

REFERENCE TITLE: fire code requirements; fire watch

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# **SB 1169**

Introduced by  
Senators Allen, Yee: Burges, Dial, Driggs, Griffin, Shooter

AN ACT

AMENDING SECTIONS 9-808, 11-861, 15-2011 AND 41-2146, ARIZONA REVISED  
STATUTES; RELATING TO FIRE CODE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 9-808. Fire apparatus access road or approved route; fire watch  
5 prohibition; definitions

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

17 B. A MUNICIPALITY MAY NOT REQUIRE THE USE OF A FIRE WATCH.

18 ~~B-~~ C. For the purposes of this section:

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

21 2. "FIRE WATCH" MEANS A PERSON WHO IS STATIONED IN A BUILDING OR IN A  
22 PLACE RELATIVE TO A BUILDING TO OBSERVE BUILDING OPENINGS WHEN THE FIRE  
23 PROTECTION SYSTEM FOR THE BUILDING IS TEMPORARILY NONOPERATIONAL OR ABSENT.

24 ~~2-~~ 3. "Utility or miscellaneous accessory building or structure"  
25 includes an agricultural building, aircraft hangar, accessory to a residence,  
26 barn, carport, fence that is more than six feet high, grain silo, greenhouse,  
27 livestock shelter, private garage, retaining wall, shed, stable, tank or  
28 tower.

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

30 11-861. Adoption of codes by reference; limitations; method of  
31 adoption; fire apparatus access roads or approved  
32 routes; fire watch prohibition; pool barrier gates

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

42 B. The board of supervisors may adopt a fire prevention code in the  
43 unincorporated areas of the county in which a fire district has not adopted a  
44 nationally recognized fire code pursuant to section 48-805. Any fire code  
45 adopted by a board of supervisors pursuant to this subsection shall remain in

1 effect until a fire district is established and adopts a code applicable  
2 within the boundaries of the district.

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

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

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

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

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

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

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

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

28 E. The board of supervisors shall not adopt a code or ordinance or  
29 part of a uniform code or ordinance that prohibits a person or entity from  
30 choosing to install or equip or not install or equip fire sprinklers in a  
31 single family detached residence or any residential building that contains  
32 not more than two dwelling units. The board of supervisors shall not impose  
33 any fine, penalty or other requirement on any person or entity for choosing  
34 to install or equip or not install or equip fire sprinklers in such a  
35 residence. This subsection does not apply to any code or ordinance that  
36 requires fire sprinklers in a residence and that was adopted before  
37 December 31, 2009.

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

1 route extension, or both, to comply with this subsection. Compliance with  
2 this subsection ~~may not be~~ IS NOT grounds to deny or suspend a license or  
3 permit. For the purposes of this subsection:

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

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

11 G. A BOARD OF SUPERVISORS MAY NOT REQUIRE THE USE OF A FIRE WATCH.  
12 FOR THE PURPOSES OF THIS SUBSECTION, "FIRE WATCH" MEANS A PERSON WHO IS  
13 STATIONED IN A BUILDING OR IN A PLACE RELATIVE TO A BUILDING TO OBSERVE  
14 BUILDING OPENINGS WHEN THE FIRE PROTECTION SYSTEM FOR THE BUILDING IS  
15 TEMPORARILY NONOPERATIONAL OR ABSENT.

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

27 Sec. 3. Section 15-2011, Arizona Revised Statutes, is amended to read:

28 15-2011. Minimum school facility adequacy requirements:  
29 definition

30 A. The school facilities board, as determined and prescribed in this  
31 chapter, shall provide funding to school districts for new construction as  
32 the number of pupils in the district fills the existing school facilities and  
33 requires more pupil space.

34 B. School buildings in a school district are adequate if all of the  
35 following requirements are met:

36 1. The buildings contain sufficient and appropriate space and  
37 equipment that comply with the minimum school facility adequacy guidelines  
38 established pursuant to subsection F of this section. The state shall not  
39 fund facilities for elective courses that require the school district  
40 facilities to exceed minimum school facility adequacy requirements. The  
41 school facilities board shall determine whether a school building meets the  
42 requirements of this paragraph by analyzing the total square footage that is  
43 available for each pupil in conjunction with the need for specialized spaces  
44 and equipment.

1           2. The buildings are in compliance with federal, state and local  
2 building and fire codes and laws that are applicable to the particular  
3 building, EXCEPT THAT A BUILDING THAT IS LESS THAN FIVE THOUSAND SQUARE FEET  
4 IS SUBJECT TO PERMITTING AND INSPECTION BY A LOCAL FIRE MARSHAL AND IS NOT  
5 SUBJECT TO REGULATION OR INSPECTION BY THE STATE FIRE MARSHAL. An existing  
6 school building is not required to comply with current requirements for new  
7 buildings unless this compliance is specifically mandated by law or by the  
8 building or fire code of the jurisdiction where the building is located.

9           3. The building systems, including roofs, plumbing, telephone systems,  
10 electrical systems, heating systems and cooling systems, are in working order  
11 and are capable of being properly maintained.

12           4. The buildings are structurally sound.

