Book.~~

~~906.1 Where required.~~ ~~Portable fire extinguishers shall be installed in the following locations:~~

1. ~~In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.~~

~~Exception:~~ ~~In new and existing Group A, B, and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2~~

through 6.

2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used, or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

907.2 Where required – new buildings and structures. All new commercial occupancies for which a building or construction permit is obtained shall not require full area smoke detection. ~~providing the building is equipped with a fully automatic fire sprinkler system.~~ Duct detection shall be required in accordance with *International Mechanical Code*. Full area notification shall be required and shall be addressable class A wiring. The fire riser flow switch shall be connected to and monitored by an approved monitoring company.

Self-storage facilities will not require the installation of smoke/heat detectors inside the storage compartment, but will require smoke detection in all common areas, and the installation of standpipes in stairwells in accordance with NFPA 13 and NFPA 14.

907.4.2 Manual fire alarm boxes. ~~Manual fire alarm boxes shall not be installed in occupancies where the building is equipped throughout with an approved automatic sprinkler system, unless otherwise required by the Fire Marshal.~~

912.2.1 Visible location. Fire department connections shall be located on the entrance side of the building, 36 inches (91 cm) above grade, fully visible and recognizable from the street or nearest point of fire department vehicle APPARATUS access or as otherwise ~~approved by the Fire Marshal~~ FIRE CODE OFFICIAL.

912.2.1.1 FIRE DEPARTMENT CONNECTION ON BUILDINGS. FIRE DEPARTMENT CONNECTION SHALL BE INDICATED WITH AN APPROVED SIGN MOUNTED 84 INCHES MINIMUM OF 7 FEET (2133 MM) AND MAXIMUM OF 9 FEET (2743 MM) ABOVE GRADE AND RECOGNIZABLE FROM THE STREET OR NEAREST POINT OF FIRE APPARATUS ACCESS.

912.2.1.2 REMOTE FIRE DEPARTMENT CONNECTION. REMOTE FIRE DEPARTMENT CONNECTION SHALL BE INDICATED WITH AN APPROVED

SIGN MOUNTED 36 INCHES (91 CM) ABOVE GRADE AND RECOGNIZABLE FROM THE STREET OR NEAREST POINT OF FIRE APPARATUS ACCESS.

912.2.3 REMOTE FIRE DEPARTMENT CONNECTION. THE REMOTE FIRE DEPARTMENT CONNECTION SHALL BE LOCATED ON THE ENTRANCE SIDE OF THE BUILDING, OUTSIDE THE COLLAPSE ZONE AND WITHIN 25 FEET (7620 MM) OF A FIRE HYDRANT

912.4 Signs. A metal sign with raised letters at least ~~1 inch (25 mm)~~ 2 inches (5 cm) in size shall be mounted on all Fire Department Connections serving ~~automatic~~ fire sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served. ~~All signage shall be consistent with the Surprise Fire Department Emergency Access Detail Book.~~ When a building is served by multiple Fire Department Connections, each connection shall be provided with an approved sign detailing the area of the building served by each connection.

~~**1016.2.2 Group F-1 and S-1 Increase.** The maximum exit access travel distance shall be 400 feet (121 920 mm) 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 finish floor to 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 and Chapter 32 of this code.~~
- ~~4. Additional building access shall be provided in accordance with Sections 3206.6 through 3206.6.1.3 of this code.~~

~~**1016.2.2.1 Group F-1 and S-1 with a storage area greater than 500, 000 square feet.** Group F-1 and S-1 with a storage area greater than 500, 000 square feet, a Technical Report shall be prepared by an Arizona Professional and shall be submitted to the Fire Marshal Fire Code Official for approval.~~

2012 International Residential Code

SECTION R112 BOARD OF APPEALS

R112.1 General. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW.—~~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 *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.~~

R112.2 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.~~

R112.2.1 Determination of substantial improvement in flood hazard areas. ~~When the *building official* provides a finding required in Section R105.3.1.1, the board of appeals shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, *addition* or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:~~

- ~~1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the *building official* and which are the minimum necessary to assure safe living conditions; or~~
- ~~2. Any alteration of an historic building or structure, provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:~~

~~2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or~~

~~2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or~~

~~2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

~~R112.2.2 Criteria for issuance of a variance for flood hazard areas.~~

~~A variance shall be issued only upon:~~

~~1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R322 inappropriate.~~

~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.~~

~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.~~

~~5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.~~

~~R112.3 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.~~

~~R112.4 Administration.~~ ~~The building official shall take immediate action in accordance with the decision of the board.~~

N1102.4.1.2 (R402.4.1.2) Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the
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building official, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

EXCEPTION:

ADDITIONS, ALTERATIONS, RENOVATIONS OR REPAIRS TO EXISTING STRUCTURES.

M1502.4.4 DRYER EXHAUST DUCT POWER VENTILATORS. DOMESTIC DRYER EXHAUST DUCT POWER VENTILATORS SHALL CONFORM TO UL 705 FOR USE IN DRYER EXHAUST DUCT SYSTEMS. THE DRYER EXHAUST DUCT POWER VENTILATOR SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

M1502.4.5 DUCT LENGTH. THE MAXIMUM ALLOWABLE EXHAUST DUCT LENGTH SHALL BE DETERMINED BY ONE OF THE METHODS SPECIFIED IN SECTIONS M1502.4.5.1 THROUGH M1502.4.5.3.

M1502.4.5.1 SPECIFIED LENGTH. THE MAXIMUM LENGTH OF THE EXHAUST DUCT SHALL BE 35 FEET (10 668 MM) FROM THE CONNECTION TO THE TRANSITION DUCT FROM THE DRYER TO THE OUTLET TERMINAL. WHERE FITTINGS ARE USED, THE MAXIMUM LENGTH OF THE EXHAUST DUCT SHALL BE REDUCED IN ACCORDANCE WITH TABLE

M1502.4.5.1. THE MAXIMUM LENGTH OF THE EXHAUST DUCT DOES NOT INCLUDE THE TRANSITION DUCT.

TABLE M1502.4.5.1 DRYER EXHAUST DUCT FITTING EQUIVALENT LENGTH

DRYER EXHAUST DUCT FITTING TYPE	EQUIVALENT LENGTH
4 inch radius mitered 45 degree elbow	2 feet 6 inches
4 inch radius mitered 90 degree elbow	5 feet
6 inch radius smooth 45 degree elbow	1 foot
6 inch radius smooth 90 degree elbow	1 foot 9 inches
8 inch radius smooth 45 degree elbow	1 foot
8 inch radius smooth 90 degree elbow	1 foot 7 inches
10 inch radius smooth 45 degree elbow	9 inches
10 inch radius smooth 90 degree elbow	1 foot 6 inches

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 degree = 0.0175 rad.

M1502.4.5.2 Manufacturer's instructions. The size and maximum length of the exhaust duct shall be determined by the dryer manufacturer's installation instructions. The code official shall be provided with a copy of the installation instructions for the make and model of the dryer at the concealment inspection. In the absence of fitting equivalent length calculations from the clothes dryer manufacturer, Table 1502.4.5.1 shall be used.

M1502.4.5.3 Dryer exhaust duct power ventilator. The maximum length of the exhaust duct shall be determined in accordance with the manufacturer's instructions for the dryer exhaust power ventilator.

M1502.4.6 Length Identification. Where the exhaust duct equivalent length exceeds 35 feet (10 668 mm), the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet (1829 mm) of the exhaust duct connection.

2012 International Mechanical Code

SECTION 109 MEANS OF APPEAL

[A] 109.1 Application for appeal. General. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW. ~~A person shall have the right to appeal a decision of the code official to the board of appeals. 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 application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

[A] 109.1.1 Limitation of authority. ~~The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.~~

[A] 109.2 Membership of board. ~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years; and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.~~

[A] 109.2.1 Qualifications. ~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.~~

~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.~~

~~2. Registered design professional with structural engineering or architectural experience.~~

~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~

~~4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~

~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.~~

[A] 109.2.2 Alternate members. ~~The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals~~

during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

[A] 109.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 109.2.4 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 109.2.5 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 109.2.6 Compensation of members. Compensation of members shall be determined by law.

[A] 109.3 Notice of meeting. The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

[A] 109.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

[A] 109.4.1 Procedure.

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 109.5 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 109.6 Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of three members.

[A] 109.6.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

[A] 109.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

TABLE 403.1.1.1 MINIMUM VENTILATION RATES

OCCUPANCY CLASSIFICATION	OCCUPANT DENSITY #/1000 FT ² ^a	PEOPLE OUTDOOR AIRFLOW RATE IN BREATHING ZONE, <i>R_p</i> CFM/PERSON	AREA OUTDOOR AIRFLOW RATE IN BREATHING ZONE, <i>R_a</i> CFM/FT ² ^a	EXHAUST AIRFLOW RATE CFM/FT ² ^a
Specialty shops				
Automotive motor-fuel dispensing stations ^b	—	—	—	1.5
Barber	25	7.5	0.06	0.5
Beauty salons ^b	25	20	0.12	0.6
Nail salons ^{b, h}	25	20	0.12	0.6
Embalming room ^b	—	—	—	2.0
Pet shops (animal areas) ^b	10	7.5	0.18	0.9
Supermarkets	8	7.5	0.06	—

502.20 MANICURE AND PEDICURE STATIONS. MANICURE AND PEDICURE STATIONS SHALL BE PROVIDED WITH AN EXHAUST SYSTEM IN ACCORDANCE WITH TABLE 403.3.1.1 NAIL SALONS. MANICURE TABLES AND PEDICURE STATIONS NOT PROVIDED WITH FACTORY-INSTALLED EXHAUST INLETS SHALL BE PROVIDED WITH EXHAUST INLETS LOCATED NOT MORE THAN 12 INCHES (305 MM) HORIZONTALLY AND VERTICALLY FROM THE POINT OF CHEMICAL APPLICATION. FOR NAIL SALONS, EACH MANICURE AND PEDICURE STATION SHALL BE PROVIDED WITH A SOURCE CAPTURE SYSTEM OF CAPABLE OF EXHAUSTING NOT LESS THAN 50 CFM PER STATION. WHERE ONE OR MORE REQUIRED SOURCE CAPTURE SYSTEMS OPERATE CONTINUOUSLY DURING OCCUPANCY, THE EXHAUST RATE FROM SUCH SYSTEMS SHALL BE PERMITTED TO BE APPLIED TO THE EXHAUST FLOW RATE REQUIRED BY TABLE 403.1.1.1 FOR THE NAIL SALON.

2012 International Plumbing Code

SECTION 109 MEANS OF APPEAL

~~[A] 109.1 Application for appeal.~~ **GENERAL.** APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW.—Any person shall have the right to appeal a decision of the code official to the board of appeals. 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 application shall be filed on a form obtained from the code official within 20 days after the notice was served.~~

[A] 109.2 Membership of board. ~~The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

[A] 109.2.1 Qualifications. ~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:~~

~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~2. Registered design professional with structural engineering or architectural experience.~~

~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

[A] 109.2.2 Alternate members. ~~The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.~~

[A] 109.2.3 Chairman. ~~The board shall annually select one of its members to serve as chairman.~~

[A] 109.2.4 Disqualification of member. ~~A member shall not hear an appeal in which that member has any personal, professional or financial interest.~~

~~[A] 109.2.5 Secretary.~~ The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 109.2.6 Compensation of members.~~
Compensation of members shall be determined by law.

~~[A] 109.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.

~~[A] 109.4 Open hearing.~~ All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~[A] 109.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 109.5 Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 109.6 Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.

~~[A] 109.6.1 Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~[A] 109.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

2012 International Fuel Gas Code

SECTION 109 (IFGC) MEANS OF APPEAL

[A] 109.1 Application for appeal. GENERAL. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF

CONSTRUCTION REVIEW.—A person shall have the right to appeal a decision of the code official to the board of appeals. 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 application shall be filed on a form obtained from the code official within 20 days after the notice was served.

[A] 109.2 Membership of board. The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

[A] 109.2.1 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

[A] 109.2.2 Alternate members. The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

[A] 109.2.3 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 109.2.4 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~[A] 109.2.5 Secretary.~~ The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

~~[A] 109.2.6 Compensation of members.~~ Compensation of members shall be determined by law.

~~[A] 109.3 Notice of meeting.~~ The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

~~[A] 109.4 Open hearing.~~ All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~[A] 109.4.1 Procedure.~~ The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

~~[A] 109.5 Postponed hearing.~~ When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

~~[A] 109.6 Board decision.~~ The board shall modify or reverse the decision of the code official by a concurring vote of three members.

~~[A] 109.6.1 Resolution.~~ The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

~~[A] 109.6.2 Administration.~~ The code official shall take immediate action in accordance with the decision of the board.

~~[A] 109.7 Court review.~~ Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

2012 International Energy Conservation Code

SECTION C109 BOARD OF APPEALS

C109.1 General. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW. ~~In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

C109.2 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.~~

C109.3 Qualifications. ~~The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.~~

C408.3.1 Functional testing. Testing shall ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's installation instructions. The construction documents shall state the party who will conduct the required functional testing. Where required by the code official, an approved THIRD party independent from the design or construction of the project shall be responsible for the functional testing and shall provide documentation to the code official certifying that the installed lighting controls meet the provisions of Section C405.

Where occupant sensors, time switches, programmable schedule controls, photo sensors or daylighting controls are installed, the following procedures shall be performed:

1. Confirm that the placement, sensitivity and time-out adjustments for occupant sensors yield acceptable performance.
2. Confirm that the time switches and programmable schedule controls are programmed to turn the lights off.

3. Confirm that the placement and sensitivity adjustments for photo sensor controls reduce electric light based on the amount of usable daylight in the space as specified.

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

EXCEPTION:

ADDITIONS, ALTERATIONS, RENOVATIONS OR REPAIRS TO EXISTING STRUCTURES.

