

34-461. Applicability of local codes; exceptions; definition

A. Public buildings shall be constructed in compliance with the state fire code or, if at the request of a school district or charter school, the office of the state fire marshal may authorize through an intergovernmental agreement with a city, town, county or fire district in which the school district or charter school building is located to impose the fire code adopted by the city, town, county or fire district on school district or charter school buildings. An intergovernmental agreement entered into pursuant to this subsection may allow the city, town, county or fire district to conduct regularly scheduled fire safety inspections. Public buildings shall be constructed in compliance with applicable building, plumbing, electrical, fire and mechanical codes adopted by the city, town, county or fire district in which the building is located. The owner of the public building is subject to the same fees required of other persons. Public buildings are subject to inspection during construction pursuant to these codes to determine compliance.

B. If a public building is built in an area that has not adopted local codes, the building shall be designed or constructed according to the state fire code adopted by the office of the state fire marshal and the building, plumbing, electrical and mechanical codes that apply in the largest city in the county in which the building is located.

C. Public buildings are subject to those codes that apply and are in effect when the building is designed or constructed and to the currently adopted codes when a building is found to be structurally unsafe, without adequate egress or a fire hazard or is otherwise dangerous to human life.

D. Subsections A and B of this section do not apply to state owned buildings except for the application of the fire code in effect where a state owned building is located. In complying with the applicable codes pursuant to subsections A and B of this section, the permitting process and fees do not apply to a public school district owned building in a county with a population of more than seven hundred fifty thousand persons but less than two million persons except for the application of the design and permitting process and any fee required of a fire code in effect where such a public school district owned building is located. State department of corrections facilities are exempt from the application of the local fire code in the absence of an intergovernmental agreement between the state department of corrections and the governmental entity responsible for enforcing any local fire code.

E. Notwithstanding subsection A of this section, cities prescribed in section 37-1383, subsection A, paragraph 5 do not have authority that supersedes and are not exempt from the office of the state fire marshal's established fire code in state or county owned buildings wherever located throughout this state.

F. Notwithstanding subsection A of this section, buildings and properties owned by the Arizona board of regents or a university under its jurisdiction are exempt from any city, town, county or fire district fire code in the absence of an intergovernmental agreement between the Arizona board of regents or the university and the city, town, county or fire district.

G. If the office of the state fire marshal enters into an intergovernmental agreement pursuant to subsection A of this section, a school district or charter school may choose to have the plan review, permitting and any related inspections or any regularly scheduled fire safety inspections completed by either the office of the state fire marshal or the city, town, county or fire district. If the school district or charter school chooses to have the city, town, county or fire district perform the plan review, permitting and any related inspections or the regularly scheduled fire safety inspections, the city, town, county or fire district shall inform the school district or charter school of any fees associated with the inspection process.

H. This section does not preclude a public school district in a county with a population of more than seven hundred fifty thousand persons but less than two million persons from submitting, at its discretion, to the building design or construction permitting process of the appropriate local government entity for any given project. A public school district making such a decision is subject to subsections A and B of this section and the permit and code compliance requirements of the local government entity, including inspections and fee payments that may be required, for the duration of the project that the district submitted to the local government entity.

I. Public school districts in a county with a population of more than seven hundred fifty thousand persons but less than two million persons shall adopt policies to provide requirements to be followed by licensed or registered contractors or employees in order to ensure that construction projects are in compliance with the applicable codes pursuant to subsections A and B of this section and that records required by code or law for a given project are completed and maintained by the applicable district. At a minimum, these policies shall:

1. Include the method by which the public school district will notify the appropriate local government unit or units, and retain a record of the notification, that the public school district will not be using the permitting process for a given project pursuant to subsection D of this section.
2. Prohibit a construction contractor from serving as a district's inspector and code compliance official on the same project for which the contractor is providing construction services.
3. Require the architect of record for a given district project to be responsible for signing the certificate of occupancy when such a certificate is required for that particular project.

J. For the purposes of this section, "public building" means a building or appurtenance to a building that is built in whole or in part with public monies.

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STATUTE