
NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the *Arizona Administrative Code*.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

[R15-168]

PREAMBLE

- 1. Articles, Parts, or Sections Affected (as applicable)** **Rulemaking Action**
R4-11-1701 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 32-1207(A)(1)
Implementing statute: A.R.S. §§ 32-1263.01 and 32-1263.02
- 3. The effective date of the rule:**
January 2, 2016
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 21 A.A.R. 524, April 10, 2015
Notice of Proposed Rulemaking: 21 A.A.R. 671, May 15, 2015
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Elaine Hugunin, Executive Director
Address: State Board of Dental Examiners
4205 N. 7th Ave., Suite 300
Phoenix, AZ 85013
Telephone: (602) 542-4493
Fax: (602) 242-1445
E-mail: elaine.hugunin@azdentalboard.us
Website: www.dentalboard.az.gov
- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
The Five-Year rule review identified necessary amendments to A.A.C. Title 4, Chapter 11, Article 17 Rehearing or Review. The Five-Year Rule Review proposed action included:
Deleting the last sentence in R4-11-1701(G) as it is inconsistent with A.R.S. § 41- 1092.09, and
The word "party" in A.A.C. R4-11-1701(A) should be changed to "licensee" to be consistent with A.R.S. 32-1263.02(H).
The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State.
The Board believes that approval of these rules will benefit the public health and safety by clearly establishing the procedures for a rehearing or review of a Board order.



- 7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The agency did not review or rely on any study relevant to the rule.
- 8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
The amended rule will impact the Board, licensees, and the public. The amended rule's impact on established Board of Dental Examiners' procedures and office related costs is minimal. The rule will have no economic cost for the Board, but may have potential unmeasurable benefits.
The Board estimates the amended rule will have no economic impact on licensees.
The amended rule has no economic impact on the public.
The Board, licensees, and the public benefit from rules that are clear, concise, and understandable. The Board believes that approval of these rules will benefit the public health and safety by clearly establishing the procedures for a rehearing or review of a Board order.
- 10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**
There are no substantial changes in the final rules from the proposed rules. Minor changes to style, format, grammar, and punctuation were made as requested by GRRC staff.
- 11. An agency's summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:**
A public hearing was held June 22, 2015. No one attended the hearing and no written comments were received.
- 12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rules do not require a permit.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
The agency has determined that there is no corresponding federal law.
- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No
- 13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
None
- 14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**
No
- 15. The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

ARTICLE 17. REHEARING OR REVIEW

R4-11-1701. Procedure

ARTICLE 17. REHEARING OR REVIEW

R4-11-1701. Procedure

- A. Except as provided in subsection (F), a party licensee, certificate holder, or business entity who is aggrieved by an order issued by the Board may file a written motion for rehearing or review with the Board, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the grounds for rehearing or review.



- B. A ~~party licensee, certificate holder, or business entity~~ filing a motion for rehearing or review under this rule may amend the motion at any time before it is ruled upon by the Board. ~~Other parties or the attorney general~~ The opposing party may file a response within 15 days after the date the motion for rehearing or review is filed. The Board may require that the parties file supplemental memoranda explaining the issues raised in the motion, and may permit oral argument.
- C. The Board may grant a rehearing or review of the order for any of the following causes materially affecting a ~~party's licensee, certificate holder, or business entity's~~ rights:
 1. Irregularity in the proceedings of the Board or any order or abuse of discretion, which deprived a ~~party licensee, certificate holder, or business entity~~ of a fair hearing;
 2. Misconduct of the Board, its personnel, ~~the informal interviewing officer, the investigative interview panel, the hearing officer,~~ the administrative law judge, or the prevailing party;
 3. Accident or surprise which could not have been prevented by ordinary prudence;
 4. Excessive or insufficient penalties;
 5. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding;
 6. That the findings of fact or decision is arbitrary, capricious, or an abuse of discretion;
 7. That the findings of fact of decision is not justified by the evidence or is contrary to law; or
 8. Newly discovered, material evidence which could not, with reasonable diligence, have been discovered and produced at the original hearing.
- D. The Board may affirm or modify the order or grant a rehearing or review to all or ~~any of the parties on all or~~ part of the issues for any of the reasons in subsection (C). ~~After giving the parties notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.~~ The Board, within the time for filing a motion for rehearing or review, may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. An order granting a rehearing or review shall specify the grounds on which rehearing or review is granted, and any rehearing or review shall cover only those matters specified.
- E. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party ~~or the attorney general~~ may, within 15 days after such service, serve opposing affidavits.
- F. If the Board makes specific findings that the immediate effectiveness of the order is necessary for the preservation of public health and safety and that a rehearing or review is impracticable, unnecessary, or contrary to the public interest, the order may be issued as a final order without an opportunity for a rehearing or review. If an order is issued as a final order without an opportunity or rehearing or review, the aggrieved party shall make an application for judicial review of the order within the time limits permitted for application for judicial review of the Board's final order.
- G. The Board shall rule on the motion for rehearing or review within 15 days after the response has been filed, or at the Board's next meeting after the motion is received, whichever is later. ~~If a rehearing or review is granted, the Board shall hold the rehearing or review within 120 days after it issues the order granting the rehearing or review. If a motion for rehearing or review is not considered or reheard within these time limits, the motion is granted.~~

