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**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

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2015

CHAPTER 152

# **SENATE BILL 1169**

AN ACT

AMENDING SECTIONS 9-808, 11-861, 15-2011, 41-2146 AND 48-805, ARIZONA REVISED  
STATUTES; RELATING TO FIRE CODE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

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 requirements; 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. IF A MUNICIPALITY'S FIRE CODE REQUIRES THE USE OF A FIRE WATCH, AN  
18 EMPLOYEE WHO WORKS AT THE BUILDING IN WHICH A FIRE WATCH IS REQUIRED MAY  
19 SERVE AS THE FIRE WATCH. A PERSON WHO IS DESIGNATED AS A FIRE WATCH SHALL BE  
20 EQUIPPED WITH MEANS TO CONTACT THE LOCAL FIRE DEPARTMENT, AND THE PERSON'S  
21 ONLY DUTY SHALL BE TO PERFORM CONSTANT PATROLS OF THE PROTECTED PREMISES  
22 WHILE KEEPING WATCH FOR FIRES. THE MUNICIPALITY SHALL PROVIDE THE FIRE WATCH  
23 WITH PRINTED INSTRUCTIONS FROM THE STATE FIRE MARSHAL AND MAY PROVIDE A FREE  
24 TRAINING SESSION BEFORE THE PERSON'S DEPLOYMENT AS THE FIRE WATCH BEGINS.

25 ~~B.~~ C. For the purposes of this section:

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

28 2. "FIRE WATCH" MEANS A PERSON WHO IS STATIONED IN A BUILDING OR IN A  
29 PLACE RELATIVE TO A BUILDING TO OBSERVE THE BUILDING AND ITS OPENINGS WHEN  
30 THE FIRE PROTECTION SYSTEM FOR THE BUILDING IS TEMPORARILY NONOPERATIONAL OR  
31 ABSENT.

32 ~~2.~~ 3. "Utility or miscellaneous accessory building or structure"  
33 includes an agricultural building, aircraft hangar, accessory to a residence,  
34 barn, carport, fence that is more than six feet high, grain silo, greenhouse,  
35 livestock shelter, private garage, retaining wall, shed, stable, tank or  
36 tower.

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

38 11-861. Adoption of codes by reference; limitations; method of  
39 adoption; fire apparatus access roads or approved  
40 routes; fire watch requirements; pool barrier gates

41 A. In any county that has adopted zoning pursuant to this chapter, the  
42 board of supervisors may adopt and enforce, for the unincorporated areas of  
43 the county so zoned, a building code and other related codes to regulate the  
44 quality, type of material and workmanship of all aspects of construction of  
45 buildings or structures, except that the board may authorize that areas zoned

1 rural or unclassified may be exempt from the provisions of the code adopted.  
2 The codes may be adopted by reference after notice and hearings before the  
3 county planning and zoning commission and board of supervisors as provided in  
4 this chapter for amendments to the zoning ordinance of the county.

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

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

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

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

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

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

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

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

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

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

1 F. A board of supervisors may not adopt any, or part of any, fire  
2 code, ordinance, stipulation or other legal requirement for an approved fire  
3 apparatus access road or a fire apparatus access road extension, or both, or  
4 an approved route or a route extension, or both, that directly or indirectly  
5 requires a one or two family residence or a utility or miscellaneous  
6 accessory building or structure to install fire sprinklers. A fire code  
7 official may increase or extend an approved fire apparatus access road or a  
8 fire apparatus access road extension, or both, or an approved route or a  
9 route extension, or both, to comply with this subsection. Compliance with  
10 this subsection ~~may not be~~ IS NOT grounds to deny or suspend a license or  
11 permit. For the purposes of this subsection:

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

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

19 G. IF A FIRE CODE ADOPTED BY A BOARD OF SUPERVISORS REQUIRES THE USE  
20 OF A FIRE WATCH, AN EMPLOYEE WHO WORKS AT THE BUILDING IN WHICH A FIRE WATCH  
21 IS REQUIRED MAY SERVE AS THE FIRE WATCH. A PERSON WHO IS DESIGNATED AS A  
22 FIRE WATCH SHALL BE EQUIPPED WITH MEANS TO CONTACT THE LOCAL FIRE DEPARTMENT,  
23 AND THE PERSON'S ONLY DUTY SHALL BE TO PERFORM CONSTANT PATROLS OF THE  
24 PROTECTED PREMISES WHILE KEEPING WATCH FOR FIRES. THE COUNTY SHALL PROVIDE  
25 THE FIRE WATCH WITH PRINTED INSTRUCTIONS FROM THE STATE FIRE MARSHAL AND MAY  
26 PROVIDE A FREE TRAINING SESSION BEFORE THE PERSON'S DEPLOYMENT AS THE FIRE  
27 WATCH BEGINS. FOR THE PURPOSES OF THIS SUBSECTION, "FIRE WATCH" MEANS A  
28 PERSON WHO IS STATIONED IN A BUILDING OR IN A PLACE RELATIVE TO A BUILDING TO  
29 OBSERVE THE BUILDING AND ITS OPENINGS WHEN THE FIRE PROTECTION SYSTEM FOR THE  
30 BUILDING IS TEMPORARILY NONOPERATIONAL OR ABSENT.

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

1           Sec. 3. Section 15-2011, Arizona Revised Statutes, is amended to read:  
2           15-2011. Minimum school facility adequacy requirements;  
3                           definition

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

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

10           1. The buildings contain sufficient and appropriate space and  
11 equipment that comply with the minimum school facility adequacy guidelines  
12 established pursuant to subsection F of this section. The state shall not  
13 fund facilities for elective courses that require the school district  
14 facilities to exceed minimum school facility adequacy requirements. The  
15 school facilities board shall determine whether a school building meets the  
16 requirements of this paragraph by analyzing the total square footage that is  
17 available for each pupil in conjunction with the need for specialized spaces  
18 and equipment.

19           2. The buildings are in compliance with federal, state and local  
20 building and fire codes and laws that are applicable to the particular  
21 building, EXCEPT THAT A SCHOOL WITH AN AGGREGATE AREA OF LESS THAN FIVE  
22 THOUSAND SQUARE FEET IS SUBJECT TO PERMITTING AND INSPECTION BY A LOCAL FIRE  
23 MARSHAL AND IS ONLY SUBJECT TO REGULATION OR INSPECTION BY THE STATE FIRE  
24 MARSHAL IF THE COUNTY, CITY OR TOWN IN WHICH THE SCHOOL IS LOCATED DOES NOT  
25 EMPLOY A LOCAL FIRE MARSHAL. An existing school building is not required to  
26 comply with current requirements for new buildings unless this compliance is  
27 specifically mandated by law or by the building or fire code of the  
28 jurisdiction where the building is located.

29           3. The building systems, including roofs, plumbing, telephone systems,  
30 electrical systems, heating systems and cooling systems, are in working order  
31 and are capable of being properly maintained.

32           4. The buildings are structurally sound.

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

36           1. For a school district that provides instruction to pupils in  
37 programs for preschool children with disabilities, kindergarten programs and  
38 grades one through six, eighty square feet per pupil in programs for  
39 preschool children with disabilities, kindergarten programs and grades one  
40 through six.

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

44           3. For a school district that provides instruction to more than eight  
45 hundred pupils in grades seven and eight, eighty square feet per pupil in

1 grades seven and eight or sixty-seven thousand two hundred square feet,  
2 whichever is more.

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

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

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

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

18 D. The school facilities board may modify the square footage  
19 requirements prescribed in subsection C of this section or modify the amount  
20 of monies awarded to cure the square footage deficiency pursuant to this  
21 section for particular school districts based on extraordinary circumstances  
22 for any of the following considerations:

23 1. The number of pupils served by the school district.

24 2. Geographic factors.

25 3. Grade configurations other than those prescribed in subsection C of  
26 this section.

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

29 1. Use the most recent one hundredth day average daily membership.

30 2. For each school, use the lesser of either:

31 (a) Total gross square footage.

32 (b) Student capacity multiplied by the appropriate square footage per  
33 pupil prescribed by subsection C of this section.

34 3. Consider the total space available in all schools in use in the  
35 school district, except that the school facilities board shall allow an  
36 exclusion of the square footage for certain schools and the pupils within the  
37 schools' boundaries if the school district demonstrates to the board's  
38 satisfaction unusual or excessive busing of pupils or unusual attendance  
39 boundary changes between schools.

