

REFERENCE TITLE: wildland-urban interface code; enforcement

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

## **SB 1564**

Introduced by  
Senators O'Halleran, Aguirre; Representative Mason: Senator Arzberger;  
Representatives Hershberger, Tobin

AN ACT

AMENDING SECTIONS 9-806, 11-861, 41-2142, 41-2146, 41-2161 AND 48-805,  
ARIZONA REVISED STATUTES; RELATING TO WILDLAND-URBAN INTERFACE AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-806, Arizona Revised Statutes, is amended to  
3 read:

4 9-806. Wildland-urban interface code

5 A. A city or town may adopt a current wildland-urban interface  
6 code. The code may be adapted from a model code adopted by a national or  
7 international organization or association for mitigating the hazard to life  
8 and property, **BUT AT A MINIMUM MUST BE EQUIVALENT TO THE STATE WILDLAND-URBAN  
9 INTERFACE CODE PROVISIONS ADOPTED BY THE STATE FIRE SAFETY COMMITTEE.**

10 B. A city or town must follow written public procedures in the  
11 development and adoption of the code and any revisions to the code to provide  
12 effective, early and continuous public participation through:

13 1. The broad dissemination and publicity of the proposed code and any  
14 revisions to the code.

15 2. The opportunity for submission and consideration of written public  
16 comments.

17 3. Open discussions, communications programs and information services.

18 4. Consultation with federal agencies and state and local officials.

19 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to read:

20 11-861. Adoption of codes by reference; limitations; method of  
21 adoption

22 A. In any county which has adopted zoning pursuant to this chapter,  
23 the board of supervisors may adopt and enforce, for the unincorporated areas  
24 of the county so zoned, a building code and other related codes to regulate  
25 the quality, type of material and workmanship of all aspects of construction  
26 of buildings or structures, except that the board may authorize that areas  
27 zoned rural or unclassified may be exempt from the provisions of the code  
28 adopted. Such codes may be adopted by reference after notice and hearings  
29 before the county planning and zoning commission and board of supervisors as  
30 provided in this chapter for amendments to the zoning ordinance of the  
31 county.

32 B. The board of supervisors may adopt a fire prevention code in the  
33 unincorporated areas of the county in which a fire district has not adopted  
34 the uniform fire code pursuant to section 48-805. Any fire code adopted by a  
35 board of supervisors pursuant to this subsection shall remain in effect until  
36 a fire district is established and adopts a code applicable within the  
37 boundaries of the district.

38 C. For the purpose of this article, codes authorized by subsections A  
39 and B of this section shall be limited to the following:

40 1. Any building, electrical or mechanical code that has been adopted  
41 by any national organization or association that is organized and conducted  
42 for the purpose of developing codes or that has been adopted by the largest  
43 city in that county. If the board of supervisors adopts a city code, it  
44 shall adopt, within ninety days after receiving a written notification of a

1 change to the city code, the same change or shall terminate the adopted city  
2 code.

3 2. Any fire prevention code that has been adopted by a national  
4 organization or association organized or conducted for the purpose of  
5 developing fire prevention codes and that is as stringent as the state fire  
6 code adopted pursuant to section 41-2146.

7 D. The board of supervisors may adopt a current wildland-urban  
8 interface code. The code may be adapted from a model code adopted by a  
9 national or international organization or association for mitigating the  
10 hazard to life and property, **BUT AT A MINIMUM MUST BE EQUIVALENT TO THE STATE**  
11 **WILDLAND-URBAN INTERFACE CODE PROVISIONS ADOPTED BY THE STATE FIRE SAFETY**  
12 **COMMITTEE**. The board must follow written public procedures in the  
13 development and adoption of the code and any revisions to the code to provide  
14 effective, early and continuous public participation through:

15 1. The broad dissemination and publicity of the proposed code and any  
16 revisions to the code.

17 2. The opportunity for submission and consideration of written public  
18 comments.

19 3. Open discussions, communications programs and information services.

20 4. Consultation with federal agencies and state and local officials.

21 Sec. 3. Section 41-2142, Arizona Revised Statutes, is amended to read:  
22 **41-2142. Definitions**

23 In this chapter, unless the context otherwise requires:

24 1. "Accessory structure" means the installation, assembly, connection  
25 or construction of any one-story habitable room, storage room, patio, porch,  
26 garage, carport, awning, skirting, retaining wall, evaporative cooler,  
27 refrigeration air conditioning system, solar system or wood decking attached  
28 to a new or used manufactured home, mobile home or residential single family  
29 factory-built building.

