

CONSTRUCTION AND FIRE CODES AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the State Construction and Fire Codes Act.

Highlighted Provisions:

This bill:

▶ allows a county legislative body of a county of the fourth, fifth, or sixth class to modify the State Fire Code Act within the unincorporated areas of the county if

certain conditions are met;

▶ allows a county legislative body of a county of the fourth, fifth, or sixth class to modify the State Construction Code within the unincorporated areas of the county if

certain conditions are met; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15A-1-403, as enacted by Laws of Utah 2011, Chapter 14

15A-2-101, as enacted by Laws of Utah 2011, Chapter 14

15A-2-102, as enacted by Laws of Utah 2011, Chapter 14



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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 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(ii) one or more provisions of the State Fire Code are amended or repealed in accordance with this section.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 enacted under this Subsection (2) shall state that it 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 (5), 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) The board shall, by no later than November 30 of each year, recommend to the Business and Labor Interim Committee whether the Legislature should:

(i) amend or repeal one or more provisions of the State Fire Code; or

(ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt with any modifications the nationally recognized fire code.

59 (b) The board may recommend legislative action related to the State Fire Code:

60 (i) on its own initiative; or

61 (ii) upon the receipt of a request by a city, county, or fire protection district that the
62 board recommend legislative action related to the State Fire Code.

63 (c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall
64 direct the division to convene an informal hearing concerning the request.

65 (d) The board shall conduct a hearing under this section in accordance with the rules of
66 the board.

67 (e) The board shall decide whether to include in the report required under Subsection
68 (3)(a) whether to recommend the legislative action raised by a request.

69 (f) Within 15 days following the completion of a hearing of the board under this
70 Subsection (3), the board shall direct the division to notify the entity that made the request of
71 the board's decision regarding the request. The division shall provide the notice:

72 (i) in writing; and

73 (ii) in a form prescribed by the board.

74 (4) If the Business and Labor Interim Committee decides to recommend legislative
75 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation
76 for consideration by the Legislature in the next general session that, if passed by the
77 Legislature, would:

78 (a) adopt a new State Fire Code in its entirety; or

79 (b) amend or repeal one or more provisions of the State Fire Code.

80 (5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G,
81 Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board
82 determines that waiting for legislative action in the next general legislative session would:

83 (i) cause an imminent peril to the public health, safety, or welfare; or

84 (ii) place a person in violation of federal or other state law.

85 (b) If the board amends a State Fire Code in accordance with this Subsection (5), the
86 board shall:

87 (i) publish the State Fire Code with the amendment; and

88 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy
89 of an analysis by the board identifying specific reasons and justifications for its findings.

90 (c) If not formally adopted by the Legislature at its next annual general session, an
91 amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1
92 immediately following the next annual general session that follows the adoption of the
93 amendment.

94 (6) (a) A legislative body of a political subdivision may enact an ordinance that is more
95 restrictive in its fire code requirements than the State Fire Code:

96 (i) in order to meet a public safety need of the political subdivision; and

97 (ii) subject to the requirements of this Subsection (6).

98 (b) A legislative body of a political subdivision that enacts an ordinance under this
99 section on or after July 1, 2010 shall:

100 (i) notify the board in writing at least 30 days before the day on which the legislative
101 body enacts the ordinance and include in the notice a statement as to the proposed subject
102 matter of the ordinance; and

103 (ii) after the legislative body enacts the ordinance, report to the board before the board
104 makes the report required under Subsection (6)(c), including providing the board:

105 (A) a copy of the ordinance enacted under this Subsection (6); and

106 (B) a description of the public safety need that is the basis of enacting the ordinance.

107 (c) The board shall submit to the Business and Labor Interim Committee each year
108 with the recommendations submitted in accordance with Subsection (3):

109 (i) a list of the ordinances enacted under this Subsection (6) during the fiscal year
110 immediately preceding the report; and

111 (ii) recommendations, if any, for legislative action related to an ordinance enacted
112 under this Subsection (6).

113 (d) (i) The state fire marshal shall keep an indexed copy of an ordinance enacted under
114 this Subsection (6).

115 (ii) The state fire marshal shall make a copy of an ordinance enacted under this
116 Subsection (6) available on request.

117 (e) The board may make rules in accordance with Title 63G, Chapter 3, Utah
118 Administrative Rulemaking Act, to establish procedures for a legislative body of a political
119 subdivision to follow to provide the notice and report required under this Subsection (6).

120 (7) (a) Subject to the requirements described in this Subsection (7), a county legislative

121 body of a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501, may, by
122 ordinance, modify the State Fire Code adopted under Title 15A, Chapter 5, State Fire Code
123 Act, within the unincorporated areas of the county to meet a need that exists within the
124 unincorporated areas of the county.

125 (b) A county legislative body that enacts an ordinance described in Subsection (7)(a)
126 shall:

127 (i) at least 30 days before the day on which the county legislative body enacts the
128 ordinance, give the board written notice that includes:

129 (A) a statement that the county legislative body intends to enact the ordinance; and

130 (B) a description of the ordinance; and

131 (ii) at least 30 days after the day on which the county legislative body enacts the
132 ordinance, submit a written report to the board that includes:

133 (A) a copy of the ordinance; and

134 (B) a description of the need within the unincorporated areas of the county that is the
135 basis for enacting the ordinance.

