

LIST OF WITNESSES

Cox v. Town of Florence
Board of Appeals Hearing - May 30, 2017

1. Mr. Gem Cox
c/o John F. Munger and Robert J. Metli, Munger Chadwick, P.L.C.
333 North Wilmot, Suite 300, Tucson, Arizona 85711 (520) 721-1900
2999 North 44th Street, Suite 130, Phoenix, Arizona 85018 (602) 374-4890

2. Mr. Sheldon McInelly PE
Akribis Engineering, L.L.C.
3231 S. Country Club Way, Suite 102
Tempe, Arizona 85282
(602) 393-0201

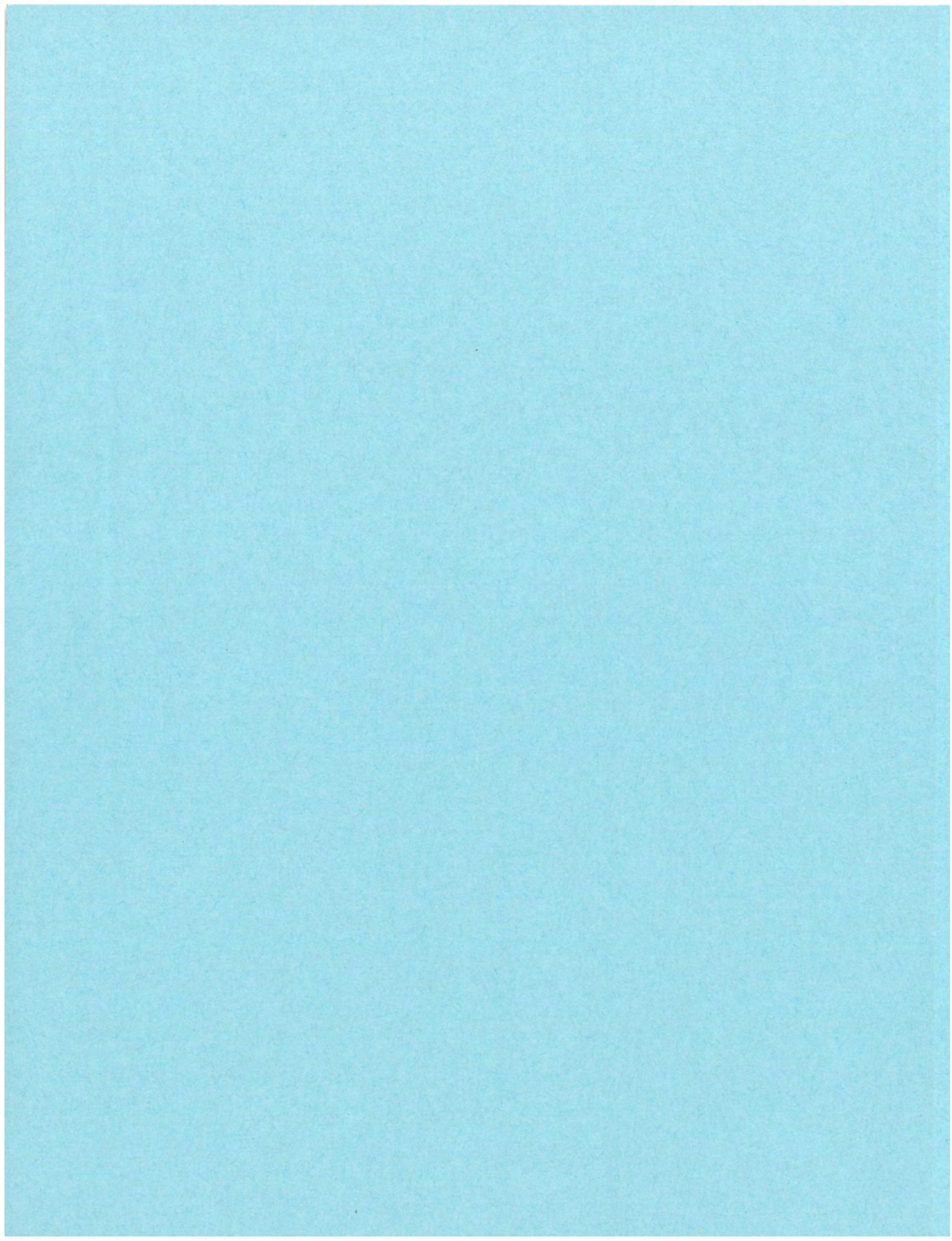


TABLE OF CONTENTS

Cox v. Town of Florence
Board of Appeals Hearing - May 30, 2017

Exhibit	Document	Date
A.	BOARD OF APPEALS HEARING APPLICATION	April 3, 2017
B.	COMPLIANCE/VIOLATION LETTERS FROM TOWN OF FLORENCE	
1.	Town Letter re Order of Notice of Unsafe Structure	March 10, 2017
2.	Town Letter re Code Official Report	March 10, 2017
3.	Town Letter re Response to the Notices filed by Mr. Gem Cox with the Florence Town Clerk's Office	March 16, 2017
4.	Town Letter re Suspension of Certificate of Occupancy	March 16, 2017
5.	Town Letter re Certification That Stay Could Cause Hazard	April 5, 2017
C.	DANGEROUS BUILDING POSTING	March 16, 2017
D.	STIPULATED CERTIFICATE OF OCCUPANCY	
1.	Certificate of Occupancy	April 25, 2016
2.	Town Letter re acknowledgment and acceptance of stipulated Certificate of Occupancy [unsigned by Coxes]	April 25, 2016
3.	Certificate of Occupancy	May 4, 2016
4.	Town Memo re acknowledgment/receipt/acceptance of stipulated Certificate of Occupancy	May 5, 2016
E.	CONSULTANT REPORTS/PLANS – Sheldon McNelly PE (Cox) and Zane Wilsterman PE (Town)	
1.	Akribis Engineering Report re Electrical Service Entrance Section (SES) Evaluation	March 29, 2017
2.	Wilsterman's Electrical Observations/Recommendations – Summary Report	April 11, 2017
3.	Akribis Engineering Email and Electrical Drawings	May 9, 2017
F.	ALLEGED CODE VIOLATIONS	
1.	NEC Sec. 250.21 Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to Be Grounded	2005 NEC ¹
2.	IBC Sec. 113.1 Unlawful Acts	2006 IBC ²
3.	IBC Sec. 110.1 Use and Occupancy	2006 IBC
4.	IFC Sec. 110.1 General	2006 IFC ³
5.	IFC Sec. 110.1.1 Unsafe Buildings	2006 IFC
6.	IPMC Sec. 108.1.1 Unsafe Structures	2006 IPMC ⁴

¹ National Electrical Code 2005

² International Building Code 2006

³ International Fire Code 2006

⁴ International Property Maintenance Code 2006

7.	IPMC Sec. 108.1.2 Unsafe Equipment	2006 IPMC
G.	HISTORICAL BUILDING CODE EXEMPTIONS	
1.	IBC Sec. 3407.1 Historic Buildings	2006 IBC
2.	IFC Sec. 102.5 Historic Buildings	2006 IFC
3.	IPMC Sec. 102.6 Historic Buildings	2006 IPMC
H.	IMMINENT DANGER DEFINITION - INTERNATIONAL PROPERTY CODE	
I.	PHOTOGRAPHS OF REPAIRED GROUNDING SYSTEM	
J.	HISTORICAL BUILDING DOCUMENTATION	
1.	Arizona State Historic Property Inventory – W. C. Smith & Co. Building, Florence, AZ	June 1978
2.	Arizona State Historic Property Inventory – Commercial Building on Main between 6 th & 8 th Streets, Florence, AZ	June 1978
K.	RON ESCOTT DIAGRAM AND ATTACHMENTS	
L.	NATIONAL ELECTRICAL CODE 2005 – ARTICLE 250 - Grounding and Bonding	

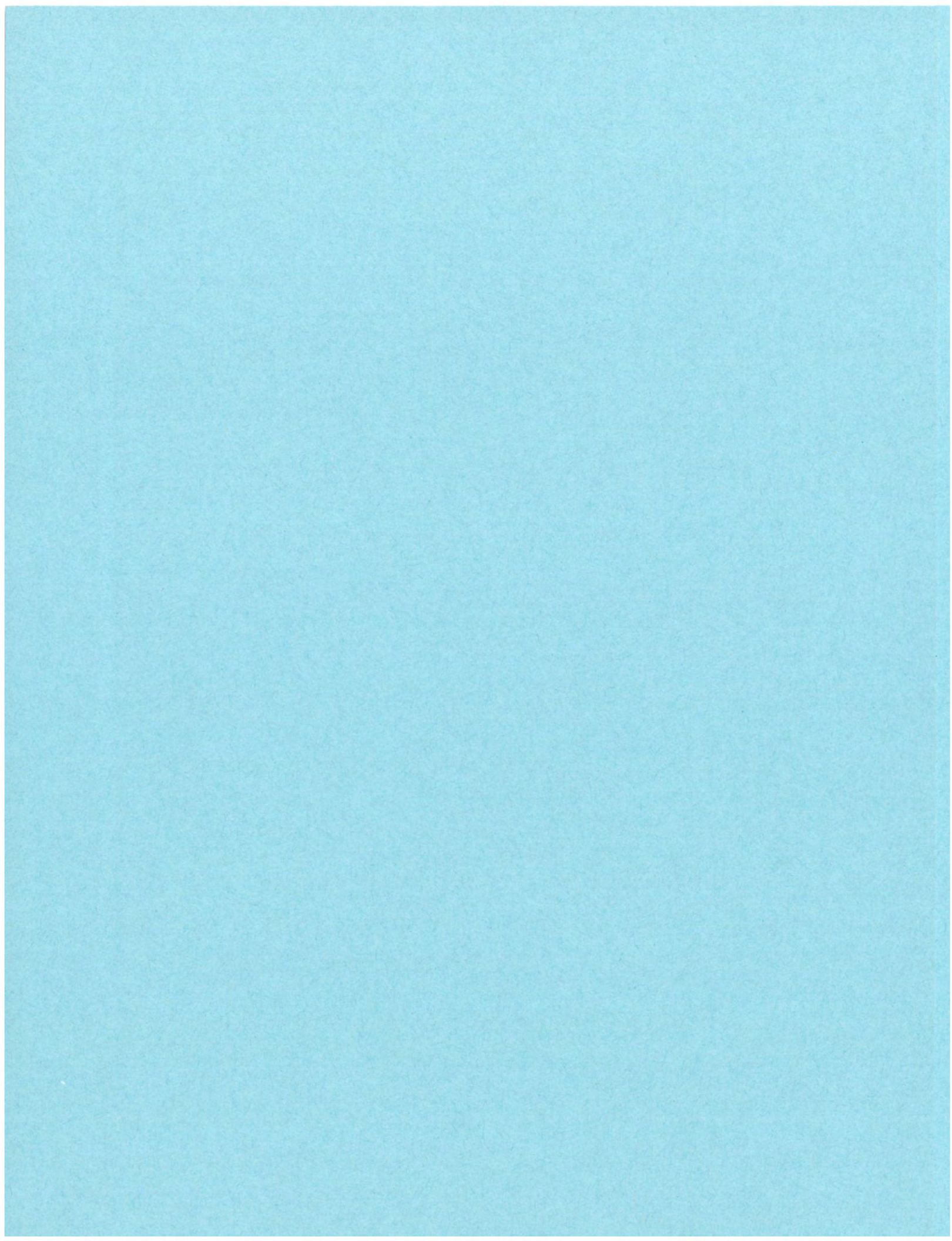


Exhibit A

BOARD OF APPEALS HEARING APPLICATION



Town of Florence, Mailing Address: P O Box 2670, Florence, Arizona 85132
 Physical Address: 775 N. Main Street, Florence, Arizona 85132
 Office: (520) 868-7500 Fax: (520) 868-7546 Inspection Line: (520) 868-7564 www.florenceaz.gov

Board of Appeals Hearing Application

Provide all information and fill in all blanks.

Project Name:	WC Smith building, Conquest Arms gun shop		
Project Address:	368 and 374 N. Main Street, Florence, Arizona 85132		
Parcel No:	200-41-0210 and 200-41-0220	Subdivision & Lot or Suite No.	
Property Owner:	Gem G. Cox and Kelly M. Gordon		
Street Address:	3011 N. Avenida De La Colina		
City:	Tucson	State:	AZ Zip: 85749 Phone No. (520) 868-0777
Fax:	Email: Gemcox@cox.net		
Applicant:	Gem Cox and Kelly Gordon		
Street Address:	3011 N. Avenida De La Colina		
City:	Tucson	State:	AZ Zip: 85749 Phone No. (520) 868-0777
Fax:	Email: Gemcox@cox.net		

Requirement for filing an appeal:

The application shall bear the name, address and signature of the applicant, along with a description of the matter in sufficient detail to provide reasonable notice to the Board of the issues to be presented. Applications for appeal shall be made within twenty (20) days of the date of the decision which is being appealed, and not thereafter.

An appeal may be withdrawn at any time prior to opening of the hearing by the party filing the appeal upon written notice filed with the Building Code Official. After opening of the hearing, the appeal may only be withdrawn upon the consent of a majority of the Board present at such hearing.

No appeal that has been denied by the Board shall be further considered in a new appeal resulting from the filing of new plans and the obtaining of a new decision from the Building Code Official, unless such plans materially change the nature of the case, and in any case, the Board shall reserve the right to refuse to consider another application on the same matter within one (1) year from the date of hearing on the previous application.

[Handwritten Signature] Applicant Signature Gem G. Cox and Kelly M. Gordon Print Name 4-3-17 Date

Received by _____ Date _____

Date of Board Meeting _____ Scheduled By _____ Date _____

Date Notice Posted _____ Posted By _____ Date _____

Project Name: WC Smith building, Conquest Arms gun shop

Project Address: 368 and 374 N. Main Street, Florence, Arizona 85132

Decision of Building Code Official to be appealed:

Please see the following three letters attached hereto:

1. March 10, 2017 letter from Town of Florence Community Development (Jason Penrod and John Kemp) to Gem G. Cox and Kelly M. Cox regarding Order of Notice of Unsafe Structure;
2. March 10, 2017 letter from Town of Florence Community Development (Jason Penrod) to Gem G. Cox and Kelly M. Cox regarding Code Official Report; and
3. March 16, 2017 letter from Town of Florence (Donald E. Bent, Sr. and David Strayer) to Gem and Kelly Cox regarding Suspension of Certificate of Occupancy.

Position of the Owner/Applicant:

Appeal/Hearing Request

Please see April 3, 2017 letter from John F. Munger to Town of Florence/Board of Appeals regarding Notice of Appeal on Behalf of Gem G. Cox and Kelly M. Gordon, also attached hereto.

Use this form or provide the required information on separate sheets.
Please identify sheets with the Project Name and Address.
Attach additional sheets as necessary.

JOHN F. MUNGER
MARK E. CHADWICK *
THOMAS A. DENKER
ROBERT J. METLI
JUDGE (RET.) TED B. BOREK
MICHAEL J. WOODRUFF**
DAVID RUIZ ***
ANDREW H. BARBOUR ****
* Also Admitted in Colorado
** Not admitted in Arizona
- Only admitted in California
*** Also Admitted in California
**** Also Admitted in Connecticut

MUNGER CHADWICK, P.L.C.

ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY
CONCORD PLACE
2999 N 44th Street, Suite 130
Phoenix, Arizona 85018
(602) 374-4890
FAX (602) 441-2779
MungerChadwick.com

TUCSON OFFICE
NATIONAL BANK PLAZA
333 North Wilmot, Suite 300
Tucson, Arizona 85711
(520) 721-1900
FAX (520) 747-1550

OF COUNSEL
LAWRENCE V. ROBERTSON, JR.
ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

OF COUNSEL
GREG PATTERSON
CLARK W. WATKIN, JR.
IRENA JURAS
STEVEN W. BLOCH*
CRAIG MARKS
*Admitted only in Washington DC

GREEN VALLEY APPOINTMENT OFFICE
210 West Continental Road, Suite 216A
Green Valley, Arizona 85622
(520) 398-0411

April 3, 2017

VIA CERTIFIED MAIL AND U.S. MAIL

Board of Appeals
c/o Town Clerk
TOWN OF FLORENCE
775 North Main Street
Florence, Arizona 85132

Re: Notice of Appeal on behalf of Gem G. Cox and Kelly M. Gordon – Owners
368 and 374 Main Street, Florence, Arizona

To Whom It May Concern:

This firm represents Gem G. Cox and his wife Kelly M. Gordon (collectively referred to herein as “the Coxes”). Our clients hereby give notice of appeal pursuant to Town of Florence Ordinance (“Ordinance”), Ordinance No. 656-17, Section 150.301(B)(5);¹ the 2006 Edition of the International Building Code (“IBC”), Section 112.2;² the 2006 Edition of the International Fire Code (“IFC”), Section 108.2;³ the 2006 Edition of International Property Maintenance Code

¹ Any person directly affected by a decision of the Building Official or Fire Code Official or a notice or order issued under technical codes shall have the right to appeal to the Board of Appeals, provided that a written application to appeal is filed in the Office of the Town Clerk within twenty (20) days after the decision, notice or order was served. Application for appeal shall be based on a claim that the true intent of the relevant technical code or the rules legally adopted by the Town have been incorrectly interpreted, the provisions of the code do not fully apply, an equally good of better construction is proposed, or an equivalent method of protection or safety is proposed.

² **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.

³ **108.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

("IPMC"), Section 111.1;⁴ and the 2005 National Electric Code ("NEC"). This appeal is filed in response to the Town of Florence's ("Town's") March 16, 2107 suspension of the Stipulated Certificate of Occupancy ("Stipulated C/O") for the properties owned by the Coxes and located at 368 and 374 N. Main Street Florence, Arizona 85132 ("Subject Building"). The Coxes' appeal will be based, *inter alia*, upon on a claim that the intent of these codes has been incorrectly interpreted and the provisions of these codes do not fully apply to the Subject Building. In addition, the Coxes seek a stay of enforcement of the suspension pursuant to Ordinance, Section 150.301(C)(4) and IPMC, Section 111.8. Finally, the Coxes seek a hearing in front of the Board of Appeals to address the issues raised in the Board of Appeals Hearing Application ("Application for Appeal"), to which this letter is attached and incorporated therein by reference.

Factual Background

On or about June 30, 2011, the Coxes purchased the Subject Building, aka the Smith/Gentry building. The Subject Building is an American-Victorian brick commercial block building designed by Phoenix Architect James M. Creighton. The 374 address (north building) was built in 1890 and the 368 address (south building) was built about 1917. The Subject Building is a historic building, listed on the Arizona State Historic Property Inventory and is part of the Town's Historical District, listed in the National Historic Registry. At the time of the purchase by the Coxes, the Subject Building was used for residential purposes and had a residential tenant. In November 2014, the Florence Fire Department, Fire Prevention Division issued a Cease and Desist Notification alleging that the "structure and building system, in whole, to be an inimical threat to human life and safety." The issues were satisfactorily resolved and the Cease and Desist requirement removed. Thereafter, the Coxes sought and were issued a residential Certificate of Occupancy ("C/O").

Since 2015, the Coxes have been seeking a commercial C/O to use a portion of the Subject Building as retail space and commercial use. During that time, the Town has continually harassed the Coxes related to their pursuit of a commercial C/O for the Subject Property by requiring unreasonable conditions and requirements for compliance. After the Coxes had spent significant time and resources complying with the Town's burdensome conditions and requirements, in or about May 2016, the Town issued a Stipulated commercial C/O ("Stipulated C/O") for the Subject Building. Upon issuance of the Stipulated C/O, the Coxes rented out a retail space in the Subject Building to a tenant, a gun shop known as *Conquest Arms*.

Although a Stipulated C/O was issued, it was issued to the Coxes under duress. The Coxes did not agree to the conditions and requirements set forth in the Stipulated C/O. Despite objecting to the conditions of the Stipulated C/O, the Coxes have spent additional time and resources and have met all conditions and requirements in the Stipulated C/O, in the expectation that a standard C/O would be issued in due course. Since the Stipulated C/O was issued, the Coxes have complied with each additional condition and requirement devised by the Town in the Stipulated C/O, and have repeatedly been promised that upon completion of the conditions of the

⁴ **111.1 Application for appeal.** 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 the requirements of this code are adequately satisfied by other means.



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

Stipulated C/O, a standard, unconditional C/O would be issued. It is noteworthy that all required work performed by the Coxes in an effort to comply with the Town's conditions and requirements, was inspected and noted as complete at a pre-scheduled Town Inspection that occurred on February 21, 2017.

Since that time, the Town has required *even more* new conditions and requirements and has made unsubstantiated accusations that unpermitted work was performed on the Subject Building and that unsafe conditions exist thereon, all of which have not only delayed the issuance of the commercial C/O, but have unjustly increased the cost of compliance. It appears that the sole purpose of the unsubstantiated accusations as well as the new conditions and requirements is to delay and harass the Coxes by making it economically unfeasible for the Coxes, or their tenant to do any renovation work on the Subject Building or to use the Subject Building for commercial purposes.

For example, the Coxes wanted to replace an old single-hole bathroom with two new bathrooms using the same basic plumbing outlets. In March 2017, the Coxes were informed that the Town now requires as-built drawings for historic district buildings prior to allowing any permitted work on the bathroom and prior to a new C/O being issued (even though the Coxes had already met the conditions of the Stipulated C/O over a year prior). The cost of preparing an as-built drawing for the entire Subject Building would be over \$50,000 and take several months to prepare. Such requirement may be justified for a complete multi-million dollar restoration project but not for small additions like a restroom. The Coxes did submit construction plans for the restrooms to the Town.

Furthermore, the Town has required strict compliance with the IBC, IFC, the IPMC, and the NEC, even though the express provisions of those codes exempt historical buildings, such as the subject buildings, from such compliance as will be shown below. In addition, on March 8, 2017, the Coxes were informed by the Town that a "concerned citizen" had filed a complaint against the Subject Building alleging it was electrically unsafe, did not meet the applicable electric codes, and was a fire hazard. Also, because there was a plumbing permit pending for the Subject Building, the Town requested that its licensed electrical contractor be permitted to conduct an electrical inspection, which had nothing to do with the bathroom work. The Coxes agreed to the inspection. Although the Town's electrical contractor opined that the wiring did not meet the current electrical code, at no time did he state that the electrical system was dangerous or that there was any risk of electric shock or fire.

Finally, the Coxes have been unfairly subjected to harassment by the Town "Fire Marshall" (who is not even qualified to be a Fire Marshall) who has scheduled multiple inspections and fire alarm testing, even though the previous inspections and testing have occurred and been approved. Specifically, the Fire Marshall has performed at least 20 inspections of the Subject Building. None of these inspections have ever revealed any imminent dangerous conditions. Although such inspections and testing has taken place and testing had been successful, the Fire Marshall continues to insist on additional testing and inspections for the sole purpose of harassment and delay.

On or about March 10, 2017 the Town provided written formal notice ("Notice"), that there was "reasonable cause" to believe that the Subject Building was an unsafe structure, which

Member of



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

constituted a *possible* fire hazard or is otherwise dangerous to human life or the public welfare. The basis of the Notice was alleged unpermitted work within the structure, an unsafe electrical system and non-compliance with the IBC, the IFC, the NEC and the IPMC, *all* of which has long since proven to be untrue in prior inspections. Thus, the Town had absolutely no basis to issue the allegations referenced in its March 10 letter. In addition, the Town has alleged that the building's residential occupancy has increased, which is also false.

Pursuant to the Notice, the Coxes were instructed to arrange for an independent electrical inspection of the Subject Building. The Town required the Coxes to comply with the inspection requirement within 72 hours; otherwise the stipulated Certificate of Occupancy "shall be suspended." Due to scheduling conflicts with the Cox's electrical engineer, the Coxes informed the Town that the earliest they could schedule an independent inspection was March 23, 2017.

Despite being informed that the electrical inspection could not take place until March 23, 2017, on March 16, 2017, the Coxes were informed by the Florence Town Manager that the Stipulated Certificate of Occupancy would be suspended by the end of the day. That same day, the Coxes received formal written notice of Suspension of Certificate of Occupancy under the IBC and IFC and ordered the electrical utilities be disconnected "until such time that it can be determined that such utilities do not present an immediate hazard to life or property." In addition, the Town posted a Notice of "Dangerous Building, Do Not Enter, Unsafe to Occupy" on the doors of the Subject Building. Town officials also informed the Cox's tenant of these events and *ordered* said tenants to vacate the building in 15 minutes, leaving all their property behind; and further informed them that they would be arrested if they returned even to gather their property. As such, the Coxes have now lost their tenant.

Legal Basis for Appeal

The Coxes' appeal will be based, *inter alia*, upon on a claim that the intent of these codes has been incorrectly interpreted and the provisions of these codes do not fully apply to the Subject Building. (See Ordinance, No. 656-17, Section 150.301(B)(5).

The intent of the code has been incorrectly interpreted.

The Town suspended the Stipulated C/O because it had "reasonable cause" to believe that the Subject Building was an unsafe structure, which constituted a *possible* fire hazard or is otherwise dangerous to human life or the public welfare. The basis of the Notice was alleged unpermitted work within the structure, an unsafe electrical system and non-compliance with the IBC, the IFC, the NEC and the IPMC. In response to the allegations of unpermitted work, as described above, the Coxes have spent significant time and resources to comply with the Towns conditions and have met all conditions and requirements in the Stipulated C/O. In fact, all required work performed by the Coxes in an effort to comply with such conditions and requirements, was inspected and noted as complete at a pre-scheduled Town Inspection that occurred on February 21, 2017. In response to the allegations that the Subject building is a hazard and unsafe, the Fire Marshall has performed at least 20 inspections of the Subject

Member of



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

Building and none of these inspections have ever revealed any imminent dangerous conditions. In response to the Town's request that that its licensed electrical contractor be permitted to conduct an electrical inspection of the Subject Building, although the Town's electrical contractor opined that the wiring did not meet the current electrical code, at no time did he state that the electrical system was dangerous or that there was any risk of electric shock or fire. In response to the Town's allegations that the Subject Building is non-compliant with the IBC, the IFC, the NEC and the IPMC, the Town has no evidence that the Subject Building is either unsafe or creates an electrical or fire hazard. As already noted, the buildings have been inspected repeatedly and no such evidence has ever been found. As a result, the Town has no evidence that the Subject Building is unsafe or creates an electrical or fire hazard. The Town clearly has incorrectly interpreted the various codes to the Subject Property and has no basis in fact for its decisions being appealed.

The codes do not apply to the Subject Building.

The Subject Building is designated a Historical Building under the IBC and is therefore exempted from strict compliance with the IBC, the IFC, the NEC and the IPMC. Under the IBC, *Historic Buildings* are defined as:

Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law (see Sections 3407 and 3409.9).

The IBC, IFC and IPMC each have an exemption provision for historical buildings. The IBC, Section 3407.1, entitled Historic buildings, states:

The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

The IFC, Section 102.5, entitled Historic buildings, states:

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

Member of



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

The IPMC, Section 102.6, entitled Historic buildings, states:

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

The Subject Building is clearly a historic building under the IBC, the IFC, and the IPMC. As a result, as long as the violations under these provisions: (1) do not constitute a distinct life safety hazard; (2) do not constitute a distinct hazard to life or property; and (3) the Subject Building is judged to be safe and in the public interest, such codes are inapplicable. As set forth above, the Town has no evidence that the Subject Building is either unsafe or creates an electrical or fire hazard that would make the exemption provisions inapplicable. As a result, the Town's decision to suspend the Stipulated C/O based upon alleged violations identified above is arbitrary and capricious and/or an abuse of discretion.

The Town has unjustifiably harassed the Coxes thereby causing irreparable damage.

As more fully described above, the Town has continually harassed the Coxes related to their pursuit of a commercial C/O for the Subject Property by requiring unreasonable conditions and requirements for compliance. In addition, the Town's unsubstantiated accusations as well as implementing additional and continuous conditions and requirements was done for the sole purpose of delaying and harassing the Coxes by making it economically unfeasible for the Coxes, or their tenant to do any renovation work on the Subject Building or to use the Subject Building for commercial purposes. Furthermore, there is continuous harassment by the Fire Marshall who after requiring at least 20 inspections of the Subject Building, none of which revealed any imminently dangerous conditions, continues to insist on additional testing and inspections for the sole purpose of harassment and delay. As a result of this harassment and delay, the Coxes have been, and continue to be, irreparably damaged.

Conclusion

The Subject Building is clearly a historic building under the IBC, the IFC, and the IPMC. Because the Town has no evidence that the Subject Building is either unsafe or creates an electrical or fire hazard, such codes are inapplicable. Although the Town will allege that the *possible newly alleged* violations cause the Subject Building to be unsafe to occupy, there is no evidence that this is in fact the case. Although the Town's electrical contractor opined that the wiring did not meet the current electrical code, at no time did he state that the electrical system was dangerous or that there was any risk of electric shock or fire. Although the Fire Marshall has

Member of



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

performed at least 20 inspections of the Subject Building, none of these inspections have ever revealed any imminent dangerous conditions. Therefore, the decision by the Town to suspend the Stipulated C/O based upon the Subject Building being a hazard and unsafe, as well as alleged violations of the IBC, IFC, NEC and IPMC has no basis in fact or law, is arbitrary and capricious and/or an abuse of discretion. In addition, public dissemination of the suspension of the Stipulated Certificate of Occupancy for the Subject Building based upon erroneous allegations of violations of building, electrical and fire codes will irreparably prejudice and injure the Coxes in their efforts to rent the Subject Building in the future and will unreasonably and substantially interfere with the Coxes' property rights.

Finally, because the Coxes filed a timely appeal to the Town's decision to suspend the Stipulated Certificate of Occupancy,⁵ such suspension shall be stayed⁶ pending a review hearing by the Board of Appeals. In addition, the Coxes hereby request a hearing in front of the Board of Appeals to address the issues raised by the Coxes in their Application for Appeal.

Very truly yours,

MUNGER CHADWICK, P.L.C.



John F. Munger
For the Firm

/lm

Enclosures

cc: Mr. Clifford L. Mattice - Florence Town Attorney
Mr. Gem Cox
Ms. Kelly Gordon

⁵ Ordinance, Section 150.301(B)(5). Any person directly affected by a decision of the Building Official or Fire Code Official or a notice or order issued under technical codes shall have the right to appeal to the Board of Appeals, provided that a written application to appeal is filed in the Office of the Town Clerk within twenty (20) days after the decision, notice or order was served; IBC, Appendix B, Section B101.1 **Application**. The application for appeal shall be filed on a form obtained from the *building official* within 20 days after the notice was served; *see also* IPMC, Section 111.1 **Application for appeal**. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.

⁶ Ordinance, Section 150.301(C)(4). An appeal stays all proceedings in the matter appealed from, unless the Building Official or Fire Code Official certifies to the Board that, in his/her opinion by the facts stated in the certificate, there is reasonable cause that the stay could cause a hazard or is otherwise dangerous to human life of the public welfare; *see also*, IPMC, Section 111.8 **Stays of enforcement**. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Member of



A network of 70 independent Law Firms in 50 countries

United Kingdom, Ireland, Spain, Mexico, Peru, Chile, Germany, Denmark, Lebanon, Israel, Italy, France, Australia, Netherlands, Sweden, China, Japan, Korea, India, Nigeria, Canada, Brazil, South Africa

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

Delivered by Certified U.S.
Mail Return Receipt.

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Additional copy is
available at Town Hall.

Re: **Order of Notice of Unsafe Structure**
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a follow-up to the telephone conversation between Mr. Cox and the Town Manager on March 8, 2017, the Building Official and Fire Code Official of the Town of Florence ("The Code Officials") are hereby providing formal written notice, as required per Section 115 *Unsafe Structures and Equipment* of the Town adopted 2006 Edition of International Building Code ("IBC") and the 2006 Edition of the International Fire Code ("IFC"), that there is reasonable cause to believe that an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at 368 and 374 N. Main Street ("the Structure"). This concern largely appears to result from unpermitted work within the Structure, an unsafe electrical system and noncompliance with the aforementioned IBC and IFC, as well as the Town of Florence adopted 2005 National Electrical Code ("NEC") and the 2006 Edition of the International Property Maintenance Code ("IPMC"). The Code Officials have made this determination based on visual observations/inspections inside the Structure by Town staff, information provided to Town staff and unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

The Structure is in violation of the aforementioned IBC, NEC and IPMC Codes. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section 250.21 *ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.*
2. IBC Section 113.1 *UNLAWFUL ACTS*
3. IPMC Section 108.1.2 *UNSAFE EQUIPMENT*

The above code sections have been copied and included with this report for your convenience.

As the Town Manager indicated in his March 8, 2017 conversation with Mr. Cox, the Town's most urgent priority in this matter is to confirm the safety of the electrical system for the Structure. Consequently, this is why an offer was made to assist you with an immediate inspection of the Structure by a Registered Electrical Engineer. As you declined this offer, the Town needs you to promptly arrange this inspection without the scheduling or financial assistance offered by the Town.

Town of Florence
Community Development

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

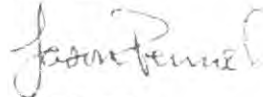
Water/Wastewater
868-7695

If proof of the compliance with this request (review of the Structure by a Registered Electrical Engineer) is not provided to the Code Officials within **72 HOURS** from the receipt of this order, any and all Certificates of Occupancy shall be suspended. Proof shall be constituted as a stamped and signed comprehensive inspection report of the Structure. After the 72 hours, unless it can be confirmed that the Structure does not present an electrical hazard or risk to the life safety and general welfare of the public, the Structure shall be vacated (not occupied) and the electrical power supply shall be shut down by the electrical power utility provider. The building shall remain unoccupied and electrical power, including any temporary power from generators, shall be prohibited until the Structure is brought into compliance and approved by the Code Officials. As the Owners of the Structure, you are requested to immediately declare to the Building official acceptance or rejection to the terms off this Order. For added clarity, please note that while this initial step is focused on the electrical system, this in no way alleviates any concerns that the Town has shared regarding other matters addressed in this letter and/or other applicable code compliance matters pertaining to the Structure.

Please let the record indicate, as also expressed in the Town Manager's conversation with Mr. Cox on March 8, 2017, that the Town strongly desires to work with you in your efforts to bring the structure into full compliance with all applicable Town Codes in order to facilitate the Structure being an economic asset to the Town of Florence, i.e., being lawfully occupied with a variety of appropriate uses, etc.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

Respectfully,



Jason Penrod
Building Official

Senior Building Inspector

Attachment: Code Official Report



John Kemp
Fire Code Official

Fire Marshall

NEC SECTION 250.21 ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

1. Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering and the like
2. Separately derived systems used exclusively for rectifiers the supply on adjustable-speed industrial drives
3. Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the conditions are met:
 - a. The system is used exclusively for the control circuits.
 - b. The conditions of maintenance and supervision ensure the only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
4. Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

IMPC SECTION 108.1.2 UNSAFE EQUIPMENT

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, **electrical wiring or device**, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is hazard to life, health, property or safety or the public or occupants of the premises or structure.

IBC SECTION 113.1 UNLAWFUL ACTS

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132
Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

**Delivered by Certified
U.S. Mail Return Receipt.**

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

**Additional copy is
available at Town Hall.**

**Re: Code Official Report
Smith/Gentry Building ("the Structure")**

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a supplement to the Town's March 10th letter ("the Compliance Letter") regarding the Structure, the Building Official of the Town of Florence ("the Code Official") is hereby providing a supplemental report noticing you of specific concerns.

The Town has adopted a series of Codes that are used to ensure the safety of buildings within the Town of Florence. These include the codes referenced in the Compliance Letter (this is not the comprehensive list of all adopted codes):

The 2006 Edition of International Building Code ("IBC");
The adopted 2005 National Electrical Code ("NEC"); and
The 2006 Edition of the International Property Maintenance Code ("IPMC").

The Code Official has also referenced herein the unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

As noted in the Compliance Letter, the Structure is in violation of the aforementioned IBC, NEC and IPMC. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section 250.21 *ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.*
2. IBC Section 113.1 *UNLAWFUL ACTS*
3. IPMC Section 108.1.2 *UNSAFE EQUIPMENT*

The above code sections were included with the Compliance Letter for your convenience.

Specifically relating to the Town's concerns with the electrical system, Town staff has observed unpermitted electrical system modifications (reference IBC Section 113.1

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Unlawful Acts), which include, but may not be limited to, the running of new Romex within the Structure. This concern, as well as other observations from past meetings and inspections of the building, warranted further investigation, which apparently prompted your (Mr. Gem Cox) willingness to have an electrical contractor evaluate the Structure. You (Mr. Gem Cox) initially provided a report regarding the electrical inspection to the Town of Florence. Subsequently, the electrical contractor that you (Mr. Gem Cox) selected to work with provided an unsolicited report to the Town of Florence, which findings are summarized as follows:

Mr. Ron Escott with New Tech Electric described his walk-thru of the Structure and what he saw as critical issues in the building. Mr. Escott provided Town staff with a substantial overview of building electrical systems in general and he emphasized the importance of systems being properly grounded. Mr. Escott provided staff with several highlighted handouts and drew several diagrams that accompanied his verbal explanation of how the electrical system for the Structure is set up. He expressed concerns with the type of system in the Structure and how this type of system is not common with the type of occupancies now in the building (Mercantile, Residential and Storage). Mr. Escott stated that he believed that there was a "fire hazard and shock hazard to the public" due to the current condition of the electrical system in the Structure. For clarification, when Town staff asked if Mr. Escott believed if recent electrical improvements have been completed in the building, Mr. Escott referenced seeing new Romex in the Structure. Mr. Escott also suggested that Town staff review Section 250.21 of the NEC. In addition, Mr. Escott was provided with a February 16, 2017 email from Mr. Gem Cox that described the aforementioned walk-thru, to which Mr. Escott confirmed that the safety concerns present in the building were underestimated in the email.

The Code Official believes that the report from Mr. Escott, accompanied by additional evidence, suggests a violation of the NEC, specifically, Section 250.21 *Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to be Grounded* and a violation of Section 108.1.2 *Unsafe Equipment* of the IMPC.

Furthermore, inspections and conversations have indicated addition unpermitted work, including, but limited to, the addition of new walls and rooms, and deviations from the current stipulated Certificate of Occupancy, which include reasonable suspicion that the building's residential occupancy has increased and that an

**Town of Florence
Community Development**

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

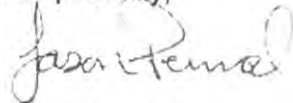
unpermitted classroom has been used by the building's lessee, including, but perhaps not limited to, CCW Classes held in the building. Work on a proposed coffee shop has also commenced, though it does not appear that the coffee shop has opened to the general public. Depending upon the receipt of architectural plans and occupancy details for the added and proposed improvements, which are required from a Registered Architect, there is an anticipated Change of Occupancy for the Structure to include a Business and/or Assembly Occupancy. Inspections also showed that a room in the basement also appeared that it was being used for an office, though the current stipulated Certificate of Occupancy did not approve the basement for any use other than storage.

Lastly, though the Town went above and beyond to issue a stipulated Certificate of Occupancy for the Structure nearly one year ago, a failure to complete the improvements required by the stipulations and new building modifications and occupancy changes clearly void the intent of the agreement and require, beyond the Electrical Engineer's assessment and Owner's compliance with the Electrical Engineer's recommendations, a Registered Architect to provide appropriate architectural plans showing current (as-built) and proposed improvements in order for the Town and Owners to work together on moving forward towards the goal of a new or amended Certificate of Occupancy for the Structure.

Please note that while the tone of this letter reflects the seriousness of the matter as a matter of necessity and urgency, we'd also like to assure you that we'd like nothing more than to work with the Owners to ensure the Structure can be safely and legally occupied. It is our sincere hope to work with the Owners to find a reasonable path forward on this matter.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

Respectfully,



Jason Penrod
Building Official
Senior Building Inspector

Town of Florence
PO Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7556

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7553

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Delivered by Certified/Registered Mail Return Receipt Requested

Additional copy is available for retrieval at the Town Hall Clerk's Office.

March 16, 2017

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Re: Suspension of Certificate of Occupancy
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St., Florence, AZ 85132

Dear Owners:

Per the March 10, 2017 Order of Notice of Unsafe Structure/Compliance Letter and the March 10, 2017 Code Official Report notices that you received, and as a result of continued noncompliance with the matters addressed in said letters, the Town of Florence Building and Fire Code Officials ("Officials") are hereby providing formal written notice of the Suspension of the Stipulated Certificate of Occupancy for the Structure (Permit Number BLD-15-00298), as required per the 2006 Edition of the International Building Code ("IBC"), Section 110.4, *Revocation*, and also per the 2006 Edition of the International Fire Code (IFC) Section 110.4 *Abatement*. Per Section 110.1 of the IBC, the Officials hereby order that any occupants of the structure vacate immediately.

Furthermore, as stated in the aforementioned letters, the Officials hereby order that the electrical utilities to the Structure be disconnected until such time that it can be determined that such utilities do not present an immediate hazard to life or property (Reference 2006 IBC, Section 111.3 *Authority to Disconnect Service Utilities* and the aforementioned Section 110.4 of the IFC). At this time it will be your responsibility to disconnect power immediately. If you fail to perform, the Town will utilize its powers under Section 111.3 under the authority of the IBC.

For your convenience, the Code Section referenced herein for the suspension of the Stipulated Certificate of Occupancy is provided below:

110.4 Revocation

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Please do not hesitate to contact us if you have any questions pertaining to this matter. The Town has been notified that an Electrical Engineer (Registered in the State of Arizona) will be inspecting the building on March 23rd at 3:30 PM. Town Officials will be on site for the inspection (2006 IBC, Section 104.6 *Right of Entry*).

Respectfully,



Donald E. Bent Sr.
Building Official



David Strayer
Fire Code Official/Fire Chief

Exhibit B

**COMPLIANCE/VIOLATION LETTERS FROM
TOWN OF FLORENCE**

Exhibit B.1

**Town Letter re Order of Notice of Unsafe
Structure**

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

Delivered by Certified U.S.
Mail Return Receipt.

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Additional copy is
available at Town Hall.

Re: **Order of Notice of Unsafe Structure**
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a follow-up to the telephone conversation between Mr. Cox and the Town Manager on March 8, 2017, the Building Official and Fire Code Official of the Town of Florence ("The Code Officials") are hereby providing formal written notice, as required per Section 115 *Unsafe Structures and Equipment* of the Town adopted 2006 Edition of International Building Code ("IBC") and the 2006 Edition of the International Fire Code ("IFC"), that there is reasonable cause to believe that an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at 368 and 374 N. Main Street ("the Structure"). This concern largely appears to result from unpermitted work within the Structure, an unsafe electrical system and noncompliance with the aforementioned IBC and IFC, as well as the Town of Florence adopted 2005 National Electrical Code ("NEC") and the 2006 Edition of the International Property Maintenance Code ("IPMC"). The Code Officials have made this determination based on visual observations/inspections inside the Structure by Town staff, information provided to Town staff and unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

The Structure is in violation of the aforementioned IBC, NEC and IPMC Codes. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section 250.21 ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.
2. IBC Section 113.1 UNLAWFUL ACTS
3. IPMC Section 108.1.2 UNSAFE EQUIPMENT

The above code sections have been copied and included with this report for your convenience.

As the Town Manager indicated in his March 8, 2017 conversation with Mr. Cox, the Town's most urgent priority in this matter is to confirm the safety of the electrical system for the Structure. Consequently, this is why an offer was made to assist you with an immediate inspection of the Structure by a Registered Electrical Engineer. As you declined this offer, the Town needs you to promptly arrange this inspection without the scheduling or financial assistance offered by the Town.

Town of Florence
Community Development

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

If proof of the compliance with this request (review of the Structure by a Registered Electrical Engineer) is not provided to the Code Officials within **72 HOURS** from the receipt of this order, any and all Certificates of Occupancy shall be suspended. Proof shall be constituted as a stamped and signed comprehensive inspection report of the Structure. After the 72 hours, unless it can be confirmed that the Structure does not present an electrical hazard or risk to the life safety and general welfare of the public, the Structure shall be vacated (not occupied) and the electrical power supply shall be shut down by the electrical power utility provider. The building shall remain unoccupied and electrical power, including any temporary power from generators, shall be prohibited until the Structure is brought into compliance and approved by the Code Officials. As the Owners of the Structure, you are requested to immediately declare to the Building official acceptance or rejection to the terms off this Order. For added clarity, please note that while this initial step is focused on the electrical system, this in no way alleviates any concerns that the Town has shared regarding other matters addressed in this letter and/or other applicable code compliance matters pertaining to the Structure.

Please let the record indicate, as also expressed in the Town Manager's conversation with Mr. Cox on March 8, 2017, that the Town strongly desires to work with you in your efforts to bring the structure into full compliance with all applicable Town Codes in order to facilitate the Structure being an economic asset to the Town of Florence, i.e., being lawfully occupied with a variety of appropriate uses, etc.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

Respectfully,



Jason Penrod
Building Official

Senior Building Inspector

Attachment: Code Official Report



John Kemp
Fire Code Official

Fire Marshall

NEC SECTION 250.21 ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

1. Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering and the like
2. Separately derived systems used exclusively for rectifiers the supply on adjustable-speed industrial drives
3. Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the conditions are met:
 - a. The system is used exclusively for the control circuits.
 - b. The conditions of maintenance and supervision ensure the only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
4. Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

IMPC SECTION 108.1.2 UNSAFE EQUIPMENT

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, **electrical wiring or device**, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is hazard to life, health, property or safety or the public or occupants of the premises or structure.

IBC SECTION 113.1 UNLAWFUL ACTS

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Exhibit B.2

Town Letter re Code Official Report

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

Delivered by Certified
U.S. Mail Return Receipt.

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Additional copy is
available at Town Hall.

Re: **Code Official Report**
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a supplement to the Town's March 10th letter ("the Compliance Letter") regarding the Structure, the Building Official of the Town of Florence ("the Code Official") is hereby providing a supplemental report noticing you of specific concerns.

The Town has adopted a series of Codes that are used to ensure the safety of buildings within the Town of Florence. These include the codes referenced in the Compliance Letter (this is not the comprehensive list of all adopted codes):

The 2006 Edition of International Building Code ("IBC");
The adopted 2005 National Electrical Code ("NEC"); and
The 2006 Edition of the International Property Maintenance Code ("IPMC").

The Code Official has also referenced herein the unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

As noted in the Compliance Letter, the Structure is in violation of the aforementioned IBC, NEC and IPMC. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section **250.21 ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.**
2. IBC Section **113.1 UNLAWFUL ACTS**
3. IPMC Section **108.1.2 UNSAFE EQUIPMENT**

The above code sections were included with the Compliance Letter for your convenience.

Specifically relating to the Town's concerns with the electrical system, Town staff has observed unpermitted electrical system modifications (reference IBC Section 113.1

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Unlawful Acts), which include, but may not be limited to, the running of new Romex within the Structure. This concern, as well as other observations from past meetings and inspections of the building, warranted further investigation, which apparently prompted your (Mr. Gem Cox) willingness to have an electrical contractor evaluate the Structure. You (Mr. Gem Cox) initially provided a report regarding the electrical inspection to the Town of Florence. Subsequently, the electrical contractor that you (Mr. Gem Cox) selected to work with provided an unsolicited report to the Town of Florence, which findings are summarized as follows:

Mr. Ron Escott with New Tech Electric described his walk-thru of the Structure and what he saw as critical issues in the building. Mr. Escott provided Town staff with a substantial overview of building electrical systems in general and he emphasized the importance of systems being properly grounded. Mr. Escott provided staff with several highlighted handouts and drew several diagrams that accompanied his verbal explanation of how the electrical system for the Structure is set up. He expressed concerns with the type of system in the Structure and how this type of system is not common with the type of occupancies now in the building (Mercantile, Residential and Storage). Mr. Escott stated that he believed that there was a "fire hazard and shock hazard to the public" due to the current condition of the electrical system in the Structure. For clarification, when Town staff asked if Mr. Escott believed if recent electrical improvements have been completed in the building, Mr. Escott referenced seeing new Romex in the Structure. Mr. Escott also suggested that Town staff review Section 250.21 of the NEC. In addition, Mr. Escott was provided with a February 16, 2017 email from Mr. Gem Cox that described the aforementioned walk-thru, to which Mr. Escott confirmed that the safety concerns present in the building were underestimated in the email.

The Code Official believes that the report from Mr. Escott, accompanied by additional evidence, suggests a violation of the NEC, specifically, Section 250.21 *Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to be Grounded* and a violation of Section 108.1.2 *Unsafe Equipment* of the IMPC.

Furthermore, inspections and conversations have indicated addition unpermitted work, including, but limited to, the addition of new walls and rooms, and deviations from the current stipulated Certificate of Occupancy, which include reasonable suspicion that the building's residential occupancy has increased and that an

Town of Florence
Community Development

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

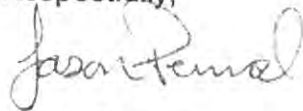
unpermitted classroom has been used by the building's lessee, including, but perhaps not limited to, CCW Classes held in the building. Work on a proposed coffee shop has also commenced, though it does not appear that the coffee shop has opened to the general public. Depending upon the receipt of architectural plans and occupancy details for the added and proposed improvements, which are required from a Registered Architect, there is an anticipated Change of Occupancy for the Structure to include a Business and/or Assembly Occupancy. Inspections also showed that a room in the basement also appeared that it was being used for an office, though the current stipulated Certificate of Occupancy did not approve the basement for any use other than storage.

Lastly, though the Town went above and beyond to issue a stipulated Certificate of Occupancy for the Structure nearly one year ago, a failure to complete the improvements required by the stipulations and new building modifications and occupancy changes clearly void the intent of the agreement and require, beyond the Electrical Engineer's assessment and Owner's compliance with the Electrical Engineer's recommendations, a Registered Architect to provide appropriate architectural plans showing current (as-built) and proposed improvements in order for the Town and Owners to work together on moving forward towards the goal of a new or amended Certificate of Occupancy for the Structure.

Please note that while the tone of this letter reflects the seriousness of the matter as a matter of necessity and urgency, we'd also like to assure you that we'd like nothing more than to work with the Owners to ensure the Structure can be safely and legally occupied. It is our sincere hope to work with the Owners to find a reasonable path forward on this matter.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

Respectfully,



Jason Penrod
Building Official
Senior Building Inspector

Exhibit B.3

**Town Letter re Response to the Notices filed by
Mr. Gem Cox with the Florence Town Clerk's
Office**

Town of Florence
P.O. Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks & Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7677

**DELIVERED BY CERTIFIED/REGISTERED MAIL RETURN RECEIPT
REQUESTED**

**ADDITIONAL COPY AVAILABLE FOR RETRIEVAL AT THE TOWN
CLERK'S OFFICE**

Gem G. Cox
3011 N. Avenida De La Colina
Tucson, AZ 85749

March 16, 2017

Re: Response to the Notices filed by Mr. Gem Cox with the Florence
Town Clerk's Office

Dear Mr. Cox,

The Florence Town Clerk received two documents titled "Notice of Appeal to Board of Adjustment for Certificate of Stipulated (Conditional) Certificate of Occupancy Revocation" (the "First Notice"), and "Notice of Appeal to Board of Adjustment concerning alleged dangerous conditions at 368 and 374 N. Main" (the "Second Notice") (collectively, the "Notices") that you filed on March 13, 2017. This correspondence is intended to respond to your Notices and to clarify for you the relevant process initiated by the Town of Florence Building Code Official and the Fire Code Official regarding their Order of Notice of Unsafe Structure for the Smith/Gentry Building and Code Official Report ("Code Officials' Notice") issued on March 10, 2017 to the owners of the Smith/Gentry Building (the "Structure"). The Code Officials' Notice requests proof of the Structure's compliance with multiple technical codes, including the 2006 Edition of the International Building Code ("IBC") and the 2006 Edition of the International Fire Code ("IFC"). Both the IBC and IFC were adopted as technical codes by the Town. The IBC and the IFC, like other technical codes, are administered pursuant to specific procedures delineated in the code version adopted by the Town. The IBC is implemented, administered and enforced by the Building Code Official. The IFC is implemented, administered and enforced by the Fire Code Official. Both the IBC and IFC are available on the Town of Florence's website for your reference (additionally, the offices of the Florence Town Clerk and Community Development Department maintain copies of the IBC and IFC for public review). The process initiated by the Building Code Official and Fire Code Official for your Structure is guided by the procedural requirements contained in the 2006 Edition of the International Building Code (IBC) and the 2006 Edition of the International Fire Code (IFC), and

Town of Florence
P.O. Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks & Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7677

not the provisions in sections 150.014, 150.015, 150.005, 150.006 and 150.008 of the Town's Development Code as asserted in the Notices. More particularly, the Building Official and Fire Marshal issued the "Order of Notice of Unsafe Structure" for your Structure on March 10, 2017, along with the accompanying report, pursuant to Sections 104, 105, 110 and 115 of the IBC and Sections 104, 105, 106 and 110 of the IFC.