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

[R15-169]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Articles, Parts, and Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R4-36-201 | Amend |
| R4-36-301 | Amend |
| R4-36-302 | Amend |
| R4-36-303 | Amend |
| R4-36-304 | Amend |
| R4-36-305 | Amend |
| R4-36-307 | Amend |
| R4-36-308 | Amend |
| R4-36-309 | Amend |
| R4-36-310 | Amend |
| R4-36-311 | Repeal |
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 41-2146(C)
 Implementing statute: A.R.S. § 41-2163

**3. The effective date for the rules:**

January 2, 2016

- a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**

Not applicable

- b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 21 A.A.R. 1123, July 17, 2015

Notice of Proposed Rulemaking: 21 A.A.R. 1077, July 17, 2015

5. The agency's contact person who can answer questions about the rulemaking:

Name: Frederick Durham, Assistant State Fire Marshal

Address: Department of Fire, Building and Life Safety
1110 W. Washington St., Suite 100
Phoenix, AZ 85007-2935

Telephone: (602) 364-1080

Fax: (602) 364-1052

E-mail: Frederick.durham@dfbls.az.gov

Web site: www.dfbls.az.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The State Fire Safety Committee is updating the State Fire Code to the 2012 edition of the International Fire Code. The State Fire Code is designed to reduce hazards to life, property, and public welfare arising from fire, explosions, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety to fire fighters and emergency responders. The state's current fire code is the 2003 edition of the International Fire Code. Some of the requirements in the 2003 edition are no longer consistent with current industry standards regarding best practices. For example, the 2012 edition changes occupancy classifications to provide greater protection for those who might be unable to save themselves. New requirements regarding roof obstructions provide greater safety for first responders. Keys for elevator emergency response are now standardized. Emergency responder radio coverage is required in new buildings. Safety requirements for solar photovoltaic power systems are addressed as are emergency notification systems in large stadiums and arenas. Improved fire alarm systems are now required in educational occupancies and carbon monoxide alarms are required in certain occupancies. The adoption of the new code is necessary to achieve the objective of protecting public safety.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated May 7, 2015.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Committee neither reviewed nor relied on a study in its evaluation of or justification for any of the rules in this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The economic impact of the new fire code is minimized because the construction and design provisions of the new fire code apply only to structures, facilities, and conditions arising after or not legally in existence when the new fire code is adopted. The impact is further minimized by the fact that most of the people in Arizona live in jurisdictions that have opted, under the provisions in A.R.S. §§ 41-2162(A)(2), 41-2163(A)(2), and 41-2166(A), to already comply with a fire code that is at least as stringent as the new fire code.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

A few typographical errors were corrected in the final rules.



11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

An oral proceeding was held on August 20, 2015. Two individuals attended and made oral comments. Mr. William Loesche of the Golder Ranch Fire District spoke in support of adopting the 2012 International Fire Code. He indicated that the Golder Ranch Fire District is among the many fire districts that have already adopted the 2012 International Fire Code. He said the code has a positive economic impact as a result of preventing fires and associated loss of property and life and reducing the cost of insurance. The second speaker was Mr. David Keller, president of the Automatic Fire Alarm Association of Arizona. He supported adoption of the 2012 International Fire Code because of the need to ensure latest fire-prevention technology is authorized.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The permits required under the State Fire Code and described in R4-36-303 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are not more stringent than federal law. There are numerous federal laws relating to some of the same subject matter as the State Fire Code. For example, there are federal laws dealing with hazardous materials, protection of certain categories of individuals, consumer protections, and environmental protection. However, the International Code Council, which developed the International Fire Code, has ensured that the code is consistent with federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

