

RESOLUTION 2014-28

A RESOLUTION APPROVING THE HYGIENE FIRE PROTECTION DISTRICT'S ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE FOR APPLICATION WITHIN THE UNINCORPORATED TERRITORY OF THE HYGIENE FIRE PROTECTION DISTRICT

**WHEREAS**, C.R.S. §32-1-1002(1)(d) authorizes the board of any fire protection district to adopt and enforce a fire code, as the fire district board deems necessary, provided that "no such code shall apply within . . . the unincorporated portion of any county unless the governing body of the . . . county . . . adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries"; and

**WHEREAS**, by resolution adopted on June 12, 2013, the Board of Directors of the Hygiene Fire Protection District ("the Fire District") adopted the 2012 International Fire Code, with certain amendments; and

**WHEREAS**, the Fire District now wishes to have the Board of County Commissioners of the County of Boulder ("the County Board") approve this adopted code for application within the territory of the Fire District within unincorporated Boulder County; and

**WHEREAS**, the above-described request for County Board approval of the 2012 International Fire Code, as adopted by the Fire District, is further described in the memorandum and recommendation, with its attached materials, presented to the County Board by the County Land Use Department's Chief Building Official dated April 8, 2014, ("the Building Official's Recommendation"); and

**WHEREAS**, pursuant to Resolution 82-41 of the County Board establishing a fire code review process for the unincorporated areas of the County, the County's Fire Code Review Committee ("FCRC") held a duly noticed public hearing on March 13, 2014 on the proposed approval of the Fire District's adoption of the 2012 International Fire Code, and, based on that hearing, recommended that the County Board approve the adoption; and

**WHEREAS**, on April 8, 2014, the County Board held a duly-noticed public hearing on the above-described request for County Board approval of the Fire District's adoption of the 2012 International Fire Code under C.R.S. §32-1-1002(1)(d) ("the Public Hearing"), at which time the County Board considered the Building Official's Recommendation and the documents and testimony presented by the County's Chief Building Official and as further reflected on

the record of the Public Hearing; and

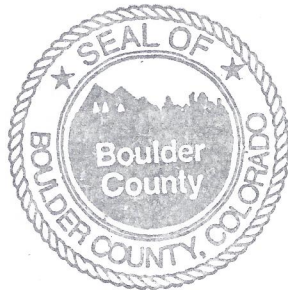
**WHEREAS**, based on the Public Hearing, and as set forth in the Staff Recommendation, the County Board finds that the 2012 International Fire Code as adopted by the Fire District is reasonable and appropriate for application within the unincorporated territory of the Fire District, and approves the 2012 International Fire Code, as set forth in Exhibit A to this Resolution, pursuant to C.R.S. §32-1-1002(1)(d); and

**NOW, THEREFORE, BE IT RESOLVED**, that the County Board approves the Fire District's adoption of the 2012 International Fire Code, as set forth in Exhibit A hereto, for application within the unincorporated territory of the Fire District pursuant to C.R.S. §32-1-1002(1)(d).

A motion to approve the Fire District's adoption of the 2012 International Fire Code, as stated above, was made by Commissioner Gardner, seconded by Commissioner Domenico, and passed by a 2 - 0 vote.

ADOPTED this 10<sup>th</sup> day of April, 2014.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**



Cindy Domenico

Cindy Domenico, Chair

Deb Gardner

Deb Gardner, Vice Chair

(Excused)

Elise Jones, Commissioner

ATTEST:

Cecilia S. Lacey  
Clerk to the Board

# **A Resolution Adopting and Amending the 2012 Edition of the International Fire Code®**

**WHEREAS**, the Fire Chief and Board of Directors have reviewed the International Fire Code, 2012 Edition, and recommend the adoption of the same by the Hygiene Volunteer Fire Protection District; and

**WHEREAS**, the Board of Directors of the Hygiene Fire Protection District deems it necessary and in the best interest of public safety to adopt and enforce the codes for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security, and welfare of the inhabitants and visitors to the District; and

**WHEREAS**, the International Fire Code, 2012 Edition, published by the International Code Council, is a model code for the regulation and governing of the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials, and devices and from conditions hazardous to life and property in the occupancy of buildings and premises.

**NOW THEREFORE BE IT RESOLVED THAT BY THE BOARD OF DIRECTORS OF THE HYGIENE FIRE PROTECTION DISTRICT:**

## **1 Adoption of the 2012 International Fire Code**

### **1.1 Code Adopted**

The 2012 International Fire Code is adopted in the form including the sections as amended herein, including the following appendices: Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix D, Fire Apparatus Access Roads; Appendix F, Hazard Ranking; Appendix I, Fire Protection Systems – Noncompliant Conditions.

