

HB0281S01 compared with HB0281

~~{deleted text}~~ shows text that was in HB0281 but was deleted in HB0281S01.

Inserted text shows text that was not in HB0281 but was inserted into HB0281S01.

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Representative Paul Ray proposes the following substitute bill:

CONSTRUCTION AND FIRE CODES AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends and repeals provisions related to the state construction and fire codes.

Highlighted Provisions:

This bill:

- ▶ repeals, for certain municipalities in the state, provisions related to structural requirements for fire safety, fire notification systems, and fire suppression systems;
- ▶ provides that a political subdivision may not require a structure or subdivision of structures to have a given fire flow rate or a fire sprinkler system under certain circumstances;
- ▶ repeals a provision related to the applicability of state construction code local amendments; and
- ▶ repeals, for certain municipalities in the state, a provision related to structures

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intended to store farm animals.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-1-403, as last amended by Laws of Utah 2016, Chapter 249

15A-4-105, as enacted by Laws of Utah 2011, Chapter 14

15A-4-107, as last amended by Laws of Utah 2016, Chapter 249

15A-4-201, as last amended by Laws of Utah 2014, Chapter 189

15A-4-206, as enacted by Laws of Utah 2011, Chapter 14

REPEALS:

15A-4-102, as enacted by Laws of Utah 2011, Chapter 14

15A-4-103, as last amended by Laws of Utah 2016, Chapter 249

15A-4-104, as enacted by Laws of Utah 2011, Chapter 14

15A-4-202, as enacted by Laws of Utah 2011, Chapter 14

15A-4-203, as last amended by Laws of Utah 2016, Chapter 249

15A-4-204, as enacted by Laws of Utah 2011, Chapter 14

15A-4-205, as enacted by Laws of Utah 2011, Chapter 14

15A-5-401, as last amended by Laws of Utah 2013, Chapter 199

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

Section 1. Section **15A-1-403** is amended to read:

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

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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.

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(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

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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)]~~ (i) Except as provided in Subsection (7)(c)(ii), a political subdivision may adopt:

- ~~[(+)]~~ (A) the appendices of the International Fire Code~~[-2015 edition]~~; and
- ~~[(+)]~~ (B) a fire sprinkler ordinance in accordance with Section 15A-5-203.

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(ii) If a political subdivision adopts International Fire Code Appendix B, the political subdivision may not require:

(A) a subdivision of structures built in accordance with the International Residential Code to have a fire flow rate that is greater than 2000 gallons per minute;

(B) an individual structure built in accordance with the International Residential Code to have a fire flow rate greater than that required under Subsection 15A-5-203(1)(a); or

(C) a one- or two-family dwelling or a town home to have a fire sprinkler system, except 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

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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.

Section 2. Section **15A-4-105** is amended to read:

15A-4-105. Amendments to IBC applicable to Park City Corporation or Park City Fire District.

(1) The following amendment is adopted as an amendment to the IBC for the Park City Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3. Designated as historic under a state or local historic preservation program."

(2) The following amendments are adopted as amendments to the IBC for the Park City

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Corporation and Park City Fire District:

(a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

1. All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

2. All new construction having more than two (2) stories, except R-3 occupancy.

~~[All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.]~~

3. All new construction in the Historic Commercial Business zone district, regardless of occupancy.

4. All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

5. All existing building within the Historic District Commercial Business zone." and

(b) In IBC, Table 1505.1, new footnotes d and e are added as follows: "d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

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TABLE 1505.1.2		
PROHIBITION/ALLOWANCE OF WOOD ROOFING		
Rating	R-3 Occupancy	All Other Occupancies
Less than or equal to 11	Wood roof covering assemblies per Table 1505.1 are allowed	Wood roof covering assemblies per Table 1505.1 are allowed
Greater than or equal to 12	Wood roof covering is prohibited	Wood roof covering assemblies with a Class A rating are allowed"

~~[(c) IBC, Appendix C, is adopted.]~~

Section 3. Section **15A-4-107** is amended to read:

15A-4-107. Amendments to IBC applicable to Sandy City.

The following amendments are adopted as amendments to the IBC for Sandy City:

(1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1 of the 2015 International Fire Code. ~~[Exempt locations as indicated in Section 903.3.1.1.1 are allowed]~~ ~~{One and}~~ A one- or two-family ~~dwelling~~ ~~built~~ dwelling or a town home is not required to have a fire sprinkler system except in accordance with Section 15A-5-203."

~~[Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code.]~~

(2) A new IBC, Appendix L, is added and adopted as follows: "Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS
AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to

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determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction."

~~[(+)]~~ (3) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the ~~[Fire Marshal]~~ fire code official, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code."

~~[(+)]~~ (4) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.~~["]~~

Section 4. Section **15A-4-201** is amended to read:

15A-4-201. General provision.

~~[(+)]~~ The amendments in this part are adopted as amendments to the IRC to be applicable to specified jurisdiction.

~~[(2)]~~ ~~A local amendment to the following which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC for the local jurisdiction to which the local amendment has been made:]~~

~~[(a)]~~ ~~IBC under Part 1, Local Amendments to International Building Code;]~~

~~[(b)]~~ ~~IPC under Part 3, Local Amendments to International Plumbing Code;]~~

~~[(c)]~~ ~~IMC under Part 4, Local Amendments to International Mechanical Code;]~~

~~[(d)]~~ ~~IFGC under Part 5, Local Amendments to International Fuel Gas Code;]~~

~~[(e)]~~ ~~NEC under Part 6, Local Amendments to National Electrical Code; and]~~

~~[(f)]~~ ~~IECC under Part 7, Local Amendments to International Energy Conservation Code;]~~

Section 5. Section **15A-4-206** is amended to read:

15A-4-206. Amendments to IRC applicable to Park City Corporation or Park City Fire District.

~~[(1)]~~ ~~The following amendment is adopted as an amendment to the IRC for the Park City Corporation, Appendix P, of the 2006 IRC is adopted:]~~

~~[(2)]~~ The following amendments are adopted as amendments to the IRC for Park City

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Corporation and Park City Fire District:

[(a)] (1) IRC, Section R905.7, is deleted and replaced with the following: "R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE	
RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

[(b)] (2) IRC, Section R905.8, is deleted and replaced with the following: "R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE		
WILDFIRE HAZARD SEVERITY SCALE		
RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE	
RATING	WOOD ROOF PROHIBITION

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less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

~~(c)~~ (3) Appendix K is adopted.

Section 6. **Repealer.**

This bill repeals:

Section 15A-4-102, Amendments to IBC applicable to Brian Head Town.

Section 15A-4-103, Amendments to IBC applicable to City of Farmington.

Section 15A-4-104, Amendments to IBC applicable to City of North Salt Lake.

Section 15A-4-202, Amendments to IRC applicable to Brian Head Town.

Section 15A-4-203, Amendments to IRC applicable to City of Farmington.

Section 15A-4-204, Amendments to IRC applicable to Morgan City Corporation or
Morgan County.

Section 15A-4-205, Amendments to IRC applicable to City of North Salt Lake.

Section 15A-5-401, Grandfathering of local ordinances related to automatic
sprinkler systems.

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Legislative Review Note

Office of Legislative Research and General Counsel†