

Resolution No. 19-04-09
Fire Code
Fairmount Fire Protection District

A RESOLUTION ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS, THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH LOCAL AMENDMENTS, AND POLICIES AND PROCEDURES RELATED TO ENFORCEMENT OF THE SAME

WHEREAS, the Fairmount Fire Protection District ("*District*") is a political subdivision of the State of Colorado, formed pursuant to C.R.S. § 32-1-101, *et seq.* ("*Special District Act*") to provide fire suppression, fire prevention, rescue, hazardous materials, ambulance and emergency medical services;

WHEREAS, the District's jurisdiction lies entirely within Jefferson County, Colorado ("*County*");

WHEREAS, pursuant to C.R.S. § 32-1-1002(1)(d), the District Board of Directors is authorized "[t]o adopt and enforce fire codes, as the board deems necessary, but no such code shall apply within any municipality or the unincorporated portion of any county unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries...."

WHEREAS, C.R.S. §32-1-1002(3)(b)(I) of the Special District Act requires the District's Fire Chief to "[e]nforce all laws of this state and ordinances and resolutions of the appropriate political subdivisions relating to the prevention of fires and the suppression of arson";

WHEREAS, pursuant to C.R.S. § 32-1-1002(3)(b)(I), the District's Fire Chief is required to "[e]nforce all laws of this state and ordinances and resolutions of the appropriate political subdivisions relating to the prevention of fires and the suppression of arson";

WHEREAS, the County's Board of County Commissioners ("*County Commissioners*") have adopted the attached Ordinance, Regulatory Policy, The International Fire Code (2018 Edition), Minimum Fire Safety Standards ("*Ordinance*"), which adopted within the County's boundaries the 2018 Edition of the International Fire Code ("*2018 Fire Code*"), with certain local amendments;

WHEREAS, pursuant to the Ordinance, "if any fire protection district . . . adopts its own fire code and such code is approved by the Board of County Commissioners, such code shall be controlling in the unincorporated areas of Jefferson County within the boundaries of the special district";

WHEREAS, pursuant to Resolution 2016-01-13, the District Board of Directors previously adopted the 2015 Edition of the International Fire Code, with certain local amendments ("*2015 Fire Code*");

WHEREAS, pursuant to its statutory authority and mandates, the District Board of Directors desires and intends to adopt and enforce the 2018 Fire Code with certain local amendments, and the 2018 International Wildland-Urban Interface Code with certain local amendments, within the unincorporated portions of the County and those portions of each municipality in which the District is located, contingent

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upon the County Commissioners approving, and the governing body of each municipality adopting, the 2018 Fire Code and the 2018 International Wildland-Urban Interface Code; and,

WHEREAS, until such time as the County Commissioners approve, and the governing body of each municipality adopts, the 2018 Fire Code, the District shall continue to enforce the 2015 Fire Code within the unincorporated portions of the County and each municipality in which the District is located.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FAIRMOUNT FIRE PROTECTION DISTRICT:

SECTION I: Adoption of the 2018 International Fire Code and 2018 International Wildland-Urban Interface Code, with the District's Local Amendments.

1. The 2018 Edition of the International Fire Code, with Appendices B - D, F - I, K, and L only, and with the amendments specifically identified on **Exhibit A** to this Resolution ("*District's Local Amendments*"), is hereby adopted as the District's fire code for all purposes within all portions of the District's jurisdiction.

2. The 2018 International Wildland-Urban Interface Code, with the amendments specifically identified on **Exhibit B** to this Resolution ("*2018 WUI Code*", and together with the 2018 Fire Code with the District's Local Amendments, the "*Fire Code*"), is hereby adopted within all portions of the District's jurisdiction.