The date on which this resolution shall take effect shall be the date of approval by the County Commissioners of Boulder County. This Code shall be in effect within the limits of the Hygiene Fire Protection District.

### **1.2 Code Described**

The 2012 International Fire Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070.



### **1.3 Copies on File**

At least one copy of the 2012 International Fire Code shall be kept on file in the office of the Fire Chief of the Hygiene Fire Protection District, 11826 N 75<sup>th</sup> Street, Longmont, Colorado 80503, and may be inspected upon request.

### **1.4 Purpose**

The purpose of this code is to establish the minimum standards consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, and dangerous conditions in new and existing buildings, structures, and premises, and to provide for the safety of firefighters, and emergency responders during emergency operations.

## **2 Definitions**

Wherever the term "Board of Directors" is used, it shall be held to mean the Board of Directors of the Hygiene Fire Protection District.

Wherever the word "District" or phrase "Fire District" is used, it shall mean the Hygiene Fire Protection District.

Wherever the term "International Building Code" is used, it shall mean the Building Code as adopted, amended, and incorporated into the Boulder County Building Code.

Wherever the term "International Electrical Code" is used, it shall mean the Electrical Code as adopted, amended, and incorporated into the Boulder County Electrical Code.

## **3 Amendments Made In and To the 2012 International Fire Code**

The 2012 International Fire Code is amended and changed in the following respects:

1. Subsection 101.1 is amended to read as follows: 101.1 Title. These regulations shall be known as the Fire Code of the Hygiene Fire Protection District, hereinafter referred to as "this code".
2. Subsection 103.4 Liability shall be amended by the addition of the following sentence at the end of the section: "Nothing herein shall be construed as a waiver of any immunities provided by section C.R.S. 24 - 10 - 101, et seq., or by other statutes, or by common law."
3. Subsection 104.10 Fire investigations shall be amended by the addition of the following sentence at the end of the section: "The authority of the Chief of the District, or authorize 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."
4. Subsection 104.11 Authority at fires and other emergencies shall be amended by the addition of the following sentence at the end of the section: "the authority of the Chief

of the District, or authorize designee, including all fire code officials, to act as peace officers shall extend as far as the authority set forth in C.R.S. Section 32-1-1002, 16-2.5-109, and other applicable state statutes."

5. Subsection 105.4 .1 is amended to read as follows: 105.4 .1 Submittals. Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by registered design professional when said documents are submitted in support of an application for a construction permit. When requested, qualifications statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with appropriate professional qualifications.
6. The following subsections are deleted in their entirety: 105.6.1, 105.6.2, 105.6.5 through 105.6.7, 105.6.9, 105.6.11 through 105.6.26, 105.6.29, 105.6.31 through 105.6.42, and 105.6.44 through 105.6.46.
7. The following subsections are deleted in their entirety: 105.7.2 through 105.7.4, and 105.7.8 through 105.7.13.
8. Subsection 105.6.30 is amended to read as follows: 105.6.30 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 pursuant to the regulations promulgated under CRS Section 25-7-123, and regulated by the Boulder County Health Department or any other County agency.

9. Subsection 108.1 is repealed in its entirety and reenacted to read as follows:  
**108.1 Appeals Procedure-General.** Any person, firm, or corporation who are grieved by an application, interpretation, or order made by fire district personnel, pursuant to any provision of the code for the standards adopted, may file within three days a written notice of appeal with the fire district requesting a hearing before the Fire Chief. All appeals must 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.  
**108.1 .1 Appeals Procedure-Administrative Decisions.** To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions 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 five 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 and shall hold office at its pleasure. 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 Chief's decision shall be made in writing, within three days of the date of the Fire Chief's decision, to the



Board of Directors by delivery to the district Fire Chief or his representative at the district's administrative office.

10. Subsection 109.4 is amended to read as follows: 109.4 Violation penalties. Persons who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall correct install alter repair or do work in violation of the approved construction documents or directions of the fire code official or of a permit or certificate used under the provisions of 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.
11. Subsection 111.4 is amended to read as follows: 111.4 Failure to comply. Any person who shall continue 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 to a fine and/or imprisonment up to the maximum specified in CRS Section 32-1-1001 and CRS section 32-1-1002. Each day in which such violation occurs shall constitute a separate violation pursuant to CRS Section 32-1-1002 (3) (d).
12. Subsection 113 is deleted in its entirety and replaced with: 113 Fees
13. 113.1 Fees. Fees for services pursuant to the provisions of this code shall be established from time to time by resolution of the Board of Directors pursuant to Section 32-1-1002(1)(e) C.R.S. Said fees and charges may include a charge for reimbursement to the fire district of any consultation fees, expenses or costs incurred by the fire district in the performance of inspection related services pursuant to provisions of this code.

