

Senate Engrossed

codes; ordinances; use of refrigerants.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1376

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-810.01; AMENDING SECTION 11-861, ARIZONA REVISED
STATUTES; RELATING TO CODES AND ORDINANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 7, article 1, Arizona Revised Statutes,
3 is amended by adding section 9-810.01, to read:

4 9-810.01. Building codes; refrigerants

5 ANY CODE, ORDINANCE OR GENERAL OR SPECIFIC PLAN PROVISION OR PART OF
6 A CODE, ORDINANCE OR GENERAL OR SPECIFIC PLAN PROVISION ADOPTED BY A
7 MUNICIPALITY MAY NOT PROHIBIT THE USE OF REFRIGERANTS THAT ARE LISTED AS
8 ACCEPTABLE PURSUANT TO THE CLEAN AIR ACT (69 STAT. 322; 42 UNITED STATES
9 CODE SECTION 7671k) IF THE EQUIPMENT USED IS LISTED AND INSTALLED IN
10 ACCORDANCE WITH THE USE CONDITIONS PRESCRIBED IN THE CLEAN AIR ACT.

11 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to
12 read:

13 11-861. Adoption of codes by reference; limitations; method
14 of adoption; fire sprinklers; fire apparatus access
15 roads or approved routes; intent; state preemption;
16 fire watch requirements; pool barrier gates;
17 refrigerants

18 A. In any county that has adopted zoning pursuant to this chapter,
19 the board of supervisors may adopt and enforce, for the unincorporated
20 areas of the county so zoned, a building code and other related codes to
21 regulate the quality, type of material and workmanship of all aspects of
22 construction of buildings or structures, except that the board may
23 authorize that areas zoned rural or unclassified may be exempt from the
24 provisions of the code adopted. The codes may be adopted by reference
25 after notice and hearings before the county planning and zoning commission
26 and board of supervisors as provided in this chapter for amendments to the
27 zoning ordinance of the county.

28 B. The board of supervisors may adopt a fire prevention code in the
29 unincorporated areas of the county in which a fire district has not
30 adopted a nationally recognized fire code pursuant to section 48-805. Any
31 fire code adopted by a board of supervisors pursuant to this subsection
32 shall remain in effect until a fire district is established and adopts a
33 code applicable within the boundaries of the district.

34 C. For the ~~purpose~~ PURPOSES of this article, codes authorized by
35 subsections A and B of this section shall be limited to the following:

36 1. Any building, electrical, plumbing or mechanical code that has
37 been adopted by any national organization or association that is organized
38 and conducted for the purpose of developing codes or that has been adopted
39 by the largest city in that county. If the board of supervisors adopts a
40 city code, it shall adopt, within ninety days after receiving a written
41 notification of a change to the city code, the same change or shall
42 terminate the adopted city code.

43 2. Any fire prevention code that has been adopted by a national
44 organization or association organized or conducted for the purpose of
45 developing fire prevention codes and that is as stringent as the state
46 fire code adopted pursuant to section 37-1383.

1 D. The board of supervisors may adopt a current wildland-urban
2 interface code. The code may be adapted from a model code adopted by a
3 national or international organization or association for mitigating the
4 hazard to life and property. The board must follow written public
5 procedures in ~~the development~~ DEVELOPING and ~~adoption of~~ ADOPTING the code
6 and any revisions to the code to provide effective, early and continuous
7 public participation through:

8 1. The broad dissemination and publicity of the proposed code and
9 any revisions to the code.

10 2. The opportunity for submission and consideration of written
11 public comments.

12 3. Open discussions, communications programs and information
13 services.

14 4. Consultation with federal agencies and state and local
15 officials.

16 E. The board of supervisors shall not adopt a code or ordinance or
17 part of a uniform code or ordinance that prohibits a person or entity from
18 choosing to install or equip or not install or equip fire sprinklers in a
19 ~~single family~~ SINGLE-FAMILY detached residence or any residential building
20 that contains not more than two dwelling units. The board of supervisors
21 shall not impose any fine, penalty or other requirement on any person or
22 entity for choosing to install or equip or not install or equip fire
23 sprinklers in such a residence. This subsection does not apply to any
24 code or ordinance that requires fire sprinklers in a residence and that
25 was adopted before December 31, 2009. The provisions of this subsection
26 shall be included on all fire sprinkler permit applications that are for a
27 ~~single family~~ SINGLE-FAMILY detached residence or any residential building
28 that contains not more than two dwelling units.