40 4. Compute the gross square footage of all buildings by measuring from  
41 exterior wall to exterior wall. Square footage used solely for district  
42 administration, storage of vehicles and other nonacademic purposes shall be  
43 excluded from the net square footage.

44 5. Include all portable and modular buildings.

1           6. Include in the net square footage new construction funded wholly or  
2 partially by the school facilities board based on the square footage funded  
3 by the school facilities board. If the new construction is to exceed the  
4 square footage funded by the school facilities board, the excess square  
5 footage shall not be included in the net square footage if any of the  
6 following applies:

7           (a) The excess square footage was constructed before July 1, 2002 or  
8 funded by a class B bond, impact aid revenue bond or capital outlay override  
9 approved by the voters after August 1, 1998 and before June 30, 2002 or  
10 funded from unrestricted capital outlay expended before June 30, 2002.

11           (b) The excess square footage of new school facilities does not exceed  
12 twenty-five ~~per cent~~ PERCENT of the minimum square footage requirements  
13 pursuant to subsection C of this section.

14           (c) The excess square footage of expansions to school facilities does  
15 not exceed twenty-five ~~per cent~~ PERCENT of the minimum square footage  
16 requirements pursuant to subsection C of this section.

17           7. Exclude square footage built under a developer agreement according  
18 to section 15-342, paragraph 33 until the school facilities board provides  
19 funding for the square footage under section 15-2041, subsection 0.

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

23           F. The school facilities board shall adopt rules establishing minimum  
24 school facility adequacy guidelines. The guidelines shall provide the  
25 minimum quality and quantity of school buildings and facilities and equipment  
26 necessary and appropriate to enable pupils to achieve the academic standards  
27 pursuant to section 15-203, subsection A, paragraphs 12 and 13 and sections  
28 15-701 and 15-701.01. At a minimum, the school facilities board shall  
29 address all of the following in developing these guidelines:

- 30           1. School sites.
- 31           2. Classrooms.
- 32           3. Libraries and media centers, or both.
- 33           4. Cafeterias.
- 34           5. Auditoriums, multipurpose rooms or other multiuse space.
- 35           6. Technology.
- 36           7. Transportation.
- 37           8. Facilities for science, arts and physical education.
- 38           9. Other facilities and equipment that are necessary and appropriate  
39 to achieve the academic standards prescribed pursuant to section 15-203,  
40 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.
- 41           10. Appropriate combinations of facilities or uses listed in this  
42 section.

43           G. The board shall consider the facilities and equipment of the  
44 schools with the highest academic productivity scores, as prescribed in

1 section 15-2002, subsection A, paragraph 9, subdivision (d), and the highest  
2 parent quality ratings in the establishment of the guidelines.

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

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

14 J. For the purposes of this section, "student capacity" means the  
15 capacity adjusted to include any additions to or deletions of space,  
16 including modular or portable buildings at the school. The school facilities  
17 board shall determine the student capacity for each school in conjunction  
18 with each school district, recognizing each school's allocation of space as  
19 of July 1, 1998, to achieve the academic standards prescribed pursuant to  
20 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and  
21 15-701.01.

22 Sec. 4. Section 41-2146, Arizona Revised Statutes, is amended to read:  
23 41-2146. State fire safety committee; members; terms; powers  
24 and duties; compensation; fire watch requirements

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

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

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

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

38 4. One member who is a member of the Arizona fire chiefs' CHIEFS  
39 association.

40 5. One member who is a registered architect.

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

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

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

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

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

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

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

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

13          4. Installation, maintenance and use of fire escapes, fire protection  
14 equipment, fire alarm systems, smoke detectors and fire extinguishing  
15 equipment.

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

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

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

25          E. The state fire safety committee shall adopt rules for the  
26 allocation of monies from the arson detection reward fund established by  
27 section 41-2167. The rules shall be consistent with the purposes set forth  
28 in section 41-2167 and shall promote the effective and efficient use of the  
29 fund monies.

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

33          G. IF THE STATE FIRE SAFETY COMMITTEE REQUIRES THE USE OF A FIRE  
34 WATCH, AN EMPLOYEE WHO WORKS AT THE BUILDING IN WHICH A FIRE WATCH IS  
35 REQUIRED MAY SERVE AS THE FIRE WATCH. A PERSON WHO IS DESIGNATED AS A FIRE  
36 WATCH SHALL BE EQUIPPED WITH MEANS TO CONTACT THE LOCAL FIRE DEPARTMENT, AND  
37 THE PERSON'S ONLY DUTY SHALL BE TO PERFORM CONSTANT PATROLS OF THE PROTECTED  
38 PREMISES WHILE KEEPING WATCH FOR FIRES. THE LOCAL JURISDICTION SHALL PROVIDE  
39 THE FIRE WATCH WITH PRINTED INSTRUCTIONS FROM THE STATE FIRE MARSHAL AND MAY  
40 PROVIDE A FREE TRAINING SESSION BEFORE THE PERSON'S DEPLOYMENT AS THE FIRE  
41 WATCH BEGINS. FOR THE PURPOSES OF THIS SUBSECTION, "FIRE WATCH" MEANS A  
42 PERSON WHO IS STATIONED IN A BUILDING OR IN A PLACE RELATIVE TO A BUILDING TO  
43 OBSERVE THE BUILDING AND ITS OPENINGS WHEN THE FIRE PROTECTION SYSTEM FOR THE  
44 BUILDING IS TEMPORARILY NONOPERATIONAL OR ABSENT.

1           Sec. 5. Section 48-805, Arizona Revised Statutes, is amended to read:

2           48-805. Fire district; powers and duties; definition

3           A. A fire district, through its board, shall:

4           1. Hold public meetings at least once each calendar month unless a  
5 board consists of three members and the fire district levies less than five  
6 hundred thousand dollars annually then the board shall meet in July and at  
7 least every two months thereafter. A board for a district organized pursuant  
8 to article 3 of this chapter shall hold public meetings at least every two  
9 months.

10          2. Determine the compensation payable to district personnel.

11          3. Require probationary employees in a paid sworn firefighter  
12 position, a reserve firefighter position or a volunteer firefighter position  
13 to submit a full set of fingerprints to the fire district. The fire district  
14 shall submit the fingerprints to the department of public safety for the  
15 purpose of obtaining a state and federal criminal records check pursuant to  
16 section 41-1750 and Public Law 92-544. The department of public safety may  
17 exchange this fingerprint data with the federal bureau of investigation.

18          B. A fire district, through its board, may:

19          1. Employ any personnel and provide services deemed necessary for fire  
20 protection, for preservation of life and for carrying out its other powers  
21 and duties, including providing ambulance transportation services when  
22 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
23 member of a district board shall not be an employee of the district. The  
24 merger of two or more fire districts pursuant to section 48-820 or the  
25 consolidation with one or more fire districts pursuant to section 48-822  
26 shall not expand the boundaries of an existing certificate of necessity  
27 unless authorized pursuant to title 36, chapter 21.1, article 2.

28          2. Construct, purchase, lease, lease-purchase or otherwise acquire the  
29 following or any interest therein and, in connection with the construction or  
30 other acquisition, purchase, lease, lease-purchase or grant a lien on any or  
31 all of its present or future property, including:

32           (a) Apparatus, water and rescue equipment, including ambulances and  
33 equipment related to any of the foregoing.

34           (b) Land, buildings, equipment and furnishings to house equipment and  
35 personnel necessary or appropriate to carry out its purposes.

36          3. Finance the acquisition of property as provided in this section and  
37 costs incurred in connection with the issuance of bonds as provided in  
38 section 48-806. Bonds shall not be issued without the consent of a majority  
39 of the electors of the district voting at an election held for that purpose.  
40 For the purposes of an election held under this paragraph, all persons who  
41 are eligible to vote in fire district elections under section 48-802 are  
42 eligible to vote.

43          4. Enforce the fire code adopted by the district, if any, and assist  
44 the state fire marshal in the enforcement of fire protection standards of

1 this state within the fire district including enforcement of a nationally  
2 recognized fire code if expressly authorized by the state fire marshal.

3 5. After the approval of the qualified electors of the fire district  
4 voting at a regular district election or at a special election called for  
5 that purpose by the district board, as appropriate, or at any election held  
6 in the county that encompasses the fire district, adopt the \_\_\_\_\_ fire  
7 code, which is a nationally recognized fire code approved by the state fire  
8 marshal. The words appearing on the ballots shall be "should \_\_\_\_\_ fire  
9 district adopt the \_\_\_\_\_ fire code, which is a nationally recognized  
10 fire code approved by the state fire marshal--yes", "should \_\_\_\_\_ fire  
11 district adopt the \_\_\_\_\_ fire code, which is a nationally recognized  
12 fire code approved by the state fire marshal--no". The code shall be  
13 enforced by the county attorney in the same manner as any other law or  
14 ordinance of the county. Any inspection or enforcement costs are the  
15 responsibility of the fire district involved. The district shall keep the  
16 code on file, which shall be open to public inspection for a period of thirty  
17 days before any election for the purpose of adopting a fire code. Copies of  
18 the order of election shall be posted in three public places in the district  
19 at least twenty days before the date of the election, and if a newspaper is  
20 published in the county having a general circulation in the district, the  
21 order shall be published in the newspaper at least once a week during each of  
22 the three calendar weeks preceding the calendar week of the election.

23 6. Amend or revise the adopted fire code, including replacement of the  
24 adopted fire code with an alternative nationally recognized fire code, with  
25 the approval of the state fire marshal and after a hearing held pursuant to  
26 posted and published notice as prescribed by section 48-805.02, subsection A.  
27 The district shall keep three copies of the adopted code, amendments and  
28 revisions on file for public inspection.

29 7. Enter into an agreement procuring the services of an organized  
30 private fire protection company or a fire department of a neighboring city,  
31 town, district or settlement without impairing the fire district's powers.

32 8. Contract with a city or town for fire protection services for all  
33 or part of the city or town area until the city or town elects to provide  
34 regular fire department services to the area.

35 9. Retain a certified public accountant to perform an annual audit of  
36 district books.

37 10. Retain private legal counsel.

38 11. Accept gifts, contributions, bequests and grants and comply with  
39 any requirements of those gifts, contributions, bequests and grants that are  
40 not inconsistent with this article.

41 12. Appropriate and expend annually monies as are necessary for the  
42 purpose of fire districts belonging to and paying dues in the Arizona fire  
43 district association and other professional affiliations or entities.

44 13. Adopt resolutions establishing fee schedules both within and  
45 outside of the jurisdictional boundaries of the district for providing fire

1 protection services and services for the preservation of life, including  
2 emergency fire and emergency medical services, plan reviews, standby charges,  
3 fire cause determination, users' fees or facilities benefit assessments or  
4 any other fee schedule that may be required.

5 14. With the approval of two of the three members of a three-member  
6 board, four of the five members of a five-member board or five of the seven  
7 members of a seven-member board, change the district's name and on so doing  
8 shall give written notice to the board of supervisors of the change. The  
9 governing board of a fire district may place a question on the general  
10 election ballot as to whether the fire district shall change its name.

11 15. Require all employees to submit a full set of fingerprints as  
12 prescribed by subsection A, paragraph 3 of this section.

13 16. Enter into intergovernmental agreements or contracts as follows:

14 (a) Enter into an intergovernmental agreement with another political  
15 subdivision for technical or administrative services or to provide fire  
16 services to the property owned by the political subdivision, including  
17 property that is outside the district boundary.

18 (b) Enter into a contract with individuals to provide technical or  
19 administrative services.

20 (c) Enter into a contract with individuals to provide fire protection  
21 services or emergency medical services, or both, to the extent not regulated  
22 by title 36, chapter 21.1 to property owned by the individual located outside  
23 the district boundaries if the individual's property is not located in a  
24 county island as defined in section 11-251.12 and at least one of the  
25 following apply:

26 (i) The existing fire service provider where the individual's property  
27 is located has issued a notice to the individual that the provider plans to  
28 discontinue service.

29 (ii) Fire service is not available to the individual's property.

30 (iii) Fire service is offered pursuant to a contract or subscription  
31 and the individual has not obtained service for a period of twenty-four  
32 months before the date of the contract with the district.