The following is incorporated by reference in R4-36-201:

International Fire Code, 2012 edition, published by the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY

ARTICLE 2. ARIZONA STATE FIRE CODE

Section
R4-36-201. Incorporation by Reference of the International Fire Code

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

Section
R4-36-301. Definitions
R4-36-302. Appendices
R4-36-303. Permits
R4-36-304. Inspections and Enforcement
R4-36-305. General Precautions Against Fire
R4-36-307. Fire Service Features
R4-36-308. Building Services and Systems
R4-36-309. Fire Protection Systems
R4-36-310. Explosives and Fireworks
R4-36-311. ~~Referenced Standards~~ Repealed



ARTICLE 2. ARIZONA STATE FIRE CODE

R4-36-201. Incorporation by Reference of the International Fire Code

Unless otherwise provided by law, any person residing, doing business, or who is physically present within the state of Arizona shall comply with the provisions of the International Fire Code (2003 2012 Edition), including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F, ~~and G, H, I, and J,~~ which is published by the International Code Council, incorporated by reference as the State Fire Code, and modified by Article 3. The incorporated material does not include any later amendments or editions. Copies of the International Fire Code are available from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795 and a copy is available for inspection at the Office of the State Fire Marshal.

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS

R4-36-301. Definitions

The following terms apply to the ~~state fire code~~ State Fire Code established in this Chapter:

1. ~~Wherever “International Plumbing Code” is used within the International Fire Code, substitute the term “State Plumbing Code.”~~
- 2.1. Wherever the terms “fire chief” or “fire code official” are used in the International Fire Code, these terms include the State Fire Marshal or the State Fire Marshal’s designated representative, unless the context otherwise requires.
- 3.2. Wherever the terms “fire department” or “department of fire prevention” are used in the International Fire Code, these terms include the State Fire Marshal or the State Fire Marshal’s designated representative unless the context otherwise requires.
- 4.3. Section 202, the definition of Occupancy Classification for R-3 within the Residential Group is modified to read: Residential occupancies where the occupancies are primarily permanent in nature and not classified as R-1, R-2, ~~R-4,~~ or I and ~~where buildings do not contain adult or child care facilities or more than five dwelling units. including:~~
 - Boarding houses (non-transient) with 16 or fewer occupants
 - Boarding houses (transient) with 10 or fewer occupants
 - Building that do not contain more than four dwelling units
 - Care facilities that provide accommodations for five or fewer persons receiving care
 - Congregate living facilities (non-transient) with 16 or fewer occupants
 - Congregate living facilities (transient) with 10 or fewer occupants
 - Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

R4-36-302. Appendices

The International Fire Code (2003 2012 Edition), which is incorporated by reference at R4-36-201, is ~~published by the International Code Council and available from the International Code Council, 4051 W. Flossmoor Road, Country Club Hills, IL, 60478-5795, and~~ modified as shown in Exhibit A.

EXHIBIT A. Incorporated Appendices

Section 101.2.1 The following appendices are adopted as part of this Code:

- B: Fire-Flow Requirements for Buildings
- C: Fire Hydrant Locations and Distribution
- ~~D: Fire Apparatus Access and Loading~~
- D102.1 or the minimum requirement of the local fire response agency.
- D107.1 or the minimum requirement of the local building ~~or~~ subdivision authority.
- E: Hazard Categories
- F: Hazard Ranking
- G: Cryogenic Fluids – Weight and Volume Equivalents
- H. Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions
- I. Fire Protection Systems – Noncompliant Conditions
- J. Building Information Sign

R4-36-303. Permits

A. The following time-frames are established for permits issued under the ~~state fire code~~ State Fire Code:

1. The Office of the State Fire Marshal shall determine within five business days ~~from~~ after receipt of a permit application and plan submission whether the permit application and plan are administratively complete and ready for review.
2. The Office of the State Fire Marshal shall either grant or deny the permit within 60 calendar days ~~from the date that~~ after the documents are determined to be administratively complete.



