

CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. This code shall be known as the *City of Phoenix Fire Code*, may be cited as such, and hereinafter referred to as “this code.”

101.2 Scope. This code establishes regulations: affecting or relating to structures, processes, premises and safeguards. The scope of this code includes, but is not limited to, the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Authority to extinguish, mitigate and investigate fires, explosions, hazardous materials incidents and other related emergency incidents.
6. City of Phoenix Codes and Ordinances.

The provisions of this code shall supplement any and all laws relating to fire safety and shall apply to all persons without restriction, unless specifically exempted.

The provisions of this code do not apply to off-site transportation of hazardous materials in accordance with DOT requirements.

101.2.1 Appendices. Appendix A & B are adopted and are considered to be part of this code

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 Responsible party. For the purpose of this code, unless a particular section, subsection or clause places compliance responsibility upon a different person, the property owner, the tenant or occupant in responsible control of the premises and

the person, firm or corporation performing the work all have the duty to ensure that all applicable requirements of this code are complied with. Failure to comply with the provisions of this code or with a lawful order of the fire code official, subjects the owner, the tenant or occupant, and the firm or corporation performing the work to the criminal penalties and civil remedies prescribed in Section 109.

SECTION 102 APPLICABILITY

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities and conditions, which in the opinion of the fire code official, constitute a distinct hazard to life or property.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

[EB] 102.3 Change in use or occupancy. When approved by the building official the provisions of the *International Existing Building Code* shall apply to all buildings undergoing a change of occupancy.

102.4 Application of building code. The design and construction of new structures shall comply with the *International Building Code*. Repairs, alterations and additions to existing structures shall comply with the *International Existing Building Code*, when approved by the building official.

[EB] 102.5 Historic buildings. When approved by the building official the construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the *International Existing Building Code*.

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each reference. Where differences occur between the provi-

sions of this code and the referenced standards, the provisions of this code shall apply.

102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

102.8 Supplemental rules and regulations. The fire code official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

Notice of intention to adopt proposed additions or revisions to the rules and the regulations shall be published in one issue of a newspaper published in the City of Phoenix 30 calendar days before becoming effective. The notice shall state the substance of the proposed additions or revisions. If the fire code official received, within 30 calendar days of the publication date, a written request for a public hearing, the fire code official shall arrange within 15 calendar days of such request a hearing before the Fire Safety Advisory Board.

Any person who wishes to be heard concerning any adopted rule or regulation may make formal application for a hearing before the Fire Safety Advisory Board. See Section 108.

A minimum of one certified copy or the number required by governing law of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter, and additional copies shall be kept in the office of the fire department for distribution to the public.

102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

SECTION 103 DIVISION OF FIRE PREVENTION

103.1 General. The Division of Fire Prevention is established within the jurisdiction under the direction of the Fire Marshal. The function of the division shall be implementation, administration and enforcement of the provisions of this code.

103.2 Fire Marshal. The Fire Chief shall designate a member of the fire department to exercise the powers and perform the duties of the Fire Marshal as set forth in this code.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Fire Marshal shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

103.4 Liability and legal defense. The City shall provide legal defense and indemnification for any covered individual subject to a civil litigation claim in which a colorable claim is made that the civil liability of such individual arises from acts or omissions of such individual acting in the course and scope of employment or duties performed on behalf of the City. The City shall not provide defense in any litigation for or on behalf of any such individual against whom a claim is directed where the actual activities of such individual giving rise to the claim were outside the course and scope of employment of such an individual as an employee, or beyond the duties of such an individual as an officer of the City. Employee representation and indemnification shall be in accordance with section 42-10 of the *Code of the City of Phoenix*.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties authorized by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

104.3.1 Warrant. A search warrant may be issued when a property is to be searched and inspected by the fire marshal or designated members of the fire department in the interest of the public health, safety or welfare as part of an inspection required in accordance with Section 101.2. Search warrants shall be obtained, issued, served and returned to a

magistrate in accordance with Title 13, Chapter 38, Article 8 of the Arizona Criminal Code.

104.4 Identification. The fire code official shall carry proper identification when performing the duties of this code.

104.5 Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.2 and 109.3.

104.6 Official records. The Division of Fire Prevention shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for as long as the structure remains in existence, unless otherwise provided by other City protocol.

104.6.1 Approvals. A record of approvals shall be maintained by the Division of Fire Prevention and shall be available for public inspection during business hours in accordance with applicable laws.

104.6.2 Inspection records. The Division of Fire Prevention shall keep a record of each code regulated inspection, including notices and orders issued, showing the findings, and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

104.6.4 Administrative. Application for modification, alternative methods or materials, and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire department. Applications for modifications or alternative methods or materials shall be submitted as an Appeal to the Fire Marshal.

Fees for modifications or alternative methods or materials shall be in accordance with Chapter 46.

104.7 Approved materials and equipment. All materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to re-

quire design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternate material or method where the fire code official finds that the proposed design, use or operation is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Approvals issued by the fire code official shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the *Phoenix Building Construction Code*.

104.9.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.9.2 Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this code, or evidence that any material or construction does not conform to the requirements of this code, the fire code official may require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this code. In the absence of recognized and accepted test methods, the building official may approve the testing procedures. All tests shall be made by an approved agency.

104.10 Fire Investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance when requested to do so.

104.10.2 Impersonation. No person shall use a badge, uniform or other credentials to impersonate any personnel of the Phoenix Fire Department.

104.10.3 False and misleading reports. No person shall willfully submit to the Fire Department and any of its members, any false, fraudulent, misleading, or unfounded reports or statements to misrepresent any fact for the purpose

of interfering with the fire department or with the intention of misleading any fire department personnel.

104.10.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

104.11 Authority at fires and other emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105

PERMITS, FEES AND ANNUAL ASSESSMENT FEES

105.1 General. Permits, fees and annual assessment fees shall be in accordance with this chapter. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Additions or alterations of approved construction documents shall be approved by the fire code official. Business Cer-

tificates, Certificates of Fitness or Competent Party Certificates shall not be transferable.

105.2 Permits required. Permits required by this code shall be obtained from the fire code official prior to the commencement of work or event. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. In instances where laws or regulations are enforceable by departments other than the fire department, approval from those departments shall be obtained. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.2.1 Permit types.

- 1. Operational permit.** An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
- 2. Construction permits.** A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7. Fire system installations permits shall only be issued to current Business Certificate holders.