2012 International Existing Building Code

SECTION 112 BOARD OF APPEALS

[A] 112.1 General. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW.—~~In order to hear and decide appeals of orders, decisions, or determinations made by the code 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 governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~

[A] 112.2 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.~~

[A] 112.3 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.~~

2012 International Fire Code

The International Fire Code, 2012 Edition is hereby amended as follows:

The following Appendices of the International Fire Code, 2012 Edition, are hereby adopted in their entirety.

The most recent Editions of the National Fire Codes and Standards published by the National Fire Protection Association (NFPA) as referenced in Chapter 80 of the International Fire Code 2012 edition and the most recent addition of the NFPA 101 Life Safety Code, together with all errata to those codes as adopted by NFPA from time to time.

Appendix B - Fire-Flow Requirements for Buildings
Appendix C - Fire Hydrant Location and Distribution
Appendix D - Fire Apparatus Access Roads
Appendix E - Hazard Categories
Appendix F - Hazard Ranking
Appendix G - Cryogenic Fluids, Weight and Volume Equivalents
Appendix H - Hazardous Materials Management Plan (HMMP) and
Hazardous Materials Inventory Statement (HMIS) Instructions
Appendix I - Fire Protection Systems-Noncompliant Conditions
~~Appendix J - Building Information Sign~~

[A] 101.1 Title. These regulations shall be known as the Fire Code of City of Surprise, hereinafter referred to as "this code".

[A] 104.10 Fire investigations. The *Fire Code Official* shall investigate or cause to be investigated the cause, origin and circumstance of each and every fire occurring in the jurisdiction involving loss of life or injury to a person or destruction or damage to property, and if it appears to the Fire Investigator that such fire is of suspicious origin, the Fire Investigator shall notify the ~~appropriate law enforcement agency~~ CITY OF SURPRISE POLICE and shall secure the site until the ~~law enforcement agency~~ POLICE DEPARTMENT takes control of the site. Then, the ~~Fire~~ POLICE Investigator shall continue to pursue the investigation to its conclusion. Information that could be related to trade secrets or processes shall not be made part of the public record unless directed by a court of law.

[A] 105.4.2 Information on construction documents. Construction documents shall be drawn and submitted in accordance with the Arizona State Board of Technical Registration. Re-submittals, modifications or revisions shall include; revision date, identified by a Cloud Area and Delta; and shall include a response letter addressing each item. Electronic media documents are allowed to be submitted when approved by the ~~Fire Marshal~~ FIRE CODE OFFICIAL. 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 as determined by the Fire Marshal A

~~[A] 105.6.47 Trade shows and exhibits in buildings or structures. An operational permit is required to operate a trade show or exhibit in a building or structure.~~

106.5 SELF-INSPECTION. THE FIRE CODE OFFICIAL IS AUTHORIZED TO ESTABLISH A SELF-INSPECTION PROGRAM AS DEEMED NECESSARY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS CODE.

106.5.1 AUTHORIZATION TO PERFORM SELF-INSPECTION. THE FIRE CODE OFFICIAL SHALL MAKE A DETERMINATION OF BUILDINGS OR BUSINESS OWNERS THAT MAY PERFORM SELF-INSPECTIONS. THESE OWNERS SHALL BE INVITED TO PARTICIPATE IN THE SELF-INSPECTION PROCESS.

106.5.2 CONDUCTING SELF-INSPECTIONS. UPON APPROVAL BY THE FIRE CODE OFFICIAL, THE BUILDING OR BUSINESS OWNER AND THEIR AUTHORIZED REPRESENTATIVE SHALL PERFORM AND DOCUMENT IN THE APPROVED FORMAT THE SELF-INSPECTION. THE RESULTS OF THE SELF-INSPECTION SHALL BE ELECTRONICALLY SUBMITTED TO THE CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT, FIRE PREVENTION WITHIN FIFTEEN DAYS OF THE COMPLETED INSPECTION DATE.

108.1 BOARD OF APPEALS ESTABLISHED. APPEALS SHALL BE IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE, SECTION 2-303, BOARD OF CONSTRUCTION REVIEW. ~~In order to hear and decide appeals of orders, decisions or determinations made by the fire code 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 governing body and shall hold office at its pleasure. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~

SECTION 202 DEFINITIONS

AUTHORITY HAVING JURISDICTION. ~~The City of Surprise Fire Marshal or his designated representative.~~ **THE CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT FIRE CHIEF OR DESIGNEE.**

~~**CHIEF OF THE DIVISION OF FIRE PREVENTION.** The Fire Marshal.~~

~~**COLLAPSE ZONE.** THE AREA AROUND THE PERIMETER OF A STRUCTURE THAT COULD CONTAIN DEBRIS IF THE BUILDING COLLAPSED. ESTABLISHING THE PERIMETER DISTANCE FROM THE BUILDING IS EQUAL TO 1.5 TIMES THE HEIGHT OF THE STRUCTURE.~~

~~**CORPORATION LEGAL COUNSEL.** The City Attorney.~~

~~**CUSTODIAL CARE.** Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care include occupants who evacuate at a slower rate and/or who have mental or psychiatric complications.~~

~~**DIVISION OF FIRE PREVENTION.** The Fire Marshal's Office.~~

~~**DRIVE LENGTH.** The distance from the driveway entrance to the structure measured in feet.~~

~~**FIRE CODE OFFICIAL.** The fire marshal, who is the designated authority charged with the administration and enforcement of the code, or a duly authorized representative.~~

~~**GRADE.** The degree of inclination of a slope, road or other surface (see slope).~~

~~**HORIZONTAL (YARD) STANDPIPE.** Approved water supply piping that extends the source of potable water to remote locations around the exterior of a structure.~~

~~**HOSE LAY.** The maximum length of a hand held hose line (fire hose) extended from fire apparatus 200 feet (60 900 mm) around the perimeter of a structure. If the hose lay is more than 200 feet (60 900 mm) from the road to all portions of the exterior, an Operational Platform is required.~~

~~**MODIFIED (Mod) NFPA 13D SPRINKLER SYSTEM.** In addition to NFPA 13D, sprinkler heads shall be installed in BATHROOMS, CLOSET AREAS CONTAINING ANY ELECTRICAL OR MECHANICAL EQUIPMENT, ACCESSIBLE AREAS UNDER INTERIOR STAIRS OR LANDINGS, FOYERS, enclosed patios and porches, hidden spaces, attics, spaces under egress stairways, and in ATTACHED garages. A one-inch (25 mm) domestic water SUPPLY LINE AND meter is required.~~

~~**MODIFIED (Mod) NFPA 13R FIRE SPRINKLER SYSTEM.** In addition to NFPA 13R, sprinkler heads shall be installed BATHROOMS, CLOSET AREAS CONTAINING ANY ELECTRICAL OR MECHANICAL EQUIPMENT, AREAS UNDER INTERIOR STAIRS OR LANDINGS, FOYERS in enclosed patios and porches, hidden spaces, attics, spaces under egress stairways, and in garages. A one-inch (25 mm) domestic water SUPPLY LINE AND meter is required.~~

OCCUPANCY CLASSIFICATION. For the purpose of this code, occupancies are defined and amended as follows:

RESIDENTIAL GROUP R-4. This occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. 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 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, except as otherwise provided for in this code and the 2012 International Building Code Section 425 (amended).

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 facilities housing more than 10 persons shall be classified as Group I-1

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

EXCEPTIONS:

1. FAMILY FOSTER HOMES AND FOSTER GROUP HOMES LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY.
2. GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND BEHAVIORAL HEALTH GROUP HOMES, WHICH SERVES SIX OR LESS RESIDENTS AND IS LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES.

PAVED SURFACE. A surface of concrete, asphalt, pavers, or other material designed to support fire apparatus in excess of 75,000 pounds GVW under any weather condition.

PERMANENT ALL WEATHER SURFACE (PAWS). A road surface made up of approved materials compacted to 90% with side containment, and capable of supporting fire apparatus vehicles in excess of 75,000 pound gross vehicle weight (GVW) under any weather condition. The permanent all weather surface shall be maintained by the property owner for intended use by the fire department.

SKY LANTERN. A DEVICE DESIGNED TO CARRY AN OPEN FLAME AS AN AIRBORNE LIGHT. ALSO KNOWN AS BUT NOT LIMITED TO KONGMING LANTERN, WHISK LANTERN, SKY CANDLE, FIRE BALLOON.

SLOPE. The ground, road or other surface that forms a natural or artificial incline. The percentage of slope is determined by dividing the rise by the horizontal run multiplied by 100 [% slope = (Rise/Run) X 100].

STREET VALVE. An ON/OFF valve located in the street used to control the flow of water to a fire hydrant.

UNLAWFUL. A violation of this code, which may be punished by a civil penalty or a criminal penalty, however no person may be punished for the same offense by both a civil and criminal penalty.

308.5 Sky Lanterns. The lighting of and/or release of Sky Lanterns is prohibited.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within ~~200 feet (60 960 mm)~~ 150 FEET (45 720MM) of all portions of the facility or all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility, and within ~~200 feet (60 960 mm)~~ 150 FEET (45 720MM) of the center of the furthest room on the second floor or level from the access road for buildings with two or more floors. Travel shall be measured along normal pedestrian routes. One flight of stairs shall count as 30 feet (9144 mm).

Exceptions: The Fire Marshal *FIRE CODE OFFICIAL* is authorized to increase the dimension of ~~200 feet (60 960 mm)~~ 150 FEET (45 720MM) where:

~~2.~~ 1. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

3. ~~2.~~ There are not more than two Group R-3 or Group U occupancies.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), 26 FEET (7925 MM), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 15 FEET (4572 MM).

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of ~~200 feet (60 960 mm)~~ 150 FEET (45 720 MM) in length shall be provided with an approved area for turning around fire apparatus. Dead-end fire apparatus access roads located between buildings shall have a 10-foot (3048 mm) setback from the edge of the access road to the structures on each side of the road.

503.3 Marking. Where required by the by the *Fire Code Official*, approved signs THAT INCLUDE THE WORDS NO PARKING-FIRE LANE with red curb markings and other approved notices shall be provided for fire apparatus access roads to identify such roads and prohibit the obstruction thereof. Signs, notices and red curb markings shall be maintained in a clean and legible condition at all times, and be replaced, repaired or repainted when necessary to provide adequate visibility. ~~Surprise Fire Department Emergency Access Detail book.~~

~~**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. For the purposes of this section, parking is defined as stopped vehicles with no driver occupying the driver's position. Other occupants of the vehicle do not count as the driver. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. The person in possession of the premises shall be responsible to ensure that fire apparatus access roadways are unobstructed at all times.~~

~~**503.6 Security gates.** Plans to install security gates across fire apparatus access roads shall include Tomar preemption equipment and be submitted to the fire department for review. When security gates are approved all means of emergency operation shall be provided and maintained. All gates shall be consistent with the requirements in the Surprise Fire Department Emergency Access Book.~~

~~Gates installed across fire apparatus access roads at gated communities and where required, shall be electronic with battery backup, and shall be provided with approved Tomar preemption equipment, controls, electronic Knox key switch and manual release mechanism.~~

~~Existing gates at entry points into gated communities and where required, shall be upgraded to include electronic preemption equipment, as required, within one year of the effective date of this code.~~

THE INSTALLATION OF SECURITY GATES ACROSS A FIRE APPARATUS ACCESS ROAD INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF

ASTM F 2200. THE ELECTRIC GATE SHALL HAVE BATTERY BACKUP, AND SHALL BE PROVIDED WITH ELECTRONIC PREEMPTION EQUIPMENT, CONTROLS, ELECTRONIC KNOX KEY SWITCH AND APPROVED MANUAL RELEASE MECHANISM. THE SECURITY GATES AND THE EMERGENCY OPERATION SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325.

EXCEPTION: MANUAL SECURITY GATES MAY BE USED ACROSS FIRE APPARATUS ACCESS ROADS WITH PRIOR APPROVAL OF THE FIRE CHIEF.

503.6.1 Clear width. Clear width of the roadway shall be minimum of ~~20 feet (6096 mm)~~ 26 FEET (7925 MM) AND clear width at all entrances SHALL BE MINIMUM OF 20 FEET (6096 MM). Exit roadways shall be a minimum of ~~16 feet (4878 mm)~~ 20 FEET (6096) clear width, unless otherwise required by the Fire Marshal FIRE CODE OFFICIAL.

503.6.2 Divided entrance. Sub-divisions may have a combination divided entrance and exit. The Entrance Gate shall have a clear width of 20 feet (6096 mm) and the Exit Gate shall have ~~16 feet (4878 mm)~~ 20 FEET (6096 MM) clear width. Gates shall be designed to fit the opening.

503.6.3 Gates. Gates shall be designed and installed so that the turning radius (SU-40) of the roadway shall not interfere or obstructed the operation of the gate. Minimum set back from the public streets shall be a distance determined by the City Engineering Department and allow the emergency vehicle the ability to safely operate the lock box or panel. Turning radius from the right-of-way onto a public or private access roadway, shall be designed utilizing the SU-40 standard.

503.6.4 Location of access controls. The control pedestal shall be located on the approach (ingress) side of the gate and be located and designed for easy activation by the operator without leaving the vehicle. The maximum height of the control box shall be ~~66 inches~~ 5 FEET 6 INCHES (1676 MM) measured from the finished grade.

~~**503.6.5 Traffic preemption device.** Approved traffic preemption devices (TOMAR) shall be installed on all gates providing security access at gated communities and where required by the Fire Marshal Fire Code Official.~~

503.6.65 Gate timing. Gates must fully open within 15 seconds of activation and remain open until closed by operation of the control device.

503.6.6 Control pedestal. The control pedestal must be identified by a metal sign 6 inches X 10 inches (15 cm X 25 cm) with red background-white letters. The sign must be securely fastened to the pedestal and legible from the

approaching vehicle. Fire apparatus access gates shall fail-safe to the open position in the event of a power failure.

