



Appeal to the Fire Marshal Application

The intent of this administrative application for an appeal to the Fire Marshal is to provide public guidance on the requirements when submitting plans, reports, tests and supporting documentation for review to the Phoenix Fire Department (PFD). Scopes of work that require permits are found in Chapter 1 Sections 105.6 & 105.7 of the Phoenix Fire Code. This submittal form shall be filled out and included in the submittal package when applying for an appeal to the Fire Marshal.

Appeals to the Fire Marshal

There are times when project or site-specific conditions make it impractical to comply with the strict letter of the code. The City of Phoenix Fire Department reviews applications for appeals to the fire code. Where such instances are presented in a format that is acceptable to the Fire Department and where alternative means and methods and equivalency are represented to the Fire Marshal, the Fire Marshal shall approve or deny the application in writing.

Engineering Interpretation

City of Phoenix Fire Department reviews Engineering Interpretations, where such instances are presented in a format that is acceptable to the Fire Department and where alternative means and methods and equivalency are represented to the Fire Marshal, the Fire Marshal shall approve or deny the application in writing. An engineering interpretation is based on a specific fire code section from a specific code cycle that is applicable across future application and enforcement, not bound by specific site condition and application.

Appeal Submittal Requirements:

- ☐ As an attachment, submit a formal request for an appeal in writing.
 - The request shall demonstrate how the alternative material, design or method of construction complies with the intent of the provisions of the Phoenix Fire Code.
 - Include a letter that addresses the equivalency criteria items listed below.
- ☐ One copy of the site plan where appeal request is related to site access, roads, utility service or other applicable site conditions.
- ☐ One copy of the floor plan, reflected ceiling plan, emergency evacuation plan where appeal request is related to building specific conditions. Additional building plans may be required where the appeal request is related to scopes otherwise regulated by other I codes.
- ☐ Appellant and Building Owner signatures (If the building owner is not available for signature, a notarized letter is required stating the owner is aware of the appeal and has no objections to it)
- ☐ Payment of \$250 (through online payment link)



Equivalency criteria items:

1. Please provide a list of applicable code section(s) the applicant is seeking to appeal. [Reference City of Phoenix amendments].
2. What specific fire code requirement based on the intent and purpose of the code section are you seeking to appeal? [Use supporting documentation as needed.]
3. What specific hardships justify this request for an appeal? [Use supporting documentation as needed.] Please note a code violation or the expense of correcting one cannot constitute a practical difficulty.
4. Please explain how the alternative meets the intent of the code and provide rationale for determining equivalency.
5. Have you discussed your proposed solution with City of Phoenix staff? If so, who?

Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

Supporting documentation:

Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the fire code official.

Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the fire code official.

Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code.

Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the fire code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the



fire code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the fire code official.

Other reports. Reports shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

Peer review. The fire code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the fire code official.



Appeals Application

Application for appeal must be *submitted in writing*. The appeal application is available online at: [Appeal to the Fire Marshal Application](#) or may be picked up at the Fire Prevention Office 150 S 12th Street, Phoenix, AZ 85034. To submit the request electronically, send an email with attachments to pdf.prevention.appeals@phoenix.gov.

*****Prior to log in, applications will be screened and accepted to ensure a complete proposal is provided.*****

Appeals Panel

Appeals to the Fire Marshal are reviewed by panel of professionals which may include:

- Fire Marshal
- Fire Protection Engineer from Fire Prevention
- Fire Protection Engineer from Planning & Development
- Representative from Fire Operations Division
- Support staff for documentation
- Appeals that involve the Building Code are subject to the approval of the Building Official

Appeals Panel Decisions

The panel will make one of the following decisions on each appeal:

- **Approved**
- **Approved with Stipulations** - The stipulations will document when further action is required by the Appellant; recheck dates are established to allow time for compliance.
- **Denied** – Appeals may be submitted to the Fire Safety Advisory Board within 30 days of denial by the Fire Marshal.



Appeal to the Fire Marshal Application

<input type="checkbox"/> Appeal to the Fire Marshal <input type="checkbox"/> Engineering Interpretation <input type="checkbox"/> Appeal to the Fire Safety Advisory Board			
Project Name		Project Address	
Owner's Name		Kiva Appeal Number	
Address		Phone	
Applicant Name (person not business)		Applicant's Address	
Applicant's Email Address		Relationship to Project	
FP Staff Familiar with Project	PFD FPE Initials	Date	<input type="checkbox"/> Request for Additional Time? In accordance with 1101.4 of PFC
<p>1101.4 Owner notification. When a building is found to be in noncompliance with this chapter, the fire code official shall duly notify the owner of the building. Upon receipt of such notice, the owner shall, subject to the following time limits, take necessary actions to comply with the provisions of this chapter. 1101.4.1 Construction documents. Construction documents necessary to comply with this chapter shall be completed and submitted within a time schedule approved by the fire code official.</p> <p>1101.4.2 Completion of work. Work necessary to comply with this chapter shall be completed within a time schedule approved by the fire code official.</p> <p>1101.4.3 Extension of time. The fire code official is authorized to grant necessary extensions of time where it can be shown that the specified time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance shall be based on the showing of good cause and subject to the filing of an acceptable systematic plan of correction with the fire code official.</p> <p>Proposed Completion Date: _____</p> <p>104.8 Modifications. Where 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 that 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.</p> <p>See attached: _____ Provide description of submittal documentation</p>			
Owner, Architect, or Engineer's Signature		Applicant's Signature Title	
FOR FIRE PREVENTION USE ONLY			
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Stipulations	<input type="checkbox"/> Denied	
Fire Marshal		Date	