

House Engrossed

fire protection systems; inspections

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

# HOUSE BILL 2148

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 9-500.50; AMENDING SECTION 11-861, ARIZONA REVISED  
STATUTES; RELATING TO FIRE PROTECTION SYSTEMS.

(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 4, article 8, Arizona Revised Statutes,  
3 is amended by adding section 9-500.50, to read:

4 9-500.50. Fire protection systems; inspections

5 A. INSPECTIONS OF SMOKE DAMPERS AND FIRE DAMPERS WITHIN A FIRE  
6 PROTECTION SYSTEM CARRIED OUT PURSUANT TO A BUILDING CODE OR FIRE CODE  
7 THAT IS ADOPTED BY A CITY OR TOWN SHALL BE PERFORMED IN ACCORDANCE WITH  
8 THE STANDARDS ESTABLISHED BY A NATIONALLY RECOGNIZED STANDARDS DEVELOPING  
9 ORGANIZATION.

10 B. THE STATE FORESTER AND STATE FIRE MARSHAL MAY PROVIDE CERTIFIED  
11 INSPECTORS AND OTHER RESOURCES TO ASSIST WITH INSPECTIONS ON FIRE DAMPERS  
12 AND SMOKE DAMPERS PURSUANT TO A BUILDING CODE OR FIRE CODE THAT IS ADOPTED  
13 BY A CITY OR TOWN IF REQUESTED BY THE LOCAL AUTHORITY RESPONSIBLE FOR SUCH  
14 INSPECTIONS.

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

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

22 A. In any county that has adopted zoning pursuant to this chapter,  
23 the board of supervisors may adopt and enforce, for the unincorporated  
24 areas of the county so zoned, a building code and other related codes to  
25 regulate the quality, type of material and workmanship of all aspects of  
26 construction of buildings or structures, except that the board may  
27 authorize that areas zoned rural or unclassified may be exempt from the  
28 provisions of the code adopted. The codes may be adopted by reference  
29 after notice and hearings before the county planning and zoning commission  
30 and board of supervisors as provided in this chapter for amendments to the  
31 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  
45 approved route or a route extension, or both, to comply with this

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

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

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

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

35 I. From and after December 31, 2014, a code or ordinance or part of  
36 a uniform code or ordinance that is adopted by the board of supervisors  
37 applies to locking devices for pool barrier gates used for means of  
38 ingress or egress for semipublic swimming pools. Any new construction or  
39 major renovation of a semipublic swimming pool from and after December 31,  
40 2014 must meet the requirements of the code or ordinance or part of the  
41 uniform code or ordinance that is adopted by the board of supervisors.  
42 This subsection does not apply to a locking device for a pool barrier gate  
43 used for means of ingress or egress for a semipublic swimming pool that  
44 was installed before January 1, 2015, if the locking device meets the  
45 requirements prescribed in section 36-1681, subsection B, paragraph 3.

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

7 K. INSPECTIONS OF SMOKE DAMPERS AND FIRE DAMPERS WITHIN A FIRE  
8 PROTECTION SYSTEM CARRIED OUT PURSUANT TO A BUILDING CODE OR FIRE CODE  
9 THAT IS ADOPTED BY A COUNTY SHALL BE PERFORMED IN ACCORDANCE WITH THE  
10 STANDARDS ESTABLISHED BY A NATIONALLY RECOGNIZED STANDARDS DEVELOPING  
11 ORGANIZATION.

12 L. THE STATE FORESTER AND STATE FIRE MARSHAL MAY PROVIDE CERTIFIED  
13 INSPECTORS AND OTHER RESOURCES TO ASSIST WITH INSPECTIONS ON FIRE DAMPERS  
14 AND SMOKE DAMPERS PURSUANT TO A BUILDING CODE OR FIRE CODE THAT IS ADOPTED  
15 BY A COUNTY IF REQUESTED BY THE LOCAL AUTHORITY RESPONSIBLE FOR SUCH  
16 INSPECTIONS.

17 Sec. 3. Fire protection systems; inspections; enforcement  
18 date

19 On or before January 1, 2025, each city, town or county that has  
20 adopted a fire code shall adopt a regulation to enforce the requirements  
21 of section 9-500.50, Arizona Revised Statutes, as added by this act, and  
22 section 11-861, subsections K and L, Arizona Revised Statutes, as added by  
23 this act.