503.6.78 Secondary access. In addition to primary gates, secondary fire apparatus access gates, when required, shall be installed for additional Fire-MEDICAL Department emergency access. Exit Only Gates ~~that are not automated shall be installed per the Surprise Fire Department Emergency Access Detail Book.~~ Exit Only Gates shall have a minimum clearance of 20 feet (6096 mm) clear width and be posted with a sign that states "Caution Gate Opens Out" and the pavement shall be painted with a 5 inch (13 cm) wide yellow strip showing the depth of the gate swing.

503.6.9 Preemption device operation. Operation of the gate shall be by electronic preemption equipment installed on fire apparatus and/or by electronic Knox key switch.

503.6.8 EXISTING SECURITY GATES. EXISTING GATES AT ENTRY POINTS INTO GATED COMMUNITIES SHALL BE ELECTRIC WITH BATTERY BACKUP, AND SHALL BE PROVIDED WITH ELECTRONIC PREEMPTION EQUIPMENT, CONTROLS, ELECTRONIC KNOX KEY SWITCH AND MANUAL RELEASE MECHANISM APPROVED BY THE FIRE CHIEF.

503.7 Graphic directories. Approved graphic directories shall be provided at all driveway entrances for all multiple dwelling complexes, mobile home parks, or when required by the Fire Marshal. Directories shall be illuminated internally and consistent with the City of Surprise sign design standards, and be approved by the Fire Marshal. Existing facilities shall provide internally illuminated graphic directories within one year of the effective date of this code.

505.1 Address identification. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS AS DEFINED BY THE CITY OF SURPRISE CODE OF ORDINANCES. ~~New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position so that the number is plainly legible and visible from the street or road fronting the property. Commercial and Residential address numbers shall be located on the building at a point closest to the street as approved by the Fire Marshal~~

~~Commercial Building address numbers shall be black or contrasting in color. Tenant space numbers or letters shall be black or contrasting color, 4 inches in height, 1 inch in width, and shall be displayed on or above the front door and on or above the rear door so that identification is plainly legible and visible from the street or road fronting the property. See Table 1 for size of commercial address numbers based on distance from the roadway fronting the property.~~

Table 1 Commercial Address

Table 1

0 to 50 feet (15 240 mm). Numbers shall be a minimum 9 inches (230 mm) in height, 2-inches (50.8 mm) in width.
51 (15 545 mm) to 100 feet (30 480 mm). Numbers shall be a minimum 12 inches (305 mm) in height, 3 inches (76.2 mm) in width.
101 feet (30 785mm) or more. Numbers shall be a minimum 15 inches (375 mm) in height, 4-inches (101.6 mm) in width.

The location of address numbers for a Single-Family dwelling shall be located so that the address is plainly legible and visible from the street or road fronting the property, contrasting in color, and numbers shall be a minimum 4 inches (101.6 mm) in height, ½ inch (12.7 mm) in width, and shall be displayed on the front of the dwelling on “front-loaded properties” and on the rear of “rear-loaded” properties.

Residential (Multi-Family Units). Apartment address numbers shall be color contrasting and located on the building at the closest point to the roadway so that the number is plainly legible and visible from the street or road fronting the property. See Table 2 for residential application.

Table 2 Residential Multi-family Unit Addressing

Table 2

0 to 50 feet (15 240 mm), numbers shall be a minimum 4 inches (101.6 mm) in height.
50 feet (15 240 mm) or more, numbers shall be 6 inches (152.5 mm) in height.

Apartment Building & Door Numbers. Apartment building numbers are to be contrasting in color, a minimum seven inches (177.5 mm) in height with a one inch (25.4 mm) brush stroke. Numbers on apartment doors shall be a minimum of four inches (101.6 mm) in height with a five-eighths (5/8) inch (16 mm) brush stroke and contrasting in color. Numbers shall not be repeated. See Table 2.1 for example.

Table 2.1

301—310	3 rd Floor
201—210	2 nd Floor
101—110	1 st Floor

506.1.3 Location. A minimum of one recessed Knox Box is required for each occupancy at the time of construction or when required by the ~~Fire Marshal~~ FIRE CODE OFFICIAL. Additional Knox Boxes may be required due to the unique design, location, and accessibility, water supply, square-footage, and type of business process.

A key for each tenant space entrance is required at the time of construction but prior to certificate of occupancy. The key provided shall open all exterior and interior doors of the structure, including the fire sprinkler and alarm room and alarm panel. All keys shall be labeled for recognition and placed inside the Knox box.

The Knox box shall be located on the left side of the main entrance, THE top of the box SHALL BE 60 inches above finished grade, or located as approved by the ~~Fire Marshal~~ FIRE CODE OFFICIAL.

Exception: If the complex is served by one master key, one key will be sufficient.

506.1.4 Knox box. The Knox Box devices utilized by the ~~Fire-MEDICAL~~ Department shall be the Knox Box, Knox Padlock, or Knox Key Switch. Approved devices authorized by the CITY OF SURPRISE ~~Fire-MEDICAL~~ Department are shown on the official Knox Box forms.

506.2 Key box maintenance. The owner, operator, or property manager of the building shall immediately notify the CITY OF SURPRISE ~~Fire-MEDICAL~~ Department, FIRE PREVENTION when a lock set and/or key is changed or modified. The new key shall be provided and secured inside the key box by the FIRE CODE OFFICIAL.

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Where property is subdivided with or without the creation of public or private streets for the express purpose of providing said subdivided parcels for sale or otherwise permitting separate and/or individual development to occur, an approved water supply capable of supplying the projected fire flow for fire protection shall be provided and extended to serve directly any and all subdivided properties.

The projected fire flow will be based on the greatest potential demand posed by any type of occupancy allowed by zoning laws on the proposed property. Required water supply shall not be interrupted, for any reason, without prior approval of the Fire Marshal FIRE CODE OFFICIAL.

507.4.1 Flow Test Documentation. It is the responsibility of Developer/Builder to submit fire flow test data to the CITY OF SURPRISE Fire-MEDICAL Department. Detailed test result data shall be provided to the fire department in an electronic format, acceptable by the Fire Marshal FIRE CODE OFFICIAL.

Use the following tables and references:

1. Use Table B105.1 2012 IFC for Fire Flow and Duration for buildings.
2. Use Table C105.1 2012 IFC for Number and Distribution of Fire Hydrants.
3. Use IFC Section B105.2 Buildings other than one- and two family dwellings.

507.4.2 Certificate of occupancy. Certificate of Occupancy for any structure shall not be issued prior to final approval of the water supply system by the Fire Marshal FIRE CODE OFFICIAL.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *Fire Code Official*.

Exceptions:

1. ~~For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).~~
2. ~~For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).~~

507.5.2 Inspection, testing and maintenance. ~~Fire hydrant systems shall be subject to periodic tests as required by the Fire Code Official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be promptly repaired or replaced where defective.~~

~~All additions, repairs, or alterations of a water supply and fire hydrant systems shall comply with nationally recognized standards and be approved by the Fire Marshal and any other applicable city departments.~~

FIRE HYDRANT SYSTEMS SHALL BE SUBJECT TO PERIODIC TESTS AS REQUIRED BY THE FIRE CODE OFFICIAL. FIRE HYDRANT SYSTEMS SHALL BE MAINTAINED IN AN OPERATIVE CONDITION AT ALL TIMES AND SHALL BE

REPAIRED WHERE DEFECTIVE. ADDITIONS, REPAIRS, ALTERATIONS AND SERVICING SHALL COMPLY WITH APPROVED STANDARDS.

507.5.2.1 Required installations. Fire hydrants installed as a result of a permit or work-order shall be spaced so that short hose lines can be utilized and so there is a sufficient number of fire hydrants within a reasonable distance to obtain the required fire flow as determined by Appendix B, IFC 2012 Edition.

In other than single-family residential areas, hydrants shall be spaced so that they are not more than 500 feet (152 400 mm) apart. For one- and two-family dwellings, hydrants shall be spaced so that they are not more than 500 feet (152 400 mm) apart and not more than 400 feet (121 920 mm) hose lay from the center of any structure. Hydrant spacing and hose lay requirements may be modified by the ~~Fire Marshal~~ FIRE CODE OFFICIAL.

507.5.2.2 Private and Municipal Fire Hydrants. All fire hydrants shall be flushed and serviced and maintained annually in accordance with NFPA25 AND the American Water Works Association- Manual of Water Supply Practices, Installation Field Testing and Maintenance of Fire hydrants. With assistance from the water company, the ~~Fire Marshal~~ FIRE CODE OFFICIAL shall determine the number of fire hydrants to be tested in accordance with test procedures outlined in the American Water Works Association Manual of Water Supply Practices, Distribution System Requirements for Fire Protection, AWWA M31. Results of the testing shall be provided to the fire department in an electronic format acceptable to the ~~Fire Marshal~~ FIRE CODE OFFICIAL.

507.5.2.3 Fire Hydrants. All fire hydrants designed and installed shall be in accordance with AWWA recognized standards and shall be capable of delivering the required fire flow, and shall be equipped with two 2½ inch (6.35 cm) outlets and one 4½ inch (11.43 cm) outlet. All outlets shall have National Standard Threads (NST).

507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25; at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and service annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every five (5) years.
3. Fire service main piping strainers: Inspection and maintenance after each use.
4. Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to City Council action on the final subdivision plat, or in the case of an individual building or

structure, for review and approval prior to issuance of the building permit.

~~Water service providers, whether municipal or private, shall submit a map identifying the location of fire hydrants within the service area of the water provider. The map required under this subsection shall be submitted on or before December 31, of each year, and shall be updated by the water service provider as new fire hydrants are installed. On May 31, of each subsequent year, a map identifying the location of the fire hydrants within the service area of the water provider shall be submitted to the Fire Marshal. In the event a water service provider fails to submit the map required under subsection 5 of this section, the Fire Marshal is authorized to prepare a map of the fire hydrant locations within the service area of water service provider, and charge the cost of preparation of the map to the water service provider, together with an administrative fee equal to 15 percent of the cost of preparation of the map.~~

~~A water service provider, whether municipal or private, having a portion of its service area in which no distribution or service lines are located, shall identify such areas on the map required by this subsection. Such areas shall be exempt from the requirements of Sections 508.1 through 508.4 and Appendix B and C until distribution or service lines are installed by the water service provider.~~

~~On or before December 31, of each year, a water service provider, whether municipal or private shall have prepared and filed with the fire department, a plan that: Indicates sufficient hydrants on all streets within its water service area containing water utility distribution or service lines to comply with the requirements of International Fire Code, Appendix C Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 or, a five year Capital Improvement Plan indicating plans for the construction of sufficient hydrants on all streets within its water service area containing water utility distribution or service lines to comply with the requirements of 2012 International Fire Code, Appendix C Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 within five (5) years from the date of submission of the plan.~~

~~On or before January 10, of each year following submission of the plan, the Fire Marshal shall file with the City Clerk, the Director of Community and Economic Development and Division Managers of Water Services, Engineering, and applicable water provider, a written notice indicating each water service provider who is not in compliance with the requirements of subsection 5 of this code. Upon filing of the written notice with the City Clerk, no building permit shall be issued within the service area of a water service provider who is not in compliance with the requirements of subsection 5 of this code.~~

~~A water service provider that believes a notice has been improperly issued under this section, may appeal the issuance of the notice to the City Manager, by filing a written notice of appeal to the City Manager within ten (10) days after filing of the Notice with the City Clerk. The City Manager or his/her designee shall hold a~~

~~hearing on the appeal within thirty (30) days after filing of the appeal.~~

507.5.7 MARKING HYDRANTS. PUBLIC AND PRIVATE FIRE HYDRANTS SHALL BE CLASSIFIED IN ACCORDANCE TO THE WATER PRESSURE IN EACH HYDRANT SO THE FIRE DEPARTMENT CAN IMMEDIATELY IMPLEMENT THE CORRECT PUMPING OPERATION AND COMPENSATE FOR VERY LOW PRESSURE OR EXTREMELY HIGH PRESSURE SITUATION AT THE SUPPLY HYDRANT.

507.5.7.1 CLASSIFICATION CODE OF HYDRANTS. HYDRANTS TOPS AND CAPS SHALL BE PAINTED WITH THE FOLLOWING PRESSURE-INDICATING COLOR SCHEME TABLE.

Green	Over 120 p.s.i	Extremely high pressure (caution)
Orange	50-120 p.s.i.	Normal pressure range
Red	Below 50 p.s.i.	Must be pumped

507.5.7.2 COLOR LEGEND. THE FOLLOWING COLORS WILL BE USED FOR HYDRANT TOPS AND NOZZLE CAPS.

- GREEN – OSHA SAFETY GREEN
- ORANGE – OSHA SAFETY ORANGE
- RED – OSHA SAFETY RED

510.1.1 REQUIRED INSTALLATION. BUILDINGS GREATER THAN 10,000 SQUARE FEET (929 0304 SQ. M) OR WHERE IT IS DETERMINED BY THE *FIRE CODE OFFICIAL* THAT A RADIO COVERAGE SYSTEM IS REQUIRED.

EXCEPTION: WHEN A CERTIFICATION OF COVERAGE IS PROVIDED BASED ON TESTING PERFORMED BY A RF ENGINEER APPROVED BY THE *FIRE CODE OFFICIAL*.

510.1.2 PLANNING. THE FOLLOWING INFORMATION SHALL BE PROVIDED TO THE *FIRE CODE OFFICIAL* AT SECOND SUBMITTAL OF CONSTRUCTION DOCUMENTS.

510.1.2.1 CONSTRUCTION DRAWINGS. SHOWING LOCATION OF THE AMPLIFICATION EQUIPMENT AND ASSOCIATED ANTENNA SYSTEMS AND VIEWS OF ACCESS TO THE EQUIPMENT.

