

Representative Paul Ray proposes the following substitute bill:

CONSTRUCTION AND FIRE CODES AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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 **15A-4-206**, as enacted by Laws of Utah 2011, Chapter 14

32 REPEALS:

33 **15A-4-102**, as enacted by Laws of Utah 2011, Chapter 14

34 **15A-4-103**, as last amended by Laws of Utah 2016, Chapter 249

35 **15A-4-104**, as enacted by Laws of Utah 2011, Chapter 14

36 **15A-4-202**, as enacted by Laws of Utah 2011, Chapter 14

37 **15A-4-203**, as last amended by Laws of Utah 2016, Chapter 249

38 **15A-4-204**, as enacted by Laws of Utah 2011, Chapter 14

39 **15A-4-205**, as enacted by Laws of Utah 2011, Chapter 14

40 **15A-5-401**, as last amended by Laws of Utah 2013, Chapter 199

41

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

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

44 **15A-1-403. Adoption of State Fire Code.**

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

46 (i) a code promulgated by a nationally recognized code authority that is adopted by the

47 Legislature under this section with any modifications; and

48 (ii) a code to which cities, counties, fire protection districts, and the state shall adhere

49 in safeguarding life and property from the hazards of fire and explosion.

50 (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on

51 July 1, 2010, until in accordance with this section:

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

53 (ii) one or more provisions of the State Fire Code are amended or repealed in

54 accordance with this section.

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

56 (i) to the entire state; or

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

58 (2) (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts
59 a nationally recognized fire code with any modifications.

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

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

65 (i) adopting a new State Fire Code in its entirety; or

66 (ii) amending or repealing one or more provisions of the State Fire Code.

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

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

72 (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every
73 second update of the nationally recognized fire code; and

74 (ii) not prepare a report described in Subsection (4) in 2018.

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

78 (i) states whether the board recommends the Legislature adopt the update with any
79 modifications; and

80 (ii) describes the costs and benefits of each recommended change in the update or in
81 any modification.

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

84 (i) study the recommendations during the remainder of the interim; and

85 (ii) if the Business and Labor Interim Committee decides to recommend legislative
86 action to the Legislature, prepare legislation for consideration by the Legislature in the next
87 general session.

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

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

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

95 (i) on its own initiative; or

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

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

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

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

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

108 (ii) The division shall provide the notice:

109 (A) in writing; and

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

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

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

119 (i) cause an imminent peril to the public health, safety, or welfare; or

120 (ii) place a person in violation of federal or other state law.

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

123 (i) publish the State Fire Code with the amendment; and

124 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy
125 of an analysis by the board identifying specific reasons and justifications for its findings.

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

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

133 (i) in order to meet a public safety need of the political subdivision; and

134 (ii) subject to the requirements of Subsection (7)(c).

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

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

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

143 ~~(ii)~~ (B) a fire sprinkler ordinance in accordance with Section 15A-5-203.

144 (ii) If a political subdivision adopts International Fire Code Appendix B, the political
145 subdivision may not require:

146 (A) a subdivision of structures built in accordance with the International Residential
147 Code to have a fire flow rate that is greater than 2000 gallons per minute;

148 (B) an individual structure built in accordance with the International Residential Code
149 to have a fire flow rate greater than that required under Subsection 15A-5-203(1)(a); or

150 (C) a one- or two-family dwelling or a town home to have a fire sprinkler system,
151 except in accordance with Section [15A-5-203](#).

152 (d) A legislative body of a political subdivision that enacts an ordinance under
153 Subsection (7)(a) shall:

154 (i) notify the board in writing at least 30 days before the day on which the legislative
155 body enacts the ordinance and include in the notice a statement as to the proposed subject
156 matter of the ordinance; and

157 (ii) after the legislative body enacts the ordinance, report to the board before the board
158 makes the report required under Subsection (7)(e), including providing the board:

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

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

161 (e) The board shall submit to the Business and Labor Interim Committee each year
162 with the recommendations submitted in accordance with Subsection (4):

163 (i) a list of the ordinances enacted under this Subsection (7) during the fiscal year
164 immediately preceding the report; and

165 (ii) recommendations, if any, for legislative action related to an ordinance enacted
166 under this Subsection (7).

167 (f) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under
168 this Subsection (7).

169 (ii) The state fire marshal shall make a copy of an ordinance enacted under this
170 Subsection (7) available on request.

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

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

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

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

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

- 183 (a) the State Fire Prevention Board;
- 184 (b) the Department of Health; or
- 185 (c) the Department of Human Services.