30 2. "Act" means the national manufactured home construction and safety  
31 standards act of 1974 and title VI of the housing and community development  
32 act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and  
33 96-339).

34 3. "Alteration of units" means the replacement, addition, modification  
35 or removal of any equipment or installation after the sale by a manufacturer  
36 to a dealer or distributor but prior to the sale by a dealer to a purchaser,  
37 which may affect compliance with the standards, construction, fire safety,  
38 occupancy, plumbing or heat-producing or electrical system. Alteration does  
39 not mean the repair or replacement of a component or appliance requiring  
40 plug-in to an electrical receptacle if the replaced item is of the same  
41 configuration and rating as the component or appliance being repaired or  
42 replaced. Alteration also does not mean the addition of an appliance  
43 requiring plug-in to an electrical receptacle if such appliance is not  
44 provided with the unit by the manufacturer and the rating of the appliance

- 1 does not exceed the rating of the receptacle to which such appliance is  
2 connected.
- 3 4. "Board" means the board of manufactured housing.
- 4 5. "Broker" means any person who, on behalf of another, sells,  
5 exchanges, buys, offers or attempts to negotiate or acts as an agent for the  
6 sale or exchange of a used manufactured home or mobile home except as  
7 exempted in section 41-2178.
- 8 6. "Component" means any part, material or appliance which is built-in  
9 as an integral part of the unit during the manufacturing process.
- 10 7. "Consumer" means either a purchaser or seller of a unit regulated  
11 by this chapter who utilizes the services of a person licensed by the  
12 department.
- 13 8. "Consummation of sale" means that a purchaser has received all  
14 goods and services that the dealer or broker agreed to provide at the time  
15 the contract was entered into or the transfer of title. Consummation of sale  
16 does not include warranties.
- 17 9. "Dealer" means any person who sells, exchanges, buys, offers or  
18 attempts to negotiate or acts as an agent for the sale or exchange of  
19 factory-built buildings, subassemblies, manufactured homes or mobile homes  
20 except as exempted in section 41-2178. A lease or rental agreement by which  
21 the user acquired ownership of the unit with or without additional  
22 remuneration is considered a sale under this chapter.
- 23 10. "Defect" means any defect in the performance, construction,  
24 components or material of a unit that renders the unit or any part of the  
25 unit unfit for the ordinary use for which it was intended.
- 26 11. "Department" means the department of fire, building and life  
27 safety.
- 28 12. "Director" means the director of the department.
- 29 13. "Earnest monies" means all monies given by a purchaser or a  
30 financial institution to a dealer or broker before consummation of the sale.
- 31 14. "Factory-built building" means a residential or nonresidential  
32 building including a dwelling unit or habitable room thereof which is either  
33 wholly or in substantial part manufactured at an off-site location to be  
34 assembled on-site, except that it does not include a manufactured home,  
35 recreational vehicle or mobile home as defined in this section.
- 36 15. "HUD" means the United States department of housing and urban  
37 development.
- 38 16. "Imminent safety hazard" means an imminent and unreasonable risk of  
39 death or severe personal injury.
- 40 17. "Insignia of approval" means a numbered or serialized label or seal  
41 issued by the deputy director of the office of manufactured housing as  
42 certification of compliance with this chapter.

1           18. "Installation" means:

2           (a) Connecting new or used mobile homes, manufactured homes or  
3 factory-built buildings to on-site utility terminals or repairing these  
4 utility connections.

5           (b) Placing new or used mobile homes, manufactured homes, accessory  
6 structures or factory-built buildings on foundation systems or repairing  
7 these foundation systems.

8           (c) Providing ground anchoring for new or used mobile homes or  
9 manufactured homes or repairing the ground anchoring.

10          19. "Installation supervision" means that the installer may act as an  
11 installer of accessory structures for manufactured homes, mobile homes or  
12 residential single family factory-built buildings and may also contract with  
13 the purchaser or owner of a unit, or a dealer licensed under this chapter, to  
14 arrange for, control and supervise all aspects of the installation of a unit  
15 and accessory structures, including retaining and supervising persons whose  
16 activities are licensed under this chapter. A licensed installer may not  
17 contract with the purchaser or owner of a unit or with a dealer licensed  
18 under this chapter, to arrange for, retain and supervise a person who is  
19 licensed or regulated by an agency other than the office of manufactured  
20 housing, unless the licensed installer is also licensed by the same agency  
21 which licenses or regulates the person whom the installer retains and  
22 supervises. Installation supervision also includes the installer's right, if  
23 authorized by the purchaser, owner or dealer, to seek and obtain recourse,  
24 remedies or relief against all persons whose activities are supervised. If  
25 requested by a licensed installer or an applicant for an installer's license,  
26 and approved by the deputy director pursuant to sections 41-2175 and 41-2176,  
27 an installer may obtain a license that includes installation supervision.