510.1.2.2 SCHEMATIC DRAWINGS. SHOWING THE ELECTRICAL, BACKUP POWER, ANTENNA SYSTEM AND ANY ASSOCIATED EQUIPMENT RELATIVE TO THE AMPLIFICATION EQUIPMENT INCLUDING PANEL LOCATION AND LABELING.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders AS REQUIRED BY THE FIRE CODE OFFICIAL OR as required in Chapter 11.

510.5.3.1 TEST CERTIFICATION. TEST RESULTS AND PROOF OF COMPLIANCE SHALL BE PROVIDED TO THE FIRE CODE OFFICIAL PRIOR TO RECEIVING FIRE CERTIFICATION OF OCCUPANCY.

510.5.3.2 TEST FREQUENCY. TESTS SHALL USE FREQUENCIES CLOSE TO THE FREQUENCIES USED BY THE CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT. IF TESTING IS PERFORMED ON TACTICAL FREQUENCIES, THEN TESTING MUST BE COORDINATED WITH AND APPROVED BY THE FIRE CHIEF OR HIS DESIGNEE.

605.1.1 Electrical service shut off access. Where electrical service shut off controls are located inside a building, a door providing direct access from the exterior to the room containing such electrical shut off controls shall be provided, when required by the Fire Marshal FIRE CODE OFFICIAL.

609.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* AND NFPA96 STANDARD FOR VENTILATION CONTROL AND FIRE PROTECTION OF COMMERCIAL COOKING OPERATIONS.

~~901.2.1.3~~ 901.2.2 Plan submittals. Plan submittals shall be in accordance with the standard plan review format and shop drawings shall accompany construction documents at the time of second ~~initial~~ submittal, unless otherwise required.

901.2.3 SITE PLAN. PLANS SHALL SHOW THE LOCATION OF FIRE APPARATUS ACCESS ROADS, TEMPORARY SIGNAGE, AND WATER SUPPLY FOR FIRE PROTECTION AS DOCUMENTED IN APPENDIX D OF THIS CODE. THESE PLANS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL WITH THE INITIAL SUBMITTAL OF THE BUILDING PERMIT APPLICATION.

~~901.2.1.2~~ 901.2.4 Plans for fire sprinkler systems. Complete plans and hydraulic calculations for fire sprinkler system installation shall be submitted for review and approval prior to installation, modification or alteration. Plans shall be drawn to an indicated scale, on sheets of uniform size and shall show, as a minimum, the data required by NFPA 13. Manufacturer's cut sheets for all equipment used shall be included with the original submittal. Water supply data for hydraulic calculations shall be based on 90 percent of the available water supply as determined by flow test information. An additional copy of these plans shall be submitted in an electronic format suitable to the Fire Marshal FIRE CODE OFFICIAL.

~~901.2.1.4~~ 901.2.5 Plan certifications for fire sprinklers. Fire sprinkler plans submitted to the fire department for review and approval shall bear a review

certification stamp and signature of an AZ ARIZONA Professional Design Registrant or Level III National Institute for the Certification of Engineering Technologies (NICET) in fire sprinkler systems.

~~901.2.1.5~~ 901.2.6 Plan certification for all other fire protection systems. Plan certification for all other fire protection systems shall be accompanied by a certification of qualification when required. Shop drawings for all other fire protection systems shall accompany construction documents at the time of second submittal. Shop drawings for tenant improvement plans (TI's) shall accompany the initial submittal.

~~901.2.1.6~~ 901.6.7 Plan certification for fire alarms and occupant notification. All fire alarm system plans submitted to the fire department for review and approval shall bear a review certification stamp and signature of an Arizona Professional Design Registrant or Level III National Institute for the Certification of Engineering Technologies (NICET) in Fire Alarm Systems. Plan certification for all fire alarm systems shall be accompanied by a certification of competence when required. Shop drawings shall accompany construction documents at the time of second submittal. Shop drawings for tenant improvement plans (TI's) shall accompany initial submittal.

~~901.2.1.7~~ 901.2.8 On site plans, specifications and permits. Fire department approved plans, specifications and permits shall be retained on the job site, and made available to the fire inspector on each inspection.

~~901.4.1.1~~ 901.4.7 Fire Equipment Room. The fire sprinkler riser assembly and the fire alarm control panel shall be installed inside the building with a door providing access into the fire equipment room. The fire equipment room shall be used for fire protection equipment and controls only. ~~The fire sprinkler riser shall be equipped with a listed double backflow prevention device sized to match piping.~~ The minimum size of the equipment room shall allow adequate firefighter access and mobility, and be measured not less than 36 inch radius around the riser and not less than 18 inches measured from the back or side of the riser nearest the wall.

~~901.4.1.2~~ 901.4.8 Electric horn and strobe. A water-proof electric horn and strobe shall be installed on the exterior wall adjacent to the fire riser in lieu of the electric bell and/or water gong.

901.4.2 Inspectors' test valve. The Inspectors' Test Valve shall be located at the end of the most distant sprinkler pipe on each story and shall be equipped with a readily accessible brass shutoff valve and signage. ~~per the Surprise Fire Department Emergency Access Book.~~

901.6 Inspection, testing and maintenance. All fire and life safety systems including but not limited to: fire extinguishers, fire alarms, water supply and fire hydrant systems, backflow prevention devices, fire sprinklers and standpipes, chemical extinguishing systems and other types of automatic fire extinguishing systems, basement pipe inlets and other fire-protection systems and appurtenances shall be inspected, tested and maintained on an annual basis, after each use or as

often as required by the ~~Fire Marshal~~ FIRE CODE OFFICIAL to ensure operability by nationally recognized standards. Test records and tags shall be retained on site by the occupant of the building and a copy sent electronically to the CITY OF Surprise Fire-MEDICAL Department, Fire Prevention Division. The systems shall be inspected, tested and maintained by service personnel holding a valid certificate of qualification to perform service on listed fire protection and life safety systems in accordance with NFPA, Underwriters Laboratories, or Industry Manufacturers.

~~**901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and copied to the fire department electronically.~~

901.6.2 RECORDS. RECORDS OF ALL SYSTEM INSPECTIONS, TESTS AND MAINTENANCE REQUIRED BY THE REFERENCED STANDARDS SHALL BE MAINTAINED ON THE PREMISES FOR A MINIMUM OF THREE YEARS AND COPIED TO CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT ELECTRONICALLY.

901.6.2.2 SUBMISSION TIMELINE. EVERY PERSON OR CONTRACTOR PERFORMING REPAIRS, INSPECTIONS, TESTS, MAINTENANCE AND/OR OBSERVATIONS ON ANY FIRE PROTECTION SYSTEM SHALL ELECTRONICALLY FORWARD ITEMIZED RECORDS OF SUCH WORK TO THE FIRE CODE OFFICIAL WITHIN 15 DAYS OF COMPLETION.

901.6.2.3 SUBMISSION METHOD. RECORDS REQUIRED TO BE ELECTRONICALLY COPIED OR FILLED PURSUANT TO THIS SECTION SHALL BE FILED AS DIRECTED BY THE FIRE CODE OFFICIAL, WHICH DIRECTION MAY INCLUDE USING THIRD PARTY VENDOR AND VENDOR'S SOFTWARE.

~~**901.6.3 Professional Qualification.** To perform work on fire and life safety systems in the City of Surprise, all service personnel shall hold a valid "certificate of qualification" issued by NFPA, Underwriters Laboratories, or Industry Manufacturers. Fire sprinklers or alarms shall not be placed out of service for more than 8 hours in any 24 hour period, without authorization by the Fire Marshal.~~

~~**901.8.2 Use of fire hydrants during construction.** Use of fire hydrants for the purpose of site development must be approved by the Fire Marshal. The contractor shall request, in writing, approval to attach appliances to fire hydrants. Fire hydrants shall be inspected prior to water-meter attachment, and during removal by the fire department.~~

901.11 RESETTING FIRE ALARM SYSTEMS. NO PERSON SHALL RESET A FIRE OR EMERGENCY ALARM SYSTEM, ALARM INITIATING DEVICE OR COMPONENT

UNTIL THE FIRE DEPARTMENT ARRIVES.

EXCEPTION: THE PERSON RESPONSIBLE FOR THE PROPERTY MAY INVESTIGATE THE BUILDING OR AREA OF ALARM AND IF NO EVIDENCE OF FIRE OR EMERGENCY IS FOUND, THE SYSTEM MAY BE SILENCED PROVIDING THE FIRE DEPARTMENT IS NOTIFIED OF THE FINDINGS.

903.2 Where required. *Approved* automatic fire sprinkler systems shall be required in all new commercial structures and buildings for which a permit is required or issued. Installation of the sprinkler system shall be in accordance with the requirements of NFPA 13, unless otherwise approved by the ~~Fire Marshal~~ FIRE CODE OFFICIAL.

~~Existing buildings, structures and occupancies will not require retrofitting fire sprinkler systems to current code standards unless:~~

- ~~1. Occupant load is increased without increasing square footage.~~
- ~~2. Occupancy classification is changed to a higher hazard~~
- ~~3. Building fire resistance rating is decreased.~~
- ~~4. Original building foot print (square footage) is increased 50% or more~~

Exceptions:

1. Detached gazebos, ramadas, restrooms, and guardhouses AND UTILITY VAULTS.
2. Detached non-combustible covered parking not exceeding ~~15,000~~ 5,000 square feet WITH A MINIMUM OF 26 FOOT SEPARATION BETWEEN COVERED STRUCTURES.
3. Detached non-combustible canopies used exclusively for automotive, motor fuel- dispensing. Canopies where vehicles are attended, and in place on a temporary basis, for non-maintenance activities.
4. Detached non-combustible non-occupied water supply Booster Pump structures.

~~For the purposes of this section "TEMPORARY" is defined as any time period of less than 8 hours in any 24 hour time period.~~

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies. ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m2).~~

- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~
- ~~4. The fire area contains a multitheater complex.~~

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies, ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 5,000 square feet (464 m²).~~
- ~~2. The fire area has an occupant load of 100 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies, ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies, ~~where one of the following conditions exists:~~

- ~~1. The fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. The fire area has an occupant load of 300 or more.~~
- ~~3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.~~

903.2.1.5 Group A-5. An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas, ~~in excess of 1,000 square feet (93 m²).~~

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility, ~~where either of the following conditions exist at any time:~~

1. ~~Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.~~
2. ~~One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.~~

~~In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.~~

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies. ~~as follows:~~

1. ~~Throughout all Group E fire areas greater than 12,000 square feet (1115 m²) in area.~~
2. ~~Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.~~

Exception: ~~An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.~~

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy. ~~where one of the following conditions exists:~~

1. ~~A Group F-1 fire area exceeds 12,000 square feet (1115 m²).~~
2. ~~A Group F-1 fire area is located more than three stories above grade plane.~~
3. ~~The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).~~
4. ~~A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).~~

903.2.4.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) which generate finely divided combustible waste or which use finely divided combustible materials.

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 20 POUNDS (9 071 KG) ~~100 pounds (45 kg).~~

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exceptions:

- ~~1. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 facilities.~~
- ~~2. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group I-1 facilities when in compliance with all of the following:~~
 - ~~2.1. A hydraulic design information sign is located on the system riser;~~
 - ~~2.2. Exception 1 of Section 903.4 is not applied; and~~
 - ~~2.3. Systems shall be maintained in accordance with the requirements of Section 903.3.1.2.~~
- ~~3. An automatic sprinkler system is not required where day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.~~
- ~~4. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided and all floors between the level of care and the level of exit discharge, all floors below the level of exit discharge, other than areas classified as an open parking garage.~~

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy, ~~where one of the following conditions exists:~~

- ~~1. A Group M fire area exceeds 12,000 square feet (1115 m²).~~
- ~~2. A Group M fire area is located more than three stories above grade plane.~~
- ~~3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).~~

4. ~~A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m2).~~

~~**903.2.8.1 Group R-3 or R-4 congregate residences.** A MOD. NFPA 13D sprinkler system shall be installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 or R-4 congregate living facilities. If any portion of a patio has habitable space directly above the patio, the patio shall be equipped with sprinkler protection.~~

903.2.8.1 ASSISTED LIVING FACILITY. MODIFIED NFPA 13D SPRINKLER SYSTEM SHALL BE REQUIRED TO BE INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.3. IF ANY PORTION OF A PATIO HAS HABITABLE SPACE DIRECTLY ABOVE THE PATIO, THE PATIO SHALL BE EQUIPPED WITH SPRINKLER PROTECTION.

SUCH SYSTEMS SHALL CONSIST OF AN ELECTRONICALLY SUPERVISED VALVE LOCATED BETWEEN THE DOMESTIC WATER RISER CONTROL VALVE AND THE SPRINKLERS, AND INCLUDE CONCEALED SPACES CONTAINING COMBUSTIBLE MATERIALS, AND SHALL BE EQUIPPED WITH AN ELECTRICALLY SUPERVISED WATER FLOW SWITCH AND MONITORED BY AN APPROVED CENTRAL STATION, AND SHALL SOUND AN ALARM AT A CONSTANTLY ATTENDED LOCATION INSIDE THE FACILITY. THE MINIMUM LISTED ELECTRONIC COMPONENTS FOR ALARMS SHALL CONSIST OF ONE AUTO DIALER, AND ONE INTERIOR HORN/STROBE AND ONE EXTERIOR HORN/STROBE CONNECTED TO THE FIRE RISER WATER-FLOW SWITCH.

EXCEPTIONS:

1. FAMILY FOSTER HOMES AND FOSTER GROUP HOMES LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF ECONOMIC SECURITY.
2. GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND BEHAVIORAL HEALTH GROUP HOMES, WHICH WHEN SERVES SIX OR FEWER RESIDENTS AND IS LICENSED BY THE STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES.

~~**903.2.8.3 Group R, Division 3.** A Mod. NFPA 13D Residential Fire Sprinkler System shall be installed in Group R, Division 3 occupancies. If any portion of a patio or porch has habitable space directly above the patio or porch, the patio or porch shall have sprinkler protection.~~

Exception: Residential sprinklers may be omitted from Group R, Division 3 occupancies as long as the residence meets the required fire flows in accordance with Appendix B Table B105.1 Minimum Required Fire Flow and Flow Duration For Buildings.

