



# HOUSE OF REPRESENTATIVES

SB 1133

building code moratorium; repeal

Sponsor: Senator Griffin

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X Committee on Government

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1133 repeals expired statute relating to the building code moratorium on residential and commercial buildings.

## Summary of Proposed Strike-Everything Amendment to SB 1133

The proposed strike-everything amendment to SB 1133 restricts a municipality from adopting the 2015 version of the International Energy Conservation Code (IECC) or energy conservation chapter of the International Residential Code (IRC) prior to January 1, 2018.

## HISTORY

The IRC is a residential code that creates minimum regulations for one- and two-family dwellings of three stories or less. Introduced in 1998, the IECC is similar to the energy related components of the IRC, and is referenced within the IRC, though the two are not always identical. The IECC addresses regulations for heating and ventilating, lighting, water heating, and power usage for appliances and building systems. Depending on whether the building is for residential use or for commercial use, the IECC sets forth minimum requirements for the following including exterior envelope insulation, duct insulation and lighting and power efficiency.

A new edition of the IECC is circulated every three years. The 2012 edition of the IECC presents the code as originally issued with changes reflected in the 2000, 2003, 2006 and 2009 editions and further changes approved through the International Code Council Code Development Process through 2010. The IECC is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are considered through an open code development process in which all interested and affected parties may participate.

Arizona Revised Statutes § 9-461.05 requires the governing body of a municipality to adopt a comprehensive, long-range general plan for the development of the municipality. The general plan for a municipality with 50,000 persons or more must include an energy element that includes a component that identifies policies that encourage and provide incentives for efficient use of energy and an assessment that identifies policies and practices that provide for greater uses of renewable energy sources.

## PROVISIONS

- Restricts a municipality from adopting the 2015 version of the IECC or energy conservation chapter of the IRC, however denominated, prior to January 1, 2018.
- Allows municipalities to adopt the 2012 or prior version of the IECC or energy conservation chapter of the IRC prior to January 1, 2018.

Fifty-first Legislature  
Second Regular Session

Analyst Initials \_\_\_\_\_  
March 18, 2014



# HOUSE OF REPRESENTATIVES

SB 1151

fowl regulation; prohibition

Sponsors: Senator Farnsworth D; Representatives Boyer, Mitchell, et al.

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DP Committee on Government

X Caucus and COW

House Engrossed

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## OVERVIEW

SB 1151 prohibits municipalities from restricting residents from keeping fowl in the backyard of their single-family detached home.

## HISTORY

Arizona Revised Statutes § 9-462.05 authorizes the legislative body of a municipality to enforce any zoning ordinance enacted pursuant to statute. The legislative body must establish all necessary and appropriate rules and procedures governing application for zoning amendment, review and approval of plans, issuance of any necessary permits or compliance certificates, inspection of buildings, structures and lands and any other actions which may be considered necessary or desirable for enforcement of the zoning ordinance.

Many municipalities in Arizona have adopted zoning ordinances that prohibit the number of fowl a person may keep, the distance between a coop and a residence and if a permit is required. Statute is currently silent on municipalities' rights to regulate or prohibit the keeping of fowl within zoning ordinances.

Merriam-Webster Dictionary defines *fowl* as a bird, such as a chicken, that is raised for food.

## PROVISIONS

- Restricts municipalities from adopting a zoning ordinance that would restrict residents in a single-family detached home from keeping fowl in the backyard of their property.
- Allows municipalities to:
  - Restrict the number of fowl that a resident may keep in the backyard.
  - Prohibit a resident from keeping male fowl, including roosters, unless it is incapable of making noise.
- Asserts that property rights of property owners in this state are of statewide concern.
- Preempts all local laws, ordinances and charter provisions to the contrary of this Act.



**ARIZONA STATE SENATE**  
*Fifty-First Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1183

fire access roads; limitation; sprinklers

Purpose

Prohibits municipalities and counties from requiring the adoption of any fire code for an approved fire apparatus road that directly or indirectly requires the installation of fire sprinklers.

Background

A *fire apparatus access road* is a road that provides access for fire equipment from a fire station to a facility, building or portion thereof. The road must be designed and maintained to provide all-weather driving capabilities with an unobstructed width of at least 20 feet and vertical clearance of at least 13 feet 6 inches. According to the International Fire Code (IFC) the fire apparatus road must extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story as measured by an approved route around the exterior of the building. The IFC authorizes the local fire code official to increase the 150 foot threshold where: 1) the building is equipped with an approved sprinkler system; 2) fire apparatus roads cannot be installed due to location, topography, etc. and an approved alternative means of fire protection is provided; or 3) there are not more than two residential buildings of two dwelling units or less, or two miscellaneous structures such as agricultural buildings (IFC 5.03.1.1).