Removal permit. A removal permit allows the applicant to remove systems or equipment. The fire department shall be notified when any system is to be removed. Replacement of a required system shall be within the same business day. Removal permits shall only be issued to current Business Certificate holders.

105.2.2 Permits for the same location. When more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit, provided that each provision is listed in the permit.

105.2.3 Emergency repairs. Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within 72 hours to the Fire Department.

105.2.4 Annexation. A building under construction with a permit issued by the State Fire Marshal's office or Maricopa County prior to the effective date of annexation, shall not be required to be issued a new permit; however the Fire Department shall inspect for compliance with the documents upon which the original permit was issued. A City of Phoenix permit shall be required for any construction remaining uncompleted 24 months after the effective date of annexation.

105.2.5 Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such required forms, construction documents and fees as prescribed by the fire code official.

105.2.5.1 Refusal to issue permit. If the application for a permit or certificate describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue

a permit or certificate, but shall return the application to the applicant with the refusal to issue such permit or certificate. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

105.2.5.2 Inspection authorized. Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

105.2.5.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days upon written request by the owner or applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

105.2.5.4 Action on application. The fire code official shall examine or cause to be examined applications for permits and amendments thereto, within a reasonable time after filing. If the fire code official is satisfied that the application conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue the appropriate permit.

105.2.6 Completing work and final inspection. Every permit issued by the fire code official, except removal permits, shall expire 12 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

Exception: The fire code official may approve a period exceeding 12 months for completion of work when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 12 months unreasonable.

105.2.6.1 Extension. Anyone holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permit holder is unable to complete work within the time required by this section for good and satisfactory reasons. The fire code official may extend the time for action by the permit holder for a period not to exceed 180 days on written request, provided that it is demonstrated that circumstances beyond the control of the permit holder have prevented work from being completed, or when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 12 months unreasonable. The fee for a permit time extension shall be 50% of the current permit fee. The fire code official is authorized to grant, in writing, one or more extensions.

105.2.6.2 Reinstatement. When a permit has expired, the permit can be reinstated and the work authorized by

the original permit can be recommenced, provided all the following conditions are met:

1. The code under which the original permit was issued and other laws which are enforced by the Fire Department have not been amended in any manner which affects the work authorized by the original permit; and
2. No changes have been made or will be made in the original plans and specifications for such work; and
3. The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be 50% of the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit shall be required, including payment of full plan review and permit fees.

105.2.6.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the building official issuing a Certificate of Occupancy that indicates that applicable provisions of the *Phoenix Building Construction and Fire Codes* have been met.

Exception: It shall be lawful to occupy portions of buildings or structures under a Temporary Certificate of Occupancy issued by the City of Phoenix, subject to the conditions stated therein.

105.2.6.3.1 Temporary Certificate of Occupancy. In accordance with Section 110 of the Building Code, the fire code official, in conjunction with the building official, is authorized to approve the conditions necessary to occupy the premises or portion thereof before the entire work or operations on the premises is completed. When issued, such portion or portions shall be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare.

105.2.7 Revocation of a permit. The fire code official is authorized to revoke a permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based, including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.

6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.
8. The permit holder's business certificate has expired.

105.2.8 Construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official.

105.2.8.1 Submittals. Construction documents shall be submitted in two or more sets and in such form and detail as required by the fire code official.

The construction documents shall be prepared by a registered design professional where required by the statutes.

Fire sprinkler and alarm system submittals shall be no smaller than 1/8" scale. Modifications to sprinkler systems with new supply lines shall require plan submittal.

Exceptions: The following "over-the-counter" permits do not require plans submittal unless required by the fire code official:

1. Fire alarm modifications involving 5 or less devices with or without power booster.
2. Sprinkler system modifications involving the addition or relocation of 20 or less sprinkler heads.
3. Installation of underground fire line stub-outs only.
4. The installation of supervising station fire alarm system transmitter (SSFAST) in one building. An over the counter permit for a SSFAST is limited to a maximum of two water flow or pressure switches and related tamper switches, a maximum of two audio/visual devices, one smoke detector and one manual pull station.
5. Special egress control devices tied into an existing fire alarm panel only.
6. Propane exchange program installations.

105.2.8.2 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

105.2.8.3 Approved documents. Construction documents approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the

fire code official shall not relieve the applicant of the responsibility of compliance with this code.

105.2.8.4 Corrected documents. Where field conditions necessitate any substantial change from the approved construction documents, the fire code official shall have the authority to require the corrected construction documents to be submitted for approval.

105.2.8.5 Retention of construction documents. One set of construction documents shall be retained by the fire code official. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

105.2.8.6 Site plans. When required by this code, two sets of accurate and legible site plans scaled no smaller than 1" = 50' shall be submitted to the fire code official for approval.

105.2.8.7 Life Safety Report. Prior to submitting construction drawings for high-rise buildings, covered mall buildings, buildings containing atriums, and other structures as determined by the fire code or building official, a Life Safety Report shall provide a description of the fire protection systems in the building. This description shall include the basic concepts used for suppression, alarm, notification, egress, fire resistive assemblies, smoke control and other related systems, as well as the coordination of those systems. Upon completion of the project, a copy of the approved documentation shall be maintained at the site and by the Fire Department until demolition of the building.

105.3 Certificate types.

105.3.1 Business Certificate. Any entity that installs, modifies, alters, adds to, tests, repairs and services any fire alarm system, sprinkler system, standpipe system, fire main, fire pump or any other fire-extinguishing or detection system, device or appliance shall obtain a Business Certificate.

The following conditions shall be met before a Business Certificate is issued:

1. **Employment.** The permit applicant shall be employed by the company to whom the permit is issued.
2. **Nationally recognized standards.** The permit applicant knows and understands the requirements of applicable standards and the code requirements appropriate for the permit issued. This knowledge and understanding shall be determined by one of the following methods:
 - 2.1. The permit may be issued upon successfully passing a written examination approved by the Fire Department.
 - 2.2. The Fire Marshal may accept National Institute of Certifying Engineering Technicians (NICET) Level 3 or 4 certification in lieu of the required written examination in the following fire protection equipment categories: automatic sprinkler systems; underground

fire mains and hydrants; fire alarm systems; and special extinguishing systems.

