

1 **CONSTRUCTION AND FIRE CODES AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends and repeals provisions related to the state construction and fire codes.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ repeals, for certain municipalities in the state, provisions related to structural
- 13 requirements for fire safety, fire notification systems, and fire suppression systems;
- 14 ▶ provides that a political subdivision may not require a structure or subdivision of
- 15 structures to have a given fire flow rate or a fire sprinkler system under certain
- 16 circumstances;
- 17 ▶ repeals a provision related to the applicability of state construction code local
- 18 amendments; and
- 19 ▶ repeals, for certain municipalities in the state, a provision related to structures
- 20 intended to store farm animals.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **15A-1-403**, as last amended by Laws of Utah 2016, Chapter 249

28 **15A-4-105**, as enacted by Laws of Utah 2011, Chapter 14

29 **15A-4-107**, as last amended by Laws of Utah 2016, Chapter 249

30 **15A-4-201**, as last amended by Laws of Utah 2014, Chapter 189

31 REPEALS:

32 **15A-4-102**, as enacted by Laws of Utah 2011, Chapter 14

33 **15A-4-103**, as last amended by Laws of Utah 2016, Chapter 249

34 **15A-4-104**, as enacted by Laws of Utah 2011, Chapter 14

35 **15A-4-202**, as enacted by Laws of Utah 2011, Chapter 14

36 **15A-4-203**, as last amended by Laws of Utah 2016, Chapter 249

37 **15A-4-204**, as enacted by Laws of Utah 2011, Chapter 14

38 **15A-4-205**, as enacted by Laws of Utah 2011, Chapter 14

39 **15A-5-401**, as last amended by Laws of Utah 2013, Chapter 199

40

41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **15A-1-403** is amended to read:

43 **15A-1-403. Adoption of State Fire Code.**

44 (1) (a) The State Fire Code is:

45 (i) a code promulgated by a nationally recognized code authority that is adopted by the
46 Legislature under this section with any modifications; and

47 (ii) a code to which cities, counties, fire protection districts, and the state shall adhere
48 in safeguarding life and property from the hazards of fire and explosion.

49 (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on
50 July 1, 2010, until in accordance with this section:

51 (i) a new State Fire Code is adopted; or

52 (ii) one or more provisions of the State Fire Code are amended or repealed in
53 accordance with this section.

54 (c) A provision of the State Fire Code may be applicable:

55 (i) to the entire state; or

56 (ii) within a city, county, or fire protection district.

57 (2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts

58 a nationally recognized fire code with any modifications.

59 (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect
60 on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the
61 legislation.

62 (c) Subject to Subsection (6), a State Fire Code adopted by the Legislature is the State
63 Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:

- 64 (i) adopting a new State Fire Code in its entirety; or
- 65 (ii) amending or repealing one or more provisions of the State Fire Code.

66 (3) (a) Except as provided in Subsection (3)(b), for each update of a nationally
67 recognized fire code, the board shall prepare a report described in Subsection (4).

68 (b) For the provisions of a nationally recognized fire code that apply only to detached
69 one- and two-family dwellings and townhouses not more than three stories above grade plane
70 in height with separate means of egress and their accessory structures, the board shall:

- 71 (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every
72 second update of the nationally recognized fire code; and
- 73 (ii) not prepare a report described in Subsection (4) in 2018.

74 (4) (a) In accordance with Subsection (3), on or before September 1 of the same year as
75 the year designated in the title of an update of a nationally recognized fire code, the board shall
76 prepare and submit a report to the Business and Labor Interim Committee that:

- 77 (i) states whether the board recommends the Legislature adopt the update with any
78 modifications; and
- 79 (ii) describes the costs and benefits of each recommended change in the update or in
80 any modification.

81 (b) After the Business and Labor Interim Committee receives the report described in
82 Subsection (4)(a), the Business and Labor Interim Committee shall:

- 83 (i) study the recommendations during the remainder of the interim; and
- 84 (ii) if the Business and Labor Interim Committee decides to recommend legislative
85 action to the Legislature, prepare legislation for consideration by the Legislature in the next

86 general session.

