

R710. Public Safety, Fire Marshal.

R710-9. Rules Pursuant to the Utah Fire Prevention and Safety Act.

R710-9-1. ~~[Title, Authority, and Adoption of Codes]~~Purpose.

~~[1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention and Safety Act", and may be cited as such, and will be hereafter referred to as "these rules".~~

~~1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204; Title 15A, Chapter 1, Section 403; and, Title 15A, Chapter 5, Section 208, Utah Code Annotated 1953, as amended.~~

~~1.3 These rules are adopted by the Utah Fire Prevention Board]~~The purpose of this rule is to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, deputizing Special Deputy State Fire Marshals, procedures to amend incorporated references, establishing board subcommittees, enforcement of the rules of the State Fire Marshal, requirements for the firefighter support restricted account, regulation of novelty lighters, procedures for the issuance of blasting permits, and amendments and additions.

~~[~~1.4 There is further adopted as part of these rules the following codes which are incorporated by reference:

~~1.4.1 International Fire Code (IFC), 2009 edition, excluding appendices, as published by the International Code Council, Inc. (ICC), and as enacted and amended by the Utah State Legislature in Sections 102 and 201 of the State Fire Code Adoption Act, except as amended by provisions listed in R710 9 11, et seq.~~

~~1.5 Copies of the above code are on file in the Division of Administrative Rules and the Office of the State Fire Marshal.]~~

R710-9-2. Authority.

~~This rule is authorized by Section 53-7-204.~~

R710-9-~~[2]~~3. Definitions.

~~[2.1](1) "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his authorized deputies, or the local fire enforcement authority.~~

~~[2.2](2) "Board" means Utah Fire Prevention Board.~~

~~[2.3](3) "Committee" means the Firefighter Support Restricted Account Advisory Committee.~~

~~[2.5](4) "Division" means State Fire Marshal.~~

~~[2.4](5) "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. For purposes of this standard, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.~~

~~[2.6](6) "IFC" means International Fire Code.~~

~~[2.7](7) "LFA" means Local Fire Authority.~~

~~[2.8](8) "Premixed" means the mixing of antifreeze with water that is prepared by the manufacturer with a quality control procedure that ensures that the antifreeze and water solution does not separate.~~

~~[2.9](9) "Restricted Account" means Firefighter Support Restricted Account.~~

~~[2.10](10) "SFM" means State Fire Marshal or authorized deputy.~~

~~[2.11](11) "[Sub-Committee]Subcommittee" means Fire Prevention Board Budget [Sub-Committee]Subcommittee or Amendment [Sub-Committee]Subcommittee.~~

~~[~~2.12 "UCA" means Utah Code Annotated, 1953.]

R710-9-~~[3]~~4. Conduct of Board Members and Board Meetings.

~~[3.1](1) Board meetings shall be presided over and conducted by the chair[man] and in [his]the chair's absence, by the vice chair[man] or the chair[man]'s designee.~~

~~[3.2](2) A quorum shall be required to approve any action of the [B]board.~~

~~[3.3](3) The chair[man] of the [B]board and [B]board members shall be entitled to vote on all issues considered by the [B]board. A [B]board member who declares a conflict of interest or where a conflict of interest has been determined, shall not vote on that particular issue.~~

~~[3.4](4) Meetings of the [B]board shall be conducted in accordance with an agenda, which shall be submitted to the members by the division, not less than [2.1]14 days before the regularly scheduled [B]board meetings.~~

~~[3.5](5) Public notice of [B]board meetings shall be made by the [D]division as prescribed in [UCA]Section 52-4-6.~~

~~[3.6](6) The division shall provide the [B]board with a secretary who shall prepare minutes and shall perform all secretarial duties necessary for the [B]board to fulfill its responsibility. The minutes of [B]board meetings shall be completed and sent to [B]board members at least 14 days prior to the scheduled [B]board meeting.~~

~~[3.7](7) A [B]board member's standing on the [B]board shall come under review after two unexcused absences in one year from regularly scheduled board meetings.~~

~~(a) The [B]board member's name shall be submitted to the governor's office for status review.~~

R710-9-~~[4]~~5. Deputizing Persons to Act as Special Deputy State Fire Marshals.

