

**ARTICLE 1. RESERVED**  
**ARTICLE 2. STATE FIRE CODE**

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

Unless otherwise provided by law, any person residing, doing business, or who is physically present within the State of Arizona shall comply with the provisions of the International Fire Code (2003 Edition) including D102.1 and D107.1 of Appendix D and all provisions of Appendices B, C, E, F and G, which is published by the International Code Council incorporated by reference as the State Fire Code. 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 West Flossmoor Road, Country Club Hills, IL 60478-5795 and a copy is available for inspection at the Office of the State Fire Marshal.

**ARTICLE 3. INTERNATIONAL FIRE CODE MODIFICATIONS**

**R4-36-301. Definitions**

The following terms apply to the state fire code established in this chapter:

1. Wherever “International Plumbing Code: is used is 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 shall 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 shall 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. 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 West 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. Fees and Permits**

- A. Section 105.1.1 is modified to add: The State Fire Safety Committee shall establish a fee schedule prior to May 15 of each 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 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 documents are determined to be administratively complete.
  3. The permittee shall commence work within 180-days of the issuance of the permit or apply for an extension in writing from the State Fire Marshal. Without an extension, the permit is valid for 180-days from of the issuance.

- E. The holder of an operational or construction permit is entitled inspections as prescribed in this Chapter. Re-inspection because of a violation or cancellation without 24-hours notice shall be invoiced at a rate established in 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 that 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 issue.
  - 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 not to 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. Inspections and Enforcement.**

- A. Sections 103.1 through 103.4.1 are deleted.
- B. Sections 108.1 through 108.3 are deleted.
- C. 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 this code, the State Fire Marshal shall procede in accordance with A.R.S. § 41-2196.
- D. Section 111.2 is modified to read: Issuance. The State Fire Marshal shall issue a stop work order, referred to in statute as a cease and desist order, in accordance with A.R.S. § 41-2196.
- E. 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, shall be subject to provisions of A.R.S. § 41-2196.

#### **R4-36-305. General Precautions Against Fire**

- A. Section 307.2 is modified to read: Permit Required. A permit shall be obtained in accordance with requirements of the Arizona Department of Environmental Quality prior to 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. Emergency Planning and Preparedness**

Section 401.1 is modified to read: Scope. Reporting of emergencies, coordination with the local authorized emergency response provider, emergency plans, and procedures for managing or responding to emergencies shall comply with the provisions of this section.

#### **R4-36-307. Fire Service Features**

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

#### **R4-36-308. Building Services and Features**

- 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.
- D. Sections 2703.1 and 2703.1.4 replace “fire code official” with “fire department”.

#### **R4-36-309. Fire Protection Systems**

- A. Section 901.1 is modified to read: Scope. The provisions of this Chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. Absent specific statutory authority to the contrary, these provisions provide the minimum protective standards relating to fire protection systems.
- B. Section 903.3.5 is modified to read: Monitoring. Where a building fire alarm system is installed, automatic fire extinguishing systems shall be monitored by the building fire alarm system in accordance with state law.

#### **R4-36-311. Reference 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.

#### **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, 2006 edition, which is published by the National Fire Protection Association, 1 Battery march Park, Quincy, MA 02169-7471 and is available from NFPA at [www.nfpa.org](http://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.

#### **R4-36-402. Modification of FPA 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). Arizona Administrative Register / Secretary of State Notices of Final Rulemaking February 4, 2011 Page 109 Volume 17, Issue 5.

#### **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.