- 3. ~~The A~~ permittee shall commence work within 180 days ~~of the issuance of a~~ after the permit is issued or apply in writing for an extension ~~in writing~~ from the State Fire Marshal. Without an extension, the permit is valid only for 180 days from the date of issuance.
- B.** The holder of an operational or construction permit is entitled to inspections as prescribed in this Chapter. ~~Reinspection because of The Office of the State Fire Marshal shall invoice a re-inspection caused by a violation or cancellation without 24 hours 24-hours' notice shall be invoiced at a rate established in the fee schedule; and shall not conduct the reinspection shall not be conducted~~ re-inspection until the fee is paid.
- C.** Section 105.1.1 is modified to read: Permits required. Any property owner or authorized agent that intends to conduct an operation or business, install or modify systems and equipment that are regulated by this code, or cause any such work to be done, shall first make application to the fire code official and obtain the required permit. The fire code official is authorized to waive the requirement for any permit listed in sections 105.6.1 through 105.6.46 and 105.7.1 through 107.16.
- ~~C.D.~~ **D.** Section 105.1.2 is modified to read: Types of permits. There shall be two types of permits as follows:
 - 1. Operational permit. An operational permit allows the applicant to conduct an operation for which a permit is required by Section 105.6 for a period that does not exceed 180 days from the date of issuance.
 - 2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.
- ~~D.E.~~ **E.** Section 105.2.4, the first sentence is modified to read: The fire code official shall examine or cause to be examined each application for a permit or a permit amendment.
- ~~E.F.~~ **F.** Section 105.3.1, the first sentence is modified to read: An operational permit shall remain in effect until reissued, renewed, or revoked or for a period of time that does not exceed 180 days.
- ~~F.G.~~ **G.** Section 105.3.3, the sentence is modified to read: Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a report indicating that applicable provisions of this code have been met.
- G.** ~~Sections 105.6.1 through 105.6.3 are deleted.~~
- H.** ~~Sections 105.6.5 through 105.6.13 are deleted.~~
- I.** ~~Sections 105.6.16 through 105.6.26 are deleted.~~
- J.** ~~Sections 105.6.28 through 105.6.32 are deleted.~~
- K.** ~~Sections 105.6.34 through 105.6.36 are deleted.~~
- L.** ~~Sections 105.6.38 through 105.6.42 are deleted.~~
- M.** ~~Sections 105.6.45 through 105.6.47 are deleted.~~
- N.** ~~Section 105.7.5.1 is deleted.~~
- O.** ~~Section 105.7.5.2 is modified to read: To install, construct, or alter, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are processed, transported, stored, dispensed, or used.~~

R4-36-304. Inspections and Enforcement

- ~~A.~~ **A.** ~~Sections 103.1 through 103.4.1 are deleted.~~
- ~~B.A.~~ **B.** Sections 108.1 through 108.3 are deleted. Section 108.1 is modified to read: Board of appeals established. To hear and decide appeals of orders, decisions, or other determinations made by the fire code official regarding application or interpretation of this code, the authority having jurisdiction may establish a board of appeals. If established, the board of appeals shall be appointed by and hold office at the pleasure of the governing body. The fire code official shall be an ex officio member of the board of appeal with no vote on any matter before the board. The board of appeals shall adopt rules of procedure for conducting its business. The board of appeals shall provide a written copy of the findings and decision in an appeal to the appellant and fire code official.
- ~~C.B.~~ **B.** Section 409.3 109.4 is modified to read: Violation penalties. If a person violates a provision of this code or fails to comply with any of the requirements of the code, the State Fire Marshal shall proceed in accordance with A.R.S. § 41-2196.
- ~~D.C.~~ **C.** Section 111.2 is modified to read: Issuance. The State Fire Marshal shall issue a stop work order, referred to in statute as a cease and desist order, in accordance with A.R.S. § 41-2196.
- ~~E.D.~~ **D.** Section 111.4 is modified to read: Failure to Comply. Any person who shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to the provisions of A.R.S. § 41-2196.

R4-36-305. General Precautions Against Fire

- A.** Section 307.2 is modified to read: Permit required. A When required by the fire code official, a permit shall be obtained in accordance with requirements of the Department of Environmental Quality Section 105.6 before kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for the required permit shall only be made by and a permit issued to the owner of the land upon which the fire is to be kindled.
- B.** Section 311.1.1 is modified to read: Abandoned premises. Abatement of abandoned structures and premises shall be conducted Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe, and abated in accordance with state law.