3. Notwithstanding the foregoing, the Fire District shall continue to administer and enforce within its jurisdiction the 2015 Fire Code until such time as (i) the County Commissioners approve the Fire District's administration and enforcement of the 2018 Fire Code with the District's Local Amendments, at which time the District will begin administering and enforcing the same within those portions of unincorporated Jefferson County in which the District is located, and (ii) the governing body of any municipality in which the District is located adopts the 2018 Fire Code with the District's Local Amendments, at which time the District will begin administering and enforcing the same within those portions of adopting municipality in which the District is located.

SECTION II: Establishment and Duties of Fire Inspectors.

Organizational structure and duties of the Fire and Life Safety Division shall be as provided by the District's rules and regulations and internal organizational structure.

SECTION III: Penalties.

- (a) In accordance with C.R.S. § 32-1-1002(3)(d), any owner, lessee, agent, or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard or any condition which impedes or prevents the egress of persons from such building or premises in violation of such statutory provision shall be deemed to be maintaining a fire hazard. Any person who violates any provision of

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such statutory provision is guilty of a misdemeanor. Each day in which such violation occurs shall constitute a separate violation of CRS § 32-1-1002(3)(d).

- (b) The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief.

SECTION IV: Enforcement Procedures and Appeal.

- (a) The Fire Chief shall enforce the Fire Code and shall inspect or cause to be inspected all buildings, structures, property, premises, and public places, except the interior of any private dwelling, in accordance with the procedures set forth in CRS § 32-1-1002(3). All inspections shall be recorded in an inspection report.

- (b) An initial Notice of Fire Code Violation (NOFCV) may be issued by the Fire Chief or designee concerning violations or hazards which are not corrected on-site during an inspection. This may be accompanied by fees, as adopted by the Board of Directors. A NOFCV shall be signed by the inspector and contain, at a minimum, the following information:

- (1) Date of inspection;
- (2) Name/Address of premises inspected;
- (3) Name of inspector;
- (4) Nature of violations;
- (5) Date of re-inspection;
- (6) Consequences of failure to correct violations.

- (c) A second NOFCV may be issued by the Fire Chief or designee concerning fire code violations that have not been appropriately corrected in a reasonably allocated period of time. Further enforcement activities may be accompanied by fees, as adopted by the Board of Directors. Said second NOFCV shall be signed by the inspector and shall contain, at a minimum, the following information:

1. Date of issuance;
2. Name/Address of premises inspected;
3. Nature of violation or hazard;
4. Demand for immediate resolution or correction;
5. Penalties for violation of notice;
6. Signature of the Chief or his/her designee;
7. Acknowledgement of receipt signed by owner, lessee, agent or other responsible person.

If the owner, lessee, agent or other responsible person is unwilling to sign the second NOFCV, then the second NOFCV shall be witnessed by a Fairmount Fire Protection District member.

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- (d) Immediate correction of violations or hazards may be required on an initial or second NOFCV by the Fire Chief, inspector, or any designated member of the District in the following circumstances:
- (1) Failure to correct a violation or hazard within the time specified in a previously issued NOFCV; or
 - (2) Violation of the Fire Code or state statute, and said violation renders the building, structure or premises especially liable to fire or is hazardous to the safety of the occupants thereof, or which is so situated as to endanger other property as set forth in CRS § 32-1-1002(3)(c), whether or not a NOFCV has been previously issued.
- (e) An appeal of an initial NOFCV may be made to the Appeal Committee, as more particularly described in the Fire Code, by delivery to the Fire Chief in writing a notice of appeal within five calendar days of the issuance of the NOFCV. The appeal shall be heard at the next regular meeting or special meeting of the District Board called for that purpose. The Appeal Committee may affirm, rescind, or modify the NOFCV and may enter into such enforcement agreements as it deems proper.
- (1) For appeals of an initial NOFCV, an appeal shall suspend the time limits for compliance or correction of a fire hazard or hazards until the appeal is resolved.
- (f) An appeal of a second NOFCV may be made to the Appeal Committee only if no previous appeal has been made of a previously issued NOFCV concerning the same violation or hazard. An appeal of a second NOFCV must be in writing and delivered to the Fire Chief within three calendar days of issuance of the NOFCV.
- (1) An appeal of a second NOFCV shall not suspend the time limits for compliance or correction, and compliance or correction shall be made or rendered forthwith, unless the Appeal Committee suspends, reverses, revises, or overturns the NOFCV.
- (g) An appeal of an initial or second NOFCV shall not suspend the time limit for compliance or correction of critical life safety deficiencies or violations.
- (h) The Appeal Committee shall hear all such appeals and application for relief and render its decision thereon in accordance with its rules.
- (i) In the event no appeal is made to the Appeal Committee in conformance with this appeals process and the process set forth in the Fire Code, or to the district court pursuant to CRS § 32-1-1002(3), and compliance with the NOFCV and/or correction of the hazard has not occurred, the District may, upon recommendation by the Fire Chief or upon its own motion, refer the matter to the Jefferson County District Attorney.