The First Notice:

Further, the First Notice asserts, "If Town Management decides to continue to obstruct my building use and pursues revocation of my certificate of occupancy please consider this letter my official appeal for proper due process from the Town council...." The conditional nature of this request blurs the accurate date of its assertion and/or filing, thus rendering the timing of its filing and determination of whether it has actually been asserted unclear. Please also note that you filed your First Notice on March 13, 2017 in the Town Clerk's Office which is likely a premature filing date for such a notice considering the fact that you were allowed a reasonable amount of additional time to provide proof of compliance before any action would be taken by the Building Code Official or Fire Code Official.

The Second Notice:

Additionally, the Second Notice states, "I hope that the Town of Florence will stay all proceedings as instructed in 150.008. Please consider this letter my official appeal to the Board of Adjustment per 150.008 and follow the process outlined in city ordinances." As explained above, the Code Officials' Notice is subject to the particular procedures codified in the IBC and IFC. Neither Section 115 "Unsafe Structures and Equipment" of the IBC, nor Section 110 "Unsafe Buildings" of the IFC, allow or require a stay as requested in the Second Notice.

Please refer any questions regarding the IBC or IFC to the Building Code Official and Fire Code Official as indicated in the Order of Notice of Unsafe Structure delivered to you.

Sincerely,



Clifford L. Mattice
Florence Town Attorney

Cc: Town Clerk
Town Manager
Building Code Official
Fire Code Official

Exhibit B.4

**Town Letter re Suspension of Certificate of
Occupancy**

Town of Florence
PO Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7556

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7553

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Delivered by Certified/Registered Mail Return Receipt Requested

Additional copy is available for retrieval at the Town Hall Clerk's Office.

March 16, 2017

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Re: Suspension of Certificate of Occupancy
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St., Florence, AZ 85132

Dear Owners:

Per the March 10, 2017 Order of Notice of Unsafe Structure/Compliance Letter and the March 10, 2017 Code Official Report notices that you received, and as a result of continued noncompliance with the matters addressed in said letters, the Town of Florence Building and Fire Code Officials ("Officials") are hereby providing formal written notice of the Suspension of the Stipulated Certificate of Occupancy for the Structure (Permit Number BLD-15-00298), as required per the 2006 Edition of the International Building Code ("IBC"), Section 110.4, *Revocation*, and also per the 2006 Edition of the International Fire Code (IFC) Section 110.4 *Abatement*. Per Section 110.1 of the IBC, the Officials hereby order that any occupants of the structure vacate immediately.

Furthermore, as stated in the aforementioned letters, the Officials hereby order that the electrical utilities to the Structure be disconnected until such time that it can be determined that such utilities do not present an immediate hazard to life or property (Reference 2006 IBC, Section 111.3 *Authority to Disconnect Service Utilities* and the aforementioned Section 110.4 of the IFC). At this time it will be your responsibility to disconnect power immediately. If you fail to perform, the Town will utilize its powers under Section 111.3 under the authority of the IBC.

For your convenience, the Code Section referenced herein for the suspension of the Stipulated Certificate of Occupancy is provided below:

110.4 Revocation

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Please do not hesitate to contact us if you have any questions pertaining to this matter. The Town has been notified that an Electrical Engineer (Registered in the State of Arizona) will be inspecting the building on March 23rd at 3:30 PM. Town Officials will be on site for the inspection (2006 IBC, Section 104.6 *Right of Entry*).

Respectfully,



Donald E. Bent Sr.
Building Official



David Strayer
Fire Code Official/Fire Chief

Exhibit B.5

**Town Letter re Certification That Stay Could
Cause Hazard**

**Town of Florence
Community Development**

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

April 5, 2017

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
2994 N, 44th Street, Suite 130
Phoenix, Arizona 85018

Delivered by Certified U.S.
Mail Return Receipt



Additional copy is
available at Town Hall.

CERTIFICATION THAT STAY COULD CAUSE HAZARD

Re: Letter dated March 23, 2017
Gem – Cox
368 and 374 Main Street, Florence, Arizona 85132 (The “Structure”)

To: Mr. John F. Munger

Pursuant to Ordinance No. 656-17, the Building Official and Fire Code Official hereby certify to the Board of Appeals that the facts stated in letter dated March 10, 2017, show there is reasonable cause that a stay could cause a hazard or is dangerous to human life or the public welfare. Therefore, the proceedings and all orders of the Code Officials for the structure shall not be stayed. The following code references apply per Town of Florence adopted codes: the 2006 Edition, (IBC) International Building Code, Section 110.1, the 2006 Edition, (IPMC) International Property Maintenance Code, Section 108.1.1 and 108.1.2, the 2006 Edition, (IFC) International Fire Code, Section 110.1.1, and the 2005 Edition, (NEC) National Electrical Code, Article 250.21.

Responses to page 2, first paragraph, last sentence, “In addition, the Coxes seek a stay of enforcement of the suspension pursuant to IPMC, Sections 111.8, and Ordinance, Section 150.008 (E)(2), are as follows:

Item 1, The International Property Maintenance Code, 2006 Edition, is the current adopted code for the Town of Florence. Section 111.8, **Stays of enforcement.** states that; “Appeals of notice or orders (other than Imminent Danger notices) shall stays of enforcement of the notice and order until the appeal is heard by the appeals board”. **(Note, that the notice placed on the above referenced structure, was an Imminent Danger notice and that a stay of enforcement can not be granted).**

Respectfully,

Donald E. Bent Sr.
Building Official

John E. Kemp
Fire Code Official

Exhibit C

DANGEROUS BUILDING POSTING

DANGEROUS BUILDING

DO NOT ENTER UNSAFE TO OCCUPY

IT IS A MISDEMEANOR TO OCCUPY THIS
BUILDING OR TO REMOVE OR DEFACE THIS
NOTICE.

PLEASE CONTACT THE TOWN OF
FLORENCE BUILDING SAFETY
DEPARTMENT AT 520-868-7556

Donald C. Batt 3/16/17

BUILDING OFFICIAL
TOWN OF FLORENCE

[Signature] 3

FIRE CHIEF
TOWN OF FLORENCE



Exhibit D

**STIPULATED CERTIFICATE OF
OCCUPANCY**

Exhibit D.1

Certificate of Occupancy – April 25, 2016



Town of Florence
 224 W 20th St
 P.O. Box 2670 Florence AZ 85132
 Phone: 520-868-7573 Fax: 520-868-7546
www.florenceaz.gov

CERTIFICATE OF OCCUPANCY

PERMIT NUMBER: BLD-15-00298

COMMERCIAL BUILDING

THIS CERTIFICATE IS ISSUED PURSUANT TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, CERTIFYING THAT AT THE TIME OF ISSUANCE, THIS STRUCTURE WAS IN COMPLETE COMPLIANCE WITH THE VARIOUS ORDINANCES OF THE TOWN REGULATING BUILDING CONSTRUCTION OR USE AS FOLLOWS:

1. The occupant load for the residential/security guard living area will be limited to one adult permanently housed there.
2. Within one year, the current stand-alone smoke detectors will be replaced with an integrated, monitored (with automatic notification to the Florence Police Dispatch Center), UL listed fire alarm system covering the entire structure.
3. Within one year, all wall penetrations, under floor joists and crawl space openings will be sealed with a fire resistive barrier.
4. Within one year, remaining area separation between the garage area and the rest of the building will be completed.
5. Access throughout the building in established walkways will be maintained at all times. General storage will be orderly, in designated areas only and will comply with section 311.3 Low-Hazard Storage.

Site Address: 374 N MAIN ST
 368 N MAIN ST
 FLORENCE, AZ 85132

Owner: GEM G & KELLY M COX
 3011 N AVENIDA DE LA COLINA
 TUCSON, AZ 85749

"Draft"
Document

4/25/16
 Date

Occupancy Group : M, R, S
Occupancy Load: M-49, R-1, S-29
Construction: VB
Square Footage: 14,428
Code Edition: IBC 2006
Zoning: DC
Sprinkled: NO

Exhibit D.2

**Town Letter re acknowledgment and acceptance
of stipulated Certificate of Occupancy
[unsigned by Coxes]**

Town of Florence
P.O. Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks & Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7677

April 25, 2016

Dear Gem and Kelly M. Cox:

Your signatures on this letter acknowledge that you have willingly and fully accepted the terms of the stipulated Certificate of Occupancy proposed to be issued for property located at 374 and 368 N. Main Street, also known as Pinal County Assessor Parcel Numbers 200-41-0210 and 200-41-0220 ("Subject Property"), respectively. Upon your signatures on this letter and your acceptance of the accompanying stipulated Certificate of Occupancy, the Town will in turn allow these terms to supersede the previously issued "Cease and Desist" notice that the Town provided for the Subject Property. As such, the aforementioned "Cease and Desist" letter would become null and void.

Please maintain this letter alongside your stipulated Certificate of Occupancy.

Thank you for working with the Town on this matter and understanding the importance of ensuring the safety of all buildings in the Town of Florence. Your cooperation is immensely appreciated.

Please call me if there are any questions.

Sincerely,


Brent Billingsley
Florence Town Manager

Acknowledged and Accepted:

Gem Cox

Date

Kelly M. Cox

Date

Exhibit D.3

Certificate of Occupancy – May 4, 2016



Town of Florence
 224 W 20th St
 P.O. Box 2670 Florence AZ 85132
 Phone: 520-868-7573 Fax: 520-868-7546
www.florenceaz.gov

CERTIFICATE OF OCCUPANCY

PERMIT NUMBER: BLD-15-00298

COMMERCIAL BUILDING

THIS CERTIFICATE IS ISSUED PURSUANT TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, CERTIFYING THAT AT THE TIME OF ISSUANCE, THIS STRUCTURE WAS IN COMPLETE COMPLIANCE WITH THE VARIOUS ORDINANCES OF THE TOWN REGULATING BUILDING CONSTRUCTION OR USE AS FOLLOWS:

1. The occupant load for the residential/security guard living area will be limited to one adult permanently housed there.
2. Within one year, the current stand-alone smoke detectors will be replaced with an integrated, monitored (with automatic notification to the Florence Police Dispatch Center), UL listed fire alarm system covering the entire structure.
3. Within one year, all wall penetrations, under floor joists and crawl space openings will be sealed with a fire resistive barrier.
4. Within one year, remaining area separation between the garage area and the rest of the building will be completed.
5. Access throughout the building in established walkways will be maintained at all times. General storage will be orderly, in designated areas only and will comply with section 311.3 Low-Hazard Storage.
6. Town acknowledges that the occupancies of the subject building may change over time and that provisions such as the DC Zoning District applicable to the property, the use of the adopted Existing Building Code and any applicable provisions of other adopted and applicable building and fire codes that provide for accommodations and flexibility for occupancy changes within existing and historic buildings shall be utilized to the fullest extent possible to facilitate the ongoing use of the subject building.

Site Address: 374 N MAIN ST
 368 N MAIN ST
 FLORENCE, AZ 85132

Owner: GEM G & KELLY M COX
 3011 N AVENIDA DE LA COLINA
 TUCSON, AZ 85749

Jason Remal
 Building Official

Date 5/4/16

Occupancy Group : M, R, S

Occupancy Load: M-49, R-1, S-29

Construction: VB

Square Footage: 14,428

Code Edition: IBC 2006

Zoning: DC

Sprinkled: NO

Exhibit D.4

**Town Memo re acknowledgment/receipt/
acceptance of stipulated Certificate of Occupancy**

Town of Florence
PO Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7556

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7553

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Memo to File

May 5, 2016

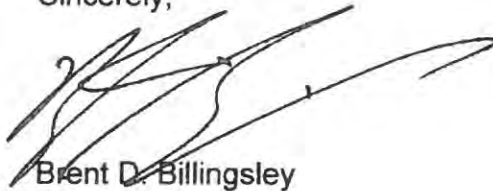
This Memo is provided to you and also filed at the Town to acknowledge that you have received and accepted the stipulated Certificate of Occupancy proposed to be issued for property located at 374 and 368 N. Main Street, also known as Pinal County Assessor Parcel Numbers 200-41-0210 and 200-41-0220 ("Subject Property"), respectively. The Certificate of Occupancy covers the entire building and its estimated 14,428 square feet.

Furthermore the Town acknowledges that the previously issued "Cease and Desist" Notice that the Town issued for the Subject Property (November 3, 2014) is now null and void.

Please maintain this Memo alongside your stipulated Certificate of Occupancy.

Thank you for working with the Town on this matter and understanding the importance of ensuring the safety of all buildings in the Town of Florence. Your cooperation is appreciated.

Sincerely,



Brent D. Billingsley
Town Manager

Exhibit E

CONSULTANT REPORTS/PLANS

Sheldon McInelly PE (Cox)

Zane Wilsterman PE (Town)

Exhibit E.1

**Akribis Engineering Report re Electrical Service
Entrance Section (SES) Evaluation**

March 29, 2017

Gem Cox
3011 N. Avenida De La Colina
Tucson Az 85749

Re: Smith / Gentry Building – Electrical Service Entrance Section (SES) Evaluation
368 and 374 N. Main Street
Florence, Arizona 85132
AKRIBIS Engineering Project No.:17080

Gem:

This letter is provided in response to your request that we visit the building and evaluate the electrical system due to the Town of Florence issuing an 'Order of Notice of Unsafe Structure' based on violation of the NEC 250.21 Alternating-Current Systems of 50 Volts to 1000 Volts not required to be grounded.

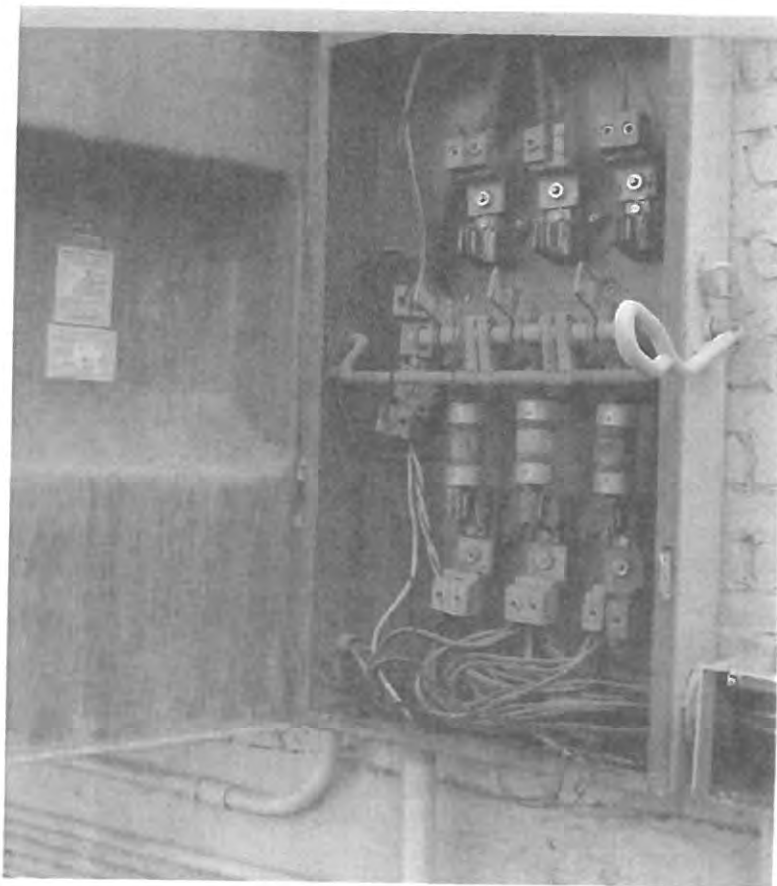
We visited the building on March 23rd, 2017 to evaluate the electrical SES located on the exterior of the north side of the building.

Speaking directly to the issue of the electrical system being grounded or ungrounded. After reviewing the electrical system main disconnect switch, we found that the electrical system was grounded at one time. This can be seen from the conductor that runs from the inside of the disconnect switch main bonding point/lugs down through and out the bottom of the disconnect switch. The conductor has been cut at the exterior underside of the disconnect switch. This can be seen in the picture below – which shows the APS to SES main bonding point and the conductor (in blue) that runs from these lugs down and out the disconnect switch.

The attached PDF is a grounding detail that would bring the SES main disconnect switch up to Code. This sketch should serve as addressing the current life safety concern that the electrical system is 'not grounded and unsafe.'

Regarding the SES load side feeders grounding - the NEC allows metal conduit / tubing to be used as a grounding conductor (NEC 250.118) when installed per the NEC. This includes using Rigid Galvanized Steel (RGS), Intermediate Metal Conduit (IMC), Electrical Metallic Tubing, as well as others, when installed per the NEC. The current conduits installed at the building appears to be a combination of EMT, RGS and/or IMC and are providing a means of grounding to the existing electrical panels and disconnect switches connected to the SES.

As we discussed, there are NEC code issues that will need to be rectified in the near future and AKRIBIS Engineering is working on permit drawings that that will address these issues that are not eminent threats to life safety, but are items that need to be corrected.



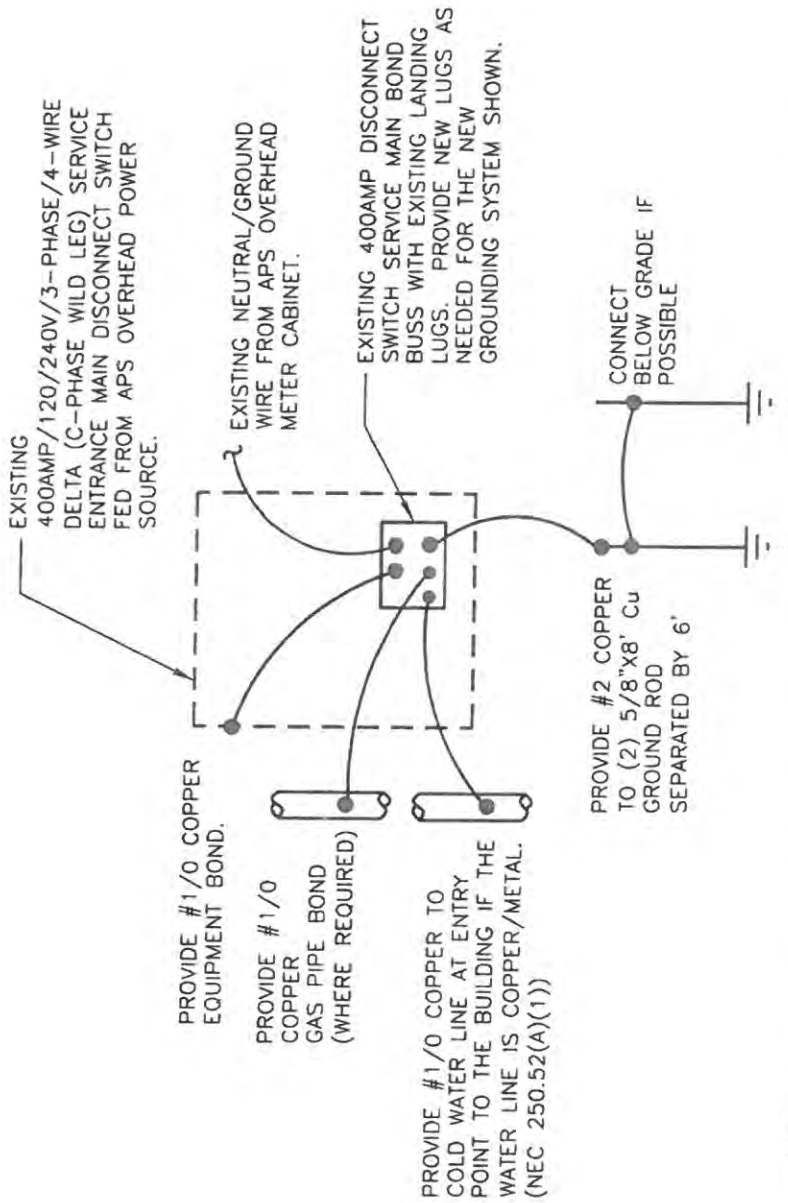
Picture 1: SES Disconnect Switch and Grounding Lugs/Wire

Please contact me with any questions that you may have.

Regards,

Sheldon R. McInelly, PE
Principal - Electrical

Attachment: ESK-1 – Grounding Detail



NOTES:

1. THE EXISTING 400AMP SES MAIN DISCONNECT GROUNDING ELECTRODE CONDUCTOR HAS BEEN VANDALIZED (CUT) JUST BELOW THE DISCONNECT SWITCH ENCLOSURE. ELECTRICAL CONTRACTOR SHALL PROVIDE NEW GROUNDING SYSTEM TO MAKE THE BUILDING ELECTRICAL SYSTEM SAFE.

GROUNDING DETAIL

SCALE: NONE

[Handwritten Signature]

35191
SHELDON R. McINNELLY
Mar 29, 2017
Arizona, U.S.A.
Registered Professional Engineer (Electrical)
Certificate No.

EXP. 9/30/18

AKRIBIS ENGINEERING, L.L.C. 3231 S. COUNTRY CLUB DRIVE, STE #102, TAPPE, ARIZONA 85262 PH (602) 393 0201 FAX (602) 393 0202	SMITH BLDG - SES GROUNDING DETAIL 380 N MAIN STREET FLORENCE, AZ 85132		Job No. 17080 Date 03-24-17	Sketch No. ESK-1	Ref. Dwg. Scale NONE

Exhibit E.2

**Wilsterman's Electrical
Observations/Recommendations –
Summary Report**

TOWN OF
FLORENCE
ARIZONA

Town of Florence, AZ

SMITH BUILDING 2017
ELECTRICAL DISCREPANCIES
REPORT



Prepared by

Controlled Energy Engineers LLC



Electrical Observations/Recommendations Summary Report

Site Walk Through Performed: April 4, 2017

Report Prepared by: Zane Wilsterman, PE
Controlled Energy Engineers, LLC

Report Finalized: April 11, 2017
(Revision 1 – FINAL)

Table of Contents

<u>Section</u>	<u>Description</u>
1.	Overview of Observations
2.	2005 NEC Article 110.3(B) – Installation and Use (Number of Conductors Per Lug)
3.	2005 NEC Article 110.12(A) – Plug Holes in Boxes
4.	2005 NEC Article 110.16 – Arc-Flash Hazard Warning
5.	2005 NEC Article 110.26 – Clearance
6.	2005 NEC Articles 230.42 Service-Entrance Conductors and 240 – Overcurrent Protection
7.	2005 NEC Article 240.24(A) – Location of Panelboards, Accessibility
8.	2005 NEC Article 250 – Grounding and Bonding
9.	2005 NEC Article 314.21 – Repairing Noncombustible Surfaces
10.	2005 NEC Article 314.25 – Box Covers
11.	2005 NEC Article (various) – Labeling For The High-Leg
12.	2005 NEC Article 334.10 – Type NM Cable (ROMEX)
13.	2005 NEC Article 394 – Knob-and-Tube Wiring Method
14.	2005 NEC Article 408.4 – Circuit Directory / Identification
15.	Asbestos Insulated Wires

Section 1 Overview of Observations

Controlled Energy Engineers LLC was hired to visit the Smith Building on behalf of the Town of Florence, Arizona, to perform an audit of the existing electrical system to determine the safety of the building.

During the site visit on April 4th, 2017, all of the electrical equipment was observed. The service entrance disconnect switch was opened; however, the panelboard dead-fronts were not removed. Installation methods and materials used were observed. We did not perform a thorough check of wire sizes to determine loads, voltage drop, temperature de-rate, etc.

While assessing the electrical system installation, NFPA 70 Standard, 2005 edition (also known as the National Electrical Code - 2005 NEC) was used to determine the safety and correctness of the installation methods used. The 2005 NEC is the Town's current adopted electrical standard edition.

The local power utility company is Arizona Public Service (APS). An overhead service from APS provides 120/240V, 3-phase, 400A, 4-wire delta power to the building. While this power configuration is being phased out, an APS representative has indicated that this service will continue to be served to existing customers. 2005 NEC still supports this power configuration, so changing the power configuration is not suggested.

Previously, an electrician did a building walk-through with Mr. Cox for potential work. During their walk, the electrician noted several issues that gave him serious concerns regarding the electrical system.

One of the most significant concerns the electrician had was the fact the electrical system was not grounded. There was no grounding electrode conductor installed between main bonding jumper (or lug in this case) and grounding electrodes (i.e. ground rods, etc.). Since the electrician walked the site with Mr. Cox, Mr. Cox has had a grounding electrode conductor installed to a pipe. The length of the pipe in contact with earth is unknown and a supplemental ground rod or pipe has not been installed.

Another issue the electrician observed was that some of the wires may have been undersized and are showing signs of being overloaded (i.e. insulation is melting or failing).

During our site walk, the previous tenant mentioned power was lost to their security computer(s), located near northeast corner of building, when a stove was being used in the far west side of the building. The electrician expressed concerns that several circuits may have been bridged or back fed.

One of the most common deviations from the National Electrical Code (NEC) at the site is the idea of "working space" in front of electrical equipment. The 2005 NEC, Article 110.26 defines working space as the area or space about electrical equipment that allows ready and safe operation and maintenance of the equipment. The "working space" that is required is between 36 to 48 inches depending on the voltage to ground of the electrical equipment within the enclosure and other related or nonrelated equipment around the enclosure. Table 110.26(A)(1) describes the requirements. Specific violations of this requirement have been noted in the specific report sections.

Power distribution for this building begins at the service disconnect switch. There are as many as four wires terminated to a single lug within the disconnect switch, when there should only be one (or 2 if the lug is listed to accept 2 wires). Power distribution should be revised to conform to 2005 NEC requirements.

The grounding electrode system should be tested and/or upgraded. While a grounding electrode conductor (GEC) has been recently connected to an existing pipe, assumed intended for the purpose of grounding, we have no idea if there is sufficient material remaining to ensure an effective ground reference. For problems with the GEC installation, see report below. It is our recommendation that a second, supplemental grounding electrode (ground rod) be installed near the existing grounding pipe with a minimum separation of 6 feet. This ground rod should be connected to the grounding system per NEC requirements.

During the observation, it is apparent that preventative maintenance is not taking place on a routine basis. Over time, inadequate preventative maintenance will cause accelerated failures to occur.

Other preventative maintenance procedures are as follows.

1. Inspect to ensure that warning signs exist. Replace or install as required.
2. Inspect enclosures for damage, unauthorized openings and corrosion of metallic objects. Repair and paint as required.
3. As equipment is operated and tested, listen and investigate any conditions where unusual noises are present. Repair or replace equipment as necessary.
4. Inspect electrical connections for degradation and tightness. Repair as required. Inspections could include conducting an infrared test on all main current carrying equipment looking for hot spots that would indicate overload conditions or loose connections.
5. Inspect electrical insulation for discoloration and degradation. Repair or replace as required.
6. Inspect equipment grounding components such as conductors and connections. Repair as required.

Preventative maintenance plan should also include keeping good records. The preventative maintenance plan should also include electrical load readings, operating temperatures, ambient conditions, etc.

There are several disconnect switches that do not appear to be in use. These disconnect switches are old, not being used and should be removed. The existing Type 1 wire trough installed on exterior wall near service entrance disconnect switch should be replaced with a wire trough having an outdoor, Type 3R or 4 rating.

Recommendations

Based on periodic circuits tripping, overheating of conductor insulation due to circuit overload, improper or inadequate grounding and bonding, we recommend the building's electrical system be revised. Overloading circuits over time will cause conductor insulation to fail resulting in a potential fault or short circuit condition. Improper grounding could cause the short circuit condition to remain longer than desired. The severity of the fault is made worse by the duration of the fault. There is

significant fire hazard if the fault occurs due to making contact with steel (nails, conduit or other building steel), other phase conductors or neutral conductor (due to damaged insulation or loose connections). There is significant personnel risk if someone touches the exposed wire, or other equipment that has become energized by the exposed wire.

Remove all asbestos cables, knob-and-post conductors, unused conductors, unused electrical equipment. Repair or replace the existing service entrance disconnect switch. If the disconnect switch is repaired, a ground bus should be installed in the disconnect switch and a suitably sized main bonding jumper installed. Equipment grounding conductors should be installed in all conduits to panelboards, service entrance disconnect switch and other electrical equipment.

Revise electrical equipment installed outside to maintain suitable rating for environment in which it is installed (i.e. the wire trough must have a Type 3R or 4 rating). Revise electrical equipment installation method to conform to 2005 NEC. There are several installation methods that conform to the 2005 NEC, we suggest an Architect or Engineer be hired to properly design the power distribution system.

Section 2. 2005 NEC Article 110.3(B) – Installation and Use (Number of Conductors Per Lug)

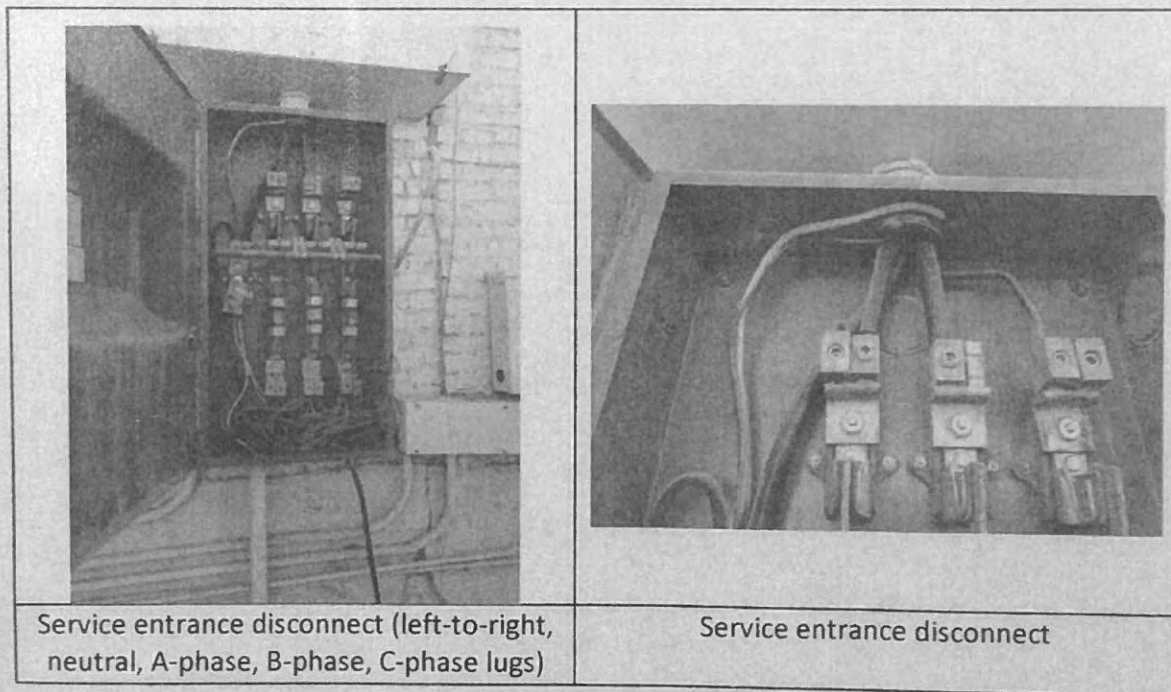
Code Reference

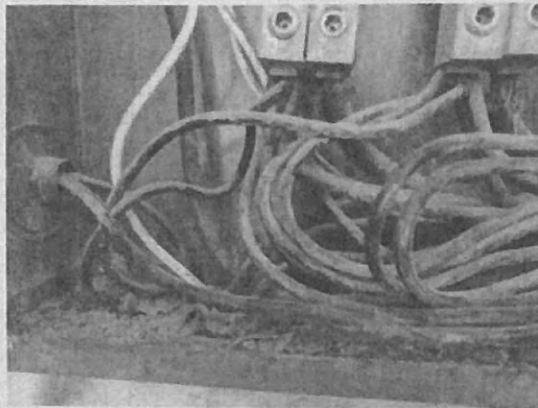
“110.3 Examination, Identification, Installation, and Use of Equipment. (B) Installation and Use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.”

“110.14 Electrical Connections. (A) Terminals. ...Terminals for more than one conductor and terminals used to connect aluminum shall be so identified.”

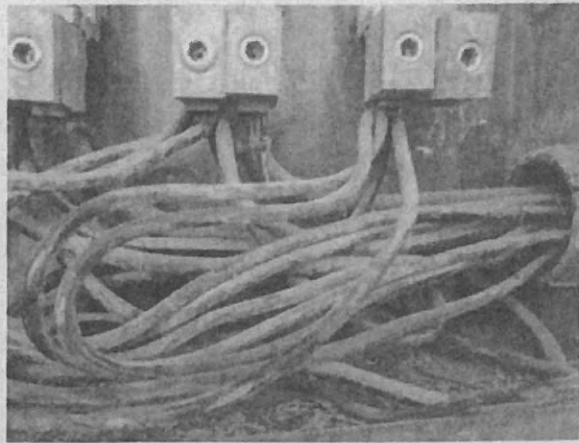
Mechanical lugs used in the service entrance disconnect switch are commonly rated for one, up to two wires of the same size. When installing multiple wires on the same mechanical lugs requires, the lug must have an inscription on the lug indicating number of wires and the wire size ranges.

Pictures





Service entrance disconnect (left-to-right, neutral, A-phase, B-phase)



Service entrance disconnect (left-to-right, neutral, A-phase, B-phase, C-phase lugs)

Section 3. 2005 NEC Article 110.12(A) – Plug Holes in Boxes

Code Reference

“110.12 Mechanical Execution of Work. (A) Unused Openings. Unused cable or raceway openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4 in.) from the outer surface of the enclosure.”

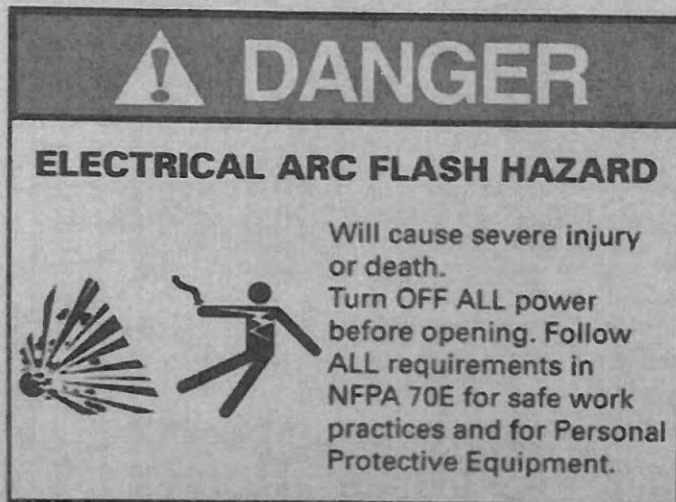
Many panelboards, receptacle/light gang boxes, service entrance disconnect switch have holes that must be plugged. There are too many occurrences to list all of the locations.

Section 4. 2005 NEC Article 110.16 – Arc-Flash Hazard Warning

Code Reference

“110.16 Flash Protection. Switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers, that are in other than dwelling units, and are likely to require examination, adjustment, servicing, or maintenance while energized shall be field marked to warn qualified persons of potential electric arc flash hazards. The marking shall be located so as to be clearly visible to qualified persons before examination, adjustment, servicing, or maintenance of the equipment.”

Service entrance disconnect switch and all panelboards need to have arc flash hazard labels applied. As a minimum, the following label, or similar should be applied.



Section 5. 2005 NEC Article 110.26 - Clearance

Code Reference

“110.26 Spaces About Electrical Equipment. Sufficient access and working space shall be provided and maintained about all electrical equipment to permit ready and safe operation and maintenance of such equipment.

(A) Working Space. Working space for equipment operating at 600 volts, nominal, or less to ground and likely to require examination, adjustment, servicing, or maintenance while energized shall comply with the dimensions of 110.26(A)(1), (A)(2) and (A)(3) or as required or permitted elsewhere in this Code.

(1) Depth of Working Space. The depth of the working space in the direction of live parts shall not be less than that specified in Table 110.26(A)(1)...

Table 110.26(A)(1) Working Spaces

Nominal Voltage to Ground	Minimum Clear Distance		
	Condition 1	Condition 2	Condition 3
0 – 150	910 mm (3 ft)	910 mm (3 ft)	910 mm (3 ft)
151 – 600	910 mm (3 ft)	1.1 m (3½ ft)	1.2 m (4 ft)

Note: Where the conditions are as follows:
Condition 1 — Exposed live parts on one side of the working space and no live or grounded parts on the other side of the working space, or exposed live parts on both sides of the working space that are effectively guarded by insulating materials.
Condition 2 — Exposed live parts on one side of the working space and grounded parts on the other side of the working space. Concrete, brick, or tile walls shall be considered as grounded.
Condition 3 — Exposed live parts on both sides of the working space.

(2) Width of Working Space. The width of the working space in front of the electrical equipment shall be the width of the equipment or 750 mm (30 in.), whichever is greater. In all cases the work space shall permit at least a 90 degree opening of equipment doors or hinged panels.

(B) Clear Spaces. Working space required by this section shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.”

Many panelboards have been installed using methods contradictory with allowable methods indicated above.

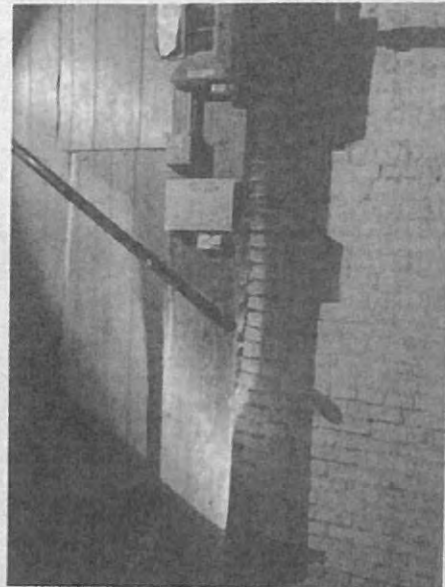
1. Small load center in hallway, near west door – Shelves have been located within the working space area. Shelves should be moved outside the working space area.
2. Basement 1 Panelboard – This panelboard has been installed over steps leading to basement. Panelboard must be moved such that working space can be maintained. The working space extends from the floor in front of the panelboard to a height of 6.5 feet or the height of the equipment, whichever is greater. Clearance issues include steps, conduits, etc.

3. Basement 2 Panelboard – This panelboard has been installed partially behind door. Panelboard must be moved such that working space can be maintained with the door open.
4. Panelboard, garage area – An evaporative cooler has been located within the working space area. Evaporative cooler should be relocated outside the working space area.

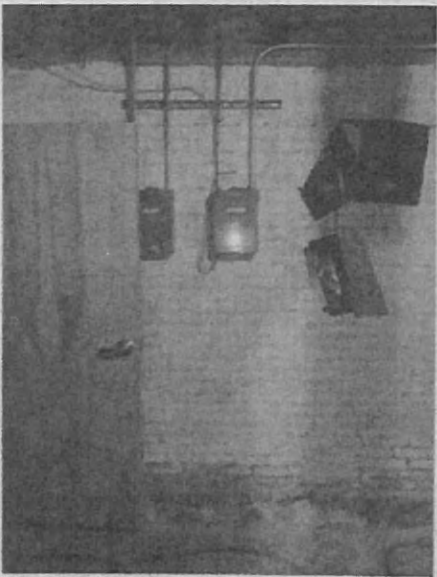
Pictures



Small load center in hallway, near west door (conflicts with shelves)



Basement 1 Panelboard (conflicts with stairs)



Basement 2 Panelboard (conflicts with door)

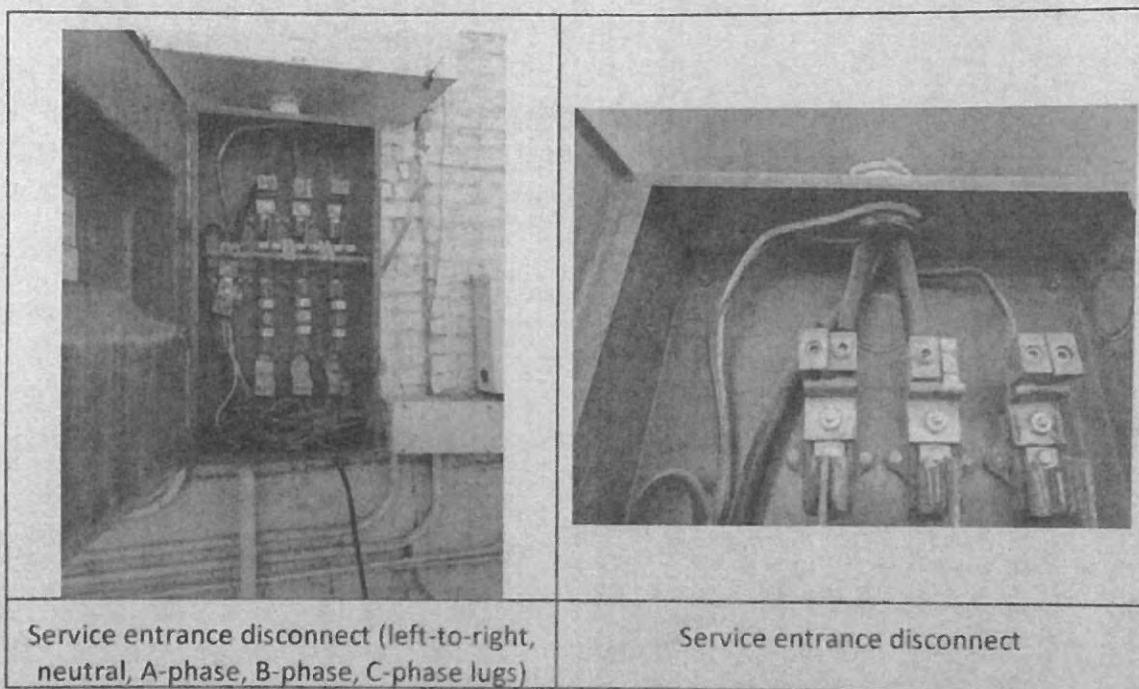


Panelboard, garage area (conflicts with evaporative cooler)

Section 6. 2005 NEC Articles 230.42 Service-Entrance Conductors and 240 – Overcurrent Protection

500MCM wire has been installed to the A-phase, B-phase and neutral lugs; however, a much smaller wire has been installed to the C-phase lug. Based on pictures, it appears that all fuses are rated at 400 amps for all three phases. Either the wire in the service riser to service disconnect C-phase lug needs to be replaced with 500MCM wire or the fuse for the C-phase needs to be adequately sized to protect the smaller wire.

Pictures



Section 7. 2005 NEC Article 240.24(A) – Location of Panelboards, Accessibility

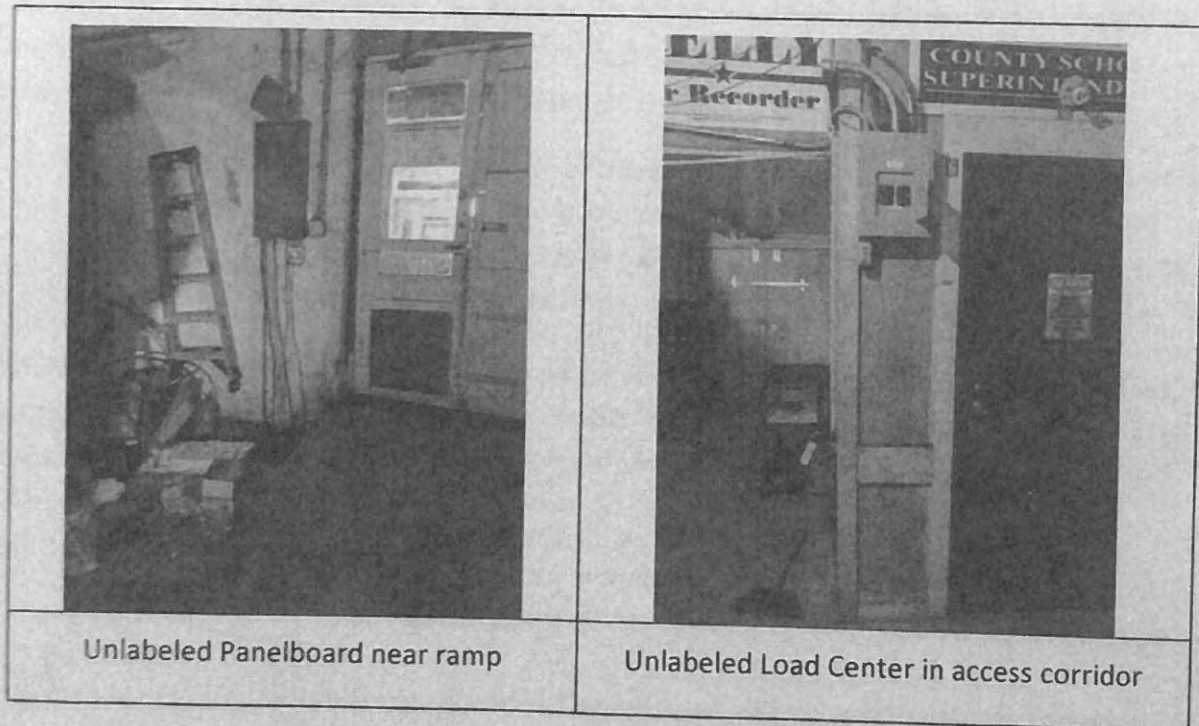
Code Reference

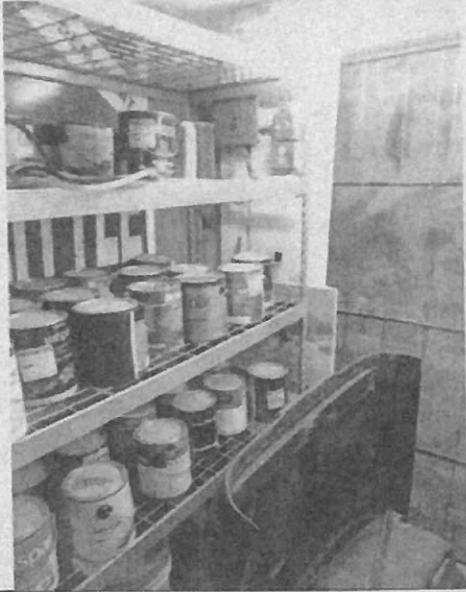
"240.24 Location in or on Premises. (A) Accessibility. Overcurrent devices shall be readily accessible and shall be installed so that the center of the grip of the operating handle of the switch or circuit breaker, when in its highest position, is not more than 2.0 m (6 ft 7 in.) above the floor or working platform ..."

Several panelboards have been installed such that several breakers exceed 6'-7". These panelboards should be moved such that all breakers are below the maximum allowable height of 6'-7". The NEC does list several exceptions, none of the listed exceptions apply to the installation(s) in this building.

1. Unlabeled Panelboard near ramp (leading into retail space)
2. Unlabeled Load Center in access corridor
3. Unlabeled Load Center in access corridor (west hall)
4. Basement 1 Panelboard, steps leading to basement
5. Unlabeled Panelboard in garage area (no picture)

Pictures





Unlabeled Load Center in access corridor
(west hall)



Basement 1 Panelboard, steps leading to
basement

Section 8. 2005 NEC Article 250 – Grounding and Bonding

Code Reference

“250.52 Grounding Electrodes. (A) Electrodes Permitted for Grounding. (1) Metal Underground Water Pipe. A metal underground water pipe in direct contact with the earth for 3.0 m (10 ft) or more (including any metal well casing bonded to the pipe) and ...”

A ground connection has been made to a copper pipe next to hose bib. While we would not suggest this connection be removed, this connection does not qualify as a grounding electrode. This pipe cannot be confirmed to being copper throughout its length (or at least 10 feet) and cannot be confirmed to be installed underground.

“250.56 Resistance of Rod, Pipe, and Plate Electrodes. A single electrode consisting of a rod, pipe, or plate that does not have a resistance to ground of 25 ohms or less shall be augmented by one additional electrode of any of the types specified in 250.52(A)(2) through (A)(7). Where multiple rod, pipe, or plate electrodes are installed to meet the requirements of this section, they shall not be less than 1.8 m (6 ft) apart.”

A ground connection between service disconnect and steel pipe has been made. However, per 2005 NEC, Article 250.56, an additional supplement electrode is required to be installed, not less than 6 ft apart from first pipe or rod. The length of the pipe in contact with earth is unknown and a supplemental ground rod or pipe has not been installed.

“250.4(A)(1) General Requirements for Grounding and Bonding. Electrical systems that are grounded shall be connected to earth in a manner that will limit the voltage imposed by lightning, line surges, or unintentional contact with higher-voltage lines and that will stabilize the voltage to earth during normal operation.

While ground connection between service disconnect and steel pipe has recently been made, the grounding electrode conductor (GEC) was installed in a manner that does not limit the voltage imposed by lightning, line surges, etc. The wire should be “not any longer than necessary to complete the connection,” i.e. there should be no coil in the wire.

“250.64 Grounding Electrode Conductor Installation. (C) Continuous. Grounding electrode conductor(s) shall be installed in one continuous length without a splice or joint except as permitted in (1) through (4):

(1) Splicing shall be permitted only by irreversible compression-type connectors listed as grounding and bonding equipment or by the exothermic welding process.

(2) Sections of busbars shall be permitted to be connected together to form a grounding electrode conductor.

(3) Bonding jumper(s) from grounding electrode(s) and grounding electrode conductor(s) shall be permitted to be connected to an aluminum or copper busbar not less than 6 mm x 50 mm (1/4 in. x 2 in.). The busbar shall be securely fastened and shall be installed in an accessible location.

*Connections shall be made by a listed connector or by the exothermic welding process.
(4) Where aluminum busbars are used, the installation shall comply with 250.64(A)."*

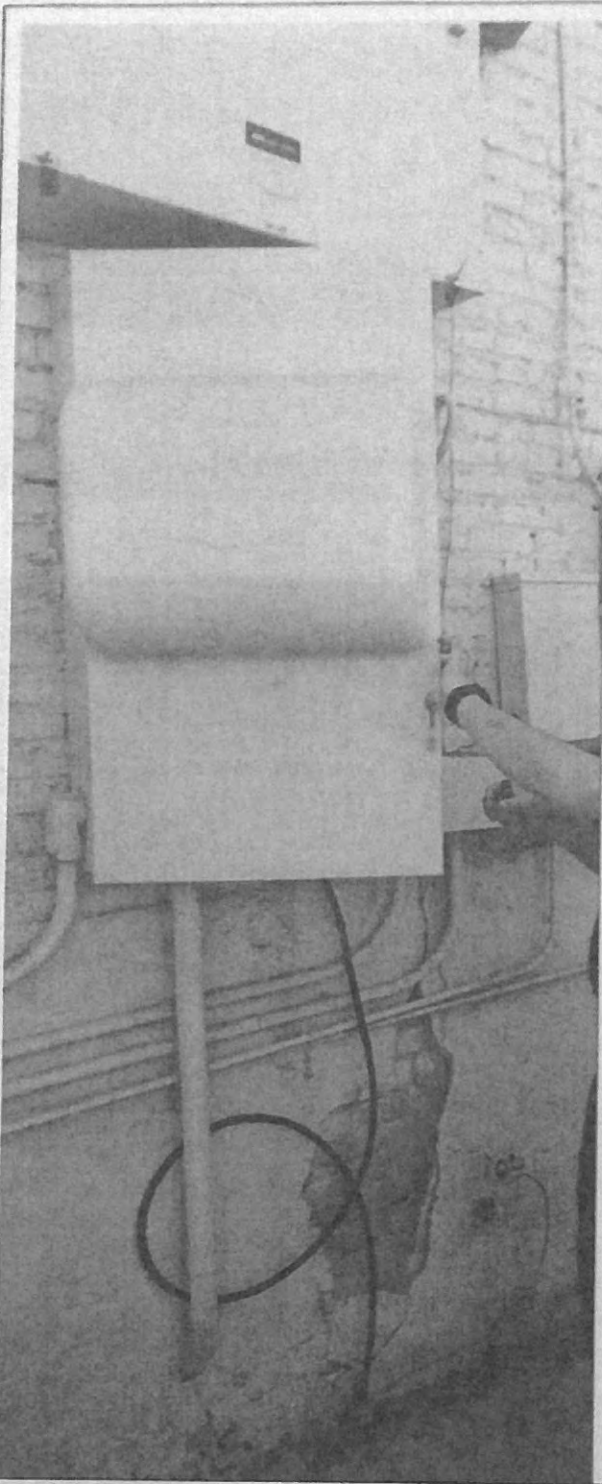
The grounding electrode conductor shall be install in one continuous length without a splice or joint. There is provision in the NEC for making a splice, however, this provision should not be allowed since the grounding electrode conductor was recently installed and the GEC has a loop (per comment herein).

