

REFERENCE TITLE: tiny homes; construction; requirements; exemptions

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2096

Introduced by
Representative Parker B

AN ACT

AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 11-269.29; AMENDING SECTIONS 11-811, 11-812, 11-815, 11-861
AND 11-865, ARIZONA REVISED STATUTES; RELATING TO BUILDING PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 2, article 4, Arizona Revised
3 Statutes, is amended by adding section 11-269.29, to read:

4 11-269.29. Tiny homes; accessory dwelling units; detached
5 garages; rural land; permits; inspections;
6 exemption; greenhouses; relief; definitions

7 A. A COUNTY SHALL ENSURE THAT ITS LAND USE REQUIREMENTS, ZONING
8 RULES, BUILDING CODES AND HOUSING POLICIES MAXIMIZE THE EASE OF
9 CONSTRUCTING RESIDENCES ON RESIDENTIAL RURAL LAND AND THE AFFORDABILITY OF
10 RESIDING ON RESIDENTIAL RURAL LAND.

11 B. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT REQUIRE A
12 BUILDING PERMIT FOR CONSTRUCTING ONE SINGLE-FAMILY HOME, ONE ACCESSORY
13 DWELLING UNIT OR ONE DETACHED GARAGE ON A LOT IF ALL OF THE FOLLOWING
14 APPLY:

15 1. THE LOT IS LOCATED ON RESIDENTIAL RURAL LAND.

16 2. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT EACH HAVE
17 SIX HUNDRED SQUARE FEET OR LESS OF INTERIOR SPACE THAT DOES NOT INCLUDE
18 LOFT SPACE AND FOUR HUNDRED SQUARE FEET OR LESS OF ATTACHED DECK, PORCH OR
19 PATIO SPACE.

20 3. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT ARE EACH
21 SINGLE-STORY STRUCTURES, NOT INCLUDING A LOFT.

22 4. ANY DETACHED GARAGE HAS FOUR HUNDRED SQUARE FEET OR LESS OF
23 INTERIOR SPACE.

24 5. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT OR
25 DETACHED GARAGE ARE ON A SEMI-PERMANENT OR PERMANENT FOUNDATION.

26 6. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT EACH HAVE
27 UTILITY CONNECTIONS TO AN OUTSIDE UTILITY SERVICE OR HAVE ALL OF THE
28 FOLLOWING:

29 (a) ON-SITE SOLAR, WIND OR OTHER ELECTRICAL GENERATION CAPACITY.

30 (b) AN ON-SITE WATER STORAGE TANK.

31 (c) AN ON-SITE WASTEWATER TREATMENT FACILITY OR A SYSTEM THAT IS
32 COMPLIANT WITH THE REQUIREMENTS OF SECTION 49-204.

33 7. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT AND
34 DETACHED GARAGE ARE EACH AT LEAST SIX FEET FROM EACH OTHER AND ARE EITHER
35 UNCONNECTED STAND-ALONE BUILDINGS OR ARE CONNECTED BY A GANGWAY THAT IS AT
36 LEAST SIX FEET AND NOT LONGER THAN EIGHTEEN FEET IN LENGTH.

37 8. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT COMPLY
38 WITH ANY COUNTY SETBACK REQUIREMENTS THAT ARE APPLICABLE TO RESIDENTIAL
39 BUILDINGS IN THE ZONING CLASSIFICATION OF THE LOT. A ZONING REQUIREMENT
40 MAY NOT PROHIBIT CONSTRUCTING A SINGLE-FAMILY HOME, ACCESSORY DWELLING
41 UNIT OR DETACHED GARAGE THAT ARE ADJACENT TO EACH OTHER IF THEY ARE AT
42 LEAST SIX FEET APART.

1 9. THE SINGLE-FAMILY HOME AND ANY ACCESSORY DWELLING UNIT OR
2 DETACHED GARAGE ARE BUILT PURSUANT TO SECTION 32-1121, SUBSECTION A,
3 PARAGRAPH 5.

4 10. THE OWNER CONSTRUCTED THE SINGLE-FAMILY HOME, ACCESSORY
5 DWELLING UNIT OR DETACHED GARAGE WITHOUT THE INTENT TO SELL OR RENT THE
6 SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE. OWNERS
7 ARE DEEMED TO HAVE CONSTRUCTED THE SINGLE-FAMILY HOME, ACCESSORY DWELLING
8 UNIT OR DETACHED GARAGE WITHOUT THE INTENT TO SELL OR RENT IF THE OWNER
9 DOES NOT SELL OR RENT THE SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR
10 DETACHED GARAGE FOR AT LEAST TWELVE MONTHS AFTER CONSTRUCTION IS COMPLETE.

11 C. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT REQUIRE A
12 BUILDING INSPECTION OR BUILDING PERMIT FOR ANY SINGLE-FAMILY HOME OR
13 ACCESSORY DWELLING UNIT THAT IS CONSTRUCTED IN SUBSTANTIAL COMPLIANCE WITH
14 THIS SECTION, UNLESS THE COUNTY HAS CLEAR AND CONVINCING EVIDENCE
15 DEMONSTRATING NONCOMPLIANCE WITH ANY OF THE REQUIREMENTS OF THIS SECTION.
16 IF A PROPERTY OWNER BELIEVES THE SINGLE-FAMILY HOME, ACCESSORY DWELLING
17 UNIT OR DETACHED GARAGE IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
18 SECTION AND, ABSENT CLEAR AND CONVINCING EVIDENCE THAT THE PROPERTY IS
19 NONCOMPLIANT, THE COUNTY MAY REQUIRE THAT THE OWNER DO ANY OF THE
20 FOLLOWING:

21 1. FILE AN AFFIDAVIT STATING THE FOLLOWING:

22 "I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE
23 SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE
24 CONSTRUCTED AT (ADDRESS) WAS BUILT IN SUBSTANTIAL CONFORMITY
25 WITH THE REQUIREMENTS OF SECTION 11-269.29, ARIZONA REVISED
26 STATUTES. I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE
27 STRUCTURE WAS BUILT IN SUBSTANTIAL CONFORMITY WITH THE
28 COUNTY'S BUILDING CODES OR IN A MANNER THAT WILL OTHERWISE
29 ENSURE THAT THE STRUCTURE IS SAFE FOR HABITATION OR USE."