87 (5) (a) (i) The board shall, by no later than November 30 of each year in which the
88 board is not required to submit a report described in Subsection (4), recommend in a report to
89 the Business and Labor Interim Committee whether the Legislature should amend or repeal one
90 or more provisions of the State Fire Code.

91 (ii) As part of a recommendation described in Subsection (5)(a)(i), the board shall
92 describe the costs and benefits of each proposed amendment or repeal.

93 (b) The board may recommend legislative action related to the State Fire Code:

94 (i) on its own initiative; or

95 (ii) upon the receipt of a request by a city, county, or fire protection district that the
96 board recommend legislative action related to the State Fire Code.

97 (c) Within 45 days after the day on which the board receives a request under
98 Subsection (5)(b), the board shall direct the division to convene an informal hearing concerning
99 the request.

100 (d) The board shall conduct a hearing under this section in accordance with the rules of
101 the board.

102 (e) The board shall decide whether to include the request in the report described in
103 Subsection (5)(a).

104 (f) (i) Within 15 days after the day on which the board conducts a hearing, the board
105 shall direct the division to notify the entity that made the request of the board's decision
106 regarding the request.

107 (ii) The division shall provide the notice:

108 (A) in writing; and

109 (B) in a form prescribed by the board.

110 (g) If the Business and Labor Interim Committee decides to recommend legislative
111 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
112 for consideration by the Legislature in the next general session that, if passed by the
113 Legislature, would amend or repeal one or more provisions of the State Fire Code.

114 (6) (a) Notwithstanding the provisions of this section, the board may, in accordance
115 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if
116 the board determines that waiting for legislative action in the next general legislative session
117 would:

- 118 (i) cause an imminent peril to the public health, safety, or welfare; or
- 119 (ii) place a person in violation of federal or other state law.

120 (b) If the board amends a State Fire Code in accordance with this Subsection (6), the
121 board shall:

- 122 (i) publish the State Fire Code with the amendment; and
- 123 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy
124 of an analysis by the board identifying specific reasons and justifications for its findings.

125 (c) If not formally adopted by the Legislature at the next annual general session, an
126 amendment to a State Fire Code adopted under this Subsection (6) is repealed on the July 1
127 immediately following the next annual general session that follows the adoption of the
128 amendment.

129 (7) (a) Except as provided in Subsection (7)(b), a legislative body of a political
130 subdivision may enact an ordinance in the political subdivision's fire code that is more
131 restrictive than the State Fire Code:

- 132 (i) in order to meet a public safety need of the political subdivision; and
- 133 (ii) subject to the requirements of Subsection (7)(c).

134 (b) Except as provided in Subsections (7)(c), (10), and (11), or as expressly provided in
135 state law, a political subdivision may not, after December 1, 2016, enact or enforce a rule or
136 ordinance that applies to a structure built in accordance with the International Residential
137 Code, as adopted in the State Construction Code, that is more restrictive than the State Fire
138 Code.

139 (c) ~~(A)~~ (i) Except as provided in Subsection (7)(c)(ii), a political subdivision may
140 adopt:

141 ~~(i)~~ (A) the appendices of the International Fire Code~~[-2015 edition]~~; and

142 ~~[(f)]~~ (B) a fire sprinkler ordinance in accordance with Section [15A-5-203](#).

143 (ii) If a political subdivision adopts International Fire Code Appendix B, the political

144 subdivision may not require:

145 (A) a subdivision of structures built in accordance with the International Residential

146 Code to have a fire flow rate that is greater than 2000 gallons per minute;

147 (B) an individual structure built in accordance with the International Residential Code

148 to have a fire flow rate greater than that required under Subsection [15A-5-203\(1\)\(a\)](#); or

149 (C) a one- or two-family dwelling or a town home to have a fire sprinkler system,

150 except in accordance with Section [15A-5-203](#).