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

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

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

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

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

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

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

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

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

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

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

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

212 2. All new construction having more than two (2) stories, except R-3 occupancy.
 213 [~~All new construction having three (3) or more dwelling units, including units rented or leased,~~
 214 ~~and including condominiums or other separate ownership.~~]

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

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

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

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

224 e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in
 225 areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score
 226 of 9 for weather factors. The owner of the building shall enter into a written and recorded
 227 agreement that the Class A rating of the roof covering assembly will not be altered through any
 228 type of maintenance process.

229

TABLE 1505.1.1		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
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
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

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239 Greater than or equal to 12	Wood roof covering is prohibited	Wood roof covering assemblies with a Class A rating are allowed"
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240 ~~[(c) IBC, Appendix C, is adopted.]~~

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

242 **15A-4-107. Amendments to IBC applicable to Sandy City.**

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

244 (1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic
245 sprinkler system shall be installed in accordance with NFPA 13 throughout buildings
246 containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table
247 B105.1 of the 2015 International Fire Code. ~~[Exempt locations as indicated in Section~~
248 ~~903.3.1.1.1 are allowed]~~ A one- or two-family dwelling or a town home is not required to have
249 a fire sprinkler system except in accordance with Section 15A-5-203."

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

253 (2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L
254 BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS
255 WILDLAND-URBAN INTERFACE AREAS
256 AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban
257 Interface Areas by Sandy City shall be constructed using ignition resistant construction as
258 determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban
259 Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to
260 determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International
261 Wildland-Urban Interface Code, as modified herein, shall be used to determine the
262 requirements for Ignition Resistant Construction."

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

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

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

271 **15A-4-201. General provision.**

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

274 [~~2) A local amendment to the following which may be applied to detached one and
275 two family dwellings and multiple single family dwellings shall be applicable to the
276 corresponding provisions of the IRC for the local jurisdiction to which the local amendment
277 has been made:]~~

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

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

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

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

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

283 [~~(f) IECC under Part 7, Local Amendments to International Energy Conservation
284 Code:]~~

285 Section 5. Section 15A-4-206 is amended to read:

286 **15A-4-206. Amendments to IRC applicable to Park City Corporation or Park
287 City Fire District.**

288 [~~(1) The following amendment is adopted as an amendment to the IRC for the Park
289 City Corporation, Appendix P, of the 2006 IRC is adopted:]~~

290 [(2)] The following amendments are adopted as amendments to the IRC for Park City
291 Corporation and Park City Fire District:

292 [(a)] (1) IRC, Section R905.7, is deleted and replaced with the following: "R905.7
293 Wood shingles. The installation of wood shingles shall comply with the provisions of this
294 section.

295 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the
296 following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

299	RATING	SLOPE	VEGETATION
300	1	less than or equal to 10%	Pinion-juniper
301	2	10.1 - 20%	Grass-sagebrush
302	3	greater than 20%	Mountain brush or softwoods

303		PROHIBITION/EXEMPTION TABLE	
304	RATING	WOOD ROOF PROHIBITION	
305	less than or equal to 11	wood roofs are allowed	
306	greater than or equal to 12	wood roofs are prohibited"	

307 [(b)] (2) IRC, Section R905.8, is deleted and replaced with the following: "R905.8
 308 Wood Shakes. The installation of wood shakes shall comply with the provisions of this
 309 section. Wood roof covering is prohibited in areas with a combined rating of more than 11
 310 using the following tables with a score of 9 for weather factors.

311			TABLE
312			WILDFIRE HAZARD SEVERITY SCALE
313	RATING	SLOPE	VEGETATION
314	1	less than or equal to 10%	Pinion-juniper
315	2	10.1 - 20%	Grass-sagebrush
316	3	greater than 20%	Mountain brush or softwoods

317		PROHIBITION/EXEMPTION TABLE	
318	RATING	WOOD ROOF PROHIBITION	
319	less than or equal to 11	wood roofs are allowed	
320	greater than or equal to 12	wood roofs are prohibited"	

321 [(c)] (3) Appendix K is adopted.

322 Section 6. **Repealer.**

323 This bill repeals:

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

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

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

- 327 Section **15A-4-202**, Amendments to IRC applicable to Brian Head Town.
- 328 Section **15A-4-203**, Amendments to IRC applicable to City of Farmington.
- 329 Section **15A-4-204**, Amendments to IRC applicable to Morgan City Corporation or
- 330 **Morgan County.**
- 331 Section **15A-4-205**, Amendments to IRC applicable to City of North Salt Lake.
- 332 Section **15A-5-401**, Grandfathering of local ordinances related to automatic
- 333 **sprinkler systems.**