"250.96 Bonding Other Enclosures. (A) General. "Metal raceways, cable trays, cable armor, cable sheath, enclosures, frames, fittings, and other metal non-current-carrying parts that are to serve as equipment grounding conductors, with or without the use of supplementary equipment grounding conductors, shall be effectively bonded where necessary to ensure electrical continuity and the capacity to conduct safely any fault current likely to be imposed on them. Any nonconductive paint, enamel, or similar coating shall be removed at threads, contact points, and contact surfaces or be connected by means of fittings designed so as to make such removal unnecessary."

*"250.118 Types of Equipment Grounding Conductors. "The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:
(1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
(2) Rigid metal conduit.
(3) Intermediate metal conduit.
(4) Electrical metallic tubing.
...."*

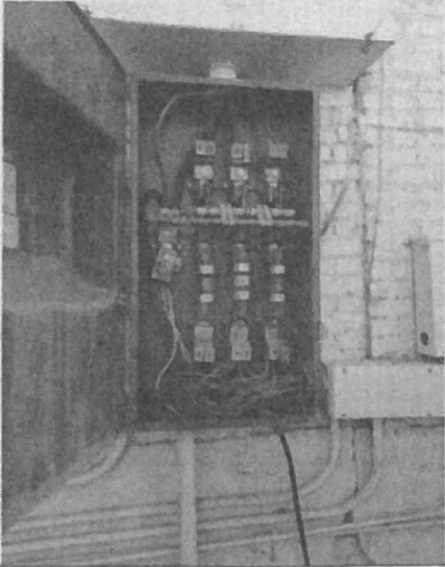
Equipment bonding conductors have not been adequately installed. While it is allowable to use conduit as a type of equipment bonding/grounding (EGC) conductor, the conduit must be installed in a very specific manner. It is most common to see a separate EGC installed in every conduit. There are conduits that have been secured to removeable knockouts without the use of supplementary EGCs, thus creating a situation where the electrical continuity may not be maintained.

Pictures

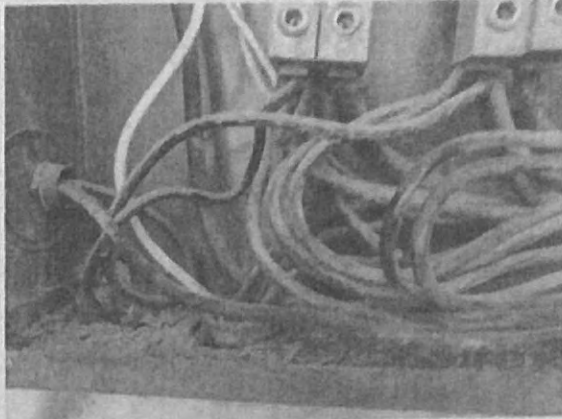


Picture demonstrates the following:

1. Bonding connection to hose bib.
2. GEC connection to steel pipe.
3. Coil in GEC.



Splice connection in GEC, below service disconnect switch



Ungrounded conduit connected to knockout

Section 9. 2005 NEC Article 314.21 – Repairing Noncombustible Surfaces

Code Reference

"314.21 Repairing Plaster and Drywall or Plasterboard. Plaster, drywall, or plasterboard surfaces that are broken or incomplete around boxes employing a flush-type cover or faceplate shall be repaired so there will be no gaps or open spaces greater than 3 mm (1/8 in.) at the edge of the box."

A light has been installed to provide illumination within the corridor access area. Drywall needs to be repaired or cover plate installed to conform to code section listed above.

Pictures



Cutout in drywall for box/cable to light

Section 10. 2005 NEC Article 314.25 – Box Covers

Code Reference

314.25 Covers and Canopies. *"In completed installations, each box shall have a cover, faceplate, lampholder, or luminaire canopy, except where the installation complies with 410.14(B)."*

Many junction boxes within the building are missing covers. These are mainly in the basement area and next to the stairs in the retail area.

Pictures



Section 11. 2005 NEC Article (various) – Labeling For The High-Leg

Code Reference

“230.56 Service Conductor with the Higher Voltage to Ground. On a 4-wire, delta-connected service where the midpoint of one phase winding is grounded, the service conductor having the higher phase voltage to ground shall be durably and permanently marked by an outer finish that is orange in color, or by other effective means, at each termination or junction point.”

“110.15 High-Leg Marking. On a 4-wire, delta-connected system where the midpoint of one phase winding is grounded, only the conductor or busbar having the higher phase voltage to ground shall be durably and permanently marked by an outer finish that is orange in color or by other effective means. Such identification shall be placed at each point on the system where a connection is made if the grounded conductor is also present.

The building is provided 240V, 3-phase power from APS. While this power configuration is no longer offered to commercial buildings under normal circumstances, this service has been “grandfathered in” and is allowable by local utility. This power configuration is even addressed by the NEC.

This power configuration requires that special consideration be taken ensuring a safe installation due to the characteristic of providing 208 volts to ground on one of its phases. This is called the “high-leg” and it is the C-phase in this installation. All 3-phase panelboards and service entrance disconnect switch should be labeled per above. High-leg conductors at all terminations should be very clearly marked with orange tape or paint (at the AHJ’s discretion).

Section 12. 2005 NEC Article 334.10 – Type NM Cable (ROMEX)

Code Reference

"334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

(1) One- and two-family dwellings.

(2) Multifamily dwellings permitted to be of Types III, IV, and V construction except as prohibited in 334.12.

(3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies."

*** This determination should be discussed with Architect and Town's Planning and Zoning Lead. ***
Article 334.10(1) and 334.10(2) clearly do not apply. We believe 334.10(3) applies to the multifunction building, based on the designation retail and living spaces. This would require that all exposed NM cable be concealed with at least a 15-minute finish rating as indicated above.

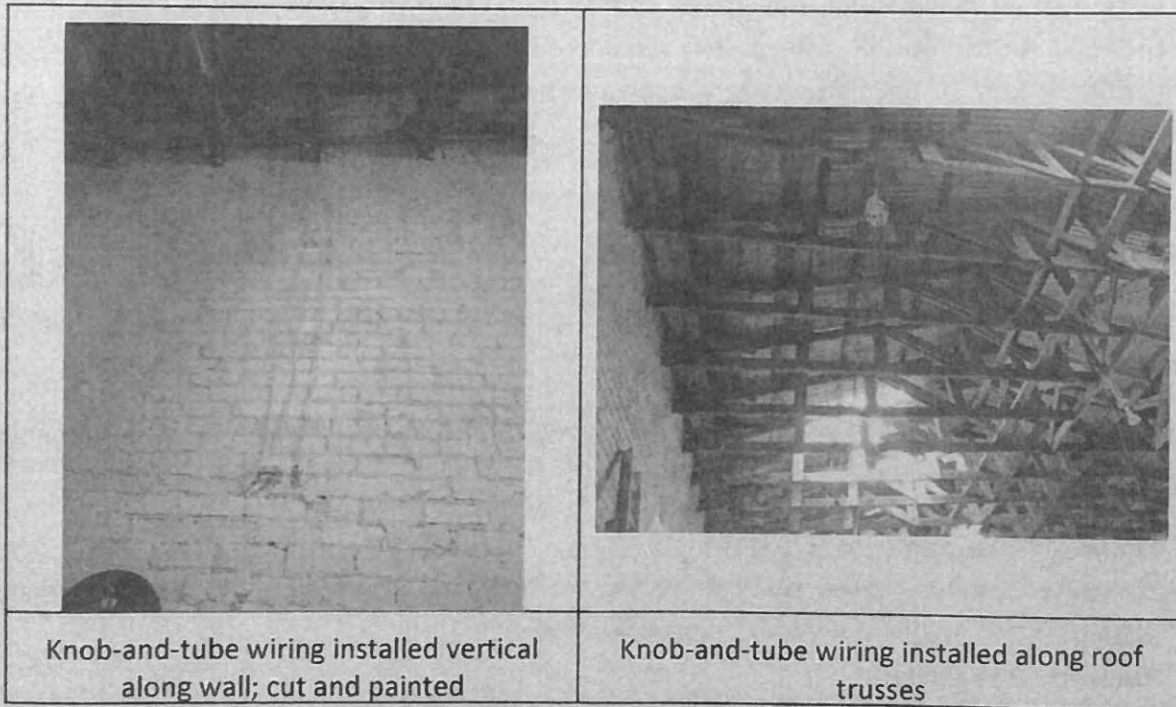
Section 13. 2005 NEC Article 394 – Knob-and-Tube Wiring Method

Knob-and-tube wiring has been installed in the building, probably when the building was originally constructed. Knob-and-tube wiring method is still supported by the 2005 NEC, Article 394. This wiring method does not appear to be used. However, it is not clear if this wiring method is still in operation (energized) or if the materials have been de-commissioned and abandoned in place. It is our suggestion that the materials for this wiring method be removed.

Note: Knob-and-tube wiring method has specific uses that are not permitted, such as commercial garages, theatres and similar locations, motion picture studios, hazardous (classified) locations, or hollow spaces of walls, ceiling, and attics where such spaces are insulated by loose, rolled, or foamed-in-place insulating material that envelopes the conductors.

We found knob-and-tube wiring in the garage/storage area and were informed this method was also used in the attic space above the residential living area.

Pictures



Section 14. 2005 NEC Article 408.4 – Circuit Directory / Identification

Code Reference

***“408.4 Circuit Directory or Circuit Identification.** Every circuit and circuit modification shall be legibly identified as to its clear, evident, and specific purpose or use. The identification shall include sufficient detail to allow each circuit to be distinguished from all others. The identification shall be included in a circuit directory that is located on the face or inside of the panel door in the case of a panelboard, and located at each switch on a switchboard.”*

The circuit directory is an important feature for the safe operation of an electrical system under normal and emergency conditions. The purpose of an accurate and legible circuit directory is to provide clear identification of circuit breakers and switches that may need to be operated by service personnel or those who need to operate a switch or circuit breaker in an emergency.

This article also requires the identification for every circuit supplied by a panelboard or switchboard be legible and clearly state the specific purpose for which the circuit is used. Circuits used for the same purpose must be identified as to their location. For example, small-appliance branch circuits can supply outlets in the kitchen, dining room, and kitchen countertops. Identifying these circuits as small-appliance branch circuits is not acceptable; instead, they should be identified as “kitchen wall receptacles,” “dining room floor receptacle,” or “kitchen countertop receptacles left of sink.” Also, circuit directories containing multiple entries with only “lights” or “outlets” do not provide the sufficient detail required by this section.

Spare devices should also be marked.

Finally, permanent features must be used for identifying the circuit and not temporary conditions of occupancy.

Many panelboards inspected did not meet the criteria indicated above. The following list represents our observation.

1. Unlabeled Load Center in access corridor
2. Unlabeled Load Center in access corridor (west hall) (could not access to verify panel schedule)
3. Basement 1 Panelboard, steps leading to basement
4. Basement 2 Panelboard
5. Basement 3 Panelboard
6. Unlabeled Panelboard in garage area (no picture)

Section 15. Asbestos Insulated Wires

Asbestos insulated wire appears to have been installed and continues to be used in the building. There is also wire with insulation that appears to be asbestos that has been cut and abandoned on the building exterior. Note: The wire insulation that appears to be asbestos could be a non-asbestos varnished cloth. It is our recommendation that all wire with asbestos insulation be removed. Even if the wire insulation is non-asbestos varnished cloth, we would still recommend the wire be replaced with a more modern wire used commonly today.

If the wire is not removed, we recommend the insulation be tested to ensure it is not made from asbestos.

Public awareness of the severe danger posed by asbestos inhalation became widespread in the 1970's, and for most applications in the United States asbestos is no longer legal to use. Other forms of insulation, such as ceramics and rubber, have taken its place.

Hazards Associated with Wiring Insulation Products

"When the insulating material is intact or new, it is relatively safe to be around. Asbestos must be inhaled in order to cause disease in the body. However, when wiring becomes worn or damaged, the asbestos inside can easily become friable, meaning that it is delicate and will crumble at a touch. Friable asbestos can easily be inhaled, and the inhalation of asbestos fibers has been conclusively linked to the development of asbestosis, lung cancer, and malignant mesothelioma. Electrical workers, power plant employees, demolition workers, electricians, maintenance personnel, linemen, building engineers, and anyone else working with damaged or worn electrical insulation installed before 1980 is at risk of having been exposed to asbestos on the job."³

³ Bowker, Michael. *Fatal Deception: The Untold Story of Asbestos* (New York: Touchstone, 2003)

Exhibit E.3

**Akribis Engineering Email and
Electrical Drawings**

Leah Matlack

From: Sheldon McInelly <Sheldon@akribiseng.com>
Sent: Tuesday, May 09, 2017 12:14 PM
To: Gem Cox
Cc: lmatlack@mungerchadwick.com; jfmunger@mungerchadwick.com; 'Robert Metli'; Sheldon McInelly
Subject: Smith Building - Electrical drawings
Attachments: 17080 E5.1.pdf; 17080 E5.2.pdf; 17080 E5.3.pdf; 17080 E1.1.pdf

Gem,

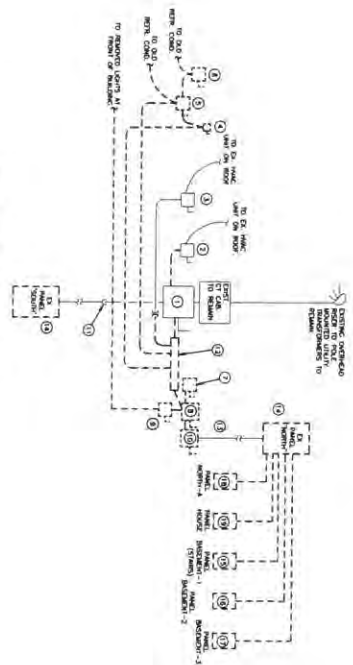
Attached are PDF copies of the signed/sealed electrical plans that can be submitted to the Town for permit for the rework of the electrical system to update the scope of work that has been discussed.

It is our opinion that these plans addresses the code violations discussed with the Town. The plans are general in nature for correction of interior issues as we did not as-built the interior electrical systems – the electrical contractors will need to do a full walk of the building to determine all issues noted on the plan notes. The electrical one-line diagram and panel schedules are detailed in what work needs to be done to bring the system into compliance.

Please let me know if there are any questions.

Sheldon R. McInelly, PE
Electrical - Principal
LEED Accredited Professional

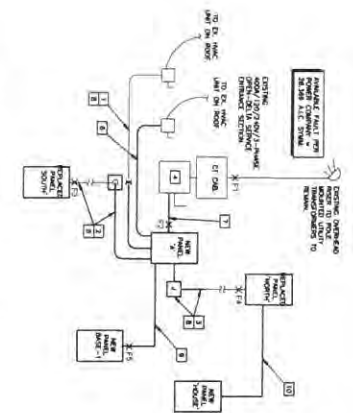
AKRIBIS Engineering, LLC
3231 S. Country Club Way, Suite 102
Tempe, AZ 85282
p-602-393-0201 x 223



DEMOLITION ONE-LINE DIAGRAM
 SCALE: NONE

DEMOLITION KEY NOTES

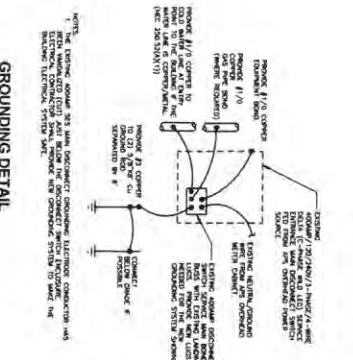
1. TO BE REMOVED. SEE MAIN SERVICE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
2. EXISTING 60A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
3. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
4. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
5. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
6. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
7. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
8. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
9. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
10. EXISTING 100A/2-PHASE DISCONNECT SWITCH. TO BE REMOVED. REFER TO KEY NOTE 1.
11. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
12. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
13. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
14. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
15. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
16. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
17. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
18. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.
19. EXISTING FEEDER. TO BE REMOVED. REFER TO KEY NOTE 1.



INSTALLATION ONE-LINE DIAGRAM
 SCALE: NONE

INSTALLATION KEY NOTES

1. PROVIDE 30A, 120V, 1-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
2. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
3. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
4. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
5. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
6. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
7. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
8. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
9. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
10. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
11. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
12. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
13. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
14. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
15. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
16. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
17. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
18. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
19. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.



GROUNDING DETAIL
 SCALE: NONE

GROUNDING KEY NOTES

1. PROVIDE 30A, 120V, 1-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
2. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
3. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
4. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
5. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
6. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
7. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
8. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
9. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
10. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
11. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
12. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
13. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
14. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
15. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
16. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
17. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
18. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.
19. PROVIDE 100A, 2-PHASE DISCONNECT SWITCH. REFER TO KEY NOTE 1.

FALL T CURRENT CALCULATION, SEE

Panel	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
Panel 1	100	100	100	100	100	100	100	100	100	100
Panel 2	100	100	100	100	100	100	100	100	100	100
Panel 3	100	100	100	100	100	100	100	100	100	100
Panel 4	100	100	100	100	100	100	100	100	100	100
Panel 5	100	100	100	100	100	100	100	100	100	100
Panel 6	100	100	100	100	100	100	100	100	100	100
Panel 7	100	100	100	100	100	100	100	100	100	100
Panel 8	100	100	100	100	100	100	100	100	100	100
Panel 9	100	100	100	100	100	100	100	100	100	100
Panel 10	100	100	100	100	100	100	100	100	100	100

ELECTRICAL LOAD CALCULATION

Panel	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10
Panel 1	100	100	100	100	100	100	100	100	100	100
Panel 2	100	100	100	100	100	100	100	100	100	100
Panel 3	100	100	100	100	100	100	100	100	100	100
Panel 4	100	100	100	100	100	100	100	100	100	100
Panel 5	100	100	100	100	100	100	100	100	100	100
Panel 6	100	100	100	100	100	100	100	100	100	100
Panel 7	100	100	100	100	100	100	100	100	100	100
Panel 8	100	100	100	100	100	100	100	100	100	100
Panel 9	100	100	100	100	100	100	100	100	100	100
Panel 10	100	100	100	100	100	100	100	100	100	100

REVISIONS

DATE	BY	REVISION
05/09/17	twc	ISSUE FOR PERMIT
05/09/17	twc	ISSUE FOR CONSTRUCTION

SMITH BLDG ELECTRICAL SERVICE

380 N Main Street
 Florence, AZ 85132

ELECTRICAL DETAILS

AKRIBIS ENGINEERING, L.L.C.

3231 S. COUNTRY CLUB WAY, STE #102, TEMPE, ARIZONA 85282
 PH: (602) 393-0201 FAX: (602) 393-0202

Exhibit F

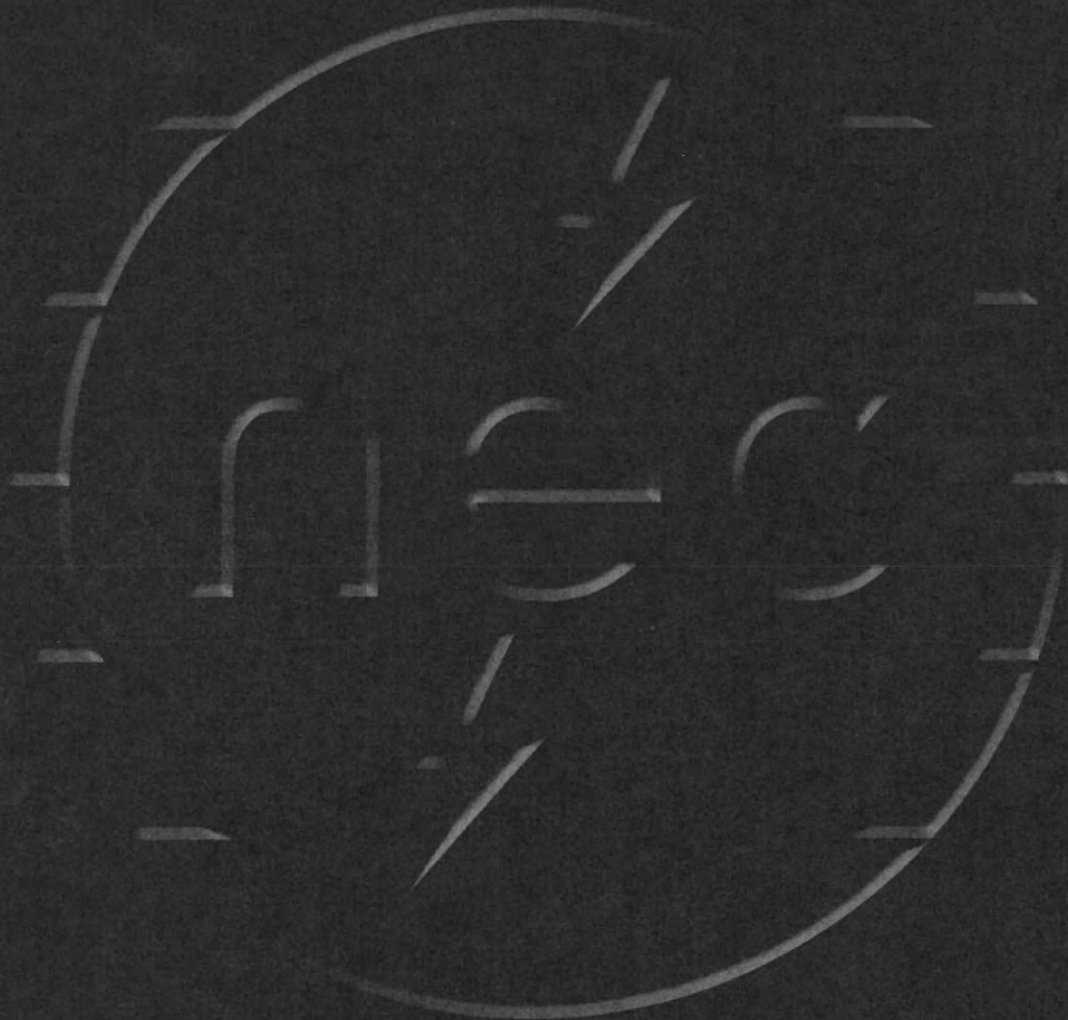
ALLEGED CODE VIOLATIONS

Exhibit F.1

**NEC Sec. 250.21 Alternating-Current Systems of
50 Volts to 1000 Volts Not Required to Be
Grounded**

NEC[®] 2005

NFPA 70: National Electrical Code[®]
International Electrical Code[®] Series



C₃



An International Codes
and Standards Organization

(E) Isolation of Objectionable Direct-Current Ground Currents. Where isolation of objectionable dc ground currents from cathodic protection systems is required, a listed ac coupling/dc isolating device shall be permitted in the equipment grounding path to provide an effective return path for ac ground-fault current while blocking dc current.

250.8 Connection of Grounding and Bonding Equipment.

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used. Sheet metal screws shall not be used to connect grounding conductors or connection devices to enclosures.

250.10 Protection of Ground Clamps and Fittings.

Ground clamps or other fittings shall be approved for general use without protection or shall be protected from physical damage as indicated in (1) or (2) as follows:

- (1) In installations where they are not likely to be damaged
- (2) Where enclosed in metal, wood, or equivalent protective covering

250.12 Clean Surfaces. Nonconductive coatings (such as paint, lacquer, and enamel) on equipment to be grounded shall be removed from threads and other contact surfaces to ensure good electrical continuity or be connected by means of fittings designed so as to make such removal unnecessary.

II. System Grounding

250.20 Alternating-Current Systems to Be Grounded.

Alternating-current systems shall be grounded as provided for in 250.20(A), (B), (C), or (D). Other systems shall be permitted to be grounded. If such systems are grounded, they shall comply with the applicable provisions of this article.

FPN: An example of a system permitted to be grounded is a corner-grounded delta transformer connection. See 250.26(4) for conductor to be grounded.

(A) Alternating-Current Systems of Less Than 50 Volts.

Alternating-current systems of less than 50 volts shall be grounded under any of the following conditions:

- (1) Where supplied by transformers, if the transformer supply system exceeds 150 volts to ground
- (2) Where supplied by transformers, if the transformer supply system is ungrounded
- (3) Where installed as overhead conductors outside of buildings

(B) Alternating-Current Systems of 50 Volts to 1000 Volts.

Alternating-current systems of 50 volts to 1000 volts that supply premises wiring and premises wiring systems shall be grounded under any of the following conditions:

- (1) Where the system can be grounded so that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts
- (2) Where the system is 3-phase, 4-wire, wye connected in which the neutral is used as a circuit conductor
- (3) Where the system is 3-phase, 4-wire, delta connected in which the midpoint of one phase winding is used as a circuit conductor

(C) Alternating-Current Systems of 1 kV and Over.

Alternating-current systems supplying mobile or portable equipment shall be grounded as specified in 250.188. Where supplying other than mobile or portable equipment, such systems shall be permitted to be grounded.

(D) Separately Derived Systems. Separately derived systems, as covered in 250.20(A) or (B), shall be grounded as specified in 250.30.

FPN No. 1: An alternate ac power source such as an on-site generator is not a separately derived system if the neutral is solidly interconnected to a service-supplied system neutral.

FPN No. 2: For systems that are not separately derived and are not required to be grounded as specified in 250.30, see 445.13 for minimum size of conductors that must carry fault current.

(E) Impedance Grounded Neutral Systems. Impedance grounded neutral systems shall be grounded in accordance with 250.36 or 250.186.

250.21 Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to Be Grounded.

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

- (1) Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like
- (2) Separately derived systems used exclusively for rectifiers that supply only adjustable-speed industrial drives
- (3) Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the following conditions are met:
 - a. The system is used exclusively for control circuits.
 - b. The conditions of maintenance and supervision ensure that only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
- (4) Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

Exception: Systems of less than 120 volts to ground as permitted by this Code shall not be required to have ground detectors.

250.22 Circuits Not to Be Grounded. The following circuits shall not be grounded:

- (1) Circuits for electric cranes operating over combustible fibers in Class III locations, as provided in 503.155
- (2) Circuits in health care facilities as provided in 517.61 and 517.160
- (3) Circuits for equipment within electrolytic cell working zone as provided in Article 668
- (4) Secondary circuits of lighting systems as provided in 411.5(A)

250.24 Grounding Service-Supplied Alternating-Current Systems.

(A) System Grounding Connections. A premises wiring system supplied by a grounded ac service shall have a grounding electrode conductor connected to the grounded service conductor, at each service, in accordance with 250.24(A)(1) through (A)(5).

(1) General. The connection shall be made at any accessible point from the load end of the service drop or service lateral to and including the terminal or bus to which the grounded service conductor is connected at the service disconnecting means.

FPN: See definitions of *Service Drop* and *Service Lateral* in Article 100.

(2) Outdoor Transformer. Where the transformer supplying the service is located outside the building, at least one additional grounding connection shall be made from the grounded service conductor to a grounding electrode, either at the transformer or elsewhere outside the building.

Exception: The additional grounding connection shall not be made on high-impedance grounded neutral systems. The system shall meet the requirements of 250.36.

(3) Dual Fed Services. For services that are dual fed (double ended) in a common enclosure or grouped together in separate enclosures and employing a secondary tie, a single grounding electrode connection to the tie point of the grounded conductor(s) from each power source shall be permitted.

(4) Main Bonding Jumper as Wire or Busbar. Where the main bonding jumper specified in 250.28 is a wire or busbar and is installed from the grounded conductor terminal bar or bus to the equipment grounding terminal bar or bus in the service equipment, the grounding electrode conductor shall be permitted to be connected to the equipment grounding terminal, bar, or bus to which the main bonding jumper is connected.

(5) Load-Side Grounding Connections. A grounding connection shall not be made to any grounded conductor on the load side of the service disconnecting means except as otherwise permitted in this article.

FPN: See 250.30(A) for separately derived systems, 250.32 for connections at separate buildings or structures, and 250.142 for use of the grounded circuit conductor for grounding equipment.

(B) Main Bonding Jumper. For a grounded system, an unspliced main bonding jumper shall be used to connect the equipment grounding conductor(s) and the service-disconnect enclosure to the grounded conductor within the enclosure for each service disconnect in accordance with 250.28.

Exception No. 1: Where more than one service disconnecting means is located in an assembly listed for use as service equipment, an unspliced main bonding jumper shall bond the grounded conductor(s) to the assembly enclosure.

Exception No. 2: Impedance grounded neutral systems shall be permitted to be connected as provided in 250.36 and 250.186.

(C) Grounded Conductor Brought to Service Equipment. Where an ac system operating at less than 1000 volts is grounded at any point, the grounded conductor(s) shall be run to each service disconnecting means and shall be bonded to each disconnecting means enclosure. The grounded conductor(s) shall be installed in accordance with 250.24(C)(1) through (C)(3).

Exception: Where more than one service disconnecting means are located in an assembly listed for use as service equipment, it shall be permitted to run the grounded conductor(s) to the assembly, and the conductor(s) shall be bonded to the assembly enclosure.

(1) Routing and Sizing. This conductor shall be routed with the phase conductors and shall not be smaller than the required grounding electrode conductor specified in Table 250.66 but shall not be required to be larger than the largest ungrounded service-entrance phase conductor. In addition, for service-entrance phase conductors larger than 1100 kcmil copper or 1750 kcmil aluminum, the grounded conductor shall not be smaller than 12½ percent of the area of the largest service-entrance phase conductor. The grounded conductor of a 3-phase, 3-wire delta service shall have an ampacity not less than that of the ungrounded conductors.

(2) Parallel Conductors. Where the service-entrance phase conductors are installed in parallel, the size of the grounded conductor shall be based on the total circular mil area of the parallel conductors as indicated in this section. Where installed in two or more raceways, the size of the grounded conductor in each raceway shall be based on the

Exhibit F.2

IBC Sec. 113.1 Unlawful Acts

A Member of the International Code Family®



INTERNATIONAL BUILDING CODE®

2006

tion of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

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

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of

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

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

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.

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.

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements

Exhibit F.3

IBC Sec. 110.1 Use and Occupancy

connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 109 INSPECTIONS

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

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

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

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

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

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

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

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

109.3.9 Special inspections. For special inspections, see Section 1704.

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

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a viola-

ADMINISTRATION

tion of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

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

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of

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

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

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.

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.

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements

Exhibit F.4 and F.5

IFC Sec. 110.1 General
IFC Sec. 110.1.1 Unsafe Buildings

A Member of the International Code Family®



● INTERNATIONAL
FIRE
CODE®

● 2006

2006 IFC

SECTION 109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or

to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 110 UNSAFE BUILDINGS

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

110.1.2 Structural hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

110.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement. The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 111 STOP WORK ORDER

111.1 Order. Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or

Exhibit F.6 and F.7

IPMC Sec. 108.1.1 Unsafe Structures
IPMC Sec. 108.1.2 Unsafe Equipment

A Member of the International Code Family®



**INTERNATIONAL
PROPERTY
MAINTENANCE
CODE®**

2006

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and sewed on the owner or

the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

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

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action

Exhibit G

**HISTORICAL BUILDING CODE
EXEMPTIONS**

Exhibit G.1

IBC Sec. 2407.1 Historic Buildings

A Member of the International Code Family®



INTERNATIONAL BUILDING CODE®

2006

40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 Opening protectives. Doors and windows along the fire escape shall be protected with $\frac{3}{4}$ -hour opening protectives.

SECTION 3405 GLASS REPLACEMENT

3405.1 Conformance. The installation or replacement of glass shall be as required for new installations.

SECTION 3406 CHANGE OF OCCUPANCY

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 Stairways. Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 Change of occupancy. When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

SECTION 3407 HISTORIC BUILDINGS

3407.1 Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

Exception: Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
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
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

SECTION 3408 MOVED STRUCTURES

3408.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS

3409.1 Scope. The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 Extent of application. An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 Change of occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

Exhibit G.2

IFC Sec. 102.5 Historic Buildings

A Member of the International Code Family®



● **INTERNATIONAL
FIRE
CODE®**

● **2006**

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

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

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.

4. Existing structures, facilities and conditions which, in the opinion of the fire code official, constitute a distinct hazard to life or property.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

102.4 Application of building code. The design and construction of new structures shall comply with the *International Building Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

102.5 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with

Exhibit G.3

IPMC Sec. 102.6 Historic Buildings

A Member of the International Code Family®



**INTERNATIONAL
PROPERTY
MAINTENANCE
CODE®**

2006

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City Clermont, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

Exhibit H

**IMMINENT DANGER DEFINITION –
INTERNATIONAL PROPERTY CODE**

A Member of the International Code Family®



**INTERNATIONAL
PROPERTY
MAINTENANCE
CODE®**

2006

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and

any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

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

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out

Exhibit I

**PHOTOGRAPHS OF REPAIRED
GROUNDING SYSTEM**

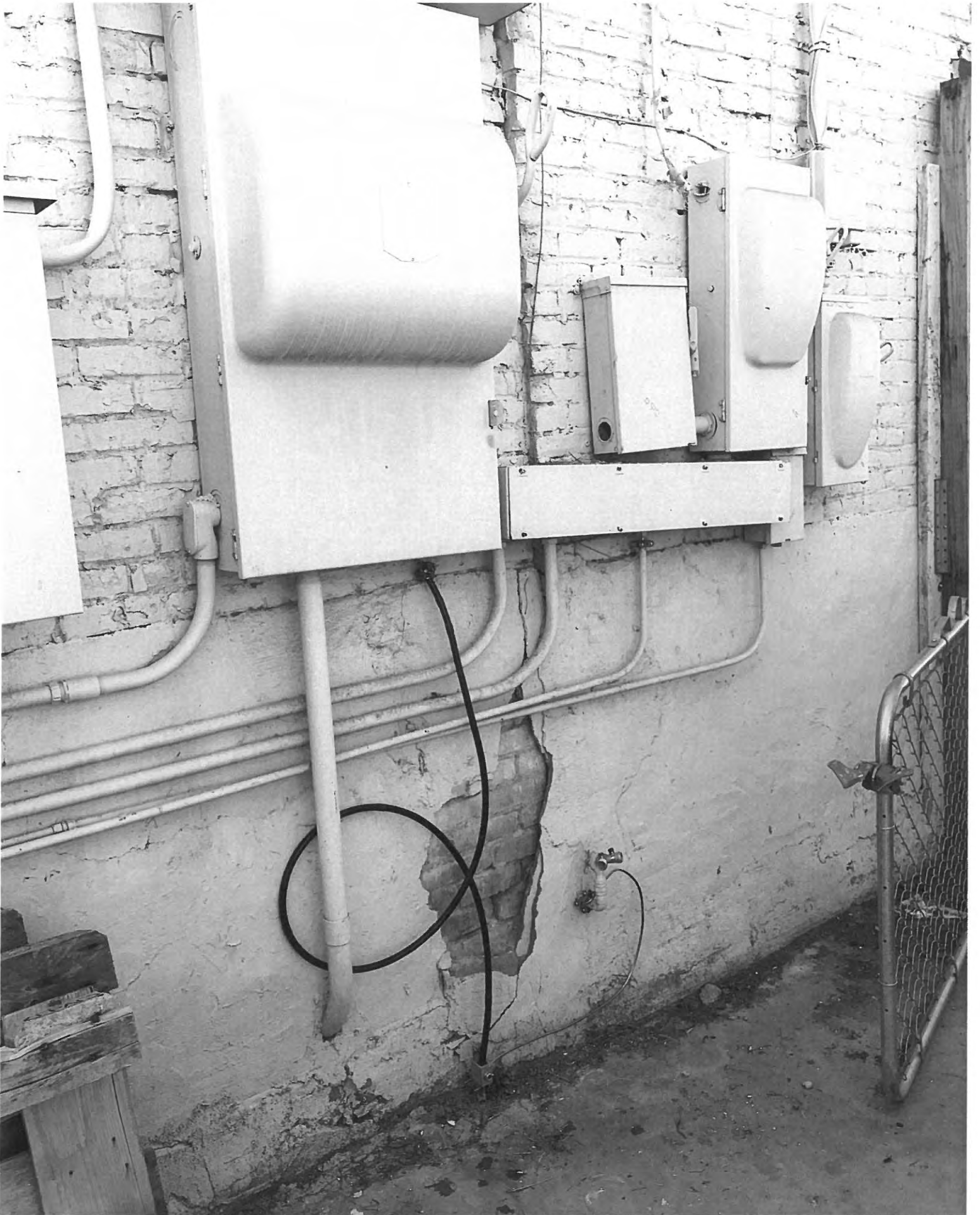






Exhibit J


HISTORIC BUILDING DOCUMENTATION

Exhibit J.1

**Arizona State Historic Property Inventory –
W. C. Smith & Co. Building, Florence, AZ**

ARIZONA STATE HISTORIC PROPERTY INVENTORY

PARCEL 060 IN MAIN

PROPERTY NAME W.C. Smith & Co. Bldg./Florence Commercial		Significant	C	F1-18
LOCATION 710 Main Street; west side of Main between 6th & 8th Streets.		CURRENT PHOTOGRAPH		
CITY/TOWN/VICINITY Florence	COUNTY Pinal			
OWNER Fred D. Gentry				
OWNER'S ADDRESS P. O. Box W Florence, AZ 85232				
FORM COMPLETED BY Harris J. Sobin, AIA				
ADDRESS 6550 N. Skyway Road Tucson, AZ 85718				
PHOTO BY Dale H. Frens	DATE June 1978			
VIEW From Northeast				
PRESENT USE Commercial - Florence Market	ACREAGE 6720 SF			
STYLE OR CULTURAL PERIOD American-Victorian/ High Victorian Italianate(original bldg front)				
SIGNIFICANT DATES Built in 1890; 2nd story burned in 1948				

PHYSICAL DESCRIPTION
 This deep relatively tall one-story commercial block originally consisted of two sections of differing height: a two-story eastern half on Main Street, and a one-story western half on Granite Street. A 1948 fire destroyed the second floor portion, reducing the structure to its present one-story height. The building is rectangular in plan, built with its south facade on the (original) 7th Street property line, and its east, north and west facades on their respective property lines. Approximate building dimensions are 43 ft wide, 145 ft deep, and 22 ft high (present condition: original 2-story

STATEMENT OF SIGNIFICANCE
 This building's significance rests on both architectural qualities and historical associations. This large American-Victorian brick commercial block was designed by Phoenix architect James M. Creighton, probably Arizona Territory's first architect (Creighton also designed the Second Pinal County Courthouse of 1891). When details of its construction were first announced, Florence's newspaper editor announced that the new W.C. Smith & Co. Building was to be "an ornament to the place". In fact the building's qualities succeeded admirably in expressing the local feeling of exuberance and high

VERBAL BOUNDARY DESCRIPTION
 Assessor's Parcel No. 200-41-021
 South 43 ft of Block 105, Townsite of Florence, plus 20 ft adjacent on the West plus 8 ft by 55 ft adjacent on the South, plus 8 ft by 20 ft adjacent on the West.
 Zoning: B2

PHYSICAL DESCRIPTION (continued)

F1-18

section stood approximately 40 ft high to the highest point of its pedimented cornice). The side and rear exterior walls are of locally-made sand-struck brick. The front facade on Main Street, fabricated by Mesker Bros., St. Louis, originally of pressed metal, cast iron, wood and glass has been altered by the 1948 fire damage and subsequent use of large areas of stucco on frame, plus a recent cantilevered sidewalk canopy of aluminum. Rolled asphalt roofing covers a timber-framed gable roof. Interior spans are reduced by a line of Tuscan-style cast iron columns (also Mesker) placed on the long center-axis of the building. Two large rectangular steel-framed skylights help illuminate an interior corridor in the rear half of the building. With a carefully-researched effort based on manufacturer's catalogs and early photos, this building could be restored to near-original condition. Though the second floor and upper half of the street facade are gone, they are reconstructable, the integrity of the ground floor and basement interiors is basically intact, and the original Queen Anne Style glass "window wall" shopfront is safely in storage.

STATEMENT OF SIGNIFICANCE (continued)

aspiration which were excited by the canal boom of the late 1880s. A particularly American-Victorian characteristic of the design is Creighton's extensive use of pre-fabricated building components, including the ornate original front facade, interior columns building cornice and window caps, all manufactured in St. Louis by "Mesker Bros. Front Builders", shipped by rail to Casa Grande, and freighted across the desert to Florence for final on-site assembly. In addition, the building's location, bulk and height made it for many years the major focal point on Main Street for travelers arriving in Florence. The building was designed for William Cairnes Smith, Scottish-born Casa Grande businessman who opened the second Florence branch of his general merchandise operation here in 1890. Later, the building housed the Shields and Price (later the Price and Powell) Florence Commercial General Store. An old time resident recalled that you could buy everything there "from a needle to a freight wagon". The second floor was used as quarters for the local A.O.U.W Lodge. Despite loss of the upper story by fire (1948), the ground floor continues in use today as one-half of a supermarket (the other half is in F1-58).

Exhibit J.2

**Arizona State Historic Property Inventory –
Commercial Building on Main Between 6th & 8th
Streets, Florence, AZ**

PART OF 380 N. MAIN ST

ARIZONA STATE HISTORIC PROPERTY INVENTORY

PROPERTY NAME Commercial Building (S. half, Florence Market).	
LOCATION West side of Main bet 6th & 8th Streets	
CITY/TOWN/VICINITY Florence	COUNTY Pinal
OWNER H.C. Schewel	
OWNER'S ADDRESS Box 666 Florence, AZ 85232	
FORM COMPLETED BY Harris J. Sobin, AIA	
ADDRESS 6550 N. Skyway Road Tucson, AZ 85718	
PHOTO BY Dale H. Frens	DATE June 1978
VIEW From East	
PRESENT USE Grocery Market (front)/ Warehouse (rear)	ACREAGE 4200 SF
STYLE OR CULTURAL PERIOD Early 20th Century Commercial	
SIGNIFICANT DATES Built ca. 1917	



PHYSICAL DESCRIPTION A single story commercial building, rectangular in plan, built with its east (Main Street) and west (Granite Street) facades on the parcel's east and west property lines respectively, and its south wall on the parcel's south property line. The building's north side shares a party wall with the adjacent structure to the north (F1-18). Approximate building dimensions: 30 ft wide (N-S) by 145 ft deep (E-W) by 20.5 ft high. Exterior walls: (Main Street facade), stucco on local sand-struck brick; (Granite Street facade), exposed local sand-struck brick. Roof: (western half), corrugated metal covered gable dimensioned timber structure utilizing 8-panel timber Howe trusses, clear spanning the 30 ft building width; (eastern half), rolled asphalt covered flat dimension.

STATEMENT OF SIGNIFICANCE This structure represents an unpretentious, basically utilitarian interpretation of the Neo-Classical Revival (or "Early 20th Century Commercial") Style. During the post World War I years this style often found expression in a simple, almost "style-free" mode of constructing urban retail or flexible-use loft space. "Early 20th Century Commercial" as here, is characterized by large, glazed shopfronts sheltered by light-weight cantilevered wood and metal awnings surmounted by continuous glazed transoms and almost featureless parapet walls. The interiors of these buildings, as in F1-58 are relatively deep in comparison to their width, and their central (and darkest) portions are usually illuminated by means of one or more large-scale skylights. As with

VERBAL BOUNDARY DESCRIPTION

Assessor's Parcel No. 200-41-022

The North 30 ft of that portion of 7th Street lying between Main & Granite Streets which is now closed.

Zoning: B2

PHYSICAL DESCRIPTION (continued)

F1-58

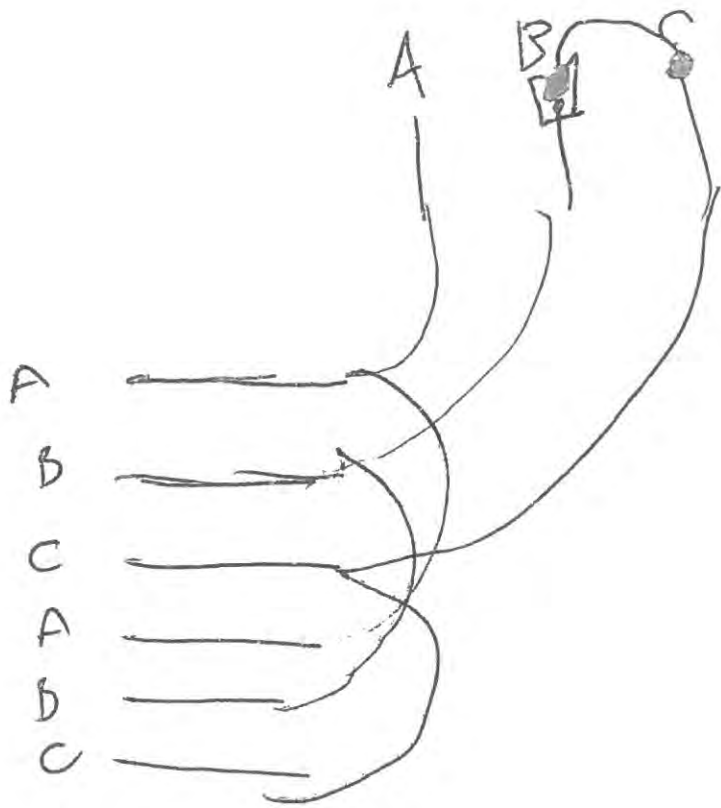
ed-timber structure. A large (about 8 ft by 12 ft) monopitch skylight in the north-facing slope of the gable roof provides illumination for the rear (warehouse) portion of this building. The Main Street facade of F1-58 was designed with fixed glazed transom lights, above a glazed shopfront. Its parapet wall has a recessed horizontal panel for signage, and a slightly projecting (stuccoed) parapet cap. A cantilevered metal awning over the sidewalk on the entrance (Main Street) facade is braced by tension rods from the parapet wall. The front portion of the building is used as part of the supermarket currently housed in the adjacent structure to the north (F1-18); the rear is used as a market-warehouse storage facility. The building is in good restorable condition.

STATEMENT OF SIGNIFICANCE (continued)

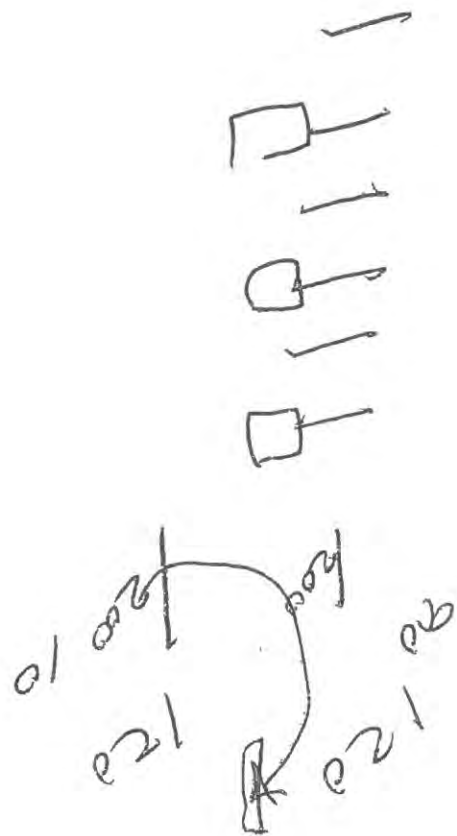
a number of other Main Street structures, F1-58 was built within a portion of one block of a former public street (in this instance, the northern half of 7th Street) closed by action of the Town Council.

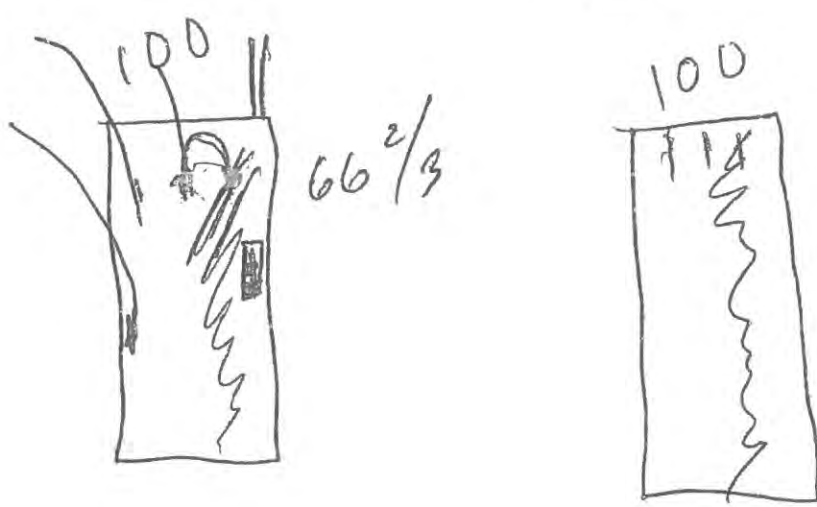
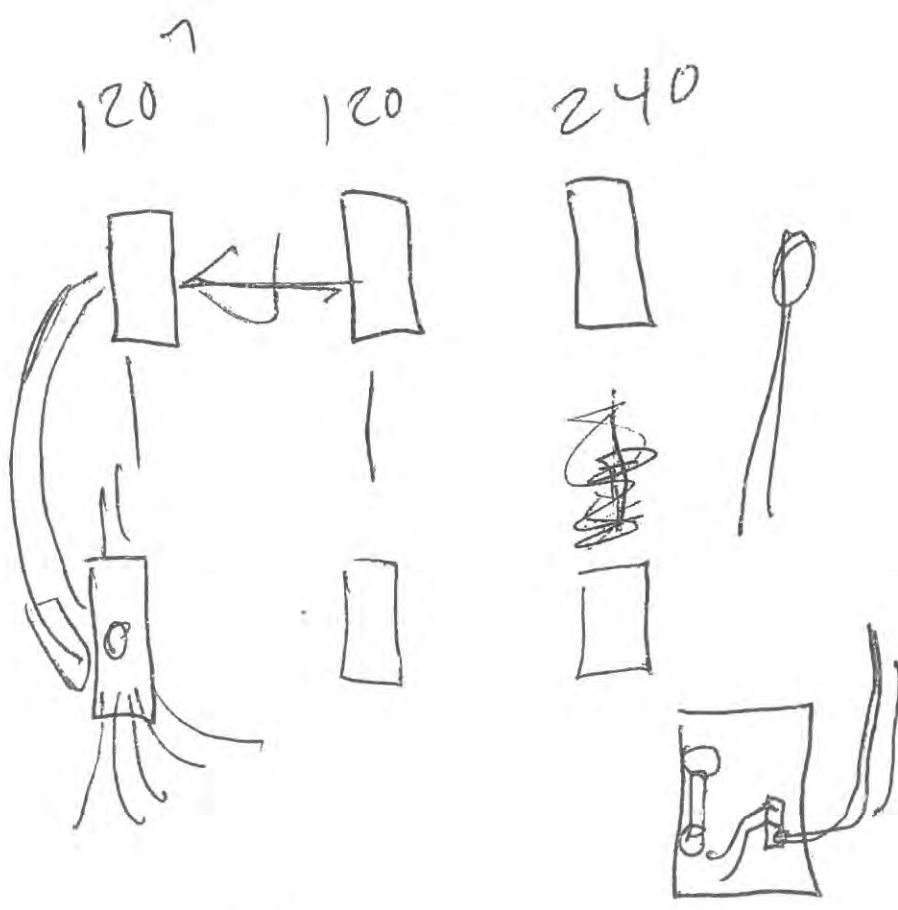
Exhibit K

**RON ESCOTT DIAGRAM AND
ATTACHMENTS**



.....