28          20. "Installer" means any person who engages in the business of  
29 performing installations of manufactured homes, mobile homes or residential  
30 single family factory-built buildings.

31          21. "Installer of accessory structures" means any person who engages in  
32 the business of installing accessory structures.

33          22. "Listing agreement" means a document which contains the name and  
34 address of the seller, a description of the unit to be listed and the terms  
35 which include the period of time that the agreement is in force, the price  
36 the seller is requesting for the unit, the commission to be paid to the  
37 licensee and the signatures of the sellers and the licensee who obtains the  
38 listing.

39          23. "Local enforcement agency" means a zoning or building department of  
40 a city, town or county or its agents.

41          24. "Manufactured home" means a structure built in accordance with the  
42 act.

43          25. "Manufacturer" means any person engaged in manufacturing,  
44 assembling or reconstructing any unit regulated by this chapter.

1           26. "Mobile home" means a structure built prior to June 15, 1976, on a  
2 permanent chassis, capable of being transported in one or more sections and  
3 designed to be used with or without a permanent foundation as a dwelling when  
4 connected to on-site utilities except recreational vehicles and factory-built  
5 buildings.

6           27. "Purchaser" means a person purchasing a unit in good faith from a  
7 licensed dealer or broker for purposes other than resale.

8           28. "Qualifying party" means a person who is an owner, employee,  
9 corporate officer or partner of the licensed business and who has active and  
10 direct supervision of and responsibility for all operations of that licensed  
11 business.

12           29. "Reconstruction of a unit" means construction work performed for  
13 the purpose of restoration or modification of a unit by changing or adding  
14 structural components or electrical, plumbing or heat or air producing  
15 systems.

16           30. "Recreational vehicle" means a vehicular type unit which is:

17           (a) A portable camping trailer mounted on wheels and constructed with  
18 collapsible partial sidewalls which fold for towing by another vehicle and  
19 unfold for camping.

20           (b) A motor home designed to provide temporary living quarters for  
21 recreational, camping or travel use and built on or permanently attached to a  
22 self-propelled motor vehicle chassis or on a chassis cab or van that is an  
23 integral part of the completed vehicle.

24           (c) A park trailer built on a single chassis, mounted on wheels and  
25 designed to be connected to utilities necessary for operation of installed  
26 fixtures and appliances and has a gross trailer area of not less than three  
27 hundred twenty square feet and not more than four hundred square feet when it  
28 is set up, except that it does not include fifth wheel trailers.

29           (d) A travel trailer mounted on wheels, designed to provide temporary  
30 living quarters for recreational, camping or travel use, of a size or weight  
31 that may or may not require special highway movement permits when towed by a  
32 motorized vehicle and has a trailer area of less than three hundred twenty  
33 square feet. This subdivision includes fifth wheel trailers. If a unit  
34 requires a size or weight permit, it shall be manufactured to the standards  
35 for park trailers in A 119.5 of the American national standards institute  
36 code.

37           (e) A portable truck camper constructed to provide temporary living  
38 quarters for recreational, travel or camping use and consisting of a roof,  
39 floor and sides designed to be loaded onto and unloaded from the bed of a  
40 pickup truck.

41           31. "Salesperson" means any person who, for a salary, commission or  
42 compensation of any kind, is employed by or acts on behalf of any dealer or  
43 broker of manufactured homes, mobile homes or factory-built buildings to  
44 sell, exchange, buy, offer or attempt to negotiate or act as an agent for the

1 sale or exchange of an interest in a manufactured home, mobile home or  
2 factory-built building.

3 32. "Seller" means a natural person who enters into a listing agreement  
4 with a licensed dealer or broker for the purpose of resale.

5 33. "Site development" means the development of an area for the  
6 installation of the unit's or units' locations, parking, surface drainage,  
7 driveways, on-site utility terminals and property lines at a proposed  
8 construction site or area.

