



SANDY CITY FIRE DEPARTMENT

BRUCE CLINE
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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

Memo

To: Bruce Cline, Fire Chief
From: Robert DeKorver, Fire Marshal *ZD*
CC: Sandy City Council
Date: January 22, 2018
Re: Fire Inspections on Short Term Rentals

I am writing this memo in regards to a request for information on performing fire inspections on short term rental properties, owner and non-owner occupied. This has been recognized as an issue that has recently surfaced, and has been discussed on multiple levels within the Fire Marshal's Association of Utah as it is concerning to all of the different jurisdictions across the state.

Unfortunately, short term rentals mix a commercial business with that of a residential structure. This causes many issues with any jurisdiction being able to perform a fire inspection. According to the 2015 International Fire Code section 202 under general definitions, it describes a congregate living facility with 10 or fewer (Transient) occupants or a lodging house with 5 or fewer guest rooms as a R-3 or residential group. Group R-3 within the residential group is considered a private dwelling and can be built under the International Residential Code. R-1, R-2 and R-4 or considered public, and include hotels, motels, and apartments both transient in nature and permanent, and are built under the International Building and International Fire Code.

Currently Utah State Law 53-7-209 reads as follows;

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

- (1) As used in this section, "International Fire Code" means the edition of the International Fire Code adopted by the Legislature with the amendments and additions in the State Fire Code.
- (2) A fire chief or officer may enter a building or premises not used as a private dwelling at any reasonable hour to inspect the building or premises and enforce the rules made under this part and the state fire code.
- (3) The owner, lessee, manager, or operator of a building or premises not used as a private dwelling shall permit inspections under this section.

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

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

As can be seen from this currently enacted law, jurisdictions are not given the ability to inspect private dwellings without being asked to perform that inspection. Tying this together with the definitions listed in the 2015 International Fire Code it virtually makes it not possible to conduct a fire inspection on an owner occupied short term rental, since we are interpreting that they fall under a private dwelling classification, unless it can be reclassified as an R-1, or 2. In order to reclassify a short term rental as an R-1 or 2 we would need to be able to verify the occupant numbers to know when they exceed the number of 10 or have more than 5 guest rooms. These numbers would reclassify the structure to a public structure, which would then allow the fire department to perform fire inspections based on the International Fire Code. In my opinion, these numbers could be verified through a licensing process that requires the property owner to disclose these numbers, but would be difficult to continually verify that they are maintaining those numbers.

If we decided to create an ordinance where fire inspections were required, or to force all short term rentals to be listed as an R-1 structure, we would be subject to taking the ordinance to the State Legislature for adoption as an amendment to the code that is more restrictive than the code as adopted by the state.

Obviously the biggest concern with these short term rentals is that you have public that is unfamiliar with a structure coming in as a tenant, when there may be issues with the home concerning fire protection, such as smoke alarms and fire extinguishers. As a structure built under the International Residential Code, the structure is required to have smoke alarms in place in all living areas. Unfortunately, though without inspections it is up to the owner to maintain and ensure proper operation of the alarms. There is nothing in the International Residential Code to my knowledge that would require fire extinguishers or exit signs, like would be found in an R-1 or 2 structure.

It would be my suggestion that we include a maximum number of 10 occupants that would be allowed in a short term rental. I would also recommend that we place wording that suggest that the owner request for a fire inspection on the home. Once again if the inspection is requested, we will be able to verify

that smoke alarms are working and make suggestions, but the owner would have the ultimate say and we would have no enforcement authority unless the structure becomes an R-1 or 2 structure.

Thank you for your time and consideration with this matter. If you have any further questions I would be happy to sit down and discuss them with you.