

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: Alvin B. Jackson

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:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 **15A-5-202**, as last amended by Laws of Utah 2013, Chapters 199, 357 and last
 27 amended by Coordination Clause, Laws of Utah 2013, Chapter 199
 28 **15A-5-202.5**, as last amended by Laws of Utah 2014, Chapter 243
 29 **15A-5-203**, as last amended by Laws of Utah 2013, Chapter 199

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

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

33 **15A-5-102. Definitions.**

34 As used in this chapter:

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

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

37 (a) the State Fire Marshal;

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

39 (c) the local fire enforcement authority.

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

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

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

46 (5) "Fire ~~Ŝ~~ **→ [district] jurisdiction ←Ŝ** " means a contiguous geographic area for which
 46a there is a single
 47 authority having jurisdiction.

48 [~~5~~] (6) "IFC" means the edition of the International Fire Code adopted under Section
 49 **15A-5-103**.

50 [~~6~~] (7) "NFPA" means the edition of the National Fire Protection Association
 51 adopted under Section **15A-5-103**.

52 [~~7~~] (8) "Premixed" means the state of an antifreeze and water solution that results
 53 from the solution being prepared by the manufacturer with a quality control procedure that
 54 ensures that the antifreeze and water solution does not separate.

55 [~~8~~] (9) "UL" means Underwriters Laboratories, Inc.

56 Section 2. Section **15A-5-202** is amended to read:

57 **15A-5-202. Amendments and additions to IFC related to administration, permits,**
58 **definitions and general and emergency planning.**

59 (1) For IFC, Chapter 1, Scope and Administration:

60 (a) IFC, Chapter 1, Section 102.9, is amended by adding the following immediately
61 before the period: "on an emergency basis if:

62 (a) the facts known to the fire code official show that an immediate and significant
63 danger to the public health, safety, or welfare exists; and

64 (b) the threat requires immediate action by the fire code official.

65 (2) In issuing its emergency order, the fire code official shall:

66 (a) limit the order to require only the action necessary to prevent or avoid the danger to
67 the public health, safety, or welfare; and

68 (b) give immediate notice to the persons who are required to comply with the order,
69 that includes a brief statement of the reasons for the fire code official's order.

70 (3) (a) If the emergency order issued under this section will result in the continued
71 infringement or impairment of any legal right or interest of any party, the party shall have a
72 right to appeal the fire code official's order in accordance with IFC, Chapter 1, Section 108."

73 (b) IFC, Chapter 1, Section 105.6.16, Flammable and combustible liquids, is amended
74 to add the following section: "12. The owner of an underground tank that is out of service for
75 longer than one year shall receive a Temporary Closure Notice from the Department of
76 Environmental Quality and a copy shall be given to the AHJ."

77 (c) In IFC, Chapter 1, Section 108, a new Section 108.4, Notice of right to appeal, is
78 added as follows: "At the time a fire code official makes an order, decision, or determination
79 that relates to the application or interpretation of this chapter, the fire code official shall inform
80 the person affected by the order, decision, or determination of the person's right to appeal under
81 this section. Upon request, the fire code official shall provide a person affected by an order,
82 decision, or determination that relates to the application or interpretation of this chapter a
83 written notice that describes the person's right to appeal under this section."

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

87 (2) For IFC, Chapter 2, Definitions:

88 (a) IFC, Chapter 2, Section 202, General Definitions, the following definition is added
89 for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or
90 portion of a building licensed by the Utah Department of Health where procedures are
91 performed that may render patients incapable of self preservation where care is less than 24
92 hours."

93 (b) IFC, Chapter 2, Section 202, General Definitions, FOSTER CARE FACILITIES is
94 amended as follows: the word "Foster" is changed to the word "Child."

95 (c) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
96 Educational Group E, Day care facilities, is amended as follows: On line three delete the word
97 "five" and replace it with the word "four". On line four after the word "supervision" add the
98 words "child care centers."

99 (d) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
100 Educational Group E, Five or fewer children is amended as follows: On line one the word
101 "five" is deleted and replaced with the word "four" in both places.