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SECTION V: Validity and Conflict.

Should any section, paragraph, sentence or word of this Resolution or the Fire Code be declared for any reason to be invalid, it is the intent of the District Board that it would have adopted all other portions of this Resolution and the Fire Code independent of the invalidity of any such portion. It is further the declaration of the District Board that no provision of this Resolution or Fire Code be interpreted in conflict with existing State law. In the event there is conflict between State law and this Resolution or the Fire Code, State law shall take precedent.

SECTION VI: Prior Resolutions.

This Resolution shall supersede and replace all prior Resolutions or motions previously adopted by the Board with respect to adoption of a fire code and policies and procedures for enforcement of the fire code, which prior Resolutions or motions are hereby rescinded and null and void for all purposes.

ADOPTED this 10th day of April, 2019

BOARD OF DIRECTORS OF
FAIRMOUNT FIRE PROTECTION DISTRICT

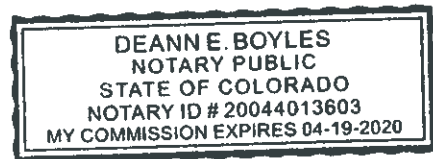
Robert Young
Director

Tom Young by:
Craig Corbin
Director

V. J. [Signature]
Director

[Signature]
Director

PAIGE JORIS M
Director



Deanne E. Boyles

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EXHIBIT A

Section 1. Definitions.

The following definitions shall be utilized in addition to those set forth in the 2018 International Fire Code:

Wherever the word “jurisdiction” is used, it is meant to be inclusive of the boundaries of the Fairmount Fire Protection District as they now or may hereafter exist.

Where the term “Chief” or “Chief of the Fire and Life Safety Division” is used, it shall be held to mean the Fire Chief of the Fairmount Fire Protection District, or the District’s Fire Marshal or a designated member of the District.

Where the term “Board” is used, it shall be held to mean the Board of Directors of the Fairmount Fire Protection District.

Wherever the term “International Building Code” is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the Jefferson County Building Code for unincorporated portions of Jefferson County or the International Building Code as adopted, amended and incorporated into the applicable municipality’s Building Code within a municipality’s territorial limits.

Wherever the term “Fire Detection System” or “Fire Alarm System” is used, it shall be held to mean an approved analog/addressable system for automatic and manual initiating devices as defined by NFPA 72. All fire detection and alarm systems shall include full NFPA 72 compliant notification. All fire detection and alarm systems shall be monitored by an Underwriters Laboratory (UL) 827 listed and approved Central Supervising Station or equivalent. This does not imply a requirement for Central Station Service as defined by NFPA 72. All components shall be approved by the Fairmount Fire Protection District and installed per NFPA 72.

Section 2. Amendments.

The 2018 Edition of the International Fire Code is amended and changed in the following respects. Any portion not listed as amended is adopted as written.