The applicant shall submit and maintain proof to the Fire Marshal that his or her NICET certification is current, in the proper fire protection equipment category and at the appropriate level within that category.

When the Fire Marshal accepts NICET certification in lieu of the written examination, the maintenance of the NICET certification shall be a condition of the permit. Failure to maintain the required certification shall void the permit.

- 2.3. The Fire Marshal may accept a certified professional engineer.
- 2.4 Contractor license. The Business Certificate holder shall be responsible for submitting current Arizona State Contractor licenses to the Fire Marshal
- 2.5 Certificate of Insurance. See Section 112.

Responsibilities of the Business Certificate holder.

The Business Certificate holder shall be responsible for:

1. Ensuring that all installations, modifications, maintenance and testing performed by the company comply with the applicable codes and standards, and
2. Ensuring that the plans submitted for permit meet minimum requirements of the codes and standards that apply to the particular permit, and
3. Ensuring that the installation is done properly and completely
4. Notifying the Fire Department if any employee designated as a Competent Party has been terminated.

105.3.1.1 Permits to Conduct Business. All existing permits to conduct business shall expire either three years after the original certificate was issued or on January 1, 2008 whichever occurs first. All existing permit holders shall be required to obtain a Business Certificate to replace their permit to conduct business.

105.3.2 Competent Party Certificate. A Competent Party Certificate, carried by the competent party, shall remain on-site during installation, modifications, maintenance and testing performed on fire protection systems.

The Competent Party Certificate responsibilities include:

1. **Employment.** The competent party shall be employed by a company that has been issued a Business Certificate. If the competent party ends their employment with the Business Certificate holder, the card shall be surrendered to the Fire Department and a new card showing the new employer shall be obtained.
2. **Nationally recognized standards.** The competent party shall be familiar with and comply with the requirements of applicable standards and the code requirements appro-

priate for the permit(s) issued. This knowledge and understanding shall be demonstrated by one of the following methods:

- 2.1. The certificate may be issued upon successfully passing a written examination. The Competent Party Certificate shall have a renewable period of three years with additional testing.
- 2.2. The Fire Marshal may accept an Arizona Registered Engineer or National Institute of Certifying Engineering Technicians (NICET) Level 2 certification or higher in lieu of the required written examination in the following fire protection equipment categories: automatic sprinkler systems; underground fire mains and hydrants; fire alarm systems; and special extinguishing systems.
 - 2.2.1. The applicant shall submit and maintain proof to the Fire Marshal that his or her NICET certification is current, in the proper fire protection equipment category and at the appropriate level within that category.
 - 2.2.2. When the Fire Marshal accepts NICET certification in lieu of the written examination, the maintenance of the NICET certification shall be a condition of the certificate of fitness.
- 2.3. Fire alarm installation may be performed by a factory trained and certified installer in accordance with NFPA 72.
3. **Maintenance.** Failure to maintain the required certification shall void the Competent Party Certificate.

105.3.3 Certificate of Fitness. The following Certificates of Fitness are issued by the Fire Department upon successfully passing a written examination:

1. Portable Fire Extinguishers - Inspection servicing or recharging of portable fire extinguishers
2. Pyrotechnics - Discharging pyrotechnics in conjunction with outdoor fireworks, theatrical or special effects displays
3. Blasting - Blasting or removal operations using explosives

105.3.3.1 Qualifications and Experience. The applicant shall submit evidence attesting to their qualifications and experience required for the type of Certificate of Fitness for which application has been submitted as follows:

Portable Fire Extinguishers. To install, modify or service portable fire extinguishers or fire protection systems or equipment the applicant shall successfully pass a prescheduled written examination administered by the Division of Fire Prevention

Pyrotechnic Operator, outdoor fireworks. Pyrotechnic operators shall be a minimum of 21 years of

age. The applicant shall require two years of active training with a licensed Outdoor Fireworks Pyrotechnic Operator, and the applicant shall have participated in the setting up, loading and firing of outdoor fireworks in not less than eight electric or manual outdoor fireworks displays.

Pyrotechnic Operator, theatrical, shall be a minimum of 21 years of age and shall require two years of active work with a licensed theatrical pyrotechnic operator. The applicant shall have participated in the setting up and loading of pyrotechnics in not less than eight electric theatrical displays.

Pyrotechnic Operator, special effects, shall be a minimum of 21 years of age and shall require two years of active training with a licensed special effects pyrotechnic operator. The applicant shall have participated in the setting up and loading of special effects in not less than eight special effects displays.

Blasters. Blasters shall be a minimum of 21 years of age and shall require a minimum of two years experience in the conduct of blasting operations. Experience shall include the understanding of blasting designs, drilling of holes, loading of holes, decking, stemming and wiring methods. Military experience in blasting does not qualify as blasting experience under the fire code.

105.3.3.2 Letters of recommendation for pyrotechnics and explosives. Applications shall be accompanied by a minimum of three letters of recommendation. The letters shall be written and signed by past and present pyrotechnic or blasting company owners. Each letter of recommendation shall document the following information:

1. The name and title of the person recommending the applicant;
2. The recommending person's employer name, address and telephone number;
3. The applicant's employment dates;
4. The applicant's job responsibilities associated with the use of explosive materials;
5. Attest to the applicant's qualifications, experience, integrity, knowledge and training in the use and handling of explosive materials. The fire code official shall contact all references submitted with the application to confirm qualifications and experience, as well as compliance with state laws and regulations, and competency of the applicant to perform in a safe manner.

105.3.3.3 Fingerprints. Applicants to use explosive materials or conduct pyrotechnic displays shall have a fingerprint taken by the Phoenix Fire Department, Department of Homeland Defense or the Phoenix Police Department.

105.3.3.4 Background verification. Each applicant who applies to conduct pyrotechnic displays or use explosive materials shall have a background verification

conducted by fire department or other enforcement agencies.

105.3.4 Examinations. Every individual or company applying for a certificate of fitness or acting as the Business Certificate holder shall successfully pass a prescheduled written examination administered by the Division of Fire Prevention.

105.3.4.1 Fire protection equipment. The applicant shall successfully pass a prescheduled written examination administered by the Division of Fire Prevention. The minimum passing score is 80 percent. An applicant who fails the examination may reschedule to retake the entire examination not less than two days from the date of the previous examination. An applicant who does not pass the examination on the second test shall not be allowed to retake the examination for at least 30 days.

