

RESOLUTION NO. 2011-____

A RESOLUTION OF THE ESTES VALLEY FIRE PROTECTION DISTRICT ADOPTING THE 2009 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 Board of Directors of the Estes Valley Fire Protection District deems it necessary to adopt the following code 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 proposed codes would not cause undue hardship or suppression of economic growth within the District; and

WHEREAS, the Board of Directors has studied the necessity for realistic and reasonable level of fire protection to be provided by a rural-urban fire protection district;

NOW, THEREFORE BE IT RESOLVED THAT:

SECTION I: Adoption of the 2009 International Fire Code.

There is hereby adopted by the Estes Valley Fire Protection District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain Codes known as the International Fire Code, including: Appendix Chapters: **B** (Fire-Flow Requirements for Building); **C** (Fire Hydrant Locations and Distribution); **D** (Fire Apparatus Access Roads) with specifications approved by the Fire Marshal; **E** (Hazard Categories); **F** (Hazard Ranking); **G** (Cryogenic Fluids-Weight and Volume Equivalents), as published by the International Code Council, being particularly the 2009 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by the Resolution, of which said Code are now filed in the offices of the Estes Valley Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein.

The date on which this Resolution shall take effect within the incorporated municipalities within this District shall be the date of approval by the governing board of said municipality and the date on which it shall take effect within the unincorporated portions of Larimer County shall be on the date of approval by the Board of County Commissioners in and for Larimer County, State of Colorado. This Code shall be in effect within the territorial limits of the Estes Valley Fire Protection District.

SECTION II: 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 III: 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 designated member of the District.

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 municipality’s territorial limits.

Wherever the term “Automatic Fire Detection System” is used, it shall be held to mean total coverage by smoke or heat detectors in all accessible areas and shall include all rooms, halls, storage areas, basements, attics, lofts and other subdivisions and accessible spaces; and the inside of all closets that are able to be walked into, elevator shafts, enclosed stairways, dumbwaiter shafts, and chutes. Inaccessible areas shall not be required to be protected by detectors. Notification/Audible appliances shall be installed to **National Fire Protection Association** (NFPA) standards. Audible and visual notification layout and configuration shall be approved. Variances to this requirement may be granted by the code official when equal or greater life safety protection is provided.

SECTION IV: Amendments made in and to the International Fire Code. The International Fire Code is amended and changed in the following respects:

1. Chapter 1, Section 108 shall be amended by the deletion of said Section in its entirety and by the insertion of the following:

(a) The District’s Board or its designee, the Appeals Committee shall determine the suitability of the alternate materials and methods and type of construction and provide reasonable interpretations of the provisions of this Code upon the request of any interested party, including the Chief.

(b) The Board, upon recommendation of the Appeals Committee or the 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, including alternative means to meet the spirit and intent of the code.

(c) Persons aggrieved under this code may file an appeal with the Board of the Estes Valley Fire Protection District under Chapter 1, Section 108 of the International Fire Code. The Appeal shall be heard by the 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.

2. Chapter 1, Subsection 111.4, delete the following; “shall be liable to a fine of not less than (Amount) dollars or more than (Amount) dollars” and replace with: “shall be subject to fine and/or imprisonment up to the maximum specified in §32-1-1001 and 32-1-1002, C.R.S.”

3. The following is added as an addition to Chapter 1:

Section 112 Inspection Fees:

(a) Pursuant to §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 and review of plans and specifications, which are:

- (1) Requested or mandated for existing structures, buildings and improvements; and
- (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.

4. Chapter 1, Section 113 shall be added as a new section to read as follows: Section 113 “This Chapter shall be interpreted to be consistent with the provision of §32-1-1002(3), C.R.S.”

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SECTION V: Enforcement Procedures and Appeal.

(a) The Chief shall enforce this 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 §32-1-1002(3), C.R.S.. All inspections shall be recorded in an inspection report.

