

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 31
INTRODUCED BY COUNCIL
MEMBER JEFFERSON

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE E, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE FIRE CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1971; and

WHEREAS, these Codes are updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Fire Marshal has thoroughly reviewed the International Fire Code 2012 and recommends adoption thereof, subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article E, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Fire Code 2012 as Title 8, Chapter 2, Article E, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE E
FIRE CODE

8-2E-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Fire Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2E-2 of this Article. The City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2F-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Fire Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. 101.1 Title. (Amended to read as follows)

These regulations shall be known as the Fire Code of the City of Englewood, hereinafter referred to as “this Code”.

2. Section 102. Applicability. (Amended by the addition of a new subsection to read as follows)

102.13 Application of Residential Code.

Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this Code shall apply as follows:

- a. Construction and design provisions: Provisions of this Fire Code pertaining to the exterior of the structure shall apply; including, but not limited to, premises identification, fire apparatus access, and water supplies. Construction permits for systems and equipment utilized in the interior or exterior of the structure shall also apply.
- b. Administrative, operational and maintenance provisions: All such provisions of this Code shall apply.

References in this Fire Code to Group R-3 or U occupancies or one-family and two-family dwellings and townhouses shall apply to structures under the scope of the International Residential Code except as limited by this Section.

3. 103.3 ~~Deputies~~ Assistant Fire Marshals. (Amend to read as follows).

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a ~~deputy~~ an assistant fire code official, other related technical officers, inspectors and other employees.

4. 104.6 Official Records. (Amended to read as follows)

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 five years or~~ for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

5. 105.6 Required Operational Permits. (Delete Subsections 105.6.1 through 105.6.13; 105.6.15; 105.6.17; 105.6.18; 105.6.20 through 105.6.25; 105.6.27 through 105.6.29; 105.6.31 through 105.6.35; 105.6.37 through 105.6.42; and 105.6.44 through 105.6.46)

13. **Section 108 Board of Appeals.** *(Delete in its entirety and substitute the following)*

Section 8-1-7 of the Englewood Municipal Code shall control the requirements of this Section.

14. **Section 109 Violations.**

A. **109.4 Violation Penalties.** *(Amended to read as follows)*

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 *fire code official*, or a permit or certificate used under provisions of this Code, shall be guilty of a [**SPECIFY OFFENSE**], punishable by a fine of not more than [**AMOUNT**] dollars or by imprisonment not exceeding [**NUMBER OF DAYS**], or both such fine and imprisonment. ~~Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ subject to penalties or other action in accordance with 8-1-9 EMC. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Add a new section pertaining to fire code re-inspection fees)

109.4.2 Reinspection fees.

A fee shall be charged for follow-up fire code violations.
The fee structure is as follows:

<u>Primary fire inspection</u>	<u>\$ 0.00</u>
<u>Follow-up fire inspection</u>	<u>0.00</u>
<u>2nd Follow-up inspection</u>	<u>50.00</u>
<u>3rd Follow-up inspection</u>	<u>100.00</u>
<u>4th Follow-up inspection and each inspection thereafter</u>	<u>200.00</u>

15. **111.4 Failure to Comply.** *(Amended to read 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 of unsafe condition, shall be ~~liable to a fine of not less than~~ [**AMOUNT**] dollars ~~or more than~~ [**AMOUNT**] dollars. subject to penalties or other action in accordance with 8-1-9 and 8-1-10 of the Englewood Municipal Code.

B. CHAPTER 5. FIRE SERVICE FEATURES.

1. 503.2.1 Dimensions. *(Amended to read as follows)*

Fire Apparatus access roads shall have an unobstructed width of not less than ~~20 feet (6096 mm)~~, 26 feet (1725 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

2. 506.1 Where Required. *(Amended to read as follows)*

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, or where a fire alarm system, or fire suppression system exists, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be of an *approved* type ~~listed in accordance with UL-1037,~~ and shall contain keys to gain necessary access as required by the *fire code official*.

C. CHAPTER 9. FIRE PROTECTION SYSTEMS *(Amended to read as follows).*

1. 903.2.7 Group M. *An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:*

1. A Group M *fire area* exceeds 12,000 square feet (1115m²).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
4. The area of a ~~A~~ Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464m²).

2. 903.2.9 Group S-1. *(Amended to read as follows)*

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 12,000 square feet (115m²).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group S-1 *fire area* used for the storage of commercial trucks or buses where the *fire area* exceeds 5,000 square feet (464m²).
5. The area of a ~~A~~ Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet. (232m²).

D. **CHAPTER 10. MEANS OF EGRESS.**

B. **Section 1009.16 Stairway of Roof.** *(Amended to read as follows)*

In buildings ~~four~~three or more stories in height above *grade plane*, one *stairway* shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an *alternating tread device*.

E. **CHAPTER 56. EXPLOSIVES AND FIREWORKS.**

1. **5601.1.3 Fireworks.** *(Amended to read as follows)*

The possession, manufacture, storage, sale, handling and use of any ignitable fireworks are prohibited.

Exceptions:

1. ~~Storage and handling of fireworks as allowed in Section 5604.~~
2. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. ~~The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, for consumer fireworks.~~

2. **5601.2.4 Financial Responsibility.** *(Amended to read as follows)*

Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum ~~\$100,000~~ 2,000,000 or a public liability insurance policy for the same amount, with excess liability of \$5,000,000 for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The *fire code official* is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

F. **CHAPTER 57. FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

1. **5704.2.9.6.1 Locations where above-ground tanks are prohibited.** *(Amended to read as follows)*

~~Storage of Class I and II liquids in a~~ Above-ground tanks shall be located in accordance with this Section, outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Legislation for Adoption of the *International Fire Code* on page xxi).

APPENDICES. *(Delete Appendices A through C and E through J)*

Appendix D – Fire Apparatus Access Roads. *(hereby adopted and amended to read as follows)*

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20 <u>26</u>	None required
151-500	20 <u>26</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	20 <u>26</u>	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Choice of Code. Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 9. Penalty. The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

Read by title and passed on final reading on the 4th day of June, 2012.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2012, on the 8th day of June, 2012.

Published by title on the City's official website beginning on the 6th day of June, 2012 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Loucrishia A. Ellis