

ORDINANCE 2019-05

AN ORDINANCE OF THE CITY OF FRUITA COLORADO, AMENDING TITLE 15 OF THE FRUITA MUNICIPAL CODE TO REPEAL, RE-ADOPT, AND AMEND THE INTERNATIONAL FIRE CODE TO BE APPLIED THROUGHOUT THE CITY OF FRUITA AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND APPEALS, INCLUDING PENALTIES FOR VIOLATIONS

WHEREAS, pursuant to Title 31, Article 16, of the Colorado Revised Statutes, the Fruita City Council has the power to adopt ordinances which adopting codes by reference, and

WHEREAS, the Fruita City Council finds that adoption of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the City of Fruita, and

WHEREAS, the Fruita City Council finds that it is important for the safety of the citizens of the City of Fruita to have established a current uniform code. Accordingly, it is necessary to adopt and amend the 2018 International Fire Code to be applied throughout the City of Fruita and providing for administration, enforcement, appeals, penalties for violation of the provisions of this code.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1: Chapter 15.24 of the Fruita Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 15.24

INTERNATIONAL FIRE CODE

Sections:

15.24.010 **Adopted by reference**
15.24.020 **Amendments**

15.24.010 **ADOPTED BY REFERENCE.**

- A. The International Fire Code, 2018 Edition, published by the International Code Council, (hereafter "IFC" or "International Fire Code") is hereby adopted for 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 providing for the issuance of permits for hazardous uses or operations for buildings, structures and land uses within the City of Fruita.

- B. The following appendices of the International Fire Code, 2018 Edition, are adopted: Appendix B, C, D, F, H, and I. No other appendices are adopted.

15.24.020 AMENDMENTS. The International Fire Code adopted in Section 15.24.010 is hereby amended as follows:

- A. Section 101 Scope and General Requirements. Section 101 is amended as follows: Section 101.1 whenever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean City of Fruita.
- B. Section 105.6. Required operational permits. Section 105.6 is amended as follows: Operational permits are valid for three years from date of issue for Explosives, Hazardous Materials, HPM Facilities and Storage of scrap tires and tire products. Permits are required for new and existing operations. All other permits are valid only for each event or season

Operational permits are required for the following:

<u>Operational Permits:</u>	<u>Code Section</u>
Amusement buildings**	105.6.2
Carnivals and fairs **	105.6.4
Exhibit and trade shows**	105.6.13
Fireworks retail sales **	105.6.14
Explosives **	105.6.14
Pyrotechnic special effects material**	105.6.14 & 105.6.40
Hazardous Materials**	105.6.20
HPM Facilities**	105.6.21
Open Burning * (combined) **	105.6.32
Storage of scrap tires and tire byproducts **	105.6.46

* A permit shall be required for each “burn season” as outlined in the Mesa County Open Burning Control Regulations.

**Permit fees and rates shall be as established by separate resolutions by the Board of Directors of the Lower Valley Fire Protection District

- C. Section 105.6.32 OPEN burning the language is deleted and shall read as follows: Permits for bonfires, and open burning shall be secured at the Lower Valley Fire Protection District. Such permits shall adhere to all applicable fire codes and ordinances and the Colorado Air Quality Control Act, C.R.S. 1973, section 25-7-128 and the Mesa County Open Burning Control Regulation.
- D. Section 105.6.47 Amend Section 105.6.47 to read as follows: Section 105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary structure, a temporary special event structure, or a tent having an individual or contiguous area more than 1, 000 square feet.

Exception 1. Tents used exclusively for recreational camping purposes.

Exception 2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

Exception 3. Temporary membrane structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, tent show, theater, skating rink, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet

E. Section 105.7 Required construction permits. Section 105.7 is amended as follows:

<u>Construction Permits:</u>	<u>Code Section</u>
Plan Review Fees**	
Automatic fire-extinguishing systems**	105.7.1
Fire Sprinkler Systems	
Hood extinguishing Systems	
Fire pumps and related equipment **	105.7.8
Fire alarm and detection systems and related equipment**	105.7.7
Installation/removal of aboveground storage tanks or underground storage tanks** Flammable and combustible liquids **	105.7.9
LP gas**	105.7.16
Gates and Barricades Across Fire Apparatus Access Roads	105.7.12

**Permit fees and rates shall be as established by separate resolutions by the Board of Directors of the Lower Valley Fire Protection District.

F. Section 108. Appeals The language is deleted and shall be replaced as follows: The Board of Adjustment established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.

