

**Town of Erie
Ordinance No. 006-2023**

**An Ordinance of the Board of Trustees of the Town of Erie
Repealing and Reenacting Section 9-1-9 of the Erie Municipal
Code to Adopt the 2021 Edition of the International Fire Code,
with Amendments**

Whereas, on February 28, 2023, the Board of Trustees held a properly-noticed public hearing on the adoption of the 2021 International Fire Code, and

Whereas, after considering the recommendation of Town staff and any comments from the public, the Board of Trustees finds it in the best interest of the public health, safety and welfare to adopt the 2021 edition of the International Fire Code.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:

Section 1. Section 9-1-9 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

9-1-9: Fire Code.

A. Code Adopted: The International Fire Code, 2021 Edition (the "IFC"), including Appendices A, B, C, F and I, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, a copy of which is on file and open for inspection in the office of the Town Clerk, is hereby adopted by reference with the amendments set forth herein.

B. Amendments: The IFC is amended as follows:

1. Section 101.1 is amended by inserting "Town of Erie" where indicated.

2. Section 102 is amended by adding subsection 102.13: "102.13 Conflicts with adopted codes. Where a conflict occurs between this code and the International Building Code (IBC) and/or the International Residential Code (IRC), the more stringent application of the respective codes shall apply. Exception: When the *chief building official* and *fire code official* agree upon any provision from the respective codes as being applicable and acceptable."

3. Section 102 is amended by adding subsection 102.14: "102.14 Adopted codes. Where this code references other codes, the currently adopted edition for the location under consideration shall apply."

4. Section 103.1 is amended by inserting "Mountain View Fire Protection District ("District")" where indicated.

5. Section 104.7 is amended by adding the following at the end: "Nothing herein shall be construed as a waiver of any immunities provided by C.R.S. § 24-10-101, *et seq.*, or any other law."

6. Section 104.11 is amended by adding the following at the end: "The authority of the District *fire chief*, or authorized designee, including all *fire code officials*, to act as peace officers shall extend to the limits as authorized in C.R.S. § 16-2.5-109."

7. Section 104.12 is amended by adding the following at the end: "The authority of the District *fire chief*, or authorized designee, including all *fire code officials*, to act as peace officers shall extend as far as the authority set forth in C.R.S. 32-1-1002, 16-2.5-109, and other applicable state statutes."

8. Section 105.5 is amended by the deletion of subsections 105.5.1-105.5.3, 105.5.6-105.5.9, 105.5.11-105.5.31, 105.5.33, 105.5.35-105.5.41, 105.5.43-105.5.48, and 105.5.50-105.5.52.

9. Section 105.5.34 is replaced with: "105.5.34 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: No permit shall be required if burning is regulated under the regulations promulgated under C.R.S. § 25-7-123 or regulated by the County."

10. Section 107 is replaced with:

107.1 Fees. Fees for services under this code shall be established by resolution of the Board of Directors of the District under C.R.S. § 32-1-1002(1)(e). Said fees and charges may include a charge for reimbursement to the District of any consultation fees, expenses or costs incurred in performing inspection related services under this code.

107.2 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid; nor shall an amendment to a permit be released until additional fees, if any, have been paid.

107.3 Operational permit fee. An inspection fee may be charged for any operational permit required by Section 105.5. The inspection fee shall be based upon the time required to conduct inspections authorized by Section 105.2.2 and associated activities, to determine compliance with this code and other applicable laws and ordinances as required by Section 105.2.4, and to issue the permit as specified in Section 105.3.7.

107.4 Construction permit fee. A fee may be charged for any construction permit required by Section 105.6. The construction permit fee is intended to cover the cost of inspections required or requested in connection with the work for which the permit is granted, and the associated costs of processing the application. An application shall include an estimate of the total value of the work, including materials and labor, for which the permit is being sought. If, in the opinion of the *fire code official*, the valuation is underestimated on the application, the permit shall be denied, unless written estimates are provided in a form acceptable to the *fire code official*, and that support the valuation set forth in the application. Final construction permit valuation shall be set by the *fire code official*.

