

## **ORDINANCE NO. 13-06**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING BY REFERENCE THE “2012 INTERNATIONAL BUILDING CODE,” THE “2012 INTERNATIONAL MECHANICAL CODE,” THE “2011 NATIONAL ELECTRICAL CODE,” THE “2012 INTERNATIONAL SWIMMING POOL AND SPA CODE,” THE “2012 INTERNATIONAL FIRE CODE,” THE “2012 INTERNATIONAL RESIDENTIAL CODE,” THE “2012 INTERNATIONAL FUEL GAS CODE,” THE “2012 INTERNATIONAL PLUMBING CODE” AND THE “FOUNTAIN HILLS AMENDMENTS TO THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE AND THE 2012 INTERNATIONAL FIRE CODE”; AND AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, RELATING TO THE CODIFICATION OF SAME.

**WHEREAS**, the Town of Fountain Hills (the “Town”) has previously adopted and enforced a series of life/safety codes related to various aspects of building within the corporate limits of the Town (the “Technical Codes” as specifically defined in Section 2 below); and

**WHEREAS**, the Mayor and Council of the Town (the “Town Council”) desire to adopt the most-recent versions of the Technical Codes to replace the previously-adopted versions of such codes; provided that the 2012 International Energy Conservation Code is specifically excluded from adoption and the 2006 version is preserved; and

**WHEREAS**, on August 3, 1995, the Town Council adopted Ordinance 95-25, requiring fire sprinklers in all residential structures (the “Town Sprinkler Requirement”) as a critical component of its fire protection program; and

**WHEREAS**, in 2011 the Arizona Legislature adopted ARIZ. REV. STAT. § 9-807, which prohibits municipalities from requiring fire sprinklers in residential buildings containing no more than two dwellings (the “Sprinkler Ban”); and

**WHEREAS**, the Sprinkler Ban provides for “grandfathering” of local codes like the Town Sprinkler Requirement that were adopted before December 1, 2009; and

**WHEREAS**, the Technical Codes include, as part of the International Fire Code, a requirement for all residential structures to have fire sprinklers; and

**WHEREAS**, the Town Council desires to ensure that the Town Sprinkler Requirement is preserved after adoption of the Technical Codes; and

**WHEREAS**, the Town Council specifically finds and determines that the current Town Code provisions relating to the Town Sprinkler Requirements are not repealed by adoption of the Technical Codes and that the Town Sprinkler Requirements shall remain in full force and effect in the form most recently adopted prior to December 1, 2009.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS** as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Pursuant to ARIZ. REV. STAT. § 9-802, those certain documents known as the “2012 International Building Code,” the “2012 International Mechanical Code,” the “2011 National Electrical Code,” the “2012 International Swimming Pool and Spa Code,” the “2012 International Fire Code,” the “2012 International Residential Code,” the “2012 International Fuel Gas Code,” the “2012 International Plumbing Code” and the “Fountain Hills Amendments to the 2012 International Building Code, the 2012 International Residential Code and the 2012 International Fire Code,” (the “Technical Codes”), three copies of which are on file in the office of the Town Clerk and are available for public use and inspection during normal business hours, which documents were made public records by Resolution 2013-22, are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance.

SECTION 3. The Fountain Hills Town Code, Chapter 7 (Buildings and Building Regulations), Article 7-1 (Technical Codes), Section 7-1-1 (Adoption by Reference; Violations), is hereby amended as follows:

- A. The following listed publications, three copies of which are on file in the office of the town clerk and which are available for public inspection during normal business hours, are hereby adopted by reference, together with all appendices and supplements thereto, as if set out at length in this code:
1. The International Building Code, 2006 2012 Edition and all supplements, as published by the International Code Council.
  2. The International Mechanical Code, 2006 2012 Edition and all supplements, as published by the International Code Council.
  3. The National Electrical Code, 2005 2011 Edition and all supplements, as published by the National Fire Protection Association.
  4. ~~The Uniform Swimming Pool, Spa and Hot Tub Code, 2006 Edition and all supplements, as published by IAPMO.~~ THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2012 EDITION AND ALL SUPPLEMENTS, AS PUBLISHED BY INTERNATIONAL CODE COUNCIL.
  5. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition and all supplements, as published by the International Conference of Building Officials.
  6. The International Plumbing Code, 2006 2012 Edition and all supplements, as published by the International Code Council.

7. The MOST RECENT EDITION OF THE Maricopa Association of Governments Standard Specifications and Uniform Details for Public Works Construction.
8. The International Energy Conservation Code, 2006 Edition and all supplements, as published by the International Code Council; provided that Section 504.7.3 (Pool Covers) is specifically excluded from adoption.
9. The International Fire Code, ~~2006~~ 2012 Edition and all supplements, as published by the International Code Council.
10. The International Residential Code, ~~2006~~ 2012 Edition including all supplements, as published by the International Code Council.
11. The International Fuel Gas Code, ~~2006~~ 2012 Edition and all supplements, as published by the International Code Council.
12. The Fountain Hills Amendments to the ~~2006~~ 2012 International Building Code, the ~~2006~~ 2012 International Residential Code for One and Two Family Dwellings, the ~~2006~~ International Energy Conservation Code and the ~~2006~~ 2012 International Fire Code.