13           C. The standards that shall be used by the school facilities board to  
14 determine whether a school building meets the minimum adequate gross square  
15 footage requirements are as follows:

16           1. For a school district that provides instruction to pupils in  
17 programs for preschool children with disabilities, kindergarten programs and  
18 grades one through six, eighty square feet per pupil in programs for  
19 preschool children with disabilities, kindergarten programs and grades one  
20 through six.

21           2. For a school district that provides instruction to up to eight  
22 hundred pupils in grades seven and eight, eighty-four square feet per pupil  
23 in grades seven and eight.

24           3. For a school district that provides instruction to more than eight  
25 hundred pupils in grades seven and eight, eighty square feet per pupil in  
26 grades seven and eight or sixty-seven thousand two hundred square feet,  
27 whichever is more.

28           4. For a school district that provides instruction to up to four  
29 hundred pupils in grades nine through twelve, one hundred twenty-five square  
30 feet per pupil in grades nine through twelve.

31           5. For a school district that provides instruction to more than four  
32 hundred and up to one thousand pupils in grades nine through twelve, one  
33 hundred twenty square feet per pupil in grades nine through twelve or fifty  
34 thousand square feet, whichever is more.

35           6. For a school district that provides instruction to more than one  
36 thousand and up to one thousand eight hundred pupils in grades nine through  
37 twelve, one hundred twelve square feet per pupil in grades nine through  
38 twelve or one hundred twenty thousand square feet, whichever is more.

39           7. For a school district that provides instruction to more than one  
40 thousand eight hundred pupils in grades nine through twelve, ninety-four  
41 square feet per pupil in grades nine through twelve or two hundred one  
42 thousand six hundred square feet, whichever is more.

43           D. The school facilities board may modify the square footage  
44 requirements prescribed in subsection C of this section or modify the amount  
45 of monies awarded to cure the square footage deficiency pursuant to this

1 section for particular school districts based on extraordinary circumstances  
2 for any of the following considerations:

- 3 1. The number of pupils served by the school district.
- 4 2. Geographic factors.
- 5 3. Grade configurations other than those prescribed in subsection C of  
6 this section.

7 E. In measuring the square footage per pupil requirements of  
8 subsection C of this section, the school facilities board shall:

- 9 1. Use the most recent one hundredth day average daily membership.
- 10 2. For each school, use the lesser of either:
  - 11 (a) Total gross square footage.
  - 12 (b) Student capacity multiplied by the appropriate square footage per  
13 pupil prescribed by subsection C of this section.
- 14 3. Consider the total space available in all schools in use in the  
15 school district, except that the school facilities board shall allow an  
16 exclusion of the square footage for certain schools and the pupils within the  
17 schools' boundaries if the school district demonstrates to the board's  
18 satisfaction unusual or excessive busing of pupils or unusual attendance  
19 boundary changes between schools.
- 20 4. Compute the gross square footage of all buildings by measuring from  
21 exterior wall to exterior wall. Square footage used solely for district  
22 administration, storage of vehicles and other nonacademic purposes shall be  
23 excluded from the net square footage.
- 24 5. Include all portable and modular buildings.
- 25 6. Include in the net square footage new construction funded wholly or  
26 partially by the school facilities board based on the square footage funded  
27 by the school facilities board. If the new construction is to exceed the  
28 square footage funded by the school facilities board, the excess square  
29 footage shall not be included in the net square footage if any of the  
30 following applies:
  - 31 (a) The excess square footage was constructed before July 1, 2002 or  
32 funded by a class B bond, impact aid revenue bond or capital outlay override  
33 approved by the voters after August 1, 1998 and before June 30, 2002 or  
34 funded from unrestricted capital outlay expended before June 30, 2002.
  - 35 (b) The excess square footage of new school facilities does not exceed  
36 twenty-five ~~per-cent~~ PERCENT of the minimum square footage requirements  
37 pursuant to subsection C of this section.
  - 38 (c) The excess square footage of expansions to school facilities does  
39 not exceed twenty-five ~~per-cent~~ PERCENT of the minimum square footage  
40 requirements pursuant to subsection C of this section.
- 41 7. Exclude square footage built under a developer agreement according  
42 to section 15-342, paragraph 33 until the school facilities board provides  
43 funding for the square footage under section 15-2041, subsection 0.

1           8. Include square footage that a school district has leased to another  
2 entity, including square footage leased to a charter school that is sponsored  
3 by a school district pursuant to section 15-183.

4           F. The school facilities board shall adopt rules establishing minimum  
5 school facility adequacy guidelines. The guidelines shall provide the  
6 minimum quality and quantity of school buildings and facilities and equipment  
7 necessary and appropriate to enable pupils to achieve the academic standards  
8 pursuant to section 15-203, subsection A, paragraphs 12 and 13 and sections  
9 15-701 and 15-701.01. At a minimum, the school facilities board shall  
10 address all of the following in developing these guidelines:

- 11           1. School sites.
- 12           2. Classrooms.
- 13           3. Libraries and media centers, or both.
- 14           4. Cafeterias.
- 15           5. Auditoriums, multipurpose rooms or other multiuse space.
- 16           6. Technology.
- 17           7. Transportation.
- 18           8. Facilities for science, arts and physical education.
- 19           9. Other facilities and equipment that are necessary and appropriate  
20 to achieve the academic standards prescribed pursuant to section 15-203,  
21 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.
- 22           10. Appropriate combinations of facilities or uses listed in this  
23 section.