105.3.4.2 Pyrotechnics. Every individual or company applying for a certificate of fitness to conduct pyrotechnic displays shall successfully pass a prescheduled written and oral examination administered by the Division of Fire Prevention. The minimum passing score is 80 percent. An applicant who does not the examination may reschedule to take the entire examination not less than 30 days from the date of the previous examination. An applicant who does not pass the examination on the second test shall not be allowed to retake the examination for at least six months.

105.3.4.3 Blasting. Every individual or company applying for a certificate of fitness to use explosive materials shall successfully pass a prescheduled written and oral examination administered by the Division of Fire Prevention. The minimum passing score is 80 percent. An applicant who does not pass the examination may reschedule to take the entire examination not less than 30 days from the date of the previous examination. An applicant who does not pass the examination on the second test shall not be allowed to retake the examination for at least six months. Exam fees shall be in accordance with this chapter.

105.3.5 Identification cards. Certificates shall be issued in the form of an identification card. Identification cards are and shall remain the property of the Fire Department. Cards shall be surrendered upon suspension or revocation of Certificate of Fitness, Business Certificate or Competent Party Certificates. The card shall contain the following information:

1. The permitted activity.
2. The date of expiration.
3. The name, address, date of birth, driver's license number (if issued) and photograph of the individual to whom the card is issued.
4. Signature of the individual to whom the card is issued.
5. Name and signature of the fire code official.

105.3.6 Renewal. Existing certificate holders shall be required to renew their certificate before expiration by submitting proof to the fire code official of current level of

appropriate qualification, Arizona Contractors License, Proof of insurance and current Hold Harmless Agreement.

105.3.6.1 Renewal after expiration. Applications for renewal after the expiration date, but within 20 business days of the certificate's expiration, shall require the fee for a new Certificate of Fitness or Business Certificate.

Applications for renewal 21 business days after the expiration date shall require examinations and fees required for a new application.

Applications for renewal of certificates shall be filed in the same manner as an application for an original certificate.

105.3.7 Denial criteria. A Certificate of Fitness for blasting or pyrotechnics shall not be issued when it is determined that the applicant:

- A) Is under indictment for, or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year,
- B) Is a fugitive from justice,
- C) Is an unlawful user of a controlled substances as defined in the Controlled Substances Act (21 USC 802),
- D) Does not possess required or applicable valid federal, state or county permits.

105.3.8 Change of address. Each individual or company holding a certificate of fitness shall notify the Division of Fire Prevention in writing of any address change within 10 calendar days after such change. Failure of the individual to give such notification of a change of address is grounds for revocation of the certificate of fitness.

105.3.9 Producing credentials. Any individual or company to whom a certificate has been granted shall, upon request, produce and show proper identification and the certificate of fitness or business certificate card to anyone for whom that individual seeks to render services or to the fire code official.

105.3.10 Employment. The certificate holder shall be employed by the company to whom the permit is issued.

105.3.11 Basis for suspending a certificate. The following conditions may result in the suspension of a permit or certificate:

- A) A single instance of performing work or an activity without a permit within a two year period.
- B) Three or more documented instances in a two year period of two or more significant code violations at one construction project or the completion or covering of work without inspections.

This list of conditions is not all-inclusive.

105.3.12 Revocation of a Certificate of Fitness, Competent Party or Business Certificate. The fire code official may revoke a Business Certificate, Certificate of Fitness or Competent Party Certificate and require re-examination for due cause including:

- A) Three or more instances of performing work or an activity without a permit within a two year period.

B) The performance of any fraudulent installation including but not limited to installation of sprinklers without connection to a piping system or installation of fire alarm devices without connection to a fire alarm control panel.

C) Failure to provide the Fire Department with proof of insurance.

This list of conditions is not all-inclusive.

105.4 Suspension or revocation procedures. No suspension or revocation of a permit or certificate is lawful unless, prior to the action, the Fire Department provides the individual or business with notice and an opportunity for a hearing in accordance with this section. If the Fire Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a permit or certificate may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

105.4.1 Serving notice for suspension or revocation. All parties shall be afforded an opportunity for hearing after reasonable notice. Unless otherwise provided by law, the notice shall be given at least fifteen business days prior to the date set for the hearing.

105.4.2 Minimum notice requirements. The notice shall include:

- 1. A statement of the time, place and nature of the hearing.
- 2. A statement that the hearing is authorized in accordance with this section.
- 3. A reference to the particular section involved.
- 4. A short and plain statement of the matters asserted. If the Fire Department is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

105.4.3 Evidence and arguments. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

105.4.4 Informal depositions. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement or default.

105.4.5 Notification. Revocation or suspension shall be constituted when the certificate holder is notified by the fire code official.

105.5 Expiration of permits and certificates.

When a permit or certificate has expired, all work authorized by that permit or certificate shall stop until the permit or certificate is reinstated or a new permit or certificate is obtained. No refund of permit or certificate fees shall be made.

105.5.1 Operational permit expiration. An operational permit shall expire as indicated on the permit.

105.5.2 Construction permit expiration. Every permit issued by the fire code official shall expire if the building or work authorized by such permit is not commenced within

180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work recommences, a new permit shall be obtained and the fee shall be paid. The works shall not be considered suspended or abandoned if the permit holder has done one or more of the following:

1. Requested one or more Fire Department inspections indicating substantial progress in construction; or
2. Pursued other activities deemed by the fire code official to indicate intent to start and complete the project.

The fire code official may require the permit holder to document these activities.

105.5.3 Removal permit expiration. Removal permits shall expire if the work authorized by such permit is not commenced within 30 days from the date of the permit and is not completed within 60 days from the date of the permit. Reasonable and continuous progress shall be made to complete all removal work as expeditiously as possible.

Anyone holding an unexpired removal permit may apply for an extension of the time within which the permit holder may commence work under that permit when the holder is unable to commence work within the time required by this section for good and satisfactory reasons. The fire code official may extend the time for action by the permit holder for a period not to exceed 30 days upon written request, demonstrating that circumstances beyond the control of the permit holder have prevented action from being taken. No permit shall be extended more than once. An expired removal permit may be reinstated in accordance with Section 105.3.6 of these administrative provisions.

105.5.4 Business Certificate expiration. A Business Certificate shall expire 3 years from date of issuance.

105.5.5 Certificate of Fitness for portable extinguishers expiration. A Certificate of Fitness shall expire 3 years from date of issuance.

