

**ORDINANCE NO. O-2015-30**

AN ORDINANCE ADOPTING A FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF DURANGO, ADOPTING BY REFERENCE THE “2012 EDITION OF THE INTERNATIONAL FIRE CODE” PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango is authorized to adopt uniform codes by reference pursuant to C.R.S., §31-16-201, *et. seq.*; and

WHEREAS, the City of Durango contracts with the Durango Fire Protection District for the provision of fire protection and emergency services; and

WHEREAS, it is the desire of the City to adopt the 2012 Edition of the International Fire Code, in order to provide more updated and comprehensive regulations pertaining to fire protection and the handling and storage of hazardous materials; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango pursuant to notice duly published; and

WHEREAS, the Council has determined, subsequent to said public hearing, that the best interests of the public would be served through the adoption of the 2012 Edition of the International Fire Code.

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

**Section 1.** That Section 8-46 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

**Sec. 8-46. Adopted.**

Pursuant to C.R.S., §31-16-201, *et. seq.*, there is hereby adopted, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life of property in the occupancy of buildings and premises within the City, the International Fire Code, 2012 Edition, including Appendices B, C, D, E, F, G, and H, as published by International Code Council, Inc. Appendix I is included for the purposes

of reference only. One (1) copy of such Code is on file in the office of the City Clerk and one (1) copy is on file at the office of the Fire Prevention Division of the Durango Fire Protection District. Such copies may be inspected during regular business hours.

**Section 2.** That Section 8-47 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

**Sec. 8-47. Amendments.**

The following amendments to the 2012 International Fire Code adopted in §8-46 are hereby adopted:

(a) All references to “name of jurisdiction” shall mean and refer to the City of Durango.

(b) All references to the “fire code official” shall mean and refer to the Chief of the Durango Protection District, and all references to the “department of fire prevention” or “ fire prevention bureau” shall mean and refer to the Durango Fire Protection District.

(c) All references to the *International Existing Building Code* are deleted.

(d) Section 102.7 is amended to read as follows:

**102.7 Referenced Codes and standards.** The codes and standards referenced in this code shall be the most currently published edition of those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

(e) **Section 105.4.1** is amended to read as follows:

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets and 1 pdf with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by jurisdiction in which the project is to be constructed.

(f) **Section 105.6** is amended to read as follows:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in §105.6.2 (Amusement Buildings), §105.6.4 (Carnivals and Fairs), §105.6.8 (Compressed Gases), §105.6.10 (Cryogenic Fluids), §105.6.14 (Explosives), §105.6.16 (Flammable and Combustible Liquids), §105.6.20 (Hazardous Materials), §105.6.30 (Open Burning), §105.6.36 (Pyrotechnics Special Effects Material), and §105.6.43 (Temporary Membrane Structures, Tents and Canopies having an area in excess of 1000 square feet).

(g) **Section 105.7** is amended to read as follows:

**105.7 Required construction permits.** The fire code official is authorized to issue permits for the operations set forth in §105.7.1 (Automatic Fire Extinguishing Systems), §105.7.5 (Emergency responder radio coverage system),

§105.7.6 (Fire Alarm and Detection Systems and Related Equipment), §105.7.7 (Fire Pumps and Related Equipment), §105.7.11 (LP-gas), §105.7.13 (Solar photovoltaic power systems), §105.7.14 (Spraying or dipping), §105.7.15 (Standpipe Systems), and §105.7.16 (Temporary membrane structures and tents having an area in excess of 1000 square feet).

(h) **Section 108.1 is amended to read as follows:**

**108.1 Board of Appeals Established.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Board of Directors of the Durango Fire Protection District by Resolution under the terms of the contract between the City of Durango and the Durango Fire Protection District dated January 1, 2014.

(i) **Section 108.4 Procedures is added to read as follows:**

**108.4 Procedures.** To request a hearing before the board of appeals, the applicant shall file a request in writing to the fire chief. The fire chief shall arrange for the board of appeals to meet within 10 working days from the receipt of the request. All applicable fees as stated in the fire district fee schedule shall be paid at the time the written request is made.