136 (c) The board shall submit a copy of each ordinance that the board receives under
137 Subsection (7)(b)(ii) to the Business and Labor Interim Committee at the same time the board
138 submits the recommendations described in Subsection (3).

139 (d) The State Fire Marshal Division, created in Section 53-7-103 shall:

140 (i) keep an indexed copy of each ordinance a county legislative body enacts under this
141 Subsection (7); and

142 (ii) make a copy of each ordinance available to the public upon request.

143 (e) An ordinance described in Subsection (7)(a) is not valid if the county legislative
144 body fails to timely comply with the requirements described in this Subsection (7).

145 (f) The board may make rules in accordance with Title 63G, Chapter 3, Utah
146 Administrative Rulemaking Act, to establish procedures for a county legislative body to
147 provide the notice described in Subsection (7)(b)(i) and the report described in Subsection
148 (7)(b)(ii).

149 Section 2. Section **15A-2-101** is amended to read:

150 **15A-2-101. Title -- Adoption of code.**

151 (1) This chapter is known as the "Adoption of State Construction Code."

152 (2) In accordance with Chapter 1, Part 2, State Construction Code Administration Act,
153 the Legislature repeals the State Construction Code in effect on July 1, 2010, and adopts the
154 following as the State Construction Code:

155 (a) this chapter;

156 (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction
157 Code; and

158 (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

159 (3) (a) Subject to the requirements described in this Subsection (3), a county legislative
160 body of a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501, may, by
161 ordinance, modify the State Construction Code adopted under Title 15A, Chapter 2, Adoption
162 of State Construction Code, within the unincorporated areas of the county to meet a need that
163 exists within the unincorporated areas of the county.

164 (b) A county legislative body that enacts an ordinance described in Subsection (3)(a)
165 shall:

166 (i) at least 30 days before the day on which the county legislative body enacts the
167 ordinance, give the commission written notice that includes:

168 (A) a statement that the county legislative body intends to enact the ordinance; and

169 (B) a description of the ordinance; and

170 (ii) at least 30 days after the day on which the county legislative body enacts the
171 ordinance, submit a written report to the commission that includes:

172 (A) a copy of the ordinance; and

173 (B) a description of the need within the unincorporated areas of the county that is the
174 basis for enacting the ordinance.

175 (c) The commission shall submit a copy of each ordinance that the commission
176 receives under Subsection (3)(b)(ii) to the Business and Labor Interim Committee at the same
177 time the commission submits the recommendations described in Subsection 15A-1-204(3).

178 (d) The Division of Occupational and Professional Licensing, created in Section
179 58-1-103 shall:

180 (i) keep an indexed copy of each ordinance a county legislative body enacts under this
181 Subsection (3); and

182 (ii) make a copy of each ordinance available to the public upon request.

183 (e) An ordinance described in Subsection (3)(a) is not valid if the county legislative
184 body fails to timely comply with the requirements described in this Subsection (3).

185 (f) The commission may make rules in accordance with Title 63G, Chapter 3, Utah
186 Administrative Rulemaking Act, to establish procedures for a county legislative body to
187 provide the notice described in Subsection (3)(b)(i) and the report described in Subsection
188 (3)(b)(ii).

189 Section 3. Section **15A-2-102** is amended to read:

190 **15A-2-102. Definitions.**

191 As used in this chapter and Chapters 3 and 4:

192 (1) "Commission" means the Uniform Building Code Commission created in Section
193 [15A-1-203](#).

194 ~~[(1)]~~ (2) "HUD Code" means the Federal Manufactured Housing Construction and
195 Safety Standards Act, as issued by the Department of Housing and Urban Development and
196 published in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).

197 ~~[(2)]~~ (3) "IBC" means the edition of the International Building Code adopted under
198 Section [15A-2-103](#).

199 ~~[(3)]~~ (4) "IECC" means the edition of the International Energy Conservation Code
200 adopted under Section [15A-2-103](#).

201 ~~[(4)]~~ (5) "IFGC" means the edition of the International Fuel Gas Code adopted under
202 Section [15A-2-103](#).

203 ~~[(5)]~~ (6) "IMC" means the edition of the International Mechanical Code adopted under
204 Section [15A-2-103](#).

205 ~~[(6)]~~ (7) "IPC" means the edition of the International Plumbing Code adopted under
206 Section [15A-2-103](#).

207 ~~[(7)]~~ (8) "IRC" means the edition of the International Residential Code adopted under
208 Section [15A-2-103](#).

209 ~~[(8)]~~ (9) "NEC" means the edition of the National Electrical Code adopted under
210 Section [15A-2-103](#).

211 ~~[(9)]~~ (10) "UWUI" means the edition of the Utah Wildland Urban Interface Code
212 adopted under Section [15A-2-103](#).

Legislative Review Note
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Office of Legislative Research and General Counsel