105.5.6 Certificate of Fitness for blasting and pyrotechnics expiration. A Certificate of Fitness shall expire 3 years from date of issuance.

105.5.7 Competent Party Certificate expiration. A Competent Party Certificate shall expire 3 years from date of issuance.

105.6 Fees. Fees for plan reviews, appeals to the Fire Safety Advisory Board, fire watch personnel, construction and operating permits, certificates and annual assessment fees shall be in accordance with Chapter 46.

105.6 Required operating permits and fees. The fire code official is authorized to issue operating permits for the operations set forth in Sections 105.6.1 through 105.6.30. A fee shall be assessed for each operating permit. See Chapter 46.

105.6.1 Aerosol products. An operating permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

105.6.2 Ammunition. An operating permit is required for reloading any amount of small arms ammunition for resale

or to store or reload any amount of military, specialty or custom ammunition.

105.6.3 Amusement buildings, special. An operating permit is required to operate a special amusement building.

105.6.4 Carnivals and fairs. See Section 105.6.23, Outdoor Assembly Events.

105.6.5 Bonfires. An operating permit is required to ignite and maintain a bonfire.

105.6.6 Combustible materials storage. See Table 4607.1

105.6.7 Compressed gases. An operating permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 4607.1.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

105.6.8 Covered mall buildings. An operating permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.
4. The use of a covered mall as a place of assembly.
5. The construction of temporary kiosks, display booths or concession equipment in the mall.

105.6.9 Cryogenic fluids. An operating permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 4607.1.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

105.6.10 Cutting and welding. See Section 105.6.17 Hot work operations.

105.6.11 Exhibits and trade shows. An operating permit is required to operate exhibits and trade shows.

Exception: Exhibits less than 100 aggregate square feet.

105.6.12 Explosives. An operating permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks or pyrotechnic special effects within the scope of Chapter 33.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

105.6.13 Fire protection equipment companies. A business certificate is required for companies to install, modify, repair or test fire protection equipment within the jurisdiction.

Exception: Testing, repair or servicing of fire-protection equipment, devices or appliances may be conducted by

facility employees or employees of the business certificate holder, both of whom are required to have a valid certificate of fitness.

105.6.14 Flammable and combustible liquids. An operating permit is required:

1. To store, handle or use more than 10 gallons of Class I-A or more than 30 gallons of Class I-B or I-C liquids (19 L) inside or outside a building, except that a permit is required for the following:
2. To store, handle or use Class II or Class IIIA liquids in excess of 60 gallons inside or outside a building, except for fuel oil used in connection with oil-burning equipment.
3. To remove Class I or Class II liquids from an underground or aboveground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
4. To operate equipment, tanks, plants, terminals, wells, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
5. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
6. To utilize a site for the dispensing of Class II or III liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
7. To slurry fill an underground tank.
8. To abandon an underground or aboveground tank.
9. To store in Group M occupancies in quantities that are greater than the amounts in Tables 2703.1.1(1) and 2703.1.1(2) and less than or equal to the maximum allowable quantities in Table 2703.1.1.1 shall be assigned to Fee Group 2 in accordance with Section 105.8.
10. To store more than 2,500 square feet high-pile combustible storage and store flammable or combustible liquids in Group M occupancies in quantities that are greater than the amounts in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) and 2703.1.1(4) and less or equal to the maximum allowable quantities in Table 2703.1.1.1 shall be assigned to Fee Group 4 in accordance with Section 105.8.

Exceptions:

1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such

liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

105.6.15 Flammable finishes. An operating permit is required to apply flammable finishes.

105.6.16 Hazardous materials. An operating permit is required to:

1. Store, transport on-site, handle, dispense or use hazardous materials in excess of quantities specified in Table 4607.1.
2. To install or modify gas cabinets, exhausted enclosures, gas rooms or chemical drainage and containment.
3. To install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceeds the amounts listed in Table 4607.1.
4. To store hazardous materials in Group M occupancies in quantities that are greater than the amounts in Tables 2703.1.1(1) and 2703.1.1(2) and less than or equal to the maximum allowable quantities in Table 2703.1.1 shall be assigned to Fee Group 2 in accordance with Section 105.8.
5. To store more than 2,500 square feet high-pile combustible storage and store hazardous materials in Group M occupancies in quantities that are greater than the amounts in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) and 2703.1.1(4) and less or equal to the maximum allowable quantities in Table 2703.1.1 shall be assigned to Fee Group 4 in accordance with Section 105.8.
6. Storage of hazardous waste at a site designated as a Treatment, Storage, Disposal Facility in accordance with 40 C.F.R. Part 264, 40 C.F.R. Part 265 and Arizona Administrative Code R-18-8-265 shall be assigned to Fee Group 3 in accordance with Section 105.8.

105.6.17 Hot work operations. An operating permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. With the exception of single- and multi-family dwellings, use of portable hot work equipment inside a structure.
Exception: Work that is conducted under a construction permit.
3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a hazardous fire area.
5. Application of roof coverings with the use of an open-flame device.

When approved, the fire code official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their fa-

cility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in Chapter 26 and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.

105.6.18 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operating permit is required to display liquid- or gas-fueled vehicles or equipment in assembly occupancies, and the display of automobiles in Group M and Covered Mall Buildings. An annual renewal of the operating permit is required for displays in Group M and Covered Mall Buildings.

Exception: Auto dealerships

105.6.19 LP-gas. An operating permit is required for:

1. LP-gas containers with an aggregate water capacity of 2,000 gallons or more used exclusively for vapor service.
2. Flaring off LP-gas prior to the abandonment or removal of an LP-gas container.
3. LP-gas containers used for liquid transfer service.

105.6.20 Open burning. An operating permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. When burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions.

Exception: Recreational fires.

105.6.21 Open flames. An operating permit is required to use open flames or flame producing devices in connection with assembly areas, dining areas of restaurants, or drinking establishments.

105.6.22 Open flame roasting operations, commercial. An operating permit is required to conduct a commercial open-flame roasting operation.

105.6.23 Outdoor assembly event. An operating permit is required to operate an outdoor assembly event.

105.6.24 Places of assembly. An operating permit is required to operate a place of assembly.

105.6.25 Pyrotechnic special effects material. An operating permit is required for use and handling of pyrotechnic special effects material.