If you were to open an unopened jar, does that jar still qualify as "unopened"? No one would argue the fact that the moment I lock an unlocked door, that door is no longer "unlocked." I must confess that this author has yet to come across an uneaten piece of cake and left that cake "uneaten." So why do we consider an ungrounded system "ungrounded" when we are required to establish and connect a grounding electrode system to that ungrounded system? There seems to be a great misconception in both the installation and the enforcement of ungrounded systems as to the requirements for establishing a grounding connection at an ungrounded system. The fact of the matter is that there is nothing "ungrounded" about an ungrounded system. We are required to establish a grounding electrode system at the first means of disconnect to put the cabinets and other metallic equipment at earth's voltage potential. Then we extend that grounded connection to the last point of the system through our equipment grounding conductors (see the definition of "grounded" and "bonded"). This equipment grounding connection is also the path we provide for clearing any ground faults likely to be imposed. Without a grounding electrode/equipment grounding system at this ungrounded system, we would have to rely on the earth as our fault return path which is prohibited by 250.4(A)(5) for grounded systems and prohibited for ungrounded systems by 250.4(B)(4). The component that is missing from an ungrounded system compared to a grounded system is the intentionally grounded conductor.

Ungrounded Systems

Figure 1. Grounding and bonding requirements for both grounded and ungrounded systems

To Ground or Not to Ground

Figure 2. First ground fault on an ungrounded system

Electrical Systems Operated Ungrounded

Electrical systems that fall outside the requirements for grounding in 250.20 are sometimes operated ungrounded. At times, the facility owner or engineer or a combination of the two will collectively choose to operate electrical systems ungrounded. These systems usually are found in industrial or agricultural applications and are often rated either at 240-volt or 480-volt, three-phase, three-wire systems. Some higher voltage systems are also used in heavy-industrial applications. Where ungrounded systems are installed, the engineering decision is often based on an effort to obtain an additional degree of service continuity while providing equal and effective means for safety of equipment by the use of ground-fault indicator equipment.

Typical systems that are operated ungrounded include:

- 240-volt, 3-phase, 3-wire, delta-connected
- 480-volt, 3-phase, 3-wire, delta-connected
- 2300-volt, 3-phase, 3-wire, delta-connected
- 4600-volt, 3-phase, 3-wire, delta-connected
- 13,800-volt, 3-phase, 3-wire, delta-connected

Since the system is ungrounded, the occurrence of the first ground fault (not a short circuit or line-to-line fault) on the system will not cause an overcurrent protective device for the service, feeder, or branch circuit to open or operate. This fault does, however, ground the system but usually accidentally and through ineffective means (higher impedance) and in unspecified and uncontrolled locations. In essence, this system accidentally becomes a corner-grounded delta system. There will be little, if any, current when this first ground fault occurs.

Untitled

When an ungrounded system with one ground fault experiences a second ground fault on a different phase, the result is a phase-to-phase fault on the system. This will usually cause one or more overcurrent protective devices to open or operate, provided there is adequate current in this path. A major concern for this type of system happens where the first and second faults are located some distance apart. Often, these faults are from line-to-conduit or metallic enclosures, such as wireways, pull boxes, busways or motor terminal housings in different parts of the plant. Where this occurs, a relatively high-impedance path for current is often established. In some cases, a great deal of heat along with arcing and sparking is produced along this fault path due to loose connections or inadequate bonding. Every conduit coupling and locknut connection to enclosures in the fault-current path must be tight to provide an adequate and low-impedance path and to reduce this arcing and sparking.

It is important for safety reasons and for system continuity that maintenance personnel locate and eliminate ground faults when first identified on ungrounded systems. This should be done as soon as practical and especially before the second ground fault on a different phase occurs on the system. These ground faults are usually detected through a ground detection indicator system required by 250.21(B) for systems that are permitted to be ungrounded.

Ground-Detection Indicator Systems

Photo 1. A ground-fault monitor for AC/DC system Photo courtesy of Bender

Ground Detectors

In the past, ground detector lights or neutralizer or "potentializer" plugs were installed to indicate that a ground fault had occurred on the ungrounded system. The 7½-watt indicator lights are connected to the lines through 18,000-ohm resistors. A tap is made to each resistor to give 120 volts to the lamp. The lamp burns until its phase goes to ground, at which time there is no or little potential across the lamp and it stops glowing, thus identifying the faulted phase. More modern types of ground detection indication equipment are available and offer the added benefits of no system ground connection, not even through a resistor as was the case in the older ground detection light systems. These systems are typically equipped with transformers (windings) between the indication circuit and the ungrounded conductors of the system.

Ground-fault indication is intended to alert the maintenance personnel to the problem so the ground fault can be corrected during hours when the plant is not operating. The plant can continue to operate with one-phase grounded, thus preventing costly production downtimes. In some cases, downtime in production plants can cost thousands of dollars per minute.

Ungrounded System Problems

An ungrounded system exists only in theory, in a laboratory or at the electrical distribution transformers hanging on the pole before connection to the plant electrical system. In the real world, ungrounded systems having insulated conductors installed in metallic enclosures are grounded to varying degrees through the distributed leakage capacitance of the system. Physically, a capacitor exists whenever an insulating material separates two conductors that have a difference of potential between them.

Figure 3. Presence of a second ground fault on an ungrounded system

When any conductor is installed in close proximity to grounded metal, there is a capacitance between them that is increased as the distance between the conductors is reduced. In 600-volt systems, the two greatest sources of capacitance to ground are conductors in metal conduit and windings, such as for motors and transformers. In both cases, conductors are separated from grounded metal by fairly thin insulation. The capacitance to ground is known as the leakage capacitance, and the current from

Untitled

the conductors to ground is known as the leakage current or charging current. This capacitance is distributed throughout the electrical system but electrically acts like it is a single, lumped capacitance.

Disadvantages of operating systems ungrounded include but are not limited to the following:

Power system overvoltages are not controlled. In some cases, these overvoltages are passed through transformers into the premises wiring system. Some common sources of overvoltages include: lightning, switching surges and contact with a high-voltage system.

Transient overvoltages are not controlled, which, over time, can result in insulation degradation and failure.

System voltages above ground are not necessarily balanced or controlled.

Destructive arcing burndowns can result if a second fault occurs before the first fault is cleared.

Ungrounded systems have the characteristic that they are subject to relatively severe transient overvoltages. Such overvoltages can be caused by external disturbances as well as internal faults in the wiring system and easily can reach a value of five to six times normal voltage. An actual case involved a 480-volt ungrounded system. Line-to-ground potentials in excess of 1200 volts were measured on a test meter. The source of the trouble was traced to an intermittent or sputtering (arcing) line-to-ground fault in a motor starting autotransformer. These faults are not uncommon on 480-volt ungrounded systems. During the two-hour period when this arcing fault existed, between 40 and 50 motor windings had failed.

Circuit-switching operations can also be responsible for the creation of transient overvoltages in ungrounded systems. These generally are of short duration and typically reach only two to three times nominal system voltage.

Experience has shown that these overvoltages that easily reach several times the system voltage can cause failure of insulation at locations on the system other than at the point of the fault and can result in future system failures. This often occurs at a system weak point such as in a motor or transformer winding.

Locating the ground fault can be troublesome. While it is easy to spot a ground fault on a one-line diagram, locating it in a plant with a complex electrical system can be much more difficult, unless sophisticated ground-fault detection equipment has been installed. The first step is to open the feeders one at a time and observe the ground detection indicator. After finding the feeder with the ground fault, branch circuits are disconnected, one at a time, until the offending circuit is located. A significant loss of plant operation time can occur during this process. This is contrasted with a grounded system where only the offending equipment is taken off the line by the circuit overcurrent protective devices.

Often, overcurrent devices are set above the current level of the fault in ungrounded systems. When arcing faults occur, destructive burndowns of electrical equipment can result. The arcing fault releases a tremendous amount of energy such that conductors and metal enclosures in the vicinity are destroyed.

When the first ground fault occurs on a 480-volt ungrounded system, the other conductors of the system rise to a level of 480 volts-to-ground. This presents an additional risk of shock to operation and maintenance staff. This can be contrasted to a 480Y/277-volt grounded wye system where the voltage to ground does not exceed 277 volts while the phase-to-phase voltage is 480 volts (even under ground-fault conditions).

Conclusion

Where grounding of the electrical system is optional, the advantages and disadvantages of grounding must be carefully weighed by the plant owner or electrical designer to make the best decision. In the long run, greater service continuity may be obtained with grounded systems rather than ungrounded ones. Faults can be isolated to the feeder or circuit affected and cleared without disrupting the

Untitled

entire system. This is obviously a major consideration if the equipment or circuit affected is critical to the plant operation. This has to be balanced against the ungrounded system's tolerance of the first line-to-ground fault but with possible deterioration of conductor insulation from transient overvoltages and possible serious damage caused by a second ground fault on the system.

What are you waiting for?

Regardless of whether a grounded or ungrounded system is employed, both systems will be grounded. Don't let the term "ungrounded" fool you. As we have discussed in this article, there is nothing "ungrounded" about an ungrounded system. Relax and have another piece of cake.

Reference

Some of this article was derived from IAEI's Soares Book on Grounding and Bonding. If you would like more information on grounded and ungrounded systems, refer to this informative IAEI text.

Exhibit L

**NATIONAL ELECTRICAL CODE 2005
ARTICLE 250 – Grounding and Bonding**

240.101 Additional Requirements for Feeders.

(A) Rating or Setting of Overcurrent Protective Devices. The continuous ampere rating of a fuse shall not exceed three times the ampacity of the conductors. The long-time trip element setting of a breaker or the minimum trip setting of an electronically actuated fuse shall not exceed six times the ampacity of the conductor. For fire pumps, conductors shall be permitted to be protected for overcurrent in accordance with 695.4(B).

(B) Feeder Taps. Conductors tapped to a feeder shall be permitted to be protected by the feeder overcurrent device where that overcurrent device also protects the tap conductor.

ARTICLE 250 Grounding and Bonding

I. General

250.1 Scope. This article covers general requirements for grounding and bonding of electrical installations, and specific requirements in (1) through (6).

- (1) Systems, circuits, and equipment required, permitted, or not permitted to be grounded
- (2) Circuit conductor to be grounded on grounded systems
- (3) Location of grounding connections
- (4) Types and sizes of grounding and bonding conductors and electrodes
- (5) Methods of grounding and bonding
- (6) Conditions under which guards, isolation, or insulation may be substituted for grounding

250.2 Definitions.

Effective Ground-Fault Current Path. An intentionally constructed, permanent, low-impedance electrically conductive path designed and intended to carry current under ground-fault conditions from the point of a ground fault on a wiring system to the electrical supply source and that facilitates the operation of the overcurrent protective device or ground fault detectors on high-impedance grounded systems.

Ground Fault. An unintentional, electrically conducting connection between an ungrounded conductor of an electrical circuit and the normally non-current-carrying conductors, metallic enclosures, metallic raceways, metallic equipment, or earth.

Ground-Fault Current Path. An electrically conductive path from the point of a ground fault on a wiring system through normally non-current-carrying conductors, equipment, or the earth to the electrical supply source.

FPN: Examples of ground-fault current paths could consist of any combination of equipment grounding conductors, metallic raceways, metallic cable sheaths, electrical equipment, and any other electrically conductive material such as metal water and gas piping, steel framing members, stucco mesh, metal ducting, reinforcing steel, shields of communications cables, and the earth itself.

250.3 Application of Other Articles. In other articles applying to particular cases of installation of conductors and equipment, requirements are identified in Table 250.3 that are in addition to, or modifications of, those of this article.

250.4 General Requirements for Grounding and Bonding. The following general requirements identify what grounding and bonding of electrical systems are required to accomplish. The prescriptive methods contained in Article 250 shall be followed to comply with the performance requirements of this section.

(A) Grounded Systems.

(1) Electrical System Grounding. Electrical systems that are grounded shall be connected to earth in a manner that will limit the voltage imposed by lightning, line surges, or unintentional contact with higher-voltage lines and that will stabilize the voltage to earth during normal operation.

(2) Grounding of Electrical Equipment. Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected to earth so as to limit the voltage to ground on these materials.

(3) Bonding of Electrical Equipment. Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected together and to the electrical supply source in a manner that establishes an effective ground-fault current path.

(4) Bonding of Electrically Conductive Materials and Other Equipment. Electrically conductive materials that are likely to become energized shall be connected together and to the electrical supply source in a manner that establishes an effective ground-fault current path.

(5) Effective Ground-Fault Current Path. Electrical equipment and wiring and other electrically conductive material likely to become energized shall be installed in a manner that creates a permanent, low-impedance circuit facilitating the operation of the overcurrent device or ground detector for high-impedance grounded systems. It shall be capable of safely carrying the maximum ground-fault current likely to be imposed on it from any point on the wiring system where a ground fault may occur to the electrical supply source. The earth shall not be considered as an effective ground-fault current path.

Table 250.3 Additional Grounding Requirements

Conductor/Equipment	Article	Section
Agricultural buildings		547.9 and 547.10
Audio signal processing, amplification, and reproduction equipment		640.7
Branch circuits		210.5, 210.6, 406.3
Cablebus		370.9
Cable trays	392	392.3(C), 392.7
Capacitors		460.10, 460.27
Circuits and equipment operating at less than 50 volts	720	
Closed-loop and programmed power distribution		780.3
Communications circuits	800	
Community antenna television and radio distribution systems		820.93, 820.100, 820.103
Conductors for general wiring	310	
Cranes and hoists	610	
Electrically driven or controlled irrigation machines		675.11(C), 675.12, 675.13, 675.14, 675.15
Electric signs and outline lighting	600	
Electrolytic cells	668	
Elevators, dumbwaiters, escalators, moving walks, wheelchair lifts, and stairway chair lifts	620	
Fire alarm systems		760.9
Fixed electric heating equipment for pipelines and vessels		427.29, 427.48
Fixed outdoor electric deicing and snow-melting equipment		426.27
Flexible cords and cables		400.22, 400.23
Floating buildings		553.8, 553.10, 553.11
Grounding-type receptacles, adapters, cord connectors, and attachment plugs		406.9
Hazardous (classified) locations	500–517	
Health care facilities	517	
Induction and dielectric heating equipment	665	
Industrial machinery	670	
Information technology equipment		645.15
Intrinsically safe systems		504.50
Luminaires (lighting fixtures) and lighting equipment		410.17, 410.18, 410.20, 410.21, 410.105(B)
Luminaires (fixtures), lampholders, and lamps	410	
Marinas and boatyards		555.15
Mobile homes and mobile home park	550	
Motion picture and television studios and similar locations		530.20, 530.64(B)
Motors, motor circuits, and controllers	430	
Outlet, device, pull, and junction boxes; conduit bodies; and fittings		314.4, 314.25
Over 600 volts, nominal, underground wiring methods		300.50(B)
Panelboards		408.40
Pipe organs	650	
Radio and television equipment	810	
Receptacles and cord connectors		406.3
Recreational vehicles and recreational vehicle parks	551	
Services	230	
Solar photovoltaic systems		690.41, 690.42, 690.43, 690.45, 690.47
Swimming pools, fountains, and similar installations	680	
Switchboards and panelboards		408.3(D)
Switches		404.12
Theaters, audience areas of motion picture and television studios, and similar locations		520.81
Transformers and transformer vaults		450.10
Use and identification of grounded conductors	200	
X-ray equipment	660	517.78

(B) Ungrounded Systems.

(1) Grounding Electrical Equipment. Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected to earth in a manner that will limit the voltage imposed by lightning or unintentional contact with higher-voltage lines and limit the voltage to ground on these materials.

(2) Bonding of Electrical Equipment. Non-current-carrying conductive materials enclosing electrical conductors or equipment, or forming part of such equipment, shall be connected together and to the supply system grounded equipment in a manner that creates a permanent, low-impedance path for ground-fault current that is capable of carrying the maximum fault current likely to be imposed on it.

(3) Bonding of Electrically Conductive Materials and Other Equipment. Electrically conductive materials that are likely to become energized shall be connected together and to the supply system grounded equipment in a manner that creates a permanent, low-impedance path for ground-fault current that is capable of carrying the maximum fault current likely to be imposed on it.

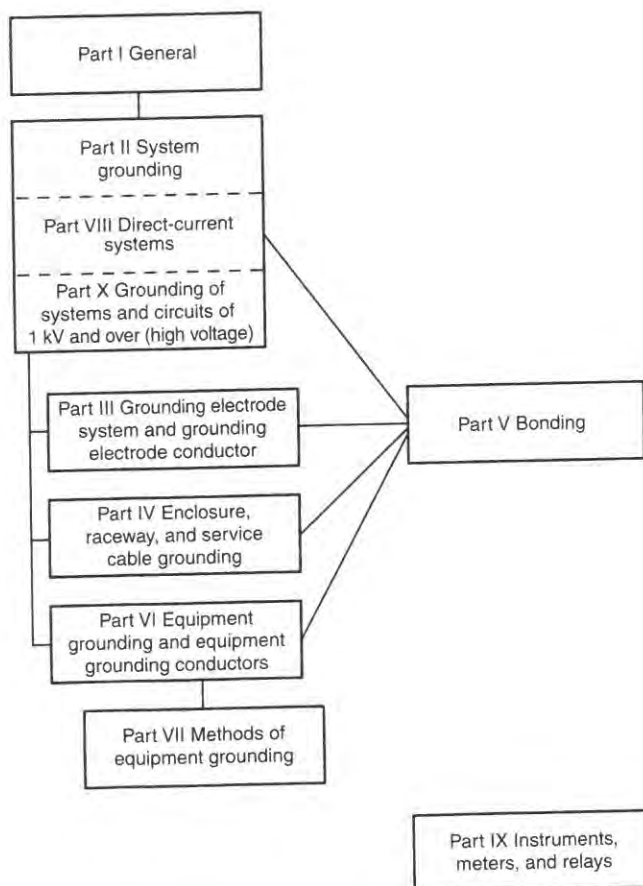


Figure 250.4 Grounding.

(4) Path for Fault Current. Electrical equipment, wiring, and other electrically conductive material likely to become energized shall be installed in a manner that creates a permanent, low-impedance circuit from any point on the wiring system to the electrical supply source to facilitate the operation of overcurrent devices should a second fault occur on the wiring system. The earth shall not be considered as an effective fault-current path.

FPN No. 1: A second fault that occurs through the equipment enclosures and bonding is considered a ground fault.

FPN No. 2: See Figure 250.4 for information on the organization of Article 250.

250.6 Objectionable Current over Grounding Conductors.

(A) Arrangement to Prevent Objectionable Current. The grounding of electrical systems, circuit conductors, surge arresters, and conductive non-current-carrying materials and equipment shall be installed and arranged in a manner that will prevent objectionable current over the grounding conductors or grounding paths.

(B) Alterations to Stop Objectionable Current. If the use of multiple grounding connections results in objectionable current, one or more of the following alterations shall be permitted to be made, provided that the requirements of 250.4(A)(5) or (B)(4) are met:

- (1) Discontinue one or more but not all of such grounding connections.
- (2) Change the locations of the grounding connections.
- (3) Interrupt the continuity of the conductor or conductive path interconnecting the grounding connections.
- (4) Take other suitable remedial and approved action.

(C) Temporary Currents Not Classified as Objectionable Currents. Temporary currents resulting from accidental conditions, such as ground-fault currents, that occur only while the grounding conductors are performing their intended protective functions shall not be classified as objectionable current for the purposes specified in 250.6(A) and (B).

(D) Limitations to Permissible Alterations. The provisions of this section shall not be considered as permitting electronic equipment from being operated on ac systems or branch circuits that are not grounded as required by this article. Currents that introduce noise or data errors in electronic equipment shall not be considered the objectionable currents addressed in this section.

(E) Isolation of Objectionable Direct-Current Ground Currents. Where isolation of objectionable dc ground currents from cathodic protection systems is required, a listed ac coupling/dc isolating device shall be permitted in the equipment grounding path to provide an effective return path for ac ground-fault current while blocking dc current.

250.8 Connection of Grounding and Bonding Equipment.

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used. Sheet metal screws shall not be used to connect grounding conductors or connection devices to enclosures.

250.10 Protection of Ground Clamps and Fittings.

Ground clamps or other fittings shall be approved for general use without protection or shall be protected from physical damage as indicated in (1) or (2) as follows:

- (1) In installations where they are not likely to be damaged
- (2) Where enclosed in metal, wood, or equivalent protective covering

250.12 Clean Surfaces. Nonconductive coatings (such as paint, lacquer, and enamel) on equipment to be grounded shall be removed from threads and other contact surfaces to ensure good electrical continuity or be connected by means of fittings designed so as to make such removal unnecessary.

II. System Grounding

250.20 Alternating-Current Systems to Be Grounded.

Alternating-current systems shall be grounded as provided for in 250.20(A), (B), (C), or (D). Other systems shall be permitted to be grounded. If such systems are grounded, they shall comply with the applicable provisions of this article.

FPN: An example of a system permitted to be grounded is a corner-grounded delta transformer connection. See 250.26(4) for conductor to be grounded.

(A) Alternating-Current Systems of Less Than 50 Volts.

Alternating-current systems of less than 50 volts shall be grounded under any of the following conditions:

- (1) Where supplied by transformers, if the transformer supply system exceeds 150 volts to ground
- (2) Where supplied by transformers, if the transformer supply system is ungrounded
- (3) Where installed as overhead conductors outside of buildings

(B) Alternating-Current Systems of 50 Volts to 1000 Volts.

Alternating-current systems of 50 volts to 1000 volts that supply premises wiring and premises wiring systems shall be grounded under any of the following conditions:

- (1) Where the system can be grounded so that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts
- (2) Where the system is 3-phase, 4-wire, wye connected in which the neutral is used as a circuit conductor
- (3) Where the system is 3-phase, 4-wire, delta connected in which the midpoint of one phase winding is used as a circuit conductor

(C) Alternating-Current Systems of 1 kV and Over.

Alternating-current systems supplying mobile or portable equipment shall be grounded as specified in 250.188. Where supplying other than mobile or portable equipment, such systems shall be permitted to be grounded.

(D) Separately Derived Systems. Separately derived systems, as covered in 250.20(A) or (B), shall be grounded as specified in 250.30.

FPN No. 1: An alternate ac power source such as an on-site generator is not a separately derived system if the neutral is solidly interconnected to a service-supplied system neutral.

FPN No. 2: For systems that are not separately derived and are not required to be grounded as specified in 250.30, see 445.13 for minimum size of conductors that must carry fault current.

(E) Impedance Grounded Neutral Systems. Impedance grounded neutral systems shall be grounded in accordance with 250.36 or 250.186.

250.21 Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to Be Grounded.

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

- (1) Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like
- (2) Separately derived systems used exclusively for rectifiers that supply only adjustable-speed industrial drives
- (3) Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the following conditions are met:
 - a. The system is used exclusively for control circuits.
 - b. The conditions of maintenance and supervision ensure that only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
- (4) Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

Exception: Systems of less than 120 volts to ground as permitted by this Code shall not be required to have ground detectors.

250.22 Circuits Not to Be Grounded. The following circuits shall not be grounded:

- (1) Circuits for electric cranes operating over combustible fibers in Class III locations, as provided in 503.155
- (2) Circuits in health care facilities as provided in 517.61 and 517.160
- (3) Circuits for equipment within electrolytic cell working zone as provided in Article 668
- (4) Secondary circuits of lighting systems as provided in 411.5(A)

250.24 Grounding Service-Supplied Alternating-Current Systems.

(A) System Grounding Connections. A premises wiring system supplied by a grounded ac service shall have a grounding electrode conductor connected to the grounded service conductor, at each service, in accordance with 250.24(A)(1) through (A)(5).

(1) General. The connection shall be made at any accessible point from the load end of the service drop or service lateral to and including the terminal or bus to which the grounded service conductor is connected at the service disconnecting means.

FPN: See definitions of *Service Drop* and *Service Lateral* in Article 100.

(2) Outdoor Transformer. Where the transformer supplying the service is located outside the building, at least one additional grounding connection shall be made from the grounded service conductor to a grounding electrode, either at the transformer or elsewhere outside the building.

Exception: The additional grounding connection shall not be made on high-impedance grounded neutral systems. The system shall meet the requirements of 250.36.

(3) Dual Fed Services. For services that are dual fed (double ended) in a common enclosure or grouped together in separate enclosures and employing a secondary tie, a single grounding electrode connection to the tie point of the grounded conductor(s) from each power source shall be permitted.

(4) Main Bonding Jumper as Wire or Busbar. Where the main bonding jumper specified in 250.28 is a wire or busbar and is installed from the grounded conductor terminal bar or bus to the equipment grounding terminal bar or bus in the service equipment, the grounding electrode conductor shall be permitted to be connected to the equipment grounding terminal, bar, or bus to which the main bonding jumper is connected.

(5) Load-Side Grounding Connections. A grounding connection shall not be made to any grounded conductor on the load side of the service disconnecting means except as otherwise permitted in this article.

FPN: See 250.30(A) for separately derived systems, 250.32 for connections at separate buildings or structures, and 250.142 for use of the grounded circuit conductor for grounding equipment.

(B) Main Bonding Jumper. For a grounded system, an unspliced main bonding jumper shall be used to connect the equipment grounding conductor(s) and the service-disconnect enclosure to the grounded conductor within the enclosure for each service disconnect in accordance with 250.28.

Exception No. 1: Where more than one service disconnecting means is located in an assembly listed for use as service equipment, an unspliced main bonding jumper shall bond the grounded conductor(s) to the assembly enclosure.

Exception No. 2: Impedance grounded neutral systems shall be permitted to be connected as provided in 250.36 and 250.186.

(C) Grounded Conductor Brought to Service Equipment. Where an ac system operating at less than 1000 volts is grounded at any point, the grounded conductor(s) shall be run to each service disconnecting means and shall be bonded to each disconnecting means enclosure. The grounded conductor(s) shall be installed in accordance with 250.24(C)(1) through (C)(3).

Exception: Where more than one service disconnecting means are located in an assembly listed for use as service equipment, it shall be permitted to run the grounded conductor(s) to the assembly, and the conductor(s) shall be bonded to the assembly enclosure.

(1) Routing and Sizing. This conductor shall be routed with the phase conductors and shall not be smaller than the required grounding electrode conductor specified in Table 250.66 but shall not be required to be larger than the largest ungrounded service-entrance phase conductor. In addition, for service-entrance phase conductors larger than 1100 kcmil copper or 1750 kcmil aluminum, the grounded conductor shall not be smaller than 12½ percent of the area of the largest service-entrance phase conductor. The grounded conductor of a 3-phase, 3-wire delta service shall have an ampacity not less than that of the ungrounded conductors.

(2) Parallel Conductors. Where the service-entrance phase conductors are installed in parallel, the size of the grounded conductor shall be based on the total circular mil area of the parallel conductors as indicated in this section. Where installed in two or more raceways, the size of the grounded conductor in each raceway shall be based on the



Town of Florence

Board of Appeals

775 N. Main Street, Florence Arizona
Building Dept. : (520)868-8332
Fire Dept.: (520) 868-7608
Town Clerk: (520)868-7552
Web: www.florenceaz.gov

BOARD OF APPEALS SPECIAL MEETING

Tuesday, May 30, 2017 – 10:00 a.m.
Town Council Chambers
775 N. Main Street, Florence Arizona

BOARD MEMBERS: Child, Goodballet, Nevela, Pranzo, Wheeler

Ex-Officio Members: Bent, Kemp

Decision by the Board of Appeals; time-period for appeal.

The Board shall decide on any matter within twenty (20) calendar days after the date of the hearing thereon and such decisions shall be final. An aggrieved permit holder and/or property owner shall have thirty (30) days to appeal an adverse decision to the Superior Court of Pinal County.

I. 368 and 374 N. Main Street, AZ. APN: 200-41-0210 and 200-41-0220

- | | | | |
|----|---|-----|----|
| A. | Section 115, IBC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 115 of the IBC apply to these structures? | Yes | No |
| B. | Section 110 of IFC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 110 of the IFC apply to these structures? | Yes | No |
| C. | Article 250.21 of the NEC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 250.21 of the NEC apply to these structures? | Yes | No |
| D. | Section 113.1 of the IBC | | |
| 1. | Have the Code Officials correctly interrupted the code? | | |
| 2. | Does Section 113.1 of the IBC apply to these structures ? | Yes | No |
| E. | Section 108.1.2 IPMC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 108.1.2 apply to these structures? | Yes | No |
| F | Section 112.2 IBC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 112.2 of the IBC apply to these Structures? | Yes | No |
| G | Section 110.4 IBC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 110.4 of the IBC apply to these structures? | Yes | No |
| H | Section 110.4 IFC | | |
| 1. | Have the Code Officials correctly interpreted the code | Yes | No |
| 2. | Does Section 110.4 of the IFC apply to these structures? | Yes | No |
| I. | Section 110.1 IBC | | |
| 1. | Have the Code Officials correctly interpreted the code? | Yes | No |
| 2. | Does Section 110.1 of the IBC apply to these structures? | Yes | No |

J	Section 111.3 IBC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 111.3 of the IBC apply to these structures?	Yes	No
K	Section 3407.1, IBC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 3407.1 of the IBC apply to these structures?	Yes	No
L	Section 102.5, IFC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 102.5 of the IFC apply to these structures?	Yes	No
M	Section 102.6, IPMC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 102.6 of the IPMC apply to these structures?	Yes	No
N	Section 108.2, IFC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 108.2 of the IFC apply to these structures?	Yes	No
O	Section 112.2 IBC		
	1. Have the Code Officials correctly interpreted the code?	Yes	No
	2. Does Section 112.2 of the IBC apply to these structures?	Yes	No

We declare under penalty of perjury, under the laws of the State of Arizona, that all statements contained in this document are the collective decision of this Board of Appeals.

Chairman

Date

Vice Chairman

Date

Town of Florence's Report for the Board of Appeal's Hearing Record

Hearing Date: May 30, 2017

Subject: Board of Appeals Hearing Application: WC Smith building(s).

Address: 368 and 374 N. Main Street, Florence, Arizona 85132

Zoning Info: Structure's existing zoning: DC-Downtown Commercial, the Structure is within the Historic District overlay zone.

Supporting Docs: Attached hereto are exhibits (the "Town's Exhibits" for the Board's hearing, see list below) for the Board's consideration and for inclusion into the formal administrative record for the Board's hearing. This report serves as the notice of the Town's witnesses expected to testify during the hearing and notice that the Town Attorney is representing the Town and the Code Officials in this matter. The counsel for the parties stipulated to exchange their list of witnesses, list of exhibits and any memoranda on May 24, 2017. By way of this report, the Town Attorney and the Code Officials move for the Town's Exhibits to be formally admitted into the evidence for the Board of Appeal's hearing record for this case.

Case Summary

Jurisdiction and Orders appealed:

The Code Officials had *reasonable cause* to believe that the Structure's existing conditions were unsafe. The Code Officials issued their Orders based on Section 115, IBC and Section 110 IFC. Three of the Orders were appealed by the owner. This Board has limited authority to address the Orders in this appeal. If the Board determines that the Code Officials' Orders were based on requirements in the technical codes, then the Board "shall have no authority to waive requirements of this code." (Section 112.2, IBC; Section 108.2, IFC) The Board cannot waive requirements of the technical codes. The Board must first consider whether specific code provisions are requirements and if so, then the Board cannot waive application of such code provisions to the Structure.

Applicant is appealing three Orders/Decisions issued by the Code Officials:

1. Order of Notice of Unsafe Structure, March 10, 2017 ("Order No.1").
2. Code Official Report, March 10, 2017 ("Order No.2").
3. Suspension of Certificate of Occupancy, March 16, 2017 ("Order No.3").

Stay of Proceedings: The Applicant did not appeal for this Board's consideration the Building Officials' "Certification That Stay Could Cause Hazard" dated April 5, 2017 (the "Order No. 6"). Order No.6 issued by the Code Officials found an imminent danger to exist at the Structure and a stay of enforcement could not be granted according to the International Property Maintenance Code, 2006 Edition, Section 111.8, Stays of enforcement.

On or about March 10, 2017, the Florence Building Official and Fire Code Official (the "Code Officials") issued several orders, reports and notices to Gem G. and Kelly M. Cox (the "Owners") regarding the unsafe condition of the Smith/Gentry Building located at 368 and 374 N. Main St., Florence, AZ 85132 (the "Structure"). In all, the Code Officials have issued seven orders regarding the Structure since March 10, 2017, but only three were appealed by the Owners. The Orders 4 through 7 are final unless timely and properly appealed by the Owners, or other aggrieved party. On or before March 10, 2017, the Code Officials had *reasonable cause* to believe that the Structure is unsafe because it constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare.

The Code Officials issued the following orders for the Structure:

1. Order of Notice of Unsafe Structure dated March 10, 2017 (Order No.1)-**Appealed.**
2. Code Official Report dated March 10, 2017 (Order No.2)-**Appealed.**
3. Suspension of Certificate of Occupancy dated March 16, 2017 (Order No.3)-**Appealed.**
4. Building Official Correspondence, Additional specific information as requested on March 20, 2017 to address Mr. Jason Penrod's letters dated March 10, 2017 dated March 22, 2017 (Order No.4).
5. Notice of Right of Entry and Inspection Order for Structure, April 4, 2017 (Order No.5).
6. Certification That Stay Could Cause Hazard dated April 5, 2017 (Order No.6).
7. Request for Disconnection of Electrical Utilities to the building(s) located at 368 and 374 North Main Street, Florence, Arizona 85132 (the "Structure"), May 18, 2017 (Order No.7).

The Code Officials' focused on three primary conditions existing in the Structure which presented safety hazards for the occupants and the public: (1) electrical system conditions; (2) occupancy; and (3) unpermitted work. At no time did the Code Officials issue any of the Orders directly to the tenants of the Structure. The tenants approached the Code Officials outside the Structure to ask questions when the notices of unsafe structure were posted. The Code Officials posted notices of unsafe structure on the exterior of the Structure concurrently with issuance of the Code Officials' Orders.

On or about February 27, 2017 the Code Officials received an unsolicited report concerning the Structure's unsafe and outdated electrical system by an electrical contractor, Mr. Ron Escott. Mr. Escott was hired by the Owners. Mr. Escott walked through the Structure and asserted to the Code Officials that he conducted a substantial overview of the Structure's electrical system. Mr. Escott provided the Code Officials with highlighted handouts, diagrams and verbal

Town's Exhibits Attached and Moved into Evidence for the Record

1. Address and Parcel Map
2. Fire Code Official's Notes
3. Cease and Desist Notification to Mr. Gem Cox, November 3, 2014.
4. Temporary Certificate of Occupancy, September 8, 2015.
5. State Fire Marshal's letter, April 5, 2016.
6. Florence Fire Chief's Memorandum, April 19, 2016
7. State Fire Marshal's letter, April 21, 2016.
8. Town Manager's Memorandum, May 5, 2016
9. Stipulated Certificate of Occupancy with Conditions, May 4, 2016.
10. Gem Cox correspondence, May 10, 2016.
11. Gem Cox correspondence dated February 16, 2017.
12. Notes Re: Ron Escott Post-Inspection Meeting with Town Code Official, February, 2016.
13. PLM-COMM, March 2, 2017,
14. APS correspondence, March 9, 2017.
15. Order of Notice of Unsafe Structure, March 10, 2017 ("Order No.1").
16. Code Official Report, March 10, 2017 ("Order No.2").
17. Suspension of Certificate of Occupancy, March 16, 2017 ("Order No.3").
18. Responses to the Notice filed by Mr. Gem Cox with the Florence Town Clerk's Office, March 16, 2017.
19. Gem Cox correspondence to Code Official, March 20, 2017.
20. Building Official Correspondence, Additional specific information as requested on March 20, 2017 to address Mr. Jason Penrod's letters dated March 10, 2017 dated March 22, 2017 ("Order No.4").
21. Newspaper article, March 23, 2017
22. Florence Police Report for Incident F17030793, March 24, 2017.
23. Gem Cox correspondence to Florence Fire Chief, March 22, 2017.
24. Facebook posting
25. Chief of Police Memorandum, March 24, 2017.
26. Newspaper article, March 28, 2017.
27. Notice of Right of Entry and Inspection Order for Structure, April 4, 2017 ("Order No.5").
28. Certification That Stay Could Cause Hazard, April 5, 2017 ("Order No.6").
29. AKRIBIS Engineering, L.L.C. correspondence, March 29, 2017.
30. Town of Florence Electrical Observations/Recommendations Summary Report, April 11, 2017.
31. Code Officials' Report on Walk-Through, April 11, 2017.
32. Code Officials' Report-Registrant's Inspection Smith Building Existing Electrical System, April 17, 2017.
33. Code Officials' Smith Building Timeline of Events, May 17, 2017.
34. Code Officials' photographs of the Structure documenting unsafe conditions.
35. Preliminary/partial electrical plan submittal presented by the Owners.
36. Town Code, Section 150.300, Technical Codes adopted.

37. Relevant code sections, International Building Code, 2006 Edition.
38. Relevant code sections, International Fire Code, 2006 Edition.
39. Relevant code sections, National Electrical Code, 2005 Edition.
40. Relevant code sections, International Property Maintenance Code, 2006 Edition.
41. Town's proposed Conclusions of Law.

History and Facts

1. On or about September 8, 2015, the Town approved a temporary occupancy for 2,254 square feet of the Structure by issuing a Temporary Certificate of Occupancy with conditions. The occupancy was restricted to the northeast portion of the Structure only and the occupancy group was limited to "M".
2. Thereafter, the Town issued a Certificate of Occupancy for 2,254 square feet of the Structure on February 9, 2016.
3. On or about May 5, 2016, the Code Officials issued a Certificate of Occupancy with Conditions for 14,428 square feet limited to occupancy groups "M", "R" and "S". This Certificate contained six conditions, including, a requirement that within one year, all wall penetrations, under floor joints and crawl space openings must be sealed with a fire resistive barrier, and an integrated, monitored UL listed fire alarm system must be installed for the entire structure.
4. On May 10, 2016, the owner of the Structure, Mr. Cox, sent correspondence to the Town's employees and Code Officials thanking them for helping him "straightening out my buildings' occupancy and legal issues with the town."
5. On or about May 19, 2016 the Structure's owner was cited in the local newspaper admitting the technical codes apply to the Structure, stating, "And codes do apply, but only under certain circumstances," Cox said. "It's an if-this, then-that. If you spend a certain amount of money, then codes apply. If you change your use, then codes apply. If you build something different, codes apply to that. Certainly codes apply to these buildings."
6. On or about the first week of December, 2016, the Code Officials met with the occupant (operator of Conquest Arms) of the Structure at the buildings to investigate rumors of a coffee shop opening inside the Structure. At that time, the Code Officials instructed the occupant that it was necessary to obtain permits for work inside the buildings related to such proposed change in use.
7. On December 9, 2016, the occupant applied for a permit, but was denied the permit because the application was incomplete.
8. On December 29, 2016, the occupant's permit application was received by Florence's Community Development department and logged into the tracking software for the office, SmartGOV. The application was deficient because no contractor information or business license was included.
9. On January 31, 2017, Town staff, including the Code Officials met with the property owner and operators of Conquest Arms to discuss the stipulated conditional Certificate of Occupancy ("COC") and the proposed coffee shop. The Code Officials were informed

- by occupants and owner of the property that the conditions in the COC were nearly satisfied. During this meeting, the Code Officials inquired about the use, emergency lighting/signage, means of egress and classification of occupant use. The Code Officials requested that a licensed electrical contractor inspect the building and provide an account of the condition of the Structure's electrical system.
10. On or about February 2, 2017, the Code Officials walked through the Structure with the occupant to determine the different occupant uses.
 11. On or about February 15, 2017, a licensed electrical contractor, at the request of the Owners, evaluated the electrical system(s) of the Structure.
 12. On or about February 15, 2017, a plumbing contractor for the Structure paid for a business license.
 13. On February 21, 2017, the Code Officials walked-through the Structure with the occupant. The Code Officials observed that the smoke alarm system needed to be tested to verify that it would notify the Florence Police Department Dispatch Center. At this time, two of the detectors needed to be located closer to the ceiling and one detector installed in the basement area. The Code Officials also performed a rough inspection of the plumbing system.
 14. On February 27, 2017, an electrical contractor (Ron Escott), hired by the Owners of the Structure, requested a meeting with the Code Officials during which he provided an assessment of the Structure's electrical system to the Code Officials, Town staff and Town Manager. Mr. Escott reported serious concerns regarding the electrical system and specifically notified the Code Officials that the Structure possessed an ungrounded electrical system. Mr. Escott provided a report supporting his observations. He also concluded that the electrical system presented a significant shock hazard. He also reported the existence of undersized wiring, an overloaded neutral and that a danger exists that the insulation could melt or fail because the wiring was overheated. Thereafter, the Code Officials informed the Owners of the need for an architect, electrical engineer and necessary technical registrants as required depending upon the scope of the work in the Structure.
 15. On February 27, 2017, the Code Officials and the Owner scheduled a test for the smoke alarm system and for the verification of the three detectors that were relocated pursuant to the instructions of the Fire Official. The Owner of the Structure cancelled the meeting.
 16. On March 2, 2017, the Town's Community Development department issued a permit for plumbing work only for Conquest Grind House.
 17. On March 10, 2017, the Code Officials issued Orders Nos.1, 2. The Orders required the occupants to vacate the building and ordered the Owner of the property, Mr. Cox, to disconnect electrical service to the Structure.
 18. On March 16, 2017, the Code Officials issued Order No. 3.
 19. On March 22, 2017, the Owner of the Structure instructed the Florence Fire Chief to not attend an electrical engineer inspection scheduled on March 23, 2017.
 20. On March 24, 2017, the Owner of the Structure reported to the Florence Police Department that someone had stolen an eight foot, one inch thick copper wire from the electrical box to the grounding rod at the Structure.

21. On March 24, 2017 upon invitation of the occupants of the Structure, the Florence Police Chief observed that a vehicle had been recently painted inside the Structure and that a portion of the Structure had been used as a paint shop. The Police Chief was informed by the occupants that the Owner of the Structure, Mr. Cox, had been restoring and painting a vehicle inside the Structure.
22. On March 31, 2017, the Code Officials issued a Notice of Right of Entry and Inspection Order for an inspection on April 4, 2017.
23. On April 3, 2017, Gem G. Cox and Kelly M. Gordon filed a Board of Appeal Hearing Application appealing Orders Nos. 1, 2 and 3.
24. On April 4, 2017, the Code Officials conducted a walk-through of the Structure with Mr. Zane Wilsterman, P.E. Controlled Energy Engineers, L.L.C. and Mr. Cox, and observed the existing electrical system entrance section and existing electrical installation.
25. On April 11, 2017, the Code Officials conducted a walk-through of the Structure with Mr. Cox. The Code Officials observed the existing interior conditions resulting from the tenant vacating the Structure.

Board's Motion

Code Officials' Recommendation to Uphold Code Officials' Orders/Interpretations:

(Suggested finding)

I move to uphold the Orders and interpretations by the Code Officials concluding that as of March 10, 2017, there is reasonable cause to believe that pursuant to the Town's adopted technical codes referenced in Orders Nos. 1, 2, 3, 4, 5 and 6 (which were delivered to the Owner) an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at the Structure located at 368 and 374 North Main Street (the Structure) (see attached Town's Conclusions of Law form). Pursuant to Sections 115.1 Conditions and 115.3 Restoration, 2006 Ed. International Building Code ("IBC"), the Structure must be made safe, as the building official deems necessary and to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the Structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34. Pursuant to Section 110, Unsafe Buildings, 2006 Ed. International Fire Code ("IFC"), the owner, operator, or occupant of the Structure or premises shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action by the fire code official or the fire department official in charge of the incident. Further, pursuant to Section 110.3, IFC, conditions exist at, in or on the Structure and premises that are hazardous to life and property, and therefore the fire code official or fire department official in charge of the incident is hereby authorized to abate summarily such hazardous conditions that are in violation of the IFC. Finally, if the Structure is vacant, it must be secured against unauthorized entry as required by Section 311, IFC, or it is deemed unsafe (See Sections 110.1.1 IFC, 115.1, IBC).

explanations describing the existing condition of the Structure's electrical system. Mr. Escott concluded that there was an existing fire hazard and shock hazard to the public due to the current condition of the electrical system serving the Structure. Mr. Escott reported that he observed new Romex in the Structure. Mr. Escott specifically notified the Code Officials that the Structure possessed an ungrounded electrical system. He further reported the existence of undersized wiring, an overloaded neutral and that a danger exists that the insulation could melt or fail should the wiring become overheated.

Further, the Code Officials observed unpermitted work including the addition of new walls, plumbing modifications, an ungrounded electrical system and the addition of rooms in the Structure and deviations from the accepted stipulated Certificate of Occupancy with Conditions.

Technical Codes:

The Code Officials possessed reasonable cause to interpret and apply the following codes to the Structure (please refer to and complete the attached Town's Conclusions of Law form which incorporates the technical code provisions listed below):

1. Section 115, IBC.
2. Section 110, IFC.
3. Section 250.21, NEC.
4. Section 113.1, IBC.
5. Section 108.1.2, IPMC.
6. Section 112.2 of the IBC.
7. Section 110.4, IBC.
8. Section 110.4, IFC.
9. Section 110.1 IBC.
10. Section 111.3, IBC.
11. Section 3407.1, IBC.
12. Section 102.5, IFC.
13. Section 102.6, IPMC
14. Section 108.2, IFC (No authority to waive requirements of the code only).
15. Section 112.2, IBC (No authority to waive requirements of the code only).

In an effort to assist the Owners and mitigate the Structure's unsafe conditions, the Code Officials consulted with an electrical engineer who observed violations of the codes referred to in his Electrical Observations/Recommendations Summary Report attached hereto.

Expired Stipulated Certificate of Occupancy with Conditions:

Even though as of March 10, 2017, the Owners used the Structure pursuant to a stipulated Certificate of Occupancy with Conditions ("COC"), the COC expired within one year of issuance

if all of the conditions were not met by the Owners. The COC conditions (1), (2), (3), (4) and (5) required the Owners to implement specific life safety measures for occupancy of the Structure. Because the Owners failed to provide satisfactory evidence of compliance with all of these specific COC requirements to the Code Officials, **the COC expired on May 4, 2017.** The expiration and termination of the Structure's COC for lack of timely compliance by the Owners is not subject to review by the Board in this appeal.

The Technical Codes Apply:

The life safety codes apply to all buildings, including individually identified and classified historic buildings. The Structure must comply with the technical codes adopted by the Town. The historic provisions of the adopted technical codes do not apply to the Structure. The Structure is composed of old buildings, but they are not formally registered as historic buildings. Neither the State of Arizona nor the Town has individually identified and classified the Structure as historic. In fact, a good portion of the buildings no longer exists from its original state.

Further, at no time did the Code Officials affirmatively judge the buildings "to not constitute a distinct life safety hazard" as required by the code provisions cited by the Owners. To the contrary, the Code Officials possessed information that the Structure is a distinct hazard to life or property. The Owners have never requested that the Code Officials specifically judge the Structure to be safe and that it is in the public interest to not apply technical codes to the buildings. For this reason alone, this Board has no jurisdiction to apply the historic code provisions cited by the Owners to the Structure.

Additionally, the Owners have not provided the Code Officials with any evidence proving that the Structure does not constitute a distinct life safety hazard or a distinct hazard to life or property. The Owners carry this burden of proof to convince the Code Officials that such conditions exist for the Structure for the historic code provision to apply. This is simply not the case here and there is no evidence in the record supporting the Owners' position. Under no circumstances can the Structure obtain exemption from requirements for fire protection. The Structure is located within the Town's historic district, but this fact alone does not create an automatic exemption from the technical codes for the Structure. Therefore, any technical code provisions relating to historic buildings do not apply to the Structure. Even if such technical code provisions were to apply to the Structure, the Code Officials' interpretations of the codes are consistent with those provisions and are not contrary to the intent of those code sections as asserted by the Owners.

Findings/Code Officials' Recommendation

The Code Officials' Recommendation for the Board's Ruling:

Pursuant to the record, the findings herein and the Town's Conclusions of Law, the Code Officials respectfully request that the Board affirm and uphold the interpretations by the Code

Officials concluding that as of March 10, 2017, there is reasonable cause to believe that pursuant to the technical codes referenced herein and in Orders Nos. 1, 2, 3, 4, 5, 6 and 7 an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at, in, or on the Structure located at 368 and 374 North Main Street (see attached Town's Conclusions of Law).

If the Board rules in favor of the Code Officials:

Therefore, the interpretation by the Code Officials is upheld that as of March 10, 2017, there is reasonable cause to believe that pursuant to the Town's adopted technical codes an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at 368 and 374 N. Main Street (the "Structure"). Pursuant to Sections 115.1 Conditions and 115.3 Restoration, 2006 Ed. International Building Code ("IBC"), the Structure must be made safe, as the building official deems necessary and to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the Structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34. Pursuant to Section 110, Unsafe Buildings, 2006 Ed. International Fire Code ("IFC"), the owner, operator, or occupant of the Structure or premises shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action by the fire code official or the fire department official in charge of the incident. Further, pursuant to Section 110.3, IFC, conditions exist at, in or on the Structure and premises that are hazardous to life and property, and therefore the fire code official or fire department official in charge of the incident is hereby authorized to abate summarily such hazardous conditions that are in violation of the IFC. Finally, if the Structure is vacant, it must be secured against unauthorized entry as required by Section 311, IFC, or it is deemed unsafe (See Sections 110.1.1 IFC, 115.1, IBC).

If the Board rules in favor of the Applicant:

Therefore, the interpretations by the Fire Code Officials on March 10, 2017 about the Structure: (a) were incorrect; or (b) the provisions of the IFC, IBC, IPMC, NEC do not fully apply to the Structure; or (c) an equivalent method of protection or safety is proposed for the Structure as long as such equivalency is satisfactory to the Code Officials.

Town's List of Witnesses Expected to Provide Live Testimony

1. Don E. Bent, Building Official. Mr. Bent is expected to testify about the Orders, his observations in the Structure and the information in the Town's Exhibits.
2. John E. Kemp, Fire Code Official. Mr. Kemp is expected to testify about the Orders, his observations in the Structure and the information in the Town's Exhibits.
3. Chris Salas, Town Engineer. Mr. Salas is expected to testify regarding Mr. Escott's assessment of the electrical system in the Structure, including, but not limited to statements, diagrams, notes and regulations provided to Town staff by Mr. Escott.

Exhibit 1

REFERENCE ONLY
NOT FOR COMMERCIAL USE

W 6th St

N Granite St

N Main St

200-41-0230

365

200-41-0240

364

200-41-019A

390

200-41-019B

380

200-41-0210

374

200-41-0220

368

200-44-004A

364

200-44-0030

200-44-004B

360

200-44-0050

350

200-44-008E

330

200-44-0070

Map Information

Selected Parcel: Not Available
Full Address: Not Available
City: Not Available
State: Not Available
Zip Code: Not Available
Survey Location: Not Available
Parcel Address: Not Available
Owner Name 1: Not Available
Owner Name 2: Not Available
Mailing Address 1: Not Available
Mailing Address 2: Not Available
Mailing City: Not Available
Mailing State: Not Available
Mailing Zip Code: Not Available
Mailing Province: Not Available
Mailing Country: Not Available
Mailing Postal Code: Not Available
Parcel Size (sq ft): Not Available
Parcel Size (acres): Not Available

363

355

325

200-49-0010

200-49-0020

200-49-0020

321

200-49-003G

315

201

200-49-003F

200-49-003D

305

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

Address & Parcel Map



Town of Florence

Exhibit 2

During 2014 I focused my attention on the history of the situation between the Owner Mr. Cox and the Town of Florence. During my research, the occupancy is within the Historical District of Down Town Florence and was previously a grocery store with an attached section utilized as a living establishment. The building was purchased by Mr. Cox. However, no information is on file with the Town of Florence to confirm the building classification our authorized usage. I found that no Certificate of Occupancy or Business License exist for the building or for Mr. Cox owning or occupying the building in question. This created a challenge related to life safety and the current fire code because Mr. Cox had taken occupancy of the building as witnessed in October of 2013. Most of the building was found to be used for storage and the apartment was occupied with at least one resident.

I met with Mr. Cox in the summer of 2014 to discuss my findings and to advise him that under the current conditions, he should not be occupying the building at all. He stated that the Town of Florence gave me a Certificate of Occupancy and the inspector said nothing about not being allowed to occupy the structure.

