

## HB0246S03 compared with HB0246S02

~~deleted text~~ shows text that was in HB0246S02 but was deleted in HB0246S03.

inserted text shows text that was not in HB0246S02 but was inserted into HB0246S03.

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Representative Michael S. Kennedy proposes the following substitute bill:

### AMENDMENTS TO FIRE CODE

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael S. Kennedy**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends provisions of the State Fire Code Act.

##### Highlighted Provisions:

This bill:

▶ defines terms:

- ▶ modifies provisions relating to a person's right to appeal a fire code official's order, decision, or determination;
- ▶ addresses the timing for a secondary school in a Group E occupancy to perform certain emergency evacuation drills for fire; and
- ▶ addresses the process for accounting for and securing a key to a key box that a state fire official requires a person to install in accordance with the provisions of this bill.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

15A-5-102, as last amended by Laws of Utah 2012, Chapter 148

15A-5-202, as last amended by Laws of Utah 2013, Chapters 199, 357 and last amended by Coordination Clause, Laws of Utah 2013, Chapter 199

15A-5-202.5, as last amended by Laws of Utah 2014, Chapter 243

15A-5-203, as last amended by Laws of Utah 2013, Chapter 199

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

Section 1. Section 15A-5-102 is amended to read:

#### **15A-5-102. Definitions.**

As used in this chapter:

(1) "Appreciable depth" means a depth greater than 1/4 inch.

(2) "AHJ" means "authority having jurisdiction," which is:

(a) the State Fire Marshal;

(b) an authorized deputy of the State Fire Marshal; or

(c) the local fire enforcement authority.

(3) "Division" means the State Fire Marshal Division created in Section 53-7-103.

(4) (a) "Dwelling Unit" means one or more rooms arranged for the use of one or more individuals living together, as in a single housekeeping unit normally having cooking, living, sanitary, and sleeping facilities.

(b) "Dwelling unit" includes a hotel room, dormitory room, apartment, condominium, sleeping room in a nursing home, or similar living unit.

(5) "Fire district" means a contiguous geographic area for which there is a single authority having jurisdiction.

(5) (6) "IFC" means the edition of the International Fire Code adopted under Section 15A-5-103.

(6) (7) "NFPA" means the edition of the National Fire Protection Association

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adopted under Section 15A-5-103.

~~[(7)]~~ [(8)] "Premixed" means the state of an antifreeze and water solution that results from the solution being prepared by the manufacturer with a quality control procedure that ensures that the antifreeze and water solution does not separate.

~~[(8)]~~ [(9)] "UL" means Underwriters Laboratories, Inc.

Section ~~[(1)]~~ [(2)]. Section **15A-5-202** is amended to read:

### **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 102.9, is amended by adding the following immediately before the period: "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.

(2) 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.

(3) (a) 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."

(b) IFC, Chapter 1, Section 105.6.16, 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."

(c) 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,

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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."

~~(c)~~ (d) IFC, Chapter 1, Section 109.3, Notice of violation, is amended as follows: On line three, after the words "is in violation of this code," insert in the section the phrase "or other pertinent laws or ordinances".

(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,

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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: On line 8 add "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".

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(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".

Section ~~(2)~~3. Section **15A-5-202.5** is amended to read:

### **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

(1) For IFC, Chapter 3, General Requirements:

(a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance".

(b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire."

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(c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted and rewritten as follows: "When the fire code official determines that hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, any of the following may occur:

1. If the hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in mountainous, brush-covered, or forest-covered areas or the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose.

2. Except as provided in paragraph 3, if the hazardous environmental conditions exist in an unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.

3. If the hazardous environmental conditions exist in a township created under Section 17-27a-306 that is in a county of the first class, the county legislative body may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1 that are within the township."

(d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On line 10 delete the words "International Property Maintenance Code and the".

(e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete the word "shall" and replace it with the word "may".

(f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the following: "Exception: Where storage is not directly below the sprinkler heads, storage is allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler heads in occupancies meeting classification as light or ordinary hazard."

(2) IFC, Chapter 4, Emergency Planning and Preparedness:

(a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as follows: After the word "buildings" add "to include sororities and fraternity houses".

(b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:

(i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation

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drill for fire conducted at least every two months, to a total of four emergency evacuation drills during the nine-month school year. The first emergency evacuation drill for fire shall be conducted within 10 school days after the beginning of classes~~[, and the]~~. The third emergency evacuation drill for fire, weather permitting, shall be conducted 10 school days after the beginning of the next calendar year. The second and fourth emergency evacuation drills may be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock down for violence. If inclement weather causes a secondary school to miss the 10-day deadline for the third emergency evacuation drill for fire, the secondary school shall perform the third emergency evacuation drill for fire as soon as practicable after the missed deadline."

(ii) "f. In Group E occupancies, excluding secondary schools, if the AHJ approves, the monthly required emergency evacuation drill can be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock down for violence. The routine emergency evacuation drill for fire must be conducted at least every other evacuation drill."