105.6.26 Recycling operations. An operating permit is required to operate commercial recycling operations.

105.6.27 Refrigeration equipment. An operating permit is required to operate an anhydrous ammonia mechanical refrigeration unit or system regulated by Chapter 6.

105.6.28 Used or waste tires and tire byproducts. An operating permit is required to establish, conduct or maintain

storage of 100 or more used or waste tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires in an open area or portion thereof outdoors and for indoor storage of tires and tire byproducts.

105.6.29 Waste handling. An operating permit is required for the operation of wrecking yards, salvage yards and waste material-handling facilities.

105.6.30 Wood products. An operating permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.22.

105.7.1 Access gates, fire apparatus. A construction permit is required to install or modify manual or automatic fire apparatus access gates and their appurtenances. This also includes gates for auxiliary access openings.

105.7.2 Fire apparatus access roads. A construction permit is not required at this time to install or modify fire apparatus access roads.

105.7.3 Address directories. A construction permit is not required at this time to install or modify address directories.

105.7.4 Alternative surface access roads. A construction permit is required to install or modify alternative surface fire apparatus access roads.

105.7.5 Amusement building special. A construction permit is required to construct or modify a special amusement building.

105.7.6 Battery systems:

105.7.6.1 Stationary lead-acid. A construction permit is required to install or modify a stationary lead-acid battery system having a liquid capacity of more than 100 gallons in a sprinklered building or 50 gallons in a nonsprinklered building.

105.7.6.2 Valve-regulated lead-acid (VRLA). A construction permit is required to install or modify a valve-regulated lead-acid (VRLA) battery system.

105.7.7 Compressed gases. A construction permit is required to install or modify a compressed gas system.

Exception:

1. Routine maintenance.

105.7.8 Cryogenic fluids. A construction permit is required to install or modify cryogenic fluid systems with a nominal capacity of 60 gallons or more.

105.7.9 Firefighter air system. A construction permit is required to install or modify a firefighter air system.

105.7.10 Fire protection equipment. A construction permit is required for installation or modification, or removal from service of any fire protection system, automatic sprinkler system, automatic underground, standpipe, fire main, fire pump, fire hydrant halon or any other extinguishing device or equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.11 Flammable and combustible liquids. A construction permit is required to:

1. Install an aboveground storage tank or pressure vessel for Class I, II or III-A liquids with a nominal capacity of 125 gallons or more or to install an aboveground storage tank or pressure vessel for Class III-B liquids with a nominal capacity of 1,000 gallons or more.
2. Install, construct or alter tank vehicles, equipment, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. Alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.
4. Construct or modify a flammable liquids room or warehouse.

105.7.12 Flammable finishes. A construction permit is required to install or modify a spray booth, spray room, spray area or powder coating booth.

105.7.13 Hazardous materials. A construction permit is required to:

1. Install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 4607.1.
2. Install or modify a hazardous materials storage tank.
3. Install or modify a Group H-1, H-2, H-3, H-4 or H-5 occupancy.
4. Install or modify gas cabinets, exhausted enclosures, gas rooms or chemical drainage and containment.

Exception:

1. Routine maintenance.

105.7.14 Kitchen hoods systems, commercial. A construction permit is required to install or modify fire suppression systems installed above commercial cooking equipment.

105.7.15 LP-gas. A construction permit is required to:

1. Install, alter or modify an LP-gas system.
2. Install, alter or modify LP-gas containers with an aggregate water capacity of 125 gallons or more used exclusively for vapor service.
3. Install, alter or modify racks storing 20-pound cylinders for the purpose of conducting an LP-gas exchange program at a specific site.
4. Install, alter or modify LP-gas containers used for liquid transfer service.

Exception: A permit is not required to install, alter or modify portable containers of less than 125 gallon aggregate water capacity used exclusively for vapor service.

105.7.16 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

105.7.17 Refrigeration system, anhydrous ammonia. A construction permit is required to install, alter or modify an anhydrous ammonia mechanical refrigeration system.

105.7.18 Smoke and heat vents. A construction permit is required to install, alter or modify smoke and heat vents.

105.7.19 Smoke removal systems. A construction permit is required to install, alter or modify a mechanical smoke removal system.

105.7.20 Special extinguishing systems. A construction permit is required to install, alter or modify special extinguishing systems, including but not limited to, Halon, dry chemical, carbon dioxide and FM200.

105.7.21 Temporary membrane structures, and tents. A construction permit is required to erect a temporary membrane structure, or a tent having an area in excess of 800 square feet.

Exceptions:

1. Tents used exclusively for recreational camping.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

105.7.22 Underground fire lines. A construction permit is required to install or modify underground fire lines that serve fire protection systems, fire hydrants or any combination thereof.

105.7.22.1 Stub-outs. Stub-outs, which are installed and tested as part of the underground fire line, are included in the fire protection system lead-in charge. When permitted separately from the building's underground fire line, a separate over-the-counter permit is required for each stub-out. Stub-outs shall not extend more than 10 feet from outside the building to 6 inches above the finished floor and contain not more than one 90 degree bend.

105.8 Assessment Fees.

105.8.1 Hazardous Materials Assessment Fee. All holders of City of Phoenix permits to store, use, dispense or handle Level 2 or Level 3 aerosols, Class I, II or III-A flammable or combustible liquids compressed gases, cryogenic fluids, hazardous materials or liquefied petroleum gas required in Section 105.6, the permit applicant for a Group 1, Group 2, Group 3, Group 4, or Group 5 facility shall pay the assessment fee in accordance with Chapter 46. New permits shall not be issued until the appropriate fee has been paid.

A Group 4 facility is a Group M occupancy with more than 2,500 square feet of high-pile combustible storage and that stores hazardous materials in quantities that are greater than the amounts in Table 2703.11.1.

A Group 5 facility is any business, factory, institutional, storage or hazardous occupancy that also has outdoor storage of hazardous materials in stationary aboveground storage tanks, stationary cryogenic containers or stationary pressure vessels. For the purposes of this section, a tank is a stationary aboveground storage tank, stationary cryogenic container or stationary pressure vessels.

A Group 5 facility will be assessed an assessment fee based on the number and volume of tanks. For Group 5 fa-

cilities, every tank of a specific hazard class of chemical shall be assessed a fee in accordance with Chapter 46. Tanks that are connected as part of a system will be individually assessed a fee in accordance with Chapter 46. This assessment fee shall include tanks for storing hazardous wastes. Tanks used as part of a hazardous waste treatment system are exempt from this requirement.