- ❖ 1. Chapter 1, Add: 102.11.1 “Rules and regulations promulgated by the State of Colorado under the authority established by Section 24-33.5-1204.5, C.R.S., including, but not limited to the 2018 Colorado Fire Suppression Rules, shall be enforced under the provisions of sections 102.8 through 102.11.”
- ❖ 2. Chapter 1, §103.4 shall be amended by the addition of the following sentence: “Nothing herein shall be construed as a waiver of immunities provided by Section 24-10-101, *et seq.*, C.R.S., or by other statutes, or by the common law.”

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- ❖ 3. Chapter 1, §104.6 shall be changed to the following “The fire code official shall keep official records as required by sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than six years.”
- ❖ 4. Chapter 1, §105.6, Add operational permit required for the operation of an assisted living facility.
- ❖ 5. Chapter 1, §106 Add §106.2.1 Setting of Fees

“(a) Pursuant to Section 32-1-1002 (1)(e)(II), C.R.S., the Board may fix and from time to time may increase or decrease fees and charges, at its discretion, for inspections, operational permits, and review of plans and specifications, which are:

- (1) Requested or mandated for existing structures, buildings and improvements;
- (2) Necessitated in conjunction with any county regulation, resolution or condition of development; or
- (3) Performed in conjunction with the construction of new structures, buildings, and improvements.

(b) Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the District of any consultation fees, expenses or costs incurred by the District in the performance of the inspections or review of the plans and specifications.”

- ❖ 6. Chapter 1, §109 shall be amended by the addition of the following sections:

109.4 “An appeal shall be heard by a subcommittee of three members of the Board, designated annually by the Board as members of the Appeal Committee. The decision of the Appeal Committee shall be deemed as final agency action for purposes of any grievant seeking judicial review of an adverse decision.

109.5 The Board, upon recommendation of the Appeals Committee or the fire chief or upon its own motion, may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or authorized agent thereof, of any property, building or structure, or any interested person directly affected by the application of this code. Said agreements may extend the time for compliance with this code and may contain such terms and conditions that the Board deems appropriate to adequately protect the life, health, property, security and welfare of the general public.

109.6 Persons within the territorial limits of the City of Wheat Ridge aggrieved under this code may file an appeal with the Board of Appeals of the City of Wheat Ridge, as may be provided in the Wheat Ridge Municipal Code.

109.7 Persons within the territorial limits of the City of Golden aggrieved under this code may file an appeal with the Board of Appeals of the City of Golden, as may be provided in the Golden Municipal Code.

109.8 Persons not within the territorial limits of the City of Wheat Ridge or the territorial limits of the City of Golden aggrieved under this code may file an appeal with the Board of the Fairmount Fire Protection District under Chapter 1, §109 of the International Fire Code.”

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- ❖ 7. Chapter 1, §110.4 Violation penalties shall be replaced and amended as follows:

Persons who violate a provision of this code or 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 provisions of this code, shall be guilty of a Fire Code Violation. City ordinances and County resolutions shall stipulate what the offense(s) will be. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- ❖ 8. Chapter 1, §112.4, Failure to comply shall be replaced and amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fee, fine and/or imprisonment up to the maximum specified in §32-1-1001 and §32-1-1002, C.R.S. City ordinances and County resolutions shall stipulate what the offense(s) will be.

- ❖ 9. Chapter 1, Add §114 to read as follows: “This Chapter shall be interpreted to be consistent with the provision of §32-1-1002(3), C.R.S.”
- ❖ 10. Chapter 5, §503.2, Add the sentence, “See Appendix D for further requirements.”
- ❖ 11. Chapter 5, Change §503.2.1 to read: “Fire apparatus access streets and drive aisles shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except at approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- ❖ 12. Chapter 5, §503.2.3 Add the sentence: “Surfaces other than pavement must be approved. Grass, concrete, and similar surfaces are not allowed”.
- ❖ 13. Chapter 5, Change §503.2.4 to read “Turning radius. The required turning radius of a fire apparatus access road shall be an inside radius of 25 feet and an outside radius of 50 feet or as determined by the fire chief. Computer modeling may be required to establish that fire apparatus with Fairmount Fire Protection District and its automatic aid response partners specifications can adequately maneuver proposed access pathways.”
- ❖ 14. Change §503.2.8 as follows; “Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the District’s apparatus.”
- ❖ 15. Chapter 5, §503.6, Change “fire code official” to “fire chief”.
- ❖ 16. Change §507.5.1 as follows; Delete the first exception. Change exception 2 to read “For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet from the Fire Department Connection(s) in an approved location.”

