

1 **STATE FIRE CODE APPEALS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael T. Morley**

5 **Senate Sponsor: J. Stuart Adams**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Fire Prevention and Fireworks Act to address appeals of
10 inspections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a notice of appeal rights on the application for a permit;
- 14 ▶ requires a county, city, or town to establish appeal processes;
- 15 ▶ establishes requirements related to an appeal process; and
- 16 ▶ makes technical and conforming amendments.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53-7-209**, as last amended by Laws of Utah 2010, Chapter 310

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

26 Section 1. Section **53-7-209** is amended to read:

27 **53-7-209. Inspection of buildings by officials -- Review of residential inspections.**

28 (1) As used in this section, "International Fire Code" means the edition of the

29 International Fire Code adopted by the Legislature with the amendments and additions in the

30 State Fire Code.

31 ~~[(+)]~~ (2) A fire chief or officer may enter a building or premises not used as a private
32 dwelling at any reasonable hour to inspect the building or premises and enforce the rules made
33 under this part and the state fire code.

34 ~~[(2)]~~ (3) The owner, lessee, manager, or operator of a building or premises not used as
35 a private dwelling shall permit inspections under this section.

36 (4) (a) Subject to Subsection (4)(b), a county, city, or town shall, by ordinance, provide
37 for review of an inspection conducted by the county's, city's, or town's fire chief or officer for a
38 single-family residence within 30 days of the notice of the fire code compliance inspection.

39 (b) Upon request by a person who owns or is building a single-family residence, a chief
40 executive officer of the county, city, or town in which is located the single-family residence, or
41 the chief executive officer's designee, shall, with reasonable diligence, review an inspection
42 described in Subsection (4)(a) to determine whether the inspection constitutes a fair
43 administration of the State Fire Code.

44 (c) A review described in this section:

45 (i) is separate and unrelated to an appeal under the International Fire Code;

46 (ii) may not be used to review a matter that may be brought by appeal under the
47 International Fire Code;

48 (iii) may not result in the waiver or modification of a State Fire Code requirement or
49 standard; and

50 (iv) does not prohibit a person from bringing an appeal under the International Fire
51 Code.

52 (d) A person who seeks a review described in this Subsection (4) may not be prohibited
53 by preclusion, estoppel, or otherwise from raising an issue or bringing a claim in an appeal
54 under the International Fire Code on the grounds that the person raised the issue or brought the
55 claim in the review described in this section.