I took this information into consideration along with his current situation and recommended that he present this issue to the Town of Florence Building Safety Department to obtain the copy of his Certificate of Occupancy and to determine his options for the building use. Because Mr. Cox had a tenant in the apartment, I explained to him the critical nature of the situation and that he not operate within the building until he resolves these issues.

September 03, 2014- No response or progress on the Fire Department recommendations.

On September 03, 2014, a Fire & Life Safety inspection was conducted at the 300 Block of N Main Street. Florence AZ. 85132 The Gentry building owned by Mr. Gem Cox. The proper address was not available due to the building and Owner not still not being on file with the town of Florence administrative offices.

Upon inspection, authorizations to enter were confirmed with Owner Gem Cox where a life Fire & Life Safety inspection was completed. Upon entry Mr. Cox indicated that he is still currently renting out the apartment that is attached to the north side of the property and utilizing the garage area attached to the south for auto repair and restoration work as a hobby and storage combustible was noticed through the balance of occupiable space to include the basement.

I observed the large garage area attached to an apartment that was confirmed to have at least one known occupant. I observed a large amount of automotive parts, automotive tire storage, remodeled vehicles, welding and torch equipment and hazardous waste was also found in the garage area. Mr. Cox did confirm that he works and restores older model Jeep Willis as a hobby. Mr. Cox was storing and repairing late model Willis Jeeps When asked for a certificate of occupancy, Mr. Cox still did not have one.

At this point, I realized that Mr. Cox had increased his level of automotive repair operation and storage usage classification even after allowing sufficient time to resolve the issues mentioned with the Town of Florence and all of our attempts to assist Mr. Cox in the direction to meet Town Code.

Mr. Cox was given the following items to correct within 72 hours followed with instructions and contact numbers to the Fire Department for a follow up inspection.

SEE Attached: Florence Fire Department September 3, 2014 Inspection Form.

November 3rd, 2014 - (No activity or notification for compliance).

On November 3rd, 2014 a Cease and Desists Notification was issued as a result of no activity toward compliance.

SEE Attached: Florence Fire Department Cease and Desists Documentation.

November 6th 2014

On November 6th, Mr. Cox submitted a response to the November 3rd Cease and Desists notification.

See Attached: Reply from Mr. Cox.

On Approximately November 12th, Mr. Gem Cox responded and agreed to meet with the fire department and building department to develop a timeline that would enable the removal of all commodities mentioned in the Cease and Desist.

On November 20th 2014

On November 20th 2014, a meeting was conducted with Mr. Cox, his representative Mr. Cheta, Jason Penrod from Building Safety and John Kemp from the Fire Department to review the situation and assist Mr. Cox toward an acceptable resolve. Mr. Cox presented a previous inspection report from the building department for the residential section of the occupancy that was presumed by him to be a Certificate of Occupancy.

Mr. Cox also agreed to remove some of the immediate chemical storage hazards from the storage area of the building. However, because this is a multi-use facility and had a tenant currently renting the apartment, Mr. Cox requested 6 month to completely clear out the Storage section of the building that did not have a C/O and finish selling the vehicles located in the north parking lot .

NOTE: Because Mr. Cox took immediate action by removing the unauthorized chemical and chemical waste storage; the 6 month extension was granted and a re-inspection was tentatively scheduled for June of 2015.

June 25, 2015

08:30 a follow up inspection was scheduled and conducted at the old Gentries building owned by Gem Cox. The inspection was conducted by myself and accompanied with Jason Penrod from the Town of Florence Building Safety Department. Upon arrival we were greeted by Mr. Cox and as we entered the residential doorway that led into the residential hallway. I immediately noticed clutter, storage and boxes of paint in the hallway and identified little improvement form the inspection and Cease & Desist ordered that was issued in November of 2014.

We were directed into the main entrance area where Mr. Cox was doing basic maintenance and cleanup work to prepare for a business prospect with a local gun and ammunition shop. Mr. Cox stated that he has hired engineers and had the Town Planning Department walk through the structure. The main entrance area showed much progress from the inspection and Cease & Desist ordered that was issued in November of 2014.

As we moved into the basement we noticed no clutter or storage but were told by Mr. Cox that it will be used for a vault and storage of the new prospect and the engineers will be submitting plans for the electrical. We were then escorted to the apartment corridor. We noticed excessive clutter but did not enter any apartment storage rooms on either the north/south sections. Mr. Cox explained that he is out of the Jeep building business as he led us to the garage located interior of the structure on the S/W section of the building.

As we entered the Garage, we immediately noticed multiple jeeps and a pickup truck in restoration stages with frames and motors but not fully outfitted with fenders. We noticed excessive clutter, automotive parts, tools and two workers using a table top grinder. The welder was not on site and the waist oil was removed.

At this point, it has been observed that during the 6 months of Mr. Cox proposed project plan, there has not been enough evidence toward Mr. Cox submitted plan of compliance to the previous fire and building code

violations nor to the Cease and Desist Notification requirements with in this building and the interior dwelling units.

Mr. Cox indicated in November of 2014 that all contents in the building would be removed with-in six months by June of 2015. During this time Mr. Cox was required to obtain a certificate of Occupancy for the building usage classification and the apartment dwelling unit.

As of June 29th 2015, Mr. Cox has not cleared out the West and S/W section of storage commodities, tools and vehicles. The dwelling unit is occupied and was stated by Mr. Cox that he will be evicting the tenant in September of 2015. However, Mr. Cox is currently still not permitted to operate as required by the IFC, IBC, Town Code and the Cease and Desist issued in November of 2014.

Town Code - Submit a Certificate of Occupancy Permit Application with The Town of Florence Building & Life Safety Department that will clearly identify the usage of this building system, and Occupancy classification in whole or part to include the existing apartment occupied as a rental.

IFC 105 Notification made to the Town Fire Marshal for the coordination and remove all, automotive parts, partially restored vehicles, spare engines, automotive tires, welding & torch cutting equipment and all miscellaneous combustibile/Flammable materials stored throughout the building.

IFC 102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code.

February of 2016 -A certificate of occupancy was issued by the Town of Florence Building Safety department for the Retail area of the property/Building.

March of 2016-

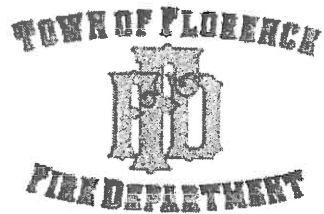
- Mr. Cox Requesting inspection of residential area.
- Tenant confirmed living in apartment without a validated Certificate of Occupancy.
- Inspection conducted with the State Fire Marshal's office. Documented Results are pending.
- Cease and Desist Notification is currently not satisfied.

Exhibit 3

Florence Fire Department

Fire Prevention Division

72 East First Street Post Office Box 2670 Florence, Arizona 85132
(520) 868-7609 Fax: (520) 868-7644



To: Mr. Gem Cox
From: John Kemp, Town of Florence Fire Marshal

Date: November 3, 2014

CEASE AND DESIST NOTIFICATION

On September 03, 2014, 2006, a Fire Life Safety Inspection was conducted at the Old Gentry Store building located on the 300 block of N Main Street in Florence Arizona 85132.

The Occupancy is within the Historical District of Down Town Florence and was previously occupied as a grocery store with an attached section utilized as a dwelling unit of two or less apartments. It is presumed by the Town of Florence to be vacant because there is no Certificate of Occupancy information on file. However, the occupancy has established power and is currently being utilized for personal use by Mr. Cox and the apartment is being rented out to at least one tenant.

Upon arrival of inspection, authorizations to enter were confirmed with the building Owner Mr. James Cox. Upon entry, Mr. Cox indicated that he is currently renting out the apartment, with at least one occupant, that is attached to the north side of the building; he is utilizing the garage area attached to the south for auto repair and restoration work as a hobby and he is using the balance of occupiable space, to include the eastern portion of the building and the basement, for storage.

During our inspection we observed a large amount of automotive parts, partially restored vehicles, spare engines, a 300 gallon tote containing used oil, a large amount of automotive tires, welding & torch cutting equipment and a large quantity of tires and miscellaneous combustible material stored throughout the building.

During our inspection we also discovered the separation wall that partially divides the apartment from the garage does not have a fire rating nor does it conform to the Fire Code as an approved separation of occupancies classified for mixed usage. We also found many holes and open access points between floors and in the basement providing routes for the spread of fire.

Because of the obvious Fire Code Violations and the lack of an authorized Certificate of Occupancy issued by the Town of Florence, the Fire Marshal has determined this structure and building system, in whole, to be an inimical threat to human life and safety.

The Town of Florence Fire Marshal is hereby issuing a CEASE AND DESIST of all occupiable space until such time as the Owner, James Cox, takes the following steps to correct such unsafe conditions and/or within 72 hours of receipt of this notice. The Owner, James Cox, shall remove all automotive parts, partially restored vehicles, spare engines, automotive tires, welding & torch cutting equipment and all miscellaneous combustible/flammable materials stored throughout the building.

Please respond to and correct the Fire Code Violations described in this notice within 72 hours.

The following Fire Code violations were found at the referenced (Old Gentry Building) pursuant to the following sections of the International Code Council ICC/ 2006 International Fire Code (IFC 2006) and Current National Fire Protection Standards adopted by Town Council on January 17th 2012, (Ordinance No. 569-12).

IFC-110.1 General.

If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

IFC- 110.1.1 Unsafe conditions.

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.

IFC-110.2 Evacuation.

The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the fire code official or the fire department official in charge of the incident.

IFC-110.3 Summary abatement.

Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

IFC-110.4 Abatement.

The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Please contact the Fire Prevention Division for any further assistance or question during this process.

Fire Prevention Division
72 E First Street
Florence AZ 85132
(520) 868-7609

Exhibit 4



Town of Florence
 224 W 20th St
 P. O. Box 2670 Florence AZ 85132
 Phone: 520-868-7573 Fax: 520-868-7546
www.florenceaz.gov

Temporary Certificate of Occupancy

PERMIT NUMBER: N/A

COMMERCIAL BUILDING

TEMPORARY OCCUPANCY IS APPROVED WITH THE FOLLOWING CONDITIONS:

THE BELOW COMMENTS ARE TO BE COMPLETED WITHIN 30 DAYS. THIS CONDITIONAL CERTIFICATE OF OCCUPANCY SHALL BE DEEMED INVALID IF THE CONDITIONS ARE NOT COMPLETED WITHIN THE TIME PERIOD ALLOWED. A CERTIFICATE OF OCCUPANCY WILL BE ISSUED UPON FINAL APPROVAL FROM ALL DEPARTMENTS.

1. Owner's contractor shall pull the necessary permits for the tenant improvement
2. Fire extinguishers shall be installed
3. Occupancy is only permitted for the Northeast section of the building

The above conditions are not all inclusive; completion shall be in accordance with approved construction drawings prior to issuance of a final C of O.

Site Address: 374 N MAIN ST
 NE SECTION OF THE BUILDING ONLY

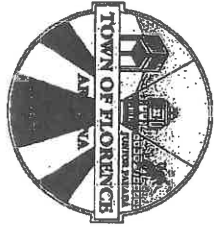
Owner : TOWN OF FLORENCE
 PO BOX 2670
 FLORENCE, AZ 85132

Occupancy Group : M
 Occupancy Load: 50
 Construction: VB
 Square Footage: 2254
 Code Edition: IBC 2006
 Zoning: DC
 Sprinkled: NO

Jason Perrod
 Building Official

September 8, 2015
 Issue Date

October 8, 2015
 Expiration Date



Town of Florence

224 W 20th St
P.O. Box 2670
Florence AZ 85132
Phone: 520-868-7573 Fax: 520-868-7546
www.florenceaz.gov

Certificate of Occupancy

Permit Number : BLD-15-00298

Commercial Building

This certificate is issued pursuant to the requirements of the International Building Code, certifying that at the time of issuance, this structure was in complete compliance with the various ordinances of the Town regulating building construction or use as follows:

Site Address : 374 N MAIN ST FLORENCE
Owner : COX GEM G & KELLY M
3011 N AVENIDA DE LA COLINA
TUCSON, AZ 85749

Occupancy Group : M
Occupancy Load: 50
Construction: TYPE VB
Square Footage: 2254
Code Edition: IRC 2006
Zoning: DC
Sprinkled: No

Jason Penrod
Building Official

2-9-14
Date Issued

Exhibit 5



DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

1110 WEST WASHINGTON, SUITE 100
PHOENIX, ARIZONA 85007
602) 364-1003
(602) 364-1052 FAX

OFFICE OF ADMINISTRATION * OFFICE OF MANUFACTURED HOUSING * OFFICE OF STATE FIRE MARSHAL

April 5, 2016

Fire Chief David Strayer
72 E. First Street
P.O. Box 2670
Florence, AZ 85132

1st
State Fire
Marshall
Memo

Dear Fire Chief Strayer,

This letter is in reference to the Conquest Arms building at 374 North Main Street, Florence Arizona. On the 29th of March, 2016 the Office of the State Fire Marshal, working with the Florence Fire Department, inspected the historic building containing Conquest Arms. The overall condition of this building will require the owner to perform specific tasks to improve the life safety and property protection for this occupancy. In particular the below items must be addressed in order:

- A. All window and other openings between the existing security apartment and the rest of the building must be sealed on both sides with a fire and smoke resistive material such as type X drywall.
- B. All security bars and gates must be coordinated with Florence Fire Department to ensure access to, and egress from the building in the event of an emergency. The existing security measures present a hazard to responding personnel, and must be openable from the inside.
- C. A fire alarm system, complete with smoke detection must be installed in the entire structure. Notification appliances must be installed in the residential area providing early warning to occupants. The fire alarm system must be monitored by an agency capable of notifying the Fire Department in the event of an alarm or emergency.
- D. All wall penetrations, and under floor joists must be sealed with a fire resistive barrier. This will repair the original compartmentalization of the building as designed and built.
- E. As soon as funds are made available, a full fire sprinkler system will be installed in the building.
- F. Before any commercial use of the Basement area is commenced, the original exterior stairwell and stairs must be put back into a functional configuration.

With these improvements to this historic building, the level of protection can be brought to acceptable standards. The Town of Florence has invested a great deal into the historic section of town. The improvements to this building, and the other historic structures will ensure the long life and preservation of irreplaceable buildings and environments.

I wish to thank the Town of Florence Fire Department, and the Owners and Occupants of this structure for their help in preserving and improving this structure.

Thank You All


Frederick Durham
Assistant State Fire Marshal

CC. Gem Cox Gemcox@cox.net

Exhibit 6



Storage
Requirements

To: Brent Billingsley, Town Manager
From: David Strayer, Fire Chief
Subject: Storage in the Basement of Conquest Arms
Date: April 19, 2016

Further clarification from the International Fire Code regarding storage in the basement of the Conquest Arms building is provided below. Storage must be low-hazard as defined in section 311.3.

SECTION 311-STORAGE GROUP S

311.1 Storage Group S.

Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.3 Low-hazard storage, Group S-2.

Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Storage uses shall include, but not be limited to, storage of the following:

- Aircraft hangar
- Asbestos
- Beverages up to and including 12-percent alcohol in metal, glass or ceramic containers
- Cement in bags
- Chalk and crayons
- Dairy products in non-waxed coated paper containers
- Dry cell batteries
- Electrical coils
- Electrical motors
- Empty cans
- Food products

Foods in noncombustible containers
Fresh fruits and vegetables in non-plastic trays or containers
Frozen foods
Glass
Glass bottles, empty or filled with noncombustible liquids
Gypsum board
Inert pigments
Ivory
Meats
Metal cabinets
Metal desks with plastic tops and trim
Metal parts
Metals
Mirrors
Oil-filled and other types of distribution transformers

Exhibit 7



DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

1110 WEST WASHINGTON, SUITE 100
PHOENIX, ARIZONA 85007
602) 364-1003
(602) 364-1052 FAX

OFFICE OF ADMINISTRATION * OFFICE OF MANUFACTURED HOUSING * OFFICE OF STATE FIRE MARSHAL

April 21, 2016

Fire Chief David Strayer
72 E. First Street
P.O. Box 2670
Florence, AZ 85132

C.C. Gem Cox, Gemcox@cox.net

Dear Fire Chief Strayer,

This letter is in reference to the Conquest Arms building at 374 North Main Street, Florence Arizona. Based on the issues raised at the April 19, 2016 meeting and the subsequent re-inspection of the Conquest Arms building, the conditions for a Certificate of Occupancy for the entire structure are as follows:

1. The occupant load for the residential/security guard living area will be limited to one adult permanently housed there. This requirement will be posted on the Certificate of Occupancy.
2. Within one year, the current stand-alone smoke detectors will be replaced with an integrated, monitored (with automatic notification to the Florence Police Dispatch Center), UL Listed fire alarm system covering the entire structure.
3. Within one year, all wall penetrations, underfloor joists, and crawl space openings will be sealed with a fire resistive barrier.
4. Within one year, remaining area separation between the garage area and the rest of the building will be completed.
5. Access throughout the building in established walkways and will be maintained at all times. General storage will be orderly, in designated areas only and will comply with section 311.3 Low-Hazard Storage.
6. The status of the Cease and Desist order currently in effect from the Town of Florence must be addressed and conditions satisfied for removal of this order.

All work must be completed by a registered, commercial contractor per Town of Florence policy. During the next 12 months, in order to verify compliance and maintain current emergency response planning capabilities, the Fire Department would like to inspect the occupancy quarterly. The office of the State Fire Marshal may also wish to revisit the property in coordination with the Town of Florence.

This letter supersedes and overrides the letter from this office dated April 5, 2016. This letter reflects the most current status of conditions found at the facility, as well as agreements made by all parties at the April 19th meeting. If the occupants materially change the status of business within this structure, or other situations arise with this structure, these agreements may be revisited.

I wish to thank the Town of Florence Fire Department, and the Owners and Occupants of this structure for their help in preserving and improving this structure.

Thank You All


Frederick Durham
Assistant State Fire Marshal

2nd
State Fire
Marshal
Memo

Exhibit 8

Town of Florence
PO Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7556

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7553

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Memo to File

May 5, 2016

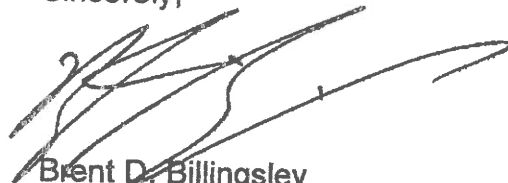
This Memo is provided to you and also filed at the Town to acknowledge that you have received and accepted the stipulated Certificate of Occupancy proposed to be issued for property located at 374 and 368 N. Main Street, also known as Pinal County Assessor Parcel Numbers 200-41-0210 and 200-41-0220 ("Subject Property"), respectively. The Certificate of Occupancy covers the entire building and its estimated 14,428 square feet.

Furthermore the Town acknowledges that the previously issued "Cease and Desist" Notice that the Town issued for the Subject Property (November 3, 2014) is now null and void.

Please maintain this Memo alongside your stipulated Certificate of Occupancy.

Thank you for working with the Town on this matter and understanding the importance of ensuring the safety of all buildings in the Town of Florence. Your cooperation is appreciated.

Sincerely,



Brent D. Billingsley
Town Manager

Exhibit 9



Town of Florence
 224 W 20th St
 P.O. Box 2670 Florence AZ 85132
 Phone: 520-868-7573 Fax: 520-868-7546
www.florenceaz.gov

CERTIFICATE OF OCCUPANCY

PERMIT NUMBER: BLD-15-00298

COMMERCIAL BUILDING

THIS CERTIFICATE IS ISSUED PURSUANT TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, CERTIFYING THAT AT THE TIME OF ISSUANCE, THIS STRUCTURE WAS IN COMPLETE COMPLIANCE WITH THE VARIOUS ORDINANCES OF THE TOWN REGULATING BUILDING CONSTRUCTION OR USE AS FOLLOWS:

1. The occupant load for the residential/security guard living area will be limited to one adult permanently housed there.
2. Within one year, the current stand-alone smoke detectors will be replaced with an integrated, monitored (with automatic notification to the Florence Police Dispatch Center), UL listed fire alarm system covering the entire structure.
3. Within one year, all wall penetrations, under floor joists and crawl space openings will be sealed with a fire resistive barrier.
4. Within one year, remaining area separation between the garage area and the rest of the building will be completed.
5. Access throughout the building in established walkways will be maintained at all times. General storage will be orderly, in designated areas only and will comply with section 311.3 Low-Hazard Storage.
6. Town acknowledges that the occupancies of the subject building may change over time and that provisions such as the DC Zoning District applicable to the property, the use of the adopted Existing Building Code and any applicable provisions of other adopted and applicable building and fire codes that provide for accommodations and flexibility for occupancy changes within existing and historic buildings shall be utilized to the fullest extent possible to facilitate the ongoing use of the subject building.

Site Address:
 374 N MAIN ST
 368 N MAIN ST
 FLORENCE, AZ 85132

Occupancy Group : M, R, S
Occupancy Load: M-49, R-1, S-29

Owner :
 GEM G & KELLY M COX
 3011 N AVENIDA DE LA COLINA
 TUCSON, AZ 85749

Construction: VB
Square Footage: 14,428
Code Edition: IBC 2006

Zoning: DC
Sprinkler: NO

Jasem Remus
 Building Official

5/4/16
 Date

Exhibit 10

Brent Billingsley

From: Gem cox <gemcox@me.com>
Sent: Tuesday, May 10, 2016 3:38 PM
To: Brent Billingsley; Lisa Garcia
Subject: Thank you from Conquest Arms and Gem Cox

Brent,

I would like to thank you for your help in straightening out my buildings' occupancy and legal issues with the town. Thank you! Also special thanks to Lisa, Dave, John, Mark and Jason on your staff for working so hard on my old building. Thanks also to Tom, Tara and John on Council for oversight given and time when so busy.

These old historic buildings present a myriad of legal, moral and social issues. These are all mixed in laws, guidance and building code enforcement laws. Many of these sources contradict or appear to contradict each other and many built in protections for buildings have tricky exceptions that can leave a vulnerable flank financially for these structures.

It seems to me that we may have turned a dangerous run away snowball in a productive direction. On a side note I talked with a contractor on Main Street this morning who is putting together some type of bid to alarm and or sprinkle downtown buildings on common risers. Wow that's a good idea.

Thank you,

Gem

Brent, Lisa please take a look, if you don't see any gross conceptual errors in my note fwd to council and staff as you see fit.

Pursuant to A.R.S. 39-121, this email and any attachments may be considered a public record subject to public inspection. Please be advised that the public, including news media, may request access to email sent and received pursuant to the Arizona Public Records law and the Freedom of Information Act.

CONFIDENTIAL AND PRIVILEGED

This transmission (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

- Email scanned by Sophos Anti-Virus
- Website: <http://www.florenceaz.gov>

Disclaimer # 6955-149

Exhibit 11

Mark Eckhoff

From: Gem Cox <gemcox@cox.net>
Sent: Thursday, February 16, 2017 8:55 AM
To: Mark Eckhoff
Subject: Gun shop coffee shop electrical system maintenance and repairs

Mark,

Ron our local licenses commercial contractor was nice enough to walk thru and safety check the smith building electrical systems. We started out just looking at the 120 receptacles and dedicated 220 v for the coffee shop area. We ended up opening the two main feeder panels and main disconnect.

We discovered that the system looks pretty good. We have a y connected 408 volt heavy service connection usually found in industrial buildings. The system is very old dating back to the 1930s, anything older is out of service to my knowledge.

It looks like the last major upgrade was done in the late 1960s when two feeder panels were added or converted to single phase 220 v. Before that we have a industrial service upgrade that was installed when needed to support store operations in the late 40s or early 50s.

The industrial service on the building looks to be code compliant for its installation period. It is however a neutral bonded ungrounded system typical of those times. This means the grounding rods normally seen in a 1970s system were never installed. Instead the system ground neutral is run only directly back to the power company.

It also means the new code ground rods bonded to the neutral buss in the main disconnect have not local ground rods. Again typical for this type install for this period.

In a new coded system we would see two wires come off this bonded grounded buss in the main disconnect. The green or bare ground wire and the white neutral wire. Instead we only have large white neutral wires that run to the sub panels ground/neutral bus. In new modern system these busses are isolated at the panels and feed individually to the loads. In older circuits there was no ground or the ground and neutral were bonded in the panels as we see at the smith building.

Ron said we are ok with our 120 cold receptacles ungrounded as long as they have gfc protection. Grounded receptacles in the kitchen should also have gfc of course. He also said some of the existing receptacles needed to be 18" high to be to code.

The 220 v circuit is a different story. It is an existing 220 circuit from the basement that used to feed a meat saw up stairs. There are several other 220v circuits in the basement that fed compressors for coolers. These circuits come off a Junction box in the distribution hub of the basement. Basically several old fused switch boxes with bayonet style 25 and 30 amp fuses. These 220v circuits are built on 360 v switch boxes with one phase abandoned. Probably the standard way to get single phase 220v in the 1950s. The 220v circuits have two hot leads and a neutral lead to code for that time. They do not have a separate ground circuit.

Ron and I discussed running a ground wire back to the main panel but then we need to install bonded ground rods and the main panel is functionally obsolete and can not be upgraded to current codes. This lead to 220v gfc protection but this can not work because of the imbalanced load on a coffee machine.

Exhibit 12

1
Mark
Chris
Brent
Don (Yemoting)

- Discussion w/ Ron Escott (Electrician)
- Impromptu discussion re. Smith Building
- Did a walk through of the Smith building, contacted by Leon Cox. Re potential work.
- Serious concerns regarding the electrical system.
- ungrounded system
- 3 phase, 3 wire, Delta configuration
 - Old design, not allowed in codes
 - used for Agricultural, Industrial
 - Many pieces of large equipment (compressors)

* - Report Provided (Highlighted)

- Ground Fault Monitors & Designated Maintenance personnel needed.
- Significant shock hazard, Potential to destroy appliances (back feed)
- Conseq. S w/ bridged circuits in main panel & sub panels.
- Gen's email is not correct and does not reflect what he was told.

2

- is not a "Y" connected 408
- has not been converted to single phase 220. (disconnected 240)
- Not code compliant
- Needs significant upgrade
- Needs to be grounded or design change & Monitoring
- Provided Drawings
 - Main Panel
 - Sub panels
- Undersized wire, Overloaded Neutral
- Ranges, the wiring has overheated and the insulation melting or failing. (Fire Risk)
- Explanation of an ungrounded System and what that means.
 - No system is ungrounded, it is just how it gets to ground that matters.

If you were to open an unopened jar, does that jar still qualify as "unopened"? No one would argue the fact that the moment I lock an unlocked door, that door is no longer "unlocked." I must confess that this author has yet to come across an uneaten piece of cake and left that cake "uneaten." So why do we consider an ungrounded system "ungrounded" when we are required to establish and connect a grounding electrode system to that ungrounded system? There seems to be a great misconception in both the installation and the enforcement of ungrounded systems as to the requirements for establishing a grounding connection at an ungrounded system. The fact of the matter is that there is nothing "ungrounded" about an ungrounded system. We are required to establish a grounding electrode system at the first means of disconnect to put the cabinets and other metallic equipment at earth's voltage potential. Then we extend that grounded connection to the last point of the system through our equipment grounding conductors (see the definition of "grounded" and "bonded"). This equipment grounding connection is also the path we provide for clearing any ground faults likely to be imposed. Without a grounding electrode/equipment grounding system at this ungrounded system, we would have to rely on the earth as our fault return path which is prohibited by 250.4(A)(5) for grounded systems and prohibited for ungrounded systems by 250.4(B)(4). The component that is missing from an ungrounded system compared to a grounded system is the intentionally grounded conductor.

Ungrounded Systems

Figure 1. Grounding and bonding requirements for both grounded and ungrounded systems

To Ground or Not to Ground

Figure 2. First ground fault on an ungrounded system

Electrical Systems Operated Ungrounded

Electrical systems that fall outside the requirements for grounding in 250.20 are sometimes operated ungrounded. At times, the facility owner or engineer or a combination of the two will collectively choose to operate electrical systems ungrounded. These systems usually are found in industrial or agricultural applications and are often rated either at 240-volt or 480-volt, three-phase, three-wire systems. Some higher voltage systems are also used in heavy-industrial applications. Where ungrounded systems are installed, the engineering decision is often based on an effort to obtain an additional degree of service continuity while providing equal and effective means for safety of equipment by the use of ground-fault indicator equipment.

Typical systems that are operated ungrounded include:

- 240-volt, 3-phase, 3-wire, delta-connected
- 480-volt, 3-phase, 3-wire, delta-connected
- 2300-volt, 3-phase, 3-wire, delta-connected
- 4600-volt, 3-phase, 3-wire, delta-connected
- 13,800-volt, 3-phase, 3-wire, delta-connected

Since the system is ungrounded, the occurrence of the first ground fault (not a short circuit or line-to-line fault) on the system will not cause an overcurrent protective device for the service, feeder, or branch circuit to open or operate. This fault does, however, ground the system but usually accidentally and through ineffective means (higher impedance) and in unspecified and uncontrolled locations. In essence, this system accidentally becomes a corner-grounded delta system. There will be little, if any, current when this first ground fault occurs.

Untitled

When an ungrounded system with one ground fault experiences a second ground fault on a different phase, the result is a phase-to-phase fault on the system. This will usually cause one or more overcurrent protective devices to open or operate, provided there is adequate current in this path. A major concern for this type of system happens where the first and second faults are located some distance apart. Often, these faults are from line-to-conduit or metallic enclosures, such as wireways, pull boxes, busways or motor terminal housings in different parts of the plant. Where this occurs, a relatively high-impedance path for current is often established. In some cases, a great deal of heat along with arcing and sparking is produced along this fault path due to loose connections or inadequate bonding. Every conduit coupling and locknut connection to enclosures in the fault-current path must be tight to provide an adequate and low-impedance path and to reduce this arcing and sparking.

It is important for safety reasons and for system continuity that maintenance personnel locate and eliminate ground faults when first identified on ungrounded systems. This should be done as soon as practical and especially before the second ground fault on a different phase occurs on the system. These ground faults are usually detected through a ground detection indicator system required by 250.21(B) for systems that are permitted to be ungrounded.

Ground-Detection Indicator Systems

Photo 1. A ground-fault monitor for AC/DC system Photo courtesy of Bender

Ground Detectors

In the past, ground detector lights or neutralizer or "potentializer" plugs were installed to indicate that a ground fault had occurred on the ungrounded system. The 7½-watt indicator lights are connected to the lines through 18,000-ohm resistors. A tap is made to each resistor to give 120 volts to the lamp. The lamp burns until its phase goes to ground, at which time there is no or little potential across the lamp and it stops glowing, thus identifying the faulted phase. More modern types of ground detection indication equipment are available and offer the added benefits of no system ground connection, not even through a resistor as was the case in the older ground detection light systems. These systems are typically equipped with transformers (windings) between the indication circuit and the ungrounded conductors of the system.

Ground-fault indication is intended to alert the maintenance personnel to the problem so the ground fault can be corrected during hours when the plant is not operating. The plant can continue to operate with one-phase grounded, thus preventing costly production downtimes. In some cases, downtime in production plants can cost thousands of dollars per minute.

Ungrounded System Problems

An ungrounded system exists only in theory, in a laboratory or at the electrical distribution transformers hanging on the pole before connection to the plant electrical system. In the real world, ungrounded systems having insulated conductors installed in metallic enclosures are grounded to varying degrees through the distributed leakage capacitance of the system. Physically, a capacitor exists whenever an insulating material separates two conductors that have a difference of potential between them.

Figure 3. Presence of a second ground fault on an ungrounded system

When any conductor is installed in close proximity to grounded metal, there is a capacitance between them that is increased as the distance between the conductors is reduced. In 600-volt systems, the two greatest sources of capacitance to ground are conductors in metal conduit and windings, such as for motors and transformers. In both cases, conductors are separated from grounded metal by fairly thin insulation. The capacitance to ground is known as the leakage capacitance, and the current from

the conductors to ground is known as the leakage current or charging current. This capacitance is distributed throughout the electrical system but electrically acts like it is a single, lumped capacitance.

Disadvantages of operating systems ungrounded include but are not limited to the following:

Power system overvoltages are not controlled. In some cases, these overvoltages are passed through transformers into the premises wiring system. Some common sources of overvoltages include: lightning, switching surges and contact with a high-voltage system.

Transient overvoltages are not controlled, which, over time, can result in insulation degradation and failure.

System voltages above ground are not necessarily balanced or controlled.

Destructive arcing burndowns can result if a second fault occurs before the first fault is cleared.

Ungrounded systems have the characteristic that they are subject to relatively severe transient overvoltages. Such overvoltages can be caused by external disturbances as well as internal faults in the wiring system and easily can reach a value of five to six times normal voltage. An actual case involved a 480-volt ungrounded system. Line-to-ground potentials in excess of 1200 volts were measured on a test meter. The source of the trouble was traced to an intermittent or sputtering (arcing) line-to-ground fault in a motor starting autotransformer. These faults are not uncommon on 480-volt ungrounded systems. During the two-hour period when this arcing fault existed, between 40 and 50 motor windings had failed.

Circuit-switching operations can also be responsible for the creation of transient overvoltages in ungrounded systems. These generally are of short duration and typically reach only two to three times nominal system voltage.

Experience has shown that these overvoltages that easily reach several times the system voltage can cause failure of insulation at locations on the system other than at the point of the fault and can result in future system failures. This often occurs at a system weak point such as in a motor or transformer winding.

Locating the ground fault can be troublesome. While it is easy to spot a ground fault on a one-line diagram, locating it in a plant with a complex electrical system can be much more difficult, unless sophisticated ground-fault detection equipment has been installed. The first step is to open the feeders one at a time and observe the ground detection indicator. After finding the feeder with the ground fault, branch circuits are disconnected, one at a time, until the offending circuit is located. A significant loss of plant operation time can occur during this process. This is contrasted with a grounded system where only the offending equipment is taken off the line by the circuit overcurrent protective devices.

Often, overcurrent devices are set above the current level of the fault in ungrounded systems. When arcing faults occur, destructive burndowns of electrical equipment can result. The arcing fault releases a tremendous amount of energy such that conductors and metal enclosures in the vicinity are destroyed.

When the first ground fault occurs on a 480-volt ungrounded system, the other conductors of the system rise to a level of 480 volts-to-ground. This presents an additional risk of shock to operation and maintenance staff. This can be contrasted to a 480Y/277-volt grounded wye system where the voltage to ground does not exceed 277 volts while the phase-to-phase voltage is 480 volts (even under ground-fault conditions).

Conclusion

Where grounding of the electrical system is optional, the advantages and disadvantages of grounding must be carefully weighed by the plant owner or electrical designer to make the best decision. In the long run, greater service continuity may be obtained with grounded systems rather than ungrounded ones. Faults can be isolated to the feeder or circuit affected and cleared without disrupting the

Untitled

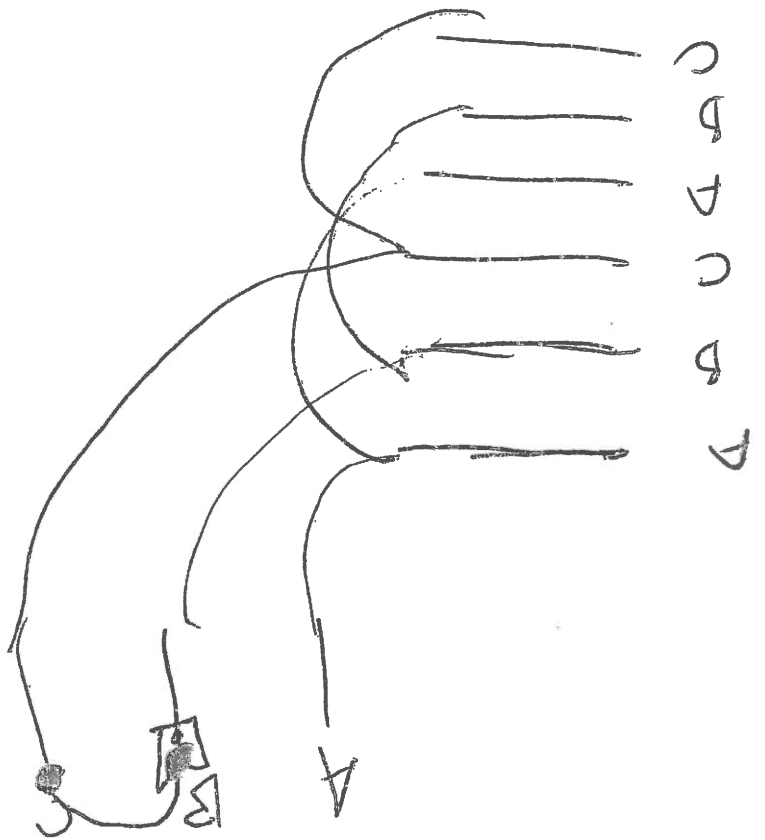
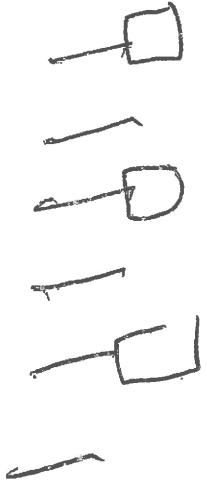
entire system. This is obviously a major consideration if the equipment or circuit affected is critical to the plant operation. This has to be balanced against the ungrounded system's tolerance of the first line-to-ground fault but with possible deterioration of conductor insulation from transient overvoltages and possible serious damage caused by a second ground fault on the system.

What are you waiting for?

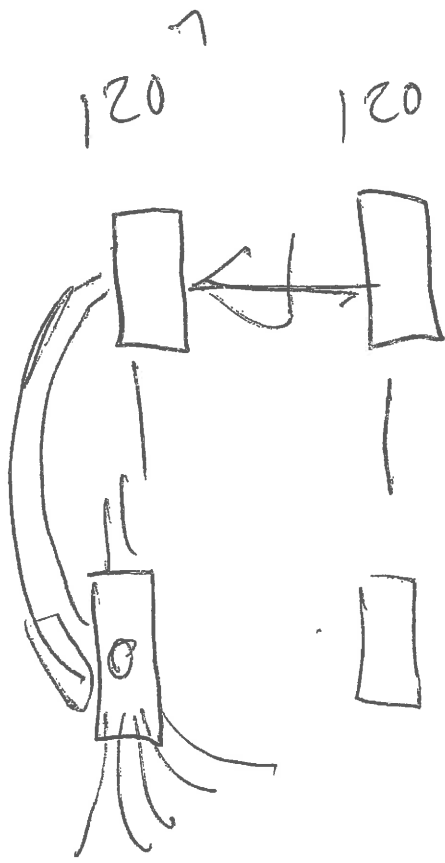
Regardless of whether a grounded or ungrounded system is employed, both systems will be grounded. Don't let the term "ungrounded" fool you. As we have discussed in this article, there is nothing "ungrounded" about an ungrounded system. Relax and have another piece of cake.

Reference

Some of this article was derived from IAEI's Soares Book on Grounding and Bonding. If you would like more information on grounded and ungrounded systems, refer to this informative IAEI text.



.....



240

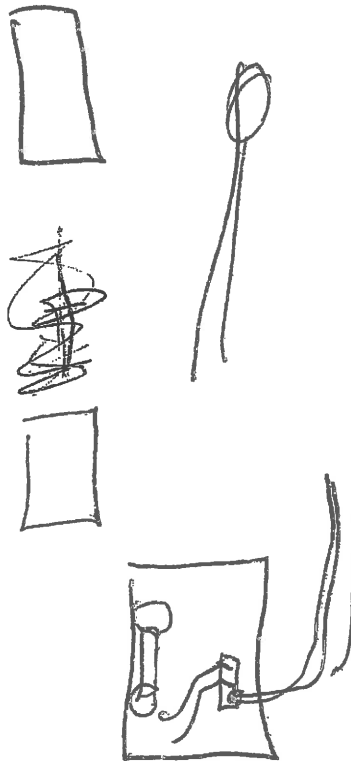


Exhibit 13



Town of Florence

224 W 20th St
P.O. Box 2670
Florence AZ 85132
520-868-7573
www.florenceaz.gov

PLM-17-0001

PROJECT NAME: CONQUEST GRIND HOUSE
SITE ADDRESS: 368 N MAIN ST FLORENCE

PLM-COMM

ISSUED: 03/02/2017

EXPIRES: 08/29/2017

PROJECT DESCRIPTION: 3 COMPARTMENT SINK, HANDWASH SINK AND ICE MACHINE

PARCEL: 200410220

LEGAL DESCRIPTION: FLORENCE TOWNSITE: S-30' X 125' ADJ BLK 105
EXCEPT N-8' OF W-75' & 20' X 22' ADJ ON WEST IN SEC 35 4S 9E

APPLICANT: THOMPSON TRAVIS J & MISTY
11856 E RHEA RD
FLORENCE, AZ 85132

OWNER: COX GEM G & KELLY M
3011 N AVENIDA DE LA COLINA
TUCSON, AZ 85749
520-868-0777

CONTRACTOR:

PLUMBING: LYKINS PLUMBING
PO Box 1465
SHOW LOW, AZ 85902
928-369-6242

License: 243326
Expires: 03/31/2018

REQUIRED INSPECTIONS

Rough Plumbing

Final Plumbing

*Inspections can be scheduled through our public portal at
<https://twn-florence-az.smartgovcommunity.com/portal/Public/home>
or by calling 520-868-7601 no later that 4PM to be placed on the schedule for the next business day.*

VALUATIONS:

Total Valuation	3210.00	\$3,210.00
Total:	\$3,210.00	

FEES:

BLACK & WHITE COPIES	\$0.50	\$0.00
BUILDING PLAN REVIEW FEE	\$63.21	\$0.00
BUILDING PERMIT FEE	\$97.25	\$0.00

Totals : **\$160.96** **\$0.00**

CONDITIONS

* Inspections must be called in no later than 4:00 PM the working day prior to be placed on the schedule for the next business day.

* This permit becomes null and void if work or construction is not commenced within 180 days, or construction is suspended or abandoned for 180 days at any time after work is commenced.



Town of Florence

224 W 20th St
P.O. Box 2670
Florence AZ 85132
520-868-7573
www.florenceaz.gov

PLM-17-0001

- * Permit and approved drawings must be posted on site and accessible for the duration of the project. Failure to do so may result in failed inspections and additional fees.
- * All work must conform to 2006 International Building Code. Any omission of plans or specifications does not constitute approval.
- * THIS PERMIT IS ONLY VALID PER THE ATTACHED APPROVED PLUMBING DRAWING AND IS IN NO WAY AN ACCEPTANCE OF OR FINAL APPROVAL OF THE PROPOSED COFFEE SHOP.
- * PLUMBING SHALL BE STAMPED/SIGNED BY AN ARIZONA REGISTRANT AND SUBMITTED ON AS-BUILT DRAWINGS WITH THE FUTURE PROPOSED COFFEE SHOP

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

Issued By: _____

Exhibit 14

Brent Billingsley

APS

Subject: FW: City of Florence courtesy site visit

From: Jason Penrod
Sent: Friday, March 10, 2017 1:31 PM
To: Lisa Garcia
Subject: FW: City of Florence courtesy site visit

-----Original Message-----

From: Jason.Elliston@aps.com [mailto:Jason.Elliston@aps.com]
Sent: Thursday, March 09, 2017 1:40 PM
To: Jason Penrod
Cc: Jeffrey.Creedon@aps.com; Anthony.Chirumbolo@aps.com
Subject: City of Florence courtesy site visit

Hi Jason,

I was able to stop by the site you had mentioned earlier today. I removed our panel covers and inspected the utility side of the SES. With the exception of it being installed 60-70 years ago, there is nothing else that needs attention on our side, and it is grandfathered in at this point. The customers bonds and grounds have been cut (vandalized), but the service is still grounded at our transformer giving it it's appropriate voltages. The only corrections that I can see on the outside would be to reattach the bonds and install a new ground. And there were a few knockouts that could use some covers.

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

Pursuant to A.R.S. 39-121, this email and any attachments may be considered a public record subject to public inspection. Please be advised that the public, including news media, may request access to email sent and received pursuant to the Arizona Public Records law and the Freedom of Information Act.

CONFIDENTIAL AND PRIVILEGED

This transmission (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

- Email scanned by Sophos Anti-Virus
- Website: <http://www.florenceaz.gov>

Exhibit 15

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

**Delivered by Certified U.S.
Mail Return Receipt.**

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

**Additional copy is
available at Town Hall.**

**Re: Order of Notice of Unsafe Structure
Smith/Gentry Building ("the Structure")**

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a follow-up to the telephone conversation between Mr. Cox and the Town Manager on March 8, 2017, the Building Official and Fire Code Official of the Town of Florence ("The Code Officials") are hereby providing formal written notice, as required per Section 115 *Unsafe Structures and Equipment* of the Town adopted 2006 Edition of International Building Code ("IBC") and the 2006 Edition of the International Fire Code ("IFC"), that there is reasonable cause to believe that an unsafe structure, which constitutes a possible fire hazard or is otherwise dangerous to human life or the public welfare, exists at 368 and 374 N. Main Street ("the Structure"). This concern largely appears to result from unpermitted work within the Structure, an unsafe electrical system and noncompliance with the aforementioned IBC and IFC, as well as the Town of Florence adopted 2005 National Electrical Code ("NEC") and the 2006 Edition of the International Property Maintenance Code ("IPMC"). The Code Officials have made this determination based on visual observations/inspections inside the Structure by Town staff, information provided to Town staff and unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

The Structure is in violation of the aforementioned IBC, NEC and IPMC Codes. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section 250.21 *ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.*
2. IBC Section 113.1 *UNLAWFUL ACTS*
3. IPMC Section 108.1.2 *UNSAFE EQUIPMENT*

The above code sections have been copied and included with this report for your convenience.

As the Town Manager indicated in his March 8, 2017 conversation with Mr. Cox, the Town's most urgent priority in this matter is to confirm the safety of the electrical system for the Structure. Consequently, this is why an offer was made to assist you with an immediate inspection of the Structure by a Registered Electrical Engineer. As you declined this offer, the Town needs you to promptly arrange this inspection without the scheduling or financial assistance offered by the Town.

**Town of Florence
Community Development**

PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

If proof of the compliance with this request (review of the Structure by a Registered Electrical Engineer) is not provided to the Code Officials within **72 HOURS** from the receipt of this order, any and all Certificates of Occupancy shall be suspended. Proof shall be constituted as a stamped and signed comprehensive inspection report of the Structure. After the 72 hours, unless it can be confirmed that the Structure does not present an electrical hazard or risk to the life safety and general welfare of the public, the Structure shall be vacated (not occupied) and the electrical power supply shall be shut down by the electrical power utility provider. The building shall remain unoccupied and electrical power, including any temporary power from generators, shall be prohibited until the Structure is brought into compliance and approved by the Code Officials. As the Owners of the Structure, you are requested to immediately declare to the Building official acceptance or rejection to the terms off this Order. For added clarity, please note that while this initial step is focused on the electrical system, this in no way alleviates any concerns that the Town has shared regarding other matters addressed in this letter and/or other applicable code compliance matters pertaining to the Structure.

Please let the record indicate, as also expressed in the Town Manager's conversation with Mr. Cox on March 8, 2017, that the Town strongly desires to work with you in your efforts to bring the structure into full compliance with all applicable Town Codes in order to facilitate the Structure being an economic asset to the Town of Florence, i.e., being lawfully occupied with a variety of appropriate uses, etc.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

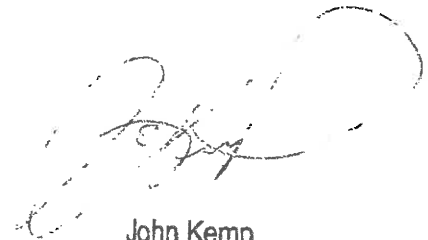
Respectfully,



Jason Penrod
Building Official

Senior Building Inspector

Attachment: Code Official Report



John Kemp
Fire Code Official

Fire Marshall

NEC SECTION 250.21 ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED

The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

1. Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering and the like
2. Separately derived systems used exclusively for rectifiers the supply on adjustable-speed industrial drives
3. Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the conditions are met:
 - a. The system is used exclusively for the control circuits.
 - b. The conditions of maintenance and supervision ensure the only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
4. Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

IMPC SECTION 108.1.2 UNSAFE EQUIPMENT

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is hazard to life, health, property or safety or the public or occupants of the premises or structure.

IBC SECTION 113.1 UNLAWFUL ACTS

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Exhibit 16

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 10, 2017

Delivered by Certified
U.S. Mail Return Receipt.

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Additional copy is
available at Town Hall.

Re: Code Official Report
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

As a supplement to the Town's March 10th letter ("the Compliance Letter") regarding the Structure, the Building Official of the Town of Florence ("the Code Official") is hereby providing a supplemental report noticing you of specific concerns.

The Town has adopted a series of Codes that are used to ensure the safety of buildings within the Town of Florence. These include the codes referenced in the Compliance Letter (this is not the comprehensive list of all adopted codes):

The 2006 Edition of International Building Code ("IBC");
The adopted 2005 National Electrical Code ("NEC"); and
The 2006 Edition of the International Property Maintenance Code ("IPMC").

The Code Official has also referenced herein the unsolicited professional observations provided to Town staff by a local electrical contractor, Mr. Ron Escott with New Tech Electric.

As noted in the Compliance Letter, the Structure is in violation of the aforementioned IBC, NEC and IPMC. Specific Code sections applicable in this case include, but may not be limited to:

1. NEC Section 250.21 *ALTERNATING-CURRENT SYSTEMS OF 50 VOLTS TO 1000 VOLTS NOT REQUIRED TO BE GROUNDED.*
2. IBC Section 113.1 *UNLAWFUL ACTS*
3. IPMC Section 108.1.2 *UNSAFE EQUIPMENT*

The above code sections were included with the Compliance Letter for your convenience.

Specifically relating to the Town's concerns with the electrical system, Town staff has observed unpermitted electrical system modifications (reference IBC Section 113.1

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Unlawful Acts), which include, but may not be limited to, the running of new Romex within the Structure. This concern, as well as other observations from past meetings and inspections of the building, warranted further investigation, which apparently prompted your (Mr. Gem Cox) willingness to have an electrical contractor evaluate the Structure. You (Mr. Gem Cox) initially provided a report regarding the electrical inspection to the Town of Florence. Subsequently, the electrical contractor that you (Mr. Gem Cox) selected to work with provided an unsolicited report to the Town of Florence, which findings are summarized as follows:

Mr. Ron Escott with New Tech Electric described his walk-thru of the Structure and what he saw as critical issues in the building. Mr. Escott provided Town staff with a substantial overview of building electrical systems in general and he emphasized the importance of systems being properly grounded. Mr. Escott provided staff with several highlighted handouts and drew several diagrams that accompanied his verbal explanation of how the electrical system for the Structure is set up. He expressed concerns with the type of system in the Structure and how this type of system is not common with the type of occupancies now in the building (Mercantile, Residential and Storage). Mr. Escott stated that he believed that there was a "fire hazard and shock hazard to the public" due to the current condition of the electrical system in the Structure. For clarification, when Town staff asked if Mr. Escott believed if recent electrical improvements have been completed in the building, Mr. Escott referenced seeing new Romex in the Structure. Mr. Escott also suggested that Town staff review Section 250.21 of the NEC. In addition, Mr. Escott was provided with a February 16, 2017 email from Mr. Gem Cox that described the aforementioned walk-thru, to which Mr. Escott confirmed that the safety concerns present in the building were underestimated in the email.

The Code Official believes that the report from Mr. Escott, accompanied by additional evidence, suggests a violation of the NEC, specifically, Section 250.21 *Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to be Grounded* and a violation of Section 108.1.2 *Unsafe Equipment* of the IMPC.

Furthermore, inspections and conversations have indicated addition unpermitted work, including, but limited to, the addition of new walls and rooms, and deviations from the current stipulated Certificate of Occupancy, which include reasonable suspicion that the building's residential occupancy has increased and that an

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

unpermitted classroom has been used by the building's lessee, including, but perhaps not limited to, CCW Classes held in the building. Work on a proposed coffee shop has also commenced, though it does not appear that the coffee shop has opened to the general public. Depending upon the receipt of architectural plans and occupancy details for the added and proposed improvements, which are required from a Registered Architect, there is an anticipated Change of Occupancy for the Structure to include a Business and/or Assembly Occupancy. Inspections also showed that a room in the basement also appeared that it was being used for an office, though the current stipulated Certificate of Occupancy did not approve the basement for any use other than storage.