107.5 Other inspection fees. Fees for re-inspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established may be charged.

107.6 Plan review fee. The plan review fee is intended to cover the significant costs and expenses incurred by the District in reviewing materials necessary to perform appropriate inspections of construction, uses, processes, and operations. The fee shall be assessed based on the reasonable, customary, and necessary time associated with reviewing or

evaluating site plans, construction documents and calculations; changes, additions, or revisions to approved plans; construction documents resubmitted after the *fire code officials* issuing a statement explaining the reasons that a previous submittal does not conform to the requirements of this code. When submittal documents are incomplete or changed and require additional plan review, an additional plan review fee shall be charged. The plan review fee is separate from the construction permit fee required by Section 107.4.

107.7 Unauthorized work inspection fee. Any person or entity that begins any work before obtaining a construction permit required by Section 105.6 shall be subject to an inspection fee in an amount equal to the amount of the construction permit fee. The fee shall be separate from and in addition to a construction permit fee. Payment of the inspection fee shall not relieve any person from compliance with all other provisions of this code or from any penalty prescribed by law. The inspection fee shall be assessed regardless of whether a construction permit is then or subsequently issued. Exception: When approved in writing by the *fire code official*, work may begin prior to obtaining a construction permit.

107.8 Related fees. The payment of the fee for construction, uses, processes, or operations authorized by an operational permit or construction permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law or required by Section 107.

11. Section 111.1 is replaced with:

111.1 Appeals procedure - general. Any person, firm, or corporation grieved by an application, interpretation, or order made by the District pursuant to any provision of this code or the standards adopted, may file within three days a written notice of appeal with the District requesting a hearing before the *fire chief*. All appeals shall be made in writing to the *fire chief* at the district's administrative office. The *fire chief* shall establish reasonable rules for such appeal and shall make a record of all proceedings. The decision of the *fire chief* shall be considered a final administrative decision.

111.1.1 Appeals procedure - administrative decisions. To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this code, upon request of an interested party, including the *fire chief* or designee, there shall be, and is hereby created a board of appeals consisting of 5 members who are qualified by experience and training to pass judgment upon pertinent matters. The

board of appeals shall be appointed by the Board of Directors of the District. The board of appeals shall adopt reasonable rules of procedure for conducting its business, and shall render all interpretations, decisions, and findings in writing to the appellant or requesting party with a duplicate copy to the *fire chief*. All appeals of the *fire chiefs* decision shall be made in writing, within 3 days of the *fire chiefs* decision, to the Board of Directors of the District by delivery to the *fire chief* or designee at the District's administrative office.

111.1.2 Appeals board and procedures. See Appendix A.

12. Section 112.4 is replaced with: "112.4 Violation; penalties. Any person who violates a provision of this code, or fails to comply with any of the requirements thereof or who corrects, installs, alters, repairs, or works in violation of the approved construction documents or directions of the *fire code official* or of a permit or certificate used under this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$250. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

13. Section 113.4 is replaced with: "113.4 Failure to comply. Any person who continues any work after having been served a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine and/or imprisonment up to the maximum specified in C.R.S. § 32-1-1001 and C.R.S. § 32-1-1002. Each day on which such violation occurs shall constitute a separate violation under C.R.S. § 32-1-1002(3)(d)."

14. Section 503.2 is amended by adding subsection 503.2.9: "503.2.9 Driveway access. Driveways from platted roads to single-family residences shall be sized to meet the municipal or county transportation department specifications on straight sections. Inside and outside curve radii will be determined by the *fire code official* to accommodate the fire apparatus expected to respond to the residence."

15. Section 507.2 is amended by adding subsections 507.2.3 and 507.2.4:

507.2.3 In-ground cisterns. In-ground cisterns for fire protection shall be designed, installed, and maintained to meet the requirements of the municipal code or county land use code and the *fire code official*.