SECTION 4. The Fountain Hills Town Code, Chapter 7 (Buildings and Building Regulations), Article 7-1 (Technical Codes), Section 7-1-1 (Adoption by Reference; Violations), is hereby amended by adding a new Subsection B to read as follows, and renumbering the remainder of the section to conform.

- B. Prior-Adopted Fire Code Preserved. The Council finds and determines that the adoption of the 2012 International Fire Code, or any subsequent fire-safety code, shall not effect the validity of the Town's existing fire sprinkler requirements. To ensure preservation of the Town's fire sprinkler requirements, if there is a reference in the above-described codes to a residential fire sprinkler requirement, the applicable code shall be the 2006 International Fire Code, amended as follows, which code and amendment were adopted by the Council on April 17, 2008:

**Section 903.2** is deleted in its entirety and replaced with the following:

**903.2 Where required.** An automatic sprinkler system shall be installed throughout all levels of all new Groups A, B, E, F, H, I, M, R, S and U occupancies of more than zero square feet in accordance with section 903, the Fire Department Interpretation and Applications Manual, and as set forth below:

1. In every story or basement of all buildings. Fire-resistive substitutions in accordance with provisions in the International Building Code, Chapter 6, footnote d, are allowed for this subsection for Group R occupancies and for other occupancies, provided that the automatic sprinkler is not otherwise required

throughout the building by any other provision or section of the applicable building code.

2. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.
3. In rooms where nitrate film is stored or handled. See also Section 306.
4. In protected combustible fiber storage vaults.
5. In any building that has a change in occupancy as defined in the applicable building code.

**Exceptions:** The following accessory structures shall be exempt from fire sprinkler requirements:

1. Gazebos and ramadas for residential and public use.
2. Independent rest room buildings associated with golf courses, parks and similar uses.
3. Guardhouses for residential and commercial developments.
4. Detached, non-combustible carports for residential and commercial developments with covered parking less than 15,000 square feet (1394 m<sup>2</sup>).
5. Barns and agricultural buildings for private, residential, non-commercial use, not exceeding 1,500 square feet (139.35 m<sup>2</sup>) with no habitable areas.
6. Detached storage sheds for private, residential, non-commercial use, not exceeding 1,500 square feet (139.35 m<sup>2</sup>).
7. Detached one, two and three car garages (without habitable spaces) in existing R-3 developed parcels which contain existing non-sprinklered subdivision requirements (i.e. 700 foot (213.36 m) hydrant spacing).
8. For fuel dispensing canopies not exceeding 1,500 square feet (139.35 m<sup>2</sup>).
9. Open shade horse stalls of non-combustible construction for private, residential, non-commercial use, not exceeding 5,000 square feet (464.52 m<sup>2</sup>) and not containing combustible products, vehicles or agricultural equipment.

10. Detached one-story accessory building used as a tool and/or storage shed containing non-hazardous materials and not exceeding 200 square feet (11.15 m<sup>2</sup>).

11. Special use non-combustible structures as approved by the Chief.

**Section 903.2.1 Group A** is deleted in its entirety and replaced with the following:

**903.2.1 Group A.** An automatic sprinkler system shall be installed throughout all Group A occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.2 Group E** is deleted in its entirety and replaced with the following:

**903.2.2 Group E.** An automatic sprinkler system shall be installed throughout all Group E occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.3 Group F** is deleted in its entirety and replaced with the following:

**903.2.3 Group F.** An automatic sprinkler system shall be installed throughout all Group F occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.4** is deleted in its entirety and replaced with the following:

**903.2.4 Group H.** An automatic sprinkler system shall be installed throughout all Group H occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.5 Group I** is deleted in its entirety and replaced with the following:

**903.2.5 Group I.** An automatic sprinkler system shall be installed throughout all Group I occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Exception:** In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in the applicable building code.

**Section 903.2.6 Group M** is deleted in its entirety and replaced with the following:

**903.2.6 Group M.** An automatic sprinkler system shall be installed throughout all Group M occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.7 Group R** is deleted in its entirety and replaced with the following:

**903.2.7 Group R.** An automatic sprinkler system shall be installed throughout all Group R occupancies in accordance with NFPA 13, 13-R, or 13D Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.8** is deleted in its entirety and replaced with the following:

**903.2.8 Group S-1 occupancies.** An automatic sprinkler system shall be installed throughout all Group S-1 occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.8.1** is deleted in its entirety and replaced with the following:

**903.2.8.1 Repair garages.** An automatic sprinkler system shall be installed throughout all repair garages in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.9** is deleted in its entirety and replaced with the following:

**903.2.9 Group S-2 occupancies.** An automatic sprinkler system shall be installed throughout all Group S-2 occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.9.1** is deleted in its entirety and replaced with the following:

**903.2.9.1 Commercial parking garages.** An automatic sprinkler system shall be installed throughout all commercial parking garages in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.10** is deleted in its entirety and replaced with the following:

**903.2.10 All Group R-3 and U occupancies.** An automatic sprinkler system shall be installed throughout all Group R-3 and U occupancies in accordance with NFPA 13 or 13-D Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.2.14** is added as follows:

**903.2.14 Group B occupancies.** An automatic sprinkler system shall be installed throughout all Group B occupancies in accordance with NFPA 13 Installation of Sprinkler Systems as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.3** is deleted in its entirety and replaced with the following:

**903.3 Installation requirements.** Automatic sprinkler systems shall be designed and installed in accordance with NFPA 13, 13-R, 13-D as modified by the Fire Department Interpretation and Applications Manual.