(j) **Section 109.4 is amended to read as follows:**

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine or by imprisonment, or both such fine and imprisonment as determined by the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(k) **Section 111.4 is amended to read as follows:**

**111.4 Failure to comply.** The continuation of any work by any person after having been served with a stop work order, or notice of violation, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as determined by the court and shall be subject to a fee per fire district or metropolitan district resolution.

(l) The definition of “fire apparatus access road” set forth in Section 202 is amended to read as follows:

“FIRE APPARATUS ACCESS ROAD”. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, Public Street, Private Street, parking lot lane and access roadway. When providing access to individual residential homes, the term also applies to driveways if the driveway provides access to more than 3 homes, or if the driveway extends for more than 150 feet, in which event an approved turnaround area shall be required, as specified in Section 503.2.5.

(m) **Section 304.1.2 is amended to read as follows:**

**304.1.2 Vegetation.** Weeds, grass, vines or other growth capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the Colorado State Forest Service, Fire 2012-1 – *Protecting Your Home: Creating Wildfire-Defensible Zones*.

(n) **Section 308.1.4** is amended to read as follows:

**308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies, within 10 feet of combustible construction or within 10 feet of fuel sources such as gas lines, meters, tanks or cylinders not connected to the cooking device.

Exceptions:

1. One- and two-family dwellings.
2. Multi-family facilities, to include apartments, condominiums, townhomes, and boarding houses with LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds.
3. Where buildings, balconies and decks are protected by an automatic sprinkler system.

(o) **Section 503.3** is amended to read as follows:

**503.3 Marking.** Where required by the fire code official, approved signs or other approved notices, including curb painting or curb painting with stenciling 4" in character height stating "No Parking – Fire Lane" shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(p) **Section 504.2** is amended to read as follows:

**504.2 Maintenance of exterior doors and openings.** Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered nonfunctional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words "THIS DOOR BLOCKED". The sign shall consist of letters having a principal stroke of not less than ¼" in width and 2" in height on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. Exit and exit access doors shall comply with Chapter 10. Access doors for high-piled combustible storage shall comply with §3206.6.1

(q) **Section 506.1.2** is amended to read as follows:

**506.1.2 Key boxes for non-standardized fire service elevator keys.** Key boxes provided for non-standardized fire service elevator keys shall comply with Section 506.1 and all of the following:

1. The front cover shall be permanently labeled with words "For Fire Department Use Only".
2. The key box shall be mounted in the elevator machine room or as approved by the *fire code official*.
3. The key box shall be mounted 5 to 6 feet above the finished floor.

4. Contents of the key box are limited to fire service elevator keys. Additional elevator access tools, keys and information pertinent to emergency planning or elevator access shall be permitted when authorized by the *fire code official*.

Exception: A single key box shall be permitted to be located adjacent to a fire command center or the fire service elevator key shall be permitted to be secured in a key box used for other than this purpose and located in accordance with Section 506.1.

(r) **Section 509.1** is amended to read as follows:

**509.1 Fire Protection Equipment Identification and Access.** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Signs approved by the fire department shall contain lettering with a principal stroke of not less than ¼” in width and 2” in height on a contrasting background are required to identify fire protection equipment and equipment locations. Such signs shall be constructed of durable materials, permanently installed and readily visible.

(s) **Section 605.3.1** is amended to read as follows:

**605.3.1. Labeling.** Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign, with the principal stroke of the letters of not less than ¼” in width and 2” in height, on a contrasting background, stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panel board shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

(t) **Section 605.11.1** is amended as follows:

**605.11.1 Marking.** Marking is required on disconnect.

(u) **Section 605.11.1.4** shall be eliminated.

(v) **Section 605.11.2** is eliminated.

(w) **Section 605.11.3** is amended to read as follows:

**605.11.3 Access and pathways.** Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 605.11.3.1 through 605.11.3.3.3..

Exceptions:

1. Detached, nonhabitable Group U structures including, but not limited to, parking shade structure, carports, solar trellises and similar structures.
2. Roof access, pathways and spacing requirements need not be provided where the fire official has determined that rooftop operations will not be employed.

(x) **Section 605.11.3.2** is amended to read as follows:

**605.11.3.2** Solar photovoltaic systems for Group R-3 buildings. Solar photovoltaic systems for Group R-3 shall comply with Sections 605.11.3.2.1 through 605.11.3.2.4.

Exception: These requirements shall not apply to structures designed and constructed in accordance with the International Residential Code.

