

**Effective 7/1/2016****15A-5-202 Amendments and additions to IFC related to administration, permits, definitions, and general and emergency planning.**

(1) For IFC, Chapter 1, Scope and Administration:

- (a) IFC, Chapter 1, Section 102.5, is deleted and rewritten as follows: "102.5 Application of residential code. If a structure is designed and constructed in accordance with the International Residential Code, the provisions of this code apply only as follows: 1. The construction and design provisions of this code apply only to premises identification, fire apparatus access, fire hydrants and water supplies, and construction permits required by Section 105.7. 2. This code does not supercede the land use, subdivision, or development standards established by a local jurisdiction. 3. The administrative, operational, and maintenance provisions of this code apply."
- (b) IFC, Chapter 1, Section 102.9, is deleted and rewritten as follows: "102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the fire code official on an emergency basis if:
- (a) the facts known to the fire code official show that an immediate and significant danger to the public health, safety, or welfare exists; and
- (b) the threat requires immediate action by the fire code official. 102.9.1 Limitation of emergency order. In issuing its emergency order, the fire code official shall:
- (a) limit the order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare; and
- (b) give immediate notice to the persons who are required to comply with the order, that includes a brief statement of the reasons for the fire code official's order. 101.9.2 Right to appeal emergency order. If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the party shall have a right to appeal the fire code official's order in accordance with IFC, Chapter 1, Section 108."
- (c) IFC, Chapter 1, Section 105.6.17, Flammable and combustible liquids, is amended to add the following section: "12. The owner of an underground tank that is out of service for longer than one year shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ."
- (d) In IFC, Chapter 1, Section 108, a new Section 108.4, Notice of right to appeal, is added as follows: "At the time a fire code official makes an order, decision, or determination that relates to the application or interpretation of this chapter, the fire code official shall inform the person affected by the order, decision, or determination of the person's right to appeal under this section. Upon request, the fire code official shall provide a person affected by an order, decision, or determination that relates to the application or interpretation of this chapter a written notice that describes the person's right to appeal under this section."
- (e) A new IFC, Chapter 1, Section 108.1.1, Application of residential code, is added as follows: "108.1.1 Application of residential code. For development regulated by a local jurisdiction's land use authority, the fire code official's interpretation of this code is subject to the advisory opinion process described in Section 13-43-205 and to a land use appeal authority appointed under Section 10-9a-701 or 17-27a-701."
- (f) IFC, Chapter 1, Section 109.3, Notice of violation, is deleted and rewritten as follows: "109.3 Notice of violation. If the fire code official determines that a building, premises, vehicle, storage facility, or outdoor area is in violation of this code or other

pertinent laws or ordinances, the fire code official is authorized to prepare a written notice of violation that describes the conditions deemed unsafe and, absent immediate compliance, specifies a time for reinspection."

(2) For IFC, Chapter 2, Definitions:

- (a) IFC, Chapter 2, Section 202, General Definitions, the following definition is added for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building licensed by the Utah Department of Health where procedures are performed that may render patients incapable of self preservation where care is less than 24 hours."
- (b) IFC, Chapter 2, Section 202, General Definitions, FOSTER CARE FACILITIES is amended as follows: the word "Foster" is changed to the word "Child."
- (c) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, Day care facilities, is amended as follows: On line three delete the word "five" and replace it with the word "four". On line four after the word "supervision" add the words "child care centers."
- (d) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, Five or fewer children is amended as follows: On line one the word "five" is deleted and replaced with the word "four" in both places.
- (e) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, Five or fewer children in a dwelling unit, the word "five" is deleted and replaced with the word "four" in both places.
- (f) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, a new section is added as follows: "Child Day Care -- Residential Certificate or a Family License. Areas used for child day care purposes with a Residential Certificate R430-50 or a Family License, as defined in Utah Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or R-3 occupancy as provided in Residential Group R-3, or shall comply with the International Residential Code in accordance with Section R101.2."
- (g) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, a new section is added as follows: "Child Care Centers. Areas used for Hourly Child Care Centers, as defined in Utah Administrative Code, R430-60, Child Care Center as defined in Utah Administrative Code, R430-100, or Out of School Time Programs, as defined in Utah Administrative Code, R430-70, may be classified as accessory occupancies."
- (h) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group I, Group I-1, is amended as follows: Insert "Type I" in front of the words "Assisted living facilities".
- (i) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group I, Five or fewer persons receiving care is amended as follows: On line four after "International Residential Code" the rest of the section is deleted.
- (j) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group I, Group I-2, is amended as follows:
  - (i) On line three delete the word "five" and insert the word "three".
  - (ii) On line six the word "foster" is deleted and replaced with the word "child".
  - (iii) On line 10, after the words "Psychiatric hospitals", add the following to the list: "both intermediate nursing care and skilled nursing care facilities, ambulatory surgical centers with five or more operating rooms, and Type II assisted living facilities. Type II assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type II assisted living facilities with at least six and not more than 16 residents shall be classified as a Group I-1 facility".

- (k) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group I, Group I-4, Day care facilities, Classification as Group E, is amended as follows:
  - (i) On line two delete the word "five" and replace it with the word "four".
  - (ii) On line three delete the words "2 1/2 years or less of age" and replace with the words "under the age of two".
- (l) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group Care I, Group I-4, Day care facilities, Five or fewer occupants receiving care in a dwelling unit, is amended as follows: On lines one and two the word "five" is deleted and replaced with the word "four".
- (m) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Residential Group R-3, the words "and single family dwellings complying with the IRC" are added after the word "Residential occupancies".
- (n) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Residential Group R-3, Care facilities within a dwelling, is amended as follows: On line three after the word "dwelling" insert "other than child care".
- (o) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Residential Group R-3, a new section is added as follows: "Child Care. Areas used for child care purposes may be located in a residential dwelling unit when all of the following conditions are met:
  - 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board;
  - 2. Use is approved by the Utah Department of Health under the authority of the Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following categories:
    - 1.1. Utah Administrative Code, R430-50, Residential Certificate Child Care; or
    - 1.2. Utah Administrative Code, R430-90, Licensed Family Child Care; and
  - 3. Compliance with all zoning regulations of the local regulator."
- (p) IFC, Chapter 2, Section 202, General Definitions, RECORD DRAWINGS, the definition for "RECORD DRAWINGS" is modified by deleting the words "a fire alarm system" and replacing them with "any fire protection system".

Amended by Chapter 216, 2016 General Session