30 2. SUBMIT A SELF-PREPARED SITE PLAN THAT LISTS GENERAL INFORMATION
31 ABOUT THE SITE OF THE PLANNED CONSTRUCTION AND GENERAL INFORMATION ABOUT
32 THE MATERIALS TO BE USED. THE COUNTY MAY NOT PROHIBIT CONSTRUCTION
33 BECAUSE OF ANY PERCEIVED DEFICIENCY OF THE SITE PLAN IF THE SITE PLAN
34 SHOWS THE GEOGRAPHIC OUTLINE OF THE LOT WHERE CONSTRUCTION IS TO TAKE
35 PLACE AND PROVIDES A ROUGH SKETCH OF THE PLANNED CONSTRUCTION SHOWING THE
36 FLOOR PLAN AND THE OUTLINE AND MEASUREMENTS OF THE PLANNED CONSTRUCTION'S
37 FOOTPRINT THAT ARE SUFFICIENT TO SHOW THAT THE STRUCTURE WILL FULFILL THE
38 SQUARE FOOT RESTRICTIONS OF SUBSECTION B, PARAGRAPH 2 OR 4 OF THIS
39 SECTION. THE COUNTY MAY NOT REQUIRE BLUEPRINTS OF THE STRUCTURE OR
40 REQUIRE THAT THE SITE PLAN BE PREPARED BY AN ENGINEER OR OTHER SIMILAR
41 PROFESSIONAL. THE SITE PLAN AND SKETCH MUST BE PREPARED ONLY TO THE LEVEL
42 OF DETAIL AND QUALITY THAT WOULD REASONABLY BE EXPECTED OF A
43 NONPROFESSIONAL WITH A HIGH SCHOOL EDUCATION.

1 D. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT REQUIRE A
2 BUILDING PERMIT OR ANY OTHER TYPE OF PERMIT FOR SOLAR POWER OR WIND POWER
3 EQUIPMENT THAT IS INSTALLED AT ANY SINGLE-FAMILY HOME, ACCESSORY DWELLING
4 UNIT OR DETACHED GARAGE THAT IS CONSTRUCTED PURSUANT TO THIS SECTION IF
5 THE SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE IS NOT
6 CONNECTED TO AN OUTSIDE UTILITY SERVICE.

7 E. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT REQUIRE A
8 WASTEWATER, SEWAGE OR GRAY WATER PERMIT FOR ANY SINGLE-FAMILY HOME OR
9 ACCESSORY DWELLING UNIT THAT IS CONSTRUCTED PURSUANT TO THE REQUIREMENTS
10 OF THIS SECTION IF THE OWNER ATTESTS THAT THE RESIDENCE OR UNIT IS
11 COMPLIANT WITH SECTION 49-204 AND WILL NOT BE CONNECTED TO AN OUTSIDE
12 UTILITY SERVICE.

13 F. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT IMPOSE ON
14 SINGLE-FAMILY HOMES, ACCESSORY DWELLING UNITS OR DETACHED GARAGES BUILT IN
15 COMPLIANCE WITH THIS SECTION ANY ZONING OR CONSTRUCTION REQUIREMENTS THAT
16 ARE DIFFERENT FROM THOSE REQUIRED BY THIS SECTION.

17 G. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT REQUIRE A
18 BUILDING PERMIT FOR A GREENHOUSE BUILT ON RESIDENTIAL RURAL LAND IF THE
19 GREENHOUSE MEETS ALL OF THE FOLLOWING:

- 20 1. IS CONSTRUCTED OF LIGHT FRAMING MATERIALS AND METHODS.
- 21 2. IS NOT MORE THAN FOUR HUNDRED SQUARE FEET IN AREA.
- 22 3. WALL HEIGHTS ARE NOT MORE THAN EIGHT FEET WITH A MAXIMUM ROOF
23 PEAK HEIGHT OF EIGHTEEN FEET.

24 4. ELECTRICAL, PLUMBING OR MECHANICAL SYSTEMS ARE ONLY INSTALLED IF
25 THE PROPERTY IS NOT CONNECTED TO A PUBLIC ELECTRICAL OR WATER UTILITY AND
26 IF THE STRUCTURES AT THE PROPERTY ARE COMPLIANT WITH SECTION 49-204. IF
27 THE PROPERTY IS NOT COMPLIANT WITH SECTION 49-204, ONLY ONE WATER LINE MAY
28 BE INSTALLED AS A STAND-ALONE STANDPIPE.

29 H. THE COUNTY MAY REQUIRE THAT THE BUILDER OF A SINGLE-FAMILY HOME,
30 ACCESSORY DWELLING UNIT OR DETACHED GARAGE THAT IS CONSTRUCTED PURSUANT TO
31 THIS SECTION FILE AN AFFIDAVIT WITH THE COUNTY RECORDER IN THE COUNTY
32 WHERE THE SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE
33 IS LOCATED THAT ATTESTS THAT THE SINGLE-FAMILY HOME, ACCESSORY DWELLING
34 UNIT OR DETACHED GARAGE IS BUILT IN COMPLIANCE WITH THIS SECTION.

35 I. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY NOT CONDUCT CODE
36 ENFORCEMENT OR IMPOSE PENALTIES AGAINST ANY SINGLE-FAMILY HOME, ACCESSORY
37 DWELLING UNIT OR DETACHED GARAGE THAT COMPLIES WITH THIS SECTION BUT THAT
38 WAS CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE COUNTY MAY
39 REQUIRE THE OWNER OF A SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR
40 DETACHED GARAGE THAT WAS CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS
41 SECTION TO COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS C AND H OF THIS
42 SECTION.