For facilities and sites that have an area of more than 250,000 square feet, the assessment fee shall be calculated based on the total area of the site. The assessment fee shall be calculated in intervals of 250,000 square feet and shall be based on the site being a Fee Group 1, 2, 3 or 4 facility. Fees shall be in accordance with Chapter 46.

Exemptions. The following hazardous materials, occupancies, or uses are exempt from the assessment fee described in Section 105.8. Exemption from the assessment fee does not waive any of the applicable requirements contained or adopted in the Phoenix Fire Code.

- (1) Radioactive materials regulated in accordance with A.R.S. Title 30, Chapter 4.
- (2) Carbon dioxide in low pressure containers less than 500 gallons water capacity and any carbon dioxide fire extinguishing system.
- (3) Any material used or stored for noncommercial purposes at a single-family residence.
- (4) Any material contained in a transportation vehicle when the vehicle is not being used for permanent storage.
- (5) Small quantity and large quantity hazardous waste generators who are in compliance with all applicable regulations in C.F.R. Part 262 and Ariz. Admin. Code R-18-8-262.
- (6) Medical gas systems storing and using less than 1,000 cubic feet (NTP) of United States Pharmacopoeia grade oxygen or nitrous oxide.
- (7) Dry cleaning plants storing or using nonflammable or noncombustible liquids.
- (8) Underground storage tanks containing flammable or combustible liquids.
- (9) Aboveground storage tanks containing flammable or combustible liquids stored in listed below-grade vaults that comply with this code.
- (10) Underground storage containers containing liquefied petroleum gases.
- (11) LP-gas cylinder exchange cabinets.
- (12) A permit is not required for a maximum of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers when such materials are necessary for maintenance purposes, operation or sanitation of equipment.

SECTION 106 INSPECTIONS

106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine ves-

sel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

106.2 Inspections. The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

106.3 New construction and alterations. Construction or work for which fire department approval is required shall be subject to inspection by the fire code official, and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

106.4 Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the fire code official that such work is ready for inspection.

106.5 Access for inspection. It shall be the responsibility of the permit applicant or contractor, or both to cause the installation work to remain accessible and exposed for inspection purposes. It is the responsibility of the person requesting any required inspection to provide access to and means for proper inspection of such work.

Neither the fire code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

106.6 Special inspections.

106.6.1 General. When required by the fire code official, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections.

106.6.2 Special inspector. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the fire code official, for inspection of the particular type of system installation or modification requiring special inspections.

106.6.3 Duties and responsibilities of the special inspector. The special inspector shall observe the work assigned for conformation to the approved design drawings and specifications.

The special inspector shall furnish inspection reports to the fire code official, the engineer or architect of record, and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the fire code official.

The special inspector shall submit a final signed report stating whether the work requiring special inspection is, to

the best of the inspector's knowledge, in conformance to the approved plans and specifications.

106.6.4 Special inspection reports. When the fire code official requires a special inspection be performed, the report shall be submitted to the fire code official for review.

106.7 Annual facilities permit program. The fire code official may authorize fire department participation in the Annual Facilities Permit Program.

Note: The annual inspection fee includes consulting services for fire and life safety concerns and maintenance issues. The annual fee does not include permit fees for new construction, remodeling or Annual Facility Permit (AFP) projects.

106.8 Annual hospital inspections permit: An operational permit shall be required for an annual inspection that complies with the Fire Code and the Arizona Department of Health Services (ADHS) requirements.

Note: The annual inspection fee includes consulting services for fire and life safety concerns and maintenance issues. The annual fee does not include permit fees for new construction, remodeling or Annual Facility Permit (AFP) projects, or hazardous materials assessment fees.

106.9 Exemptions.

106.9.1 State Fire Code. Pursuant to the provisions of Arizona Revised Statutes Section 41-2163(A)(2), the City of Phoenix, assumes jurisdiction for prescribing and enforcing minimum fire prevention standards within the City of Phoenix, except for state- or county-owned buildings.

106.9.2 Others. When a federal agency, municipality or municipal corporation declares itself exempt from the requirements of this code, including payment of applicable fees, the fire code official may elect not to provide inspection, plan review or similar services to the exempt buildings.

SECTION 107 MAINTENANCE

107.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

107.2.1 Test and inspection records. Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

107.2.2 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall

then be resubmitted to the fire code official for inspection and testing.

107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-detection or warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner and occupant responsibilities. Correction and abatement of violations of this code shall be the responsibility of the owner and occupant. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant and owner shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108 FIRE SAFETY ADVISORY BOARD

108.1 Fire Safety Advisory Board. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created the Fire Safety Advisory Board, hereinafter called "the board," consisting of 13 members, a majority of whom are residents of the City of Phoenix and shall be citizens of the United States, and composed of and consisting of no more than one representative from the following industries, trades and professions: Fire-protection systems contractor; architect; realtor; developer; petroleum industry; liquefied petroleum gas industry; property insurance; fire protection engineering; owner or manager of a business that would not qualify for membership in another industry; health care industry; special events coordinator; construction contractor; and resident of the City of Phoenix. The board shall be appointed by the governing body and shall hold office at its pleasure. The Fire Marshal shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Marshal.

108.1.1 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code. The Board shall serve in an advisory capacity only. Issues on any appeal that have been presented to the

Board shall be resubmitted to the Board for review prior to submittal to the Fire Marshal

108.1.2 Terms of office. The members and alternates of the board shall be appointed by the City Council for a term of four years. Continued absence of any member from three consecutive regular meetings of the board shall render any such member liable for immediate removal from office. Removal shall be at the discretion of the City Council. Vacancies for an unexpired term shall be filled by the City Council.

108.1.3 Meeting procedures. The Board shall adopt rules of procedure for conducting its business and shall annually elect one of its members to serve as chairperson. The Board shall hold one regular meeting a month unless otherwise directed by the chairperson. Special Board meetings may be called by the Fire Marshal or at the request of a chairperson or any three members of the Board. Seven voting members of the board shall constitute a quorum.

No member of the Board shall vote on any questions concerning a property or business in which the member has any direct or indirect personal financial interest. In these instances, the member shall also make full disclosure of his interest to the board.

The Fire Marshal shall designate an employee to serve as a recording secretary to the Board who shall keep and maintain a detailed record of all proceedings and perform other secretarial duties as required by the Board.

