

Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

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

CHAPTER 88

SENATE BILL 1335

AN ACT

AMENDING SECTIONS 9-808 AND 11-861, ARIZONA REVISED STATUTES; RELATING TO
CITY AND COUNTY CODES.

(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; one or two
5 family residences; utility or miscellaneous accessory
6 buildings or structures; enforcement; intent; state
7 preemption; definitions

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

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

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

30 ~~B.~~ D. For the purposes of this section:

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

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

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

39 11-861. Adoption of codes by reference; limitations; method of
40 adoption; fire apparatus access roads or approved
41 routes; intent; state preemption; pool barrier gates

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

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

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

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

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

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

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

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

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

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

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

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

1 requires fire sprinklers in a residence and that was adopted before
2 December 31, 2009.

3 F. A board of supervisors may not adopt any, or part of any, fire
4 code, ordinance, stipulation or other legal requirement for an approved fire
5 apparatus access road or a fire apparatus access road extension, or both, or
6 an approved route or a route extension, or both, that directly or indirectly
7 requires a one or two family residence or a utility or miscellaneous
8 accessory building or structure to install fire sprinklers. A fire code
9 official may increase or extend an approved fire apparatus access road or a
10 fire apparatus access road extension, or both, or an approved route or a
11 route extension, or both, to comply with this subsection. Compliance with
12 this subsection ~~may not be~~ IS NOT grounds to deny or suspend a license or
13 permit. THIS SUBSECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND
14 RELIEF, INCLUDING AN INJUNCTION, MAY BE AWARDED AGAINST A COUNTY. THE COURT
15 SHALL AWARD REASONABLE ATTORNEY FEES, DAMAGES, LOST OPPORTUNITY COSTS,
16 INTEREST AND THE COST OF THE SPRINKLER SYSTEM TO A PARTY THAT PREVAILS IN AN
17 ACTION AGAINST A COUNTY FOR A VIOLATION OF THIS SUBSECTION. THE LEGISLATURE
18 FINDS AND DETERMINES THAT PROPERTY RIGHTS ARE A MATTER OF STATEWIDE CONCERN
19 AND A FUNDAMENTAL ELEMENT OF FREEDOM. A PROPERTY OWNER'S RIGHT TO USE THE
20 PROPERTY OWNER'S PROPERTY MUST BE PROTECTED FROM UNREASONABLE ABRIDGMENT BY
21 COUNTY REGULATION AND ENFORCEMENT. THIS SUBSECTION SUPERSEDES AND PREEMPTS
22 ANY REGULATION ADOPTED BY A COUNTY REGARDING AN APPROVED FIRE APPARATUS
23 ACCESS ROAD, FIRE APPARATUS ACCESS ROAD EXTENSION, APPROVED ROUTE OR ROUTE
24 EXTENSION. For the purposes of this subsection:

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

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

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

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.

Passed the House February 26, 2015,

by the following vote: 34 Ayes,

25 Nays, 1 Not Voting

[Signature]
Speaker of the House

Jim Drake
Chief Clerk of the House

Passed the Senate February 23, 2015,

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting

[Signature]
President of the Senate

Susan Ocede
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of March, 2015,

at 1:57 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 30th day of

March, 2015,

at 4:50 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 31st day of March, 2015,

at 10:00 o'clock A. M.
[Signature]
Secretary of State

S.B. 1335