102 (e) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
103 Educational Group E, Five or fewer children in a dwelling unit, the word "five" is deleted and
104 replaced with the word "four" in both places.

105 (f) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
106 Educational Group E, a new section is added as follows: "Child Day Care -- Residential
107 Certificate or a Family License. Areas used for child day care purposes with a Residential
108 Certificate R430-50 or a Family License, as defined in Utah Administrative Code, R430-90,
109 Licensed Family Child Care, may be located in a Group R-2 or R-3 occupancy as provided in
110 Residential Group R-3, or shall comply with the International Residential Code in accordance
111 with Section R101.2."

112 (g) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
113 Educational Group E, a new section is added as follows: "Child Care Centers. Areas used for
114 Hourly Child Care Centers, as defined in Utah Administrative Code, R430-60, Child Care
115 Center as defined in Utah Administrative Code, R430-100, or Out of School Time Programs,
116 as defined in Utah Administrative Code, R430-70, may be classified as accessory
117 occupancies."

118 (h) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,

119 Institutional Group I, Group I-1, is amended as follows: On line 8 add "Type I" in front of the
120 words "Assisted living facilities".

121 (i) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
122 Institutional Group I, Five or fewer persons receiving care is amended as follows: On line four
123 after "International Residential Code" the rest of the section is deleted.

124 (j) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
125 Institutional Group I, Group I-2, is amended as follows:

126 (i) On line three delete the word "five" and insert the word "three".

127 (ii) On line six the word "foster" is deleted and replaced with the word "child".

128 (iii) On line 10, after the words "Psychiatric hospitals", add the following to the list:

129 "both intermediate nursing care and skilled nursing care facilities, ambulatory surgical centers
130 with five or more operating rooms, and Type II assisted living facilities. Type II assisted living
131 facilities with five or fewer persons shall be classified as a Group R-4. Type II assisted living
132 facilities with at least six and not more than 16 residents shall be classified as a Group I-1
133 facility".

134 (k) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
135 Institutional Group I, Group I-4, Day care facilities, Classification as Group E, is amended as
136 follows:

137 (i) On line two delete the word "five" and replace it with the word "four".

138 (ii) On line three delete the words "2 1/2 years or less of age" and replace with the
139 words "under the age of two".

140 (l) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
141 Institutional Group Care I, Group I-4, Day care facilities, Five or fewer occupants receiving
142 care in a dwelling unit, is amended as follows: On lines one and two the word "five" is deleted
143 and replaced with the word "four".

144 (m) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
145 Residential Group R-3, the words "and single family dwellings complying with the IRC" are
146 added after the word "Residential occupancies".

147 (n) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
148 Residential Group R-3, Care facilities within a dwelling, is amended as follows: On line three
149 after the word "dwelling" insert "other than child care".

150 (o) IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification,
151 Residential Group R-3, a new section is added as follows: "Child Care. Areas used for child
152 care purposes may be located in a residential dwelling unit when all of the following conditions
153 are met:

154 1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted
155 under the authority of the Utah Fire Prevention Board;

156 2. Use is approved by the Utah Department of Health under the authority of the Utah
157 Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following
158 categories:

159 1.1. Utah Administrative Code, R430-50, Residential Certificate Child Care; or

160 1.2. Utah Administrative Code, R430-90, Licensed Family Child Care; and

161 3. Compliance with all zoning regulations of the local regulator."

162 (p) IFC, Chapter 2, Section 202, General Definitions, RECORD DRAWINGS, the
163 definition for "RECORD DRAWINGS" is modified by deleting the words "a fire alarm
164 system" and replacing them with "any fire protection system".

165 Section 3. Section **15A-5-202.5** is amended to read:

166 **15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC.**

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

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

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

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

179 1. If the hazardous environmental conditions exist in a municipality, the legislative
180 body of the municipality may prohibit the ignition or use of an ignition source in mountainous,

181 brush-covered, or forest-covered areas or the wildland urban interface area, which means the
182 line, area, or zone where structures or other human development meet or intermingle with
183 undeveloped wildland or land being used for an agricultural purpose.

