

**Effective 7/1/2016**

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

- (1)
  - (a) The State Fire Code is:
    - (i) a code promulgated by a nationally recognized code authority that is adopted by the Legislature under this section with any modifications; and
    - (ii) a code to which cities, counties, fire protection districts, and the state shall adhere in safeguarding life and property from the hazards of fire and explosion.
  - (b) On and after July 1, 2010, the State Fire Code is the State Fire Code in effect on July 1, 2010, until in accordance with this section:
    - (i) a new State Fire Code is adopted; or
    - (ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.
  - (c) A provision of the State Fire Code may be applicable:
    - (i) to the entire state; or
    - (ii) within a city, county, or fire protection district.
- (2)
  - (a) The Legislature shall adopt a State Fire Code by enacting legislation that adopts a nationally recognized fire code with any modifications.
  - (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
  - (c) Subject to Subsection (6), a State Fire Code adopted by the Legislature is the State Fire Code until in accordance with this section the Legislature adopts a new State Fire Code by:
    - (i) adopting a new State Fire Code in its entirety; or
    - (ii) amending or repealing one or more provisions of the State Fire Code.
- (3)
  - (a) Except as provided in Subsection (3)(b), for each update of a nationally recognized fire code, the board shall prepare a report described in Subsection (4).
  - (b) For the provisions of a nationally recognized fire code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the board shall:
    - (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every second update of the nationally recognized fire code; and
    - (ii) not prepare a report described in Subsection (4) in 2018.
- (4)
  - (a) In accordance with Subsection (3), on or before September 1 of the same year as the year designated in the title of an update of a nationally recognized fire code, the board shall prepare and submit a report to the Business and Labor Interim Committee that:
    - (i) states whether the board recommends the Legislature adopt the update with any modifications; and
    - (ii) describes the costs and benefits of each recommended change in the update or in any modification.
  - (b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:
    - (i) study the recommendations during the remainder of the interim; and

- (ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.
- (5)
- (a)
    - (i) The board shall, by no later than November 30 of each year in which the board is not required to submit a report described in Subsection (4), recommend in a report to the Business and Labor Interim Committee whether the Legislature should amend or repeal one or more provisions of the State Fire Code.
    - (ii) As part of a recommendation described in Subsection (5)(a)(i), the board shall describe the costs and benefits of each proposed amendment or repeal.
  - (b) The board may recommend legislative action related to the State Fire Code:
    - (i) on its own initiative; or
    - (ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.
  - (c) Within 45 days after the day on which the board receives a request under Subsection (5)(b), the board shall direct the division to convene an informal hearing concerning the request.
  - (d) The board shall conduct a hearing under this section in accordance with the rules of the board.
  - (e) The board shall decide whether to include the request in the report described in Subsection (5)(a).
  - (f)
    - (i) Within 15 days after the day on which the board conducts a hearing, the board shall direct the division to notify the entity that made the request of the board's decision regarding the request.
    - (ii) The division shall provide the notice:
      - (A) in writing; and
      - (B) in a form prescribed by the board.
  - (g) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would amend or repeal one or more provisions of the State Fire Code.
- (6)
- (a) Notwithstanding the provisions of this section, the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:
    - (i) cause an imminent peril to the public health, safety, or welfare; or
    - (ii) place a person in violation of federal or other state law.
  - (b) If the board amends a State Fire Code in accordance with this Subsection (6), the board shall:
    - (i) publish the State Fire Code with the amendment; and
    - (ii) notify the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.
  - (c) If not formally adopted by the Legislature at the next annual general session, an amendment to a State Fire Code adopted under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.
- (7)

- (a) Except as provided in Subsection (7)(b), a legislative body of a political subdivision may enact an ordinance in the political subdivision's fire code that is more restrictive than the State Fire Code:
  - (i) in order to meet a public safety need of the political subdivision; and
  - (ii) subject to the requirements of Subsection (7)(c).
- (b) Except as provided in Subsections (7)(c), (10), and (11), or as expressly provided in state law, a political subdivision may not, after December 1, 2016, enact or enforce a rule or ordinance that applies to a structure built in accordance with the International Residential Code, as adopted in the State Construction Code, that is more restrictive than the State Fire Code.
- (c) A political subdivision may adopt:
  - (i) the appendices of the International Fire Code, 2015 edition; and
  - (ii) a fire sprinkler ordinance in accordance with Section 15A-5-203.
- (d) A legislative body of a political subdivision that enacts an ordinance under Subsection (7)(a) shall:
  - (i) notify the board in writing at least 30 days before the day on which the legislative body enacts the ordinance and include in the notice a statement as to the proposed subject matter of the ordinance; and
  - (ii) after the legislative body enacts the ordinance, report to the board before the board makes the report required under Subsection (7)(e), including providing the board:
    - (A) a copy of the ordinance enacted under this Subsection (7); and
    - (B) a description of the public safety need that is the basis of enacting the ordinance.
- (e) The board shall submit to the Business and Labor Interim Committee each year with the recommendations submitted in accordance with Subsection (4):
  - (i) a list of the ordinances enacted under this Subsection (7) during the fiscal year immediately preceding the report; and
  - (ii) recommendations, if any, for legislative action related to an ordinance enacted under this Subsection (7).
- (f)
  - (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under this Subsection (7).
  - (ii) The state fire marshal shall make a copy of an ordinance enacted under this Subsection (7) available on request.
- (g) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures for a legislative body of a political subdivision to follow to provide the notice and report required under this Subsection (7).
- (8) Except as provided in Subsections (9), (10), and (11), or as expressly provided in state law, a state executive branch entity may not, after December 1, 2016, adopt or enforce a rule or requirement that:
  - (a) is more restrictive than the State Fire Code; and
  - (b) applies to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.
- (9) A state government entity may adopt a rule or requirement regarding a residential occupancy that is regulated by:
  - (a) the State Fire Prevention Board;
  - (b) the Department of Health; or
  - (c) the Department of Human Services.
- (10) A state executive branch entity or political subdivision of the state may:

- (a) enforce a federal law or regulation;
  - (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or
  - (c) enforce a rule, ordinance, or requirement:
    - (i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and
    - (ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.
- (11) The Department of Health or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.

Amended by Chapter 249, 2016 General Session