Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

The release of this Chapter in Supp. 21-4 replaces Supp. 21-1, 1-5 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES
The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.

The Code is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY
Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the Register volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the Register.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE
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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.
TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

Authority: A.R.S. § 37-1302(A)(2)

Supp. 21-4

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Editor’s Note: Laws 2016, Chapter 128 abolished the Department of Fire, Building and Life Safety and divided its duties among the Department of Housing, the State Forester, and the Department of Real Estate. At the request of the State Fire Marshal, the Chapter heading of 4 A.A.C. 36 has been changed to the Department of Forestry and Fire Management. Other than the name change, no amendments have been made to this Chapter since supplement 15-4 (Supp. 21-1).

Editor’s Note: The Department of Building and Fire Safety’s name was changed to the Department of Fire, Building and Life Safety under the authority of A.R.S. § 41-2141, Laws 2005, Ch. 245, effective June 30, 2006 (Supp. 06-2).

Editor’s Note: Chapter 36, formerly the Department of Building and Fire Safety, is now the Department of Fire, Building and Life Safety. This change became effective when the Department of Building and Fire Safety changed its name to the Department of Fire, Building and Life Safety, effective June 30, 2006 (Supp. 06-2).

ARTICLE 1. RESERVED

ARTICLE 2. ARIZONA STATE FIRE CODE

4 A.A.C. 34, Article 11, consisting of Section R4-34-1101, renumbered to A.A.C. R4-36-201 (Supp. 95-4). Introduction and Section number corrected (Supp. 97-4).

Article 11 consisting of Section R4-34-1101 adopted as a permanent rule effective November 16, 1988.

Article 11 consisting of Section R4-34-1101 adopted as an emergency effective March 14, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

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Article 3, consisting of Sections R4-36-301 through R4-36-311, made by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1).

Article 3, consisting of Sections R4-36-301 through R4-36-308, repealed by summary action with an interim effective date of December 26, 1997; filed in the Office of the Secretary of State December 5, 1997 (Supp. 97-4). Interim effective date corrected Supp. 98-2. Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997, now the permanent effective date (Supp. 98-2).

Article 3, consisting of Sections R4-36-301 through R4-36-308, adopted effective November 1, 1995 (Supp. 95-4). Introduction corrected (Supp. 97-4).

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ARTICLE 1. RESERVED

CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

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 (2018 Edition), including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F, G, H, I, J, and N, 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.

Historical Note

Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective June 24, 1982 (Supp. 82-3). Adopted as an emergency effective October 12, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Former Section R8-2-41 repealed, new Section R4-34-1101 adopted as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Emergency expired. Former Section R8-2-41 repealed, new Section R4-34-1101 adopted as a permanent rule with editorial corrections effective November 16, 1988 (Supp. 88-4). Section R4-34-1101 repealed, new Section adopted effective July 20, 1990 (Supp. 90-3). Section R4-36-201 renumbered from R4-34-1101 (Supp. 95-4). Amended by final rulemaking at 13 A.A.R. 449, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 21 A.A.R. 2973, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2797 (December 3, 2021), effective January 7, 2022 (Supp. 21-4).

R4-36-202. Fees

A. Under the authority provided by A.R.S. § 41-2146(D), the State Fire Safety Committee establishes the following schedule of fees:

1. Plan submission fees:
   a. Each plan submitted: $210, and
   b. Each plan supplement submitted or each re-review of a previously submitted plan: $30;

2. Plan review fees. A separate fee is charged for each system reviewed even if the systems are included in one submitted plan:
   a. New installation of an automatic fire sprinkler system:
      i. Servicing less than 10,000 square feet: $375;
      ii. Servicing between 10,000 and 50,000 square feet: $450;
      iii. For each 50,000 square feet or portion of 50,000 square feet serviced in excess of 50,000 square feet: $50;
      iv. For each floor level serviced above or below the ground-level floor: $200;
   b. Modification of an existing automatic fire sprinkler system:
      i. System consisting of 1 to 20 sprinkler heads: $75;
      ii. System consisting of 21 to 50 sprinkler heads: $100;
      iii. System consisting of 51 to 100 sprinkler heads: $250;
      iv. System consisting of 101 to 500 sprinkler heads: $300;
      v. For each additional 100 sprinkler heads or portion of 100 sprinkler heads in excess of 500: $100; and
      vi. For each floor level serviced above or below the ground-level floor: $200;
   c. New installation or modification of an extinguishing system using clean agent, halon, dry chemical, carbon dioxide, or other extinguishing material:
      i. Servicing up to 5,000 square feet: $200; and
      ii. For each 5,000 square feet or portion of 5,000 square feet serviced in excess of 5,000 square feet: $50;
   d. New installation of one automatic hood extinguishing system: $150;
   e. Modification of one existing automatic hood extinguishing system: $75;
   f. New installation of a fire pump:
      i. For the first fire pump: $250; and
      ii. For each additional fire pump: $150;
   g. Modification of one existing fire pump: $100;
   h. New installation or modification of underground fire line and hydrants:
      i. System consisting of up to 500 lineal feet: $300; and
      ii. For each 500 lineal feet or portion of 500 lineal feet in excess of 500 lineal feet: $175;
   i. New installation of standpipe system:
      i. System consisting of up to four standpipes: $200; and
      ii. For each four standpipes or portion of four standpipes in excess of four: $100;
   j. Modification of standpipe system: $50;
   k. New installation of a fire alarm system:
      i. Servicing up to 1,000 square feet: $225;
      ii. Servicing between 1,001 and 2,000 square feet: $300;
      iii. Servicing between 2,001 and 10,000 square feet: $450;
      iv. Servicing between 10,001 and 50,000 square feet: $500;
      v. For each 50,000 square feet or portion of 50,000 square feet in excess of 50,000 square feet: $200;
      vi. For each floor level serviced above or below the ground-level floor: $200; and
      vii. For smoke detection throughout serviced area: 50% increase in fee calculated under subsections (A)(2)(k)(i) through (A)(2)(k)(vi); and
   l. Modification of a fire alarm system by adding:
      i. One to five fire alarm devices: $100; and
      ii. Six or more fire alarm devices: $150;

3. Permit issuance fees:
   a. Fire protection permit: $30 per system permitted;
   b. Underground liquid fuel storage tank: $164;
   c. Tire storage: $82;
   d. Above-ground liquid fuel storage tank: $164;
   e. Pyrotechnics: $164;
   f. Special-event tent: $164;
g. Hydrogen fuel cell: $164;

h. Fair or trade show: $164;

i. Explosives or blasting storage: $164;

j. Compressed gases: $164;

k. Cryogens: $164; and

l. Liquefied petroleum tank: $164; and

4. Re-inspection fees: If the State Fire Marshal has to conduct a re-inspection because an entity failed to cancel or was not prepared for a previously scheduled inspection or because the site failed the inspection, the State Fire Marshal shall charge a minimum of $164 for the re-inspection. The State Fire Marshal shall increase the minimum re-inspection fee by $82 for each 25 miles or portion of 25 miles in excess of the first 25 miles required to travel to and from the site of the re-inspection.

B. The State Fire Safety Committee shall authorize the State Fire Marshal to refund any fee paid under this Section if:

1. The permit holder applies for a refund on a form furnished by the State Fire Marshal no more than 180 days after the fee is paid; and

2. The State Fire Marshal determines that the fee paid was erroneous.

Historical Note
New Section made by final rulemaking at 14 A.A.R. 2829, effective August 30, 2008 (Supp. 08-3).

Editor’s Note: Article 3, consisting of Sections R4-36-301 through R4-36-308, repealed by summary action with an interim effective date of December 26, 1997. Historical notes in this Article were corrected for clarification in Supp. 98-2. Adopted summary rules filed June 5, 1998; interim effective date of December 26, 1997; now the permanent effective date (Supp. 98-2).

ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS AND ACCEPTED PRACTICES

R4-36-301. Definitions
The following terms as used in the International Fire Code, incorporated by reference at R4-36-201, apply to the State Fire Code established in this Chapter, unless the context otherwise requires:

1. “Department of fire prevention” means the State Fire Marshal or the State Fire Marshal’s designated representative.

2. “Fire chief” means the State Fire Marshal.

3. “Fire code official” means the State Fire Marshal or the State Fire Marshal’s designated representative.

4. “Fire department” means the State Fire Marshal or the State Fire Marshal’s designated representative.

Historical Note

R4-36-302. Appendices
The International Fire Code (2018 Edition), which is incorporated by reference at R4-36-201, is 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

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

N. Indoor Trade Shows and Exhibitions

Historical Note
CHAPTER 36. DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT

Section 109.1 is modified to read: Board of appeals established. In order 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 appeals 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.

Historical Note

R4-36-305. Repealed

Historical Note

R4-36-306. Repealed

Historical Note

R4-36-307. Repealed

Historical Note
ARTICLE 4. PERMISSIBLE CONSUMER FIREWORKS

R4-36-401. Material Incorporated by Reference
As required by A.R.S. § 36-1609(A), the State Fire Marshal incorporates by this reference NFPA 1124, Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2013 edition as published August 29, 2012, which is published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02169-7471 and is available from NFPA at www.nfpa.org and the Office of the State Fire Marshal. The incorporated material does not include a later amendment or edition but is modified as specified in R4-36-402.

Historical Note
New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1). Amended by final rulemaking at 21 A.A.R. 571, effective June 7, 2015 (Supp. 15-2).

R4-36-402. Modification of NFPA 1124
A. Whenever the term “Consumer fireworks” is used in NFPA 1124, substitute the term “Consumer firework” as defined at A.R.S. § 36-1601(1).

B. Whenever the term “Display fireworks” is used in NFPA 1124, substitute the term “Display firework” as defined at A.R.S. § 36-1601(2).

C. Whenever the term “Fireworks” is used in NFPA 1124, substitute the term “Fireworks” as defined at A.R.S. § 36-1601(3).

Historical Note
New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1).

R4-36-403. Civil Penalties
A. Under the authority provided by A.R.S. § 36-1610, the State Fire Marshal shall impose a civil penalty of $1,000 for each incident of prohibited use of fireworks on state land when the State Fire Marshal determines that the incident of prohibited use of fireworks posed a risk of harm to life or property.

B. As used in A.R.S. § 36-1610 and subsection (A), an incident of prohibited use of fireworks means the combustion, explosion, deflagration, or detonation of a single firework device.

Historical Note
New Section made by final rulemaking at 17 A.A.R. 107, effective January 11, 2011 (Supp. 11-1).