

R710. Public Safety, Fire Marshal.**R710-9. Rules Pursuant to the Utah Fire Prevention and Safety Act.****R710-9-1. Purpose.**

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.

R710-9-2. Authority.

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

R710-9-3. Definitions.

- (1) "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, authorized deputies, or the local fire enforcement authority.
- (2) "Board" means Utah Fire Prevention Board.
- (3) "Committee" means the Firefighter Support Restricted Account Advisory Committee.
- (4) "Division" means State Fire Marshal.
- (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.
- (6) "IFC" means International Fire Code.
- (7) "LFA" means Local Fire Authority.
- (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.
- (9) "Restricted Account" means Firefighter Support Restricted Account.
- (10) "SFM" means State Fire Marshal or authorized deputy.
- (11) "Subcommittee" means Fire Prevention Board Budget Subcommittee or Amendment Subcommittee.

R710-9-4. Conduct of Board Members and Board Meetings.

- (1) Board meetings shall be presided over and conducted by the chair and in the chair's absence, by the vice chair or the chair's designee.
- (2) A quorum shall be required to approve any action of the board.
- (3) The chair of the board and board members shall be entitled to vote on all issues considered by the board. A board member who declares a conflict of interest or where a conflict of interest has been determined, shall not vote on that particular issue.
- (4) Meetings of the board shall be conducted in accordance with an agenda, which shall be submitted to the members by the division, not less than 14 days before the regularly scheduled board meetings.
- (5) Public notice of board meetings shall be made by the division as prescribed in Section 52-4-202.
- (6) The division shall provide the board with a secretary who shall prepare minutes and shall perform all secretarial duties necessary for the board to fulfill its responsibility. The minutes of board meetings shall be completed and sent to board members at least 14 days before the scheduled board meeting.
- (7) A board member's standing on the board shall come under review after two unexcused absences in one year from regularly scheduled board meetings. The board member's name shall be submitted to the governor's office for status review.

R710-9-5. Deputizing Persons to Act as Special Deputy State Fire Marshals.

- (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.
- (2) Pursuant to Section 53-7-101, 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.
- (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) Special deputy state fire marshals shall be appointed by completing an oath and shall be appointed for a specific period.
- (5) Special deputy state fire marshals shall have a picture identification card and shall carry that card when performing their assigned duties.

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

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

- (2) Requests for amendments received by the division less than 21 days before any regularly scheduled meeting of the board may be delayed in presentation until the next regularly scheduled board meeting.
- (3) Upon presentation of a proposed amendment, the board shall do one of the following:
 - (a) accept the proposed amendment as submitted or as modified by the board;
 - (b) reject the proposed amendment;
 - (c) submit the proposed amendment to the Board Amendment Subcommittee for further study; or
 - (d) return the proposed amendment to the requesting person or agency, accompanied by board comments, allowing the requesting person or agency to resubmit the proposed amendment with modifications.
- (4) The Board Amendment Subcommittee shall report its recommendation to the board at the next regularly scheduled board meeting.
- (5) The board shall make a final decision on the proposed amendment at the next board meeting following the original submission.
- (6) The board may reconsider any request for amendment, reverse or modify any previous action by majority vote.
- (7) When approved by the board, the requesting agency shall provide to the division within 45 days, the completed ordinance.
- (8) The division shall maintain a list of amendments to the IFC that have been granted by the board.
- (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 Section 63G-2-203.

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

- (1) There is created by the board a Fire Advisory and Code Analysis Committee whose duties are to provide direction to the board in the matters of fire prevention and building codes.
- (2) The committee shall serve in an advisory position to the board, members shall be appointed by the board, shall serve for a term of three years, and shall consist of the following members:
 - (a) a representative from the State Fire Marshal's Office;
 - (b) the Code Committee Chair of the Fire Marshal's Association of Utah;
 - (c) a fire marshal or fire inspector from a local fire department or fire district;
 - (d) a representative from the Department of Health and Human Services;
 - (e) the Chief Elevator Inspector from the Utah Labor Commission; and
 - (f) a representative from Forestry, Fire and State Lands.
- (3) This committee shall join together with the Uniform Building Code Commission Fire Protection Advisory Committee to form the Unified Code Analysis Council.
- (4) The Council shall meet as directed by the 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.
- (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) The chair or vice chair of the council shall report to the board or Building Codes Commission recommendations of the Council with regard to the review of fire and building codes.

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

- (1) Fire and life safety plan reviews of new construction, additions, and remodels of state owned facilities shall be conducted by the SFM, or authorized deputies. State owned facilities shall be inspected by the SFM, or authorized deputies.
- (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 authorized deputies, and the LFA.
- (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 authorized deputies shall complete the plan review.
- (4) The following listed occupancies shall be inspected by the LFA, the SFM, or authorized deputies:
 - (a) publicly owned buildings other than state owned buildings;
 - (b) public and private schools;
 - (c) privately owned colleges and universities;
 - (d) institutional occupancies; and
 - (e) places of assembly.
- (5) The board shall require before approval of a grant the following:
 - (a) that the applying fire agency be actively participating in the statewide fire statistics reporting program; and
 - (b) that the applying fire agency be actively working toward structural or wildland firefighter certification through the Utah Fire Service Certification System.

R710-9-9. Fire Prevention Board Budget and Amendment Subcommittees.

- (1) There 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 board.

(2) Subcommittee membership shall be by appointment of the board chair or as volunteered by board members. Subcommittee membership shall be limited to four board members.

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

R710-9-10. Firefighter Support Restricted Account.

(1) There is created by the board a Firefighter Support Restricted Account Advisory Committee whose duties are to provide direction to the division in the distribution of funds in the restricted account.

(2) The Committee shall be appointed by the division, approved by the board, and shall consist of the following members:

- (a) two representatives from the Utah State Firemen's Association;
- (b) two representatives from the Utah State Fire Chiefs Association;
- (c) two representatives from the Professional Firefighters of Utah; and
- (d) one representative from the general public.

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

(4) The 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.

(5) The committee shall assist the division in preparing application forms to be used to apply for distributions from the restricted account.

(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 restricted account funds.

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

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

R710-9-11. Regulation of Novelty Lighters.

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.

R710-9-12. Amendments and Additions.

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

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

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

R710-9-14. Validity.

The Utah Fire Prevention Board declares that should any section, paragraph, sentence, or word of this board action, or of the codes 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.

(1) All adjudicative proceedings performed by the agency shall proceed informally as set forth in this rule and as authorized by Sections 63G-4-202 and 63G-4-203.

(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 board to act as the board of appeals.

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

(4) All adjudicative proceedings, other than criminal prosecution, taken by the SFM, authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and this rule, shall begin in accordance with Section 63G-4-201.

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

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

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

(8) Judicial review of all final board actions resulting from informal adjudicative proceedings is available pursuant to Section 63G-4-402.

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