1 Strike everything after the enacting clause and insert:

"Section 1. Section 9-808, Arizona Revised Statutes, is amended to read:

9-808. Fire apparatus access road or approved route; one or two family residences; utility or miscellaneous accessory buildings or structures; enforcement; intent; state preemption; definitions

A. A municipality may not adopt any, or part of any, fire code, ordinance, stipulation or other legal requirement for an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, that directly or indirectly requires a one or two family residence or a utility or miscellaneous accessory building or structure to install fire sprinklers. A fire code official may increase or extend an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, to comply with this section. Compliance with this section may not be IS NOT grounds to deny or suspend a license or permit.

B. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF, INCLUDING AN INJUNCTION, MAY BE AWARDED AGAINST A MUNICIPALITY. THE COURT SHALL AWARD REASONABLE ATTORNEY FEES, DAMAGES, LOST OPPORTUNITY COSTS, INTEREST AND THE COST OF THE SPRINKLER SYSTEM TO A PARTY THAT PREVAILS IN AN ACTION AGAINST A MUNICIPALITY FOR A VIOLATION OF THIS SECTION.

C. THE LEGISLATURE FINDS AND DETERMINES THAT PROPERTY RIGHTS ARE A MATTER OF STATEWIDE CONCERN AND A FUNDAMENTAL ELEMENT OF FREEDOM. A PROPERTY OWNER'S RIGHT TO USE THE PROPERTY OWNER'S PROPERTY MUST BE PROTECTED FROM UNREASONABLE ABRIDGMENT BY MUNICIPAL REGULATION AND ENFORCEMENT. THIS SECTION SUPERSEDES AND PREEMPTS ANY REGULATION ADOPTED BY A MUNICIPALITY REGARDING AN APPROVED FIRE APPARATUS ACCESS ROAD, FIRE APPARATUS ACCESS ROAD EXTENSION, APPROVED ROUTE OR ROUTE EXTENSION.

D. For the purposes of this section:

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

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

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

11-861. Adoption of codes by reference; limitations; method of adoption; fire apparatus access roads or approved routes; intent; state preemption; pool barrier gates

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

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

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

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

2. Any fire prevention code that has been adopted by a national
organization or association organized or conducted for the purpose of
developing fire prevention codes and that is as stringent as the state fire
code adopted pursuant to section 41-2146.

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

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

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

3. Open discussions, communications programs and information services.

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

E. The board of supervisors shall not adopt a code or ordinance or
part of a uniform code or ordinance that prohibits a person or entity from
choosing to install or equip or not install or equip fire sprinklers in a
single family detached residence or any residential building that contains
not more than two dwelling units. The board of supervisors shall not impose
any fine, penalty or other requirement on any person or entity for choosing
to install or equip or not install or equip fire sprinklers in such a
residence. This subsection does not apply to any code or ordinance that
requires fire sprinklers in a residence and that was adopted before
December 31, 2009.
F. A board of supervisors may not adopt any, or part of any, fire code, ordinance, stipulation or other legal requirement for an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, that directly or indirectly requires a one or two family residence or a utility or miscellaneous accessory building or structure to install fire sprinklers. A fire code official may increase or extend an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, to comply with this subsection. Compliance with this subsection may not be grounds to deny or suspend a license or permit. This subsection may be enforced in a private civil action and relief, including an injunction, may be awarded against a county. The court shall award reasonable attorney fees, damages, lost opportunity costs, interest and the cost of the sprinkler system to a party that prevails in an action against a county for a violation of this subsection. The legislature finds and determines that property rights are a matter of statewide concern and a fundamental element of freedom. A property owner’s right to use the property owner’s property must be protected from unreasonable abridgment by county regulation and enforcement. This subsection supersedes and preempts any regulation adopted by a county regarding an approved fire apparatus access road, fire apparatus access road extension, approved route or route extension. For the purposes of this subsection:

1. “Fire code” includes the international fire code, however denominated.

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

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

Amend title to conform

WARREN H. PETERSEN
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2/16/15
3:13 PM
H:laa

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