108.1.4 Duties and responsibilities. It shall be the duty of the Board to hear appeals to decisions of the Fire Marshal and submit findings to the city council. The board may submit to the Fire Marshal recommendations on matters pertaining to the Fire Code or ordinance provisions and amendments. The duties and powers of the Board shall be in an advisory capacity only.

108.1.5 Qualifications. The Fire Safety Advisory Board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the jurisdiction.

108.2 Appeal to the Fire Marshal. An appeal shall be submitted to the Fire Marshal in writing.

108.3 Appeal to the Fire Safety Advisory Board. Any person may appeal a decision of the Fire Marshal to the Fire Safety Advisory Board following the decision of the Fire Marshal. The appellant shall appear to present the appeal to the Board.

108.4 Appeal to the Superior Court. Any persons aggrieved by a decision of the Fire Safety Advisory Board may at any time within 30 days after the filing of the Fire Safety Advisory Board's decision, file an appeal with the Superior Court of the county by following the various methods of appeal or review procedures as set forth by the applicable statutes of the State of Arizona.

SECTION 109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Stopping uses, evacuation. The fire code official is authorized to order an operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a condition hazardous to life or property regulated by this code.

109.3 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by verbal notification, personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

Orders or notices which are given verbally shall be confirmed by service in writing.

109.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code, shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains. In case of extreme danger to persons or property, immediate compliance is required.

109.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.4. Civil actions or criminal citations. Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this code or who fails to perform any act or duty required by this code is subject to a civil sanction of not less than 500 dollars (\$500) nor more than 2500 dollars (\$2500) or a Class 1 criminal misdemeanor.

109.4.1 Commencement of civil action. Any civil action to enforce the provisions of this code shall be commenced, and summons shall be issued, in accordance with the procedures set forth in Arizona Revised Statutes.

utes, City ordinance or as provided in the Local Rules of Practice and Procedure – City Court – City of Phoenix.

109.4.2 Admission or denial of allegation; hearing; findings of court; civil sanction.

109.4.2.1 A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted.

109.4.2.2 If the allegations are admitted, the court shall enter judgment for the city and impose a civil sanction.

109.4.2.3 If the person denies the allegations, the court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City of Phoenix is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for the statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall also notify the court at least 10 days prior to the hearing date. Hearings may be recorded. If the court finds in favor of the person, the court shall enter an order dismissing the citation or complaint. If the court finds in favor of the city, the court shall enter judgment for the city and impose a civil sanction.

109.4.2.4 If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations shall be deemed admitted and the court shall enter judgment for the city and impose a civil sanction.

109.4.3 Criminal penalties. Whenever in any section of this Code the doing of any act is required, prohibited or declared to be unlawful, any person, firm or corporation who shall be convicted of a violation of any such section shall be guilty of a Class I misdemeanor.

SECTION 110 UNSAFE BUILDINGS

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the Development Services Department for any repairs, alterations, remodeling, removing or demolition.

110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured

against unauthorized entry as required by Section 311 shall be deemed unsafe.

110.1.2 Structural hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

110.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement. The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, removal or other approved corrective action.

SECTION 111 STOP WORK ORDER

111.1 Order. Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, or work being done without a permit, the fire code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

111.3 Emergencies. Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

SECTION 112 CERTIFICATE OF INSURANCE

112.1 General. A valid certificate of Insurance shall be filed with the fire code official when applying for a permit to conduct specific permitted activities.

112.2 Certificate of Insurance required. The certificate shall be issued by an insurance company authorized to transact business in the State of Arizona, or be named on the List of Unauthorized Insurers maintained by the Arizona Department of Insurance. The following information shall be identified:

1. The contractor shall be named as the insured. If the insurance is provided by an individual, company or partner-

ship other than the contractor, the contractor shall be named as an additional insured.

2. "The City of Phoenix, a Municipal Corporation, its agents, employees and volunteers" shall be named as an additional insured and Certificate Holder.
3. A minimum of \$1,000,000.00 general liability limits, including contractual liability policy shall be provided for the following activities:
 - 3.1 Storage or use of explosive materials
 - 3.2 Conduct of pyrotechnic displays
 - 3.3 Install, modify, alter, repair, test, sell, monitor or service fire alarm systems, fire extinguishing systems, or fire-detection systems, devices or appliances
 - 3.4. Use of open flames before a proximate audience

112.3 Additional insurance. Greater liability insurance amounts may be required when deemed necessary by the fire code official.

**SECTION 113
FIRE WATCH**

113.1 When required. Fire watch shall be provided as follows:

1. When required by other sections of this code
2. When the fire code official deems a condition essential for public safety.

113.2 Qualifications. Personnel assigned to fire watch duties shall possess the following minimum qualifications:

1. Shall be at least 18 years of age.
2. Shall be able to speak, read and understand English.
3. Shall be capable of executing the duties and responsibilities as specified in 113.4.
4. Shall be capable of operating a mobile telephone and/or portable radio.
5. Shall be capable of walking the assigned watch area.

113.3 Number and hours. The fire code official shall specify the number of fire watch personnel required and the hours during which they must be present based on the conditions and size of the facility.

113.4 Duties and Responsibilities. Fire watch duties and responsibilities include, but are not limited to, the following:

1. Know the address of the facility being watched.
2. Be equipped with a mobile telephone that can be used to contact 9-1-1 or a portable radio that can be used to communicate with a constantly attended security/communications center.
3. Continuously make rounds and monitor all assigned areas.
4. Immediately report any sign of smoke, fire or other emergency to 9-1-1 or to the security/communications center.
5. Shall activate the fire alarm system when the building is equipped with such a system or notify those present to evacuate the building or area.

6. Shall assist with the evacuation of people present in the area.

7. Keep a fire watch log that includes the following information:

- 7.1 Identifies the building or area by name and address that is under watch.
- 7.2 The date and time each round or tour is completed, plus comments on what was observed. Each entry shall contain the name and signature of the person conducting the watch.

Fire watch logs shall be immediately accessible for review by the fire code official. A copy of the fire watch log shall be submitted to the Phoenix Fire Department, Fire Prevention Division when the watch is concluded.

8. Continue the fire watch until permission has been received from the Phoenix Fire Department to terminate the fire watch activities.

Fire watch personnel shall not be assigned additional duties during their fire watch tour.