

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 Kestner, Secretary

12222015R012

**FINDINGS AND RESOLUTION
APPROVING APPLICATION OF THE 2015 INTERNATIONAL FIRE CODE AND CERTAIN
APPENDICES AND MODIFICATIONS THERETO REGULATING AND GOVERNING THE
SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE OR EXPLOSION HAZARDS,
PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES
THEREFORE BY THE ESTES VALLEY FIRE PROTECTION DISTRICT
WITHIN UNINCORPORATED LARIMER COUNTY**

Pursuant to a request filed with the Board of County Commissioners of Larimer County ("County") by the Estes Valley Fire Protection District ("District") to adopt the 2015 International Fire Code with certain appendices and modifications thereto within that area of the District located in unincorporated Larimer County, Colorado, the County finds as follows:

1. Section 32-1-1002(1)(d), C.R.S. 2004 provides that the board of any fire protection district has the power to adopt and enforce fire codes, as the board deems necessary, but no such code shall apply within the unincorporated portion of any county unless the governing body of such county adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries.

2. The District adopted the 2015 International Fire Code on November 11, 2015.

3. The District has proposed that the 2015 International Fire Code with certain appendices and modifications thereto set forth in the attached District Resolution No. 2015-02 be adopted by Larimer County for application within that area of the District located in unincorporated Larimer County.

4. Within unincorporated Larimer County there are many other fire departments and districts that have their own interpretations and/or amendments to the Fire Code. Therefore, the enforcement of the Fire Code shall be by and within each of the adopting fire districts.

5. The Larimer County Building Department has found that the approval of the 2015 International Fire Code with certain appendices and modifications thereto will benefit and promote the safety and welfare of the citizens of Larimer County.

RESOLUTION

WHEREAS, the Board of County Commissioners has carefully considered the request of the Estes Valley Fire Protection District and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED that the request of the Estes Valley Fire Protection District for approval to apply the 2015 International Fire Code with appendices and modifications as shown in the attached District resolution within that area of the District located in unincorporated Larimer County, Colorado, be and the same is hereby granted.

DATED: December 22, 2015, effective December 22, 2015.

BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY, COLORADO

By: _____

Chair

ATTEST:

Dennis M. Geyral
Deputy Clerk to the Board



Date: 12/18/15

Approved as to form:

[Signature]
County Attorney

RESOLUTION # 07-16

WHEREAS, the Estes Valley Fire Protection District has adopted the 2015 International Fire Code including Appendices and Amendments (the "Fire Code") for the regulation and governance of conditions hazardous to life and property from fire or explosion and providing for certain permitting of such uses and operations; and

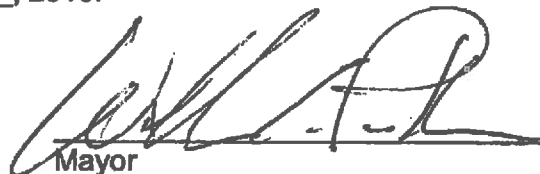
WHEREAS, Section 32-1-1002 (1)(d) C.R.S. provides that the Fire Code adopted by the Estes Valley Fire Protection District shall not apply within the corporate limits of the Town of Estes Park unless the Board of Trustees of the Town adopts a resolution stating that the Fire Code shall apply within the boundaries of the Town; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Town to adopt a resolution stating that the Fire Code as adopted by the Estes Valley Fire Protection District pursuant to Resolution No. 2015-02 of the Fire District shall apply within the corporate limits of the Town of Estes Park.

NOW, THEREFORE, BASED UPON THE RECITALS SET FORTH ABOVE WHICH ARE INCORPORATED HEREIN BY REFERENCE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

1. The 2015 International Fire Code including Appendixes and Amendments as more fully set forth in Resolution No. 2015-02 of the Estes Valley Fire Protection District shall apply within the corporate limits of the Town of Estes Park.
2. This Resolution shall take affect and be in force on and after May 1, 2016.

Dated this 22nd day of March, 2016.


Mayor

ATTEST:


Town Clerk

TOWN OF ESTES PARK

8.04.070 Electric and barbed wire fences.

(a) No electrically charged fences shall be installed, maintained or operated on any property within the Town, except low-voltage electrified fencing to protect landscaping from wildlife-related damage approved through site specific development plans in compliance with the Estes Valley Development Code and to animal-proof refuse disposal containers and enclosures subject to written approval of the Colorado Division of Wildlife.

(b) No barbed wire or other sharp pointed fences shall be installed on any property within the Town; except on any property on which a permit has been issued to keep and maintain horses, pursuant to the provisions of Section 7.08.070 of this Code, a barbed wire fence may be built and maintained so long as the fence is at least fifty (50) feet from the outside boundary line of the property. (Ord. 15-97, 1997; Ord. 5-04, §1, 2004)

8.04.075 Open burning prohibited.

(a) Except as provided in this Section, it is unlawful for any person to burn or allow the burning of any garbage, trash, wastepaper, wood, leaves, waste or any other flammable material on any open premises within the Town unless an open burning permit is first obtained from the Estes Valley Fire Protection District or any agency authorized by said District to grant open burning permits.