G. Section 110.4 Violation penalties. The language of section 109.4 is DELETED and shall read as follows: Section 110.4 Violation penalties. (a) 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 code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, or punishable pursuant to 32-1-1002(3)(d), C.R.S., as amended or in the City of Fruita shall be guilty of a Class B Municipal offense under Chapter 15 .50 of the Fruita Municipal Code, punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding six months, or both a fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (b) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

- H. Section 112.4 The language of 112.4 is deleted and shall read as follows: Section 112.4 Failure to Comply: (a) Any person who violates any of the provisions of this code or ordinances hereby adopted or fails to comply therewith, or "who violates or fails to comply with an order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or certificate, or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order by a court of competent jurisdiction, within the time fixed herein, shall severely, for each and every such violation and noncompliance, respectively, be guilty of a Class B municipal offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to corrector remedy such violations within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (c) 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 guilty of a Class B municipal offense under Chapter 15.50 of the Fruita Municipal Code.
- I. Section 308.1.4.1. Add a new section to read as follows: 308.1.4.1. Egress from buildings. Barbecues shall not be used or stored in or near stairwells, corridors or other areas that are intended to be used as a means of egress or considered an interior living space.
- J. Section 319 Mobile Food Preparation Vehicles Section 319 will become effective July 1, 2020.
- K. Section 503.2.5. Add a new exception to read as follows: Exceptions: 1. When all buildings are equipped throughout with approved automatic sprinkler systems installed in accordance with NFPA 13, NFPA 13R, NFPA 13D or IRC P2409 the fire code official is authorized to allow a dead-end fire apparatus road to extend to 300 feet before a turnaround is required.
- L. Section 505.1 Address identification this is amended by adding the following: All residential house numbers shall be located on the portion of the residence which projects nearest to the street. In cases where a structure is built far enough from the roadway that it is impossible to place numbers that are legible from the roadway, a sign post placed at the intersection of the roadway and driveway denoting the address of the structure may be required by the Fire Chief. Address and building numbers shall be a minimum of 12 inches high with a minimum stroke width of two inches for commercial properties in the Fruita Greenway Business Park Plan and as required by the Fire Chief on other buildings and structures, located within the fire district boundary, which cannot be readily identified from access roadways or streets.
- M. Section 901.3.1. Add a new Section 901.3.1 to read as follows: 901.3.1 Relocations and additions to fire sprinkler and fire alarm systems in existing facilities. Any addition or remodeling to existing commercial fire sprinkler systems that involve 20 sprinkler heads

or less, or fire alarm systems that involve 5 devices or less, will not require a permit when approved by the fire code official via a scope of work letter review process. The review letter process shall comply with the guidance document established and provided by the Lower Valley Fire District.

- N. Section 903.2 Where Required. This is amended by adding the following sentence: All buildings located in the Fruita Greenway Business Park Plan area (as defined in the City's Master Plan) which exceed 2,000 square feet shall be provided throughout with an automatic fire sprinkler system unless otherwise approved by the City Manager and/or the Fire Code Official.
- O. Section 903.3.1.3 NFPA 13D sprinkler systems this is hereby amended to read as follows: Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system. Automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D. Where NFPA 13D systems are installed, they shall be designed and operate in the following manner: (A) All water flow activations shall be capable of sounding an interior audible alarm notifying all occupants simultaneously. (B) All water flow activations shall be capable of activating an exterior audible/visual alarm. This alarm shall be located so as to be visible from the nearest fire department access road. (C) The light used shall be a strobe light producing at least 110-185 candela. (D) Where public water service cannot provide required flows for NFPA 13D systems the following design criteria shall be used: (1) Water supply storage capacity shall be the minimum required by NFPA 13D plus an additional amount based upon the expected response time of the fire department, not to exceed a 20-minute response time.
- P. Section 903.3.7 Fire department connections. Section 903.3 .7 is amended by the addition of the following: Fire department connections must be located within 150 feet of the nearest fire hydrant unless waived by the Fire Chief.
- Q. Section 907.1.2 Fire alarm shop drawings. The following shall be added 907 .1.2 System designers shall have a NICET Level III certification or equivalent. 907.1.3 New systems shall be designed with addressable devices. Exception: systems which monitor and transmit alarms from automatic fire sprinkler systems only.
- R. Section 907 .8.6 False Alarms: Alarm system malfunctions or malicious false alarms. A new section to be added as follows:

Section 907.8.6 Whenever the activation of any fire alarm is due to a malfunction of the system and that system has had another malfunction within the same quarter of a calendar year, or more than six during any calendar year, the owner and/or operator of the system may have violation penalties imposed in accordance with Section 110.4.

Section 907.8.6.1 It is the responsibility of the owner or operator of an alarm system to police the improper use of the system, such as the intentional activating of a false alarm or

the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year from the same fire alarm system, or more than six during any calendar year violation penalties may be imposed in accordance with Section 110.4.

Section 907.8.6.2 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within the same calendar year quarter effective with the fourth and subsequent alarms, or alarms exceeding six during any calendar year, penalties shall become effective with the seventh and subsequent alarms in accordance with Section 110.4.