~~903.2.8.3.1 Sprinkle cost comparison.~~ The costs to install residential fire sprinklers shall be listed as one of the available options and show comparative installation costs.

~~903.2.8.3.2 Display of fire sprinkler equipment.~~ The seller shall provide a full size display model of NFPA 13D automatic fire sprinkler system riser, control valves, and gauges in the sales office of each model home complex. A display model is not required if the sales office is equipped with a sprinkler system.

~~903.2.8.3.3 Educational materials.~~ The seller shall provide each buyer with a copy of approved Fire Department educational material describing the benefits of a residential fire sprinkler system.

~~903.2.8.3.4 Affidavit.~~ An affidavit signed by the buyer and the seller indicating a fire sprinkler option was offered and accepted, or refused shall be retained at the sales office and made available to the fire inspector for a period of one year from the date of transferring title to the buyer. A copy of the signed affidavit shall be attached to the application for permit.

903.2.8.4 903.2.8.5 Special requirements for Group R-1 and R-2 occupancies.

Group R-1 and R-2 occupancies, sprinklers shall be installed in bathrooms, closet areas containing any electrical or mechanical equipment, foyers, and attached garages, accessible areas under interior stairs or landings, exterior balconies and covered patios or landings which have habitable space directly above the balconies, patio or porch. In living spaces, sprinklers shall be the concealed type. For the purpose of inspection, testing, or maintenance, there shall be provided, at the time of construction, an 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 from the exterior for testing and maintenance purposes. The dimensions of the access door will depend on the design of the fire riser, controls and gauges. When necessary, access shall be provided through private dwellings or garages so service personnel can maintain the fire sprinkler riser and equipment.

~~903.2.8.5 Special requirements for Group R-4 occupancies.~~ R-4 occupancies, sprinklers shall be installed in bathrooms, closet areas containing any electrical or mechanical equipment, foyers, attached garages, and accessible areas under interior stairs or landings. State licensed facilities shall be equipped with an approved automatic sprinkler system in accordance with this code.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy. ~~where one of the following conditions exists:~~

- ~~1. A Group S-1 fire area exceeds 12,000 square feet (1115 m²).~~

- ~~2. A Group S-1 fire area is located more than three stories above grade plane.~~
- ~~3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m2).~~
- ~~4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m2).~~
- ~~5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).~~

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages. ~~in accordance with Section 406.8 of the International Building Code, as shown:~~

- ~~1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m2).~~
- ~~2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 12,000 square feet (1115 m2).~~
- ~~3. Buildings with repair garages servicing vehicles parked in basements.~~
- ~~4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m2).~~

903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds ~~20,000 cubic feet (566 m3)~~ 10,000 CUBIC FEET (283 M3) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

~~**903.2.8.6**~~ **903.2.9.3 Special requirements for speculative warehouses.** Speculative warehouses shall comply with this Chapter, Chapter 23, and NFPA 13. The minimum sprinkler design in speculative warehouses shall be based upon a minimum ~~class IV~~ HIGH HAZARD commodity and maximum allowable storage height in the building. The system shall be hydraulically designed to protect the maximum possible clear height of storage without in-rack sprinklers and/or use an approved alternate design such as Early Suppression Fast Response (ESFR) sprinklers.

~~**903.3.7 Fire department connections.**~~ The location of fire department connections shall be approved by the fire code official. All signage shall be consistent with the Surprise Fire Department Emergency Access Book.

906.1 Where required. Portable fire extinguishers shall be installed in the following locations:

1. ~~In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.~~

~~**Exception:** In new and existing Group A, B, and E occupancies equipped throughout with quick-response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.~~

2. ~~Within 30 feet (9144 mm) of commercial cooking equipment.~~
3. ~~In areas where flammable or combustible liquids are stored, used, or dispensed.~~
4. ~~On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.~~
5. ~~Where required by the sections indicated in Table 906.1.~~
6. ~~Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.~~

907.2 Where required – new buildings and structures. All new commercial occupancies for which a building or construction permit is obtained shall ~~not~~ require full area smoke detection. ~~providing the building is equipped with a fully automatic fire sprinkler system.~~ Duct detection shall be required in accordance with *International Mechanical Code*. Full area notification shall be required and shall be addressable class A wiring. The fire riser flow switch shall be connected to and monitored by an approved monitoring company.

Self-storage facilities will not require the installation of smoke/heat detectors inside the storage compartment, but will require smoke detection in all common areas, and the installation of standpipes in stairwells in accordance with NFPA 13 and NFPA 14.

~~**907.4.2 Manual fire alarm boxes.** Manual fire alarm boxes shall not be installed in occupancies where the building is equipped throughout with an approved automatic sprinkler system, unless otherwise required by the Fire Marshal.~~

912.2.1 Visible location. Fire department connections shall be located on the entrance side of the building, 36 inches (91 cm) above grade, fully visible and recognizable from the street or nearest point of fire department vehicle APPARATUS access or as otherwise *approved by the Fire Marshal* FIRE CODE OFFICIAL.

912.2.1.1 FIRE DEPARTMENT CONNECTION ON BUILDINGS. FIRE DEPARTMENT CONNECTION SHALL BE INDICATED WITH AN APPROVED SIGN MOUNTED ~~84 INCHES~~ MINIMUM OF 7 FEET (2133 MM) AND MAXIMUM OF 9 FEET (2743 MM) ABOVE GRADE AND RECOGNIZABLE FROM THE STREET OR NEAREST POINT OF FIRE APPARATUS ACCESS.

912.2.1.2 REMOTE FIRE DEPARTMENT CONNECTION. REMOTE FIRE DEPARTMENT CONNECTION SHALL BE INDICATED WITH AN APPROVED SIGN MOUNTED 36 INCHES (91 CM) ABOVE GRADE AND RECOGNIZABLE FROM THE STREET OR NEAREST POINT OF FIRE APPARATUS ACCESS.

912.2.3 REMOTE FIRE DEPARTMENT CONNECTION. THE REMOTE FIRE DEPARTMENT CONNECTION SHALL BE LOCATED ON THE ENTRANCE SIDE OF THE BUILDING, OUTSIDE THE COLLAPSE ZONE AND WITHIN 25 FEET (7620 MM) OF A FIRE HYDRANT

912.4 Signs. A metal sign with raised letters at least ~~1-inch (25 mm)~~ 2 INCHES (5 CM) in size shall be mounted on all Fire Department Connections serving ~~automatic~~ fire sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served. ~~All signage shall be consistent with the Surprise Fire Department Emergency Access Detail Book.~~ When a building is served by multiple Fire Department Connections, each connection shall be provided with an approved sign detailing the area of the building served by each connection.

~~**1016.2.2 Group F-1 and S-1 Increase.** The maximum exit access travel distance shall be 400 feet (121 920 mm) 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 finish floor to 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 and Chapter 32 of this code.~~
- ~~4. Additional building access shall be provided in accordance with Sections 3206.6 through 3206.6.1.3 of this code.~~

~~**1016.2.2.1 Group F-1 and S-1 with a storage area greater than 500, 000 square feet.** Group F-1 and S-1 with a storage area greater than 500, 000~~

~~square feet, a Technical Report shall be prepared by an Arizona Professional and shall be submitted to the Fire Marshal Fire Code Official for approval.~~

1103.5.3 RETROFIT. AN AUTOMATIC SPRINKLER SYSTEM SHALL BE RETROFITTED INTO AN EXISTING BUILDING WHEN:

1. OCCUPANT LOAD IS INCREASED WITHOUT INCREASING SQUARE FOOTAGE.
2. OCCUPANCY CLASSIFICATION IS CHANGED TO A HIGHER HAZARD.
3. BUILDING FIRE RESISTANCE RATING IS DECREASED.
4. ORIGINAL BUILDING FOOT PRINT (SQUARE FOOTAGE IS INCREASED 50% OR MORE.

1103.8.3.1 SMOKE ALARM REPLACEMENT. WHERE SMOKE ALARMS ARE PERMITTED TO BE SOLELY BATTERY OPERATED THEY SHALL BE REPLACED WITH A UL LISTED SMOKE ALARM WITH SEALED 10-YEAR LITHIUM BATTERY. SMOKE ALARM SHALL NOT REMAIN IN SERVICE LONGER THAN 10 YEARS FROM THE DATE OF MANUFACTURE.

5601.1.3 *Fireworks.* Permissible Consumer *Fireworks* may be possessed, displayed for sale, and sold by licensed and permitted personnel regulated in accordance with the ARIZONA REVISED STATUTES AND CITY OF SURPRISE MUNICIPAL CODE requirements.

5608.1 *Fireworks Displays and Pyrotechnic Permits.* Commercial fireworks may be possessed, stored, used and handled by authorized licensed fireworks shooter(s) documentation from the Bureau of Alcohol Tobacco & Firearms (BATF). Pre-squib all commercial fireworks prior to entering City limits. Permits for the public display of fireworks may be granted by the CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT, upon application and after proper inspection, in a manner that does not endanger persons, animals, or property. A permit ~~shall not be issued, and~~ may be revoked, during time periods of wind and/or High Fire Danger warnings. The ~~Fire Marshal, or designee~~ FIRE CODE OFFICIAL, has THE authority to impose conditions on any permits granted.

2012 International Fire Code Local Amendments

Appendix C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

C102.1 FIRE HYDRANT LOCATIONS. FIRE HYDRANTS SHALL BE PROVIDED ALONG FIRE APPARATUS ACCESS ROADS AND ADJACENT PUBLIC STREETS.

C102.1.1 CONSTRUCTION SITE LOCATION. A MINIMUM OF ONE APPROVED FIRE HYDRANT CAPABLE OF SUPPLYING THE REQUIRED FIRE FLOW SHALL BE WITHIN A 400 FOOT (121 920 MM) RADIUS OF ALL COMBUSTIBLES.

2012 International Fire Code Local Amendments

Appendix D

FIRE APPARATUS ACCESS ROADS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load for fire apparatus weighing at least 75,000 pounds (34 050 kg).

D102.1.1 TEMPORARY ACCESS. TEMPORARY FIRE DEPARTMENT APPARATUS ACCESS ROAD SHALL BE PROVIDED PRIOR TO DELIVERY OF COMBUSTIBLE MATERIAL AND/OR VERTICAL CONSTRUCTION OF STRUCTURE(S).

D103.1 ACCESS ROAD WIDTH WITH A HYDRANT. ~~WHERE A FIRE HYDRANT IS LOCATED ON A~~ ALL FIRE APPARATUS ACCESS ROADS SHALL HAVE A MINIMUM ROAD WIDTH SHALL BE OF 26 FEET (7925 MM), EXCLUSIVE OF SHOULDERS (SEE FIGURE D103.1).

D103.1.1 TEMPORARY ACCESS ROAD SPECIFICATIONS. FIRE DEPARTMENT APPARATUS ACCESS ROAD SHALL BE A TEMPORARY ALL WEATHER SURFACE (TAWS) AND COMPLY WITH ALL OF THE FOLLOWING CRITERIA:

1. HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 26 FEET (7925 MM) WITH A VERTICAL CLEARANCE OF NOT LESS THAN 15 FEET (4572 MM).
2. THIS ACCESS SURFACE SHALL BE ABC COMPACTED TO 90% AND CAPABLE OF SUPPORTING FIRE APPARATUS IN EXCESS OF 75,000 POUNDS (34 050 KG) GROSS VEHICLE WEIGHT (GVW) UNDER ANY WEATHER CONDITION.
3. THE TEMPORARY ALL WEATHER SURFACE (TAWS) SHALL BE CONTINUOUSLY MAINTAINED BY THE BUILDER DURING THE CONSTRUCTION PROCESS.

D103.3 turning radius. The minimum turning radius shall be ~~determined by the fire code official~~ AASHTO SU-40.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20-26	None required
151-500 <u>750</u>	20-26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	20-26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

FOR SI: 1 FOOT = 304.8 MM.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with APPROVED TRAFFIC PREEMPTION DEVICES AND ELECTRONIC KNOX KEY SWITCH AS A means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *Fire Code Official*.

6. Manual opening gates shall not be locked with a padlock or chained and padlocked unless they are capable of being opened by means of forcible entry tools or ~~when a key box containing key(s) to the lock is installed at the gate location~~ approved Knox padlock, 3750 series.
7. Locking device specifications shall be submitted for approval by the *Fire Code Official*.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. ELECTRIC GATES SHALL HAVE BATTERY BACKUP.
10. Gates intended for automatic operations shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6.3 TEMPORARY ACCESS. WITH THE CONSTRUCTION OF THE TEMPORARY ACCESS ROAD, A TEMPORARY FIRE ACCESS SIGN SHALL BE INSTALLED AT THE APPROVED LOCATION AND SHALL REMAIN IN PLACE UNTIL COMPLETION OF THE CONSTRUCTION.

EXCEPTION: SIGNAGE IS NOT REQUIRED FOR ROADS THAT HAVE BEEN PERMANENTLY PAVED AND HAVE STREET NAME SIGNS INSTALLED.

D103.6.3.1 SIGN SPECIFICATIONS. THE TEMPORARY FIRE ACCESS SIGN SHALL COMPLY WITH THE FOLLOWING CRITERIA:

1. THE SIGN SHALL READ FIRE DEPARTMENT ACCESS AND SHALL INCLUDE SITE ADDRESS OR RANGE OF ADDRESSES FOR ALL COMMERCIAL CONSTRUCTION SITES AND RESIDENTIAL MODEL HOMES SITE.
2. THE SIGN SHALL BE TWO SIDED 4 FEET X 4 FEET (1219 MM X 1219 MM) USING ¾ INCH (1.9 CM) GRADED PLYWOOD.
3. THE SIGN SHALL HAVE A RED BACKGROUND WITH WHITE FIRE DEPARTMENT ACCESS IN 4 INCH (10 CM) LETTERING.
4. THE ADDRESS SHALL BE WHITE 2 ½ INCHES (6.3 CM) ~~HANDEL~~ GOTHIC LETTERING.
5. A SIGN SHALL BE INSTALLED AT EACH POINT OF ENTRY.
6. THE SIGN SHALL BE 6 FEET (1828 MM) ABOVE GRADE ON POSTS SET AT A MINIMUM OF 2 FEET (609 MM) BELOW GRADE.

