

ESTES VALLEY FIRE PROTECTION DISTRICT

RESOLUTION NO. 2015-02

**A RESOLUTION OF THE ESTES VALLEY FIRE PROTECTION DISTRICT
ADOPTING THE 2015 INTERNATIONAL FIRE CODE AND CERTAIN
APPENDICES AND CERTAIN MODIFICATIONS THERETO REGULATING
AND GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY
FROM FIRE OR EXPLOSION AND PROVIDING FOR CERTAIN
PERMITTING OF SUCH USES AND OPERATIONS.**

WHEREAS, the Estes Valley Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado operating pursuant to Article 1, Title 32, C.R.S., for the purpose of providing fire protection and rescue services; and

WHEREAS, Section 32-1-1002(1)(d), C.R.S., authorizes a fire protection district to adopt and enforce fire codes, although no such fire code shall apply within any municipality or unincorporated portion of a county unless the municipal or county governing body adopts a resolution stating that such code shall be applicable within the fire protection district’s boundaries; and

WHEREAS, the Board of Directors finds and determines that it is in the best interest of the residents, taxpayers, and visitors of the District to maintain adequate and updated regulations by means of adopting by reference the 2015 edition of the International Fire Code for application within the District for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants and property owners of the District; and

WHEREAS, THE Board of Directors has considered the effect of Fire Code enforcement within the boundaries of the District and has determined that enforcement of the 2015 International Fire Code would not cause undue hardship or suppression of economic growth within the District.

NOW, THEREFORE, be it resolved by the Board of Directors of the Estes Valley Fire Protection District as follows:

Adoption of International Fire Code. The Board of Directors of the Estes Valley Fire Protection District hereby adopts by reference the 2015 International Fire Code and Appendices, as published by the International Code Council, as amended hereby (“International Fire Code”), including: Appendix Chapters: **B** (Fire-Flow Requirements for Buildings); **C** (Fire Hydrant Locations and Distribution); **E** (Hazard Categories); **F** (Hazard Ranking); **G** (Cryogenic Fluids-Weight and Volume Equivalents), save and except such portions as are hereinafter deleted, modified, or amended by this Resolution,

for regulating and governing the safeguarding of life and property from fire arising 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 District and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code on file in the office of the District, are hereby referred to, adopted and made a part hereof as if fully set out in this Resolution.

Section 1. Establishment and Duties of Life Safety Inspectors. Organizational structure and duties of the Life Safety Division shall be as provided by the District's rules and regulations and internal organizational structure.

Section 2. Definitions. The following definitions shall be utilized in addition to those set forth in the International Fire Code:

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

Where the term "Chief" or "Chief of the Life Safety Division" is used, it shall be held to mean the Chief of the Estes Valley Fire Protection District, or the District Fire Marshal or a representative of the District designated by the Chief or the District Fire Marshal.

Where the term "board" is used, it shall be held to mean the Board of Directors of the Estes Valley 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 Larimer County Building Code for unincorporated portions of Larimer County or the International Building Code as adopted, amended and incorporated into the Town of Estes Park's Building Code within its territorial limits.

Section 3. Revisions to the International Fire Code. The following sections of the International Fire Code are hereby revised:

(a) Section 101.1 Title. Insert: Estes Valley Fire Protection District as the "name of jurisdiction."

(b) These regulations shall be known as the Fire Code of the Estes Valley Fire Protection District. Hereinafter referred to as "this code."

(c) The title of Section 103 shall be **Life Safety Division**.

(d) Subsection 103.1 **General**, is hereby amended to read in its entirety as follows: The Life Safety Division is established within the jurisdiction under the direction of the *fire code official*. The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.

(e) Subsection 108.1, **Board of appeals established** is hereby repealed and re-enacted to read in its entirety 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. Appeals shall be heard by a board of appeals of three members of the Board of Directors of the Estes Valley Fire Protection District designated annually by the board as the board of appeals. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board of appeals. The board of appeals shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

108.1.1 Board of appeals procedure. An appeal of a Notice of Violation or Hazard may be made to the board of appeals by delivery of a written notice of appeal to the Chief within five days of the issuance of the Notice of Violation or Hazard. The appeal shall be heard by the board of appeals at the next regular meeting of the Board of Directors, or at a special meeting of the Board of Directors called for that purpose. A notice of appeal shall be based on claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. In the event no notice of appeal is filed and no petition for review of any order is filed with the Larimer County District Court within five days after the making any such order pursuant to Section 32-1-1002(3)(c), C.R.S., and compliance with the order and / or correction of the hazard has not occurred, the Chief may refer the matter to the Larimer County District Attorney, or to the Town Attorney of Estes Park for enforcement and prosecution.

(f) Subsection 109.4 is hereby amended to read in its entirety as follows:

109.4 Violation penalties. It shall be unlawful for any person to violate any provision of this code or to fail to comply with any of the requirements thereof or to 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. Any person who

is found guilty, pleads guilty or pleads *nolo contendere* to a violation of this code shall be guilty of a misdemeanor, punishable by a fine not to exceed Two Thousand Six Hundred Fifty Dollars (\$2,650.00) in accordance with Section 1.20.020 of the Municipal Code of the Town of Estes Park, Colorado as the same may be amended or increased in the future, and by a fine in Larimer County Court not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment as permitted by law in the jurisdiction in which the violation occurs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. A violation of any provision of this code is declared to be a serious threat to public health and safety.

(g) A new Subsection 109.5 is hereby enacted to read in its entirety as follows:

109.5 Work commencing before permit issuance. Any person or firm who, before obtaining the necessary permit(s), commences any construction of, or work on, a building, structure, fire protection system, fire alarm system, fire extinguishing system that is not otherwise exempted from obtaining a permit, shall be subject to a processing and penalty fee in addition to the standard prescribed permit fee. Such additional fee shall not be less than \$25, or more than \$100 for the first such violation. A person or firm committing the same such violation repeatedly is subject to processing and penalty fees equal to four times the amount of the permit fee for every subsequent violation committed thereafter within any 180-day period.