(iii) "g. A-3 occupancies in academic buildings of institutions of higher learning are required to have one emergency evacuation drill per year, provided the following conditions are met:

(A) The building has a fire alarm system in accordance with Section 907.2.

(B) The rooms classified as assembly shall have fire safety floor plans as required in Section 404.3.2(4) posted.

(C) The building is not classified a high-rise building.

(D) The building does not contain hazardous materials over the allowable quantities by code."

Section ~~33~~4. Section **15A-5-203** is amended to read:

**15A-5-203. Amendments and additions to IFC related to fire safety, building, and site requirements.**

(1) For IFC, Chapter 5, Fire Service Features:

(a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as follows: "An authority having jurisdiction over a structure built in accordance with the requirements of the International Residential Code as adopted in the State Construction Code, may require an automatic fire sprinkler system for the structure only by ordinance and only if any of the following conditions exist:



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(i) the structure:

(A) is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and

(B) does not meet the requirements described in Utah Code, Subsection 65A-8-203(3)(a) and Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance;

(ii) the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;

(iii) the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet; or

(iv) (A) the water supply to the structure does not provide at least 500 gallons fire flow per minute for a minimum of 30 minutes, if the total square foot living space of the structure is equal to or less than 5,000 square feet;

(B) the water supply to the structure does not provide at least 750 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000 square feet, but is equal to or less than 10,000 square feet; or

(C) the water supply to the structure does not provide at least 1,000 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000 square feet."

(b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official, after consultation with the building owner, may require a key box to be installed in an approved location. The key box shall contain keys to gain necessary access as required by the fire code official. For each {county or municipality} fire district that has at least one building with a required key box, the {county or municipal legislative body} fire district shall adopt {an ordinance} a policy or operating procedure that creates a process to ensure that each key to each key box is properly accounted for and secure."

(c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling

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when the authority having jurisdiction over the dwelling determines that the development of a full fire-flow requirement is impractical."

(d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows "Total water supply requirements shall not exceed the fire flows described in Section 501.5(iv) for the largest one- or two-family dwelling, protected by an automatic fire sprinkler system, on a subdivision lot platted before December 31, 1980, unless the municipality or county in which the lot is located provides the required fire flow capacity."

(e) In IFC, Chapter 5, Section 510.1, Emergency Responder Radio Coverage in New Buildings, is amended by adding: "When required by the fire code official," at the beginning of the first paragraph.

(2) For IFC, Chapter 6, Building Services and Systems:

(a) In IFC, Chapter 6, Section 605.11.3.3.1, Access, is deleted and rewritten as follows: "There shall be a minimum three foot wide (914 mm) clear perimeter around the edges of the roof."

(b) In IFC, Chapter 6, Section 605.11.3.3.2, Pathways, is deleted and rewritten as follows: "The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof.

2. The centerline axis pathways shall be provided in both axes of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting the live load of fire fighters accessing the roof.

3. Smoke and heat vents required by Section 910.2.1 or 910.2.2 of this Code, shall be provided with a clear pathway width of not less than three feet (914 mm) to vents.

4. Access to roof area required by Section 504.2 or 1009.16 of this Code, shall be provided with a clear pathway width of not less than three feet (914 mm) around access opening and at least three feet (914 mm) clear pathway to parapet or roof edge."

(c) In IFC, Chapter 6, Section 605.11.3.2, Residential Systems for One and Two Family Dwellings, is deleted and rewritten as follows: "Access to residential systems for one and two family dwellings shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4.

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Exception: Reduction in pathways and clear access width shall be permitted where shown that a rational approach has been used and that such reductions are warranted when approved by the Fire Code Official."

(d) In IFC, Chapter 6, Section 605.11.3.3.3, Smoke Ventilation, is deleted and rewritten as follows: "The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45.720 mm) by 150 feet (45.720 mm) in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

2. Smoke ventilation options between array sections shall be one of the following:

2.1. A pathway six feet (1829 mm) or greater in width.

2.2. A three foot (914 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents when required by Section 910.2.1 or Section 910.2.2 of this Code.

2.3. Smoke and heat vents designed for remote operation using devices that can be connected to the vent by mechanical, electrical, or any other suitable means, shall be protected as necessary to remain operable for the design period. Controls for remote operation shall be located in a control panel, clearly identified and located in an approved location."

(e) In IFC, Chapter 6, Section 607.4, Elevator Key Location, is deleted and rewritten as follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator, one key for lobby control, and any other keys necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered key."

(f) In IFC, Chapter 6, Section 609.1, General, is amended as follows: On line three, after the word "Code", add the words "and NFPA 96".

(3) For IFC, Chapter 7, Fire-Resistance-Rated Construction, IFC, Chapter 7, Section 703.2, is amended to add the following: "Exception: In Group E Occupancies, where the corridor serves an occupant load greater than 30 and the building does not have an automatic fire sprinkler system installed, the door closers may be of the friction hold-open type on classrooms' doors with a rating of 20 minutes or less only."