Lastly, though the Town went above and beyond to issue a stipulated Certificate of Occupancy for the Structure nearly one year ago, a failure to complete the improvements required by the stipulations and new building modifications and occupancy changes clearly void the intent of the agreement and require, beyond the Electrical Engineer's assessment and Owner's compliance with the Electrical Engineer's recommendations, a Registered Architect to provide appropriate architectural plans showing current (as-built) and proposed improvements in order for the Town and Owners to work together on moving forward towards the goal of a new or amended Certificate of Occupancy for the Structure.

Please note that while the tone of this letter reflects the seriousness of the matter as a matter of necessity and urgency, we'd also like to assure you that we'd like nothing more than to work with the Owners to ensure the Structure can be safely and legally occupied. It is our sincere hope to work with the Owners to find a reasonable path forward on this matter.

If you have any questions that we can help to address, please do not hesitate to contact the Town.

Respectfully,



Jason Penrod
Building Official
Senior Building Inspector

Exhibit 17

Town of Florence

PO Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500

Fax (520) 868-7501

TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7556

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7553

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

Delivered by Certified/Registered Mail Return Receipt Requested

Additional copy is available for retrieval at the Town Hall Clerk's Office.

March 16, 2017

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Re: **Suspension of Certificate of Occupancy**
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St., Florence, AZ 85132

Dear Owners:

Per the March 10, 2017 Order of Notice of Unsafe Structure/Compliance Letter and the March 10, 2017 Code Official Report notices that you received, and as a result of continued noncompliance with the matters addressed in said letters, the Town of Florence Building and Fire Code Officials ("Officials") are hereby providing formal written notice of the Suspension of the Stipulated Certificate of Occupancy for the Structure (Permit Number BLD-15-00298), as required per the 2006 Edition of the International Building Code ("IBC"), Section 110.4, *Revocation*, and also per the 2006 Edition of the International Fire Code (IFC) Section 110.4 *Abatement*. Per Section 110.1 of the IBC, the Officials hereby order that any occupants of the structure vacate immediately.

Furthermore, as stated in the aforementioned letters, the Officials hereby order that the electrical utilities to the Structure be disconnected until such time that it can be determined that such utilities do not present an immediate hazard to life or property (Reference 2006 IBC, Section 111.3 *Authority to Disconnect Service Utilities* and the aforementioned Section 110.4 of the IFC). At this time it will be your responsibility to disconnect power immediately. If you fail to perform, the Town will utilize its powers under Section 111.3 under the authority of the IBC.

For your convenience, the Code Section referenced herein for the suspension of the Stipulated Certificate of Occupancy is provided below:

110.4 Revocation

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Please do not hesitate to contact us if you have any questions pertaining to this matter. The Town has been notified that an Electrical Engineer (Registered in the State of Arizona) will be inspecting the building on March 23rd at 3:30 PM. Town Officials will be on site for the inspection (2006 IBC, Section 104.6 *Right of Entry*).

Respectfully,


Donald E. Bent Sr.
Building Official



David Strayer
Fire Code Official/Fire Chief

Exhibit 18

Town of Florence
P.O. Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks & Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7677

**DELIVERED BY CERTIFIED/REGISTERED MAIL RETURN RECEIPT
REQUESTED**

**ADDITIONAL COPY AVAILABLE FOR RETRIEVAL AT THE TOWN
CLERK'S OFFICE**

Gem G. Cox
3011 N. Avenida De La Colina
Tucson, AZ 85749

March 16, 2017

Re: Response to the Notices filed by Mr. Gem Cox with the Florence
Town Clerk's Office

Dear Mr. Cox,

The Florence Town Clerk received two documents titled "Notice of Appeal to Board of Adjustment for Certificate of Stipulated (Conditional) Certificate of Occupancy Revocation" (the "First Notice"), and "Notice of Appeal to Board of Adjustment concerning alleged dangerous conditions at 368 and 374 N. Main" (the "Second Notice") (collectively, the "Notices") that you filed on March 13, 2017. This correspondence is intended to respond to your Notices and to clarify for you the relevant process initiated by the Town of Florence Building Code Official and the Fire Code Official regarding their Order of Notice of Unsafe Structure for the Smith/Gentry Building and Code Official Report ("Code Officials' Notice") issued on March 10, 2017 to the owners of the Smith/Gentry Building (the "Structure"). The Code Officials' Notice requests proof of the Structure's compliance with multiple technical codes, including the 2006 Edition of the International Building Code ("IBC") and the 2006 Edition of the International Fire Code ("IFC"). Both the IBC and IFC were adopted as technical codes by the Town. The IBC and the IFC, like other technical codes, are administered pursuant to specific procedures delineated in the code version adopted by the Town. The IBC is implemented, administered and enforced by the Building Code Official. The IFC is implemented, administered and enforced by the Fire Code Official. Both the IBC and IFC are available on the Town of Florence's website for your reference (additionally, the offices of the Florence Town Clerk and Community Development Department maintain copies of the IBC and IFC for public review). The process initiated by the Building Code Official and Fire Code Official for your Structure is guided by the procedural requirements contained in the 2006 Edition of the International Building Code (IBC) and the 2006 Edition of the International Fire Code (IFC), and

Town of Florence
P.O. Box 2670
775 North Main Street
Florence, Arizona 85132

Phone (520) 868-7500
Fax (520) 868-7501
TDD (520) 868-7502

www.florenceaz.gov

not the provisions in sections 150.014, 150.015, 150.005, 150.006 and 150.008 of the Town's Development Code as asserted in the Notices. More particularly, the Building Official and Fire Marshal issued the "Order of Notice of Unsafe Structure" for your Structure on March 10, 2017, along with the accompanying report, pursuant to Sections 104, 105, 110 and 115 of the IBC and Sections 104, 105, 106 and 110 of the IFC.

The First Notice:

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks & Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7677

Further, the First Notice asserts, "If Town Management decides to continue to obstruct my building use and pursues revocation of my certificate of occupancy please consider this letter my official appeal for proper due process from the Town council..." The conditional nature of this request blurs the accurate date of its assertion and/or filing, thus rendering the timing of its filing and determination of whether it has actually been asserted unclear. Please also note that you filed your First Notice on March 13, 2017 in the Town Clerk's Office which is likely a premature filing date for such a notice considering the fact that you were allowed a reasonable amount of additional time to provide proof of compliance before any action would be taken by the Building Code Official or Fire Code Official.

The Second Notice:

Additionally, the Second Notice states, "I hope that the Town of Florence will stay all proceedings as instructed in 150.008. Please consider this letter my official appeal to the Board of Adjustment per 150.008 and follow the process outlined in city ordinances." As explained above, the Code Officials' Notice is subject to the particular procedures codified in the IBC and IFC. Neither Section 115 "Unsafe Structures and Equipment" of the IBC, nor Section 110 "Unsafe Buildings" of the IFC, allow or require a stay as requested in the Second Notice.

Please refer any questions regarding the IBC or IFC to the Building Code Official and Fire Code Official as indicated in the Order of Notice of Unsafe Structure delivered to you.

Sincerely,



Clifford L. Mattice
Florence Town Attorney

Cc: Town Clerk
Town Manager
Building Code Official
Fire Code Official

Exhibit 19

March 20, 2017

Mr. Jason Penrod, Building Official
Sr. Building Inspector
Town of Florence
Community Development
P O Box 2670
Florence, Arizona 85132

RE: Your letters of March 10, 2017

Dear Mr. Penrod:

Additional specific information is needed in order to address the issues you mentioned in your letters in order to comply specifically with your requests.

1. Please be specific as to "unpermitted work within the structure."
2. A copy of the document citing specific problems provided to the town by Mr. Ron Scott with New Tech Electric. Is needed. Please be aware that permitted electrical work was included in the addition of the two (2) restrooms.
3. You state "there is an anticipated Change of Occupancy for the Structure to include a Business and/or Assembly Occupancy." An Inside Assembly is not a permitted use in the DC District and as owner am quite aware of this. This building is in no way large enough to fit the definition of "An Assembly Area."
4. Please provide specific documentation to show as stated in your letter: "Furthermore, inspections and conversations have indicated addition unpermitted work, including, but not limited to, the addition of new walls and rooms, and deviations from the current stipulated Certificate of Occupancy, which include reasonable suspicion that the building's residential occupancy has increased and that an unpermitted classroom has been used by the building's lease - - - - ." It is impossible to address these supposed issues not knowing specifically what created these suspicions. Do you have photographs or other documentation from Staff & Others to show exactly what is referenced?

It is imperative I have answers to the above prior to Thursday, March 23, 2017, since I plan to attempt to have an Electrical Engineer help me resolve the issues beginning on that date.

Now the most important question, how is one to determine how to and resolve the above issues if no one is supposed to enter the building?

Thank you very much for your fast response.

Respectfully.

Gem Cox
Building Owner

cc: Mark Eckhoff
Brent Billingsley

Exhibit 20

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 22, 2017

Delivered by Certified U.S.
Mail Return Receipt.

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

Additional copy is
available at Town Hall.

Re: Additional specific information as requested on March 20, 2017
to address Mr. Jason Penrod's letters dated March 10, 2017

Site Address: 368 and 374 N. Main St.
Florence, AZ 85132

Dear Owners:

Responses toward Items 1, 2, 3 and 4, listed within your letter to Mr. Jason Penrod on March 20, 2017, are as follows:

Item 1. The unpermitted work consists of all items, such as, the Classroom, Coffee Shop, and a Breakroom with stove and sink, which were not included within the contract document drawings and specifications prepared and submitted by Arizona registrants for Phase 1, Renovation Smith Building, TI for Conquest Arms, 380 N. Main Street, Florence, AZ85132, project.

Item 2. The Phase 1, sub-panel and electrical inspection passed during the scheduled inspection. During the time frame of this inspection, there was no knowledge or evidence presented to warrant an investigation or as-built of the existing main electrical panel, internal subpanels and the existing installations by the registrant preparing the plans for Phase 1, listed in Item 1, above.

Item 3. A small assembly room (such a classroom) per Exceptions: 1, 2 and 3 of Section 303, Assembly Group A, shall be classified as Group B, 2006 International Building Code. Note: the wording, "not limited to" being stated for all five of the listed Group A Occupancies.

Item 4. Personal observation of the building and review of Construction Documents and Specifications provided for issuance of permit(s) by the Code Officials, Inspectors and Town of Florence Staff is all that was required to base factual evidence on. Numerous emails from Town Staff and yourself and telephone conversations have evolved, as a result of activities on this project. As for eliminating the Unsafe Structure placed on this project, having an Arizona Registered Electrical Engineer investigate and report on existing electrical conditions for this building, shall determine further action(s) required.

Respectfully,


Donald E. Bent Sr.
Building Official

Exhibit 21



http://www.pinalcentral.com/florence_reminder_blade_tribune/news/town-says-florence-historic-store-hazardous/article_7fcf67a2-2f59-55fe-bc16-d48c79dc3d95.html

FEATURED TOP STORY

Town says Florence historic store hazardous

By MARK COWLING Staff Writer Mar 23, 2017 Updated Mar 23, 2017



Mark Cowling/PinalCentral

The town of Florence has posted a sign on the door of the historic W.C. Smith

Buy Now

FLORENCE – A major retailer in the historic downtown has locked its doors, and the town has posted a sign on the door that amounts to “Keep Out.”

The landlord said he has lost his tenant and \$100,000 in rental income over the next several years because of the town of Florence’s actions. Gem Cox is owner of the historic W.C. Smith Building, which recently housed Conquest Arms gun shop and was previously known for many years as Gentry’s Florence Market.

Conquest Arms closed last week with a note on the door and a phone number. This occurred after Cox received two certified letters from the town dated March 10, stating the town had reasonable cause to believe the building was a danger to the public. The first letter said Cox had 72 hours to arrange an inspection by a registered electrical engineer to confirm the electrical system was safe, or his certificate of occupancy would be suspended and his electricity would be cut off.

The gun shop owners had few options, Cox said, given the chance they could be locked out of their store with their inventory unsecured. The store owners did not return a phone message requesting comment.

Cox ran for mayor last year, citing his frustrations dealing with the town over the Smith building as his primary motivation. The town will not allow him to appeal its actions to the Board of Adjustment, so Cox said he’s reviewing his options with a lawyer.

Cox said the town’s letters are based on falsehoods. “Everything’s a lie with the exception of my name and address. It’s so bad it’s amazing.”

“... this in no way alleviates any concerns that the town has shared regarding other matters addressed in this letter and/or other applicable code compliance matters pertaining to the structure.”

The second letter concluded: “... we’d also like to assure you that we’d like nothing more than to work with the owners to ensure the structure can be safely and legally occupied. It is our sincere hope to work with the owners to find a reasonable path forward on this matter.”



Casa Grande Dispatch Maricopa Monitor Coolidge Examiner Eloy Enterprise Florence Reminder & Blade-Tribune Arizona City Independent/Edition
San Tan Valley Sentinel Tri-Valley Dispatch

http://www.pinalcentral.com/florence_reminder_blade_tribune/news/town-eases-up-on-historic-smith-building/article_169ffb6e-1d49-11e6-9395-3b562299c2ec.html

Town eases up on historic Smith Building

By MARK COWLING, Staff Writer @MarkCowling04 May 19, 2016

The Town of Florence has backed off its seemingly never-ending list of demands for the historic commercial building at 374 N. Main St., and a special Town Council session on the matter set for next week has been canceled, the owner said.

Gem Cox said he's been trying for four years to upgrade the building to the town's satisfaction, and last week he was about to lose his tenants, Conquest Arms firearms and sporting goods. But in a meeting with town representatives at 8 a.m. May 10, the town provided a full certificate of occupancy for the entire building, Cox said.

The Town's new approach is "really good news for Main Street," Cox said.

"Everything's open to interpretation with these old historic buildings, for sure. When it's open to interpretation, you can interpret it to make downtown boom or you can interpret it to shut it down," Cox said.

"It wasn't necessarily raising the bar, it was just moving the finish line. Over and over and over and over," he said in describing his last four years with the Town. "... At least four different times I was promised a certificate of occupancy, and not given it when I did everything I was told to. So in the last year I've been much more cautious in what I would and wouldn't do to the building."

Town Manager Brent Billingsley said it wasn't about the town reaching a certain conclusion to ease up on Cox and his building.

"No, I wouldn't coin it that way. The town has codes that we adopt that are health and safety codes. In that particular case it has to do with the fire code. Town staff and the state fire marshal's office worked with Mr. Cox to get his certificate of occupancy through the normal process."

Billingsley said if one reads the actual certificate, "what you'll see is the town is enforcing the fire code that we have adopted. You'll see a certificate of occupancy that has stipulations and time frames associated with it."

Cox said, "it looks to me like Brent Billingsley, (deputy town manager) Lisa Garcia and Mark (Eckhoff, community development director) and the fire chief (David Strayer) have really put an effort into reading the code and understanding the spirit of the code and how it applies to historic buildings.

"They seem to have come to a much better understanding — as have I, with probably a thousand hours' worth of code reading. I've spent a ton of time researching codes and how they apply to these buildings.

"And codes do apply, but only under certain circumstances," Cox said. "It's an if-this, then-that. If you spend a certain amount of money, then codes apply. If you change your use, then codes apply. If you build something different, codes apply to that. Certainly codes apply to these buildings."

Cox said he has a much better view of where downtown is headed. "I think the snowball isn't rolling straight downhill, it's moved over to the side. It might be rolling the right direction now. I'm optimistic, but still cautious. I am still running for mayor. This was a kick in the pants for me."

He said Town officials didn't offer much explanation for their decision.

They were very gracious. I didn't ask for any apologies, and they didn't offer any. As a matter of fact, I apologized for making their job as hard as it was and being such a stickler on this.

Exhibit 22



FLORENCE POLICE DEPARTMENT

Officer Report for Incident F17030793

Nature: THEFT

Address: 374 N MAIN ST; CONQUEST ARMS

Location: FP2

FLORENCE (CITY) AZ 85132

Offense Codes:

Received By: R FRANCIS

How Received: O

Agency: FLPD

Responding Officers:

Responsible Officers: A SALAZAR

Disposition: CLO 03/24/17

When Reported: 12:55:53 03/24/17

Occurred Between: 00:00:01 03/24/16 and 17:10:00 03/24/17

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 3434591

Last: COX

First: GEM

Mid: GARY

DOB: 02/10/63

Dr Lic: B13134791

Address: 324 N KING ST

Race: W

Sex: M

Phone: () -

City: FLORENCE (CITY), AZ 85132

Alert Codes:

Offense Codes

Reported:

Additional Offense: TPOT THEFT, PROPERTY, OTHER

Observed: TPOT THEFT, PROPERTY, OTHER

Circumstances

LT24 SPECIALTY STORE

Responding Officers:

A SALAZAR

Unit :

FP02

Responsible Officer: A SALAZAR

Received By: R FRANCIS

How Received: O OFFICER REPORT

Agency: FLPD

Last Radio Log: **:**:** **/**/**

Clearance: CRT CLRD BY RESP OFC, REPORT TAKEN

When Reported: 12:55:53 03/24/17

Disposition: CLO Date: 03/24/17

Judicial Status:

Occurred between: 00:00:01 03/24/16

Misc Entry:

and: 17:10:00 03/24/17

Modus Operandi:

Description :

Method :

Name Involvements:

Complainant : 3434591

Last: COX

DOB: 02/10/63

Race: W

Sex: M

First: GEM

Dr Lic: B13134791

Phone: ()-

Mid: GARY

Address: 324 N KING ST

City: FLORENCE (CITY), AZ 85132

Involvements

Date	Type	Description	
03/24/17	Name	COX, GEM GARY	Complainant
03/24/17	Cad Call	12:55:53 03/24/17 THEFT	Initiating Call

Narrative

Miscellaneous Incident Investigation Narrative

1. Incident Description: Theft
2. Premises location and description: 374 N Main St
3. Other information: None
4. Date, time, reporting officer: March 24, 2017 at 1255 hours, Officer Andrew Salazar #590

On March 24, 2017 at 1255 hours I was contacted by Gem Cox of Florence, Arizona and was advised he wanted to report a theft, and needed a report number for his insurance company.

Mr Cox advised me that someone stole a eight foot, one inch thick copper wire from the electrical box to the grounding rod.

This electrical box is on the north side of the building, and is surrounded by a fence with vines.

Mr Cox advised me that this theft may have occurred within the last year.

This copper wire could be valued at \$800.00 US Dollars.

This ends my involvement on this case.

Case closed.
Officer Andrew Salazar #590

Responsible LEO:

Approved by:

Date

Exhibit 23

Clifford Mattice

From: Gem Cox <gemcox@cox.net>
Sent: Wednesday, March 22, 2017 4:15 PM
To: David Strayer
Cc: Brent Billingsley; Lisa Garcia; Clifford Mattice; Don Bent; Robert Metli; John F Munger
Subject: Re: Electrical Safety Inspection Smith building this Thursday

Please do not come to the Electrical Engineer safety inspection tomorrow March 23 2017.

Thank you

Gem Cox
868-0777

On Mar 22, 2017, at 3:29 PM, David Strayer <David.Strayer@florenceaz.gov> wrote:

Gem,

It was not my, or the Building Official's, intention to interfere or intimidate anyone by witnessing the inspection. If you asking us not to come (the letter was a little unclear), please state that and we will not come. Otherwise, we are planning on being there.

Also, for your convenience, I have attached the Building Official's response to your email attachment sent to the Town Manager on March 20, 2017.

Regards,

*David Strayer
Fire Chief
Florence Fire/Medical Department
P.O. Box 2670
72 East First Street
Florence, AZ 85132
(520) 868-7607 Office
(520) 251-1664 Cell*

<image001.jpg>

History Remembered; The Future Embraced; Celebrating 150 Years

From: Gem Cox [<mailto:gemcox@cox.net>]
Sent: Tuesday, March 21, 2017 2:51 PM
To: David Strayer; Jason Penrod; Brent Billingsley
Subject: Electrical Safety Inspection Smith building this Thursday

Exhibit 24

Conquest Arms

Here is the latest update, picture explanation is all the fire chief would say. They have concluded that life is in imminent danger in this building. We are effectively shut down. Not a whole lot of questions we can answer at this time. If you have any questions please get in touch with the Town Team. From all of us here at Conquest, we are truly truly sorry. We are locked out of our building, gunsmith and girlfriend are locked out of their home. I hope the landlord and town can reach some kind of agreement, soon.

Conquest Arms Thanks to an anonymous tip last night we were able to work through the night and get the guns secured off site Like · Reply · 4 · 4 hrs · Edited

Fred Borgards

Fred Borgards Wow. So sorry to hear this. If you need anything that I can help you with please call me. I'm not just a customer but I consider you and your family my good friends. Keep me posted. Have a good night.

Like · Reply · 1 · 18 hrs

Conquest Arms

Conquest Arms Sorry Fred, we don't know much more than you do about this. If you need more info the number is: 520-868-7556 Like · Reply · 17 hrs · Edited

Tammy Chinn Bennett

Tammy Chinn Bennett WoW! truly sorry to hear this news you guys! :(But what I don't understand is how they can pinpoint just YOUR bldg. when almost all of Main Streets bldgs. are 100 years old as well!!! smh....sure hope things work out soon for you! <3 Like · Reply · 3 hrs

Conquest Arms

Conquest Arms I don't know how long this will take, but we will keep everyone informed right here on FB Like · Reply · 1 · 2 hrs

Michael Shawn Mckinley

Michael Shawn Mckinley All I can say is I believe political power is what's holding things at bay here. What bull shit for Florence putting town citizens through to show how foolish they can be.

Like · Reply · 1 · 5 hrs · Edited

Conquest Arms

Conquest Arms Business friendly is all we hear Like · Reply · 3 hrs · Edited

Jim Cook

Jim Cook Wow is all I can say... Total bullshit I wish I lived in the city limits were I was allowed to vote. I would be voting some people out of office. I can understand there is a beef between the city and building owner. To lock you out when you are cle...See More Like · Reply · 1 · 15 hrs

Conquest Arms

Conquest Arms Thanks Jim, some of the post I see on these pages is why we like Florence, some really good people around here. Since we really have no info on this whole situation all we can do is get an attorney retained and turn everything over to them. We know this is bull, but I would be really concerned if I owned or rented on main St.... This is not right, but I also don't believe it's the elected officials. I feel bad for our customers, suppose to be starting a raffle for the Vets coming up, also have a ongoing raffle for a lady that's very sick. We will survive to fight another day.
Like · Reply · 1 · 15 hrs

Angela Olivas

Angela Olivas What?! 😬 Dangerous! What's so dangerous?! I'm sorry you guys are going through this & know it will all work out 😊
Like · Reply · 17 hrs

Conquest Arms

Conquest Arms The building has been there for 100 years but Florence hired a guy that convinced them it could spontaneously combust at any time.
Like · Reply · 17 hrs · Edited

Angela Olivas 😊 wow! I hope you guys find a new better place soon!

Like · Reply · 16 hrs

Michael W. Milem Jr.

Michael W. Milem Jr. If that's the case the whole main street is at risk.....

Pursuant to A.R.S. 39-121, this email and any attachments may be considered a public record subject to public inspection. Please be advised that the public, including news media, may request access to email sent and received pursuant to the Arizona Public Records law and the Freedom of Information Act.

CONFIDENTIAL AND PRIVILEGED

This transmission (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

- Email scanned by Sophos Anti-Virus
- Website: <http://www.florenceaz.gov>

Disclaimer # 6955-149

Exhibit 25



FLORENCE POLICE DEPARTMENT

425 N. Pinal Street / P.O. Box 988

Florence, AZ 85232

Bus: (520) 868-7681 • Fax: (520) 868-0158

Daniel Hughes, Chief of Police

To: Brent Billingsley
Town Manager

From: Daniel Hughes
Chief of Police

Ref: Conquest Arms/Cox Building

Date: March 24, 2017

Brent, below is a picture of the back of the Gem Cox building that is currently being rented by Conquest Arms. While walking the building, with the renters, to ensure the building was locked and secured I observed a 1956 Chevrolet Pickup truck that is parked just behind the door depicted in this picture. The vehicle has been recently painted and the area around it has numerous automotive tools and parts. The area appears to have been used as a paint shop and it looks like the pickup truck has recently been painted in this shop area. I was informed by the renters that Mr. Cox has been restoring and painting the vehicle in this area. The renters were concerned that Mr. Cox may come back to remove the vehicle from the building. They did not want Mr. Cox in the building do to the amount of weapons stored inside. I assured the renters the PD would increase the patrols in the area and quickly respond to the alarm should it be activated.



Exhibit 26



http://www.pinalcentral.com/florence_reminder_blade_tribune/news/new-board-to-hear-appeals-of-florence-town-actions/article_6d507576-fd33-5618-bf85-80188e8ef234.html

TOP STORY

New board to hear appeals of Florence town actions

By MARK COWLING Staff Writer Mar 28, 2017 Updated 1 hr ago



Buy Now

FLORENCE — A new board to hear appeals of how the town enforces its building and technical codes was created by the Florence Town Council in a special meeting Monday afternoon.

The new five-member panel already has a request for a hearing. An attorney representing downtown landlord Gem Cox filed a request for a hearing Monday. Cox said he will argue unfair treatment, arbitrary code enforcement, and failure to follow proper procedures by the town.

The town tagged Cox's historic building at 374 N. Main St. "Dangerous" and gave his tenant, Conquest Arms gun shop, 15 minutes to vacate two weeks ago. Cox said the new board is "a real win for downtown historic properties and anything DC (Downtown Commercial) -zoned."

The new board will hear and decide appeals of orders, decisions or determinations made by the town's building official or fire code official. The ordinance creating the board said it will consist of five voting members "who are qualified by experience and training to pass upon" construction matters; the potential for fires and other hazards; and the town's adopted technical codes.

The Town Council appoints the board members, who shall hold office at the pleasure of the council, according to the ordinance. The board will hear arguments that the true intent of a code or rule has been incorrectly interpreted; the provisions of the code do not fully apply; there is an equally good or better solution; or there is an equivalent method of protection or safety.

The council passed the ordinance while "declaring an emergency," meaning it takes effect immediately. The council also appointed the members – an architect (Steven Nevala), engineer (Geoffrey S. Child), general contractor (Charles Goodballet), trades person (Gary Pranzo) and resident (Betty Wheeler). They will serve four-year staggered terms.

The town's building official and fire code official are non-voting "ex officio" members "and shall act as secretary to the board," according to the ordinance. **Cox said in an interview Tuesday morning he didn't understand why those two are included, "but at least we have a board."**

At Monday's meeting, Town Council member Karen Wall asked what happens after the new board's decisions. Town Attorney Cliff Mattice said the intent is for the board's decisions to be final, unless challenged in Superior Court.

The board will only meet once a month, or as-needed. Its meetings will be open and have posted agendas, like other town boards and commissions.

Meanwhile, Cox is looking forward to his chance to give the new board an earful. The town's decision to post a "Dangerous" sign on his building is typically reserved for a gas leak or a building that is about to fall down, Cox said.

An inspection by his electrical engineer March 23 turned up the cause of his problem: a copper grounding wire had been stolen. He said he immediately bought a replacement and spliced it in, and his engineer is designing a new grounding system.

This work will trigger other upgrades, for a total of perhaps \$50,000 worth of work, all because of the theft of "probably \$4 worth of scrap copper," Cox said.

How soon the building can reopen — and Conquest Arms can get back to business — is up to the town, Cox said. He said the town is awaiting a report from the engineer who saw the building March 23, but "he verbally told me the building is not dangerous."

Known historically as the W.C. Smith Building, it was previously known for many years as Gentry's Florence Market.

Exhibit 27

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

March 31, 2017

**Delivered by Certified U.S.
Mail Return Receipt.**

Gem G. and Kelly M. Cox ("Owners")
3011 N. Avenida De La Colina
Tucson, AZ 85749

**Additional copy is
available at Town Hall.**

Re: NOTICE OF RIGHT OF ENTRY AND INSPECTION ORDER FOR
STRUCTURE: **APRIL 4, 2017 AT 9:00 a.m. (Local time).**
Smith/Gentry Building ("the Structure")

Site Address: 368 and 374 N. Main St., Florence, AZ 85132

Dear Owners:

As explained in the March 10, 2017 Order of Notice of Unsafe Structure, the March 10, 2017 Code Official Report, and the March 16, 2017 Suspension of Certificate of Occupancy letters you received, the Building Code Official and Fire Official ("Code Officials") have reasonable cause to believe the Structure's condition is contrary to, or in violation of, the adopted Town of Florence technical codes rendering the Structure unsafe, dangerous or hazardous. Therefore, the Code Officials deem it necessary, to make an inspection of your Structure to enforce the provisions of the Town's codes on **April 4, 2017 at 9:00 a.m. (local time)** (2006 International Building Code (IBC), Section 104.6 *Right of Entry*).

This inspection must be scheduled because of your recent refusal to allow entry into the Structure by the Code Officials. Your refusal to allow entry of the Code Officials prevented a further evaluation of the unsafe conditions. It is our understanding that you have prepared a report(s) addressing the conditions identified in the Town's notices sent to you. Please provide a copy of the report(s) prepared by your electrical engineer prior to the date and time for inspection indicated above. The report(s) may be delivered to the Florence Building Code Official in the Town's Community Development office.

The Code Officials hereby reiterate the order that the electrical utilities to the Structure be disconnected until such time that it can be determined that such utilities do not present an immediate hazard to life or property (Reference 2006 IBC, Section 111.3 *Authority to Disconnect Service Utilities* and the Section 110.4 of the International Fire Code).

Respectfully,


Donald E. Bent Sr.
Building Code Official


John Kemp
Fire Code Official

Exhibit 28

Town of Florence
Community Development
PO Box 2670
224 W 20th St
Florence, Arizona 85132

Phone (520) 868-7575
Fax (520) 868-7546
TDD (520) 868-7502
www.florenceaz.gov

TOWN SERVICES

Building Safety
868-7573

Community Development
868-7575

Finance
868-7624

Fire
868-7609

Grants
868-7513

Human Resources
868-7545

Library
868-8311

Municipal Court
868-7514

Parks and Recreation
868-7589

Police
868-7681

Public Works
868-7620

Senior Center
868-7622

Town Attorney
868-7557

Utility Billing
868-7680

Water/Wastewater
868-7695

April 5, 2017

**Delivered by Certified U.S.
Mail Return Receipt.**

MUNGER CHADWICK, P.L.C.
ATTORNEYS AT LAW
2994 N, 44th Street, Suite 130
Phoenix, Arizona 85018

**Additional copy is
available at Town Hall.**

CERTIFICATION THAT STAY COULD CAUSE HAZARD

Re: Letter dated March 23, 2017
Gem – Cox
368 and 374 Main Street, Florence, Arizona 85132 (The "Structure")

To: Mr. John F. Munger

Pursuant to Ordinance No. 656-17, the Building Official and Fire Code Official hereby certify to the Board of Appeals that the facts stated in letter dated March 10, 2017, show there is reasonable cause that a stay could cause a hazard or is dangerous to human life or the public welfare. Therefore, the proceedings and all orders of the Code Officials for the structure shall not be stayed. The following code references apply per Town of Florence adopted codes: the 2006 Edition, (IBC) International Building Code, Section 110.1, the 2006 Edition, (IPMC) International Property Maintenance Code, Section 108.1.1 and 108.1.2, the 2006 Edition, (IFC) International Fire Code, Section 110.1.1, and the 2005 Edition, (NEC) National Electrical Code, Article 250.21.

Responses to page 2, first paragraph, last sentence, "In addition, the Coxes seek a stay of enforcement of the suspension pursuant to IPMC, Sections 111.8, and Ordinance, Section 150.008 (E)(2), are as follows:

Item 1, The International Property Maintenance Code, 2006 Edition, is the current adopted code for the Town of Florence. Section 111.8, **Stays of enforcement**, states that; "Appeals of notice or orders (other than Imminent Danger notices) shall stays of enforcement of the notice and order until the appeal is heard by the appeals board". **(Note, that the notice placed on the above referenced structure, was an Imminent Danger notice and that a stay of enforcement can not be granted).**

Respectfully,



Donald E. Bent Sr.
Building Official



John E. Kemp
Fire Code Official

Exhibit 29

March 29, 2017

Gem Cox
3011 N. Avenida De La Colina
Tucson Az 85749

Re: Smith / Gentry Building – Electrical Service Entrance Section (SES) Evaluation
368 and 374 N. Main Street
Florence, Arizona 85132
AKRIBIS Engineering Project No.:17080

Gem:

This letter is provided in response to your request that we visit the building and evaluate the electrical system due to the Town of Florence issuing an 'Order of Notice of Unsafe Structure' based on violation of the NEC 250.21 Alternating-Current Systems of 50 Volts to 1000 Volts not required to be grounded.

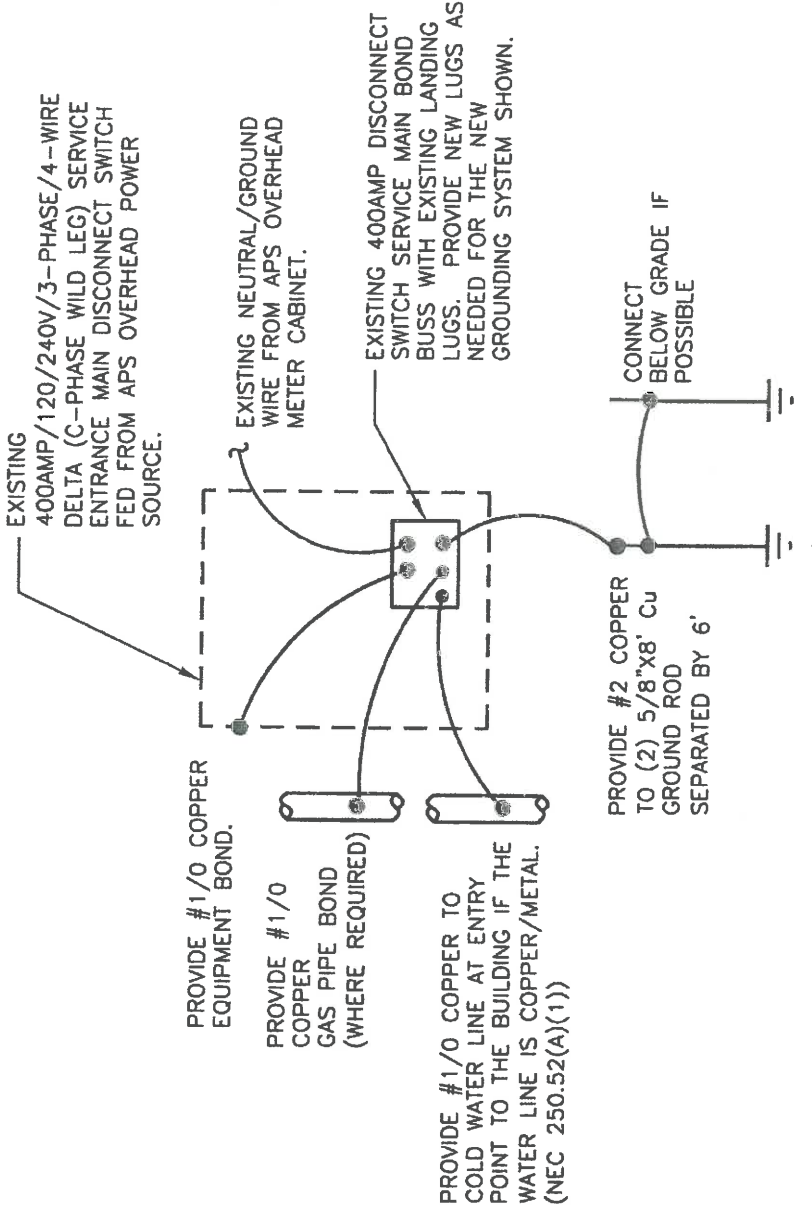
We visited the building on March 23rd, 2017 to evaluate the electrical SES located on the exterior of the north side of the building.

Speaking directly to the issue of the electrical system being grounded or ungrounded. After reviewing the electrical system main disconnect switch, we found that the electrical system was grounded at one time. This can be seen from the conductor that runs from the inside of the disconnect switch main bonding point/lugs down through and out the bottom of the disconnect switch. The conductor has been cut at the exterior underside of the disconnect switch. This can be seen in the picture below – which shows the APS to SES main bonding point and the conductor (in blue) that runs from these lugs down and out the disconnect switch.

The attached PDF is a grounding detail that would bring the SES main disconnect switch up to Code. This sketch should serve as addressing the current life safety concern that the electrical system is 'not grounded and unsafe.'

Regarding the SES load side feeders grounding - the NEC allows metal conduit / tubing to be used as a grounding conductor (NEC 250.118) when installed per the NEC. This includes using Rigid Galvanized Steel (RGS), Intermediate Metal Conduit (IMC), Electrical Metallic Tubing, as well as others, when installed per the NEC. The current conduits installed at the building appears to be a combination of EMT, RGS and/or IMC and are providing a means of grounding to the existing electrical panels and disconnect switches connected to the SES.

As we discussed, there are NEC code issues that will need to be rectified in the near future and AKRIBIS Engineering is working on permit drawings that that will address these issues that are not eminent threats to life safety, but are items that need to be corrected.



NOTES:

1. THE EXISTING 400AMP SES MAIN DISCONNECT GROUNDING ELECTRODE CONDUCTOR HAS BEEN VANDALIZED (CUT) JUST BELOW THE DISCONNECT SWITCH ENCLOSURE. ELECTRICAL CONTRACTOR SHALL PROVIDE NEW GROUNDING SYSTEM TO MAKE THE BUILDING ELECTRICAL SYSTEM SAFE.

GROUNDING DETAIL

SCALE: NONE



AKRIBIS ENGINEERING, L.L.C. <small>3231 S. COUNTRY CLUB VILLAGE, STE. # 102, TOLSON, ARIZONA 85262 PH: (602) 393-0201</small>	SMITH BLDG - SES GROUNDING DETAIL 380 N MAIN STREET FLORENCE, AZ 85132		Job No. 17080 Date 03-24-17	Sketch No. ESK-1 Scale NONE	Ref. Dwg. Scale NONE

Exhibit 30

TOWN OF
FLORENCE
ARIZONA

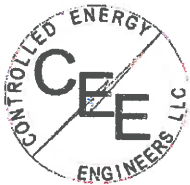
Town of Florence, AZ

SMITH BUILDING 2017
ELECTRICAL DISCREPANCIES
REPORT



Prepared by

Controlled Energy Engineers LLC



Electrical Observations/Recommendations
Summary Report

Site Walk Through Performed: April 4, 2017

Report Prepared by: Zane Wilsterman, PE
Controlled Energy Engineers, LLC

Report Finalized: April 11, 2017
(Revision 1 – FINAL)

Table of Contents

<u>Section</u>	<u>Description</u>
1.	Overview of Observations
2.	2005 NEC Article 110.3(B) – Installation and Use (Number of Conductors Per Lug)
3.	2005 NEC Article 110.12(A) – Plug Holes in Boxes
4.	2005 NEC Article 110.16 – Arc-Flash Hazard Warning
5.	2005 NEC Article 110.26 - Clearance
6.	2005 NEC Articles 230.42 Service-Entrance Conductors and 240 – Overcurrent Protection
7.	2005 NEC Article 240.24(A) – Location of Panelboards, Accessibility
8.	2005 NEC Article 250 – Grounding and Bonding
9.	2005 NEC Article 314.21 – Repairing Noncombustible Surfaces
10.	2005 NEC Article 314.25 – Box Covers
11.	2005 NEC Article (various) – Labeling For The High-Leg
12.	2005 NEC Article 334.10 – Type NM Cable (ROMEX)
13.	2005 NEC Article 394 – Knob-and-Tube Wiring Method
14.	2005 NEC Article 408.4 – Circuit Directory / Identification
15.	Asbestos Insulated Wires

Section 1 Overview of Observations

Controlled Energy Engineers LLC was hired to visit the Smith Building on behalf of the Town of Florence, Arizona, to perform an audit of the existing electrical system to determine the safety of the building.

During the site visit on April 4th, 2017, all of the electrical equipment was observed. The service entrance disconnect switch was opened; however, the panelboard dead-fronts were not removed. Installation methods and materials used were observed. We did not perform a thorough check of wire sizes to determine loads, voltage drop, temperature de-rate, etc.

While assessing the electrical system installation, NFPA 70 Standard, 2005 edition (also known as the National Electrical Code - 2005 NEC) was used to determine the safety and correctness of the installation methods used. The 2005 NEC is the Town's current adopted electrical standard edition.

The local power utility company is Arizona Public Service (APS). An overhead service from APS provides 120/240V, 3-phase, 400A, 4-wire delta power to the building. While this power configuration is being phased out, an APS representative has indicated that this service will continue to be served to existing customers. 2005 NEC still supports this power configuration, so changing the power configuration is not suggested.

Previously, an electrician did a building walk-through with Mr. Cox for potential work. During their walk, the electrician noted several issues that gave him serious concerns regarding the electrical system.

One of the most significant concerns the electrician had was the fact the electrical system was not grounded. There was no grounding electrode conductor installed between main bonding jumper (or lug in this case) and grounding electrodes (i.e. ground rods, etc.). Since the electrician walked the site with Mr. Cox, Mr. Cox has had a grounding electrode conductor installed to a pipe. The length of the pipe in contact with earth is unknown and a supplemental ground rod or pipe has not been installed.

Another issue the electrician observed was that some of the wires may have been undersized and are showing signs of being overloaded (i.e. insulation is melting or failing).

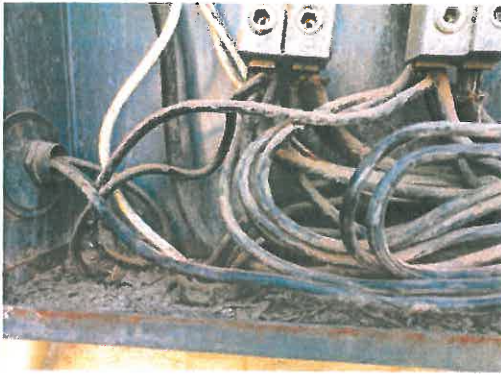
During our site walk, the previous tenant mentioned power was lost to their security computer(s), located near northeast corner of building, when a stove was being used in the far west side of the building. The electrician expressed concerns that several circuits may have been bridged or back fed.

One of the most common deviations from the National Electrical Code (NEC) at the site is the idea of "working space" in front of electrical equipment. The 2005 NEC, Article 110.26 defines working space as the area or space about electrical equipment that allows ready and safe operation and maintenance of the equipment. The "working space" that is required is between 36 to 48 inches depending on the voltage to ground of the electrical equipment within the enclosure and other related or nonrelated equipment around the enclosure. Table 110.26(A)(1) describes the requirements. Specific violations of this requirement have been noted in the specific report sections.

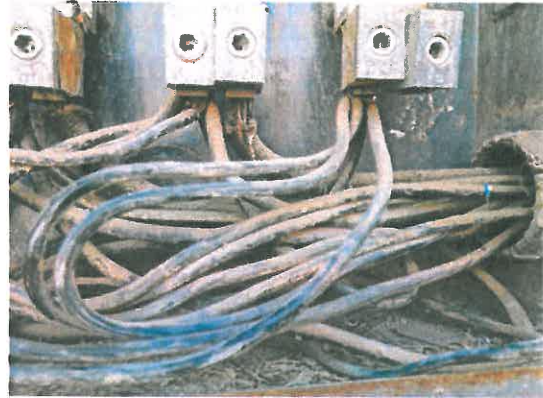
significant fire hazard if the fault occurs due to making contact with steel (nails, conduit or other building steel), other phase conductors or neutral conductor (due to damaged insulation or loose connections). There is significant personnel risk if someone touches the exposed wire, or other equipment that has become energized by the exposed wire.

Remove all asbestos cables, knob-and-post conductors, unused conductors, unused electrical equipment. Repair or replace the existing service entrance disconnect switch. If the disconnect switch is repaired, a ground bus should be installed in the disconnect switch and a suitably sized main bonding jumper installed. Equipment grounding conductors should be installed in all conduits to panelboards, service entrance disconnect switch and other electrical equipment.

Revise electrical equipment installed outside to maintain suitable rating for environment in which it is installed (i.e. the wire trough must have a Type 3R or 4 rating). Revise electrical equipment installation method to conform to 2005 NEC. There are several installation methods that conform to the 2005 NEC, we suggest an Architect or Engineer be hired to properly design the power distribution system.



Service entrance disconnect (left-to-right, neutral, A-phase, B-phase)



Service entrance disconnect (left-to-right, neutral, A-phase, B-phase, C-phase lugs)

Section 4. 2005 NEC Article 110.16 – Arc-Flash Hazard Warning

Code Reference





“110.16 Flash Protection. Switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers, that are in other than dwelling units, and are likely to require examination, adjustment, servicing, or maintenance while energized shall be field marked to warn qualified persons of potential electric arc flash hazards. The marking shall be located so as to be clearly visible to qualified persons before examination, adjustment, servicing, or maintenance of the equipment.”

Service entrance disconnect switch and all panelboards need to have arc flash hazard labels applied. As a minimum, the following label, or similar should be applied.



3. Basement 2 Panelboard – This panelboard has been installed partially behind door. Panelboard must be moved such that working space can be maintained with the door open.
4. Panelboard, garage area – An evaporative cooler has been located within the working space area. Evaporative cooler should be relocated outside the working space area.

Pictures

	
<p>Small load center in hallway, near west door (conflicts with shelves)</p>	<p>Basement 1 Panelboard (conflicts with stairs)</p>
	
<p>Basement 2 Panelboard (conflicts with door)</p>	<p>Panelboard, garage area (conflicts with evaporative cooler)</p>

Section 7. 2005 NEC Article 240.24(A) – Location of Panelboards, Accessibility

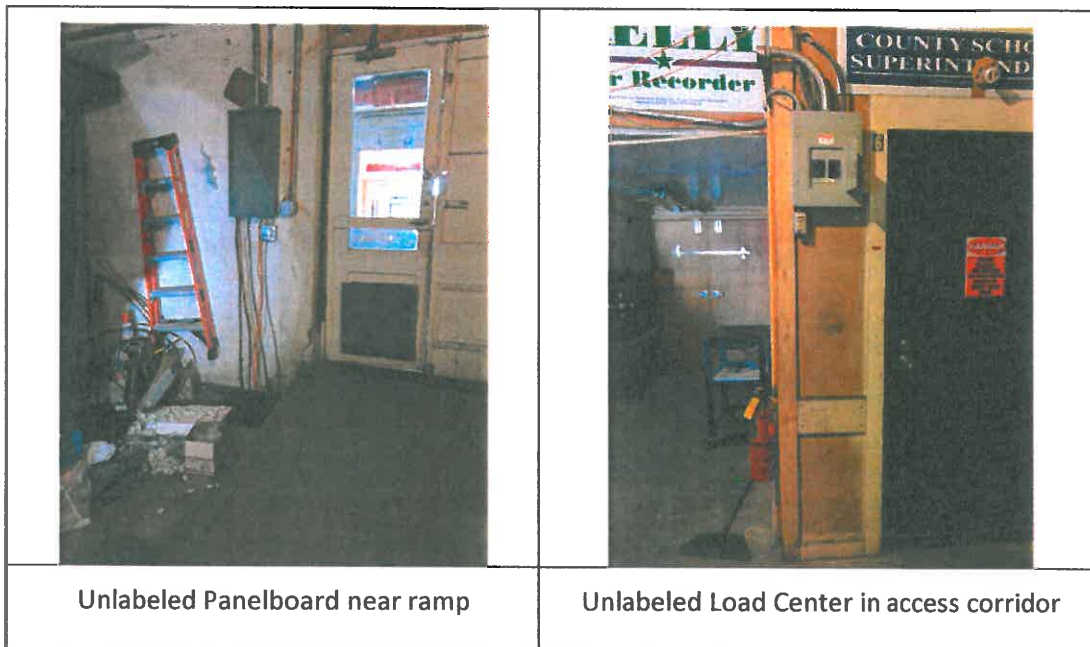
Code Reference

“240.24 Location in or on Premises. (A) Accessibility. Overcurrent devices shall be readily accessible and shall be installed so that the center of the grip of the operating handle of the switch or circuit breaker, when in its highest position, is not more than 2.0 m (6 ft 7 in.) above the floor or working platform ...”

Several panelboards have been installed such that several breakers exceed 6’-7”. These panelboards should be moved such that all breakers are below the maximum allowable height of 6’-7”. The NEC does list several exceptions, none of the listed exceptions apply to the installation(s) in this building.

1. Unlabeled Panelboard near ramp (leading into retail space)
2. Unlabeled Load Center in access corridor
3. Unlabeled Load Center in access corridor (west hall)
4. Basement 1 Panelboard, steps leading to basement
5. Unlabeled Panelboard in garage area (no picture)

Pictures



Section 8. 2005 NEC Article 250 – Grounding and Bonding

Code Reference

“250.52 Grounding Electrodes. (A) Electrodes Permitted for Grounding. (1) Metal Underground Water Pipe. A metal underground water pipe in direct contact with the earth for 3.0 m (10 ft) or more (including any metal well casing bonded to the pipe) and ...”

A ground connection has been made to a copper pipe next to hose bib. While we would not suggest this connection be removed, this connection does not qualify as a grounding electrode. This pipe cannot be confirmed to being copper throughout its length (or at least 10 feet) and cannot be confirmed to be installed underground.

“250.56 Resistance of Rod, Pipe, and Plate Electrodes. A single electrode consisting of a rod, pipe, or plate that does not have a resistance to ground of 25 ohms or less shall be augmented by one additional electrode of any of the types specified in 250.52(A)(2) through (A)(7). Where multiple rod, pipe, or plate electrodes are installed to meet the requirements of this section, they shall not be less than 1.8 m (6 ft) apart.”

A ground connection between service disconnect and steel pipe has been made. However, per 2005 NEC, Article 250.56, an additional supplement electrode is required to be installed, not less than 6 ft apart from first pipe or rod. The length of the pipe in contact with earth is unknown and a supplemental ground rod or pipe has not been installed.

“250.4(A)(1) General Requirements for Grounding and Bonding. Electrical systems that are grounded shall be connected to earth in a manner that will limit the voltage imposed by lightning, line surges, or unintentional contact with higher-voltage lines and that will stabilize the voltage to earth during normal operation.

While ground connection between service disconnect and steel pipe has recently been made, the grounding electrode conductor (GEC) was installed in a manner that does not limit the voltage imposed by lightning, line surges, etc. The wire should be “not any longer than necessary to complete the connection,” i.e. there should be no coil in the wire.

“250.64 Grounding Electrode Conductor Installation. (C) Continuous. Grounding electrode conductor(s) shall be installed in one continuous length without a splice or joint except as permitted in (1) through (4):

(1) Splicing shall be permitted only by irreversible compression-type connectors listed as grounding and bonding equipment or by the exothermic welding process.

(2) Sections of busbars shall be permitted to be connected together to form a grounding electrode conductor.

(3) Bonding jumper(s) from grounding electrode(s) and grounding electrode conductor(s) shall be permitted to be connected to an aluminum or copper busbar not less than 6 mm x 50 mm (1/4 in. x 2 in.). The busbar shall be securely fastened and shall be installed in an accessible location.

Pictures



Picture demonstrates the following:

1. Bonding connection to hose bib.
2. GEC connection to steel pipe.
3. Coil in GEC.

Section 9. 2005 NEC Article 314.21 – Repairing Noncombustible Surfaces

Code Reference

“314.21 Repairing Plaster and Drywall or Plasterboard. Plaster, drywall, or plasterboard surfaces that are broken or incomplete around boxes employing a flush-type cover or faceplate shall be repaired so there will be no gaps or open spaces greater than 3 mm (1/8 in.) at the edge of the box.”

A light has been installed to provide illumination within the corridor access area. Drywall needs to be repaired or cover plate installed to conform to code section listed above.

Pictures



Section 11. 2005 NEC Article (various) – Labeling For The High-Leg

Code Reference

“230.56 Service Conductor with the Higher Voltage to Ground. On a 4-wire, delta-connected service where the midpoint of one phase winding is grounded, the service conductor having the higher phase voltage to ground shall be durably and permanently marked by an outer finish that is orange in color, or by other effective means, at each termination or junction point.”