113.2 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, has been paid.

113.3 Operational permit fee. An inspection fee may be charged for any operational permit required by Section 105.6. 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.

113.4 Construction permit fee. A fee may be charged for any construction permit required by Section 105.7 of this code. 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.

**113.5 Other inspection fee.** Fees for reinspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established may be charged.

**113.6 Plan review fee.** The plan review fee is intended to cover the significant costs and expenses incurred by the fire 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 official's 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 so as to require additional plan review, an additional plan review fee shall be charged. The plan review fee required by this Section 113.6 is separate from the construction permit fee required by Section 113.4.

**113.7 Unauthorized Work Inspection Fee.** Any person or entity that commences any work before obtaining a construction permit required by Section 105.7 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 whether or not a construction permit is then or subsequently issued.

**EXCEPTION:** When approved in writing by the fire code official, work may commence prior to obtaining a construction permit.

**113.8 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 the payment of other fees that are prescribed by law or required by Section 113.

14. Subsection 503.2.9 is added to read as follows: **503.2.9 Driveway Access.** Driveways from platted roads to single family residences shall be sized to meet the requirements of the Boulder 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. Subsection 903.2.8 is amended to read as follows: **903.2.8 Group R and Residences constructed under the 2012 International Residential Code.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all residences.
16. Subsection 903.3.1.3 is amended to read as follows: **903.3.1.3 Residential Sprinkler Systems.** Automatic sprinkler systems installed in one and two-family dwellings,



Group R-3, and R-4 Congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with the Boulder County Building Code, its amendments, and Subsections 903.3.1.3.1 through 903.3.1.3.3.

17. Subsection 903.3.1.3.1 is added to read as follows: 903.1.3.1 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.
18. Subsection 903.3.1.3.2 is added to read as follows: 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.  
Subsection 903.3.1.3.3 is added to read as follows: 903.3.1.3.3 Interior and Exterior Notification. Residential sprinkler systems shall have adequate interior notification of the occupants provided to alert them that the sprinkler system is activated. Additionally, a horn and strobe device shall be installed above the Fire Department Connection noted in Section 903.3.1.3.1.

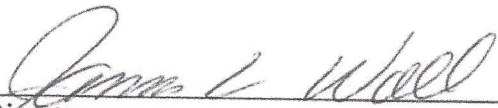
## **4 Enforcement and Appeals**

1. The Fire Chief shall enforce this code in accordance with the procedures set forth in this code and C.R.S 32-1-1002.
2. A Notice of Violation or Hazard may be issued by the Fire Chief or his designee concerning violations or hazards which are not corrected on-site during an inspection area and an Order to Comply may be issued by the Fire Chief or his designee for:
  - a. failure to correct a violation or hazard within the time specified in a previously issued a Notice of Violation or Hazard; or
  - b. violating the code or state statute and said violation renders the building, structure, or premises especially liable to fire or is a hazard to the safety of the occupants thereof, or which is so situated as to endanger other property is set forth in CRS Section 32-1-1002 (3), whether or not a Notice has been previously issued.
3. An appeal of a Notice of Violation or Hazard may be made in accordance with the provisions of this code and resolution.
4. An appeal of an Order to Comply may be made in accordance with the provisions of this code and resolution only if no previous appeal has been made of a previously issued Notice of Violation or Hazard concerning the same a violation or hazard.
5. In the event no appeal is made pursuant to this code and resolution, or to the court pursuant to CRS Section 32-1-1002 (3), and compliance with in Order and or correction of a hazard has not occurred, the Fire Chief or his designee may instruct a Boulder County Sheriff's deputy to issue a summons or a citation for the Boulder County District Court.
6. 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 Violation



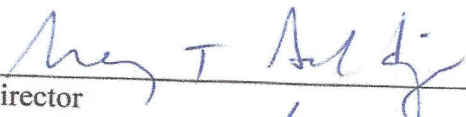
or Hazard which is issued pursuant to Section 4, paragraph 2a herein. An appeal shall not suspend the time limit for compliance or correction of life safety deficiencies were violations. An appeal of an Order issued pursuant to section 4, paragraph 2b herein shall not suspend the time limits for compliance or correction, and compliance or correction shall be made or render forth with unless the Order is suspended pursuant to the procedures set forth in this code and resolution.

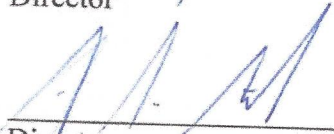
Approved June 12, 2013 by the Board of Directors of the Hygiene Fire Protection District.

  
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