~~[4.1](1) Special deputy state fire marshals may be appointed by the SFM to positions of expertise within the regular scope of the Fire Marshal's Office.~~

~~[4.2]~~(2) Pursuant to Section 53-7-101~~[-et seq.]~~, special deputy state fire marshals may also be appointed to assist the Fire Marshal's Office in establishing and maintaining minimum fire prevention standards in those occupancy classifications listed in the International Fire Code.

~~[4.3]~~(3) Special deputy state fire marshals shall be appointed after review by the State Fire Marshal in regard to their qualifications and the overall benefit to the Office of the State Fire Marshal.

~~[4.4]~~(4) Special deputy state fire marshals shall be appointed by completing an oath and shall be appointed for a specific period of time.

~~[4.5]~~(5) Special deputy state fire marshals shall have a picture identification card and shall carry that card when performing their assigned duties.

R710-9-~~5~~6. Procedures to Amend the International Fire Code.

~~[5.1]~~(1) All requests for amendments to the IFC shall be submitted to the division on forms created by the division, for presentation to the [B]board at the next regularly scheduled [B]board meeting.

~~[5.2]~~(2) Requests for amendments received by the division less than 21 days prior to any regularly scheduled meeting of the [B]board may be delayed in presentation until the next regularly scheduled [B]board meeting.

~~[5.3]~~(3) Upon presentation of a proposed amendment, the [B]board shall do one of the following:

~~[5.3.1]~~(a) accept the proposed amendment as submitted or as modified by the [B]board;

~~[5.3.2]~~(b) reject the proposed amendment;

~~[5.3.3]~~(c) submit the proposed amendment to the Board Amendment Subcommittee for further study; or

~~[5.3.4]~~(d) return the proposed amendment to the requesting person or agency, accompanied by [B]board comments, allowing the requesting person or agency to resubmit the proposed amendment with modifications.

~~[5.4]~~(4) The Board Amendment Subcommittee shall report its recommendation to the [B]board at the next regularly scheduled [B]board meeting.

~~[5.5]~~(5) The [B]board shall make a final decision on the proposed amendment at the next [B]board meeting following the original submission.

~~[5.6]~~(6) The [B]board may reconsider any request for amendment, reverse or modify any previous action by majority vote.

~~[5.7]~~(7) When approved by the [B]board, the requesting agency shall provide to the division within 45 days, the completed ordinance.

~~[5.8]~~(8) The division shall maintain a list of amendments to the IFC that have been granted by the [B]board.

~~[5.9]~~(9) The division shall make available to any person or agency copies of the approved amendments upon request, and may charge a reasonable fee for multiple copies in accordance with the provisions of ~~[UCA,]~~Section 63-2-203.

R710-9-~~6~~7. Fire Advisory and Code Analysis Committee.

~~[6.1]~~(1) There is created by the [B]board a Fire Advisory and Code Analysis Committee whose duties are to provide direction to the [B]board in the matters of fire prevention and building codes.

~~[6.2]~~(2) The committee shall serve in an advisory position to the [B]board, members shall be appointed by the [B]board, shall serve for a term of three years, and shall consist of the following members:

~~[6.2.1]~~(a) [A]a representative from the State Fire Marshal's Office[-];

~~[6.2.2]~~(b) [F]the Code Committee Chairman of the Fire Marshal's Association of Utah[-];

~~[6.2.3]~~(c) [A]a fire marshal or fire inspector from a local fire department or fire district[-];

~~[6.2.4]~~(d) [A]a representative from the Department of Health[-];

~~[6.2.5]~~(e) [F]the Chief Elevator Inspector from the Utah Labor Commission[-];

~~[6.2.6]~~(f) [A]a representative from the Department of Human Services[-]; and

~~[6.2.7]~~(g) [A]a representative from Forestry, Fire and State Lands.

~~[6.3]~~(3) This committee shall join together with the Uniform Building Code Commission Fire Protection Advisory Committee to form the Unified Code Analysis Council.

~~[6.4]~~(4) The Council shall meet as directed by the [B]board or as directed by the Building Codes Commission or as needed to review fire prevention and building code issues that require definitive and specific analysis.

~~[6.5]~~(5) The Council shall select one of its members to act in the position of chair and another to act as vice chair. The chair and vice chair shall serve for one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year.

~~[6.6]~~(6) The chair or vice chair of the council shall report to the [B]board or Building Codes Commission recommendations of the Council with regard to the review of fire and building codes.