**Section 903.3.5.3** is added as follows:

**903.3.5.3 Use of non-potable water for fire protection.**

1. All commercial structures for which a building permit is issued adjacent to golf courses using non-potable or reclaimed water for irrigation with sufficient storage capacity onsite may be sprinklered using this supply.
2. Irrigation systems shall be designed to meet the Fire Department's standards of gallons per minute flow and pressure necessary to supply adequate fire flow.
3. A standby power supply for pumping station supplying fire flow shall be provided.
4. Fire hydrants on domestic supply shall be placed in close proximity to the Fire Department connection for structural sprinkler systems to provide a secondary water supply.
5. Fire hydrants placed on approved non-potable, reclaimed water supply systems, shall have caps and bonnet painted with a prime coat plus two coats of black paint. A placard shall be affixed to the hydrant in English and Spanish DO NOT DRINK WATER. Non-potable water supplies shall use approved material for construction of all mains and supply lines and shall have the written approval of the town manager or his designee.
6. All water inlets for non-potable systems shall be required to have a sufficient straining and filtering capacity to eliminate all foreign objects from blocking sprinkler orifice. Chlorination of inlet lines shall be required.

**Section 903.3.6** is deleted in its entirety and replaced with the following:

**903.3.6 Hose threads.** Fire hose threads used in connection with automatic sprinkler systems shall be National Standard Threads.

**Section 903.3.7** is deleted in its entirety and replaced with the following:

**903.3.7 Fire Department connections.** Fire Department connections shall be located within 4 feet (1219.2 mm) to 8 feet (2438.4 mm) of the curb line of an access road or public street, or as otherwise specified or as approved by the Chief. The Fire Department connection line shall be a wet line with the check valve at the hose connection above grade. The access to the fire department connection shall be at curb grade. See Fire Department Interpretation and Applications Manual.

**Section 903.7.1** is added as follows:

**903.3.7.1 Wall mounted.** Systems may have wall mounted fire department connections only on light and ordinary hazard Group I systems when there are no structural openings or combustible overhangs within 15 feet (4572 mm) horizontally or vertically from inlet connection. See Fire Department Interpretation and Applications Manual.

**Section 903.7.2** is added as follows:

**903.3.7.2 Additions, alterations and repairs.** When the gross area of additions, alterations, remodeling, reconstruction and repairs within a twelve month period exceed 50% of the gross area of the existing building or structure, such building or structure shall have an automatic fire sprinkler system installed throughout the entire structure or building in accordance with this section.

**Section 903.7.3** is added as follows:

**903.3.7.3 Partial systems prohibited.** In all new additions to existing non-sprinklered buildings and structures, an automatic sprinkler system shall be installed in accordance with this section. There shall be no partially sprinklered compartments. Sprinklered and unsprinklered areas of a structure shall be separated in accordance with all applicable codes and standards.

**Section 903.4** is deleted in its entirety and replaced with the following:

**903.4 Sprinkler system monitoring and alarms.** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperature, critical air pressure and water-flow switches on all sprinkler systems shall be electrically supervised. See Fire Department Interpretation and Applications Manual.

**Exceptions:**

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers for E, H, and I occupancies and more than 100 sprinklers in all other occupancies.

3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

**Section 903.4.2** is deleted in its entirety and replaced with the following:

**903.4.2 Alarms.** Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. An interior alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location when off-site monitoring is required. Where a fire alarm system is installed, activation of the automatic sprinkler system shall actuate the building fire alarm system.

SECTION 5. Except as set forth below, any person found guilty of violating any provision of the Technical Codes shall be guilty of a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Any person found guilty of violating any provisions of the 2012 International Fire Code or that portion of the “Fountain Hills Amendments to the 2012 International Building Code, the 2012 International Residential Code and the 2012 International Fire Code” relating to the 2012 International Fire Code, shall be subject to a civil sanction for the first such violation and, for a subsequent violation thereof, shall be guilty of a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills,  
Arizona, October 17, 2013.

**FOR THE TOWN OF FOUNTAIN HILLS:**

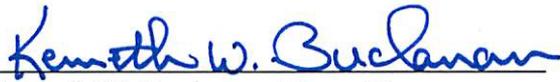
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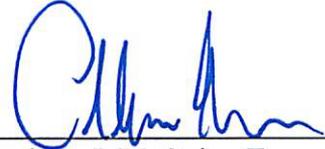
  
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Linda M. Kavanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Kenneth W. Buchanan, Town Manager

  
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Andrew J. McGuire, Town Attorney