RESOLUTION # 2016-114

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA DECLARING AS A PUBLIC RECORD
THAT CERTAIN DOCUMENT ENTITLED "2016 AMENDMENTS
TO THE 2012 INTERNATIONAL CODES."**

WHEREAS, pursuant to A.R.S. 9-802, the City Council may declare a document a public record and therefore enact same without setting forth the public record in the adopting ordinance; and

WHEREAS, this is an efficient and cost effective procedure for adopting large text amendments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. That certain document entitled "2016 Amendments to the 2012 International Codes", dated September 20, 2016, three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

PUBLIC ENGAGEMENT FORM

PROJECT TITLE:

OVERALL PUBLIC INVOLVEMENT LEVEL:

IDENTIFY STAKEHOLDERS:

OBJECTIVES:

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when)

Future Council Work Session/Meetings target dates

Election dates (if applicable)

Project start/completion dates

Communication Tools and Technique options: (which do you plan to use?)

Press releases

Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)

Presentations to boards and commissions, other interested community partners/stakeholders

Third-party consultant/moderator (pending budget)

Survey (online/paper/both?)

Social media

Surprise 11

Notify Me email/ Council newsletters (opt-in audience)

Paid advertising (pending budget)

Surprise Progress (mailed quarterly and tied to print deadlines)

Booth at city events

Paid mailings (pending budget)

Creation of a subcommittee/task force

Youth/adult activities, registration, or orientation (HOA Academy)

Website updates



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	October 4, 2016	Contact Person:	Eric Fitzer - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on approving Ordinance 2016-27 amending the Surprise Municipal Code Sections 2-295, 2,301 thru 2-303 and renumbering 2-303 to 2-305.

Motion:

Move to Approve Ordinance 2016-27.

Background:

The City of Surprise is looking to streamline efficiencies relative to processing development applications and provide further oversight of applications for variances and appeals. The Community Development Department is submitting recommended language for discussion and action by the City Council.

The City desires to create the opportunity to assign the duties of the Board of Adjustment and the Board of Construction Review to the Planning and Zoning Commission during times like the present when there are insufficient cases to ask for volunteers to serve on these boards.

The following sections are proposed to be amended with regards to the City of Surprise Municipal Code: Sections 2-295; 2-301; 2-302; 2-303; 2-303; and renumbering section 2-303 to 2-305-Tourism Advisory Commission. For the efficient and cost effective operation of the city, the City Council would potentially direct pursuant to new Sections 2-295, 2-301 through 2-303, that the Planning and Zoning Commission will sit as the Board of Adjustment and/or the Board of Construction Review to commence at the effective date of this Ordinance.

The other item of note is that staff is proposing to modify the board of adjustment by utilizing the provision as set forth in ARS 9-462.06 J.

In a municipality with a population of more than one hundred thousand persons according to the latest United States decennial census, the legislative body, by ordinance, may provide that a person aggrieved by a decision of the board or a taxpayer, officer or department of the municipality affected by a decision of the board may file, at any time within fifteen days after the board has rendered its decision, an appeal

with the clerk of the legislative body. The legislative body shall hear the appeal in accordance with procedures adopted by the legislative body and may affirm or reverse, in whole or in part, or modify the board's decision.

What this allows for is a separate appeal to the City Council of the municipality before taking the appeal of a Board of Adjustment decision to Superior Court. If a Party is unhappy with the decision of the City Council, that Party will be able to appeal the Council's decision to Superior Court under Arizona statute.

Objective Analysis:

Positive impacts are that the policy would allow for streamlining of efficiencies relative to development applications.

.

Policy Compliant:

The Policy is compliant with City and Council policy of increasing efficiencies in City processes.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region. Consolidation of Board duties would decrease staff time relative to projects which would be required to be heard by a separate board

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [Ordinance 2016-27 Amending Surprise Municipal Code Section 2-295, 2-301 thru 2-303 CC Regular Session 100416](#)
 - ☐ [16.09.12 ORD 2016-27 Amending SMC Sections 2-295 2-301thru303-Final ledge edit](#)
 - ☐ [16.09.12 ORD 2016-27 Amending SMC Sections 2-295 2-301thru303- Final Clean](#)
-

REPORT TO THE CITY COUNCIL

1 **Case:** N/A
2
3 **Project Name:** Ordinance 2016-27 Amending Sections 2-295, 2-301 thru 2-303 of
4 the Surprise Municipal Code
5
6 **Council District:** City Wide
7
8 **Meeting Date:** October 4th, 2016
9
10 **Planner:** Eric Fitzner, Community Development Director
11

12
13 **Summary:**
14

15 The City of Surprise is looking to streamline efficiencies relative to processing development
16 applications and provide further oversight of applications for variances and appeals. The
17 Community Development Department is submitting recommended language for discussion and
18 action by the City Council.
19

20 The City desires to create the opportunity to assign the duties of the Board of Adjustment and
21 the Board of Construction Review to the Planning and Zoning Commission during times like the
22 present when there are insufficient cases to ask for volunteers to serve on these boards.
23

24 The following sections are proposed to be amended with regards to the City of Surprise
25 Municipal Code: Sections 2-295; 2-301; 2-302; 2-303; 2-303; and renumbering section 2-303 to
26 2-305-Tourism Advisory Commission. For the efficient and cost effective operation of the city,
27 the City Council would potentially direct pursuant to new Sections 2-295, 2-301 through 2-303,
28 that the Planning and Zoning Commission will sit as the Board of Adjustment and/or the Board
29 of Construction Review to commence at the effective date of this Ordinance.
30

31 The other item of note is that staff is proposing to modify the board of adjustment by utilizing
32 the provision as set forth in ARS § 9-462.06 J.
33

34 *In a municipality with a **population of more than one hundred thousand persons***
35 *according to the latest United States decennial census, the legislative body, by*
36 *ordinance, may provide that a person aggrieved by a decision of the board or a*
37 *taxpayer, officer or department of the municipality affected by a decision of the*
38 *board may file, at any time within fifteen days after the board has rendered its*
39 *decision, **an appeal with the clerk of the legislative body.** The legislative body*
40 *shall hear the appeal in accordance with procedures adopted by the legislative*
41 *body and may affirm or reverse, in whole or in part, or modify the board's*
42 *decision.*

43
44 What this allows for is a separate appeal to the City Council of the municipality rather than the
45 appeal of a Board of Adjustment decision to Superior Court.

46
47 **Attached:**

48
49 01 Ordinance 2016-27 ledge edit
50 02 Ordinance 2016-27 Clean Copy
51

ORDINANCE 2016-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SECTIONS 2-295, 2-301 THROUGH 2-303 OF THE SURPRISE MUNICIPAL CODE RELATING TO THE DUTIES, RESPONSIBILITIES, AND APPEAL PROCESS OF THE PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT AND THE BOARD OF CONSTRUCTION REVIEW; RENUMBERING SECTION 2-303-TOURISM ADVISORY COMMISSION TO SECTION 2-305; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City desires to create the opportunity to assign the duties of the Board of Adjustment and the Board of Construction Review to the Planning and Zoning Commission during times like the present when there are insufficient cases to ask for volunteers to serve on these boards;

WHEREAS, the City desires to retain the separate responsibilities of each board because they have different statutory processes and because in the future, require increased caseloads may make it advantageous to create separate boards again;

WHEREAS, the City also desires to allow appeals from the Board of Adjustment to the City Council prior to being heard by the Superior Court as allowed in A.R.S. 9-462.06 J.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapter 2, Article VII. Boards, Committees and Commissions, Sections 2-295, 2-301 through 2-303 and renumbering section 2-303-tourism advisory commission to section 2-305 of the Surprise Municipal Code is hereby amended as described on attached Exhibit A, and incorporated by this reference.

Section 2. For the efficient and cost effective operation of the city, the city council hereby directs pursuant to new Sections 2-295, 2-301 through 2-303, that the Planning and Zoning Commission will sit as the Board of Adjustment and/or the Board of Construction Review to commence at the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law and shall be codified at that time.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed upon the effective date of this Ordinance.

PASSED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
 - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
 - b. Persons may serve on no more than two public bodies concurrently, ~~but~~AND NEITHER BODY may ~~not serve on a body that~~ reviews, considers, or ~~is made~~ MAKE recommendations TO THE OTHER BODY.~~by, a body on which the same member serves.~~ For example, a member. ~~of the planning and zoning commission cannot also serve on the board of adjustment and construction review.~~ MAY SERVE ON BOTH THE ARTS COMMISSION AND THE PLANNING COMMISSION, BECAUSE NEITHER COMMISSION “REVIEWS, CONSIDERS OR MAKES RECOMMENDATIONS TO THE OTHER” COMMISSION.
 - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
 - d. Employees may not serve as members of any public body.
 - e. No city council member may serve as a member of any city public body other than city council.

The remainder of this section is unchanged.

Sec. 2-301. - Planning and zoning commission.

(a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. WHERE NECESSARY FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY ALSO SIT AS THE BOARD OF ADJUSTMENT AND/OR THE BOARD OF CONSTRUCTION REVIEW.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in [section 2-295](#) apply.

(c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.

(d) *Powers, duties and responsibilities.* The commission will:

- (1) Recommend to city council a General Plan, specific plans, and amendments thereto;
 - (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
 - (3) Review and make recommendations to city council regarding design guidelines;
 - (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
 - (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
 - (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
 - (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
 - (8) Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.
- (e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.
- (f) APPEALS. WHEN SITTING AS EITHER THE BOARD OF ADJUSTMENT OR THE BOARD OF CONSTRUCTION REVIEW, ONLY DECISIONS OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED AS SET FORTH IN SECTION 2-303 OR 2-304 AS APPROPRIATE.

Sec. 2-302. - Board of adjustment. and construction review.

(a) *Mission.* To hear and decide requests for variances from zoning regulations, ~~and appeals of decisions of the administrative authority.~~ APPEALS OF ZONING ADMINISTRATOR DECISIONS AND SUCH OTHER POWERS AS MAY BE GRANTED BY CITY COUNCIL.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in [section 2-295](#) apply.

(c) *Composition.* The board will consist of seven members. ~~At least two members must be a homebuilder or contractor (building, plumbing, mechanical, electrical or fire protection), but do not have to be residents of the City of Surprise. The remaining five members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.~~ FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY SIT AS THE BOARD OF ADJUSTMENT.

(d) *Powers, duties and responsibilities.*

(1) When acting in its role as a board of adjustment, as provided by the Arizona Revised Statutes, the board will hear and decide requests for variances from zoning regulations, appeals of zoning administrator decisions, and such other powers as may be granted by city council.

~~(2) When acting in its role as a construction review board, the board will hear and decide appeals of orders, decisions or determinations made by the building official concerning the application, interpretation, and enforcement of the adopted technical codes. The board is authorized to approve an alternate material or method of construction to that required by the relevant adopted codes, provided the board finds that the proposed design is satisfactory, complies with the intent of the requirements of the codes, and the material, method, or work to be provided meets the intended purpose and is at least the equivalent to that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability, and safety. The board has no authority to waive or amend the requirements of any technical code adopted by the city.~~

(32) The board may adopt all rules and procedures necessary or convenient for the conduct of its business.

(e) *Appeals to the board.*

(1) APPEALS TO THE BOARD MAY BE TAKEN IN THE SAME MANNER AS SET FORTH IN STATE LAW, EXCEPT AS MODIFIED BY THE PROVISIONS OF THIS SECTION 2-302.

~~(42)~~ Appeals to the board may be ~~taken~~MADE by any person, or by any officer, department, board, or commission of the city affected by the decision being appealed. Such appeal must be taken within 30 (THIRTY)calendar days of the date of the determination being appealed by filing with the city CLERK ~~manager~~ a notice of appeal specifying the grounds for the appeal. The city

CLERKmanager will determine if the request is within the authority of the board and respond to the request in writing within ten working days.

(1) (3) If the appeal is taken, the ~~administrative authority~~ ZONING ADMINISTRATOR will forthwith transfer to the board all of the documents and exhibits constituting the record upon which the appealed action is taken. The board will hear the appeal at the next regularly scheduled meeting, but not later than 60 SIXTY calendar days from the notice of appeal. The board will render all decisions and findings in writing to the appellant with a duplicate copy to the ~~administrative authority~~ ZONING ADMINISTRATOR.

(2) (4) The board is authorized to overturn, uphold, or modify a determination of the ~~administrative authority~~ ZONING ADMINISTRATOR, and has the same authority as the official in so doing.

(f) CITY COUNCIL REVIEW. ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD, OR THE PLANNING COMMISSION SITTING AS THE BOARD, MAY APPEAL THE DECISION OF THE BOARD TO CITY COUNCIL WITHIN 15 CALENDAR DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER OR OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF CITY COUNCIL, MAY FILE AN APPEAL WHETHER OR NOT THEY WERE A PREVIOUS PARTY TO THE DECISION. APPEALS SHALL BE FILED IN WRITING WITH THE OFFICE OF THE CITY CLERK AND SHALL SPECIFY THE GROUNDS FOR THE APPEAL.