9 34. "Statutory agent" means an adult person who has been a bona fide  
10 resident of this state for at least three years and has agreed to act as  
11 agent for a licensee.

12 35. "Subassembly" means a prefabricated wall, floor, ceiling, roof or  
13 similar combination of components.

14 36. "Title transfer" means a true copy of the application for title  
15 transfer which is stamped or validated by the appropriate government agency.

16 37. "Unit" means a manufactured home, mobile home, factory-built  
17 building, subassembly or accessory structures.

18 38. "Unit safety" means the performance of a unit in such a manner that  
19 the public is protected against any unreasonable risk of the occurrence of  
20 accidents due to the design or construction of such unit, or any unreasonable  
21 risk of death or injury to the user or to the public if such accidents occur.

22 39. "Used unit" means any unit which is regulated by this chapter and  
23 which has been sold, bargained, exchanged or given away from a purchaser who  
24 first acquired the unit which was titled in the name of such purchaser.

25 40. "WILDLAND-URBAN INTERFACE" MEANS THE AREA DETERMINED BY A COUNTY OR  
26 DESIGNATED IN A COMMUNITY WILDFIRE PROTECTION PLAN APPROVED BY THE STATE  
27 FORESTER WHERE DEVELOPMENT AND NATURAL LANDSCAPE INTERMINGLE.

28 ~~40.~~ 41. "Workmanship" means a minimum standard of construction or  
29 installation reflecting a journeyman quality of the work of the various  
30 trades.

31 Sec. 4. Section 41-2146, Arizona Revised Statutes, is amended to read:

32 41-2146. State fire safety committee; duties; state fire code

33 A. A state fire safety committee is established consisting of ~~seven~~  
34 THIRTEEN members who are appointed for three year terms by the governor  
35 pursuant to section 38-211. The governor may remove any member from the  
36 committee for incompetency, improper conduct, disability or neglect of duty.  
37 Membership on the committee is as follows:

38 1. Two members, ~~WHO ARE~~ not from the same municipality, ~~AND~~ each of  
39 whom ~~shall be~~ IS EITHER a fire chief or fire marshal of a paid municipal fire  
40 department of a city with a population of one hundred thousand persons or  
41 more.

42 2. One member ~~shall be~~ WHO IS a fire chief of a paid municipal fire  
43 department of a town with a population of less than one hundred thousand  
44 persons.

- 1           3. One member ~~shall be~~ WHO IS a member of the Arizona fire chiefs'  
2 association.
- 3           4. One member ~~shall be~~ WHO IS a registered architect.
- 4           5. One member ~~shall be~~ WHO IS a chief building official of a city,  
5 town or county.
- 6           6. One member ~~shall be a member~~ of the public.
- 7           7. ONE MEMBER WHO OWNS PROPERTY AND SERVES AS A FIREFIGHTER FOR A FIRE  
8 DISTRICT IN AN AREA AT HIGH RISK OF WILDLAND FIRE.
- 9           8. ONE MEMBER WHO IS A CITY OR TOWN PLANNING AND ZONING OFFICIAL FROM  
10 A MUNICIPALITY WITH A HIGH RISK OF WILDLAND-URBAN INTERFACE FIRE OR AN AREA  
11 WITH A POPULATION OF FIFTY THOUSAND PERSONS OR LESS.
- 12           9. ONE MEMBER WHO IS A FOREST OR FIRE ECOLOGIST.
- 13           10. ONE MEMBER WHO IS A REPRESENTATIVE OF THE INSURANCE INDUSTRY.
- 14           11. ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A COUNTY WITH A POPULATION  
15 OF LESS THAN FIVE HUNDRED THOUSAND PERSONS OR THE OFFICIAL'S DESIGNEE.
- 16           12. THE STATE FORESTER.
- 17           B. The state fire safety committee shall annually select from its  
18 membership a chairman for the committee. The committee shall meet on the  
19 call of the chairman or on the request of at least four members.
- 20           C. SUBJECT TO THE APPROVAL OF THE STATE FIRE MARSHAL, the state fire  
21 safety committee shall adopt by rule a state fire code establishing minimum  
22 standards for:
- 23           1. Safeguarding life and property from fire and fire hazards  
24 INCLUDING, BY JULY 1, 2008, WITHIN THE WILDLAND-URBAN INTERFACE. AFTER THE  
25 COMMITTEE ADOPTS A WILDLAND-URBAN INTERFACE CODE, CITIES, TOWNS, COUNTIES AND  
26 FIRE DISTRICTS MAY ADOPT OR ENFORCE A WILDLAND-URBAN INTERFACE CODE THAT  
27 MEETS THE MINIMUM STANDARDS OF THE STATE WILDLAND-URBAN INTERFACE CODE  
28 PROVISIONS.
- 29           2. Prevention of fires and alleviation of fire hazards.
- 30           3. Storage, sale, distribution and use of dangerous chemicals,  
31 combustibles, flammable liquids, explosives and radioactive materials.
- 32           4. Installation, maintenance and use of fire escapes, fire protection  
33 equipment, fire alarm systems, smoke detectors and fire extinguishing  
34 equipment.
- 35           5. The means and adequacy of fire protection and exit in case of fire  
36 in places in which numbers of persons work, live or congregate, excluding  
37 family dwellings which have fewer than five residential dwelling units  
38 LOCATED OUTSIDE THE WILDLAND-URBAN INTERFACE.
- 39           6. Other matters relating to fire prevention and control which are  
40 considered necessary by the committee.
- 41           D. The state fire safety committee shall adopt rules and a schedule of  
42 fees for a permit, for a plan submission, for plan review and for  
43 reinspections that are payable by persons regulated under article 3 of this  
44 chapter.