151 (d) A legislative body of a political subdivision that enacts an ordinance under

152 Subsection (7)(a) shall:

153 (i) notify the board in writing at least 30 days before the day on which the legislative

154 body enacts the ordinance and include in the notice a statement as to the proposed subject

155 matter of the ordinance; and

156 (ii) after the legislative body enacts the ordinance, report to the board before the board

157 makes the report required under Subsection (7)(e), including providing the board:

158 (A) a copy of the ordinance enacted under this Subsection (7); and

159 (B) a description of the public safety need that is the basis of enacting the ordinance.

160 (e) The board shall submit to the Business and Labor Interim Committee each year

161 with the recommendations submitted in accordance with Subsection (4):

162 (i) a list of the ordinances enacted under this Subsection (7) during the fiscal year

163 immediately preceding the report; and

164 (ii) recommendations, if any, for legislative action related to an ordinance enacted

165 under this Subsection (7).

166 (f) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under

167 this Subsection (7).

168 (ii) The state fire marshal shall make a copy of an ordinance enacted under this

169 Subsection (7) available on request.

170 (g) The board may make rules in accordance with Title 63G, Chapter 3, Utah
171 Administrative Rulemaking Act, to establish procedures for a legislative body of a political
172 subdivision to follow to provide the notice and report required under this Subsection (7).

173 (8) Except as provided in Subsections (9), (10), and (11), or as expressly provided in
174 state law, a state executive branch entity may not, after December 1, 2016, adopt or enforce a
175 rule or requirement that:

176 (a) is more restrictive than the State Fire Code; and

177 (b) applies to detached one- and two-family dwellings and townhouses not more than
178 three stories above grade plane in height with a separate means of egress and their accessory
179 structures.

180 (9) A state government entity may adopt a rule or requirement regarding a residential
181 occupancy that is regulated by:

182 (a) the State Fire Prevention Board;

183 (b) the Department of Health; or

184 (c) the Department of Human Services.

185 (10) A state executive branch entity or political subdivision of the state may:

186 (a) enforce a federal law or regulation;

187 (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or
188 requirement applies only to a facility or construction owned or used by a state entity or a
189 political subdivision of the state; or

190 (c) enforce a rule, ordinance, or requirement:

191 (i) that the state executive branch entity or political subdivision adopted or made
192 effective before July 1, 2015; and

193 (ii) for which the state executive branch entity or political subdivision can demonstrate,
194 with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an
195 individual from a condition likely to cause imminent injury or death.

196 (11) The Department of Health or the Department of Environmental Quality may
197 enforce a rule or requirement adopted before January 1, 2015.

198 Section 2. Section 15A-4-105 is amended to read:

199 **15A-4-105. Amendments to IBC applicable to Park City Corporation or Park**
200 **City Fire District.**

201 (1) The following amendment is adopted as an amendment to the IBC for the Park City
202 Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3.
203 Designated as historic under a state or local historic preservation program."

204 (2) The following amendments are adopted as amendments to the IBC for the Park City
205 Corporation and Park City Fire District:

206 (a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where
207 required. Approved automatic sprinkler systems in new buildings and structures shall be
208 provided in the location described in this section.

209 1. All new construction having more than 6,000 square feet on any one floor, except R-3
210 occupancy.

211 2. All new construction having more than two (2) stories, except R-3 occupancy.

212 [~~All new construction having three (3) or more dwelling units, including units rented or leased,~~
213 ~~and including condominiums or other separate ownership.]~~

214 3. All new construction in the Historic Commercial Business zone district, regardless of
215 occupancy.

216 4. All new construction and buildings in the General Commercial zone district where there are
217 side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5)
218 feet per story of height.

219 5. All existing building within the Historic District Commercial Business zone."; and

220 (b) In IBC, Table 1505.1, new footnotes d and e are added as follows: "d. Wood roof
221 covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more
222 than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

223 e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in
224 areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score
225 of 9 for weather factors. The owner of the building shall enter into a written and recorded

226 agreement that the Class A rating of the roof covering assembly will not be altered through any
 227 type of maintenance process.