Section 907 .8.6.3 A new fire alarm system shall be allowed 30 days to become stabilized before this false alarm section will be applied.

- S. Section 1006. Number of Exits and Exit Access doorways: Section 1006 is amended by adding the following: Section 1006.2.2. 7 Outdoor Patios within the City limits of Fruita, Colorado. All Group A-2 Assembly and other occupancies that have a fenced or enclosed outdoor patio shall have an alarmed second exit equipped with panic hardware direct to the exterior.
- T. Appendix C Fire Hydrant Locations and Distribution Section C103.4. The following shall be added to existing wording of this section: "In all subdivisions, commercial areas, industrial parks and where required by the Fire Chief fire hydrants shall be located on the corner of a street intersection, either between the curb and sidewalk or behind the sidewalk where it is adjacent to the street curbs. The following new section is added to Appendix C Section C 103.5 Fire Hydrants. "Fire hydrant pumper connections shall be equipped with a five-inch non-threaded sexless connection (commonly referred to as Storz) and metal cap which can be removed by a standard pentagon nut hydrant wrench. Pumper connections shall face the street or as directed by the Fire Chief."
- U. Section 1101.1 is amended and reads as follows: The provisions of this chapter shall apply to existing buildings constructed prior to this code and the fire code official is authorized to initiate its use when buildings are undergoing an addition or alteration utilizing the Alterations – Level 3 Method (Chapter 9), Prescriptive Compliance Method (Chapter 5), and Performance Compliance Method (Chapter 13) of the International Existing Buildings Code (2018 Edition). This chapter's use is authorized for Prescriptive and Performance Compliance Methods when work equivalent to an Alterations - Level 3 Method have been achieved.

The fire code official is authorized to apply this chapter when any building or portion of a building is undergoing a change of occupancy in accordance with the International Building Code (2018 Edition) or International Existing Buildings Code (2018 Edition).

Official acceptance and interpretation of the above methods as it relates to the applicability of Chapter 11 shall be determined by the fire code official.

Exception 1: This chapter does not apply to detached one- and two- family dwellings and multiple single-family dwellings (townhouses) governed by the International Residential Code.

Exception 2: The fire code official is authorized when executive approval from the Fire Chief is granted to require existing buildings to be in compliance with Section 1103.2 [Emergency Responder Radio Coverage] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use.

Exception 3: The fire code official is authorized to require existing buildings to be in compliance with Section 1103.8 [single- and multiple-station smoke alarms] and Section 1103.9 [Carbon monoxide alarms] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use. Section 1103.9 does not apply to occupancies that are already governed, regulated and enforced by requirements listed in Colorado House Bill 09-1091 [Concerning a requirement that Carbon Monoxide Alarm Be Installed in Residential Properties.]

Section 2. Repeal. Any and all Ordinances of the City of Fruita, or parts thereof, whose provisions are in conflict with this ordinance, are hereby repealed. Provided, however, this ordinance shall not affect the construction of buildings for which permits were issued prior to the effective date of this Ordinance. All buildings now under construction pursuant to existing permits shall be constructed in conformance with the building and construction codes applicable at the time of issuance of said permit. Provided further however, no construction authorized by an existing permit shall be altered without complying with the newly adopted building and construction codes. The adoption of this ordinance shall not in any way prevent the prosecution of violations of any previous ordinance adopting previous building codes which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolution or ordinances of the City of Fruita, Colorado, the more restrictive provision shall apply.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Code adopted herein is for any reason held to be invalid, such decision shall not affect the validity of remaining section of this Ordinance or of the Codes adopted herein, the Fruita City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause or phase thereof, irrespective of the fact that any one or more parts, sections, subsection, sentences, clauses or phases be declared invalid.

Section 12. Effective Date. Pursuant to Section 31-16-203, C.R.S., as amended, a public notice shall be published twice in a newspaper of general circulation within the City once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary codes to be considered for adoption are on file with the City Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary codes, the subject matter of said codes and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this Ordinance is hereby set for _____.

This Ordinance shall be in full force and effect following approval and adoption by the Fruita City Council and thirty days following the publication of the Ordinance.

INTRODUCED, READ, AND PUBLIC NOTICE ORDERED PUBLISHED AT A REGULAR MEETING OF THE FRUITA CITY COUNCIL ON THE 18th DAY OF DECEMBER, 2018.

Public Notice publication dates: _____, and _____

INTRODUCED A SECOND TIME AT A REGULAR MEETING OF THE FRUITA CITY COUNCIL HELD ON _____, 2019, PASSED ADOPTED AND ORDERED PUBLISHED PURSUANT TO LAW

CITY OF FRUITA, COLORADO

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk