

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

[R06-242]

PREAMBLE

1. Sections Affected

Table 1
Article 10
R3-11-1001
R3-11-1002
R3-11-1003
R3-11-1004
R3-11-1005
R3-11-1006
R3-11-1007
R3-11-1008
R3-11-1009
R3-11-1010

Rulemaking Action

Amend
New Article
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 32-2207(8) and 32-2295

Implementing statute: A.R.S. §§ 32-2291, 32-2292, 32-2293, and 32-2294

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 12 A.A.R. 2156, June 16, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Jenna Jones
Address: Veterinary Medical Examining Board
1400 W. Washington, Ste. 240
Phoenix, AZ 85007
Telephone: (602) 542-8150
Fax: (602) 364-1039
E-mail: Jenna.jones@vetbd.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

In 2004, the Legislature amended the Board's statutes to require that an animal crematory be licensed. The Board was authorized to make rules establishing qualifications and minimum standards for an animal crematory, prescribing a license application form, and establishing fees for a license. The Board is making the rules authorized.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying

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ing each study, and any analysis of each study and other supporting material:

None

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

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The primary economic impact results from the legislation requiring that an animal crematory be licensed. The minimal economic impact from the rules results from prescribing an application form, establishing minimum standards, and establishing a licensing fee. These are costs of doing business that may be passed to consumers of animal crematory services.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Jenna Jones
Address: Veterinary Medical Examining Board
1400 W. Washington, Ste. 240
Phoenix, AZ 85007
Telephone: (602) 542-8150
Fax: (602) 364-1039
E-mail: Jenna.jones@vetbd.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, August 30, 2006
Time: 9:00 a.m.
Location: 1400 W. Washington, Ste. B-1
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on September 1, 2006.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section
Table 1. Time-frames (in days)

ARTICLE 10. ANIMAL CREMATORY MINIMUM STANDARDS

Section
R3-11-1001. Definitions
R3-11-1002. Obtaining an Animal Crematory License
R3-11-1003. Renewing an Animal Crematory License
R3-11-1004. Fees
R3-11-1005. Minimum Standards for an Animal Crematory

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- R3-11-1006. Minimum Operating Standards for an Animal Crematory
- R3-11-1007. Written Procedures Required
- R3-11-1008. Recordkeeping Requirements
- R3-11-1009. Change in Responsible Owner
- R3-11-1010. Change in Operator

ARTICLE 1. GENERAL PROVISIONS

Table 1. Time-frames (in days)

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Veterinary Medical License by Examination (R3-11-201)	Approval to Take a National and Clinical Competency Examination	A.R.S. § 32-2214	60	15	45
Veterinary Medical License by Examination, Endorsement, or for a Specialty License (R3-11-201)	Approval to Take a State Examination	A.R.S. § 32-2214	60	15	45
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-201 & R3-11-301)	Veterinary License	A.R.S. § 32-2212 A.R.S. § 32-2213	60	15	45
Veterinary Technician (R3-11-606)	Approval to Take a Veterinary Technician Examination	A.R.S. § 32-2243	60	15	45
Veterinary Technician (R3-11-606)	Veterinary Technician Certificate	A.R.S. § 32-2242 A.R.S. § 32-2244	60	30	30
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License	A.R.S. § 2271 A.R.S. § 32-2272	90	30	60
<u>Animal Crematory (R3-11-1002)</u>	<u>Animal Crematory License and Renewal</u>	<u>A.R.S. § 32-2292</u>	<u>90</u>	<u>30</u>	<u>60</u>

ARTICLE 10. ANIMAL CREMATORY MINIMUM STANDARDS

R3-11-1001. Definitions

The definitions in A.R.S. § 32-2201 apply to this Article. Additionally, in this Article:

- “Animal remains” means the body or part of the body of a dead animal in any stage of decomposition.
- “Authorizing agent” means an individual legally entitled to authorize the cremation of animal remains.
- “Cremated remains” the residual of animal remains recovered after completion of the cremation process.
- “Cremation chamber” means the enclosed space within which the cremation process takes place.
- “Major changes in the scope of animal crematory services,” as used in A.R.S. § 32-2292(C), means an increase or decrease in the number or capacity of cremation chambers at an animal crematory licensed under this Article.

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“Operator” means the individual who is responsible to the Board for the day-to-day operation of an animal crematory licensed under this Article.

“Process” means to reduce identifiable bone fragments remaining after cremation to unidentifiable bone fragments.

“Renewal period” means the two years between January 1 of an odd-number year and December 31 of an even-numbered year.

“Responsible owner” means an individual or entity with legal title to at least 10 percent of a licensed animal crematory.

“Urn” means a receptacle designed to encase cremated remains permanently.

R3-11-1002. Obtaining an Animal Crematory License

A. A person shall not provide or represent to provide animal cremation services before submitting an application to the Board under subsection (B).

B. To obtain an animal crematory license, the owner of an animal crematory shall:

1. Submit an application, using a form obtained from the Board, that provides the following information:
 - a. Name of the animal crematory;
 - b. Address of the fixed location of the animal crematory;
 - c. Name of the owner of the animal crematory:
 - i. If the owner is an individual, that individual’s name;
 - ii. If the owner is a partnership, the names of all partners; and
 - iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;
 - d. Addresses of all individuals identified under subsection (B)(1)(c);
 - e. Social Security numbers of all individuals identified under subsection (B)(1)(c);
 - f. Name of the operator;
 - g. A description of the services that will be provided at the animal crematory;
 - h. A description of the animal crematory;
 - i. A description of the cremation equipment; and
 - j. Signature of the operator;
2. Submit the fee required under R3-11-1004(1).
3. Submit evidence that the operator received training in the safe and proper operation of the cremation chamber;
4. Submit a copy of every application for or license or permit issued for an animal crematory to operate in this state; and
5. Schedule an inspection of the animal crematory by a Board designee.

R3-11-1003. Renewing an Animal Crematory License

A. An animal crematory license expires on December 31 of every even-numbered year.

B. A responsible owner that fails to submit a renewal application to the Board on or before December 31 of an even-numbered year shall cease providing animal cremation services until a renewal application is submitted.

C. To renew an animal crematory license, the responsible owner shall submit to the Board, between October 1 and December 31 of an even-numbered year:

1. A renewal application that provides the following information:
 - a. Name of the animal crematory;
 - b. Address of the fixed location of the animal crematory;
 - c. Name of the responsible owner:
 - i. If the owner is an individual, that individual’s name;
 - ii. If the owner is a partnership, the names of all partners; and
 - iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;
 - d. Addresses of all individuals identified under subsection (B)(1)(c);
 - e. Social Security numbers of all individuals identified under subsection (B)(1)(c);
 - f. Name of the operator;
 - g. A description of the services provided at the animal crematory;
 - h. A statement regarding how the services provided at the animal crematory have changed during the renewal period; and
 - i. Signature of the operator; and
2. The fee required under R3-11-1004(2).

D. If a renewal application is not submitted as required under subsection (C) but is submitted before February 1 of an odd-numbered year, the responsible owner shall include with the renewal application an affirmation that animal cremation services were not provided at the animal crematory after the animal crematory license expired on the previous December 31.

E. If a renewal application is not submitted under either subsection (C) or (D), the responsible owner may have the animal

crematory re-licensed only by:

1. Submitting the renewal application and fee required under subsection (C);
2. Submitting the affirmation required under subsection (D); and
3. Submitting the penalty required under R3-11-1004(3).

R3-11-1004. Fees

Under the authority provided by A.R.S. § 32-2207(9), the Board establishes and shall collect the following fees:

1. Animal crematory license: \$400 or \$16.75 for each month or part of a month remaining in the renewal period;
2. Renewal of an animal crematory license: \$400;
3. Penalty for license renewal after January 31 following expiration: \$100; and
4. Duplicate license: \$10.

R3-11-1005. Minimum Standards for an Animal Crematory

The responsible owner shall ensure that:

1. The animal crematory complies with all federal, state, and local laws;
2. The animal crematory is at a fixed location;
3. The cremation chamber is constructed to withstand temperatures high enough to reduce animal remains to bone fragments yet protect persons and property from damage from excessive heat or harmful emissions;
4. The cremation chamber is shielded from public view;
5. The cremation chamber is installed and operated according to the manufacturer's recommendations;
6. If the cremation chamber is inside a building:
 - a. It is vented to the outside of the building; and
 - b. There is adequate exhaust to prevent heat buildup;
7. The cremation chamber receives fresh air to aid in combustion;
8. The animal crematory has a storage facility that:
 - a. Chills animal remains to at least 40 degrees Fahrenheit;
 - b. Is secure from access by unauthorized individuals; and
 - c. Preserves the dignity of the animal remains; and
9. The animal crematory has the equipment and supplies necessary to conduct cremations in a manner that protects the health and safety of crematory employees and the public.

R3-11-1006. Minimum Operating Standards for an Animal Crematory

The responsible owner shall ensure that:

1. The animal crematory accepts delivery of animal remains only from:
 - a. The owner of the animal remains;
 - b. An animal shelter or humane society;
 - c. A veterinarian licensed under this Chapter;
 - d. An individual or entity with whom the animal crematory has a written contract regarding collection, pick-up, or delivery services; or
 - e. Other authorizing agent;
2. Animal remains that cannot be cremated immediately upon receipt are placed in the storage facility described in R3-11-1005(8);
3. If animal remains are submitted for individual cremation:
 - a. The animal remains are cremated separate from other animal remains;
 - b. The cremated remains are not commingled with other cremated remains;
 - c. The cremated remains are removed from the cremation chamber to the extent feasible and placed in an appropriately sized and securely closed urn;
 - d. A label identifying the animal crematory is permanently affixed to the urn or to the container in which the urn is placed; and
 - e. The cremated remains are disposed according to instructions from the authorizing agent;
4. All animal remains submitted for cremation are cremated;
5. Animal remains that are communally cremated are disposed of in a legal manner;
6. The cremation chamber is:
 - a. Operated and maintained according to the manufacturer's recommendations;
 - b. Operated in a sanitary manner; and
 - c. Cleaned of cremated remains to the extent feasible following each cremation;
7. Employees of the animal crematory who handle animal remains use universal precautions and exercise reasonable care to minimize the risk of transmitting communicable disease; and
8. Instructions for operation of the cremation chamber are located at the crematory and easily accessible.

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R3-11-1007. Written Procedures Required

- A.** The responsible owner shall ensure that the animal crematory has written procedures regarding the manner in which:
1. Animal remains are identified from the time the animal crematory accepts delivery of the animal remains until the cremated remains are released according to instructions from the authorizing agent;
 2. Authorization to cremate is obtained and documented;
 3. The cremation chamber is loaded and unloaded;
 4. Cremated remains are processed;
 5. Cremated remains, including unclaimed cremated remains, are disposed; and
 6. Records are to be completed and maintained.
- B.** The responsible owner shall ensure that all employees involved in providing animal cremation services are familiar with the required procedures.
- C.** The responsible owner shall make these written procedures available for inspection by the Board upon request.

R3-11-1008. Recordkeeping Requirements

- A.** The responsible owner shall ensure that the following records are maintained for three years:
1. For the cremation of individual animal remains:
 - a. Name of the owner of the animal;
 - b. Name of the animal;
 - c. Description of the animal, including its weight;
 - d. Name of the individual, facility, or location from which the animal was received;
 - e. Authorization to cremate;
 - f. Date of cremation; and
 - g. Date and manner of disposition of cremated remains;
 2. For a communal cremation of animal remains:
 - a. Name of the individual, facility, or location from which the animal remains were received;
 - b. Number of animals and estimated total weight;
 - c. Authorization to cremate;
 - d. Date of cremation; and
 - e. Date and manner of disposition of cremated remains.
- B.** If an animal crematory uses a service to collect, pick up, or deliver animal remains for cremation, the responsible owner shall enter into a written contract with the service that requires the service to inform the authorizing agent, in writing, of the name of the animal crematory that will do the cremation. The responsible owner shall maintain a copy of any contract for two years after expiration of the contract term.
- C.** The responsible owner shall maintain for two years records of all maintenance performed on the cremation chamber.
- D.** The responsible owner shall make the records required under this Section available for inspection by the Board upon request.
- E.** Under A.R.S. § 32-2294(A)(3), the responsible owner shall make records required under subsection (A) available on request to the authorizing agent.

R3-11-1009. Change in Responsible Owner

- A.** The responsible owner shall not sell, assign, or transfer the license for an animal crematory.
- B.** If the responsible owner sells, assigns, or transfers all or part of a licensed animal crematory, the license is automatically cancelled and:
1. The former responsible owner shall submit the cancelled license to the Board within 20 days after selling, assigning, or transferring the licensed animal crematory; and
 2. The new owner of the animal crematory shall not provide animal cremation services until an application is submitted under R3-11-1002.

R3-11-1010. Change in Operator

Within 20 days after a change in operator, the responsible owner shall provide a written notice to the Board that includes:

1. Name of the licensed animal crematory.
2. Animal crematory license number.
3. Name of the former operator, and
4. Name of the new operator.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF BUILDING AND FIRE SAFETY

[R06-259]

PREAMBLE

1. Sections Affected

Article 2
R4-36-201
Article 3
R4-36-301
R4-36-302
R4-36-303
R4-36-304
R4-36-305
R4-36-306
R4-36-307
R4-36-308
R4-36-309
R4-36-310
R4-36-311

Rulemaking Action

Amend
Amend
New Article
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-2146(C)

Implementing statutes: A.R.S. Title 41, Chapter 16

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 12 A.A.R. 1563, May 12, 2006

Notice of Proposed Rulemaking: 12 A.A.R. 2278, June 30, 2006

Notice of Termination of Rulemaking: 12 A.A.R. 2566, July 21, 2006

Notice of Rulemaking Docket Opening: 12 A.A.R. 2567, July 21, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: John Rowlinson

Address: Department of Building and Fire Safety
1110 W. Washington, Suite #100
Phoenix, AZ 85007

Telephone: (602) 364-1079

Fax: (602) 364-1084

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The State Fire Safety Committee reviewed these rules as it committed to do in a five-year review report approved by the Governor's Regulatory Review Council on June 5, 2001. Since the last code adoption, requirements for compliance with the American with Disabilities Act and state licensing and permitting time-frames have been enacted. The International Fire Code is consistent with the American with Disabilities Act (ADA) with regard to fire and life safety and thus inherently provides compliance with the ADA. The agency is adopting as part of the State Fire Code a provision for a time-frame of 65 days maximum issuance of a permit once plans have been submitted.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or 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:

None

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

Not applicable

Notices of Proposed Rulemaking

8. The preliminary summary of the economic, small business, and consumer impact:

The following definitions are applicable to all articles: "minimal" means \$5,000 or less; "moderate" means \$5,000 to \$10,000; "substantial" means \$10,000 or more.

The State Fire Code provides for fire and life safety protection throughout the state of Arizona. R4-36-201 hasn't been amended since our last five-year rule review. The economic impact of code adoption to the agency was and is minimal and consists primarily of printing of rules, the cost of code books, and training. A major benefit is derived from being allowed to use the most recent technologies in construction and fire suppression methods to ensure fire and life safety for the public at a reasonable cost. This also leads to consistency with most agencies/jurisdictions that are current with nationally accepted codes.

Basic economic principles, such as inflation and market forces affecting the price of materials, have caused a minimal increase in cost to consumers/private persons. Impact on small business has been minimal because the code has lesser requirements for small business based on size of the building and volume of stored material. The public will benefit from the higher product quality and increased safety provided by the updated code.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: John Rowlinson
Address: Department of Building and Fire Safety
1110 W. Washington, Suite #100
Phoenix, AZ 85007
Telephone: (602) 364-1079
Fax: (602) 364-1084

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings are scheduled.

Written comments will be accepted by the Department Monday through Friday, 8 a.m. to 5 p.m., addressed to the person in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

International Fire Code 2003 Edition in R4-36-201
National Fire Protection Association (NFPA) Standards listed in R4-36-311
(NFPA) Standard 13, Installation of Sprinkler Systems, 2002 edition
(NFPA) Standard 72, National Fire Alarm Code 2002, edition

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF BUILDING AND FIRE SAFETY

ARTICLE 2. ~~STATE FIRE SAFETY COMMITTEE~~ ARIZONA STATE FIRE CODE

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

ARTICLE 3. ~~REPEALED~~ INTERNATIONAL FIRE CODE MODIFICATIONS

Section
R4-36-301. Repealed Definitions
R4-36-302. Repealed Appendices
Exhibit A. Incorporated Appendices
R4-36-303. Repealed Fees and Permits
R4-36-304. Repealed Inspections and Enforcement

- R4-36-305. ~~Repealed~~ General Precautions Against Fire
- R4-36-306. ~~Repealed~~ Emergency Planning and Preparedness
- R4-36-307. ~~Repealed~~ Fire Service Features
- R4-36-308. ~~Repealed~~ Building Services and Systems
- R4-36-309. Fire Protection Systems
- R4-36-310. Explosives and Fireworks
- R4-36-311. Referenced Standards

ARTICLE 2. STATE FIRE SAFETY COMMITTEE ARIZONA STATE FIRE CODE

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

A. ~~All persons~~ Unless otherwise provided by law, any person residing, doing business, or who ~~are~~ is physically present within the state of Arizona shall comply with the provisions and regulations of the Uniform International Fire Code (1988 Ed. 2003 Edition), including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F and G, ~~determined~~ which is published by the International Conference of Building Officials Code Council, and the Western Fire Chiefs Association, which is declared to be a part of this regulation as if set forth in full herein, incorporated by reference as the State Fire Code, subject to the deletions, modifications and amendments contained in subsection (B); and modified by Article 3. Copies of the Uniform Fire Code (1988 Ed.) and copies of the Uniform Fire Code Standards (1988 Ed.), the Uniform Building Code (1988 Ed.), the Uniform Mechanical Code (1988 Ed.), and the Uniform Plumbing Code (1988 Ed.), referenced in the Uniform Fire Code (1988 Ed.), are incorporated herein by reference and on file with the Office of the Secretary of State. Incorporated materials do The incorporated material does not include any later amendments or editions of the incorporated matter. Copies of these uniform codes are available from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. Copies of the International Fire Code are available from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 and a copy is available for inspection at the Office of the State Fire Marshal.

B. The Uniform Fire Code (1988 Ed.) is modified as follows:

1. Pages xxvi, xxvii, xxviii and xxix are deleted.
2. Where the term "Corporation Counsel" is used in the Uniform Fire Code, it shall mean the legal counsel of the jurisdiction or its fire department, or of the State Fire Marshal, as the context requires.
3. Wherever the terms "Chief," "Chief of the Fire Department" or "Building Official" are used in the Uniform Building Code, in addition to the definitions set out in Article 9 of the Uniform Fire Code, these terms shall include the State Fire Marshal or designated representative, unless the context otherwise requires.
4. Wherever the terms "fire department," "department," "fire prevention engineer," or "bureau of fire prevention" are used in the Uniform Fire Code, in addition to the definitions set out in Article 9 of the Uniform Fire Code, these terms shall include the Office of State Fire Marshal, unless the context otherwise requires.
5. Sec. 1.102(b) is modified to include "The National Fire Code Standard and its appendices, published by the National Fire Protection Association (NFPA) as listed below, are incorporated herein by reference and on file with the Office of the Secretary of State. Incorporated materials do not include any later amendments or editions of the incorporated matter. Copies are available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269."
 - "i. NFPA #10 Portable Fire Extinguishers (1988 Ed.);
 - "ii. NFPA #12A Halon 1301 Fire Extinguishing Systems (1987 Ed.);
 - "iii. NFPA #12B Halon 1211 Fire Extinguishing Systems (1985 Ed.);
 - "iv. NFPA #13 Installation of Sprinkler Systems (1989 Ed.);
 - "v. NFPA #13A Inspection, Testing and Maintenance of Sprinkler Systems (1987 Ed.);
 - "vi. NFPA #13R Installation of Sprinkler Systems in Residential Occupancies up to Four Stories in Height (1989 Ed.);
 - "vii. NFPA #14 Standpipe & Hose Systems (1986 Ed.);
 - "viii. NFPA #15 Water Spray Fixed Systems (1985 Ed.);
 - "ix. NFPA #16 Foam Water Spray Systems (1986 Ed.);
 - "x. NFPA #17 Dry Chemical Extinguishing Systems (1985 Ed.);
 - "xi. NFPA #17A Wet Chemical Extinguishing Systems (1986 Ed.);
 - "xii. NFPA #20 Centrifugal Fire Pumps (1987 Ed.);
 - "xiii. NFPA #22 Water Tanks for Private Fire Protection (1987 Ed.);
 - "xiv. NFPA #24 Private Fire Service Mains (1987 Ed.);
 - "xv. NFPA #26 Valves Controlling Water Supplies for Fire Protection (1988 Ed.);
 - "xvi. NFPA #51B Cutting & Welding Processes (1984 Ed.);
 - "xvii. NFPA #58 Liquefied Petroleum Gases (1989 Ed.);
 - "xviii. NFPA #70 National Electrical Code (1987 Ed.);

- ~~"xix.NFPA #71 Installation, Maintenance and Use of Central Station Signaling Systems (1987 Ed.);~~
~~"xx.NFPA #72A Local Protective Signaling Systems (1987 Ed.);~~
~~"xxi.NFPA #72B Auxiliary Protective Signaling Systems (1986 Ed.);~~
~~"xxii.NFPA #72C Remote Station Protective Signaling Systems (1986 Ed.);~~
~~"xxiii.NFPA #72D Proprietary Protective Signaling Systems (1986 Ed.);~~
~~"xxiv.NFPA #72E Automatic Fire Detectors (1987 Ed.);~~
~~"xxv.NFPA #72H Testing Procedures for Local, Auxiliary, Remote Station and Proprietary Protective Signaling Systems (1988 Ed.);~~
~~"xxvi.NFPA #80 Fire Doors and Windows (1986 Ed.);~~
~~"xxvii.NFPA #86 Ovens and Furnaces, Design, Location, and Equipment (1985 Ed.);~~
~~"xxviii.NFPA #90A Air Conditioning and Ventilating Systems (1985 Ed.);~~
~~"xxix.NFPA #91 Blower and Exhaust Systems (1983 Ed.);~~
~~"xxx.NFPA #96 Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment (1987 Ed.);~~
~~"xxxi.NFPA #231 Indoor General Storage (1987 Ed.);~~
~~"xxxii.NFPA #231C Rack Storage of Materials (1986 Ed.);~~
~~"xxxiii.NFPA #303 Fire Protection Standard for Marinas and Boatyards (1986 Ed.);~~
~~"xxxiv.NFPA #407 Aircraft Fuel Servicing (1985 Ed.);~~
~~"xxxv.NFPA #409 Aircraft Hangars (1985 Ed.);~~
~~"xxxvi.NFPA #490 Ammonium Nitrate, Storage of (1986 Ed.);~~
~~"xxxvii.NFPA #498 Explosives Motor Vehicle Terminals (1986 Ed.);~~
~~"xxxviii.NFPA #651 Aluminum and Magnesium Powder (1987 Ed.);~~
~~"xxxix.NFPA #704 Identification of the Fire Hazards of Materials (1985 Ed.);~~
~~"xxxx.NFPA #1231 Water Supplies for Rural & Suburban Fire Fighting (1984 Ed.)."~~
6. Sec. 1.102(e) is modified to read "Wherever in the code reference is made to the appendix, only the following appendices shall be part of this code:
- "Appendix I-A with the exception of Section 1(b);
 - "Appendix II-A,
 - "Appendix II-B,
 - "Appendix II-C with the exception of Section 2;
 - "Appendix II-E,
 - "Appendix IV-A,
 - "Appendix V-A,
 - "Appendix VI-A,
 - "Appendix VI-D,
 - "Appendix VI-E".
7. Sec. 2.304(a) is modified by adding the following: "To the extent that the Uniform Fire Code Standards (1988 Ed.) incorporate NFPA Standards which are consistent with NFPA Standards incorporated by reference in Sec. 1.102(b), the version incorporated in Sec 1.102(b) shall control."
8. Sec. 4.101 is modified to read: "The authority having jurisdiction may require permits as provided for in Sec. 4.108 of this code."
9. Sec. 11.204 is modified to include "educational occupancies."
10. Add Sec. 11.210 to read: "Bed mattresses used in institutional occupancies where the personal liberties of inmates are restrained shall be permanently flame resistant and low-smoke producing. Urethane foam materials shall be aged before the following tests are conducted. The method of aging shall be by American Society for Testing and Materials (ASTM) D3574-86 Test J1 " (1986 Ed.) which is incorporated by reference herein and on file with the Office of the Secretary of State. Incorporated materials do not include any later amendments or editions of the incorporated matter. This document is available from the American Society for Testing and Materials, 1916 Race Street, Philadel-

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phia, PA 19103. All materials shall meet the following criteria:

TEST	ACCEPTABLE VALUES	TEST METHOD
Oxygen Index %O ₂	50 min.	ASTM D-2863-87
Smoke Density Flaming DS @ 90 Sec. & nonflaming DS @ 4 minutes	1 in 75 max. 1 in 175 max.	ASTM E-662-83
Radiant Panel	Flame Spread 5 or less No melt, no drip	ASTM E-162-87

11. Sec. 12.110 is added to Article 12 to read: "Fire exit drills shall be conducted in accordance with Chapter 31 of the NFPA #101, Life Safety Code" (1988 Ed.), which is incorporated by reference herein and on file with the Office of the Secretary of State. Incorporated materials do not include any later amendments or editions of the incorporated matter. This document is available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269."
12. Sec. 14.102. Modify the definition of alarm system to read: "Alarm system is a combination of a control unit and approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of fire or system activation."
13. Sec. 14.103(b) is modified to read: "Fire alarm systems installed in educational, institutional, state or county owned occupancies shall be designed and installed in such a manner that the failure, removal, or destruction of any single alarm actuating or alarm indicating device or a break in the wiring circuit will not interfere with the normal operation of any other such devices."
14. Sec. 14.103(e) is modified to read: "Equipment. Systems and components shall be listed and approved for the purpose for which installed."
15. Sec. 14.103(d) is modified to read: "Acceptance Test. Upon completion of the installation or alteration, a satisfactory test of the entire fire alarm system shall be made in the presence of the Chief. All functions of the fire alarm system or alteration shall be tested."
16. Sec. 14.103(e) is modified to read: "The permittee shall provide written certification to the Chief that the system has been installed in accordance with the approved plans, component specifications and the manufacturer's minimum requirements."
17. Sec. 14.104(b)(1) is modified to include paragraph D: "Group B, Division 2 occupancies owned by the state or county at the discretion of the Fire Marshal."
18. Sec. 14.104(b)(3) is modified to include paragraph D: "An automatic system shall be required when construction includes internal corridors which serve as egress pathways. Approved smoke detectors shall be installed in internal corridors in accordance with R4-36-201(B)(5)(xxiv)."
19. Sec. 14.104(c), first paragraph, is modified to read: "Group R, Division 1 Occupancies. A manual and automatic fire alarm system shall be installed in apartment houses three or more stories in height or containing more than 16 dwelling units and in hotels three or more stories in height or containing 20 or more guest rooms." Remaining paragraphs are unchanged.
20. Sec. 14.104(e), fourth paragraph, is modified to read: "An approved and listed system-type heat detector shall be installed within common areas such as recreational rooms, laundry rooms and furnace rooms of buildings containing Group R, Division 1 Occupancies."
21. Sec. 14.104(e) is modified to read "Smoke detectors in dwelling units and guest rooms. Smoke detectors shall be installed as required by the Building Code Section 1210(a) in dwelling units and hotel or lodging house guest rooms. When such detectors are connected to a fire alarm system, they shall not sound a general alarm."
22. Sec 14.105(d) is added to read: "Return wires of aboveground fire alarm system wiring shall be physically separated from outgoing wires by a distance of not less than six feet or by a minimum of one hour fire resistive construction. The six foot separation shall not apply to underground installation. EXCEPTION: When making connections to the panel."
23. Sec. 14.106(a) is modified to read: "Maintenance and Testing. All fire alarm systems shall be maintained and tested as set forth in this Article and in accordance with nationally recognized standards. All fire alarm and detection systems shall be tested as set forth in R4-36-201(B)(5)(xxv)."
24. Sec. 14.108 is modified to read: "Accidental Alarms. In the event of temporary failure of the alarm system or an

- excessive number of accidental alarm activations, the Chief may require the building owner or occupant to provide standby personnel as defined by Sec. 25.117 until the system is restored."
25. Sec. 14.109 is added to read: "Fire alarm systems installed in buildings used for public accommodation as defined in A.R.S. § 34-402(20) shall meet the requirements of A.R.S. § 34-431."
26. Add a new Division V of Article 25 to read: "Division V. Grounds of Carnivals and Fairs."
27. Sec. 25.501 is added to read: "Scope. The grounds of carnivals and fairs, including concession booths, shall conform to the requirements of this division and all other applicable requirements of this code."
28. Sec. 25.502 is added to read: "Permits. For a permit to operate a carnival or fair, see Sec. 4.108."
29. Sec. 25.503 is added to read: "General Requirements. Grounds shall comply with the following:
- "1. Fire apparatus access roads shall be provided in accordance with Sec. 32.105.
 - "2. Fire-fighting appliances shall be provided for the entire midway, as required by the chief.
 - "3. Maximum travel distance to a portable fire extinguisher shall not exceed 75 feet.
 - "4. All electrical equipment and installations shall comply with the National Electrical Code."
30. Sec. 25.504 is added to read: "Concession stand requirements. Concession stands shall comply with the following:
- "1. Concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides and shall not be located within 10 feet of amusement rides or devices.
 - "2. A 40-B:C-rated dry chemical fire extinguisher shall be provided where deep-fat fryers are in use."
31. Sec. 25.505 is added to read: "Internal combustion power sources, including motor vehicles, generators and similar equipment shall comply with the following:
- "1. Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when the ride is not in use.
 - "2. Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or enclosures.
 - "3. At least one fire extinguisher with a rating of not less than 2-A:10B:C shall be provided."
32. Add a new Division VI of Article 25 to read: "Division VI Liquid or Gas-Fueled Vehicles or Equipment Used for Display or Competition Within Assembly Buildings."
33. Sec. 25.602 is added to read: "Scope. Liquid or gas fueled vehicles or equipment used for display competition or demonstration within an assembly building shall comply with the requirements of this division and all other applicable requirements of this code."
34. Sec. 25.602 is added to read: "Permits. For permits to use liquid or gas fueled vehicles or equipment for competition or display inside an assembly building, see Sec. 4.108."
35. Sec. 25.603 is added to read: "Display. Display of liquid or gas-fueled vehicles or equipment inside an assembly building shall comply with the following:
- "1. Batteries shall be disconnected in an approved manner.
 - "2. Vehicles or equipment shall not be fueled or defueled within the building.
 - "3. Fuel in the fuel tank shall not exceed one quarter of the tank capacity or five gallons, whichever is less.
 - "4. Fuel systems shall be inspected for leaks.
 - "5. Fuel tank openings shall be locked and sealed to prevent the escape of vapors.
 - "6. The location of such vehicles or equipment shall not obstruct or block exits."
36. Sec. 25.604 is added to read: "Competition or Demonstrations. Liquid or gas-fueled vehicles or equipment used for competition or demonstration within an assembly building shall comply with the following:
- "1. Fuel for the vehicles or equipment shall be stored in approved containers in an approved location outside of the building.
 - "2. Refueling shall be performed outside of the building at an approved site.
 - "3. All fuel spills shall be cleaned up immediately."
37. Sec. 80.101. Add a paragraph to read: "For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 retail sales occupancies, see Sec. 80.109."
38. Sec. 80.109 is added to read: "Retail display. When in accordance with this section, the aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, Table Nos. 80.306 A, 80.309 A, 80.310 A, 80.312 A, 80.314 A and 80.315 A. The maximum allowable quantity in pounds or gallons permitted within a single control area of a retail sales occupancy shall be the amount derived from the formula:
- $$ER = E \times p \times A$$
- "WHERE:
- "ER = exempt amount permitted in a single control area of a retail sales occupancy.
 - "E = exempt amount specified in Division III exempt amount tables.
 - "p = density factor from Table No. 80.109.
 - "A = square footage area of the hazardous material retail display or storage.

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The maximum aggregate floor area for hazardous material retail display or storage over which the density factor may be applied shall not exceed 1500 square feet per control area."

"The area of storage or display shall also comply with the following requirements:

- ~~"1. Display of solids shall not exceed 200 pounds per square foot of floor area actually occupied by the solid merchandise.~~
- ~~"2. Display of liquids shall not exceed 20 gallons per square foot of floor area actually occupied by the liquid merchandise.~~
- ~~"3. Display height shall not exceed six feet.~~
- ~~"4. Individual containers less than five gallons or less than 25 pounds shall be stored on pallets, racks or shelves.~~
- ~~"5. Storage racks and shelves shall be in accordance with the provisions of Sec. 80.301(i).~~
- ~~"6. Containers shall be approved for the use intended.~~
- ~~"7. Individual containers shall not exceed 100 pounds or five gallon capacity.~~
- ~~"8. Incompatible materials shall be separated in accordance with the provisions of Sec. 80.301(n).~~
- ~~"9. Floors shall be in accordance with the provisions of Sec. 80.301(z).~~
- ~~"10. Aisles four feet in width shall be maintained on three sides of the display area.~~
- ~~"11. Hazard identification signs shall be provided in accordance with the provisions of Sec. 80.104(c)."~~

39. Add Table No. 80.109 to read:

"TABLE 80.109 DENSITY FACTORS FOR EXEMPT AMOUNTS IN RETAIL SALES		
HAZARD CATEGORIES †	CLASS	DENSITY FACTOR-p
PHYSICAL HAZARDS: Oxidizers; unstable (reactive) materials; water reactive materials	Class 4	N.P.
	Class 3	0.075
	Class 2	0.006
	Class 1	0.003
HEALTH HAZARDS: Toxic or highly toxic solids and liquids; corrosives; other health hazard solids, liquids and gases.	All	0.0013

NP = Not permitted

† Hazard categories are as specified in Division II. Density factors shall not apply to categories other than those listed."

40. Sec. 80.306(a)(1). Add an exception to read: "For retail display of nonflammable solid and nonflammable or noncombustible liquid Class 1, Class 2 and Class 3 oxidizers, see Sec. 80.109."
41. Table No. 80.306 A. Revise the footnotes to read:
 - "1) No exempt amount of Class 4 oxidizers are permitted in Group R Occupancies, offices or retail sales portions of Group B Occupancies.
 - "2) No exempt amounts of Class 4 oxidizers are permitted in Group A, E, I or M Occupancies, or in classrooms of Group B Occupancies unless storage is within a hazardous material storage cabinet containing no other storage.
 - "3) A Maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in Groups I, M and R occupancies when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the chief."
42. Sec. 80.309(a). Revise the exceptions to read:
 - "1. Detonatable, unstable (reactive) materials shall be stored in accordance with Article 77.
 - "2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see Sec. 80.109."
43. Sec. 80.310(a). Add an exception to read: "For retail display of nonflammable solid and nonflammable or noncombustible liquid water reactive materials, see Sec. 80.109."
44. Sec. 80.312(a)(1). Add an exception to read: "For retail display of nonflammable solid and nonflammable or noncombustible liquid toxic or highly toxic materials, see Sec. 80.109."
45. Sec. 80.314(a)(1). Add an exception to read: "For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Sec. 80.109."
46. Sec. 80.315(a)(1). Add an exception to read: "For retail display of nonflammable solid and noncombustible or nonflammable liquid other than health hazard materials, see Sec. 80.109."
47. Sec. 80.401(b)(3F)(v). Add an exception to read: "Automatic shutdown need not be provided for reactors utilized for

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the production of toxic or highly toxic gases when such reactors are:

"1. Operated at pressures less than 15 psig.

"2. Constantly attended.

"3. Provided with readily accessible emergency shutoff valves."

48. ~~Sec. 80.402(e)(8C). Add an exception to read: "Automatic shutdown need not be provided for reactors utilized for the production of toxic or highly toxic gases when such reactors are:~~

~~"1. Operated at pressures less than 15 psig.~~

~~"2. Constantly attended.~~

~~"3. Provided with readily accessible emergency shutoff valves."~~

49. ~~Appendix VI-D is modified to include the following after Table 42-B: "Carpeting on walls or ceilings. When used as interior wall or ceiling finish, carpeting and similar materials having napped, tufted, looped or similar surface shall meet the criteria set forth in Enclosed Corner Burn Test, Underwriters Laboratory Subject Outline 1715 (1989 Ed.), which is incorporated by reference herein and on file with the Office of the Secretary of State. Incorporated materials do not include any later amendments or editions of the incorporated matter. This document is available from Underwriters Laboratory, Inc. Publication Department, 1655 Scott Boulevard, Santa Clara, CA 95050."~~

ARTICLE 3. ~~Repealed~~ INTERNATIONAL FIRE CODE MODIFICATIONS

R4-36-301. ~~Repealed~~ Definitions

The following terms apply to the 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. 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. 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. 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, or I and where buildings do not contain adult or child care facilities or more than five dwelling units.

R4-36-302. ~~Repealed~~ Appendices

The International Fire Code (2003 Edition), which is incorporated by reference, 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/subdivision authority.
- E: Hazard Categories
- F: Hazard Rankings
- G: Cryogenic Fluids – Weight and Volume Equivalents

R4-36-303. ~~Repealed~~ Fees and Permits

- A. Section 105.1.1 is modified to add: The State Fire Safety Committee shall establish a fee schedule on or before May 15 of each fiscal year for the coming fiscal year.
- B. The State Fire Marshal shall post notice of the established fee schedule on or before June 1 of each fiscal year.
- C. The fee schedule described in subsection (A) shall include fees for the following services and any person may obtain the fee schedule from the Office of the State Fire Marshal:
 1. Plan submission;
 2. Plan review;
 3. Permit issuance; and
 4. Reinspection necessitated by failure to cancel, lack of preparation for inspection, or failing the inspection.
- D. The following time-frames are established for permits issued under the state fire code:
 1. The Office of the State Fire Marshal shall determine within five business days from 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 the documents are determined to be administratively complete.
 3. The permittee shall commence work within 180 days of the issuance of a permit or apply for an extension in writing from the State Fire Marshal. Without an extension, the permit is valid for 180 days from the date of issuance.
 - E. The holder of an operational or construction permit is entitled to inspections as defined by the fee schedule. Reinspection because of a violation or cancellation without 24 hours' notice shall be invoiced at a rate established by the fee schedule, and the reinspection shall not be conducted until the fee is paid.
 - F. The State Fire Marshal may authorize the refunding of any fee paid in accordance with this Section which was erroneously paid or collected if the permittee applies for the refund on a form furnished by the State Fire Marshal not later than 180 days after the date of fee payment.
 - G. 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.
 - H. 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.
 - I. 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.
 - J. Section 105.3.3, the sentence is modified to read: 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.
 - K. Sections 105.6.1 through 105.6.3 are deleted.
 - L. Sections 105.6.5 through 105.6.13 are deleted.
 - M. Sections 105.6.16 through 105.6.26 are deleted.
 - N. Sections 105.6.28 through 105.6.32 are deleted.
 - O. Sections 105.6.34 through 105.6.36 are deleted.
 - P. Sections 105.6.38 through 105.6.42 are deleted.
 - Q. Sections 105.6.45 through 105.6.47 are deleted.
 - R. Section 105.7.5.1 is deleted.
 - S. 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. ~~Repealed~~ Inspections and Enforcement**
- A. Section 109.3 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.
 - B. Section 111.2 is modified to read: Issuance. The State Fire Marshal shall issue a stop work order in accordance with A.R.S. § 41-2196.
 - C. 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. ~~Repealed~~ General Precautions Against Fire**
- A. Section 307.2 is modified to read: Permit required. A permit shall be obtained in accordance with requirements of the Department of Environmental Quality before kindling a fire.
 - B. Section 311.1.1 is modified to read: Abandoned premises. Abatement of abandoned structures and premises shall be conducted in accordance with state law.
- R4-36-306. ~~Repealed~~ Emergency Planning and Preparedness**
- A. Section 401.1 is modified to read: Scope. Reporting of emergencies, coordination with the local authorized emergency response providers, emergency plans, and procedures for managing or responding to emergencies shall comply with the provisions of this section.
 - B. Section 408.1 is added to read: in coordination with the local authorized emergency response provider(s).
- R4-36-307. ~~Repealed~~ 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, the second sentence is modified to read: The location and accessibility of the fire command center shall be approved by a local authorized emergency response provider.

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R4-36-308. ~~Repealed~~ Building Services and Systems

- A.** Section 601.2 is deleted.
- B.** 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.** Section 606.13 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.

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, 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).
- 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, skyrockets, 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 snappers, 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

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.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R06-240]

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R12-4-102 Amend
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 17-231
Implementing statute: A.R.S. § 17-333
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 12 A.A.R. 2577, July 21, 2006
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Carlos Ramírez, Rules Analyst
Address: Arizona Game and Fish Department
2221 W. Greenway Rd. DORR
Phoenix, AZ 85023-4399
Telephone: (602) 789-3288
Fax: (602) 789-3677
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Amendments made to A.R.S. § 17-333 during the 2005 legislative session established the Class L, M, and N super conservation licenses. Although statute prescribes the wildlife privileges given under the Class L license, the statute directs the Commission to prescribe the stamps and tags for the Classes M or N licenses. This rulemaking will prescribe those stamps and tags.

As authorized under A.R.S. § 17-333, purchase of a Class M super conservation hunting license provides the license holder with the same privileges as a Class G general hunting license. Purchase of a Class N super conservation hunting and fishing license provides the license holder with the same privileges as a Class F combination hunting and fishing license and a Class U urban fishing license. The privileges of the Class M and N super conservation licenses also include nonpermit-tags for archery deer, archery turkey, fall bear, and mountain lion, the Unit 12A (North Kaibab) Habitat stamp, the Arizona state migratory bird stamp, and the Arizona migratory waterfowl stamp. Additional amendments will be made to clearly state the privileges given under statute by purchasing a Class L super conservation fishing license.

Amendments will also be made to correct the fee for a Class I family fishing license and to clarify the privileges of a Class C and D fishing license. The surcharge authorized under A.R.S. § 17-345 was mistakenly applied to the Class I license twice. The Department proposes to amend the fee for the Classes C and D licenses to clearly state the any additional days purchased for this license must be consecutive.
6. **A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or 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 agency did not rely on any study in its evaluation of or justification for the proposed rule.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
8. **The preliminary summary of the economic, small business, and consumer impact:**
The Department anticipates that the proposed rulemaking will benefit the general public by clearly establishing the privileges given by purchasing a Class M or N super conservation license. The proposed rulemaking will also benefit purchasers by giving them more opportunities to enjoy the state's wildlife resources. By giving purchasers more opportunities, hunters will help the Department more closely meet its management objectives for species for which nonpermit-tags are issued, such as bear or mountain lion. The Department will have to address administrative costs

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for documenting the sale of federal migratory bird and waterfowl stamps. However, purchase of a super conservation license will save the consumer \$32 for a Class M license, and \$33 for a Class N over purchasing all the tags and stamps separately. Amendments regarding the Class L license will not create significant impact. The amendments regarding the Class C, D, and I licenses will also not create a significant impact. The Department is pursuing additional means outside of rulemaking to ensure that the appropriate is charged to the regulated community. The proposed rulemaking will not affect other agencies or businesses, or public or private employment. The Department has determined there are no alternate means of achieving the objective of the proposed rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carlos Ramírez, Rules Analyst
Address: Arizona Game and Fish Department
2221 W. Greenway Rd. DORR
Phoenix, AZ 85023-4399
Telephone: (602) 789-3288
Fax: (602) 789-3677

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Written comments will be accepted until 30 days after this notice is published. Public hearings to discuss this proposal will be held as follows:

Date: October 21-22, 2006
Time: TBD
Location: Hilton Garden Inn
4000 N. Central Ave.
Phoenix, AZ 85012

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Dustin McKissen at (602)789-3288 (Voice); 1-800-367-8939 (TDD); 2221 W. Greenway Road, Phoenix, Arizona 85023-4399. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

An individual who purchases a license, tag, stamp, or permit listed in this Section shall pay all applicable fees at the time of application, or pay fees as prescribed by the Director under R12-4-115.

		Fees effective for licenses, tags, stamps, and permits to be used beginning in 2007
Hunting and Fishing License Fees		
Class A, General Fishing License		
· Resident	\$18.00	\$23.50
· Nonresident Under A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17-345.	\$51.50	\$88.00
Class B, Four-month Fishing License		
· Nonresident	\$37.50	\$39.75
Class C, Five-day Fishing License		
· Nonresident	\$26.00	\$32.00 + \$9.00 for each additional consecutive day
Class D, One-day Fishing License		
· Resident	\$12.50	\$16.25 + \$8.00 for each additional consecutive day
· Nonresident		\$17.25 + 9.00 for each additional consecutive day
Class E, Colorado River Only Fishing License		
· Nonresident	\$42.50	\$48.75
Class F, Combination Hunting and Fishing License		
· Resident Adult	\$44.00	\$54.00
· Nonresident Adult	\$177.50	\$225.75
· Resident or Nonresident Youth. Fee applies before and through the calendar year of the applicant's 20th birthday.	\$25.50	\$26.50
Class G, General Hunting License		
· Resident	\$25.50	\$32.25
· Nonresident	\$113.50	\$151.25
Class H, Three-day Hunting License		

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· Nonresident	\$51.50	\$61.25
· Resident Youth Group Two-day Fishing License	\$25.00	\$25.00
Class I, Resident Family Fishing License		
· For primary adult	\$28.50	\$39.25 <u>\$36.25</u>
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333	+ \$22.80	+ \$31.40 <u>\$29.00</u>
· For any child in the immediate family, as prescribed in A.R.S. § 17-333	+ \$2.00 per child	+ \$2.00 per child
Class J Resident Family Hunting License		
· For primary adult		\$32.25
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+25.80
· For any child in the immediate family, as prescribed in A.R.S. § 17-333		+\$15.00 per child
Class K Combination Resident Family Hunting and Fishing License		
· For primary adult		\$54.00
· For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333		+\$43.20
· For any child in the immediate family, as prescribed in A.R.S. § 17-333		+\$20.00 per child
Class L Super Conservation Fishing License, Gives the same privileges as a Class A General Fishing License and a Class U urban fishing license.		
· Resident		\$53.00
· Nonresident		\$63.00
Class M Super Conservation Hunting License, Gives the same privileges as a Class G General Hunting License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp.		
· Resident		\$118.00
Class N Combination Super Conservation Hunting and Fishing License, Gives the same privileges as a Class F Combination Hunting and Fishing License and a Class U Urban Fishing License, and includes a nonpermit-tag for archery deer, archery turkey, fall bear, and mountain lion, and a Unit 12A (North Kaibab) Habitat Management Stamp, a State Waterfowl Stamp, and a State Migratory Bird Stamp.		
· Resident		\$163.00
Class U, Urban Fishing License		
· Resident or Nonresident	\$16.00	\$18.50

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Hunt Permit-tag Fees		
Antelope		
· Resident	\$65.00	\$77.50
· Nonresident	\$325.00	\$477.50
Bear		
· Resident	\$14.50	\$22.25
· Nonresident	\$200.00	\$237.50
Bighorn Sheep		
· Resident	\$195.00	\$265.00
· Nonresident	\$1,000.00	\$1,400.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$1,087.50
· Nonresident	\$3,750.00	\$5,444.75
· Adult Cows		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
· Yearling		
· Resident	\$240.00	\$355.25
· Nonresident	\$1,200.00	\$1,747.25
· Yearling or Cow		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
Deer and Archery Deer		
· Resident	\$19.50	\$34.75
· Nonresident	\$125.50	\$225.25
· Junior, resident and nonresident		\$25.00
Elk		
· Resident	\$78.00	\$114.00
· Nonresident	\$400.00	\$587.50
· Junior, resident and nonresident		\$50.00
Javelina and Archery Javelina		
· Resident	\$12.50	\$21.25
· Nonresident	\$70.00	\$97.50
· Junior, resident and nonresident		\$15.00
Mountain Lion		

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· Resident	\$10.00	\$14.50
· Nonresident	\$200.00	\$225.00
Turkey and Archery Turkey		
· Resident	\$11.00	\$18.00
· Nonresident	\$50.50	\$70.25
· Junior, resident and nonresident		\$10.00
Sandhill Crane		
· Resident or Nonresident	\$5.00	\$7.50
Nonpermit-tag and Restricted Nonpermit-tag Fees		
Antelope		
· Resident	\$65.00	\$77.50
· Nonresident	\$325.00	\$477.50
Bear		
· Resident	\$14.50	\$22.25
· Nonresident	\$200.00	\$237.50
Bighorn Sheep		
· Resident	\$195.00	\$265.00
· Nonresident	\$1,000.00	\$1,400.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$1,087.50
· Nonresident	\$3,750.00	\$5,444.75
· Adult Cows		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
· Yearling		
· Resident	\$240.00	\$355.25
· Nonresident	\$1,200.00	\$1,747.25
· Yearling or Cow		
· Resident	\$450.00	\$652.00
· Nonresident	\$2,250.00	\$3,255.25
Deer and Archery Deer		
· Resident	\$19.50	\$34.75
· Nonresident	\$125.50	\$225.25
· Junior, resident and nonresident		\$25.00
Elk		

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· Resident	\$78.00	\$114.00
· Nonresident	\$400.00	\$587.50
· Junior, resident and nonresident		\$50.00
Javelina and Archery Javelina		
· Resident	\$12.50	\$21.25
· Nonresident	\$70.00	\$97.50
· Junior, resident and nonresident		\$15.00
Mountain Lion		
· Resident	\$10.00	\$14.50
· Nonresident	\$200.00	\$225.00
Turkey and Archery Turkey		
· Resident	\$11.00	\$18.00
· Nonresident	\$50.50	\$70.25
· Junior, resident and nonresident		\$10.00
Sandhill Crane		
· Resident or Nonresident	\$5.00	\$7.50
Stamps and Special Use Permit Fees		
Arizona Colorado River Special Use Permit Stamp. For use by California fishing license holders, resident or nonresident.	\$3.00	\$3.00
Arizona Colorado River Special Use Permit Stamp. For use as prescribed by R12-4-312.	\$3.00	\$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees.	\$3.00	\$3.00
Bobcat Permit Tag. For resident or nonresident.	\$2.00	\$3.00
State Waterfowl Stamp. Validates a hunting license to allow the license holder to take waterfowl as prescribed in R12-4-203.	\$7.50	\$8.75
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03, resident or nonresident. Validates a hunting license to allow the license holder to take migratory game birds as prescribed in R12-4-203.	\$3.00	\$4.50
Trout Stamp. Validates a Class A license to allow the license holder to take trout.		
· Resident	\$10.50	\$15.75
· Nonresident	\$49.50	\$57.75

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Two-Pole Stamp, resident or nonresident. Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined in R12-4-101.	The fee for a two-pole stamp shall be \$4.00 until September 1, 2006. Afterwards, the fee shall be \$5.00.	\$6.00
Unit 12A (North Kaibab) Habitat Management Stamp, resident or nonresident. Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as prescribed by R12-4-204.	\$15.00	\$15.00
Other License Fees		
Game Bird Field Trial License	\$5.00	\$6.00
Game Bird Hobby License	\$5.00	\$5.00
Game Bird Shooting Preserve License	\$100.00	\$115.00
Fur Dealer's License	\$100.00	\$115.50
Guide License		
· Resident or Nonresident	\$100.00	\$300.00
License Dealer's License	\$75.00	\$100.00
License Dealer's Outlet License	\$25.00	\$25.00
Live Bait Dealer's License	\$30.00	\$35.00
Private Game Farm License	\$40.00	\$57.50
Sport Falconry License (3-year license)	\$75.00	\$87.50
Taxidermist License	\$50.00	\$150.00
Trapping License		
· Resident	\$10.00	\$30.00
· Nonresident	\$50.00	\$275.00
· Resident Juvenile	\$10.00	\$10.00
White Amur Stocking and Holding License		
· Non-business. Under R12-4-424, an individual that holds a non-business white amur stocking and holding license does not pay the required fee if renewing the license.	\$200.00	\$250.00
· Business	\$200.00	\$250.00
Zoo License	\$100.00	\$115.00
Administrative Fees		
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.	\$3.00	\$4.00
Permit Application Fee.	\$5.00	\$7.50