33 (d) Enter into a contract with individuals to provide fire services to  
34 property owned by the individual located outside the district boundaries,  
35 where the individual's property is located in a county island as defined in  
36 section 11-251.12, if both of the following apply:

37 (i) The existing fire service provider where the individual's property  
38 is located has issued a notice to the residents of the county island and the  
39 individual that the provider plans to discontinue or substantially reduce  
40 service.

41 (ii) The district offers contracts to all residents and property  
42 owners of the county island who will be affected by the discontinuance or  
43 substantial reduction in service by the current fire service provider.

44 (e) For the purposes of subdivision (a), (b), (c) or (d) of this  
45 paragraph, a district may contract with any public or private fire service

1 provider to provide some or all of the contractual services the district is  
2 contracting to deliver.

3 (f) Any contract entered into pursuant to subdivisions (b), (c) and  
4 (d) of this paragraph shall include a provision setting forth the cost of  
5 service and performance criteria.

6 C. A fire district may not administratively add or annex additional  
7 property or delete property or otherwise modify its boundaries except in a  
8 merger or consolidation pursuant to this chapter or in a boundary change made  
9 pursuant to section 48-262. This subsection does not apply to a district  
10 organized pursuant to article 3 of this chapter.

11 D. The chairman and clerk of the district board or their respective  
12 designees, as applicable, shall draw warrants on the county treasurer for  
13 money required to operate the district in accordance with the budget and, as  
14 so drawn, the warrants shall be sufficient to authorize the county treasurer  
15 to pay from the fire district fund.

16 E. For any fire district that designates one or more board members to  
17 have access to the financial books and records of the district, those board  
18 members are authorized by law to have full access to those financial books  
19 and records.

20 F. The district board may assess and levy a secondary property tax  
21 pursuant to this article to pay for the costs of fire protection services or  
22 emergency medical services except for services regulated pursuant to title  
23 36, chapter 21.1.

24 G. The county attorney may advise and represent the district if in the  
25 county attorney's judgment the advice and representation are appropriate and  
26 not in conflict with the county attorney's duties under section 11-532. If  
27 the county attorney is unable to advise and represent the district due to a  
28 conflict of interest, the district may retain private legal counsel or may  
29 request the attorney general to represent it, or both.

30 H. IF A DISTRICT'S FIRE CODE REQUIRES THE USE OF A FIRE WATCH, AN  
31 EMPLOYEE WHO WORKS AT THE BUILDING IN WHICH A FIRE WATCH IS REQUIRED MAY  
32 SERVE AS THE FIRE WATCH. A PERSON WHO IS DESIGNATED AS A FIRE WATCH SHALL BE  
33 EQUIPPED WITH THE MEANS TO CONTACT THE LOCAL FIRE DEPARTMENT, AND THE  
34 PERSON'S ONLY DUTY SHALL BE TO PERFORM CONSTANT PATROLS OF THE PROTECTED  
35 PREMISES WHILE KEEPING WATCH FOR FIRES. THE DISTRICT SHALL PROVIDE THE FIRE  
36 WATCH WITH PRINTED INSTRUCTIONS FROM THE STATE FIRE MARSHAL AND MAY PROVIDE A  
37 FREE TRAINING SESSION BEFORE THE PERSON'S DEPLOYMENT AS THE FIRE WATCH  
38 BEGINS.

39 I. FOR THE PURPOSES OF THIS SECTION, "FIRE WATCH" MEANS A PERSON WHO  
40 IS STATIONED IN A BUILDING OR IN A PLACE RELATIVE TO A BUILDING TO OBSERVE  
41 THE BUILDING AND ITS OPENINGS WHEN THE FIRE PROTECTION SYSTEM FOR THE  
42 BUILDING IS TEMPORARILY NONOPERATIONAL OR ABSENT.

~~APPROVED BY THE GOVERNOR APRIL 1, 2015.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.~~

Passed the House March 23, 20 15,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 14, 20 15,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26<sup>th</sup> day of March, 20 15,

at 3:28 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 18<sup>th</sup> day of

April, 20 15,

at 4:11 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 2 day of April, 20 15,

at 9:00 o'clock A M.

[Signature]  
Secretary of State

S.B. 1169