

STATE FIRE CODE APPEALS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Fire Prevention and Fireworks Act to address appeals of inspections.

Highlighted Provisions:

This bill:

- ▶ requires a notice of appeal rights on the application for a permit;
- ▶ requires a county, city, or town to establish appeal processes;
- ▶ establishes requirements related to an appeal process; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-209, as last amended by Laws of Utah 2010, Chapter 310

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

Section 1. Section **53-7-209** is amended to read:

53-7-209. Inspection of buildings by officials -- Review of residential inspections.



28 (1) As used in this section, "International Fire Code" means the edition of the
 29 International Fire Code adopted by Legislature with the amendments and additions in the State
 30 Fire Code.

31 ~~[(1)]~~ (2) A fire chief or officer may enter a building or premises not used as a private
 32 dwelling at any reasonable hour to inspect the building or premises and enforce the rules made
 33 under this part and the state fire code.

34 ~~[(2)]~~ (3) The owner, lessee, manager, or operator of a building or premises not used as
 35 a private dwelling shall permit inspections under this section.

36 (4) ~~H~~→ ~~[(a) At the time or before a fire chief or officer inspects a single-family residence,~~
 37 ~~the fire chief or officer shall provide the owner or builder of the single-family residence a~~
 38 ~~written notice that states in at least 14-point font: "Decisions relative to this inspection are~~
 39 ~~subject to review by the chief executive officer of the county, city, or town in which this~~
 40 ~~single-family residence is located and appeal under the International Fire Code."~~

41 ~~—~~ ~~[(b)]~~ (a) ~~←H~~ Subject to Subsection (4) ~~H~~→ ~~[(c)]~~ (b) ~~←H~~, a county, city, or town shall, by
 41a ordinance, provide for

42 review of an inspection conducted by the county's, city's, or town's fire chief or officer for a
 43 single-family residence ~~H~~→ within 30 days of the notice of the fire code compliance
 43a inspection ~~←H~~.

44 ~~H~~→ ~~[(c)]~~ (b) ~~←H~~ Upon request by a person who owns or is building a single-family
 44a residence, a chief
 45 executive officer of the county, city, or town in which is located the single-family residence, or
 46 the chief executive officer's designee, shall, with reasonable diligence, review an inspection
 47 described in Subsection (4) ~~H~~→ ~~[(b)]~~ (a) ~~←H~~ to determine whether the inspection constitutes a fair
 48 administration of the State Fire Code.

49 ~~H~~→ ~~[(d)]~~ (c) ~~←H~~ A review described in this section:

50 (i) is separate and unrelated to an appeal under the International Fire Code;

51 (ii) may not be used to review a matter that may be brought by appeal under the
 52 International Fire Code;

53 (iii) may not result in the waiver or modification of a State Fire Code requirement or
 54 standard; and

55 (iv) does not prohibit a person from bringing an appeal under the International Fire
 56 Code.

57 ~~H~~→ ~~[(e)]~~ (d) ~~←H~~ A person who seeks a review described in this Subsection (4) may
 57a not be prohibited

58 by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal

59 under the International Fire Code on the grounds that the person raised the issue or brought the
60 claim in the review described in this section.

Legislative Review Note
as of 1-11-11 11:27 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 187, 2011 General Session

SHORT TITLE: **State Fire Code Appeals**

SPONSOR: **Morley, M.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.