R710-9-~~7~~8. Enforcement of the Rules of the State Fire Marshal.

~~[7.1]~~(1) Fire and life safety plan reviews of new construction, additions, and remodels of state owned facilities shall be conducted by the SFM, or his authorized deputies. State owned facilities shall be inspected by the SFM, or his authorized deputies.

~~[7.2]~~(2) Fire and life safety plan reviews of new construction, additions, and remodels of public and private schools shall be completed by the SFM, or his authorized deputies, and the LFA.

~~[7.3]~~(3) Fire and life safety plan reviews of new construction, additions, and remodels of publicly owned buildings, privately owned colleges and universities, and institutional occupancies, with the exception of state owned buildings, shall be completed by the LFA. If not completed by the LFA, the SFM, or his authorized deputies shall complete the plan review.

~~[7.4]~~(4) The following listed occupancies shall be inspected by the LFA~~[-If not completed by the LFA]~~, the SFM, or his authorized deputies:~~[-shall inspect.]~~

~~[7.4.1]~~(a) ~~[P]~~publicly owned buildings other than state owned buildings;~~[-as referenced in 9.1 of this rule.]~~

~~[7.4.2]~~(b) ~~[P]~~public and private schools~~[-];~~

~~[7.4.3]~~(c) ~~[P]~~privately owned colleges and universities~~[-];~~

~~[7.4.4]~~(d) ~~[I]~~institutional occupancies; ~~and~~~~[-as defined in Section 9.2 of this rule.]~~

~~[7.4.5]~~(e) ~~[P]~~places of assembly~~[-as defined in Section 9.2 of this rule].~~

~~[7.5]~~(5) The ~~[B]~~board shall require prior to approval of a grant the following:

~~[7.5.1]~~(a) ~~[F]~~that the applying fire agency be actively participating in the statewide fire statistics reporting program~~[-];~~

and

~~[7.5.2]~~(b) ~~[The Board shall also require]~~that the applying fire agency be actively working towards structural or wildland firefighter certification through the Utah Fire Service Certification System.

R710-9-~~[8]~~9. Fire Prevention Board Budget and Amendment Subcommittees.

~~[8.1]~~(1) There ~~[is]~~are created two Fire Prevention Board subcommittees known as the Budget Subcommittee, and the Amendment Subcommittee. Each subcommittee's membership shall be appointed from members of the ~~[B]~~board.

~~[8.2]~~(2) Subcommittee membership shall be by appointment of the ~~[B]~~board ~~[C]~~chair or as volunteered by ~~[B]~~board members. Subcommittee membership shall be limited to four ~~[B]~~board members.

~~[8.3]~~(3) Each subcommittee shall meet as necessary and shall vote and appoint a chair to represent the subcommittee at regularly scheduled ~~[B]~~board meetings.

R710-9-~~[9]~~10. Firefighter Support Restricted Account.

~~[9.1]~~(1) There is created by the ~~[B]~~board a Firefighter Support Restricted Account Advisory Committee whose duties are to provide direction to the ~~[D]~~division in the distribution of funds in the ~~[R]~~restricted ~~[A]~~account.

~~[9.2]~~(2) The Committee shall be appointed by the ~~[D]~~division, approved by the ~~[B]~~board, and shall consist of the following members:

~~[9.2.1]~~(a) ~~[F]~~two representatives from the Utah State Firemen's Association~~[-];~~

~~[9.2.2]~~(b) ~~[F]~~two representatives from the Utah State Fire Chiefs Association~~[-];~~

~~[9.2.3]~~(c) ~~[F]~~two representatives from the Professional Firefighters of Utah~~[-]; and~~

~~[9.2.4]~~(d) ~~[O]~~one representative from the general public.

~~[9.3]~~(3) The ~~[C]~~committee members shall serve for a term of three years, shall meet as directed by the ~~[D]~~division, and a majority of members shall be present to constitute a quorum.

~~[9.4]~~(4) The ~~[C]~~committee shall select one of its members to act in the position of chair. The chair shall serve for a term of one year, and shall be a voting member only in the event of a tie vote.

~~[9.5]~~(5) The ~~[C]~~committee shall assist the ~~[D]~~division in preparing application forms to be used to apply for distributions from the ~~[R]~~restricted ~~[A]~~account.