507.2.4 Community cisterns. Where an occupancy is close enough and has adequate access by firefighting apparatus, in the opinion of the *fire code official*. A community cistern may provide firefighting water supply, instead of an in-ground cistern as described in subsection 507.2.3.

16. Section 507.5.3 is amended by adding subsection 507.5.3.1: "507.5.3.1 Privately owned hydrant maintenance. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the *fire code official*. Such private hydrants shall be flushed and tested periodically according to this code. In

the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the *fire code official* and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the municipality with a different color cap, that being white, to designate a private fire hydrant. Appropriate markings or signs restricting parking in front of or next to fire hydrants shall be designated by the *fire code official* and implemented at the expense of the property owner. No point of connection to any private hydrant shall be left uncapped without permission of the *fire code official*."

17. Section 507.5 is amended by adding subsection 507.5.7: "507.5.7 Existing private fire hydrants. Existing hydrants that do not conform to the District specifications or that do not face in the direction most consistent with emergency use by the district, as established by the *fire code official*, shall be changed to meet the district's requirements by the property owner at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent."

18. Section 903.2.8.1 is replaced with: "903.2.8.1 Group R-3. An automatic sprinkler system installed under Section 903.3.1.3 shall be

permitted in group R-3 occupancies. Single- and two-family dwellings and townhouses are exempt from this requirement where the municipality or county has removed this requirement from the adopted building and residential codes."

19. Section 903.3.1.3 is replaced with: "903.3.1.3 Residential sprinkler systems. Automatic sprinkler systems installed in one and two-family dwellings, townhouses and occupancy classification groups R-3 and R-4 Condition 1, shall be permitted to be installed throughout in accordance with the Town's building codes, amendments and subsections 903.3.1.3.1-903.3.1.3.3."

20. Section 903.3.1.3 is amended by adding subsections 903.3.1.3.1, 903.3.1.3.2 and 903.3.1.3.3:

903.3.1.3.1 Fire department connections. Residential sprinkler systems which are supplied by atmospheric pressure tanks and fire pumps shall be installed with a fire department connection, the size and location of which shall be determined by the *fire code official* and Section 912.

903.3.1.3.2 Attached garage sprinklers. Residences with attached garages, where the garage may serve as an egress path, shall have the garage sprinkled, as determined by the *fire code official*.

903.3.1.3.3 Interior and exterior notification. Residential sprinkler systems shall have adequate interior notification of occupants provided to

alert them that the sprinkler system is activated, in accordance with NFPA 72. Additionally, a horn and strobe device shall be installed above the fire department connection noted in Section 903.3.1.3.1. Such sprinkler water flow alarm devices shall be activated by the water flow equivalent to the flow of single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

21. Section 903.4.2 is replaced with: "903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. An approved audible alarm shall be provided in the interior of the building, in a normally occupied location, to alert building occupants of sprinkler discharge. Such sprinkler water flow alarm devices shall be activated by the water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system."

22. Section 907.6 is amended by adding subsection 907.6.7: "907.6.7 Extent of coverage. The *fire code official* shall approve the extent of zone coverage for fire alarm systems in all buildings and structures."

23. Section A101.3 is replaced with: "A101.3 Membership of board. The board shall consist of 5 voting members appointed by the chief appointing authority on an *ad hoc* basis to hear matters that come up for appeal. The *fire chief* shall be the chief appointing authority. The *fire code official* shall be an *ex officio* member of the board and shall not vote on matters before the board."

24. Section A101.3.3 is deleted in its entirety.

25. Section A101.3.4 is replaced with: "A101.3.4 Chairperson. The board shall select one of its members to function as chairperson to hear the matters brought before the board."

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 28th day of February, 2023.

_____ Jun Brooks, Mayor

Attest:

Debbie Stamp, Town Clerk