“110.15 High-Leg Marking. On a 4-wire, delta-connected system where the midpoint of one phase winding is grounded, only the conductor or busbar having the higher phase voltage to ground shall be durably and permanently marked by an outer finish that is orange in color or by other effective means. Such identification shall be placed at each point on the system where a connection is made if the grounded conductor is also present.

The building is provided 240V, 3-phase power from APS. While this power configuration is no longer offered to commercial buildings under normal circumstances, this service has been “grandfathered in” and is allowable by local utility. This power configuration is even addressed by the NEC.

This power configuration requires that special consideration be taken ensuring a safe installation due to the characteristic of providing 208 volts to ground on one of its phases. This is called the “high-leg” and it is the C-phase in this installation. All 3-phase panelboards and service entrance disconnect switch should be labeled per above. High-leg conductors at all terminations should be very clearly marked with orange tape or paint (at the AHJ’s discretion).

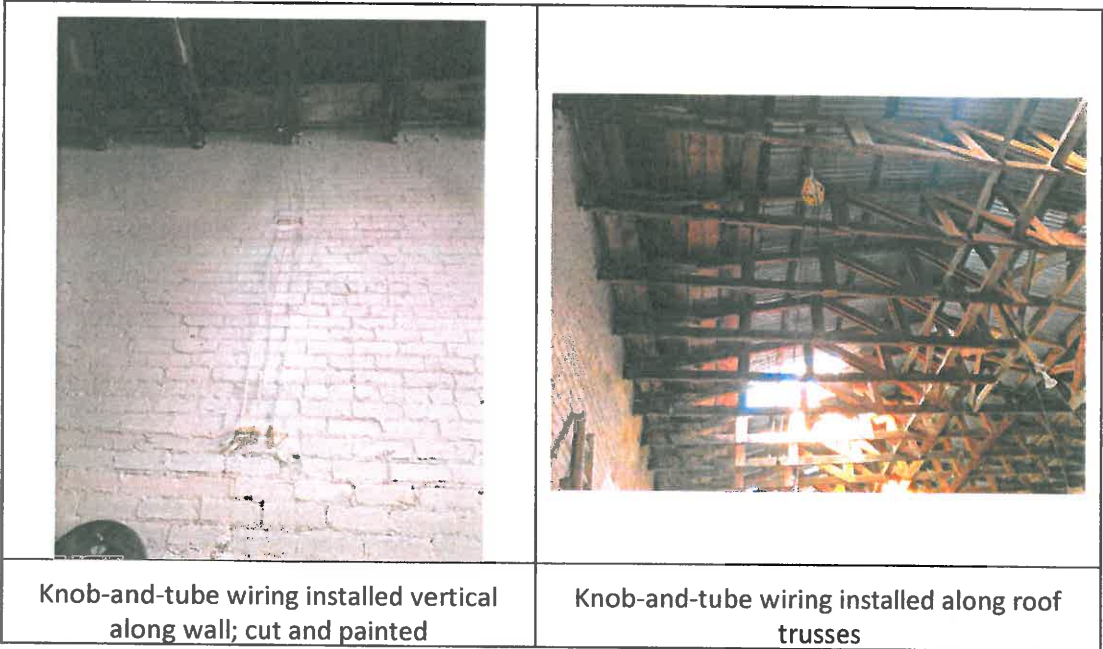
Section 13. 2005 NEC Article 394 – Knob-and-Tube Wiring Method

Knob-and-tube wiring has been installed in the building, probably when the building was originally constructed. Knob-and-tube wiring method is still supported by the 2005 NEC, Article 394. This wiring method does not appear to be used. However, it is not clear if this wiring method is still in operation (energized) or if the materials have been de-commissioned and abandoned in place. It is our suggestion that the materials for this wiring method be removed.

Note: Knob-and-tube wiring method has specific uses that are not permitted, such as commercial garages, theatres and similar locations, motion picture studios, hazardous (classified) locations, or hollow spaces of walls, ceiling, and attics where such spaces are insulated by loose, rolled, or foamed-in-place insulating material that envelopes the conductors.

We found knob-and-tube wiring in the garage/storage area and were informed this method was also used in the attic space above the residential living area.

Pictures



Section 15. Asbestos Insulated Wires

Asbestos insulated wire appears to have been installed and continues to be used in the building. There is also wire with insulation that appears to be asbestos that has been cut and abandoned on the building exterior. Note: The wire insulation that appears to be asbestos could be a non-asbestos varnished cloth. It is our recommendation that all wire with asbestos insulation be removed. Even if the wire insulation is non-asbestos varnished cloth, we would still recommend the wire be replaced with a more modern wire used commonly today.

If the wire is not removed, we recommend the insulation be tested to ensure it is not made from asbestos.

Public awareness of the severe danger posed by asbestos inhalation became widespread in the 1970's, and for most applications in the United States asbestos is no longer legal to use. Other forms of insulation, such as ceramics and rubber, have taken its place.

Hazards Associated with Wiring Insulation Products

"When the insulating material is intact or new, it is relatively safe to be around. Asbestos must be inhaled in order to cause disease in the body. However, when wiring becomes worn or damaged, the asbestos inside can easily become friable, meaning that it is delicate and will crumble at a touch. Friable asbestos can easily be inhaled, and the inhalation of asbestos fibers has been conclusively linked to the development of asbestosis, lung cancer, and malignant mesothelioma. Electrical workers, power plant employees, demolition workers, electricians, maintenance personnel, linemen, building engineers, and anyone else working with damaged or worn electrical insulation installed before 1980 is at risk of having been exposed to asbestos on the job.^a"

^a Bowker, Michael. *Fatal Deception: The Untold Story of Asbestos* (New York: Touchstone, 2003)

Exhibit 31



TOWN OF FLORENCE

Community Development Department

MEMO

To: Brent Billingsley, AICP, CFM
Town Manager

From: Donald E. Bent Sr., Building Official
John Kemp, Fire Code Official

Date: April 11, 2017

Re: Report on Walk-Thru

Re: Smith Building Walk-Thru at 10:00 a.m. on April 11, 2017 with Mr. Gem Cox, Owner
Site Address: 368 and 374 N. Main St., Florence, AZ 85132

John Kemp, Fire Code Official, and I arrived at 10:00 a.m., to find two (2) Police Officers, an individual representing the tenants that held keys for the building and Mr. Gem Cox waiting for us to arrive. The side door had already been unlocked. I gave them my Building Official business cards and we were wearing our Florence badges.

After everyone introduced themselves, Mr. Cox stated that he was there to perform a walk-thru to see what the existing conditions were within his building and to take pictures of existing electrical panels, etc. We informed him that we were there per his invitation and asked him if we could take pictures. He approved of our taking pictures. Mr. Cox started to comment on unpermitted items and John Kemp informed him that we can discuss these items at a later date.

The walk-thru took about 15 minutes and numerous pictures were taken by Mr. Cox and John Kemp. Most of the pictures taken were of existing interior electrical subpanels and existing wiring located within the first floor level, second floor level and basement levels of the Smith Building.

Items of interest observed during the walk-thru were as follows: 1) Classroom wall panels have been removed; 2) Kitchen area divider wall has been removed; and 3) Coffee Shop barrels, three compartment sink, coffee maker, tables and chairs, and electrical and plumbing has been removed for the sink and coffee maker. Fiberglass playground equipment has been left and is stored within the 1st floor level Gun Shop area.

Upon completion of the walk-thru, Mr. Cox stated that work has been performed on the main panel and that 3.0 ground wire has been installed due to vandalism and that a Police Report was filed on March 23, 2017. (John and I did not respond him).

Mr. Cox also talked about the fact that the entire electrical system and new panels are to be installed per his electrical registrant's report. He asked if we got a copy of this report and I said that we did not. He said he would contact his engineer and have it send to use. He asked about our registrant's inspection on April 4, 2017. (John and I did not respond to him).

Just prior to our leaving the site, Mr. Cox stated that it is going to be expensive to install the new electrical work.

Exhibit 32



TOWN OF FLORENCE

Community Development Department

MEMO

To: Brent Billingsley, AICP, CFM
Town Manager

From: Donald E. Bent Sr., Building Official
John Kemp, Fire Code Official

Date: April 17, 2017

Re: Report - Registrant's Inspection Smith Building Existing Electrical System

Re: Smith Building Walk-Thru at 9:15 a.m. on April 4, 2017 with Mr. Zane Wilsterman, PE, Controlled Energy Engineers, LLC

Site Address: 368 and 374 N. Main St., Florence, AZ 85132

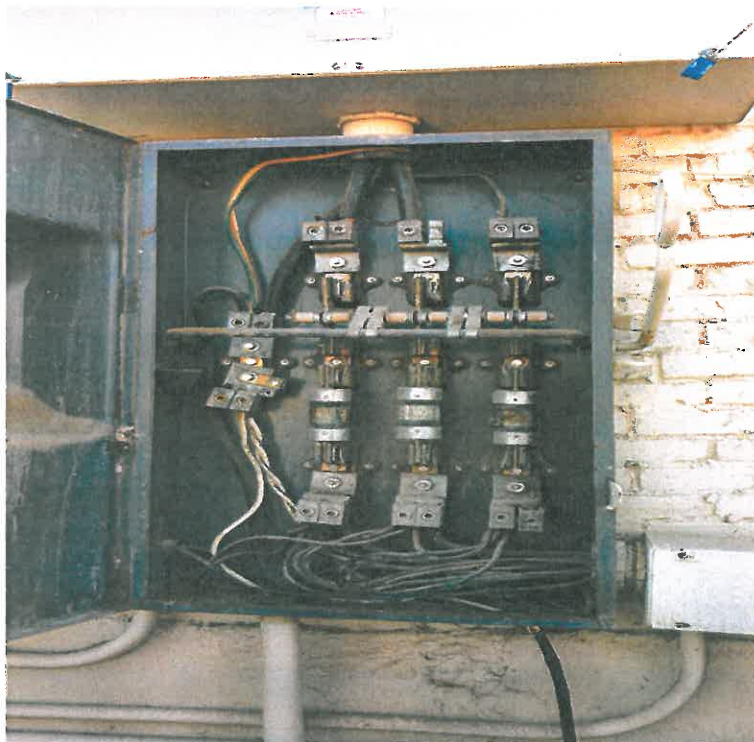
John Kemp, Fire Code Official, and I arrived at approximately 9:15 a.m., to perform the Smith Building walk-thru with the Town of Florence's, State of Arizona, registered electrical engineer. We were greeted at the site address listed above by two (2) Town of Florence Police Officers, the Tenants, Travis and his Wife, Misty and Zane for the scheduled walk-thru inspection. Travis informed us that Mr. Gem Cox, the Owner, would not be attending the walk-thru because he did not give a 24 hour notice, required per their lease agreement. The side door had already been unlocked by Travis. I gave them my business cards and we were wearing our Town of Florence badges.



Dangerous Building Posted on 3/16/17



Electrical Service Box



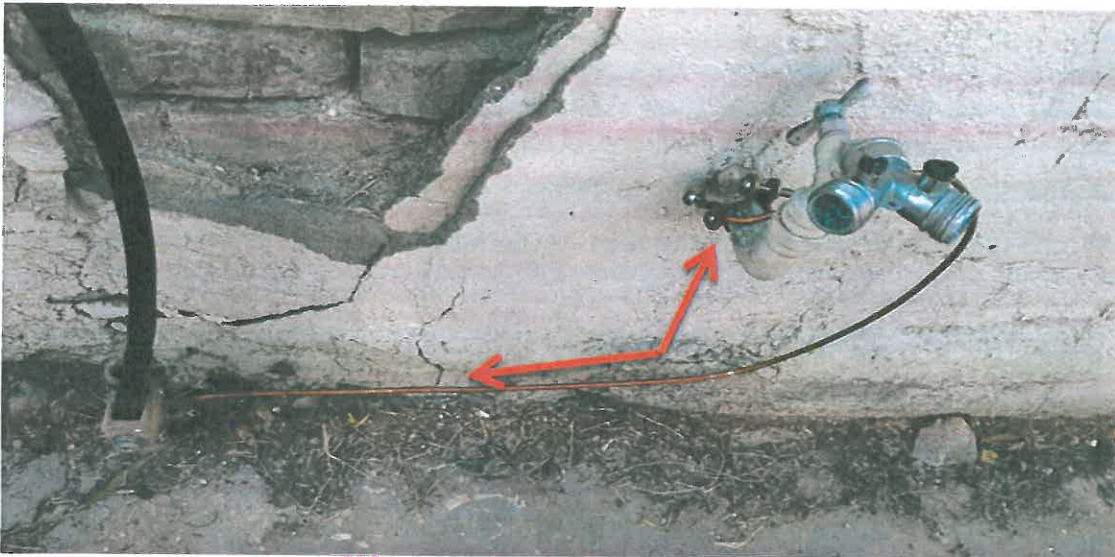
Electrical Service Box



Electrical Service Box (Weather Head)



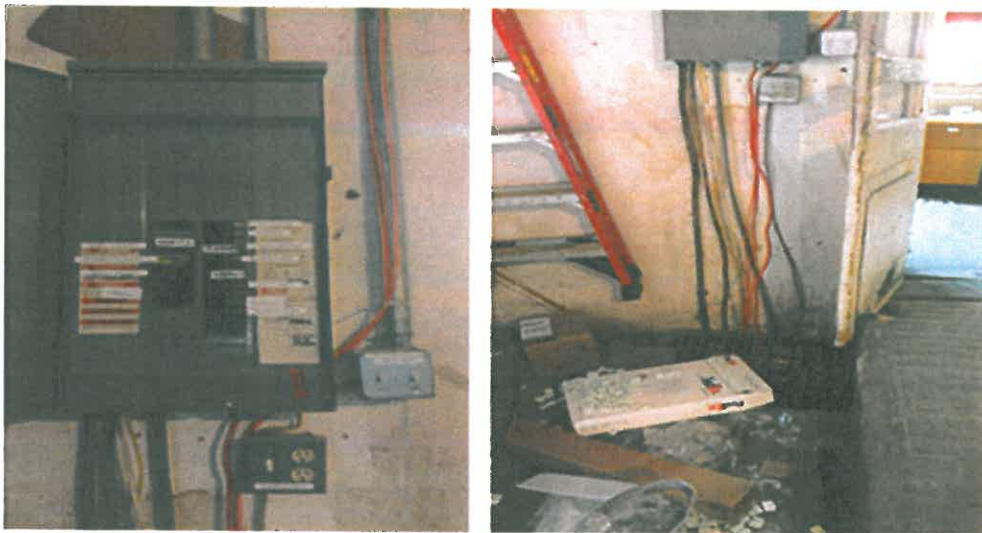
Electrical Service Box



Grounding Performed by Gem Cox.
This installation was explained to us by Travis.

The walk-thru of the main floor level and basement level of the Smith Building was completed in about an hour and fifteen minutes, numerous pictures were taken by Zane and John Kemp. Most of the pictures taken were of existing interior electrical subpanels and existing wiring located within the first floor level.

These pictures are were taken on the first floor level and are examples of code violations due to not providing panel access and exposed wiring not secured and not run in conduit.

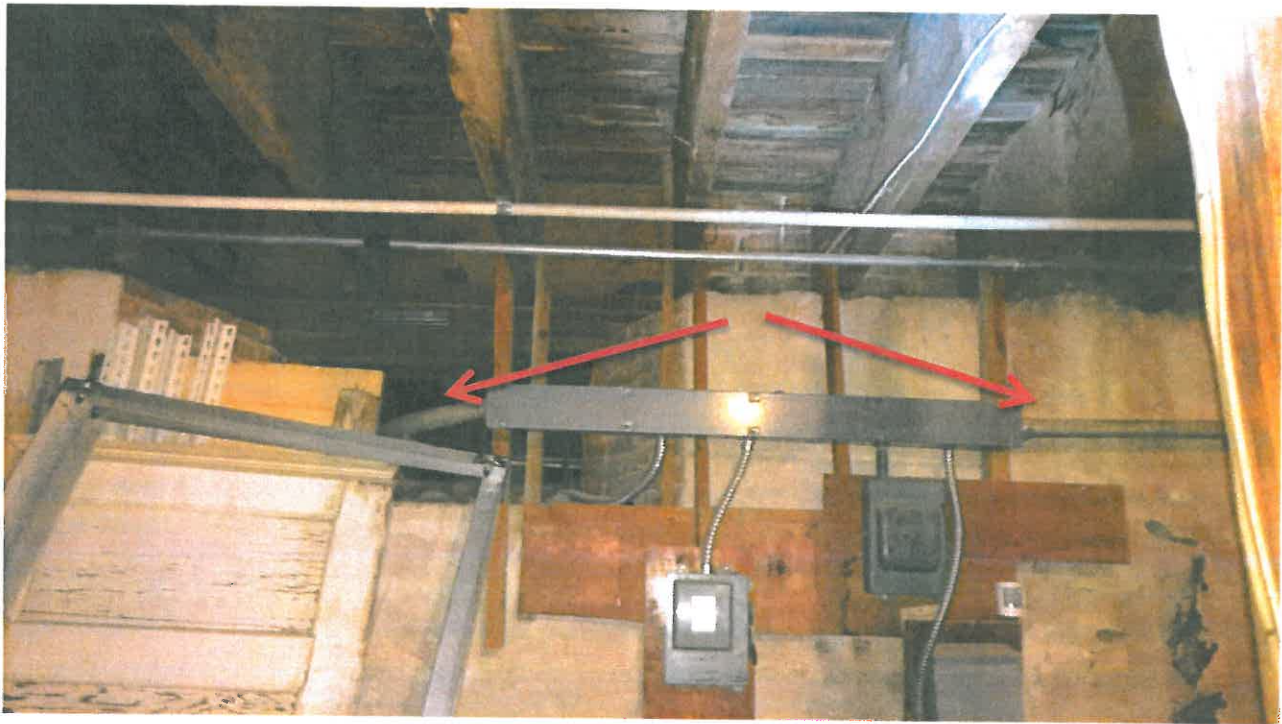


Electrical Service Box
Wires running into what appears to be a drain from old ice making operations

Romex run throughout the building w/no conduit, not allowed per code in a commercial building.



In Basement Storage Exposed Wiring and open junction boxes



In Basement Electrical Boxes and EMT Piping



In Basement Electrical Wiring

There appears to be newly installed residential romex drilled through trusses. (No permit on file)



In Basement Electrical Wiring Leading out of West Basement Exit

There appears to be newly installed residential romex drilled through trusses. (No permit on file)

Old knob & tube wiring was found in the Auto Shop area of the structure, however no picture was taken of this. Travis informed us that the residential areas located upstairs has knob and tube wiring in the attic areas above them but he did not know whether this wiring was energized. We did not go upstairs to inspect the residential wiring.

An electrical panel has been improper installed in the wall leading down into the auto shop and is accessed while standing on the stair run without proper access to the panel, (code compliant panel access has not been provided). The stairway leading down into the auto shop does not have handrails or guard railing to protect someone from falling off the stairs. The Auto Shop was full of stored items and spray painting overspray was visible in this area from paint booth operation that had recently been performed. There was an older model pickup truck in the area. The existing auto shop has an open truss design, without any gypsum board or ceiling materials applied to the bottom chords.

The following pictures were taken within the Auto Shop area. As noted under the pictures use of this area is in complete violation of codes.



Homemade Paint Booth

Observed an older model pickup truck also recently painted. This area has excessive storage without a storage permit or area classification. (No Permit on file)

The double access doors leading down into the Auto Shop had prior approval by the State Fire Marshall. Upon inspection, these doors did not have fire rating stamps on them. Steel hardware attached with several fasteners appears to nullify the fire rating of the door assembly.

Exhibit 33



TOWN OF FLORENCE

Community Development Department

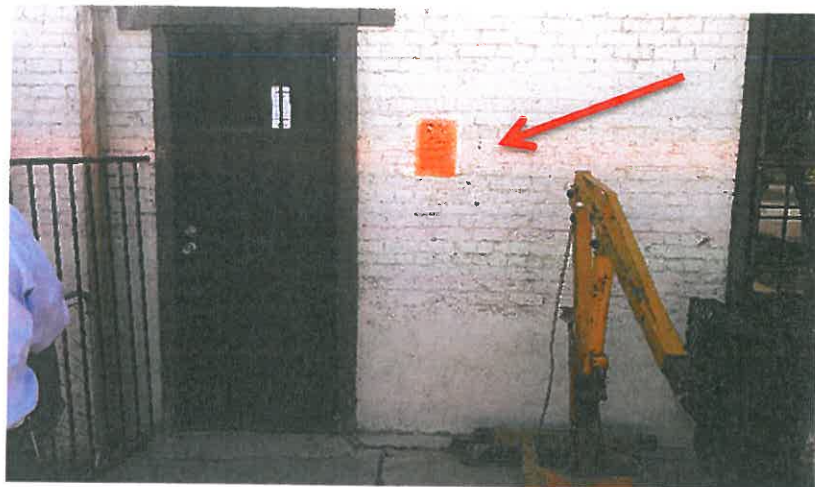
MEMO

To: Brent Billingsley, Town of Florence Manager
From: Donald E. Bent Sr., Building Official & John Kemp, Fire Official
Date: May 17, 2017
Re: Smith Building Timeline of Events

- November 4, 2014, cease and desist order issued by the Fire Department per Jason Penrod's letter To Mr. Gem Cox dated August 7, 2015.
- The first week of so of December 2016, staff met Conquest Arms owner at 368 N. Min Street to investigate rumors of a coffee Shop opening.
- Staff informed Conquest Arms of the need for a permit.
- December 9, 2016, Conquest Arms applied for a permit, but was denied due to it being incomplete.
- December 29, 2016, permit application was received and logged into SmartGOV on January 3, 2017, but still needing contractor information and business license.
- January 31, 2017, staff had a meeting with property owner and Conquest Arms to discuss the Conditional Certificate of Occupancy and the proposed coffee shop. Staff was informed that the conditions on the C of O were near completion. Staff asked questions about the use including emergency lighting/signage, means of egress and classification of occupant use. Staff asked for a licensed electrical contractor to walk the building and give an account of the condition of the building electrical system.
- February 2, 2017, staff had a walk through with the lessee of the building to determine the different occupant uses of 368 N, Main Street.
- February 15, 2017, local licensed electrical contractor evaluated the electrical system(s) of 368 and 374 N, Main Street.
- February 15, 2017, plumbing contractor paid for business license.
- February 21, 2017, Staff performed C of O walk through with business owner and lessee. The smoke alarm system needed to be tested to verify that it would notify Police dispatch of a fire. Two of the detectors needed to be located nearer to the ceiling and one installed in the basement area. Staff also performed a rough inspection of the plumbing system.
- February 27, 2017, staff was informed of the condition of the electrical system by the local contractor. Staff then informed the property owner of the need for an Architect, Electrical Engineer and registrants as required per project scope.
- February 27, 2017, meeting was set for 1:00 p.m., to test the smoke alarm and to verify the three detectors has been placed per Fire Department instructions. Meeting was canceled by the owner.
- March 3, 2017, permit was issued for the proposed coffee shop plumbing only.

Exhibit 34

Dangerous Building Posted



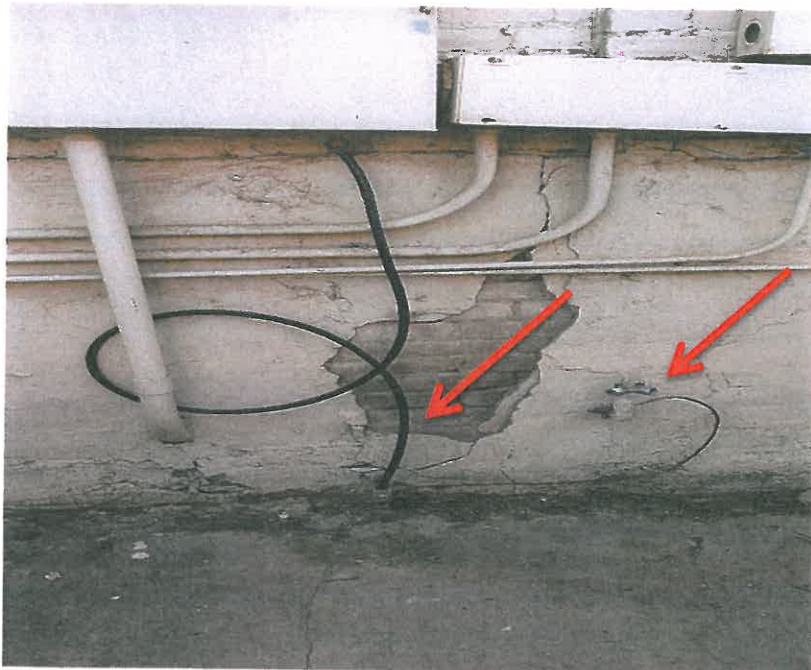
Dangerous Building Sign Removed By Gem Cox

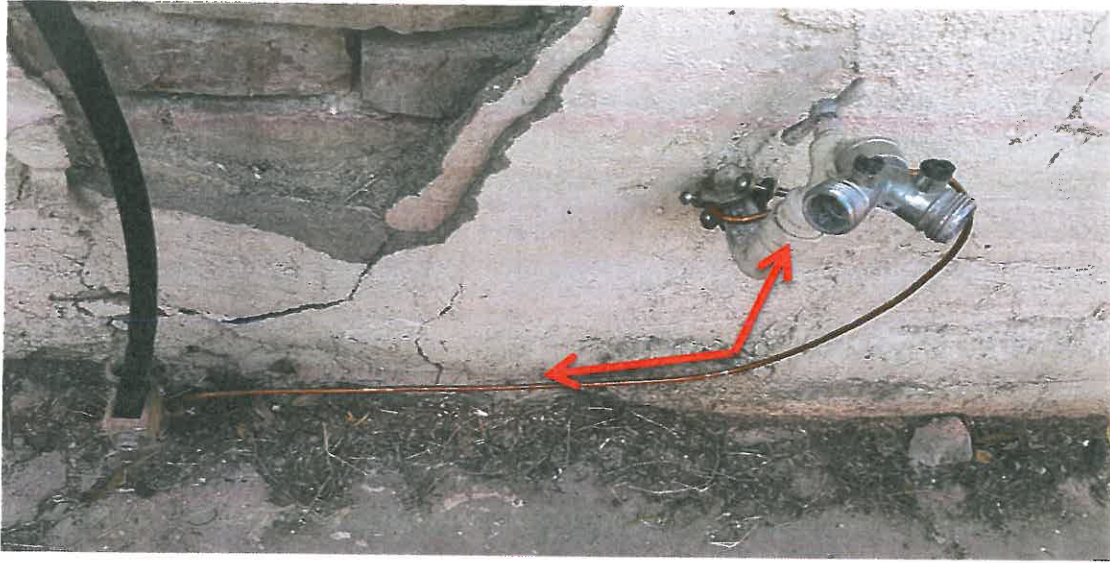


Dangerous Building Re-Posted

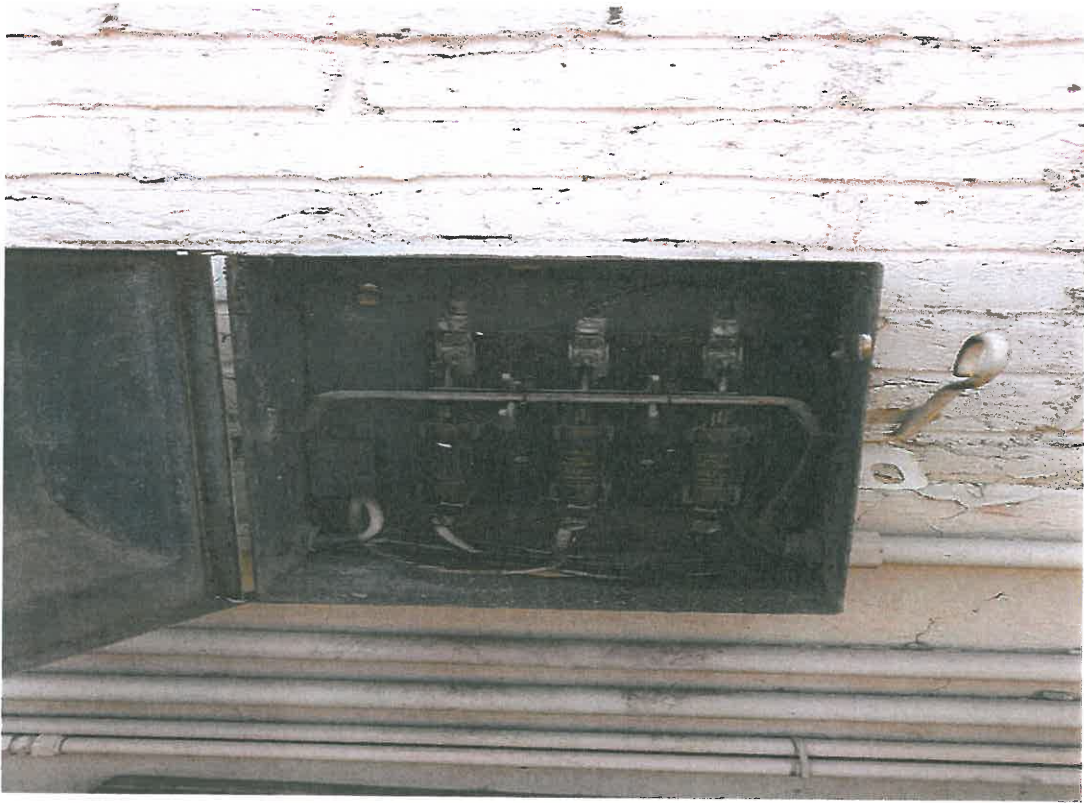


Grounding Performed by Gem Cox. This installation was explained to us by GEM on the Tour Dated April 4th 2017..

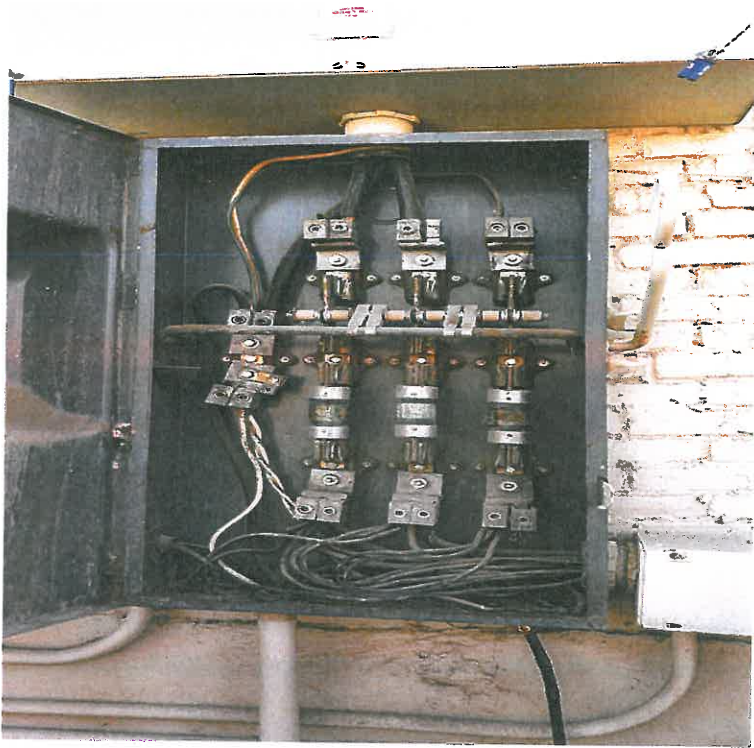


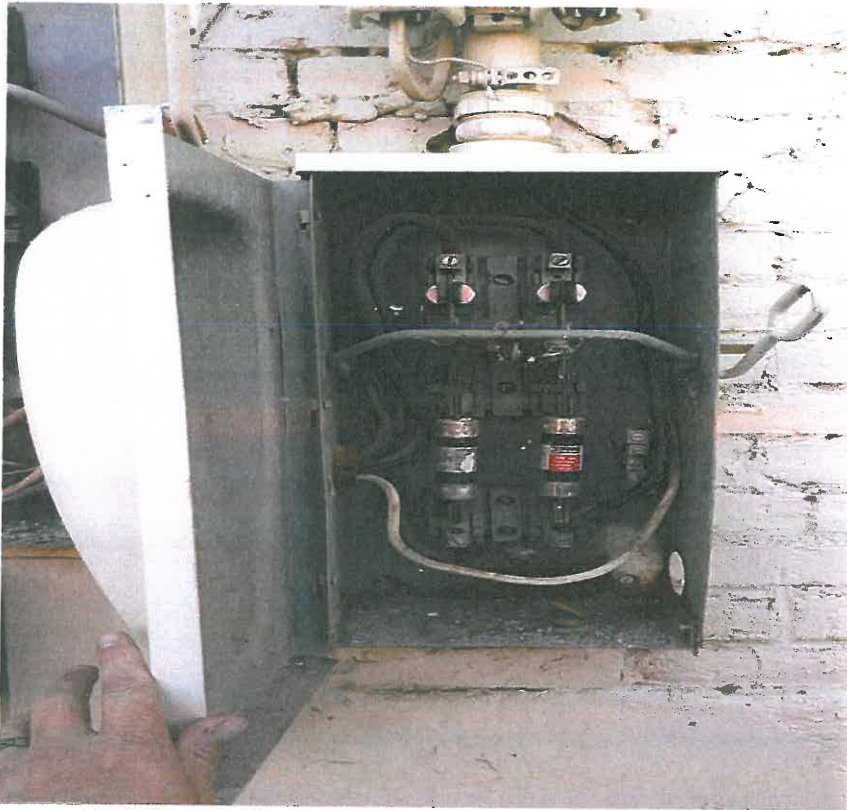


Electrical Service Box

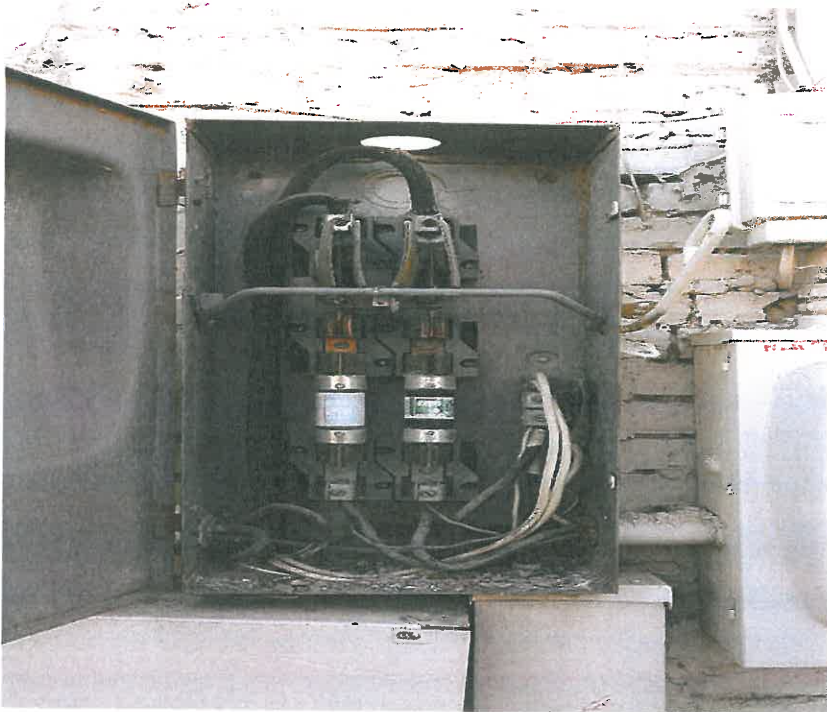


Electrical Service Box





Electrical Service Box



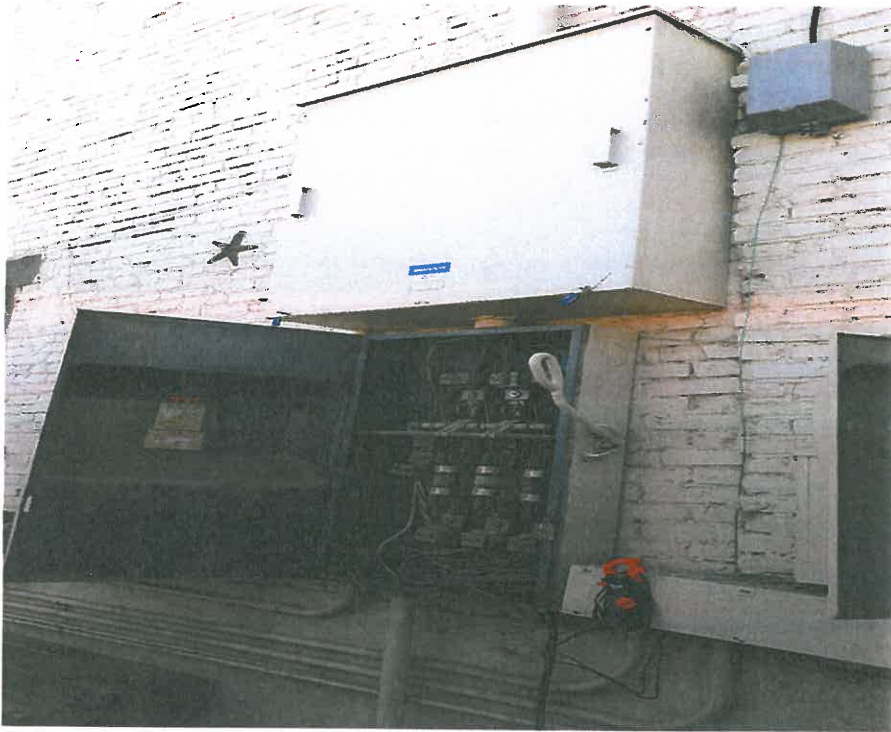
Electrical Service Box



Electrical Service Box (Weather Head)



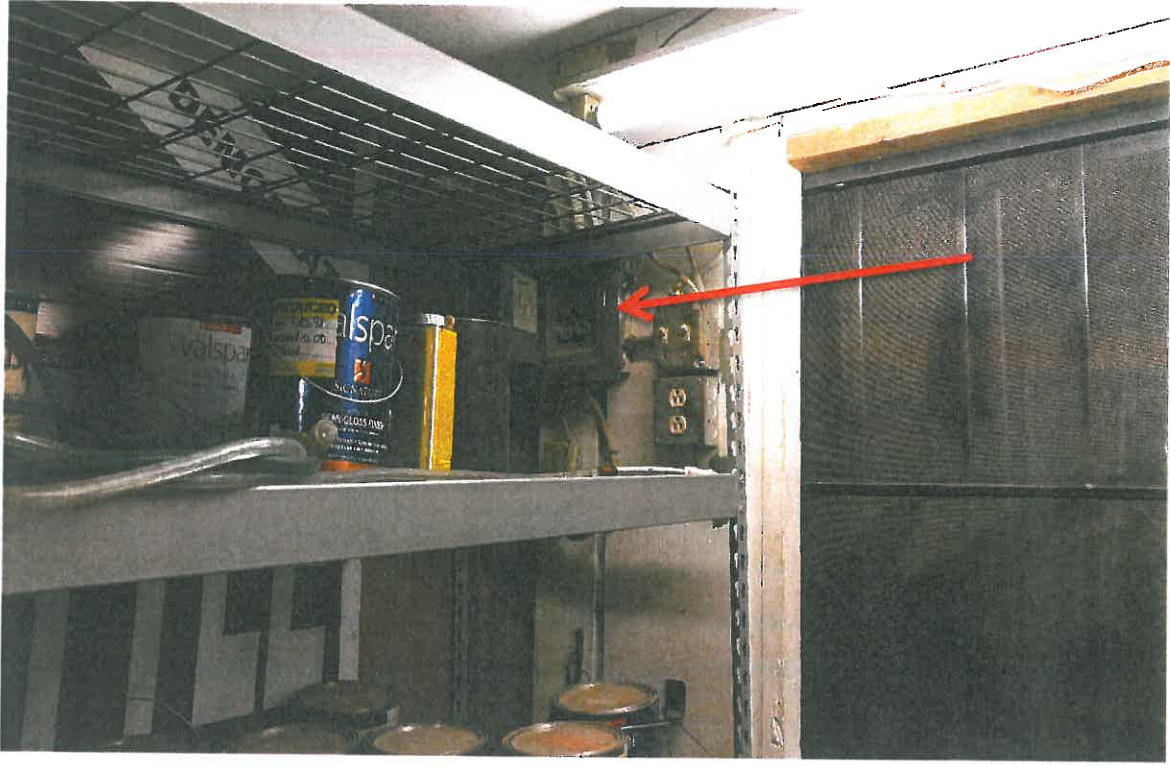
Electrical Service Box



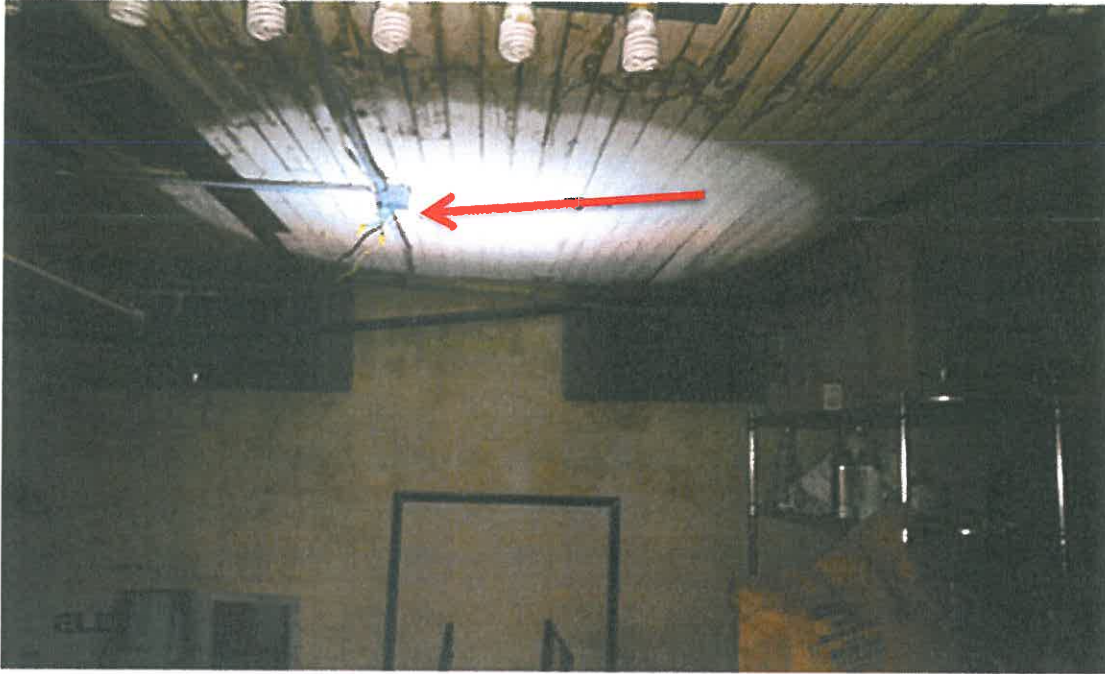
Electrical Service Box. Wires running into what appears to be a drain from old Ice making operations.



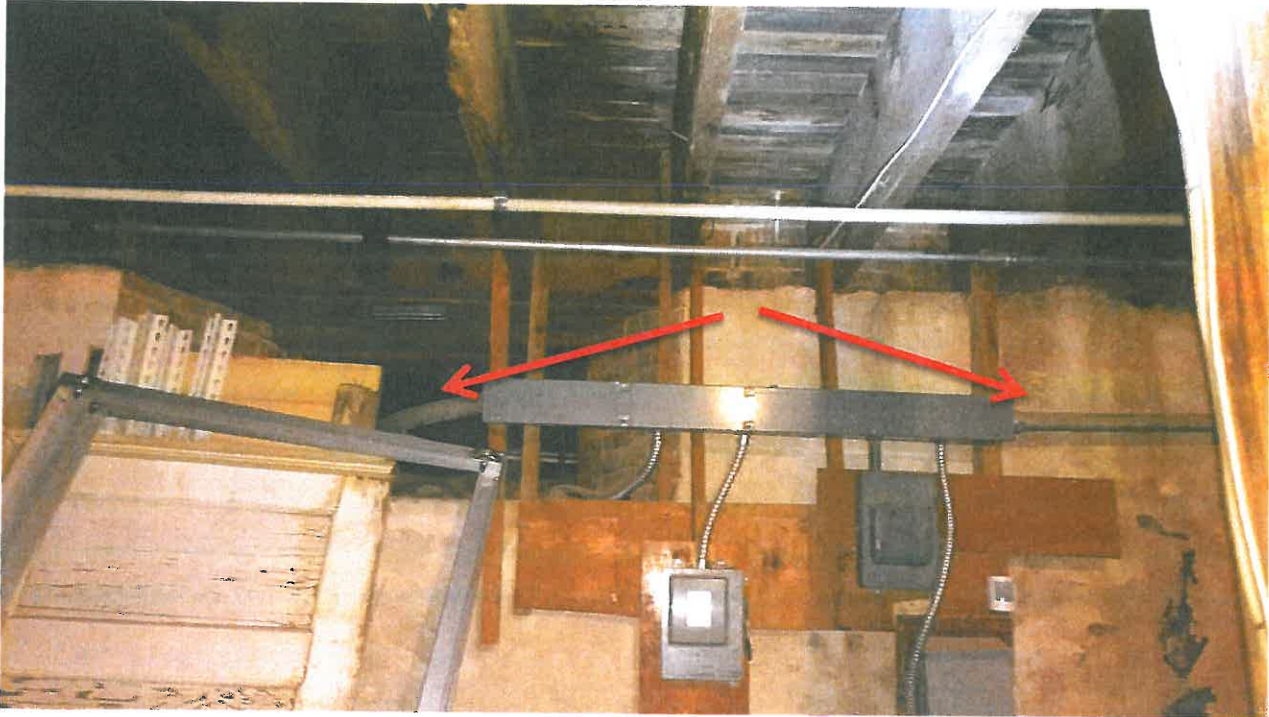
Electrical Fuse Box



In Basement Storage Exposed Wiring

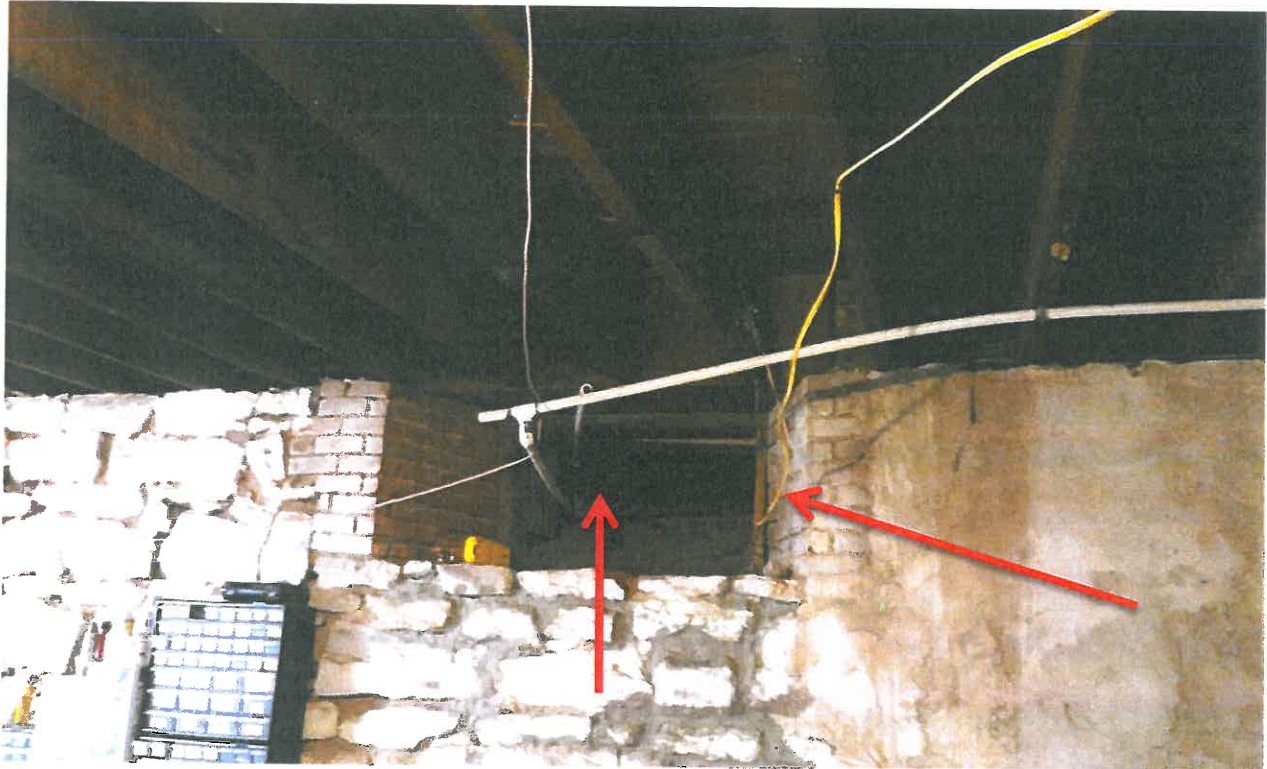


In Basement Electrical Boxes and EMT piping.

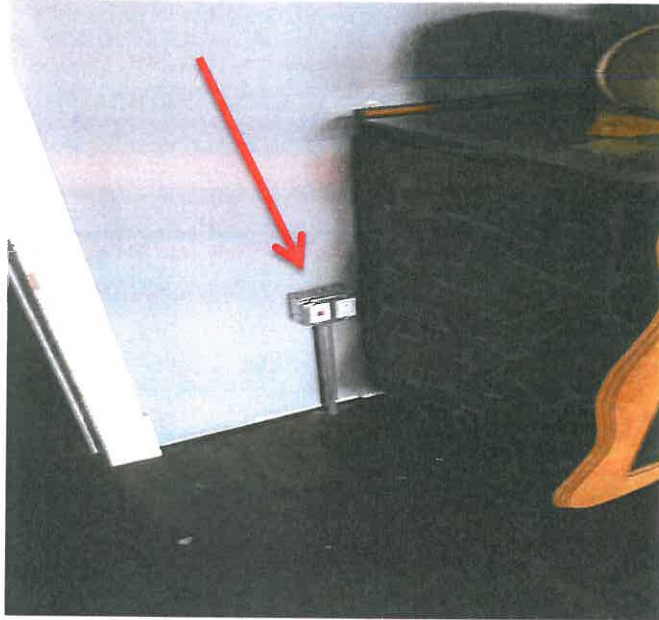


In Basement Electrical Wiring. Appears to be newly installed Residential Romex and no permit on file.

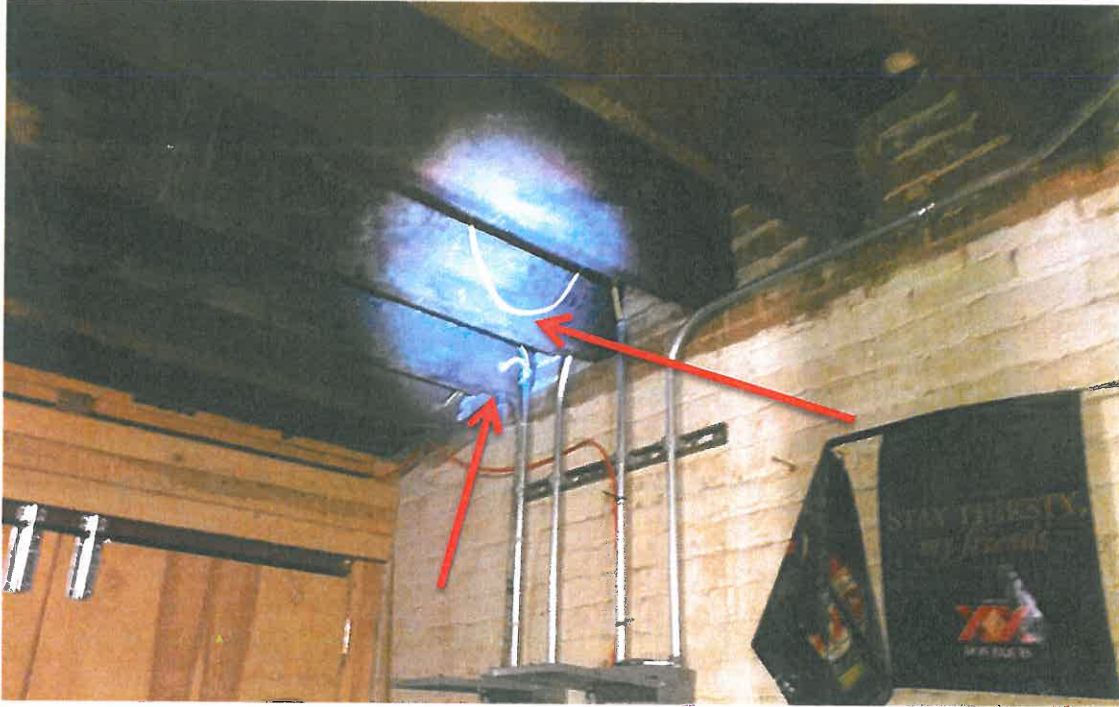
Appears to be newly installed plumbing.



Appears to be newly installed Conduit from the basement for proposed coffee shop and no permit on file.



In Basement Electrical Wiring. Appears to be newly installed Residential Romex drilled through trusses and no permit on file.



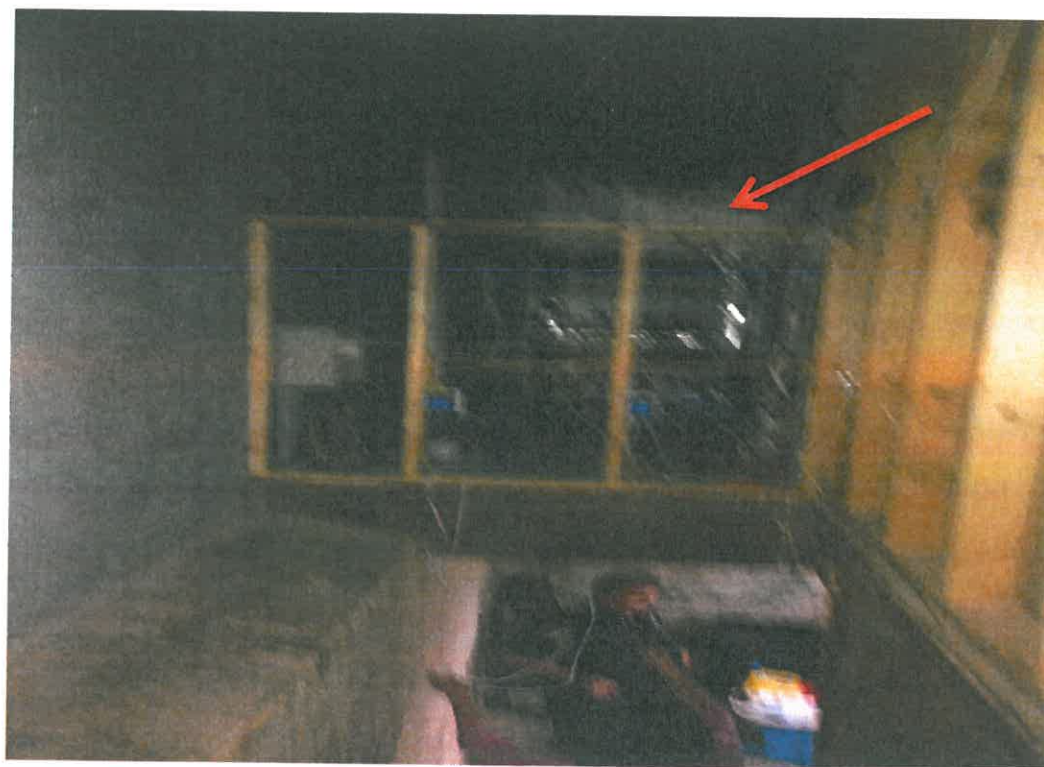
In Basement Electrical Wiring leading out of West basement exit. Appears to be newly installed Residential Romex drilled through trusses and no permit on file.



In Basement Electrical Wiring. Appears to be newly installed Residential Romex drilled through trusses and no permit on file.



Access stair leading to basement. Appears to be low voltage wiring.

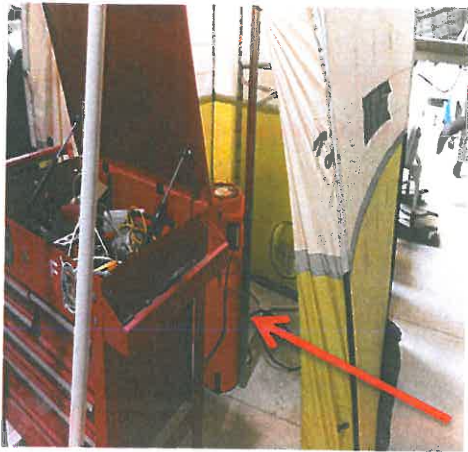


Low voltage Wire Chase between trusses



Appears to be a homemade Paint booth. Observed an older model pickup truck also recently painted. Excessive storage without a storage permit or area classification. No Permit on file.





Excessive storage to include tires and combustibles without a storage permit on file or area classification. Storage piled up on wall of Residential apartment that was occupied .



Observations were made of 3 sets of Fire Doors installed with un-approved Door Latch Locks. Two of the three doors were part of the stipulated C/O to secure fire ratings to the S/W storage area and the 3rd set of doors were part of the stipulated C/O to secure fire ratings were to the East entrance of the basement.



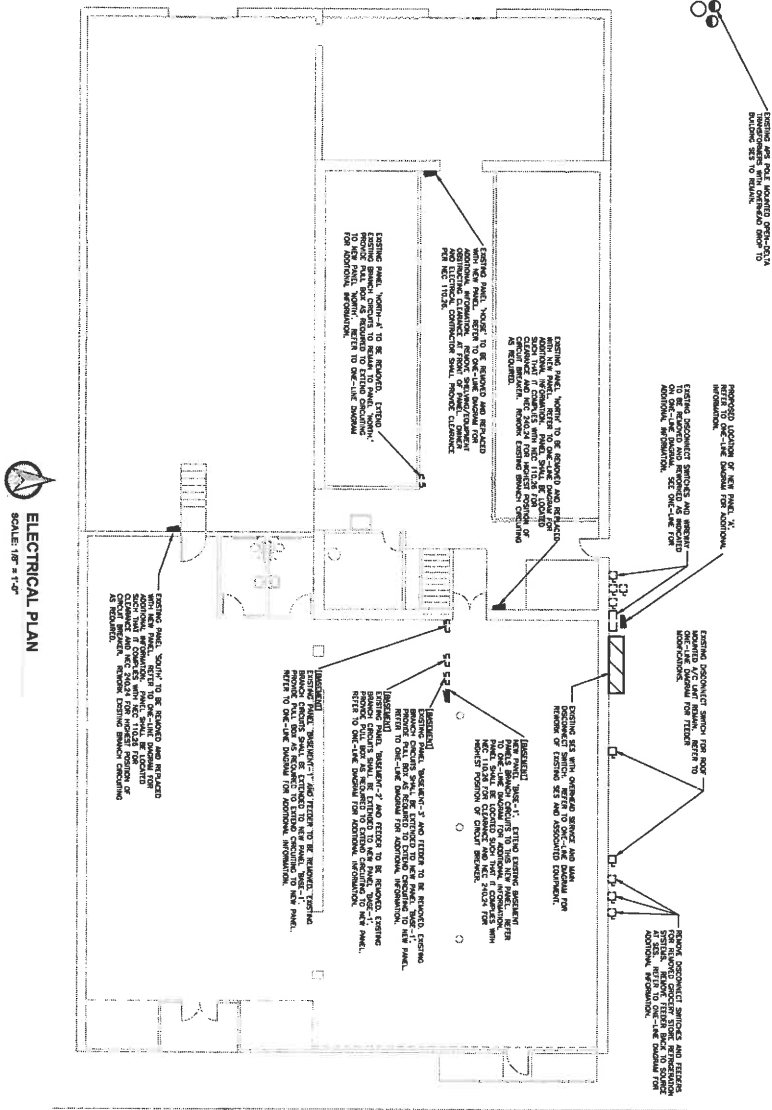
Exhibit 35

REFERENCE BRANCH CIRCUIT SIZES WHERE NEW WIRING IS REQUIRED

FEDERER SCHEDULE

NOTE: NOT ALL ARE APPLICABLE TO THIS SHEET

WIRE SIZE	AMP
14	20
12	25
10	30
8	40
6	55
4	70
3	100
2	150
1	200
0	300
00	400
000	500
0000	600
00000	750
000000	1000
0000000	1250
00000000	1500
000000000	2000
0000000000	2500
00000000000	3000
000000000000	4000
0000000000000	5000
00000000000000	6000
000000000000000	7500
0000000000000000	10000



ELECTRICAL PLAN
 SCALE: 1/8" = 1'-0"

ELECTRICAL SHEET INDEX

E1-1	ELECTRICAL PLAN
E1-2	ELECTRICAL DETAILS
E1-3	ELECTRICAL DETAILS

- PROJECT SCOPE OF WORK - TO BE PROVIDED/COMPLETED BY THE ELECTRICAL CONTRACTOR**
1. THE SCOPE OF THE ELECTRICAL PLAN IS TO PROVIDE AN OVERALL SCOPE OF WORK AND REQUIREMENTS FOR PERMIT TO CONDUCT WORK OF THE ELECTRICAL CONTRACTOR AND TO BE PROVIDED BY THE OWNER.
 2. ELECTRICIAN PROVIDE A FULL BUILDING SURVEY/INSPECTION WITH PHOTOGRAPHS AND RECORDS FOR PERMIT TO CONDUCT WORK OF THE ELECTRICAL CONTRACTOR AND TO BE PROVIDED BY THE OWNER.
 3. THE SETS GROUNDING SYSTEM IS TO BE REMOVED AS SHOWN ON THE BUILDING OCCUPANTS AND THE ELECTRICAL SYSTEM.
 4. EXISTING FEEDERS THAT HAVE BEEN INSTALLED WITHOUT A GROUND SHALL BE REMOVED AND REINSTALLED WITH A GROUND AS SHOWN AT ALL APPLICABLE LOCATIONS OF INTEREST, INCLUDING BUT NOT LIMITED TO: EXISTING FEEDERS WITH 250.118, 250.122, 250.124, 250.126, 250.128, 250.130, 250.132, 250.134, 250.136, 250.138, 250.140, 250.142, 250.144, 250.146, 250.148, 250.150, 250.152, 250.154, 250.156, 250.158, 250.160, 250.162, 250.164, 250.166, 250.168, 250.170, 250.172, 250.174, 250.176, 250.178, 250.180, 250.182, 250.184, 250.186, 250.188, 250.190, 250.192, 250.194, 250.196, 250.198, 250.200, 250.202, 250.204, 250.206, 250.208, 250.210, 250.212, 250.214, 250.216, 250.218, 250.220, 250.222, 250.224, 250.226, 250.228, 250.230, 250.232, 250.234, 250.236, 250.238, 250.240, 250.242, 250.244, 250.246, 250.248, 250.250, 250.252, 250.254, 250.256, 250.258, 250.260, 250.262, 250.264, 250.266, 250.268, 250.270, 250.272, 250.274, 250.276, 250.278, 250.280, 250.282, 250.284, 250.286, 250.288, 250.290, 250.292, 250.294, 250.296, 250.298, 250.300, 250.302, 250.304, 250.306, 250.308, 250.310, 250.312, 250.314, 250.316, 250.318, 250.320, 250.322, 250.324, 250.326, 250.328, 250.330, 250.332, 250.334, 250.336, 250.338, 250.340, 250.342, 250.344, 250.346, 250.348, 250.350, 250.352, 250.354, 250.356, 250.358, 250.360, 250.362, 250.364, 250.366, 250.368, 250.370, 250.372, 250.374, 250.376, 250.378, 250.380, 250.382, 250.384, 250.386, 250.388, 250.390, 250.392, 250.394, 250.396, 250.398, 250.400, 250.402, 250.404, 250.406, 250.408, 250.410, 250.412, 250.414, 250.416, 250.418, 250.420, 250.422, 250.424, 250.426, 250.428, 250.430, 250.432, 250.434, 250.436, 250.438, 250.440, 250.442, 250.444, 250.446, 250.448, 250.450, 250.452, 250.454, 250.456, 250.458, 250.460, 250.462, 250.464, 250.466, 250.468, 250.470, 250.472, 250.474, 250.476, 250.478, 250.480, 250.482, 250.484, 250.486, 250.488, 250.490, 250.492, 250.494, 250.496, 250.498, 250.500, 250.502, 250.504, 250.506, 250.508, 250.510, 250.512, 250.514, 250.516, 250.518, 250.520, 250.522, 250.524, 250.526, 250.528, 250.530, 250.532, 250.534, 250.536, 250.538, 250.540, 250.542, 250.544, 250.546, 250.548, 250.550, 250.552, 250.554, 250.556, 250.558, 250.560, 250.562, 250.564, 250.566, 250.568, 250.570, 250.572, 250.574, 250.576, 250.578, 250.580, 250.582, 250.584, 250.586, 250.588, 250.590, 250.592, 250.594, 250.596, 250.598, 250.600, 250.602, 250.604, 250.606, 250.608, 250.610, 250.612, 250.614, 250.616, 250.618, 250.620, 250.622, 250.624, 250.626, 250.628, 250.630, 250.632, 250.634, 250.636, 250.638, 250.640, 250.642, 250.644, 250.646, 250.648, 250.650, 250.652, 250.654, 250.656, 250.658, 250.660, 250.662, 250.664, 250.666, 250.668, 250.670, 250.672, 250.674, 250.676, 250.678, 250.680, 250.682, 250.684, 250.686, 250.688, 250.690, 250.692, 250.694, 250.696, 250.698, 250.700, 250.702, 250.704, 250.706, 250.708, 250.710, 250.712, 250.714, 250.716, 250.718, 250.720, 250.722, 250.724, 250.726, 250.728, 250.730, 250.732, 250.734, 250.736, 250.738, 250.740, 250.742, 250.744, 250.746, 250.748, 250.750, 250.752, 250.754, 250.756, 250.758, 250.760, 250.762, 250.764, 250.766, 250.768, 250.770, 250.772, 250.774, 250.776, 250.778, 250.780, 250.782, 250.784, 250.786, 250.788, 250.790, 250.792, 250.794, 250.796, 250.798, 250.800, 250.802, 250.804, 250.806, 250.808, 250.810, 250.812, 250.814, 250.816, 250.818, 250.820, 250.822, 250.824, 250.826, 250.828, 250.830, 250.832, 250.834, 250.836, 250.838, 250.840, 250.842, 250.844, 250.846, 250.848, 250.850, 250.852, 250.854, 250.856, 250.858, 250.860, 250.862, 250.864, 250.866, 250.868, 250.870, 250.872, 250.874, 250.876, 250.878, 250.880, 250.882, 250.884, 250.886, 250.888, 250.890, 250.892, 250.894, 250.896, 250.898, 250.900, 250.902, 250.904, 250.906, 250.908, 250.910, 250.912, 250.914, 250.916, 250.918, 250.920, 250.922, 250.924, 250.926, 250.928, 250.930, 250.932, 250.934, 250.936, 250.938, 250.940, 250.942, 250.944, 250.946, 250.948, 250.950, 250.952, 250.954, 250.956, 250.958, 250.960, 250.962, 250.964, 250.966, 250.968, 250.970, 250.972, 250.974, 250.976, 250.978, 250.980, 250.982, 250.984, 250.986, 250.988, 250.990, 250.992, 250.994, 250.996, 250.998, 250.1000.
 5. THE SETS AND ASSOCIATED CONDUIT SYSTEMS IS TO BE REMOVED FROM THE BUILDING OCCUPANTS AND THE ELECTRICAL SYSTEM.
 6. EXISTING PANELS THAT ARE FED WITH 1-PHASE/2-WIRE 120/240V SYSTEMS SHALL BE REMOVED AND REINSTALLED WITH 1-PHASE/2-WIRE 120/240V SYSTEMS.
 7. EXISTING WIRE CIRCUITS SHALL BE REMOVED AND RE-TERMINATED WHERE NOT INSTALLED PER NEC ARTICLE 334, BUILDING CONSTRUCTION TYPE III-B.
 8. EXISTING WIRE TYPES/TERMINATIONS INCLUDING SHALL BE THE NUMBER OF WIRE TYPES/TERMINATIONS, ETC. WHERE REQUIRED.
 9. EXISTING WIRE TYPES/TERMINATIONS INCLUDING SHALL BE THE NUMBER OF WIRE TYPES/TERMINATIONS, ETC. WHERE REQUIRED.
 10. NEW BRANCH CIRCUITS AND FEEDERS SHALL BE INSTALLED IN WARD PER CONDUIT OR IN CABLE WITH GROUND WHERE ALLOWED BY THE ELECTRICAL CODE.
 11. REPAIR/REPLACE WORK IS REQUIRED BY THE TOWN OF FLORENCE CODE ENFORCEMENT DEPT TO UNQUALIFIED SETS, GROUNDING SYSTEMS, AND FEEDERS SHALL BE TO QUALIFY WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.

SMITH BLDG ELECTRICAL SERVICE

380 N Main Street
 Florence, AZ 85132

ELECTRICAL PLAN AND SCOPE OF WORK

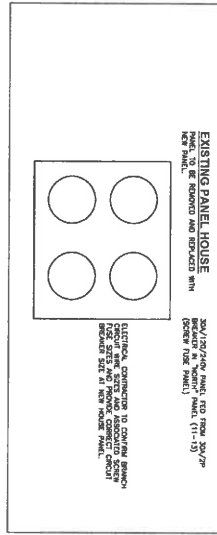
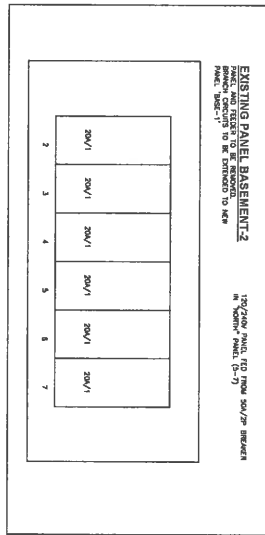
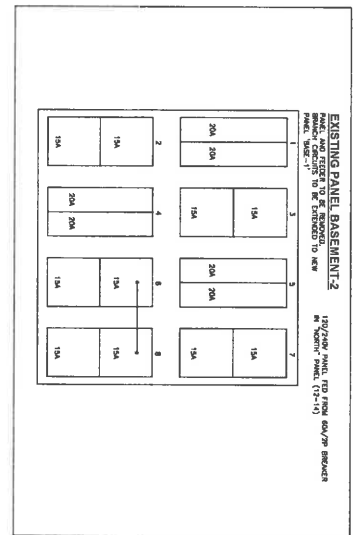
DATE: _____
 DRAWN BY: _____
 SHEET NO: **E1.1**
 JOB NO: 17080
 SHEET NO: _____

NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
16. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
17. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
18. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
20. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
21. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
22. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
23. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
24. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
25. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
26. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
27. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
28. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
29. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
30. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
31. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
32. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
33. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
34. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
35. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
36. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
37. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
38. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
39. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
40. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
41. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
42. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
43. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
44. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
45. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
46. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
47. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
48. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
49. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
50. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
51. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
52. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
53. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
54. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
55. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
56. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
57. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
58. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
59. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
60. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
61. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
62. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
63. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
64. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
65. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
66. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
67. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
68. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
69. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
70. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
71. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
72. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
73. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
74. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
75. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
76. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
77. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
78. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
79. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
80. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
81. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
82. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
83. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
84. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
85. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
86. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
87. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
88. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
89. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
90. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
91. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
92. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
93. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
94. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
95. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
96. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
97. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
98. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
99. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.
100. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2008 NEC CODE AND ADOPTED ORDINANCES.

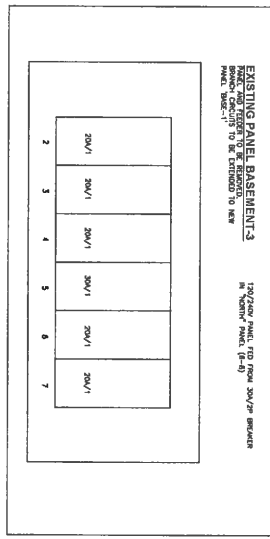
AKRIBIS ENGINEERING, L.L.C.

3231 S. COUNTRY CLUB WAY, STE. #102, TEMPE, ARIZONA 85282
 PH: (602) 393-0201 FAX: (602) 393-0202



PANEL BASE-1

NO.	TYPE	DESCRIPTION	AMPS	VOLTS	WATTS	VA	PHASE	WIRE	TERMINAL	REMARKS
1	20	20A	20	120	2400	2400	1	12	1	20A 120V
2	20	20A	20	120	2400	2400	1	12	2	20A 120V
3	20	20A	20	120	2400	2400	1	12	3	20A 120V
4	20	20A	20	120	2400	2400	1	12	4	20A 120V
5	20	20A	20	120	2400	2400	1	12	5	20A 120V
6	20	20A	20	120	2400	2400	1	12	6	20A 120V
7	20	20A	20	120	2400	2400	1	12	7	20A 120V
8	20	20A	20	120	2400	2400	1	12	8	20A 120V
9	20	20A	20	120	2400	2400	1	12	9	20A 120V
10	20	20A	20	120	2400	2400	1	12	10	20A 120V



PANEL HOUSE

NO.	TYPE	DESCRIPTION	AMPS	VOLTS	WATTS	VA	PHASE	WIRE	TERMINAL	REMARKS
1	20	20A	20	120	2400	2400	1	12	1	20A 120V
2	20	20A	20	120	2400	2400	1	12	2	20A 120V
3	20	20A	20	120	2400	2400	1	12	3	20A 120V
4	20	20A	20	120	2400	2400	1	12	4	20A 120V

AKRIBIS ENGINEERING, L.L.C.
 3231 S. COUNTRY CLUB WAY, STE. #102, TEMPE, ARIZONA 85282
 PH: (602) 393-0201 FAX: (602) 393-0202

SMITH BLDG ELECTRICAL SERVICE
 380 N Main Street
 Phoenix, AZ 85132
 ELECTRICAL DETAILS

REVISIONS

DATE	DESCRIPTION

DESIGNER
 ZONGXUN SU
CHECKED BY
 E5.3
JOB NO. 17000
SHEET NO.

Exhibit 36

TECHNICAL CODES**§ 150.300 CODES ADOPTED.**

(A) The following publications are adopted by reference.

- (1) *International Building Code, 2006 Edition;*
- (2) *International Residential Code, 2006 Edition, including Appendices H and M;*
- (3) *International Mechanical Code, 2006 Edition;*
- (4) *International Plumbing Code, 2006 Edition;*
- (5) *International Property Maintenance Code, 2006 Edition;*
- (6) *International Fuel Gas Code, 2006 Edition;*
- (7) *International Energy Conservation Code, 2006 Edition;*
- (8) *National Electrical Code, 2005 Edition;*
- (9) *International Accessible and Usable Buildings and Facilities Code, 2003 Edition;* and
- (10) *International Fire Code, 2006 Edition, including all Appendices.*

(B) *Addendums and alternatives to International Residential Code, 2006 Edition.*

(1) Under the authority of IRC Section 104.11, Alternative Methods, the town will approve a written request to allow the use of the provisions of the 2000 or 2003 IRC Section 401.3 for drainage designs.

(2) Under IRC Section N1103.2.1, the following table shall be incorporated to allow for trade-off options:

International Building Code, 2006 Edition

ADMINISTRATION

required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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

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

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related

equipment that is under the ownership and control of public service agencies by established right.

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

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The

tion of the provisions of this code or of other ordinances of the jurisdiction.

110.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

110.3 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

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

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of

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

SECTION 112 BOARD OF APPEALS

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

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.

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.

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements

thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 114 STOP WORK ORDER

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

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

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

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

115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

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

115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing

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

115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

CHAPTER 34

EXISTING STRUCTURES

SECTION 3401 GENERAL

3401.1 Scope. The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures.

Exception: Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300-02.

3401.2 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

3401.3 Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Property Maintenance Code*, *International Private Sewage Disposal Code*, *International Residential Code* and *ICC Electrical Code*.

SECTION 3402 DEFINITIONS

3402.1 Definitions. The following term shall, for the purposes of this chapter and as used elsewhere in the code, have the following meaning:

PRIMARY FUNCTION. A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer service lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors and restrooms are not areas containing a primary function.

TECHNICALLY INFEASIBLE. An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with

the minimum requirements for new construction and which are necessary to provide accessibility.

SECTION 3403 ADDITIONS, ALTERATIONS OR REPAIRS

3403.1 Existing buildings or structures. Additions or alterations to any building or structure shall comply with the requirements of the code for new construction. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of this code. An existing building plus additions shall comply with the height and area provisions of Chapter 5. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

3403.1.1 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 1612.3, any additions, alterations or repairs that constitute substantial improvement of the existing structure, as defined in Section 1612.2, shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

3403.2 Structural. Additions or alterations to an existing structure shall not increase the force in any structural element by more than 5 percent, unless the increased forces on the element are still in compliance with the code for new structures, nor shall the strength of any structural element be decreased to less than that required by this code for new structures. Where repairs are made to structural elements of an existing building, and uncovered structural elements are found to be unsound or otherwise structurally deficient, such elements shall be made to conform to the requirements for new structures.

3403.2.1 Existing live load. Where an existing structure heretofore is altered or repaired, the minimum design loads for the structure shall be the loads applicable at the time of erection, provided that public safety is not endangered thereby.

3403.2.2 Live load reduction. If the approved live load is less than required by Section 1607, the areas designed for the reduced live load shall be posted in with the approved load. Placards shall be of an approved design.

3403.2.3 Seismic. Additions, alterations or modification or change of occupancy of existing buildings shall be in accordance with this section for the purposes of seismic considerations.

3403.2.3.1 Additions to existing buildings. An addition that is structurally independent from an existing structure shall be designed and constructed with the seismic requirements for new structures. An addition that is not

structurally independent from an existing structure shall be designed and constructed such that the entire structure conforms to the seismic-force-resistance requirements for new structures unless the following conditions are satisfied:

1. The addition conforms with the requirements for new structures,
2. The addition does not increase the seismic forces in any structural element of the existing structure by more than 10 percent cumulative since the original construction, unless the element has the capacity to resist the increased forces determined in accordance with ASCE 7, and
3. Additions do not decrease the seismic resistance of any structural element of the existing structure by more than 10 percent cumulative since the original construction, unless the element has the capacity to resist the forces determined in accordance with ASCE 7. If the building's seismic base shear capacity has been increased since the original construction, the percent change in base shear may be calculated relative to the increased value.

3403.2.3.2 Alterations. Alterations are permitted to be made to any structure without requiring the structure to comply with Section 1613, provided the alterations conform to the requirements for a new structure. Alterations that increase the seismic force in any existing structural element by more than 10 percent cumulative since the original construction or decrease the design strength of any existing structural element to resist seismic forces by more than 5 percent cumulative since the original construction shall not be permitted unless the entire seismic-force-resisting system is determined to conform to ASCE 7 for a new structure. If the building's seismic base shear capacity has been increased since the original construction, the percent change in base shear may be calculated relative to the increased value.

Exception: Alterations to existing structural elements or additions of new structural elements that are not required by ASCE 7 and are initiated for the purpose of increasing the strength or stiffness of the seismic-force-resisting system of an existing structure need not be designed for forces conforming to ASCE 7, provided that an engineering analysis is submitted indicating the following:

1. The design strength of existing structural elements required to resist seismic forces is not reduced.
2. The seismic force to required existing structural elements is not increased beyond their design strength.
3. New structural elements are detailed and connected to the existing structural elements as required by Chapter 16.
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by Chapter 16.

5. The alterations do not create a structural irregularity as defined in ASCE 7 or make an existing structural irregularity more severe.

6. The alterations do not result in the creation of an unsafe condition.

3403.3 Nonstructural. Nonstructural alterations or repairs to an existing building or structure are permitted to be made of the same materials of which the building or structure is constructed, provided that they do not adversely affect any structural member or the fire-resistance rating of any part of the building or structure.

3403.4 Stairways. An alteration or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

SECTION 3404 FIRE ESCAPES

3404.1 Where permitted. Fire escapes shall be permitted only as provided for in Sections 3404.1.1 through 3404.1.4.

3404.1.1 New buildings. Fire escapes shall not constitute any part of the required means of egress in new buildings.

3404.1.2 Existing fire escapes. Existing fire escapes shall be continued to be accepted as a component in the means of egress in existing buildings only.

3404.1.3 New fire escapes. New fire escapes for existing buildings shall be permitted only where exterior stairs cannot be utilized due to lot lines limiting stair size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.

3404.1.4 Limitations. Fire escapes shall comply with this section and shall not constitute more than 50 percent of the required number of exits nor more than 50 percent of the required exit capacity.

3404.2 Location. Where located on the front of the building and where projecting beyond the building line, the lowest landing shall not be less than 7 feet (2134 mm) or more than 12 feet (3658 mm) above grade, and shall be equipped with a counter-balanced stairway to the street. In alleyways and thoroughfares less than 30 feet (9144 mm) wide, the clearance under the lowest landing shall not be less than 12 feet (3658 mm).

3404.3 Construction. The fire escape shall be designed to support a live load of 100 pounds per square foot (4788 Pa) and shall be constructed of steel or other approved noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type 5 construction. Walkways and railings located over or supported by combustible roofs in buildings of Type 3 and 4 construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick.

3404.4 Dimensions. Stairs shall be at least 22 inches (559 mm) wide with risers not more than, and treads not less than, 8 inches (203 mm) and landings at the foot of stairs not less than

40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 Opening protectives. Doors and windows along the fire escape shall be protected with $3/4$ -hour opening protectives.

SECTION 3405 GLASS REPLACEMENT

3405.1 Conformance. The installation or replacement of glass shall be as required for new installations.

SECTION 3406 CHANGE OF OCCUPANCY

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 Stairways. Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 Change of occupancy. When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

SECTION 3407 HISTORIC BUILDINGS

3407.1 Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

Exception: Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
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
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

SECTION 3408 MOVED STRUCTURES

3408.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS

3409.1 Scope. The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 Extent of application. An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 Change of occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

EXISTING STRUCTURES

2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.

3409.5 Additions. Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.

3409.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.

3409.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems,

installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.8 Scoping for alterations. The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.

3409.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105.

Exception: Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.

3409.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

3409.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

3409.8.4 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.

3409.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.

**TABLE 3409.8.5
RAMPS**

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

3409.8.6 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

3409.8.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.

3409.8.8 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an

accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facilities.

3409.8.10 Dressing, fitting and locker rooms. Where it is technically infeasible to provide accessible dressing, fitting or locker rooms at the same location as similar types of rooms, one accessible room on the same level shall be provided. Where separate-sex facilities are provided, accessible rooms for each sex shall be provided. Separate-sex facilities are not required where only unisex rooms are provided.

3409.8.11 Check-out aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function shall be made accessible until the number of accessible check-out aisles complies with Section 1109.12.2.

3409.8.12 Thresholds. The maximum height of thresholds at doorways shall be $\frac{3}{4}$ inch (19.1 mm). Such thresholds shall have beveled edges on each side.

3409.9 Historic buildings. These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Sections 3409.9.1 through 3409.9.4 for that element shall be permitted.

3409.9.1 Site arrival points. At least one accessible route from a site arrival point to an accessible entrance shall be provided.

3409.9.2 Multilevel buildings and facilities. An accessible route from an accessible entrance to public spaces on the level of the accessible entrance shall be provided.

3409.9.3 Entrances. At least one main entrance shall be accessible.

Exceptions:

1. If a main entrance cannot be made accessible, an accessible nonpublic entrance that is unlocked while the building is occupied shall be provided; or
2. If a main entrance cannot be made accessible, a locked accessible entrance with a notification system or remote monitoring shall be provided.

Signs complying with Section 1110 shall be provided at the primary entrance and the accessible entrance.

3409.9.4 Toilet and bathing facilities. Where toilet rooms are provided, at least one accessible toilet room complying with Section 1109.2.1 shall be provided.

**[EB] SECTION 3410
COMPLIANCE ALTERNATIVES**

3410.1 Compliance. The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings while permitting repair, alteration, addition and change of occupancy

without requiring full compliance with Chapters 2 through 33, or Sections 3401.3, and 3403 through 3407, except where compliance with other provisions of this code is specifically required in this section.

3410.2 Applicability. Structures existing prior to [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION], in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

3410.2.1 Change in occupancy. Where an existing building is changed to a new occupancy classification and this section is applicable, the provisions of this section for the new occupancy shall be used to determine compliance with this code.

3410.2.2 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, and that portion is separated from the remainder of the building with fire barriers or horizontal assemblies having a fire-resistance rating as required by Table 508.3.3 for the separate occupancies, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section.

Where a portion of the building is changed to a new occupancy classification, and that portion is not separated from the remainder of the building with fire barriers or horizontal assemblies having a fire-resistance rating as required by Table 508.3.3 for the separate occupancies, or with approved compliance alternatives, the provisions of this section which apply to each occupancy shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

3410.2.3 Additions. Additions to existing buildings shall comply with the requirements of this code for new construction. The combined height and area of the existing building and the new addition shall not exceed the height and area allowed by Chapter 5. Where a fire wall that complies with Section 705 is provided between the addition and the existing building, the addition shall be considered a separate building.

3410.2.4 Alterations and repairs. An existing building or portion thereof, which does not comply with the requirements of this code for new construction, shall not be altered or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the alteration or repair, the current level of safety or sanitation is to be reduced, the portion altered or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

3410.2.4.1 Flood hazard areas. For existing buildings located in flood hazard areas established in Section 1612.3, if the alterations and repairs constitute substan-

tial improvement of the existing building, the existing building shall be brought into compliance with the requirements for new construction for flood design.

3410.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11.

3410.3 Acceptance. For repairs, alterations, additions and changes of occupancy to existing buildings that are evaluated in accordance with this section, compliance with this section shall be accepted by the building official.

3410.3.1 Hazards. Where the building official determines that an unsafe condition exists, as provided for in Section 115, such unsafe condition shall be abated in accordance with Section 115.

3410.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code* and *International Property Maintenance Code*.

3410.4 Investigation and evaluation. For proposed work covered by this section, the building owner shall cause the existing building to be investigated and evaluated in accordance with the provisions of this section.

3410.4.1 Structural analysis. The owner shall have a structural analysis of the existing building made to determine adequacy of structural systems for the proposed alteration, addition or change of occupancy. The existing building shall be capable of supporting the minimum load requirements of Chapter 16.

3410.4.2 Submittal. The results of the investigation and evaluation as required in Section 3410.4, along with proposed compliance alternatives, shall be submitted to the building official.

3410.4.3 Determination of compliance. The building official shall determine whether the existing building, with the proposed addition, alteration or change of occupancy, complies with the provisions of this section in accordance with the evaluation process in Sections 3410.5 through 3410.9.

3410.5 Evaluation. The evaluation shall be comprised of three categories: fire safety, means of egress and general safety, as defined in Sections 3410.5.1 through 3410.5.3.

3410.5.1 Fire safety. Included within the fire safety category are the structural fire resistance, automatic fire detection, fire alarm and fire suppression system features of the facility.

3410.5.2 Means of egress. Included within the means of egress category are the configuration, characteristics and support features for means of egress in the facility.

3410.5.3 General safety. Included within the general safety category are the fire safety parameters and the means of egress parameters.

3410.6 Evaluation process. The evaluation process specified herein shall be followed in its entirety to evaluate existing buildings. Table 3410.7 shall be utilized for tabulating the results of the evaluation. References to other sections of this code indicate that compliance with those sections is required in

order to gain credit in the evaluation herein outlined. In applying this section to a building with mixed occupancies, where the separation between the mixed occupancies does not qualify for any category indicated in Section 3410.6.16, the score for each occupancy shall be determined and the lower score determined for each section of the evaluation process shall apply to the entire building.

Where the separation between the mixed occupancies qualifies for any category indicated in Section 3410.6.16, the score for each occupancy shall apply to each portion of the building based on the occupancy of the space.

3410.6.1 Building height. The value for building height shall be the lesser value determined by the formula in Section 3410.6.1.1. Chapter 5 shall be used to determine the allowable height of the building, including allowable increases due to automatic sprinklers as provided for in Section 504.2. Subtract the actual building height from the allowable and divide by 12 1/2 feet. Enter the height value and its sign (positive or negative) in Table 3410.7 under Safety Parameter 3410.6.1, Building Height, for fire safety, means of egress and general safety. The maximum score for a building shall be 10.

3410.6.1.1 Height formula. The following formulas shall be used in computing the building height value.

$$\text{Height value, feet} = \frac{(AH) - (EBH)}{12.5} \times CF$$

$$\text{Height value, stories} = (AS - EBS) \times CF$$

(Equation 34-1)

where:

AH = Allowable height in feet from Table 503.

EBH = Existing building height in feet.

AS = Allowable height in stories from Table 503.

EBS = Existing building height in stories.

CF = 1 if *(AH) - (EBH)* is positive.

CF = Construction-type factor shown in Table 3410.6.6(2) if *(AH) - (EBH)* is negative.

Note: Where mixed occupancies are separated and individually evaluated as indicated in Section 3410.6, the values *AH*, *AS*, *EBH* and *EBS* shall be based on the height of the fire area of the occupancy being evaluated.

3410.6.2 Building area. The value for building area shall be determined by the formula in Section 3410.6.2.2. Section 503 and the formula in Section 3410.6.2.1 shall be used to determine the allowable area of the building. This shall include any allowable increases due to open perimeter and automatic sprinklers as provided for in Section 506. Subtract the actual building area from the allowable area and divide by 1,200 square feet (112 m²). Enter the area value and its sign (positive or negative) in Table 3410.7 under Safety Parameter 3410.6.2, Building Area, for fire safety, means of egress and general safety. In determining the area value, the maximum permitted positive value for area is 50 percent of the fire safety score as listed in Table 3410.8, Mandatory Safety Scores.

International Fire Code, 2006 Edition

SECTION 109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or

to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 110 UNSAFE BUILDINGS

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

110.1.2 Structural hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

110.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement. The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 111 STOP WORK ORDER

111.1 Order. Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or

vised. They shall not be transported or carried while burning.

308.6.5 Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

SECTION 309 POWERED INDUSTRIAL TRUCKS AND EQUIPMENT

309.1 General. Powered industrial trucks and similar equipment including, but not limited to, floor scrubbers and floor buffers, shall be operated and maintained in accordance with this section.

309.2 Battery chargers. Battery chargers shall be of an approved type. Combustible storage shall be kept a minimum of 3 feet (915 mm) from battery chargers. Battery charging shall not be conducted in areas accessible to the public.

309.3 Ventilation. Ventilation shall be provided in an approved manner in battery-charging areas to prevent a dangerous accumulation of flammable gases.

309.4 Fire extinguishers. Battery-charging areas shall be provided with a fire extinguisher complying with Section 906 having a minimum 4-A:20-B:C rating within 20 feet (6096 mm) of the battery charger.

309.5 Refueling. Powered industrial trucks using liquid fuel, LP-gas or hydrogen shall be refueled outside of buildings or in areas specifically approved for that purpose. Fixed fuel-dispensing equipment and associated fueling operations shall be in accordance with Chapter 22. Other fuel-dispensing equipment and operations, including cylinder exchange for LP-gas-fueled vehicles, shall be in accordance with Chapter 34 for flammable and combustible liquids or Chapter 38 for LP-gas.

309.6 Repairs. Repairs to fuel systems, electrical systems and repairs utilizing open flame or welding shall be done in approved locations outside of buildings or in areas specifically approved for that purpose.

SECTION 310 SMOKING

310.1 General. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in this section.

310.2 Prohibited areas. Smoking shall be prohibited where conditions are such as to make smoking a hazard, and in spaces where flammable or combustible materials are stored or handled.

310.3 "No Smoking" signs. The fire code official is authorized to order the posting of "No Smoking" signs in a conspicuous location in each structure or location in which smoking is prohibited. The content, lettering, size, color and location of required "No Smoking" signs shall be approved.

310.4 Removal of signs prohibited. A posted "No Smoking" sign shall not be obscured, removed, defaced, mutilated or destroyed.

310.5 Compliance with "No Smoking" signs. Smoking shall not be permitted nor shall a person smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

310.6 Ash trays. Where smoking is permitted, suitable noncombustible ash trays or match receivers shall be provided on each table and at other appropriate locations.

310.7 Burning objects. Lighted matches, cigarettes, cigars or other burning object shall not be discarded in such a manner that could cause ignition of other combustible material.

310.8 Hazardous environmental conditions. When the fire code official determines that hazardous environmental conditions necessitate controlled use of smoking materials, the ignition or use of such materials in mountainous, brush-covered or forest-covered areas or other designated areas is prohibited except in approved designated smoking areas.

SECTION 311 VACANT PREMISES

311.1 General. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with this section.

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code* and the *International Building Code*.

311.1.2 Tenant spaces. Storage and lease plans required by this code shall be revised and updated to reflect temporary or partial vacancies.

311.2 Safeguarding vacant premises. Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with this section.

311.2.1 Security. Exterior openings and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals.

311.2.2 Fire protection. Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.

Exceptions:

1. When the premises have been cleared of all combustible materials and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.

GENERAL PRECAUTIONS AGAINST FIRE

2. Where buildings will not be heated and fire protection systems will be exposed to freezing temperatures, fire alarm and sprinkler systems are permitted to be placed out of service and standpipes are permitted to be maintained as dry systems (without an automatic water supply) provided the building has no contents or storage, and windows, doors and other openings are secured to prohibit entry by unauthorized persons.

311.2.3 Fire separation. Fire-resistance-rated partitions, fire barriers, and fire walls separating vacant tenant spaces from the remainder of the building shall be maintained. Openings, joints, and penetrations in fire-resistance-rated assemblies shall be protected in accordance with Chapter 7.

311.3 Removal of combustibles. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

Exceptions:

1. Buildings or portions of buildings undergoing additions, alterations, repairs, or change of occupancy in accordance with the *International Building Code*, where waste is controlled and removed as required by Section 304.
2. Seasonally occupied buildings.

311.4 Removal of hazardous materials. Persons owning or having charge or control of a vacant building containing hazardous materials regulated by Chapter 27 shall comply with the facility closure requirements of Section 2701.6.

311.5 Placards. Any building or structure determined to be unsafe pursuant to Section 110 of this code shall be marked as required by Sections 311.5.1 through 311.5.5.

311.5.1 Placard location. Placards shall be applied on the front of the structure and be visible from the street. Additional placards shall be applied to the side of each entrance to the structure and on penthouses.

311.5.2 Placard size and color. Placards shall be 24 inches by 24 inches (610 mm by 610 mm) in size with a red background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) stroke.

311.5.3 Placard date. Placards shall bear the date of their application to the building and the date of the most recent inspection.

311.5.4 Placard symbols. The design of the placards shall use the following symbols:

1. This symbol shall mean that the structure had normal structural conditions at the time of marking.
2. This symbol shall mean that structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.

3. This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards.

311.5.5 Informational use. The use of these symbols shall be informational only and shall not in any way limit the discretion of the on-scene incident commander.

SECTION 312 VEHICLE IMPACT PROTECTION

312.1 General. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3.

312.2 Posts. Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
2. Spaced not more than 4 feet (1219 mm) between posts on center.
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
5. Located not less than 3 feet (914 mm) from the protected object.

312.3 Other barriers. Physical barriers shall be a minimum of 36 inches (914 mm) in height and shall resist a force of 12,000 pounds (53 375 N) applied 36 inches (914 mm) above the adjacent ground surface.

SECTION 313 FUELED EQUIPMENT

313.1 General. Fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored, operated or repaired within a building.

Exceptions:

1. Buildings or rooms constructed for such use in accordance with the *International Building Code*.
2. Where allowed by Section 314.
3. Storage of equipment utilized for maintenance purposes is allowed in approved locations when the aggregate fuel capacity of the stored equipment does not exceed 10 gallons (38 L) and the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

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

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.

4. Existing structures, facilities and conditions which, in the opinion of the fire code official, constitute a distinct hazard to life or property.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *International Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

102.4 Application of building code. The design and construction of new structures shall comply with the *International Building Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

102.5 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as *prima facie* evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with

National Electrical Code, 2005 Edition

(E) Isolation of Objectionable Direct-Current Ground Currents. Where isolation of objectionable dc ground currents from cathodic protection systems is required, a listed ac coupling/dc isolating device shall be permitted in the equipment grounding path to provide an effective return path for ac ground-fault current while blocking dc current.

250.8 Connection of Grounding and Bonding Equipment.

Grounding conductors and bonding jumpers shall be connected by exothermic welding, listed pressure connectors, listed clamps, or other listed means. Connection devices or fittings that depend solely on solder shall not be used. Sheet metal screws shall not be used to connect grounding conductors or connection devices to enclosures.

250.10 Protection of Ground Clamps and Fittings.

Ground clamps or other fittings shall be approved for general use without protection or shall be protected from physical damage as indicated in (1) or (2) as follows:

- (1) In installations where they are not likely to be damaged
- (2) Where enclosed in metal, wood, or equivalent protective covering

250.12 Clean Surfaces. Nonconductive coatings (such as paint, lacquer, and enamel) on equipment to be grounded shall be removed from threads and other contact surfaces to ensure good electrical continuity or be connected by means of fittings designed so as to make such removal unnecessary.

II. System Grounding

250.20 Alternating-Current Systems to Be Grounded.

Alternating-current systems shall be grounded as provided for in 250.20(A), (B), (C), or (D). Other systems shall be permitted to be grounded. If such systems are grounded, they shall comply with the applicable provisions of this article.

FPN: An example of a system permitted to be grounded is a corner-grounded delta transformer connection. See 250.26(4) for conductor to be grounded.

(A) Alternating-Current Systems of Less Than 50 Volts.

Alternating-current systems of less than 50 volts shall be grounded under any of the following conditions:

- (1) Where supplied by transformers, if the transformer supply system exceeds 150 volts to ground
- (2) Where supplied by transformers, if the transformer supply system is ungrounded
- (3) Where installed as overhead conductors outside of buildings

(B) Alternating-Current Systems of 50 Volts to 1000 Volts.

Alternating-current systems of 50 volts to 1000 volts that supply premises wiring and premises wiring systems shall be grounded under any of the following conditions:

- (1) Where the system can be grounded so that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts
- (2) Where the system is 3-phase, 4-wire, wye connected in which the neutral is used as a circuit conductor
- (3) Where the system is 3-phase, 4-wire, delta connected in which the midpoint of one phase winding is used as a circuit conductor

(C) Alternating-Current Systems of 1 kV and Over.

Alternating-current systems supplying mobile or portable equipment shall be grounded as specified in 250.188. Where supplying other than mobile or portable equipment, such systems shall be permitted to be grounded.

(D) Separately Derived Systems. Separately derived systems, as covered in 250.20(A) or (B), shall be grounded as specified in 250.30.

FPN No. 1: An alternate ac power source such as an on-site generator is not a separately derived system if the neutral is solidly interconnected to a service-supplied system neutral.

FPN No. 2: For systems that are not separately derived and are not required to be grounded as specified in 250.30, see 445.13 for minimum size of conductors that must carry fault current.

(E) Impedance Grounded Neutral Systems. Impedance grounded neutral systems shall be grounded in accordance with 250.36 or 250.186.

250.21 Alternating-Current Systems of 50 Volts to 1000 Volts Not Required to Be Grounded. The following ac systems of 50 volts to 1000 volts shall be permitted to be grounded but shall not be required to be grounded:

- (1) Electric systems used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like
- (2) Separately derived systems used exclusively for rectifiers that supply only adjustable-speed industrial drives
- (3) Separately derived systems supplied by transformers that have a primary voltage rating less than 1000 volts, provided that all the following conditions are met:
 - a. The system is used exclusively for control circuits.
 - b. The conditions of maintenance and supervision ensure that only qualified persons service the installation.
 - c. Continuity of control power is required.
 - d. Ground detectors are installed on the control system.
- (4) Other systems that are not required to be grounded in accordance with the requirements of 250.20(B).

Where an alternating-current system is not grounded as permitted in 250.21(1) through (4), ground detectors shall be installed on the system.

Exception: Systems of less than 120 volts to ground as permitted by this Code shall not be required to have ground detectors.

250.22 Circuits Not to Be Grounded. The following circuits shall not be grounded:

- (1) Circuits for electric cranes operating over combustible fibers in Class III locations, as provided in 503.155
- (2) Circuits in health care facilities as provided in 517.61 and 517.160
- (3) Circuits for equipment within electrolytic cell working zone as provided in Article 668
- (4) Secondary circuits of lighting systems as provided in 411.5(A)

250.24 Grounding Service-Supplied Alternating-Current Systems.

(A) System Grounding Connections. A premises wiring system supplied by a grounded ac service shall have a grounding electrode conductor connected to the grounded service conductor, at each service, in accordance with 250.24(A)(1) through (A)(5).

(1) General. The connection shall be made at any accessible point from the load end of the service drop or service lateral to and including the terminal or bus to which the grounded service conductor is connected at the service disconnecting means.

FPN: See definitions of *Service Drop* and *Service Lateral* in Article 100.

(2) Outdoor Transformer. Where the transformer supplying the service is located outside the building, at least one additional grounding connection shall be made from the grounded service conductor to a grounding electrode, either at the transformer or elsewhere outside the building.

Exception: The additional grounding connection shall not be made on high-impedance grounded neutral systems. The system shall meet the requirements of 250.36.

(3) Dual Fed Services. For services that are dual fed (double ended) in a common enclosure or grouped together in separate enclosures and employing a secondary tie, a single grounding electrode connection to the tie point of the grounded conductor(s) from each power source shall be permitted.

(4) Main Bonding Jumper as Wire or Busbar. Where the main bonding jumper specified in 250.28 is a wire or busbar and is installed from the grounded conductor terminal bar or bus to the equipment grounding terminal bar or bus in the service equipment, the grounding electrode conductor shall be permitted to be connected to the equipment grounding terminal, bar, or bus to which the main bonding jumper is connected.

(5) Load-Side Grounding Connections. A grounding connection shall not be made to any grounded conductor on the load side of the service disconnecting means except as otherwise permitted in this article.

FPN: See 250.30(A) for separately derived systems, 250.32 for connections at separate buildings or structures, and 250.142 for use of the grounded circuit conductor for grounding equipment.

(B) Main Bonding Jumper. For a grounded system, an unspliced main bonding jumper shall be used to connect the equipment grounding conductor(s) and the service-disconnect enclosure to the grounded conductor within the enclosure for each service disconnect in accordance with 250.28.

Exception No. 1: Where more than one service disconnecting means is located in an assembly listed for use as service equipment, an unspliced main bonding jumper shall bond the grounded conductor(s) to the assembly enclosure.

Exception No. 2: Impedance grounded neutral systems shall be permitted to be connected as provided in 250.36 and 250.186.

(C) Grounded Conductor Brought to Service Equipment. Where an ac system operating at less than 1000 volts is grounded at any point, the grounded conductor(s) shall be run to each service disconnecting means and shall be bonded to each disconnecting means enclosure. The grounded conductor(s) shall be installed in accordance with 250.24(C)(1) through (C)(3).

Exception: Where more than one service disconnecting means are located in an assembly listed for use as service equipment, it shall be permitted to run the grounded conductor(s) to the assembly, and the conductor(s) shall be bonded to the assembly enclosure.

(1) Routing and Sizing. This conductor shall be routed with the phase conductors and shall not be smaller than the required grounding electrode conductor specified in Table 250.66 but shall not be required to be larger than the largest ungrounded service-entrance phase conductor. In addition, for service-entrance phase conductors larger than 1100 kcmil copper or 1750 kcmil aluminum, the grounded conductor shall not be smaller than 12½ percent of the area of the largest service-entrance phase conductor. The grounded conductor of a 3-phase, 3-wire delta service shall have an ampacity not less than that of the ungrounded conductors.

(2) Parallel Conductors. Where the service-entrance phase conductors are installed in parallel, the size of the grounded conductor shall be based on the total circular mil area of the parallel conductors as indicated in this section. Where installed in two or more raceways, the size of the grounded conductor in each raceway shall be based on the

International Property Maintenance Code, 2006 Edition

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and the *ICC Electrical Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

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

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination,

code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. 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 the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more 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.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

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

111.2.4 Secretary. The chief administrative officer shall designate a qualified person 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.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 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 quorum shall consist of not less than two-thirds of the board membership.

111.4.1 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.

111.5 Postponed hearing. When the full board is 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.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 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.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.