29 F. A fire sprinkler permit application may be in either print or
30 electronic format.

31 G. A board of supervisors may not adopt any, or part of any, fire
32 code, ordinance, stipulation or other legal requirement for an approved
33 fire apparatus access road or a fire apparatus access road extension, or
34 both, or an approved route or a route extension, or both, that directly or
35 indirectly requires a one or two family residence or a utility or
36 miscellaneous accessory building or structure to install fire sprinklers.
37 A fire code official may increase or extend an approved fire apparatus
38 access road or a fire apparatus access road extension, or both, or an
39 approved route or a route extension, or both, to comply with this
40 subsection. Compliance with this subsection is not grounds to deny or
41 suspend a license or permit. This subsection may be enforced in a private
42 civil action and relief, including an injunction, may be awarded against a
43 county. The court shall award reasonable attorney fees, damages, lost
44 opportunity costs, interest and the cost of the sprinkler system to a
45 party that prevails in an action against a county for a violation of this
46 subsection. The legislature finds and determines that property rights are

1 a matter of statewide concern and a fundamental element of freedom. A
2 property owner's right to use the property owner's property must be
3 protected from unreasonable abridgment by county regulation and
4 enforcement. This subsection supersedes and preempts any regulation
5 adopted by a county regarding an approved fire apparatus access road, fire
6 apparatus access road extension, approved route or route extension. For
7 the purposes of this subsection:

8 1. "Fire code" includes the international fire code, however
9 denominated.

10 2. "Utility or miscellaneous accessory building or structure"
11 includes an agricultural building, aircraft hangar, accessory to a
12 residence, barn, carport, fence that is more than six feet high, grain
13 silo, greenhouse, livestock shelter, private garage, retaining wall, shed,
14 stable, tank or tower.

15 H. If a fire code adopted by a board of supervisors requires the
16 use of a fire watch, an employee who works at the building in which a fire
17 watch is required may serve as the fire watch. A person who is designated
18 as a fire watch shall be equipped with means to contact the local fire
19 department, and the person's only duty while keeping watch for fires shall
20 be to perform constant patrols of the protected premises. The county
21 shall provide the fire watch with printed instructions from the office of
22 the state fire marshal and may provide a free training session before the
23 person's deployment as the fire watch begins. For the purposes of this
24 subsection, "fire watch" means a person who is stationed in a building or
25 in a place relative to a building to observe the building and its openings
26 when the fire protection system for the building is temporarily
27 nonoperational or absent.

28 I. From and after December 31, 2014, a code or ordinance or part of
29 a uniform code or ordinance that is adopted by the board of supervisors
30 applies to locking devices for pool barrier gates used for means of
31 ingress or egress for semipublic swimming pools. Any new construction or
32 major renovation of a semipublic swimming pool from and after December 31,
33 2014 must meet the requirements of the code or ordinance or part of the
34 uniform code or ordinance that is adopted by the board of supervisors.
35 This subsection does not apply to a locking device for a pool barrier gate
36 used for means of ingress or egress for a semipublic swimming pool that
37 was installed before January 1, 2015, if the locking device meets the
38 requirements prescribed in section 36-1681, subsection B, paragraph 3.

39 J. ANY CODE, ORDINANCE OR GENERAL OR SPECIFIC PLAN PROVISION OR
40 PART OF A CODE, ORDINANCE OR GENERAL OR SPECIFIC PLAN PROVISION ADOPTED BY
41 A COUNTY MAY NOT PROHIBIT THE USE OF REFRIGERANTS THAT ARE LISTED AS
42 ACCEPTABLE PURSUANT TO THE CLEAN AIR ACT (69 STAT. 322; 42 UNITED STATES
43 CODE SECTION 7671k) IF THE EQUIPMENT USED IS LISTED AND INSTALLED IN
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