(y) **Section 901** is amended through the addition of a new section 901.2.2, which reads, in its entirety, as follows:

**901.2.2 Plan Certification for Fire Alarm Systems and Occupant Notification.**

All fire alarm and occupant notification system plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire alarms.

(z) **Section 901** is amended through the addition of a new section 901.2.3, which reads, in its entirety, as follows:

**901.2.3 Plan Certification for Fire Sprinkler Systems.** All fire sprinkler plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire sprinkler systems.

(aa) **Section 901** is amended through the addition of a new section 901.2.4, which reads, in its entirety, as follows:

**901.2.4 Plan Certification for all other Fire Protection Systems.** Plan certification for all other fire protection systems will be accompanied by a certification of competence acceptable to the authority having jurisdiction if determined necessary and requested by the fire code official, or his/her designee.

(bb) **Section 903** is amended through the addition of a new section 903.2.1.6, which reads, in its entirety, as follows:

**903.2.1.6 Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Exception: Open parking garages of Type I or Type II construction.

(cc) **Section 903** is amended through the addition of a new section 903.2.1.7, which reads, in its entirety, as follows:

**903.2.1.7 Multiple fire areas.** An automatic sprinkler system shall be provided where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 300 or more.

(dd) **903.2.8 Group R** is amended as follows:

**Section 903.2.8** An automatic sprinkler system installed in accordance with Section 903/3 shall be provided throughout all buildings with a Group R fire area. Exception: Buildings which contain two (2) or fewer R-3 dwelling units in mixed use facilities that do not contain Assembly Group A, factory Industrial Group F, High-Hazard Group H, and Storage Group S. Other provisions in this Code may still require these uses to have automatic sprinkler systems installed.

(ee) **Section 3103.2** is amended to read as follows:

**3103.2 Approval required.** Single and aggregate tents and membrane structures having an area in excess of 999 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exception:

1. Tents used exclusively for recreational camping purposes

(ff) **Section 3310.0** is amended to read as follows:

**3310.1 Required Access.** Approved vehicle access for firefighting shall be created and maintained prior to and during the construction of every facility, building or portion of a building. Such access roadway shall be not less than 16 feet in width, extend to within 100 feet of temporary or permanent fire department connections, be kept clear at all times, be designed and able to withstand loads of not less than 60,000 pounds, and shall have access points containing the project address and signed "FIRE DEPARTMENT EMERGENCY ACCESS" in 6" minimum character height on a contrasting backgrounds.

(gg) **Section 5601.1.3** is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks, other than toy caps, sparklers and smoke snakes, are prohibited.

**Section 3.** That Section 8-48 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

**Sec. 8-48. Establishment and duties of division of fire prevention.**

(a) The fire code adopted in section 8-46 shall be enforced by the division of fire prevention within the Durango Fire Protection District, which shall be operated under the supervision of the Chief of the Fire Protection District, who, acting individually or through his designees, shall also serve as the fire code official.

(b) The fire code official may detail such members of the department of fire prevention as inspectors as shall from time to time be necessary.

(c) A report by the fire code official shall be made annually and transmitted to the city manager. It shall contain all proceedings under this article with such statistics as the fire code official may wish to include in the report. The fire code official shall also recommend any amendments to the fire code which, in his/her judgment, shall be necessary or desirable.

**Section 4. Fees.** Inspection fees, permit fees, plan review fees and related services performed pursuant to the contract between the City of Durango and Durango Fire Protection District, dated January 1, 2014, may be adopted by the Durango Fire

Protection District and those fees shall be deemed to be incorporated herein; and copies of the adopted fees can be acquired through Durango Fire Protection District.

**Section 5. Penalties.**

The following penalties, herewith set in full, shall apply to this ordinance:

- (a) It shall be unlawful for any person, firm or corporation to violate any of the provisions of the 2012 International Fire Code.
- (b) Any person, firm or corporation violating any of the provisions of the 2012 International Fire Code as herein adopted shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of said 2012 International Fire Code is committed, continued or permitted. Upon conviction of any such violation, such person shall be punishable by a fine of not more than Two Thousand Six Hundred and Fifty Dollars (\$2,650.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

**Section 6.** If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 7.** Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**Section 8.** The City Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published or posted, and make not less than one