1 E. The state fire safety committee shall adopt rules for the  
2 allocation of monies from the arson detection reward fund established in  
3 section 41-2167. The rules shall be consistent with the purposes set forth  
4 in section 41-2167 and shall promote the effective and efficient use of the  
5 fund monies.

6 F. Members of the committee are not eligible to receive compensation  
7 for service on the committee but are eligible for reimbursement of expenses  
8 pursuant to title 38, chapter 4, article 2.

9 G. THE STATE FIRE SAFETY COMMITTEE SHALL REVIEW AND UPDATE THE STATE  
10 FIRE CODE BY JULY 1, 2010 AND EVERY THREE YEARS THEREAFTER.

11 Sec. 5. Section 41-2161, Arizona Revised Statutes, is amended to read:  
12 41-2161. Office of state fire marshal; purpose; qualifications

13 To promote public health and safety and to reduce hazards to life, limb  
14 and property, the office of state fire marshal is established within the  
15 department. The office shall perform its duties by performing inspections  
16 and fire investigations, by providing public education and by adopting **AND**  
17 **ENFORCING** fire protection codes. The person appointed as state fire marshal  
18 shall have extensive experience in the field of fire prevention and fire  
19 protection including administrative experience in such capacity.

20 Sec. 6. Section 48-805, Arizona Revised Statutes, is amended to read:  
21 48-805. Fire district; powers and duties

22 A. A fire district, through its board or elected chief and  
23 secretary-treasurer, shall:

24 1. Hold public meetings at least once each calendar month.

25 2. Prepare an annual budget containing detailed estimated expenditures  
26 for each fiscal year which shall clearly show salaries payable to employees  
27 of the district, including the elected or appointed chief. The budget shall  
28 be posted in three public places and published in a newspaper of general  
29 circulation in the district thirty days prior to a public hearing at a  
30 meeting called by the board or elected chief to adopt the budget. Copies of  
31 the budget shall also be available to members of the public upon written  
32 request to the district. Following the public hearing, the district board or  
33 elected chief and secretary-treasurer shall adopt a budget.

34 3. Determine the compensation payable to district personnel.

35 4. Require probationary employees in a paid sworn firefighter  
36 position, a reserve firefighter position or a volunteer firefighter position  
37 to submit a full set of fingerprints to the fire district. The fire district  
38 shall submit the fingerprints to the department of public safety for the  
39 purpose of obtaining a state and federal criminal records check pursuant to  
40 section 41-1750 and Public Law 92-544. The department of public safety may  
41 exchange this fingerprint data with the federal bureau of investigation.

42 B. A fire district, through its board or elected fire chief and  
43 secretary-treasurer, may:

44 1. Employ any personnel and provide services deemed necessary for fire  
45 protection, for preservation of life and for carrying out its other powers

1 and duties, including providing ambulance transportation services when  
2 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
3 member of a district board shall not be an employee of the district. The  
4 merger of two or more fire districts pursuant to section 48-820 or the  
5 consolidation with one or more fire districts pursuant to section 48-822  
6 shall not expand the boundaries of an existing certificate of necessity  
7 unless authorized pursuant to title 36, chapter 21.1, article 2.

8 2. Construct, purchase, lease, lease-purchase or otherwise acquire the  
9 following or any interest therein and, in connection with such construction  
10 or other acquisition, purchase, lease, lease-purchase or grant a lien on any  
11 or all of its present or future property, including:

12 (a) Apparatus, water and rescue equipment, including ambulances and  
13 equipment related to any of the foregoing.

14 (b) Land, buildings, equipment and furnishings to house equipment and  
15 personnel necessary or appropriate to carry out its purposes.

16 3. Finance the acquisition of property as provided in this section and  
17 costs incurred in connection with the issuance of bonds as provided in  
18 section 48-806. Bonds shall not be issued without the consent of a majority  
19 of the electors of the district voting at an election held for that purpose.  
20 For the purposes of an election held under this paragraph, all persons who  
21 are eligible to vote in fire district elections under section 48-802 are  
22 eligible to vote.

23 4. Enforce the fire code adopted by the district, if any, and assist  
24 the state fire marshal in the enforcement of fire protection standards of  
25 this state, **INCLUDING WILDLAND-URBAN INTERFACE CODE PROVISIONS**, within the  
26 fire district including enforcement of a nationally recognized fire code when  
27 expressly authorized by the state fire marshal.

28 5. After the approval of the qualified electors of the fire district  
29 voting at a regular district election or at a special election called for  
30 such purpose by the district board or the elected chief and  
31 secretary-treasurer, as appropriate, or at any election held in the county  
32 which encompasses the fire district, adopt the \_\_\_\_\_ fire code, which is  
33 a nationally recognized fire code approved by the state fire marshal. The  
34 words appearing upon the ballots shall be "Should \_\_\_\_\_ fire  
35 district adopt the \_\_\_\_\_ fire code, which is a nationally recognized  
36 fire code approved by the state fire marshal--yes", "Should \_\_\_\_\_  
37 fire district adopt the \_\_\_\_\_ fire code, which is a nationally  
38 recognized fire code approved by the state fire marshal--no". Such code  
39 shall be enforced by the county attorney in the same manner as any other law  
40 or ordinance of the county. Any inspection or enforcement costs are the  
41 responsibility of the fire district involved. The district shall keep on  
42 file such code which shall be open to public inspection for a period of  
43 thirty days prior to any election for the purpose of adopting a fire code.  
44 Copies of the order of election shall be posted in three public places in the  
45 district not less than twenty days before the date of the election, and if a

1 newspaper is published in the county having a general circulation in the  
2 district, the order shall be published in the newspaper not less than once a  
3 week during each of the three calendar weeks preceding the calendar week of  
4 the election.

5 6. Amend or revise the adopted fire code, including replacement of the  
6 adopted fire code with an alternative nationally recognized fire code, with  
7 the approval of the state fire marshal and after a hearing held pursuant to  
8 posted and published notice as prescribed by subsection A, paragraph 2 of  
9 this section. The district shall keep three copies of the adopted code,  
10 amendments and revisions on file for public inspection.

11 7. Enter into an agreement procuring the services of an organized  
12 private fire protection company or a fire department of a neighboring city,  
13 town, district or settlement without impairing the fire district's powers.

14 8. Contract with a city or town for fire protection services for all  
15 or part of the city or town area until the city or town elects to provide  
16 regular fire department services to the area.

17 9. Retain a certified public accountant to perform an annual audit of  
18 district books.

19 10. Retain private legal counsel.

20 11. Accept gifts, contributions, bequests and grants and comply with  
21 any requirements of such gifts, contributions, bequests and grants not  
22 inconsistent with this article.

23 12. Appropriate and expend annually such monies as are necessary for  
24 the purpose of fire districts belonging to and paying dues in the Arizona  
25 fire district association and other professional affiliations or entities.

26 13. Adopt resolutions establishing fee schedules both within and  
27 outside of the jurisdictional boundaries of the district for providing fire  
28 protection services and services for the preservation of life, including  
29 emergency fire and emergency medical services, plan reviews, standby charges,  
30 fire cause determination, users' fees, facilities benefit assessments or any  
31 other fee schedule that may be required.

32 14. Adopt resolutions for a schedule for financial reimbursement to  
33 taxpayers for installation of certain fire protection systems such as  
34 sprinklers and monitored alarms. Any resolution to offer reimbursements  
35 shall include all of the following:

36 (a) A nationally recognized analysis of the cost savings to the  
37 district by using the fire protection systems.

