

ORDINANCE NO. 2013-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE *“2009 ENERGY CODE AND THE 2013 AMENDMENTS TO CITY CODE/2009 ENERGY CODE, TITLE 4, BUILDING REGULATIONS”*, BY REFERENCE AND FIXING THE EFFECTIVE DATE THEREOF; REPEALING ALL SECTIONS OF SAID CODE IN CONFLICT WITH THIS ORDINANCE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

RECITALS:

WHEREAS, that certain document known as the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”*, the three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, made a public record by Resolution No. 2013-20; and

WHEREAS, the City Council has determined that adoption of the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”* is necessary for the issuance of permits and collection of fees pursuant thereto, and for implementing and enforcing each and all of the regulations, provisions, penalties, conditions and terms of an updated Flagstaff Building Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Flagstaff City Council as follows:

Section 1: THAT certain document known as the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”*, three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, which document was made a public record by Resolution No. 2013-20 of the City of Flagstaff, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, the provisions thereof to become effective on _____.

Section 2: THAT any person found guilty of violating any provision of this code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 3: THAT the Flagstaff City Code and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, effective as of _____.

Section 4: THAT the repeal of prior ordinances and parts of ordinances reference in Section 3 above does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 5: THAT if any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 26th day of August, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY