

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 78

SENATE BILL 1305

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-808; AMENDING SECTION 11-861, ARIZONA REVISED STATUTES; RELATING TO SEMIPUBLIC SWIMMING POOL BARRIERS.

(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, is
3 amended by adding section 9-808, to read:

4 9-808. Semipublic swimming pools; locking device; pool barrier
5 gates

6 A. FROM AND AFTER DECEMBER 31, 2014, A CODE OR ORDINANCE OR PART OF A
7 UNIFORM CODE OR ORDINANCE THAT IS ADOPTED BY A CITY OR TOWN APPLIES TO
8 LOCKING DEVICES FOR POOL BARRIER GATES USED FOR MEANS OF INGRESS OR EGRESS
9 FOR SEMIPUBLIC SWIMMING POOLS. ANY NEW CONSTRUCTION OR MAJOR RENOVATION OF A
10 SEMIPUBLIC SWIMMING POOL FROM AND AFTER DECEMBER 31, 2014 MUST MEET THE
11 REQUIREMENTS OF THE CODE OR ORDINANCE OR PART OF THE UNIFORM CODE OR
12 ORDINANCE THAT IS ADOPTED BY THE CITY OR TOWN.

13 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A LOCKING DEVICE FOR
14 A POOL BARRIER GATE USED FOR MEANS OF INGRESS OR EGRESS FOR A SEMIPUBLIC
15 SWIMMING POOL THAT WAS INSTALLED BEFORE JANUARY 1, 2015, IF THE LOCKING
16 DEVICE MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 36-1681, SUBSECTION B,
17 PARAGRAPH 3.

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

19 11-861. Adoption of codes by reference; limitations; method of
20 adoption

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

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

36 C. For the purpose of this article, codes authorized by subsections A
37 and B of this section shall be limited to the following:

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

45 2. Any fire prevention code that has been adopted by a national
46 organization or association organized or conducted for the purpose of

1 developing fire prevention codes and that is as stringent as the state fire
2 code adopted pursuant to section 41-2146.

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

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

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

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

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

15 E. The board of supervisors of a county shall not adopt a code or
16 ordinance or part of a uniform code or ordinance that prohibits a person or
17 entity from choosing to install or equip or not install or equip fire
18 sprinklers in a single family detached residence or any residential building
19 that contains not more than two dwelling units. The board of supervisors of
20 a county shall not impose any fine, penalty or other requirement on any
21 person or entity for choosing to install or equip or not install or equip
22 fire sprinklers in such a residence. This subsection does not apply to any
23 code or ordinance that requires fire sprinklers in a residence and that was
24 adopted before December 31, 2009.

25 F. FROM AND AFTER DECEMBER 31, 2014, A CODE OR ORDINANCE OR PART OF A
26 UNIFORM CODE OR ORDINANCE THAT IS ADOPTED BY THE BOARD OF SUPERVISORS APPLIES
27 TO LOCKING DEVICES FOR POOL BARRIER GATES USED FOR MEANS OF INGRESS OR EGRESS
28 FOR SEMIPUBLIC SWIMMING POOLS. ANY NEW CONSTRUCTION OR MAJOR RENOVATION OF A
29 SEMIPUBLIC SWIMMING POOL FROM AND AFTER DECEMBER 31, 2014 MUST MEET THE
30 REQUIREMENTS OF THE CODE OR ORDINANCE OR PART OF THE UNIFORM CODE OR
31 ORDINANCE THAT IS ADOPTED BY THE BOARD OF SUPERVISORS. THIS SUBSECTION DOES
32 NOT APPLY TO A LOCKING DEVICE FOR A POOL BARRIER GATE USED FOR MEANS OF
33 INGRESS OR EGRESS FOR A SEMIPUBLIC SWIMMING POOL THAT WAS INSTALLED BEFORE
34 JANUARY 1, 2015, IF THE LOCKING DEVICE MEETS THE REQUIREMENTS PRESCRIBED IN
35 SECTION 36-1681, SUBSECTION B, PARAGRAPH 3.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.