

REFERENCE TITLE: fire protection systems; inspections.

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1104

Introduced by
Senators Miranda: Alston, Bravo, Burch, Epstein, Fernandez, Marsh, Mendez;
Representatives Blattman, Hernandez C

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 INSPECTIONS OF FIRE PROTECTION SYSTEMS THAT INCLUDE FIRE DAMPERS,
6 SMOKE DAMPERS OR A COMBINATION OF FIRE AND SMOKE DAMPERS SHALL BE
7 PERFORMED BY PERSONS CERTIFIED BY ANY ENTITY ACCREDITED BY THE AMERICAN
8 NATIONAL STANDARDS INSTITUTE TO PERFORM SUCH INSPECTIONS.

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

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

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

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

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

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

41 2. Any fire prevention code that has been adopted by a national
42 organization or association organized or conducted for the purpose of
43 developing fire prevention codes and that is as stringent as the state
44 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 developing and adopting the code and any revisions to the
6 code to provide effective, early and continuous public participation
7 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 detached residence or any residential building that contains
20 not more than two dwelling units. The board of supervisors shall not
21 impose any fine, penalty or other requirement on any person or entity for
22 choosing to install or equip or not install or equip fire sprinklers in
23 such a residence. This subsection does not apply to any code or ordinance
24 that requires fire sprinklers in a residence and that was adopted before
25 December 31, 2009. The provisions of this subsection shall be included on
26 all fire sprinkler permit applications that are for a single-family
27 detached residence or any residential building that contains not more than
28 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

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

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

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

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

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

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

1 K. INSPECTIONS OF FIRE PROTECTION SYSTEMS THAT INCLUDE FIRE
2 DAMPERS, SMOKE DAMPERS OR A COMBINATION OF FIRE AND SMOKE DAMPERS SHALL BE
3 PERFORMED BY PERSONS CERTIFIED BY AN ENTITY ACCREDITED BY THE AMERICAN
4 NATIONAL STANDARDS INSTITUTE TO PERFORM SUCH INSPECTIONS.

5 Sec. 3. Fire protection systems; inspections; enforcement
6 date

7 On or before January 1, 2025, each city, town or county that has
8 adopted a fire code shall adopt a regulation to enforce the requirements
9 of section 9-500.50, Arizona Revised Statutes, as added by this act, and
10 section 11-861, subsection K, Arizona Revised Statutes, as added by this
11 act.