43 J. IF A PROPERTY OWNER HAS SUBMITTED AN AFFIDAVIT IN CONFORMITY
44 WITH SUBSECTION C, PARAGRAPH 1 OF THIS SECTION, THE COUNTY SHALL PRESUME

1 THAT THE CONSTRUCTION REFERENCED IN THE AFFIDAVIT IS IN COMPLIANCE WITH
2 THIS SECTION AND THE COUNTY MAY NOT INSPECT THE PROPERTY OR TAKE ANY
3 ENFORCEMENT ACTION UNLESS THE COUNTY HAS CLEAR AND CONVINCING EVIDENCE
4 THAT DEMONSTRATES THAT THE SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR
5 DETACHED GARAGE IS NOT IN COMPLIANCE WITH THIS SECTION.

6 K. IF A COUNTY IMPOSES A PENALTY ON A PROPERTY OWNER OR TAKES AN
7 ENFORCEMENT ACTION RELATED TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME,
8 ACCESSORY DWELLING UNIT OR DETACHED GARAGE THAT THE PROPERTY OWNER
9 BELIEVES TO BE IN COMPLIANCE WITH THIS SECTION, THE PROPERTY OWNER MAY
10 BRING A CIVIL ACTION IN A JUSTICE COURT OR SUPERIOR COURT IN THE COUNTY
11 WHERE THE PROPERTY IS LOCATED. THE PROPERTY OWNER MAY ELECT A JURY OR A
12 BENCH TRIAL. IF THE TRIER OF FACT DETERMINES THAT THE CONSTRUCTION WAS IN
13 COMPLIANCE WITH THIS SECTION:

14 1. THE COUNTY MAY NOT IMPOSE PENALTIES OR ENFORCEMENT AGAINST THE
15 PROPERTY OWNER.

16 2. THE COUNTY SHALL REIMBURSE THE PROPERTY OWNER FOR ACTUAL COSTS
17 INCURRED BY THE PROPERTY OWNER IN DEFENDING AGAINST THE ENFORCEMENT ACTION
18 OR ATTEMPTED ENFORCEMENT ACTION, PLUS \$100 PER DAY BEGINNING WHEN
19 ENFORCEMENT MEASURES WERE TAKEN UNTIL THE CONCLUSION OF THE
20 ACTION. ACTUAL COSTS INCLUDE COSTS RELATED TO THE PROPERTY, LEGAL COSTS
21 AND FEES AND WAGES AND INCOME LOST AS A RESULT OF RESPONDING TO THE
22 COUNTY'S ENFORCEMENT ACTIONS. THE ACTUAL COSTS INCURRED BY THE PROPERTY
23 OWNER SHALL BE DETERMINED BY THE TRIER OF FACT.

24 L. FOR THE PURPOSES OF THIS SECTION:

25 1. "ACCESSORY DWELLING UNIT" MEANS A BUILDING OR STRUCTURE THAT IS
26 DESIGNED FOR ONE OR MORE PERSONS WHO MAINTAIN A COMMON HOUSEHOLD, THAT
27 INCLUDES AT LEAST ONE BATHROOM AND ONE BEDROOM AND THAT IS LOCATED ON THE
28 SAME LOT AS A SINGLE-FAMILY HOME.

29 2. "DETACHED GARAGE" MEANS A ROOFED AND ENCLOSED STRUCTURE THAT IS
30 NOT CONNECTED TO A HOUSE OR ACCESSORY DWELLING UNIT OTHER THAN THROUGH A
31 GANGWAY, THAT HAS A PRINCIPAL PURPOSE OF ACCOMMODATING MOTOR VEHICLES AND
32 TOOLS, THAT IS NOT CLIMATE CONTROLLED OR USED FOR HUMAN HABITATION AND
33 THAT IS LOCATED ON THE SAME LOT AS A SINGLE-FAMILY HOME.

34 3. "GANGWAY" MEANS A COMPLETELY ENCLOSED ABOVE-GROUND PASSAGEWAY
35 THAT HAS A CEILING HEIGHT OF BETWEEN SEVEN AND NINE FEET AND A WIDTH OF
36 NOT MORE THAN FIVE FEET AND THAT CONNECTS ENTRANCES OF SEPARATE BUILDINGS.

37 4. "LOFT" MEANS A HABITABLE ROOM OR SPACE WITHIN A SINGLE-FAMILY
38 HOUSE OR ACCESSORY DWELLING UNIT THAT IS ABOVE THE MAIN FLOOR, THAT IS
39 OPEN TO THE MAIN FLOOR ON ONE OR MORE SIDES, THAT HAS A CEILING HEIGHT OF
40 LESS THAN SIX FEET, EIGHT INCHES AND THAT IS USED AS A LIVING OR SLEEPING
41 SPACE.

42 5. "ON-SITE WASTEWATER TREATMENT FACILITY" HAS THE SAME MEANING
43 PRESCRIBED IN SECTION 49-201.

1 6. "RESIDENTIAL RURAL LAND" MEANS ANY PROPERTY THAT IS IN AN
2 UNINCORPORATED AREA OF A COUNTY WITH A ZONING CLASSIFICATION THAT ALLOWS
3 FOR THE CONSTRUCTION OF A PRIVATE RESIDENCE, THAT IS AT LEAST TWO ACRES
4 AND THAT DOES NOT DIRECTLY ABUT A MUNICIPALITY.

5 7. "SINGLE-FAMILY HOME" MEANS A BUILDING OR STRUCTURE THAT IS
6 DESIGNED FOR ONE OR MORE PERSONS WHO MAINTAIN A COMMON HOUSEHOLD AND THAT
7 INCLUDES A KITCHEN AND AT LEAST ONE BATHROOM AND ONE BEDROOM.

8 Sec. 2. Section 11-811, Arizona Revised Statutes, is amended to
9 read:

10 11-811. Zoning ordinance; zoning districts; definitions

11 A. Pursuant to this article, the board of supervisors may adopt a
12 zoning ordinance in order to conserve and promote the public health,
13 safety, convenience and general welfare. The zoning ordinance and all
14 rezonings and zoning regulations amendments adopted under this article
15 shall be consistent with and conform to the adopted comprehensive plan.
16 In addition to the other matters that are required or authorized under
17 this section and article 1 of this chapter, the zoning ordinance:

18 1. Shall show the zoning districts designated as appropriate for
19 various classes of residential, business and industrial uses and shall
20 provide for the establishment of setback lines and other plans providing
21 for adequate light, air and parking facilities and for expediting traffic
22 within the districts.

23 2. May establish the percentage of a lot or parcel that may be
24 covered by buildings and the size of yards, courts and other open spaces.

25 3. Shall consider access to incident solar energy.

26 4. May provide for retirement community zoning districts.

27 5. May provide for the regulation and use of business licenses,
28 adult oriented business manager permits and adult service provider permits
29 in conjunction with the establishment or operation of adult oriented
30 businesses and facilities, including adult arcades, adult bookstores or
31 video stores, cabarets, adult live entertainment establishments, adult
32 motion picture theaters, adult theaters, massage establishments and nude
33 model studios. With respect to cabarets, the ordinance shall not conflict
34 with specific statutory or valid regulatory requirements applicable to
35 persons licensed to dispense alcoholic beverages, but the ordinance may
36 include regulation of the age and conduct of erotic entertainers in a
37 manner at least as restrictive as rules adopted under title 4.
38 Notwithstanding section 11-812, a county in regulating or licensing
39 businesses and facilities pursuant to this paragraph may impose reasonable
40 operating requirements that affect the existing uses of businesses and
41 facilities.

42 6. Shall designate and zone appropriate areas of reasonable size in
43 which there may be established with reasonable permanency canneries,
44 fertilizer plants, refineries, commercial feedlots, meat packing plants,

1 tallow works and other like businesses. A dairy operation, including
2 areas designated for the raising of replacement heifers or bulls owned by
3 the same dairy operation, is not subject to this paragraph, and is a
4 general agricultural purpose under subsection D, paragraph 2 of this
5 section and section 11-812, subsection A, paragraph 2. A replacement
6 heifer or bull raising operation of a dairy that is not on contiguous
7 property of the dairy is subject to this paragraph unless the operation
8 begins within one-quarter mile of the dairy.

9 7. MAY NOT IMPOSE ANY PENALTIES BEYOND THE PROVISIONS OF SECTION
10 11-269.29 FOR SINGLE-FAMILY HOMES, ACCESSORY DWELLING UNITS OR DETACHED
11 GARAGES THAT ARE CONSTRUCTED IN COMPLIANCE WITH THE REQUIREMENTS OF
12 SECTION 11-269.29.

13 B. To carry out the purposes of this article, the board may adopt
14 overlay zoning districts and regulations applicable to particular
15 buildings, structures and land within individual zones. For the purposes
16 of this subsection, "overlay zoning district" means a special zoning
17 district that includes regulations that modify regulations in another
18 zoning district with which the overlay zoning district is combined.
19 Overlay zoning districts and regulations shall be adopted pursuant to
20 section 11-813. The provisions of overlay zoning shall apply
21 retroactively to authorize overlay zoning districts and regulations
22 adopted before April 20, 1993.

23 C. In accordance with article II, sections 1 and 2, Constitution of
24 Arizona, the board shall consider the individual property rights and
25 personal liberties of the residents of the county before adopting any
26 zoning ordinance.

27 D. This section does not authorize:

28 1. The imposition of dedications, exactions, fees or other
29 requirements that are not otherwise authorized by law.

30 2. The regulation or restriction of the use or occupation of land
31 or improvements for railroad, mining, metallurgical, grazing or general
32 agricultural purposes, if the tract concerned is five or more contiguous
33 commercial acres. For the purposes of this paragraph, general
34 agricultural purposes do not include the cultivation of cannabis as
35 defined in section 13-3401 or marijuana as defined in section 13-3401 or
36 36-2801.

37 E. For the purposes of this section:

38 1. "Adult arcade" means any place to which the public is ~~permitted~~
39 ~~ALLOWED~~ or invited and in which coin-operated or slug-operated or
40 electronically, electrically or mechanically controlled still or motion
41 picture machines, projectors or other ~~image-producing~~ ~~IMAGE-PRODUCING~~
42 devices are maintained to show images involving specific sexual activities
43 or specific anatomical areas to persons in booths or viewing rooms.

1 2. "Adult bookstore or video store" means a commercial
2 establishment that offers for sale or rent any of the following as one of
3 its principal business purposes:

4 (a) Books, magazines, periodicals or other printed matter,
5 photographs, films, motion pictures, videocassettes or reproductions or
6 slides or other visual representations that depict or describe specific
7 sexual activities or specific anatomical areas.

8 (b) Instruments, devices or paraphernalia that are designed for use
9 in connection with specific sexual activities.

10 3. "Adult live entertainment establishment" means an establishment
11 that features either:

12 (a) Persons who appear in a state of nudity.

13 (b) Live performances that are characterized by the exposure of
14 specific anatomical areas or specific sexual activities.

15 4. "Adult motion picture theater" means a commercial establishment
16 in which for any form of consideration films, motion pictures,
17 videocassettes, slides or other similar photographic reproductions that
18 are characterized by the depiction or description of specific sexual
19 activities or specific anatomical areas are predominantly shown.

20 5. "Adult oriented business" means adult arcades, adult bookstores
21 or video stores, cabarets, adult live entertainment establishments, adult
22 motion picture theaters, adult theaters, massage establishments that offer
23 adult service or nude model studios.

24 6. "Adult oriented business manager" means a person on the premises
25 of an adult oriented business who is authorized to exercise overall
26 operational control of the business.

27 7. "Adult service" means dancing, serving food or beverages,
28 modeling, posing, wrestling, singing, reading, talking, listening or other
29 performances or activities conducted for any consideration in an adult
30 oriented business by a person who is nude or seminude during all or part
31 of the time that the person is providing the service.

32 8. "Adult service provider" or "erotic entertainer" means any
33 natural person who provides an adult service.

34 9. "Adult theater" means a theater, concert hall, auditorium or
35 similar commercial establishment that predominantly features persons who
36 appear in a state of nudity or who engage in live performances that are
37 characterized by the exposure of specific anatomical areas or specific
38 sexual activities.