Municipalities and counties are prohibited from adopting any code or ordinance that restricts a person or entity from installing, or not installing, fire sprinklers in a single family detached residence or residential building of two dwelling units or less. Additionally, statute bars municipalities and counties from imposing any fine, penalty or other requirement on any person or entity that installs, or does not install, fire sprinklers in such a residence (A.R.S. § § 9-807 and 11-861).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits municipalities and counties from requiring the adoption of any fire code, ordinance, stipulation or other legal requirement for an approved fire apparatus road or extension, or both, that directly or indirectly requires a one or two family residence or a *utility or miscellaneous building or structure* to install fire sprinklers.

2. Allows a fire code official to increase or extend an approved fire apparatus access road, extension, or both, and states that compliance by a municipality or county may not be grounds to deny or suspend a license or permit.
3. Defines *fire code* and *utility or miscellaneous accessory building or structure*.
4. Makes technical changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Grants a fire code official the authority to extend an approved fire apparatus road and states that compliance may not be grounds to deny or suspend a license or permit.

Senate Action

GE            2/10/14    DP    5-2-0-0

Prepared by Senate Research

February 20, 2014

SLL/ljs



**ARIZONA STATE SENATE**  
*Fifty-First Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1227

municipalities; counties; energy efficient codes

Purpose

Prohibits municipalities and counties from certain actions relating to energy efficiency, energy conservation or green construction regulations in new construction.

Background

The International Code Council is a non-profit organization that develops design, build and compliance codes for construction through a consensus-based private sector system. These codes include the International Energy Conservation Code (IECC) and the International Residential Code (IRC). The IECC and chapter 11 of the IRC both establish minimum design and construction requirements for energy efficiency residential structures. Both codes, originally released in 2000, are amended every three years. In Arizona, there is no mandatory statewide residential or commercial energy code; however, Laws 2001, Chapter 340, established IECC 2000 guidelines as the basis for a voluntary statewide energy code. Arizona is classified as a home rule state, meaning that local codes are adopted and enforced locally.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits cities, towns and counties from the following actions related to energy efficiency, energy conservation or green construction in new construction:
  - a) adopting any mandatory building codes, ordinances, stipulations or other legal requirements; and
  - b) denying licenses or building permits, or imposing any fines, penalties or other requirements for non-compliance.
2. Exempts any building code, ordinance, stipulation or other legal requirement related to energy efficiency, energy conservation or green construction in new construction that was adopted and effective prior to this act's effective date or any ordinance that solely regulates outdoor lighting.
3. Defines *building code*.
4. Becomes effective on the general effective date.

FACT SHEET - Amended

S.B. 1227

Page 2

Amendments Adopted by Committee of the Whole

- Exempts any ordinance that solely regulates outdoor lighting.

Senate Action

GE 2/10/14

DP 3-2-2

Prepared by Senate Research

March 3, 2014

SLL/BD/ls

REFERENCE TITLE: building permits; property rights; waiver

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

## **HB 2458**

Introduced by  
Representative Farnsworth E

AN ACT

AMENDING SECTION 9-467, ARIZONA REVISED STATUTES; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-467, Arizona Revised Statutes, is amended to  
3 read:

4 9-467. Building permits; issuance; distribution of copies;  
5 subsequent owner; waiver

6 A. Any city or town requiring the issuance of a building permit shall  
7 transmit one copy of the permit to the county assessor and one copy to the  
8 director of the department of revenue. Permit copies shall provide the  
9 permit number, issue date and parcel number. On the issuance of the  
10 certificate of occupancy or the certificate of completion or on the  
11 expiration or cancellation of the permit, the assessor and the department of  
12 revenue shall be notified in writing or in electronic format of the permit  
13 number, parcel number, issue date and completion date.

14 B. If a contractor is employed for any construction exceeding the cost  
15 of ten thousand dollars, a building permit may not be issued unless the  
16 contractor holds a valid privilege tax license issued pursuant to section  
17 42-5005 for engaging or continuing in the business of contracting.

18 C. If a person has constructed a building or an addition to a building  
19 without obtaining a building permit, a city or town shall not require a  
20 subsequent owner to obtain a permit for the construction or addition done by  
21 the prior owner before issuing a permit for a building addition except that  
22 ~~nothing in~~ this section shall NOT be construed as prohibiting the enforcement  
23 of an applicable ordinance or code provision ~~which~~ THAT affects the public  
24 health or safety.

25 D. A CITY OR TOWN MAY NOT REQUEST OR REQUIRE A PERSON WHO APPLIES FOR  
26 OR RECEIVES A BUILDING PERMIT TO WAIVE ANY RIGHT THE PERSON MAY POSSESS  
27 PURSUANT TO TITLE 12, CHAPTER 8, ARTICLE 2.1.