(b) A “Notice of Violation or Hazard” may be issued by the Chief or his designee concerning violations or hazards which are not corrected on-site during an inspection. Said Notice shall be signed by the inspector and contain, as a minimum, the following information:

1. Date of inspection;
2. Name/Address of premises inspected;
3. Name of inspector;
4. Nature of violations, including specific reference to section/subsections of the code;
5. Date of reinspection;
6. Suggested methods of correction or compliance, if applicable;
7. Right to appeal to the Appeals Board;
8. Consequences of failure to correct violation.

(c) An “Order for Immediate Correction of Hazard” may be issued by the Chief:

- (1) For failure to correct a violation or hazard within the time specified in a previously issued Notice of Violation or Hazard; or

- (2) For violating the 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 §32-1-1002(3)(c), C.R.S., whether or not a Notice has been previously issued.
- (3) An order shall be signed by the Chief and shall contain, as 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 correction;
 5. Right of appeal to the District Court and time limit;
 6. Penalties for violation of order;
 7. Signature of the Chief or his designee;
 8. Acknowledgement of receipt signed by owner, lessee, agent or other responsible person.

(d) An appeal of a Notice of Violation or Hazard may be made to the Appeals Board by delivery to the Chief in writing a notice of appeal within five days of the issuance of the Notice of Violation or Hazard. The appeal shall be heard at the next regular meeting or special meeting called for that purpose. The Appeals Board may affirm, rescind, or modify the Notice and may enter into such enforcement agreements as it deems proper.

(e) An appeal of an Order for Immediate Correction of Hazard may be made to the Appeals Board only if no previous appeal has been made of a previously issued Notice of Violation or Hazard concerning the same violation or hazard. An appeal of an Order must be in writing and filed with the Appeals Board within three days of issuance of the Order.

(f) The Appeals Board shall hear all such appeals and application for relief and render its decision thereon in accordance with its bylaws, rules and regulations.

(g) In the event no appeal is made to the Appeals Board pursuant to this code and resolution or to the court pursuant to §32-1-1002(3), C.R.S. and compliance with the Order and/or correction of the hazard has not occurred, the Appeals Board may, upon recommendation by the Chief or upon its own motion, refer the matter to the Larimer County District Attorney, or **the Douglas County District Attorney depending upon jurisdiction.**

(h) An appeal shall suspend the time limits for compliance or correction of a fire hazard or hazards, until the appeal is resolved for appeals of a Notice of Hazard which is issued pursuant to this Section, paragraph (c) (1) herein.

(i) An appeal shall not suspend the time limit for compliance or correction of life safety deficiencies or violations. An appeal of an Order issued pursuant to Section V, Paragraph (c) (2) herein shall not suspend the time limits for compliance or correction, and compliance or correction shall be made or rendered forthwith, unless the Appeals Board suspends the Order.

SECTION VI: Penalties

(a) 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 the

provisions of §32-1-1002(3), C.R.S., shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said Section V, subsection (c) is guilty of a misdemeanor. Each day in which such violation occurs shall constitute a separate violation of §32-1-1002(3), C.R.S..

(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 VII: Repeal of Conflicting Ordinances or Resolutions.

All former ordinances or resolutions enacted by the District or parts thereof conflicting or inconsistent with the provisions of this resolution of the Code or standards hereby adopted are hereby repealed.

SECTION VIII: Validity and Conflict.

The Estes Valley Fire Protection District Board of Directors hereby declares that should any section, paragraph, sentence or word of this resolution or of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Estes Valley Fire Protection District Board of Directors that it would have passed all other portions of this resolution independent of elimination here from of any such portion as may be declared invalid. It is further the declaration of the Estes Valley Fire Protection District Board of Directors that no provision of this resolution or the code or standards adopted herein be interpreted in conflict with existing State law. In the event there is conflict between State law and this code, State law shall take precedent.

SECTION IX: Date of Effect.

This resolution shall take effect and be enforced within incorporated municipalities and unincorporated portions of Larimer County from and after its approval as set forth in §32-1002(1)(d), C.R.S.

Adopted: _____, 2011.

ESTES VALLEY FIRE PROTECTION DISTRICT

By _____

ATTEST:

Secretary