

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Uniform Construction Code Council

#### Uniform Construction Code—Storm Shelters (LAC 17:I.101)

The Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B), of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt amendments of the current building provisions in the *International Building Code* regarding health and safety for the public.

The LSUCCC is promulgating this Rule adoption and amendments to provide greater health and safety for the public and those providing installation of Storm Shelters. This rule was first adopted and published in the January 2018 edition of the *Louisiana Register* (Vol. 44, No. 01). The rule became effective on February 1, 2018. This Emergency Rule is being promulgated to continue those provisions. It was favorably voted on by the Uniform Construction Code Council on March 12, 2019. By signature of the agency head, Chief H. “Butch” Browning, Jr., it was adopted and became effective March 26, 2019. It was last published in the April edition of the *Louisiana Register* (Vol. 45, No. 04) and made effective for the maximum period allowed under the Act (120 days). The LSUCCC is re-promulgating and re-adopting this Emergency Rule by signature of the agency head, effective July 26, 2019, for publication in the August edition of the *Louisiana Register* (Vol. 45, No. 08). It shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

The adoption of the 2015 *International Building Code*, Section 423 provides for Storm Shelter Requirements in specific parishes in the northern region of the state. These requirements include new or additions to facilities for schools, and essential services such as fire, police, EMS, and 911 call centers. Many design professionals, school boards, and essential services agencies were unaware of this requirement. They secured funding with proposed budgets without this requirement being addressed in the plans and specifications. Bonds were secured for funding based on the older edition of the code without the increased cost for Storm Shelters factored in to equation. Due to the increased cost not being provided for in budgeting new schools and essential services projects were being canceled or placed on indefinite hold until new funding could be secured. This Emergency Rule addresses this requirement by providing for a delay in the effective date for enforcement. This delay also allows for more public input into the implementation timeline and any needed amendments to this section of the *International Building Code*.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater safety to existing facilities undergoing renovations and for new proposed facilities to include these storm shelter requirements in

securing funding. The public welfare further dictates that these changes are implemented immediately through the adoption of the Emergency Rule because of the health risks these amendments address. Adoption of this emergency rule will allow owners and developers to immediately use these new standards in expanding existing facilities or constructing new facilities.

Adoption of this Emergency Rule will also provide proven methods for storm shelters and new technology which will ensure the health, safety and welfare of not only school age children but for the public as well.

#### Title 17

#### CONSTRUCTION

#### Part I. Uniform Construction Code

#### Chapter 1. Uniform Construction Code

#### §101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

1. Projects submitted for permitting prior to January 1, 2020 shall not be required to comply with the 2015 IBC Section 423 Storm Shelters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), LR 45:

Chief H. “Butch” Browning, Jr.  
State Fire Marshal

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