R4-36-307. Fire Service Features



- A. Section 501.2 is modified to read: Permits. A permit shall be required as set forth in Sections 105.6 and 105.7 as modified by this Article.
- B. Section ~~509.1~~ 508.1.1 ~~the second sentence~~ is modified to read: Location and access. The location and accessibility of the fire command center shall be approved by a local authorized emergency response provider.

R4-36-308. Building Services and Systems

~~A.~~ Section 601.2 is deleted.

~~B.~~ A. Section 606.2 is modified to read: Refrigerants. The use and purity of new, recovered, and reclaimed refrigerants shall be in accordance with state law.

~~C.~~ B. Section ~~606.13~~ 606.14 is modified to read: Notification of refrigerant discharges. The fire department shall be notified immediately when a discharge becomes reportable under state, federal, or local regulations in accordance with Section ~~2703.3.1~~ 5003.3.1.

~~D.~~ C. Sections ~~2703.3.1~~ 5003.3.1 and ~~2703.3.1.4~~ 5003.3.1.4 replace “fire code official” with “fire department.”

R4-36-309. Fire Protection Systems

~~A.~~ Section 901.1 is modified to read: Scope. The provisions of this Chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing, and maintenance of all fire protection systems. Absent specific statutory authority to the contrary, these provisions provide the minimum protective standards relating to fire protection systems.

~~B.~~ Section ~~903.3.5~~ is modified to read: Monitoring. Where a building fire alarm system is installed, automatic fire extinguishing systems shall be monitored by the building fire alarm system in accordance with state law.

R4-36-310. Explosives and Fireworks

~~A.~~ Section ~~3301.1.3, 5601.1.3~~ the first paragraph is modified to read: Fireworks. *Except as otherwise provided by A.R.S., Title 36, Chapter 13, Article 1, it is unlawful to sell, offer or expose for sale, use, explode, or possess any fireworks.* A.R.S. § 36-1602(A). The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.

3. The use of fireworks for fireworks displays as allowed in Section 5608.

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by A.R.S. Title 36, Chapter 13, Article 1 or local ordinances and regulations, provided the fireworks comply with 16 CFR Parts 1500 and 1507 and 49 CFR Parts 100-185, for consumer fireworks.

~~B.~~ Section ~~3301.1.3~~, exception 4 is deleted and replaced as follows: *This section shall not be construed to prohibit or restrict the manufacture or possession, by a qualified pyrotechnic expert, of aerial set pieces designed for use in pyrotechnic displays, or the display of such set pieces in accordance with the terms of A.R.S., Title 36, Chapter 13, Article 1.* A.R.S. § 36-1602(B).

~~C.~~ Section ~~3301.1.3~~, exception 5 is added to read: 5. Additional uses are permitted as provided by law.

~~D.~~ Section ~~3301.2.4.2~~ is modified to read: Fireworks display. The permit holder shall furnish a bond or certificate of insurance in the amount of one million dollars for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agency, employees, or subcontractors.

~~E.~~ Section 3302.1 is modified to substitute the following definition of “FIREWORKS” for the existing definition: *“Fireworks” (a) Means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrocket, roman candles, daygo bombs, sparklers or other fireworks of like construction, fireworks containing any explosive or combustible compound, and any tablet or other device containing an explosive substance. (b) Does not include: (i) Toy pistols, toy canes, toy guns or other devices in which paper caps containing not more than twenty-five hundredths grains of explosive compound are used if constructed so that the hand cannot come in contact with the cap when in place for the explosion. (ii) Toy pistol paper caps that contain less than twenty hundredths grains of explosive mixture, or fixed ammunition or primers therefore. (iii) Federally deregulated novelty items known as snap-poppers, snap caps, party poppers or glow worms that contain less than twenty-five hundredths grains of explosive compound.”* A.R.S. § 36-1601(1).

R4-36-311. Referenced Standards Repealed

Chapter 45 of the International Fire Code, 2003 Edition, incorporated by reference, is modified to substitute the following: National Fire Protection Association (NFPA) Installation of Sprinkler Systems, Standard 13, 1999 edition, is replaced by NFPA Installation of Sprinkler Systems, Standard 13, 2002 edition; National Fire Protection Association (NFPA) National Fire Alarm Code, Standard 72, 1999 edition, is replaced by NFPA National Fire Alarm Code, Standard 72, 2002 edition.