38 (b) The specifications of all qualifying systems.

39 (c) The requirements for claiming reimbursement. The amount of  
40 reimbursement offered shall bear a reasonable relationship to the cost  
41 savings that accrue to the district as a result of the installation of  
42 qualifying systems.

43 (d) The requirement that the resolution to offer reimbursements  
44 expires one year after its adoption unless specifically readopted by the  
45 governing board. A resolution to readopt a schedule for financial

1 reimbursement shall additionally include a statement as to the program's  
2 effectiveness. The statement shall include the amount of reimbursements paid  
3 to each taxpayer for the installation of the fire protection system.

4 15. The governing board of a fire district, with the approval of two of  
5 the three members of a three member board, four of the five members of a five  
6 member board or five of the seven members of a seven member board, may change  
7 the district's name and on so doing shall give written notice to the board of  
8 supervisors of the change.

9 16. Require all employees to submit a full set of fingerprints as  
10 prescribed by subsection A, paragraph 4 of this section.

11 17. Enter into intergovernmental agreements or contracts as follows:

12 (a) Enter into an intergovernmental agreement with another political  
13 subdivision for technical or administrative services or to provide fire  
14 services to the property owned by the political subdivision, including  
15 property that is outside the district boundary.

16 (b) Enter into a contract with individuals to+

17 ~~(i)~~ provide technical or administrative services.

18 ~~(ii)~~ (c) ENTER INTO A CONTRACT WITH INDIVIDUALS TO provide fire  
19 protection services to property owned by the individual located outside the  
20 district boundaries if the individual's property is not located in a county  
21 island as defined in section 11-251.12 and at least one of the following  
22 apply:

23 ~~(aa)~~ (i) The existing fire service provider where the individual's  
24 property is located has issued a notice to the individual that the provider  
25 plans to discontinue service.

26 ~~(bb)~~ (ii) Fire service is not available to the individual's property.

27 ~~(cc)~~ (iii) Fire service is offered pursuant to a contract or  
28 subscription and the individual has not obtained service for a period of  
29 twenty-four months before the date of the contract with the district.

30 ~~(e)~~ (d) Enter into a contract with individuals to provide fire  
31 services to property owned by the individual located outside the district  
32 boundaries, where the individual's property is located in a county island as  
33 defined in section 11-251.12, if both of the following apply:

34 (i) The existing fire service provider where the individual's property  
35 is located has issued a notice to the residents of the county island and the  
36 individual that the provider plans to discontinue or substantially reduce  
37 service.

38 (ii) The district offers contracts to all residents and property  
39 owners of the county island who will be affected by the discontinuance or  
40 substantial reduction in service by the current fire service provider.

41 ~~(d)~~ (e) For purposes of subdivision (a), (b), ~~or~~ (c) OR (d) of this  
42 paragraph, a district may contract with any public or private fire service  
43 provider to provide some or all of the contractual services the district is  
44 contracting to deliver.

1           ~~(e)~~ (f) Any contract entered into pursuant to subdivisions (b), ~~and~~  
2 (c) AND (d) of this paragraph shall include a provision setting forth the  
3 cost of service and performance criteria.

4           C. The chairman and clerk of the district board or their respective  
5 designees or the elected chief and secretary-treasurer, as applicable, shall  
6 draw warrants on the county treasurer for money required to operate the  
7 district in accordance with the budget and, as so drawn, the warrants shall  
8 be sufficient to authorize the county treasurer to pay from the fire district  
9 fund.

10          D. The district shall not incur any debt or liability in excess of  
11 taxes levied and to be collected and the money actually available and  
12 unencumbered at the time in the fund, except as provided in subsection B,  
13 paragraph 2 of this section and in sections 48-806 and 48-807.

14          E. For a county island fire district formed pursuant to section  
15 48-261, subsection H, the following apply:

16           1. The district may be formed only in county islands that are located  
17 in an area that is within the 911 service provider district in which the  
18 largest city has a population of more than three hundred ninety-five thousand  
19 persons but less than five hundred thousand persons and that is located  
20 within the municipal planning area of a town with a population of one hundred  
21 thousand or more persons as designated in the land use map of the  
22 municipality's general plan. The district may only be formed if the district  
23 contains all of the county islands that are prescribed in this paragraph and  
24 after compliance with the petition requirements prescribed by section 48-261,  
25 subsection H.