228

TABLE 1505.1.1		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
230 1	less than or equal to 10%	Pinion-juniper
231 2	10.1 - 20%	Grass-sagebrush
232 3	greater than 20%	Mountain brush or softwoods

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TABLE 1505.1.2		
PROHIBITION/ALLOWANCE OF WOOD ROOFING		
Rating	R-3 Occupancy	All Other Occupancies
235 Less than or equal to 11	Wood roof covering assemblies per Table 1505.1 are allowed	Wood roof covering assemblies per Table 1505.1 are allowed
236 Greater than or equal to 12	Wood roof covering is prohibited	Wood roof covering assemblies with a Class A rating are allowed"

239 [~~(c) IBC, Appendix C, is adopted.~~]

240 Section 3. Section **15A-4-107** is amended to read:

241 **15A-4-107. Amendments to IBC applicable to Sandy City.**

242 The following amendments are adopted as amendments to the IBC for Sandy City:

243 (1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic
 244 sprinkler system shall be installed in accordance with NFPA 13 throughout buildings
 245 containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table
 246 B105.1 of the 2015 International Fire Code. [~~Exempt locations as indicated in Section~~
 247 ~~903.3.1.1.1 are allowed]~~ A one- or two-family dwelling or a town home is not required to have

248 a fire sprinkler system except in accordance with Section [15A-5-203.](#)"

249 [~~Exception: Automatic fire sprinklers are not required in buildings used solely for worship;~~
250 ~~Group R Division 3, Group U occupancies and buildings complying with the International~~
251 ~~Residential Code unless otherwise required by the International Fire Code.]~~

252 (2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L
253 BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS
254 WILDLAND-URBAN INTERFACE AREAS

255 AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
256 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
257 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
258 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
259 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International
260 Wildland-Urban Interface Code, as modified herein, shall be used to determine the
261 requirements for Ignition Resistant Construction."

262 [(†)] (3) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a
263 new Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and
264 504.7 shall only be required on the exposure side of the structure, as determined by the [Fire
265 ~~Marshal~~] fire code official, where defensible space is less than 50 feet as defined in Section 603
266 of the 2006 International Wildland-Urban Interface Code."

267 [(†)] (4) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION
268 Subsections 505.5 and 505.7 are deleted.["]

269 Section 4. Section **15A-4-201** is amended to read:

270 **15A-4-201. General provision.**

271 [(†)] The amendments in this part are adopted as amendments to the IRC to be
272 applicable to specified jurisdiction.

273 [~~(2) A local amendment to the following which may be applied to detached one and~~
274 ~~two family dwellings and multiple single family dwellings shall be applicable to the~~
275 ~~corresponding provisions of the IRC for the local jurisdiction to which the local amendment~~

276 has been made:]

277 [~~(a) IBC under Part 1, Local Amendments to International Building Code;~~]

278 [~~(b) IPC under Part 3, Local Amendments to International Plumbing Code;~~]

279 [~~(c) IMC under Part 4, Local Amendments to International Mechanical Code;~~]

280 [~~(d) IFGC under Part 5, Local Amendments to International Fuel Gas Code;~~]

281 [~~(e) NEC under Part 6, Local Amendments to National Electrical Code; and]~~

282 [~~(f) IECC under Part 7, Local Amendments to International Energy Conservation~~

283 Code.]

284 Section 5. **Repealer.**

285 This bill repeals:

286 Section **15A-4-102**, Amendments to IBC applicable to Brian Head Town.

287 Section **15A-4-103**, Amendments to IBC applicable to City of Farmington.

288 Section **15A-4-104**, Amendments to IBC applicable to City of North Salt Lake.

289 Section **15A-4-202**, Amendments to IRC applicable to Brian Head Town.

290 Section **15A-4-203**, Amendments to IRC applicable to City of Farmington.

291 Section **15A-4-204**, Amendments to IRC applicable to Morgan City Corporation or

292 **Morgan County.**

293 Section **15A-4-205**, Amendments to IRC applicable to City of North Salt Lake.

294 Section **15A-5-401**, Grandfathering of local ordinances related to automatic

295 **sprinkler systems.**