(fg) *Court review.* Any person aggrieved by the decision of the ~~board~~ CITY COUNCIL, MAY APPEAL THE DECISION OF THE CITY COUNCIL TO SUPERIOR COURT WITHIN 30 (THIRTY) DAYS AS PROVIDED BY STATE LAW. THE AGGRIEVED PERSON, OR ANY MUNICIPAL OFFICER, OFFICIAL DEPARTMENT OF THE CITY, OR MEMBER OF THE CITY COUNCIL, MAY FILE AN APPEAL whether or not a THEY WERE A previous party to the decision., ~~or any municipal officer or official department of the city may, at any time within 30 calendar days after the filing of the board's CITY COUNCIL'S decision in the office of the city clerk, file an appeal in writing with the Maricopa County Superior Court by following the methods of appeal or review procedures in Arizona as set forth by the applicable statutes of the State of Arizona.~~

(gh) *Enforcement.* The city is authorized to enforce decisions of the board or, upon successful review, of THE CITY COUNCIL OR the Superior Court.

Sec. 2-3035. –Tourism advisory commission

All code sections under tourism advisory commission remain the same only renumbered to Sec. 2-305

Sec. 2-3032. - BOARD OF CONSTRUCTION REVIEW.

(A) *MISSION.* TO HEAR AND DECIDE REQUEST FOR APPEALS OF DECISIONS OF ADMINISTRATIVE AUTHORITY REGARDING MATTERS PERTAINING TO ENFORCEMENT, APPLICATION AND INTERPRETATION OF CONSTRUCTION CODES.

(B) *BYLAWS.* UNLESS OTHERWISE DELINEATED WITHIN THIS SECTION, THE BYLAWS CONTAINED IN SECTION 2-295 APPLY.

(C) *COMPOSITION.* THE BOARD WILL CONSIST OF 7 (SEVEN) MEMBERS. FOR THE EFFICIENT AND COST EFFECTIVE OPERATION OF THE CITY, THE CITY COUNCIL MAY DIRECT THAT THE PLANNING AND ZONING COMMISSION MAY SIT AS THE BOARD OF CONSTRUCTION REVIEW.

(D) *POWERS, DUTIES AND RESPONSIBILITIES.*

(1) THE BOARD WILL HEAR AND DECIDE APPEALS OF DECISIONS OF ADMINISTRATIVE AUTHORITY REGARDING MATTERS PERTAINING TO ENFORCEMENT, APPLICATION AND INTERPRETATION OF CONSTRUCTION CODES.

(2) THE COMMISSION SHALL BE AUTHORIZED TO APPROVE AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION TO THAT REQUIRED BY CONSTRUCTION CODES, PROVIDED THE COMMISSION FINDS THAT THE PROPOSED DESIGN IS SATISFACTORY, COMPLIES WITH THE INTENT OF THE REQUIREMENTS OF THE CODES, AND THE MATERIAL, METHOD, OR WORK TO BE PROVIDED MEETS THE INTENDED PURPOSE AND IS AT LEAST THE EQUIVALENT TO THAT PRESCRIBED IN THE CODES IN QUALITY, STRENGTH, EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY. THE BOARD HAS NO AUTHORITY TO WAIVE OR AMEND THE REQUIREMENTS OF ANY TECHNICAL CODE ADOPTED BY THE CITY.

(E) APPEALS TO THE BOARD. APPEALS TO THE BOARD MAY BE TAKEN IN THE SAME MANNER AS SET FORTH IN THE APPLICABLE TECHNICAL CODE IN THE FORM ADOPTED BY THE CITY, EXCEPT AS MODIFIED BY THE PROVISIONS OF THIS SECTION 2-303.

(1) APPEALS TO THE BOARD SHALL BE TAKEN WITHIN THIRTY CALENDAR DAYS OF THE DATE OF DETERMINATION BY FILLING WITH THE CITY CLERK A NOTICE OF APPEAL SPECIFYING THE GROUNDS FOR THE APPEAL. THE BUILDING OFFICIAL SHALL DETERMINE IF THE REQUEST IS WITHIN THE AUTHORITY OF THE BOARD AND RESPOND TO THE REQUEST IN WRITING WITHIN TEN WORKING DAYS. IF THE APPEAL IS

TAKEN, THE BUILDING OFFICIAL SHALL FORTHWITH TRANSFER TO THE BOARD ALL OF THE DOCUMENTS AND EXHIBITS CONSTITUTING THE RECORD UPON WHICH THE APPEALED ACTION IS TAKEN.

- (2) THE BOARD SHALL HEAR THE APPEAL AT THE NEXT REGULARLY SCHEDULED MEETING, OR NOT LATER THAN FORTY-FIVE CALENDAR DAYS FROM THE NOTICE OF APPEAL.
- (3) THE BOARD SHALL RENDER ALL DECISIONS AND FINDINGS IN WRITING TO THE APPELLANT WITH A DUPLICATE COPY TO THE ADMINISTRATIVE AUTHORITY.
- (4) THE BOARD, OR THE PLANNING AND ZONING COMMISSION SITTING AS THE BOARD OF CONSTRUCTION REVIEW, IS AUTHORIZED TO OVERTURN, UPHOLD, OR MODIFY A DETERMINATION OF THE BUILDING OFFICIAL, AND HAS THE SAME AUTHORITY AS THE OFFICIAL IN SO DOING. THE BOARD SHALL BE AUTHORIZED TO APPROVE AN ALTERNATIVE MATERIAL OR METHOD OF CONSTRUCTION TO THAT REQUIRED BY TECHNICAL CODES OF THE CITY, PROVIDED THE BOARD FINDS THAT THE DESIGN IS SATISFACTORY, COMPLIES WITH THE INTENT OF THE REQUIREMENTS OF THE CODES, AND THE MATERIAL, METHOD, OR WORK TO BE PROVIDED MEETS THE INTENDED PURPOSE AND IS AT LEAST THE EQUIVALENT TO THAT PRESCRIBED IN THE CODES IN QUALITY, STRENGTH, EFFECTIVENESS, FIRE RESISTANCE, DURABILITY, AND SAFETY.
- (5) DECISIONS OF THE BOARD SHALL BE FINAL.

Sec. 2-304. – Audit Committee

Sec. 2-306—2-334. - Reserved

ORDINANCE 2016-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SECTIONS 2-295, 2-301 THROUGH 2-303 OF THE SURPRISE MUNICIPAL CODE RELATING TO THE DUTIES, RESPONSIBILITIES, AND APPEAL PROCESS OF THE PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT AND THE BOARD OF CONSTRUCTION REVIEW; RENUMBERING SECTION 2-303-TOURISM ADVISORY COMMISSION TO SECTION 2-305; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City desires to create the opportunity to assign the duties of the Board of Adjustment and the Board of Construction Review to the Planning and Zoning Commission during times like the present when there are insufficient cases to ask for volunteers to serve on these boards;

WHEREAS, the City desires to retain the separate responsibilities of each board because they have different statutory processes and because in the future, require increased caseloads may make it advantageous to create separate boards again;

WHEREAS, the City also desires to allow appeals from the Board of Adjustment to the City Council prior to being heard by the Superior Court as allowed in A.R.S. 9-462.06 J.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. Chapter 2, Article VII. Boards, Committees and Commissions, Sections 2-295, 2-301 through 2-303 and renumbering section 2-303-tourism advisory commission to section 2-305 of the Surprise Municipal Code is hereby amended as described on attached Exhibit A, and incorporated by this reference.

Section 2. For the efficient and cost effective operation of the city, the city council hereby directs pursuant to new Sections 2-295, 2-301 through 2-303, that the Planning and Zoning Commission will sit as the Board of Adjustment and/or the Board of Construction Review to commence at the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law and shall be codified at that time.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed upon the effective date of this Ordinance.

PASSED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Sec. 2-295. - Bylaws.

All public bodies of the city will operate under the following set of bylaws except as otherwise stated in this Code or in the resolution or ordinance creating the body:

- (1) *Offices.* The principal office of every public body will be the Surprise City Hall.
- (2) *Number.* Each body will consist of seven persons.
- (3) *Member qualifications, generally.*
 - a. Each member of the body must be a resident of the city and must remain so during the term of appointment.
 - b. Persons may serve on no more than two public bodies concurrently, and neither body may review, consider, or make recommendations to the other. For example, a member may serve on both the Arts Commission and the Planning and Zoning Commission, because neither commission “reviews, considers or makes recommendations to the other” commission.
 - c. Individuals related by marriage, blood, or adoption, may not serve on the same public body.
 - d. Employees may not serve as members of any public body.
 - e. No city council member may serve as a member of any city public body other than city council.

The remainder of this section is unchanged.

Sec. 2-301. - Planning and zoning commission.

(a) *Mission.* To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan. Where necessary for the efficient and cost effective operation of the city, the City Council may direct that the Planning and Zoning Commission may also sit as the Board of Adjustment and/or the Board of Construction Review.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.

(c) *Composition.* Members will represent a cross section of stakeholders in the community, including different professions or occupations, so as to constitute as much as possible equal representation for all areas within the city.

(d) *Powers, duties and responsibilities.* The commission will:

- (1) Recommend to city council a General Plan, specific plans, and amendments thereto;

- (2) Review, decide, and make recommendations to city council on matters as set forth in the development code, or as otherwise set forth in this Code.
- (3) Review and make recommendations to city council regarding design guidelines;
- (4) Review development applications for consistency with applicable zoning and design standards, consistent with the development code.
- (5) Review and make recommendations to city council regarding the classification of parcels of land from one zoning district to another, the adoption or modification of the zoning map, and text amendments to the development code.
- (6) Review and make recommendations to city council regarding regulations and restrictions concerning the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.
- (7) Make recommendations to city council on policy matters regarding the interpretation, enforcement, and administration of the development code.
- (8) Make recommendations in all matters pertaining to the use of United States Department of Housing and Urban Development grant funding programs and other community support grant funding programs.

(e) All regular meetings of the planning and zoning commission will be televised when reasonably feasible.

(f) Appeals. When sitting as either the Board of Adjustment or the Board of Construction Review, only decisions of the Planning and Zoning Commission may be appealed as set forth in Section 2-303 or 2-304 as appropriate.

Sec. 2-302. - Board of adjustment.

(a) *Mission.* To hear and decide requests for variances from zoning regulations, appeals of Zoning Administrator decisions and such other powers as may be granted by the City Council.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.

(c) *Composition.* The board will consist of seven members. For the efficient and cost effective operation of the city, the City Council may direct that the Planning and Zoning Commission may sit as the Board of Adjustment.

(d) *Powers, duties and responsibilities.*

- (1) When acting in its role as a board of adjustment, as provided by the Arizona Revised Statutes, the board will hear and decide requests for variances from zoning regulations, appeals of zoning administrator decisions, and such other powers as may be granted by city council.
- (2) The board may adopt all rules and procedures necessary or convenient for the conduct of its business.

(e) Appeals to the board.

- (1) Appeals to the Board may be taken in the same manner as set forth in state law, except as modified by the provisions of section 2-302.
- (2) Appeals to the board may be made by any person, or by any officer, department, board, or commission of the city affected by the decision being appealed. Such appeal must be taken within 30 (thirty) calendar days of the date of the determination being appealed by filing with the city clerk a notice of appeal specifying the grounds for the appeal. The city clerk will determine if the request is within the authority of the board and respond to the request in writing within ten working days.
- (3) If the appeal is taken, the Zoning Administrator will forthwith transfer to the board all of the documents and exhibits constituting the record upon which the appealed action is taken. The board will hear the appeal at the next regularly scheduled meeting, but not later than 60 (sixty) calendar days from the notice of appeal. The board will render all decisions and findings in writing to the appellant with a duplicate copy to the Zoning Administrator.
- (4) The board is authorized to overturn, uphold, or modify a determination of the, and has the same authority as the official in so doing.

(f) City Council review. Any person aggrieved by the decision of the board, of the Planning Commission sitting as the Board, may appeal the decision of the Board to the City Council within 15 (fifteen) calendar days after the Board has rendered its decision. The aggrieved person, or any municipal officer or official department of the city, or member of the City Council, may file an appeal whether or not they were a previous party to the decision. Appeals shall be filed in writing with the office of the city clerk and shall specify the grounds for the appeal.

(g) Court review. Any person aggrieved by the decision of the City Council, may appeal the decision of the City Council to Superior Court within 30 (thirty) days as provided by state law. The aggrieved person, or municipal officer, official department of the city or

member of the City Council may file an appeal whether or not a they were a previous party to the decision.

(h) Enforcement. The city is authorized to enforce decisions of the board or, upon successful review, of the City Council or the Superior Court.

Sec. 2-305. –Tourism advisory commission

All code sections under tourism advisory commission remain the same only renumbered to Sec. 2-305

Sec. 2-303. - Board of construction review.

(a) Mission. To hear and decide requests for appeals of decisions of Administrative authority regarding matters pertaining to enforcement, application and interpretation of construction codes.

(b) Bylaws. Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.

(c) Composition. The board will consist of 7 (seven) members. For the efficient and cost effective operation of the city, the City Council may direct that the Planning and Zoning Commission may sit as the Board of Construction Review.

(d) Powers, duties and responsibilities.

(1) The board will hear and decide appeals of decisions of Administrative authority regarding matters pertaining to enforcement, application and interpretation of construction codes.

(2) The Board shall be authorized to approve an alternate material or method of construction to that required by construction codes, provided that the Board finds that the proposed design is satisfactory, complies with the intent of the requirements of the codes and the material, method or work to be provided meets the intended purpose and is at least to that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability and safety. The board has no authority to waive or amend the requirements of any technical code adopted by the city.

(e) Appeals to the board. Appeals to the Board may be taken in the same manner as set forth in the applicable technical code in the form adopted by the City, except as modified by the provisions of this section 2-303.