~~[9.6]~~(6) The Division shall set a specific time period each year for the receiving of applications, the review of applications by the committee, and the distribution of the ~~[R]~~restricted ~~[A]~~account funds.

~~[9.7]~~(7) The ~~[D]~~division shall distribute the ~~[R]~~restricted ~~[A]~~account funding to charitable organizations meeting the requirements listed in ~~[UCA]~~Subsection 53-7-109(4), and to be expended for only the purposes allowed in accordance with ~~[UCA]~~Subsection 53-7-109(5)(b).

~~[9.8]~~(8) In the event of a conflict in the distribution of the ~~[R]~~restricted ~~[A]~~account funds, an appeal for resolution shall be made to the ~~[B]~~board. The ~~[B]~~board shall be the final authority in the resolution of the conflict.

R710-9-~~[10]~~11. Regulation of Novelty Lighters.

~~[10.1]~~—All novelty lighters that have been identified as toy-like lighters by the Novelty and Toy-Like Lighter Assessment Committee, and placed by picture and description on the Utah Department of Public Safety, State Fire Marshal Website, Toy and Novelty Lighter Initiative, Toy-like Lighters Disavowed List, <http://publicsafety.utah.gov/firemarshal>, shall not be sold or offered for sale in the State of Utah.

R710-9-~~[11]~~12. Amendments and Additions.

There are currently no amendments and additions adopted by the Board for application statewide.

~~[R710-9-12. Issuing of Blasting Permits.~~

~~12.1~~ When a local fire department or AHJ does not have a procedure in place for the issuance of a blasting permit, or when blasting occurs as part of an on-going/continuous project across more than one fire service jurisdiction, the requesting applicant must provide all of the following to the SFM:

~~12.1.1~~ Completion of an approved blasting permit application

~~12.1.2~~ A copy of a current Alcohol, Tobacco, and Firearms (ATF) License/Permit

- ~~12.1.3 A copy of a current ATF listed Responsible Parties and Employee Possessors Permit~~
- ~~12.1.4 Twenty Four (24) hour emergency contact information; including name, address, phone numbers, and email for responsible parties, local/site project supervisor or foreman, and primary contact(s) information for the requested permit.~~
- ~~12.1.5 Purpose of the permit requested~~
- ~~12.1.6 Location of proposed blasting including the physical address and/or map of the area~~
- ~~12.1.7 Information on explosive types, quantities in storage, shot quantities and day use estimates.~~
- ~~12.1.8 Proof of insurance.~~
- ~~12.2 Upon approval, the applicant shall present the permit to all affected jurisdictions.~~
- ~~12.3 Appeals of permit denials shall follow the procedures outlined in R710-9-15.]~~

R710-9-13. Repeal of Conflicting Board Actions.

All former [B]board actions, or parts thereof, conflicting or inconsistent with the provisions of this [B]board action or of the codes hereby adopted, are hereby repealed.

R710-9-14. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this [B]board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-9-15. Adjudicative Proceedings.

~~[45.1](1)~~ All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by [UCA,]Sections 63G-4-202 and 63G-4-203.

~~[45.2](2)~~ If a city, county, or fire protection district refuses to establish a method of appeal regarding a portion of the IFC, the appealing party may petition the [B]board to act as the board of appeals.

~~[45.3](3)~~ A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the [B]board within 20 days after receiving final decision.

~~[45.4](4)~~ All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with [UCA,]Section 63G-4-201.

~~[45.5](5)~~ The [B]board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

~~[45.6](6)~~ The [B]board shall direct the SFM to issue a signed order to the parties involved giving the decision of the [B]board within a reasonable time of the hearing pursuant to [UCA,]Section 63G-4-203.

~~[45.7](7)~~ Reconsideration of the [B]board's decision may be requested in writing within 20 days of the date of the decision pursuant to [UCA,]Section 63G-4-302.

~~[45.8](8)~~ Judicial review of all final [B]board actions resulting from informal adjudicative proceedings is available pursuant to [UCA,]Section 63G-4-402.

KEY: fire prevention, law

Date of Enactment or Last Substantive Amendment: ~~[November 21, 2012]~~2016

Notice of Continuation: June 7, 2012

Authorizing, and Implemented or Interpreted Law: 53-7-204[; ~~15A-1-403; 15A-5-208~~]

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