(h) Subsection 111.4 is hereby amended to read in its entirety as follows:

111.4 Failure to comply. 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 liable to a fine as provided in Subsection 109.4.

(i) Subsection 113.1 is hereby amended to read in its entirety as follows:

113.1 Fees. A permit shall not be issued until the fees have been paid, nor shall amendment to a permit be released until the additional fee, if any, has been paid. Fees for any permit, inspections, and services authorized by the code shall be as set forth a Schedule of Fees in amounts as determined by the board, subject to amendment in the discretion of the board.

(j) Subsection 503.2.2 is hereby amended to read in its entirety as follows:

503.2.2 Authority. The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are either inadequate or adequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(k) Subsection 505.1 is hereby amended to read in its entirety as follows:

505.1 Address identification. New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address numbers shall be illuminated or reflective and shall be clearly visible from the right of way. Address identification characters shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of ½ inch. Where required by the *fire code official*, address identifications shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other signs or means shall be used to identify the structure. During construction, approved address numbers shall be displayed next to the driveway entrance leading to the project site. The provision of this subsection may be applied retroactively to existing structures. Address identification shall be maintained.

(l) A new Subsection 903.2.13 is hereby enacted to read in its entirety as follows:

903.2.13 CD-Commercial Downtown zone district. In any CD-Commercial Downtown zone district, all new construction and substantial improvements, regardless of uses, require approved automatic sprinkler systems as specified in this section. In this zone district, all newly constructed and substantially improved buildings shall be protected with NFPA 13 compliant automatic sprinkler systems. New construction, includes both initial development and re-development (demolition and rebuild). Improvements include, but are not limited to, additions and remodels. Substantial improvements are improvements to buildings which require permits and when the value of the improvements exceeds 50% of the pre-improvement value of the building. The provisions of this subsection are in addition to and do not exempt any requirements for automatic sprinkler systems contained elsewhere in this code.

(m) Subsection 1011.5.1, **Dimension reference surfaces**, is hereby **repealed** in its entirety.

(n) Subsection 1013.2 is hereby amended to read in its entirety as follows:

1013.2 Floor-Level exit signs in Group R-1. Where exit signs are required in Group R-1 occupancies by Section 1013.1, additional low-level exit signs shall be provided in all areas serving guest rooms in Group R-1 occupancies and shall comply with Section 1013.5

The bottom of the sign shall be not less than 10 inches nor more than 12 inches above the floor level. The sign shall be flush mounted to the door or wall. Where mounted on the wall, the edge of the sign shall be within 4 inches of the door frame on the latch side. Floor-level exits signs shall be provided in all corridors serving guest rooms of hotels in Group R, Division 1 Occupancies and shall indicate the path of exit travel.

(o) Subsection 1015.8, **Window openings**, is hereby **repealed** in its entirety.

(p) Subsection 1030.1 is hereby amended to read in its entirety as follows:

1030.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R-2 occupancies in accordance with Table 1006.3.2(1) and 1006.3.2(2) and Group R-3 occupancies. Basements and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where basements contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a *public way* or to a *yard or court* that opens to a *public way*.

Exceptions:

1. Emergency escape and rescue openings are not required from basement or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.

(q) Subsection 1030.2 is hereby amended to read in its entirety as follows:

1030.2 Minimum Size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

Section 4. Repeal of Prior Resolutions. Previous Resolutions of the Estes Valley Fire Protection District adopting earlier editions of International Fire Code, are

hereby repealed in their entirety immediately upon the Effective Date of this Resolution as set forth in Section 9 hereof.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution or the International Fire Code adopted hereby is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions. The board hereby declares that it would have passed and adopted this Resolution and the International Fire Code adopted hereby should any other section, subsection, sentence, clause or phrase be declared invalid. It is further the declaration of the board that no provision of this Resolution or the code or standards adopted herein be interpreted in conflict with State law as it now exists or may be amended in the future. In the event there is a conflict between State law and this code, State law shall control.

Section 6. Copies on File. A copy of this Resolution and the International Fire Code adopted herein shall be kept on file in the business office of the District, and shall be available for public inspection.

Section 7. Repealer. All resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed, provided that this section shall not repeal the repealer clauses of any prior resolutions or hereby revive any ordinances or resolutions previously repealed.

Section 8. Publication. Notice of the adoption of this Resolution shall be published in the *Estes Park Trail Gazette* and a full copy of the Resolution as adopted shall be posted on the District's website.

Section 9. Effective Date. This Resolution shall take effect and may be enforced upon its approval by the District's Board of Directors, and this Resolution shall be in full force and effect within the Town of Estes Park and unincorporated portions of Larimer County located within the District, upon the respective adoption of a similar resolution or ordinance by such other jurisdiction(s). Until such time that a similar resolution or ordinance has been adopted in such jurisdictions, the 2009 International Fire Code as previously adopted by the District shall be and remain enforceable in each jurisdiction.

Section 10. Authorization. The officers of the District are authorized and directed to take actions necessary and appropriate to effect the provisions of this Resolution.

INTRODUCED, READ, AND APPROVED by the Board of Directors of the Estes Valley Fire Protection District, upon a motion duly made, seconded and passed at its regular meeting held on the 11th day of November, 2015, by a vote of 3 in favor and 0 against, and 0 abstentions.

ESTES VALLEY FIRE PROTECTION DISTRICT

By: 
Doug Klink, President

Attest:


Erika Kostner, Secretary