- (1) Appeals to the Board shall be taken within thirty calendar days of the date of determination by filing with the City Clerk a notice of appeal specifying the grounds for the appeal. The Building Official shall determine if the request is within the authority of the Board and respond to the request in writing within ten working days. If the appeal is taken, the Building Official shall forthwith transfer to the BOARD all of the documents and exhibits constituting the record upon which the appealed action is taken.
- (2) The Board shall hear the appeal at the next regularly scheduled meeting, or not later than forty-five calendar days from the notice of appeal.
- (3) The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the administrative authority.
- (4) The Board, or the Planning and Zoning Commission sitting as the Board of Construction Review, is authorized to overturn, uphold, or modify a determination of the Building Official and has the same authority as the Official in so doing. The Board shall be authorized to approve an alternative material, method of construction to that required by technical codes of the City, provided the Board finds that the design is satisfactory, complies with the intent of the requirements of the codes, and the material, method or work to be provided meets the intended and is at least the equivalent to that prescribed in the codes in quality, strength, effectiveness, fire resistance, durability and safety.
- (5) Decisions of the Board shall be final.

Sec. 2-304. – Audit Committee

Sec. 2-306—2-334. - Reserved



CITY OF SURPRISE
Regular City Council Meeting

October 4, 2016 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	October 4, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations from various funds which are dependent on fiscal year 2016 expenditure estimates and adjusting budget authority; Resolution # 2016-122.

Motion:

I move to approve Resolution # 2016-122.

Background:

The adoption of the FY2017 budget occurred prior to the completion of FY2016. To ensure that the new fiscal year had enough budget authority for all potential expenditures, conservative FY2016 expenditure estimates were used and remaining balances for items such as grants and CIP projects were carried forward into FY2017 and included in the adopted budget. With FY2016 nearing completion, the remaining balances are reexamined and adjustments to the FY2017 budget are made as necessary. For example, if a project expended more than the estimated amount in FY2016, the FY2017 budget must be reduced to keep the total project budget equal to that approved by the Mayor and Council.

The action identifies three main categories of amendments for FY2017. The first category involves the change of budget authority that was carried forward from FY2016. The amendments are made due to actual expenditures varying from estimates for FY2016. The second category is budget adjustments for moving utility billing related expenses from Water Resource Management to the Finance department and the reimbursement of Parks and Fire/EMS development impact fees. The third category involves transfer of actual funds to support the reallocation of appropriations from the first two categories.

This action will update budget amounts to allow for improved management of the City's funds. As the audit of FY2016 financials is currently underway, further changes to FY2016 may impact FY2017 carry forward amounts and require future action by the Mayor and Council.

Objective Analysis:

Due to state laws regarding expenditure limits that are set by the adopted budget, it makes practical sense to use conservative expenditure estimates for the prior fiscal year with respect to grants and CIP

projects. This will normally result in a total budget, and the resulting expenditure limit, that may be a little larger than necessary, but provides some built in contingency for future items. It becomes important to continue to track the prior year activity and adjust the current year as needed. Without the adjustment, the current year budget no longer reflects the total grant or project budgets approved by the Mayor and Council or the actual financial position of the City.

Policy Compliant:

City Council approval is required for budget amendments across funds, CIP projects, and grants per the Budget Amendment Policies and Procedures.

Financial Impact:

There is no direct financial impact of this item. All amendments are adjustments to budget authority that will have no net financial impact across FY2016 and FY2017.

Budget Impact:

This action reallocates spending authority without an increase or decrease to the total budget for FY2017 and does not represent an actual transfer of funds. The action will also sweep in excess of \$1.5 million of budget authority into contingency. This authority cannot be spent without future action by the Mayor and Council. Each of the items is considered one-time in nature.

FTE Impact:

The total number of full time equivalents (FTE) is not impacted by this action, however six FTE will move from Water Resource Management to the Finance department.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-122](#)
 - ☐ [FY2017 Amendment Presentation](#)
-

RESOLUTION # 2016-122

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS BETWEEN VARIOUS PROJECTS AND FUNDS FOR THE PURPOSE OF ADJUSTING BUDGET AUTHORITY.

WHEREAS, in preparing the FY2017 budget, there were specific budgeted items in various funds and departments with amounts dependent on FY2016 expenditure estimates;

WHEREAS, FY2016 expenditure activity has been largely completed with actual amounts varying from the estimates used when preparing the FY2017 budget;

WHEREAS, movement of authority between projects is necessary for tracking purposes;

WHEREAS, these amendments will allow the City to have current and updated budgetary amounts and help departments manage their project and line item expenditures;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget adjustment; and

WHEREAS, City of Surprise Administrative Policy requires the approval of the Mayor and Council for budget adjustments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-122
Exhibit A

The FY2017 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

- 1. Carry Forwards** – To adjust budget authority for items previously approved by Council that require adjustment from what was originally estimated during the FY2017 budget process due to expenditure activity in the prior fiscal year.

Fund / Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund / Vehicle and Equipment Replacement #A61070	\$ 4,100	\$ (4,100)	\$ 0
General Capital Projects Fund / Cactus Rd 175th to Cotton Ln #P61080	85,800	(1,500)	84,300
General Capital Projects Fund / Dove Valley Pkwy 203rd to 187th Av #P61030	4,100	(1,200)	2,900
General Capital Projects Fund / Enterprise Resource Planning System #P17010	1,402,300	185,400	1,587,700
General Capital Projects Fund / Greenway Rd Imp Litchfd-Bullard #P61010	443,900	(8,600)	435,300
General Capital Projects Fund / Reems Fiber Opt Waddell Peoria #P61260	122,000	(10,100)	111,900
General Capital Projects Fund / CRS Master Plan #P54010	2,000	(400)	1,600
General Capital Projects Fund / Surprise Farms Park #P54020	0	2,700	2,700
General Capital Projects Fund / Skate Park #P54040	0	15,300	15,300
General Capital Projects Fund / 107th and Union Hills Drainage #P61060	75,000	(62,500)	12,500
General Capital Projects Fund / Cactus S Side RR Trk Litchfd #P61120	183,800	(11,400)	172,400
Highway User Revenue Fund / Concrete / Capital	61,900	(61,900)	0
Highway User Revenue Fund / General Operations / Contingency	0	61,900	61,900
Highway User Revenue Capital / Median and ROW Landscaping #P61150	176,600	(1,800)	174,800
Public Works Dev Fee / Reems Fiber Opt Waddell Peoria #P61260	116,300	(5,800)	110,500
Sewer Utility Capital / Vehicle and Equipment Replacement #A61070	549,700	(4,200)	545,500

(Continued) Fund / Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Sewer Utility Capital / Enterprise Resource Planning System #P17010	33,600	127,200	160,800
Sewer Utility Capital / Greewnwy Rd Lift Station Rehab #P71140	276,400	(3,300)	273,100
Sewer Utility Capital / Litchfld E Sd Cactus Desert Cv #P61200	121,900	(7,000)	114,900
Sewer Utility Capital / SPA1 Conf Training Center #P71200	1,581,000	(1,404,600)	176,400
Sewer Utility Capital / SPA1 WRF N Entr Gate Wall #P71100	43,000	(13,400)	29,600
Sewer Utility Capital / SPA1 Influent Ln Hydr Rehab #P71120	1,683,700	(74,400)	1,609,300
Solid Waste Capital / Enterprise Resource Planning System #P17010	101,400	19,300	120,700
SPD RICO / Asset Repl-Police #A31010	6,400	(100)	6,300
Stadium Gov Construction 2015 / Clubhouse Improvements #P54060	196,000	(147,400)	48,600
Tourism / Clubhouse Improvements #P54060	6,800	(100)	6,700
Transportation Improvement / Peoria (Sarival to Reems) #P61070	823,800	(2,500)	821,300
Vehicle Replacement / Vehicle and Equipment Replacement #A61070	2,662,400	(215,400)	2,447,000
Vehicle Replacement / Pumper 4029 Replacement #A34040	469,200	(18,900)	450,300
Vehicle Replacement / LT 4026 Replacement #A34030	53,200	(53,200)	0
Vehicle Replacement / Pumper 2883 Replacement #A34020	0	700	700
Water Utility Capital / Enterprise Resource Planning System #P17010	78,100	42,600	120,700
Water Utility Capital / Cactus S Side RR Trk Litchfld #P61120	349,000	(7,800)	341,200
Water Utility Capital / City Hall Reclaim Connections #P71040	179,900	(800)	179,100
Water Utility Capital / SPA 1 VFDs Plant 4 and 5 #P71050	14,400	(7,700)	6,700
Wtr Res SPA 1 Dev Fee / SPA1 Effluent Strg Reser Covers #P71070	336,500	(2,100)	334,400
Grants Fund / Contingency	21,175,800	1,677,100	22,852,900
\$	33,420,000	\$ 0	\$ 33,420,000

2. Other Adjustments

A. Utility Billing – The FY2017 adopted budget included funding for utility billing customer service under the Water Resource Management Department. To align utility billing services under one department, it is necessary to reallocate appropriation for personnel, supplies, and services in the amount of \$533,500 within the Water Operations Fund, \$82,000 within the Sewer Operations Fund, and \$60,200 within the Solid Waste Operations Fund for a total of \$675,700 from the Water Resource Management Department to the Finance Department.

Fund Name, Department Name, Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
Water Operations Fund, Water Resource Management, Personnel	\$431,600	(\$431,600)	\$0
Water Operations Fund, Water Resource Management, Supplies	87,700	(87,700)	0
Water Operations Fund, Water Resource Management, Services	14,200	(14,200)	0
Water Operations Fund, Finance, Personnel	282,100	431,600	713,700
Water Operations Fund, Finance, Supplies	115,200	87,700	202,900
Water Operations Fund, Finance, Services	4,000	14,200	18,200
Sewer Operations Fund, Water Resource Management, Personnel	79,200	(79,200)	0
Sewer Operations Fund, Water Resource Management, Supplies	400	(400)	0
Sewer Operations Fund, Water Resource Management, Services	2,400	(2,400)	0
Sewer Operations Fund, Finance, Personnel	0	79,200	79,200
Sewer Operations Fund, Finance, Supplies	0	400	400
Sewer Operations Fund, Finance, Services	0	2,400	2,400
Solid Waste Operations Fund, Water Resource Management, Personnel	59,500	(59,500)	0
Solid Waste Operations Fund, Water Resource Management, Supplies	300	(300)	0
Solid Waste Operations Fund, Water Resource Management, Services	400	(400)	0
Solid Waste Operations Fund, Finance, Personnel	0	59,500	59,500
Solid Waste Operations Fund, Finance, Supplies	0	300	300
Solid Waste Operations Fund, Finance, Services	0	400	400
	\$1,077,000	\$0	\$1,077,000

(Continued) Department	Current FTE's	Increase (Decrease)	Amended FTE's
Finance	43.8	6.0	49.8
Water Resource Management	59.3	(6.0)	53.3

B. Development Agreement – Per the development agreement with Lennar Homes, recorded on November 18, 2005, the city of Surprise is obligated to reimburse Lennar Community Development and BMY Happy Valley Investment, per section 6.2 for the donated park land and infrastructure and section 7.1 for the donation of land for a fire station. The city retains the collected fees and makes payments to the owner (Lennar) on a semi-annual basis or upon the accumulation of \$50,000, whichever comes first. It is estimate that the city will reimburse the owners \$57,735 for fire impact fees and \$106,732 for park impact fees in FY2017.

Fund, Dept., Sub-Division	Current Appropriation	Increase (Decrease)	Amended Appropriation
Park/Rec Dev Fee Grandfathered, General Ops, Residential Dev Agreements	\$ 0	\$ 106,800	\$ 106,800
Fire / EMS Dev Fee Grandfathered, General Ops, Residential Dev Agreements	0	57,800	57,800
Grants Fund, General Ops, Contingency	21,175,800	(164,600)	21,011,200
	<u>\$ 21,175,800</u>	<u>\$ 0</u>	<u>\$ 21,175,800</u>

3. **Transfers** – With the implementation of a new financial system, new HURF, Water, Sewer, and Solid Waste funds were created for capital projects. The FY2017 adopted budget includes transfers from the HURF, Water, Sewer, and Solid Waste operating funds to the newly created capital funds in order to fund capital projects. The carry forward adjustments presented in this exhibit affect the total amount of actual funds needed in the capital funds. Therefore, a reallocation of actual funds is necessary to support the reallocation of appropriations.

Fund / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund / Transfer out	\$ 12,810,000	\$ 18,000	\$ 12,828,000
General Capital Fund / Transfer In	(7,668,500)	(18,000)	(7,686,500)
Highway User Revenue Fund / Transfer out	2,047,900	(1,800)	2,046,100
Highway User Revenue Capital Fund / Transfer In	(2,047,900)	1,800	(2,046,100)

(Continued) Fund / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
Water Operations / Transfer out	7,511,200	26,300	7,537,500
Water Utility Capital / Transfer In	(5,111,100)	(26,300)	(5,137,400)
Sewer Operations / Transfer out	15,498,500	(1,379,700)	14,118,800
Sewer Utility Capital / Transfer In	(8,867,100)	1,379,700	(7,487,400)
Solid Waste Operations / Transfer out	6,252,100	19,300	6,271,400
Solid Waste Capital / Transfer In	(3,595,100)	(19,300)	(3,614,400)
	\$ 16,830,000	\$ 0	\$ 16,830,000



Budget Amendments Fiscal Year 2017

City Council Meeting
October 4, 2016

FY2017 Amendments

- Carry Forward Adjustments
- Other Adjustments
- Transfers
 - Grant contingency increase of \$1,512,500
 - Grant contingency is budget authority only
 - Backed by unforeseen revenue

FY2017 Amendments

- Carry Forward Adjustments (\$1,677,100)
 - Adjust authority based on FY2016 expenses
 - Capital Improvement Plan



FY2017 Amendments

- Other Adjustments \$164,600
 - Utility Billing
 - Move budget for utility billing services under Finance
 - A total of 6 FTEs will move from WRM to Finance
 - Development Agreement
 - Reimburse for Parks, Fire/EMS infrastructure

FY2017 Amendments

- Transfers \$0
 - Adjust amounts from operating to capital
 - General Capital
 - Highway User Revenue
 - Water
 - Wastewater
 - Sanitation
 - Result of adjustments to carry forwards





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You