39 10. "Cabaret" means an adult oriented business licensed to provide
40 alcoholic beverages pursuant to title 4, chapter 2, article 1.

41 11. "Discernibly turgid state" means the state of being visibly
42 swollen, bloated, inflated or distended.

43 12. "Massage establishment" means an establishment in which a
44 person, firm, association or corporation engages in or permits massage

1 activities, including any method of pressure on, friction against,
2 stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating
3 of external soft parts of the body with the hands or with the aid of any
4 mechanical apparatus or electrical apparatus or appliance. This paragraph
5 does not apply to:

6 (a) Persons who are licensed pursuant to title 32, chapter 7, 8,
7 13, 14 or 17.

8 (b) Registered nurses, licensed practical nurses or technicians who
9 are acting under the supervision of a physician who is licensed pursuant
10 to title 32, chapter 13 or 17.

11 (c) Registered nurse practitioners who are licensed pursuant to
12 title 32, chapter 15.

13 (d) Persons who are employed or acting as trainers for a bona fide
14 amateur, semiprofessional or professional athlete or athletic team.

15 (e) Persons who are licensed pursuant to title 32, chapter 3 or 5
16 if the activity is limited to the head, face or neck.

17 13. "Nude model studio":

18 (a) Means a place in which a person who appears in a state of nudity
19 or who displays specific anatomical areas is observed, sketched, drawn,
20 painted, sculptured, photographed or otherwise depicted by other persons
21 who pay money or other consideration. ~~Nude model studio~~

22 (b) Does not include a proprietary school that is licensed by this
23 state, a college, community college or university that is supported
24 entirely or in part by taxation, a private college or university that
25 maintains and operates educational programs in which credits are
26 transferable to a college, community college or university that is
27 supported entirely or in part by taxation or a structure to which the
28 following apply:

29 ~~(a)~~ (i) A sign is not visible from the exterior of the structure
30 and no other advertising appears indicating that a nude person is
31 available for viewing.

32 ~~(b)~~ (ii) A student must enroll at least three days in advance of a
33 class in order to participate.

34 ~~(c)~~ (iii) ~~No~~ NOT more than one nude or seminude model is on the
35 premises at any time.

36 14. "Nude", "nudity" or "state of nudity" means any of the
37 following:

38 (a) The appearance of a human anus, genitals or a female breast
39 below a point immediately above the top of the areola.

40 (b) A state of dress that fails to opaquely cover a human anus,
41 genitals or a female breast below a point immediately above the top of the
42 areola.

1 15. "Principal business purposes" means that a commercial
2 establishment derives fifty percent or more of its gross income from the
3 sale or rental of items listed in paragraph 2 of this subsection.

4 16. "Seminude" means a state of dress in which clothing covers no
5 more than the genitals, pubic region and female breast below a point
6 immediately above the top of the areola, as well as portions of the body
7 that are covered by supporting straps or devices.

8 17. "Specific anatomical areas" means any of the following:

9 (a) A human anus, genitals, the pubic region or a female breast
10 below a point immediately above the top of the areola that is less than
11 completely and opaquely covered.

12 (b) Male genitals in a discernibly turgid state even if completely
13 and opaquely covered.

14 18. "Specific sexual activities" means any of the following:

15 (a) Human genitals in a state of sexual stimulation or arousal.

16 (b) Sex acts, normal or perverted, actual or simulated, including
17 acts of human masturbation, sexual intercourse, oral copulation or sodomy.

18 (c) Fondling or other erotic touching of the human genitals, pubic
19 region, buttocks, anus or female breast.

20 (d) Excretory functions as part of or in connection with any of the
21 activities under subdivision (a), (b) or (c) of this paragraph.

22 Sec. 3. Section 11-812, Arizona Revised Statutes, is amended to
23 read:

24 11-812. Restriction on regulation; exceptions; aggregate
25 mining regulation; definitions

26 A. ~~Nothing contained in~~ Any ordinance authorized by this chapter
27 shall NOT:

28 1. Affect existing uses of property or the right to its continued
29 use or the reasonable repair or alteration of the property for the purpose
30 for which used at the time the ordinance affecting the property takes
31 effect.

32 2. Prevent, restrict or otherwise regulate the use or occupation of
33 land or improvements for railroad, mining, metallurgical, grazing or
34 general agricultural purposes, if the tract concerned is five or more
35 contiguous commercial acres. For the purposes of this paragraph:

36 (a) "General agricultural purposes" includes agritourism as defined
37 in section 3-111, but does not include any of the following:

38 (i) Food establishments **THAT ARE** under the authority of the
39 department of health services pursuant to section 36-136, subsection I **AND**
40 that are associated with an agritourism business.

41 (ii) Rodeo events that are open to the general public and that sell
42 tickets for admission. For the purposes of this item, rodeo events do not
43 include generally accepted agricultural practices associated with
44 livestock and equine operations.

1 (iii) The cultivation of cannabis as defined in section 13-3401 or
2 marijuana as defined in section 13-3401 or 36-2801.

3 (b) "Mining" has the same meaning prescribed in section 27-301.

4 3. Prevent, restrict or otherwise regulate the use or occupation of
5 land or improvements for agricultural composting, if the tract is five or
6 more contiguous commercial acres. An agricultural composting operation
7 shall notify in writing the board of supervisors and the nearest fire
8 department of the location of the composting operation. If the nearest
9 fire department is located in a city, town or fire district where the
10 agricultural composting is not located, the agricultural composting
11 operation shall also notify in writing the fire district in which the
12 operation is located. Agricultural composting is subject to sections
13 3-112 and 49-141. For the purposes of this paragraph, "agricultural
14 composting" has the same meaning prescribed in section 9-462.01,
15 subsection G.

16 4. Prevent, restrict or otherwise regulate the otherwise lawful
17 discharge of a firearm or air gun or use of archery equipment on a private
18 lot or parcel of land that is not open to the public on a commercial or
19 membership basis.

20 5. PREVENT, RESTRICT OR OTHERWISE REGULATE THE USE OR OCCUPATION OF
21 LAND OR IMPROVEMENTS ON LAND THAT CONFORM TO SECTION 11-269.29.

22 B. A nonconforming business use within a district may expand if the
23 expansion does not exceed one hundred ~~per cent~~ PERCENT of the area of the
24 original business.

25 C. For the purposes of subsection A, paragraph 2 of this section,
26 mining does not include aggregate mining operations in an aggregate mining
27 operations zoning district established pursuant to this section. The
28 board of supervisors of any county with a population of more than two
29 million persons shall designate and establish the boundaries of an
30 aggregate mining operations zoning district on the petition of at least
31 one hundred persons who reside within one-half mile of an existing
32 aggregate mining operation. In addition, the board of supervisors of any
33 county may establish, in its discretion and on the board's initiative, one
34 or more aggregate mining operations zoning districts. Aggregate mining
35 operations zoning districts may only be located in areas that are
36 inventoried and mapped as areas of known reserves or in areas with
37 existing aggregate mining operations. Subject to subsections E and F of
38 this section, a county and the state mine inspector may jointly adopt, as
39 internal administrative regulations, reasonable aggregate mining
40 operations zoning district standards limited to permitted uses, procedures
41 for approval of property development plans and site development standards
42 for dust control, height regulations, setbacks, days and hours of
43 operation, off-street parking, screening, noise, vibration and air
44 pollution control, signs, roadway access lanes, arterial highway

1 protection and property reclamation for which aggregate mining operations
2 are not otherwise subject to federal, state or local regulation or a
3 governmental contractual obligation. Regulations THAT ARE jointly adopted
4 pursuant to this subsection by the county and the state mine inspector
5 shall not prohibit the activities included in the definition of mine
6 pursuant to section 27-301, paragraph 8 or duplicate, conflict with or be
7 more stringent than applicable federal, state or local laws.

8 D. The board of supervisors of any county that establishes an
9 aggregate mining operations zoning district shall appoint an aggregate
10 mining operations recommendation committee for the district. The
11 committee consists of not more than seven operators, or representatives of
12 operators, of active aggregate mining operations in any district within
13 the county and an equal number of private citizens, who are not operators,
14 who are not employed by operators and who do not represent operators,
15 residing within three miles of the boundaries of aggregate mining
16 operations or a proposed aggregate mining operation in the district for
17 which the committee is established. The initial members appointed to the
18 committee shall be deemed the primary members, and the board of
19 supervisors shall appoint not more than five alternate members who
20 represent operators and shall appoint not more than five alternate members
21 who are private citizens. Alternate members may serve at meetings of the
22 committee when a primary member is unable to attend. An aggregate mining
23 operator may serve on more than one committee in the same county. The
24 board of supervisors shall determine the length of terms of members of the
25 committee and shall stagger the initial appointments so that not all
26 members' terms expire at the same time. Members of the committee who no
27 longer qualify for membership as provided by this subsection are subject
28 to removal and replacement by the board of supervisors. The committee
29 shall elect a member who is an aggregate mining operator to serve as
30 chairperson for the first year in which the committee is created. For
31 each year thereafter, the chairperson shall be elected by the members of
32 the committee with a member who is a private citizen and a member who is
33 an aggregate mining operator serving as chairperson in alternate years.
34 The committee is subject to the open meeting requirements of title 38,
35 chapter 3, article 3.1.

36 E. Within ninety days after an aggregate mining operations
37 recommendation committee is established, the committee shall notify all
38 existing aggregate mining operators in the district of the application of
39 this section and title 27, chapter 3, article 6 to the aggregate mining
40 operation. In addition, the committee shall:

41 1. By a majority vote of all members make recommendations to the
42 board of supervisors for aggregate mining zoning districts and
43 administrative regulations as provided in this section. The board of
44 supervisors may adopt or reject the recommendations but may not make any

1 modifications to the recommendations unless the modification is approved
2 by a majority of the members of the recommendation committee.

3 2. Serve as a forum for mediation of disputes between members of
4 the public and aggregate mining owners or operators. If the committee is
5 unable to resolve a dispute, the committee shall transmit the matter to
6 the state mine inspector, with written findings and recommendations, for
7 further action.

8 3. Hear written complaints filed with the state mine inspector
9 regarding alleged material deviations from approved community notices for
10 aggregate mining operations and make written recommendations to the state
11 mine inspector pursuant to section 27-446.

12 F. Any administrative regulations adopted by a board of supervisors
13 pursuant to this section are not effective until the regulations are
14 approved by the state mine inspector. The STATE MINE inspector may
15 disapprove the administrative regulations adopted by the board of
16 supervisors only if they duplicate, conflict with or are more stringent
17 than applicable federal, state or local laws, rules or regulations. If
18 the STATE MINE inspector disapproves the administrative regulations, the
19 STATE MINE inspector must provide written reasons for the
20 disapproval. The STATE MINE inspector shall not make any modification to
21 the administrative regulations as adopted by the board of supervisors
22 unless the modification is approved by a majority of the members of the
23 board of supervisors.

24 G. A person or entity is subject to this chapter if the use or
25 occupation of land or improvements by the person or entity consists of or
26 includes changing, remanufacturing or treating human sewage or sludge for
27 distribution or resale. These activities are not exempt from this chapter
28 under subsection A, paragraph 2 of this section.

29 H. A county shall not require as a condition for a permit or for
30 any approval, or otherwise cause, an owner or possessor of property to
31 waive the right to continue an existing nonconforming outdoor advertising
32 use or structure without acquiring the use or structure by purchase or
33 condemnation and paying just compensation unless the county, at its
34 option, allows the use or structure to be relocated to a comparable site
35 in the county with the same or a similar zoning classification, or to
36 another site in the county acceptable to both the county and the owner of
37 the use or structure, and the use or structure is relocated to the other
38 site. The county shall pay for relocating the outdoor advertising use or
39 structure, including the cost of removing and constructing the new use or
40 structure that is at least the same size and height. This subsection does
41 not apply to county rezoning of property at the request of the property
42 owner to a more intensive zoning district.

43 I. For the purposes of this section:

44 1. "Aggregate" has the same meaning prescribed in section 27-441.

1 2. "Aggregate mining" has the same meaning prescribed in section
2 27-441.

3 3. "Aggregate mining operation" means property that is owned,
4 operated or managed by the same person for aggregate mining.

5 4. "Operators" means persons who are actively engaged in aggregate
6 mining operations within the zoning district or proposed zoning district
7 and who have given notice to the state mine inspector pursuant to section
8 27-303.

9 Sec. 4. Section 11-815, Arizona Revised Statutes, is amended to
10 read:

11 11-815. Enforcement; county zoning inspector; deputies;
12 building permits; violations; classification; civil
13 penalties; hearing officers and procedures

14 A. The county zoning ordinance shall provide for its enforcement
15 within a zoned territory by means of withholding building permits, and for
16 those purposes may establish the position of county zoning inspector and
17 deputy inspectors as may be required, who shall be appointed by the board.

18 B. After ~~the establishment~~ ESTABLISHING and filling ~~of~~ the
19 position, it is unlawful to erect, construct, reconstruct, alter or use
20 any building or other structure within a zoning district covered by the
21 ordinance without first obtaining a building permit from the inspector,
22 and for that purpose the applicant shall provide the zoning inspector with
23 a sketch of the proposed construction containing sufficient information
24 for the enforcement of the zoning ordinance. A permit is not required for
25 repairs or improvements of a value OF not ~~exceeding five hundred dollars~~
26 MORE THAN \$500 OR FOR CONSTRUCTING A SINGLE-FAMILY HOME, ACCESSORY
27 DWELLING UNIT OR DETACHED GARAGE THAT COMPLIES WITH SECTION 11-269.29.
28 Reasonable fees may be charged for the issuance of a permit. The
29 inspector shall recognize the limitations placed on the inspector's
30 authority by sections 11-804 and 11-811, and shall issue the permit when
31 it appears that the proposed erection, construction, reconstruction,
32 alteration or use fully conforms to the zoning ordinance. In any other
33 case the inspector shall withhold the permit.

34 C. It is unlawful to erect, construct, reconstruct, maintain or use
35 any land in any zoning district in violation of any regulation or any
36 ordinance pertaining to the land and any violation constitutes a public
37 nuisance. Any person, firm or corporation violating an ordinance, or any
38 part of an ordinance, is guilty of a class 2 misdemeanor. Each day during
39 which the illegal erection, construction, reconstruction, alteration,
40 maintenance or use continues is a separate offense.

41 D. A county may establish civil penalties for a violation of any
42 zoning regulation or ordinance. Civil penalties shall not exceed the
43 amount of the maximum fine for a class 2 misdemeanor. Each day of
44 continuance of the violation constitutes a separate violation. If an

1 alleged violator is served with a notice of violation pursuant to
 2 subsection E of this section, the alleged violator is not subject to a
 3 criminal charge arising out of the same facts.

4 E. A county that establishes a civil penalty for a violation of a
 5 zoning regulation or ordinance may appoint hearing officers to hear and
 6 determine zoning violations. If the ~~zoning~~ inspector reports a zoning
 7 violation to the hearing officer, the hearing officer shall hold a hearing
 8 after notice of the hearing has been served on the alleged violator. The
 9 ~~zoning~~ inspector shall cause the notice to be personally served on the
 10 alleged violator at least five days before the hearing. Personal service
 11 may be made by ~~a zoning~~ AN inspector or by any person authorized to
 12 perform personal service by the Arizona rules of civil procedure. If it
 13 is impracticable for the ~~zoning~~ inspector to cause the notice to be
 14 personally served, the notice may be served in the same manner prescribed
 15 for alternative methods of service by the Arizona rules of civil
 16 procedure. A notice served on the alleged violator other than by personal
 17 service shall be served at least thirty days before the hearing. For the
 18 purposes of this subsection, "impracticable" includes service of the
 19 notice outside the boundaries of the county or in situations in which the
 20 hearing officer reasonably determines that personal service on the alleged
 21 violator would jeopardize the safety of the ~~zoning~~ inspector or other
 22 persons authorized to perform personal service by the Arizona rules of
 23 civil procedure.

24 F. At the hearing, the ~~zoning~~ inspector shall present evidence
 25 showing the existence of a zoning violation and the alleged violator or
 26 the alleged violator's attorney or other designated representative shall
 27 be given a reasonable opportunity to present evidence. The county
 28 attorney may present evidence on behalf of the ~~zoning~~ inspector. At the
 29 conclusion of the hearing, the hearing officer shall determine whether a
 30 zoning violation exists and, if a violation is found to exist, may impose
 31 civil penalties pursuant to subsection D of this section.

32 G. A hearing officer may be an employee of the county and shall be
 33 appointed by the board of supervisors. A review of decisions of the
 34 hearing officer by the board of supervisors shall be available to any
 35 party to the hearing. The board of supervisors may delegate this review
 36 to a county board of adjustment. If the board of supervisors elects to
 37 delegate this review, the board of supervisors shall delegate all
 38 requested reviews to the board of adjustment. The board of supervisors
 39 shall adopt written rules of procedure for the hearing and review of
 40 hearings, which shall be adopted in the same manner as zoning ordinances.
 41 Judicial review of the final decisions of the board of supervisors or a
 42 board of adjustment shall be pursuant to title 12, chapter 7, article 6.
 43 A county that establishes civil penalties for a violation of a zoning

1 regulation or ordinance is not precluded from pursuing the remedies ~~as~~
2 ~~provided for~~ in subsection H of this section.

3 H. If any building or structure is or is proposed to be erected,
4 constructed, reconstructed, altered, maintained or used or any land is or
5 is proposed to be used in violation of this chapter or any ordinance,
6 regulation or provision enacted or adopted by the board under the
7 authority granted by this chapter, the board, the county attorney, the
8 inspector or any adjacent or neighboring property owner who is specially
9 damaged by the violation, in addition to the other remedies provided by
10 law, may institute injunction, mandamus, abatement or any other
11 appropriate action or proceedings to prevent, abate or remove the unlawful
12 erection, construction, reconstruction, alteration, maintenance or use.

13 Sec. 5. Section 11-861, Arizona Revised Statutes, is amended to
14 read:

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

20 A. In any county that has adopted zoning pursuant to this chapter,
21 the board of supervisors may adopt and enforce, for the unincorporated
22 areas of the county so zoned, a building code and other related codes to
23 regulate the quality, type of material and workmanship of all aspects of
24 construction of buildings or structures, except that the board may
25 authorize that areas zoned rural or unclassified may be exempt from ~~the~~
26 ~~provisions of~~ the code adopted. **THE ADOPTED CODE DOES NOT APPLY TO A**
27 **SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE THAT IS**
28 **CONSTRUCTED IN COMPLIANCE WITH SECTION 11-269.29.** The codes may be
29 adopted by reference after notice and hearings before the county planning
30 and zoning commission and board of supervisors as provided in this chapter
31 for amendments to the zoning ordinance of the county.

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

38 C. For the purposes of this article, codes authorized by
39 subsections A and B of this section shall be limited to the following:

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

1 notification of a change to the city code, the same change or shall
2 terminate the adopted city code.

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

7 D. The board of supervisors may adopt a current wildland-urban
8 interface code. The code may be adapted from a model code adopted by a
9 national or international organization or association for mitigating the
10 hazard to life and property. The board must follow written public
11 procedures in developing and adopting the code and any revisions to the
12 code to provide effective, early and continuous public participation
13 through:

14 1. The broad dissemination and publicity of the proposed code and
15 any revisions to the code.

16 2. The opportunity for submission and consideration of written
17 public comments.

18 3. Open discussions, communications programs and information
19 services.

20 4. Consultation with federal agencies and state and local
21 officials.

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

35 F. A fire sprinkler permit application may be in either print or
36 electronic format.

37 G. A board of supervisors may not adopt any, or part of any, fire
38 code, ordinance, stipulation or other legal requirement for an approved
39 fire apparatus access road or a fire apparatus access road extension, or
40 both, or an approved route or a route extension, or both, that directly or
41 indirectly requires a one or two family residence or a utility or
42 miscellaneous accessory building or structure to install fire sprinklers.
43 A fire code official may increase or extend an approved fire apparatus
44 access road or a fire apparatus access road extension, or both, or an

1 approved route or a route extension, or both, to comply with this
 2 subsection. Compliance with this subsection is not grounds to deny or
 3 suspend a license or permit. This subsection may be enforced in a private
 4 civil action and relief, including an injunction, may be awarded against a
 5 county. The court shall award reasonable attorney fees, damages, lost
 6 opportunity costs, interest and the cost of the sprinkler system to a
 7 party that prevails in an action against a county for a violation of this
 8 subsection. The legislature finds and determines that property rights are
 9 a matter of statewide concern and a fundamental element of freedom. A
 10 property owner's right to use the property owner's property must be
 11 protected from unreasonable abridgment by county regulation and
 12 enforcement. This subsection supersedes and preempts any regulation
 13 adopted by a county regarding an approved fire apparatus access road, fire
 14 apparatus access road extension, approved route or route extension. For
 15 the purposes of this subsection:

16 1. "Fire code" includes the international fire code, however
 17 denominated.

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

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

36 I. From and after December 31, 2014, a code or ordinance or part of
 37 a uniform code or ordinance that is adopted by the board of supervisors
 38 applies to locking devices for pool barrier gates used for means of
 39 ingress or egress for semipublic swimming pools. Any new construction or
 40 major renovation of a semipublic swimming pool from and after December 31,
 41 2014 must meet the requirements of the code or ordinance or part of the
 42 uniform code or ordinance that is adopted by the board of supervisors.
 43 This subsection does not apply to a locking device for a pool barrier gate
 44 used for means of ingress or egress for a semipublic swimming pool that

1 was installed before January 1, 2015, if the locking device meets the
2 requirements prescribed in section 36-1681, subsection B, paragraph 3.

3 J. Any code, ordinance or general or specific plan provision or
4 part of a code, ordinance or general or specific plan provision adopted by
5 a county may not prohibit the use of refrigerants that are listed as
6 acceptable pursuant to the clean air act (69 Stat. 322; 42 United States
7 Code section 7671k) if the equipment used is listed and installed in
8 accordance with the use conditions prescribed in the clean air act.

9 Sec. 6. Section 11-865, Arizona Revised Statutes, is amended to
10 read:

11 11-865. Exemptions; exception

12 A. This article does not apply to:

13 1. Construction or operation incidental to construction and repair
14 to irrigation and drainage ditches or appurtenances thereto, of regularly
15 constituted districts or reclamation districts, or to farming, dairying,
16 agriculture, viticulture, horticulture or stock or poultry raising, or
17 clearing or other work on land in rural areas for fire prevention
18 purposes.

19 2. Devices used in manufacturing, processing or fabricating
20 normally considered as involved in industry and construction, operation
21 and maintenance of electric, gas or other public utility systems operated
22 by public service corporations operating under a franchise or certificate
23 of convenience and necessity.

24 3. A SINGLE-FAMILY HOME, ACCESSORY DWELLING UNIT OR DETACHED GARAGE
25 THAT IS CONSTRUCTED IN COMPLIANCE WITH SECTION 11-269.29.

26 B. Notwithstanding subsection A of this section, the requirements
27 of this article apply to the use or occupation of land or improvements by
28 a person or entity consisting of or including changing, remanufacturing or
29 treating human sewage or sludge for distribution or resale.

30 C. If an owner of property that is classified as ~~two(R)~~ CLASS TWO
31 (R) agricultural property pursuant to section 42-12002, paragraph 1,
32 subdivision (a), (b) or (d) and that is exempt pursuant to this section
33 desires to change the agricultural use of all or part of the property, the
34 property owner shall not implement a change endangering public health or
35 safety.