

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) (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) Subject to Subsection (4)(c), a county, city, or town shall, by 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.

44 (c) Upon request by a person who owns or is building a single-family 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)(b) to determine whether the inspection constitutes a fair
48 administration of the State Fire Code.

49 (d) 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 (e) A person who seeks a review described in this Subsection (4) may 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