26           2. The district is authorized only to receive fire protection services  
27 and emergency medical services from the adjacent city or town government or  
28 some other provider of fire protection and emergency medical services. A  
29 county island fire district has no authority to provide fire protection  
30 services or emergency medical services by any method other than as prescribed  
31 by this subsection. The city or town shall charge a reasonable rate to the  
32 county island fire district to recover the costs of the service and excluding  
33 the costs of any awards made pursuant to section 48-261, subsection H,  
34 paragraph 2, and the district board may assess and levy a secondary property  
35 tax pursuant to this article to pay for the costs of the service. The amount  
36 charged by the city or town is limited as follows:

37           (a) For each residence or commercial building, an amount to buy into  
38 service from the city or town. The amount chargeable pursuant to this  
39 paragraph is limited to the portion of any new home impact fee being charged  
40 by that city or town that is designated for fire protection, and that amount  
41 shall be deferred and payable over a three year period.

42           (b) If additional infrastructure is reasonably necessary to provide  
43 service to the county island fire district, the city or town may charge a fee  
44 of up to seventy-five dollars per year for each household or other structure  
45 for up to five years.

1 (c) An operation and maintenance charge that is determined by  
2 calculating the annual operation and maintenance charge for the city or town  
3 and dividing that amount by the sum of the number of households and  
4 commercial buildings located in the city or town and the number of households  
5 and commercial buildings located in the county island fire district.

6 (d) Administrative costs of up to five per cent of the annual  
7 operating and maintenance costs per year but not more than twenty-five  
8 dollars per household or commercial building per year.

9 3. Within ten business days after the appointment of the board of  
10 directors for the district, the district shall issue a request for proposals  
11 for providers of fire protection and emergency medical services for the  
12 county island fire district. Notwithstanding any other law, the request for  
13 proposals is deemed a lawful procurement if the district provides for  
14 expedited public notice of the request for proposals, the due date and the  
15 terms of the request for proposals. If there are no responsive and qualified  
16 bidders on the request for proposals or if the service provider withdraws  
17 from its contract, the fire protection and emergency medical services shall  
18 be provided by the adjacent city or town. The request for proposals shall  
19 provide that the service provider shall be paid not more than the monies  
20 prescribed by this subsection and shall also provide for a maximum of thirty  
21 days for the receipt of proposals from service providers. The request for  
22 proposals shall include the following provisions:

23 (a) A successful bidder shall post a ten million dollar performance  
24 bond, which shall be forfeited if the successful bidder does not fully  
25 perform the contract or terminates the contract with less than one year's  
26 notice.

27 (b) The performance standards for fire protection and emergency  
28 services shall conform to those of surrounding municipalities.

29 (c) Any municipality that bids to provide services is exempt from the  
30 performance bond prescribed by subdivision (a) of this paragraph.

31 (d) Nothing in the request for proposals shall preclude a private fire  
32 service provider from submitting and being eligible for a bid for the  
33 proposed services.

34 F. Until formation of a county island fire district is certified by  
35 the county board of supervisors, a city or town fire service provider is not  
36 liable for any fire protection services for any areas outside of the city's  
37 or town's jurisdiction and a city or town has no legal obligation to provide  
38 fire protection services to residents of the county who are not located  
39 within the boundaries of the city or town.

40 G. Notwithstanding any other law, a city or town is liable if the city  
41 or town is grossly negligent in providing fire or emergency medical services  
42 to a county island fire district formed pursuant to this section. For  
43 purposes of title 23, chapter 6, for a city or town that provides fire or  
44 emergency medical services to a county island fire district pursuant to this  
45 section, the providers of those services are acting within the scope of their

1 duties to the city or town while providing those services to a county island  
2 fire district and the city or town shall provide workers' compensation  
3 coverage to those providers.

4 H. Subsection E of this section does not apply to and a county island  
5 fire district cannot be formed to include real property owned by a public  
6 service corporation that is regulated by the corporation commission or real  
7 property owned by a special taxing district organized pursuant to ~~title 48,~~  
8 chapter 17 **OF THIS TITLE**.

9 I. The county attorney may advise and represent the district when in  
10 the county attorney's judgment such advice and representation are appropriate  
11 and not in conflict with the county attorney's duties under section  
12 11-532. If the county attorney is unable to advise and represent the  
13 district due to a conflict of interest, the district may retain private legal  
14 counsel or may request the attorney general to represent it, or both.