24           G. The board shall consider the facilities and equipment of the  
25 schools with the highest academic productivity scores, as prescribed in  
26 section 15-2002, subsection A, paragraph 9, subdivision (d), and the highest  
27 parent quality ratings in the establishment of the guidelines.

28           H. The school facilities board may consider appropriate combinations  
29 of facilities or uses in making assessments of and curing existing  
30 deficiencies pursuant to section 15-2002, subsection A, paragraph 1 and in  
31 certifying plans for new school facilities pursuant to section 15-2002,  
32 subsection A, paragraph 5.

33           I. A child care facility that provides services utilizing the practice  
34 of a documented educational philosophy including least restrictive  
35 environment pursuant to section 36-883.05 may incorporate the minimum school  
36 facility adequacy guidelines pursuant to subsection F of this section when  
37 selecting a facility if the guidelines do not conflict with facility  
38 requirements established by the department of health services.

39           J. For the purposes of this section, "student capacity" means the  
40 capacity adjusted to include any additions to or deletions of space,  
41 including modular or portable buildings at the school. The school facilities  
42 board shall determine the student capacity for each school in conjunction  
43 with each school district, recognizing each school's allocation of space as  
44 of July 1, 1998, to achieve the academic standards prescribed pursuant to

1 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and  
2 15-701.01.

3 Sec. 4. Section 41-2146, Arizona Revised Statutes, is amended to read:  
4 41-2146. State fire safety committee; members; terms; powers  
5 and duties; compensation; fire watch prohibition

6 A. ~~A~~ THE state fire safety committee is established consisting of  
7 nine members who are appointed for three-year terms by the governor pursuant  
8 to section 38-211. The governor may remove any member from the committee for  
9 incompetency, improper conduct, disability or neglect of duty. Membership on  
10 the committee is as follows:

11 1. Two members, not from the same municipality, each of whom is a fire  
12 chief or fire marshal of a paid municipal fire department of a city with a  
13 population of one hundred thousand persons or more.

14 2. One member who is a fire chief of a paid municipal fire department  
15 of a town with a population of less than one hundred thousand persons.

16 3. One member who is a fire chief in a fire district of an  
17 unincorporated area in a county with a population of less than five hundred  
18 thousand persons.

19 4. One member who is a member of the Arizona fire ~~chiefs'~~ CHIEFS  
20 association.

21 5. One member who is a registered architect.

22 6. One member who is a chief building official of a city, town or  
23 county.

24 7. One member who is a member of the public.

25 8. One member who is a member of the public and who is engaged in the  
26 business of distributing, selling or providing ~~liquid~~ LIQUEFIED petroleum gas  
27 to consumers.

28 B. The state fire safety committee shall annually select from its  
29 membership a chairperson for the committee. The committee shall meet on the  
30 call of the chairperson or on the request of at least five members.

31 C. The state fire safety committee shall adopt by rule a state fire  
32 code establishing minimum standards for:

33 1. Safeguarding life and property from fire and fire hazards.

34 2. Prevention of fires and alleviation of fire hazards.

35 3. Storage, sale, distribution and use of dangerous chemicals,  
36 combustibles, flammable liquids, explosives and radioactive materials.

37 4. Installation, maintenance and use of fire escapes, fire protection  
38 equipment, fire alarm systems, smoke detectors and fire extinguishing  
39 equipment.

40 5. The means and adequacy of fire protection and exit in case of fire  
41 in places in which numbers of persons work, live or congregate, excluding  
42 family dwellings that have fewer than five residential dwelling units.

43 6. Other matters relating to fire prevention and control that are  
44 considered necessary by the committee.

1           D. The state fire safety committee shall adopt rules and a schedule of  
2 fees for a permit, for a plan submission, for plan review and for  
3 reinspections that are payable by persons regulated under article 3 of this  
4 chapter.

5           E. The state fire safety committee shall adopt rules for the  
6 allocation of monies from the arson detection reward fund established by  
7 section 41-2167. The rules shall be consistent with the purposes set forth  
8 in section 41-2167 and shall promote the effective and efficient use of the  
9 fund monies.

10           F. Members of the committee are not eligible to receive compensation  
11 for service on the committee but are eligible for reimbursement of expenses  
12 pursuant to title 38, chapter 4, article 2.

13           G. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, THE STATE FIRE SAFETY  
14 COMMITTEE MAY NOT REQUIRE THE USE OF A FIRE WATCH. FOR THE PURPOSES OF THIS  
15 SUBSECTION, "FIRE WATCH" MEANS A PERSON WHO IS STATIONED IN A BUILDING OR IN  
16 A PLACE RELATIVE TO A BUILDING TO OBSERVE BUILDING OPENINGS WHEN THE FIRE  
17 PROTECTION SYSTEM FOR THE BUILDING IS TEMPORARILY NONOPERATIONAL OR ABSENT.