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

188 3. If the hazardous environmental conditions exist in a township created under Section
189 [17-27a-306](#) that is in a county of the first class, the county legislative body may prohibit the
190 ignition or use of an ignition source in all or part of the areas described in paragraph 1 that are
191 within the township."

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

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

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

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

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

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

205 (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation
206 drill for fire conducted at least every two months, to a total of four emergency evacuation drills
207 during the nine-month school year. The first emergency evacuation drill for fire shall be
208 conducted within 10 school days after the beginning of classes~~[-and the]~~. The third emergency
209 evacuation drill for fire, weather permitting, shall be conducted 10 school days after the
210 beginning of the next calendar year. The second and fourth emergency evacuation drills may
211 be substituted by a security or safety drill to include shelter in place, earthquake drill, or lock

212 down for violence. If inclement weather causes a secondary school to miss the 10-day deadline
213 for the third emergency evacuation drill for fire, the secondary school shall perform the third
214 emergency evacuation drill for fire as soon as practicable after the missed deadline."

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

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

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

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

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

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

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

229 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and**
230 **site requirements.**

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

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

237 (i) the structure:

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

240 (B) does not meet the requirements described in Utah Code, Subsection
241 [65A-8-203\(3\)\(a\)](#) and Utah Administrative Code, R652-122-200, Minimum Standards for
242 Wildland Fire Ordinance;

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

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

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

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

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

257 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
 258 follows: "Where access to or within a structure or an area is restricted because of secured
 259 openings or where immediate access is necessary for life-saving or fire-fighting purposes, the
 260 fire code official, after consultation with the building owner, may require a key box to be
 261 installed in an approved location. The key box shall contain keys to gain necessary access as
 262 required by the fire code official. For each fire ~~Ŝ~~→ ~~[district]~~ jurisdiction ←~~Ŝ~~ that has at least one
 262a building with a
 263 required key box, the fire ~~Ŝ~~→ ~~[district]~~ jurisdiction ←~~Ŝ~~ shall adopt ~~Ŝ~~→ ~~[a policy or operating~~
 263a ~~procedure]~~ ~~an ordinance, resolution, or other operating rule or policy~~ ←~~Ŝ~~ that creates a
 264 process to ensure that each key to each key box is properly accounted for and secure."

265 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings,
 266 is added as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling
 267 when the authority having jurisdiction over the dwelling determines that the development of a
 268 full fire-flow requirement is impractical."

269 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as
 270 follows "Total water supply requirements shall not exceed the fire flows described in Section
 271 501.5(iv) for the largest one- or two-family dwelling, protected by an automatic fire sprinkler
 272 system, on a subdivision lot platted before December 31, 1980, unless the municipality or
 273 county in which the lot is located provides the required fire flow capacity."

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

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

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

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

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

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

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

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

294 (c) In IFC, Chapter 6, Section 605.11.3.2, Residential Systems for One and Two
295 Family Dwellings, is deleted and rewritten as follows: "Access to residential systems for one
296 and two family dwellings shall be provided in accordance with Sections 605.11.3.2.1 through
297 605.11.3.2.4.

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

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

304 1. Arrays shall be no greater than 150 feet (45.720 mm) by 150 feet (45.720 mm) in

305 distance in either axis in order to create opportunities for fire department smoke ventilation
306 operations.

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

308 2.1. A pathway six feet (1829 mm) or greater in width.

309 2.2. A three foot (914 mm) or greater in width pathway and bordering roof skylights or
310 smoke and heat vents when required by Section 910.2.1 or Section 910.2.2 of this Code.

311 2.3. Smoke and heat vents designed for remote operation using devices that can be
312 connected to the vent by mechanical, electrical, or any other suitable means, shall be protected
313 as necessary to remain operable for the design period. Controls for remote operation shall be
314 located in a control panel, clearly identified and located in an approved location."

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

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

323 (3) For IFC, Chapter 7, Fire-Resistance-Rated Construction, IFC, Chapter 7, Section
324 703.2, is amended to add the following: "Exception: In Group E Occupancies, where the
325 corridor serves an occupant load greater than 30 and the building does not have an automatic
326 fire sprinkler system installed, the door closers may be of the friction hold-open type on
327 classrooms' doors with a rating of 20 minutes or less only."