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- ❖ 17. Change §507.5.1.1 “507.5.1.1 Hydrants for standpipe and/or automatic sprinkler systems. Buildings equipped with a standpipe system installed in accordance with Section 905, and/or an automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2 shall have a fire hydrant a minimum of 50 feet from the fire department connection(s) in an approved location.”
- ❖ 20. Chapter 5, §508.1.1 Change “fire code official” to “fire chief”.
- ❖ 17. Change §510.4.1.1 to the following: “Minimum signal strength into the building. A minimum signal strength of -85dBm shall be receivable within the building.”
- ❖ 18. Change §510.4.1.2 to the following: “Minimum strength out of the building. A minimum signal strength of -90dBm shall be received by the agency’s radio system when transmitted from within the building.”
- ❖ 19. Add §510.4.1.3 as follows: “If the field strength OUTSIDE the building where the receiving antenna system for the in-building system is located is less than the (-85 dBm), then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.”
- ❖ 20. §901.6, Add to the end of the Section: “The removal of any nonrequired fire protection systems or equipment shall be *approved* prior to removal.”
- ❖ 21. Change §903.4.2 to read “Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by 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. Chapter 9, §907.5.2.3 Add the sentence: “When occupant notification is silenced, the visible alarm notification appliance(s) shall continue to operate until the fire alarm and detection system is reset.”
- ❖ 23. Chapter 9, Add: §907.6.6.3 “Fire alarm panels and security alarm panels shall be separate and not combined.”
- ❖ 24. Chapter 33, Change §3310.1 to read “**Required access.** Prior to above ground construction and/or the storage of combustible materials, all access and water supplies for fire fighting vehicles shall be provided to construction or demolition sites as shown on the approved site plan in their entirety. Vehicle access shall be provided by either a paved or bottom lift road surface capable of supporting vehicle loading under all weather conditions at the site plan approved width.”

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- ❖ 25. Chapter 53, §5307.3, Add, “The provisions of this section shall apply to new or existing systems.”
- ❖ 26. Chapter 56, §5601 Add the sentence: “This chapter shall be interpreted to be consistent with the provisions of Part 20 of Article 33.5 of Title 24, C.R.S., and any applicable municipal ordinance or county resolution/ordinance shall govern all fireworks, their sale, storage and use”.
- ❖ 27. Chapter 61, §6109.13, Delete the exception.
- ❖ 28. Appendix B, §B103.1, Change “fire code official” to “fire chief”.
- ❖ 29. Appendix B, §B103.2 Change “fire code official” to “fire chief”.
- ❖ 30. Appendix B, Table B105.1(1), Change “The minimum fire-flow shall not be less than 1,000 gallons per minute for all fire-flow calculation areas”.
- ❖ 35. Appendix B, Table B105.2, Change the reduction percentage allowed from “25%” to “50% of the value in Table B105.1(2)” in both instances.
- ❖ 36. Appendix B, Table B105.2, Change footnote a: “The reduced fire flow shall not be less than 1,500 gallons per minute.”
- ❖ 37. Table C102.1 footnote h, Change “fire code official” to “fire chief”.
- ❖ 38. Appendix D, §D102.1, Change imposed load of fire apparatus to 85,000 pounds. Add “Underground water detention systems are not allowed under fire apparatus access drive aisles.”
- ❖ 39. Appendix D, §D103.2, In the exception change “fire code official” to “fire chief”.

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EXHIBIT B