

REFERENCE TITLE: fire protection systems, inspections

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2263

Introduced by
Representatives Hernandez C: Tsosie, Wilmeth

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.52; 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 9-500.52, to read:

4 9-500.52. 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 THE
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
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10 STANDARDS ESTABLISHED BY A NATIONALLY RECOGNIZED STANDARDS DEVELOPING
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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 THE
16 INSPECTIONS.

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

19 On or before January 1, 2026, each city, town or county that has
20 adopted a fire code shall adopt a regulation to enforce the requirements
21 of section 9-500.52, 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.