(b) The following sources of open burning are exempted from obtaining an open burning permit:

(1) Open fires used for noncommercial cooking of food for human beings. An open fire shall not be built in any area which constitutes a fire hazard, such as near trees, brush or any flammable structure. Such open fire

shall be attended at all times by a responsible person who is at least eighteen (18) years of age. Said person shall have available at all times a fire extinguishment method for use in connection with the fire. The means of extinguishment shall be located at the site of the burn. The flame height of any open burning shall not exceed two (2) feet at any time. Said fire shall be contained in one (1) of the following:

a. A self-contained cooking grill, commonly known as a barbecue grill;

b. A built-in barbecue pit; or

c. A cooking fire contained in a fire ring of not more than three (3) feet in diameter made of stone or other noncombustible material.

(2) Flares to indicate some danger to the public.

(c) The Fire Chief may, by written notice to the Town Clerk, ban open burning within the Town due to weather and related conditions which, in his or her sole discretion, constitute a hazard if open burning is allowed. Said written notice to the Town Clerk shall contain the effective dates of the ban and any conditions which the Fire Chief deems appropriate. (Ord. 11-97 §1, 1997; Ord. 9-00 §1, 2000; Ord. 10-13 §1; 2013)

8.04.080 Fire Chief authority.

When a fire is in progress, the Fire Chief may order any building or buildings, fences or other structures that are in close proximity to such fire to be torn down, blown up or otherwise disposed of if he or she deems it necessary for the purpose of checking the progress of any fire. (Ord. 15-97, 1997; Ord. 10-13 §2, 2013)

SECTION 104

GENERAL AUTHORITY AND RESPONSIBILITIES

[A] 104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *fire code official* is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

[A] 104.3.1 Warrant. Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

[A] 104.4 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.5 Notices and orders. The *fire code official* is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

[A] 104.6 Official records. 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 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals. A record of approvals shall be maintained by the *fire code official* and shall be available

for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

[A] 104.7 Approved materials and equipment. Materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

[A] 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.8 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. The *fire code official* is autho-

GENERAL REQUIREMENTS

accordance with the *International Building Code*, spaces underneath grandstand and bleacher seats shall not be occupied or utilized for purposes other than *means of egress*.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

304.3 Containers. Combustible rubbish, and waste material kept within or near a structure shall be stored in accordance with Sections 304.3.1 through 304.3.4.

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a *listed* disposal container. Contents of such containers shall be removed and disposed of daily.

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exception: Wastebaskets complying with Section 808.

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

1. Dumpsters in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

SECTION 305 IGNITION SOURCES

305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an *approved* manner.

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048 mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

305.3 Open-flame warning devices. Open-flame warning devices shall not be used along an excavation, road, or any place where the dislodgment of such device might permit the device to roll, fall or slide on to any area or land containing combustible material.

305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

305.5 Unwanted fire ignitions. Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.

SECTION 306 MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment that develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *International Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning*

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unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for *open burning* shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

307.5 Attendance. *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one

portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar *approved* device.

308.1.2 Throwing or placing sources of ignition. A person shall not throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. A person utilizing a torch or other flame-producing device for removing paint from a structure shall provide not less than one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6 secured from the *fire code official*.

Exception: Use within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

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or a portion thereof, for storage that is not classified as a hazardous occupancy.

[BG] Accessory storage spaces. A room or space used for storage purposes that is less than 100 square feet (9.3 m²) in area and accessory to another occupancy shall be classified as part of that occupancy. The aggregate area of such rooms or spaces shall not exceed the allowable area limits of Section 508.2 of the *International Building Code*.

[BG] Moderate-hazard storage, Group S-1. Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture
- Furs
- Glues, mucilage, pastes and size
- Grains
- Horns and combs, other than celluloid
- Leather
- Linoleum
- Lumber
- Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 5003.1.1(1) (see Section 406.8 of the *International Building Code*)
- Photo engravings
- Resilient flooring
- Silks
- Soaps
- Sugar
- Tires, bulk storage of
- Tobacco, cigars, cigarettes and snuff
- Upholstery and mattresses
- Wax candles

[BG] Low-hazard storage, Group S-2. Storage Group S-2 occupancies include, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Storage uses shall include, but not be limited to, storage of the following:

- Asbestos
- Beverages up to and including 16-percent alcohol in metal, glass or ceramic containers

- Cement in bags
- Chalk and crayons
- Dairy products in nonwaxed coated paper containers
- Dry cell batteries
- Electrical coils
- Electrical motors
- Empty cans
- Food products
- Foods in noncombustible containers
- Fresh fruits and vegetables in nonplastic trays or containers
- Frozen foods
- Glass
- Glass bottles, empty or filled with noncombustible liquids
- Gypsum board
- Inert pigments
- Ivory
- Meats
- Metal cabinets
- Metal desks with plastic tops and trim
- Metal parts
- Metals
- Mirrors
- Oil-filled and other types of distribution transformers
- Parking garages, open or enclosed
- Porcelain and pottery
- Stoves
- Talc and soapstones
- Washers and dryers

[BG] Miscellaneous Group U. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangar, accessory to a one- or two-family residence (see Section 412.5 of the *International Building Code*)
- Barns
- Carports
- Fences more than 6 feet (1829 mm) high
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers

[BG] OCCUPANT LOAD. The number of persons for which the means of egress of a building or portion thereof is designed.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed

chamber. Open burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

[BE] OPEN-ENDED CORRIDOR. An interior *corridor* that is open on each end and connects to an exterior *stairway* or *ramp* at each end with no intervening doors or separation from the *corridor*.

OPEN MALL. See "Covered mall building."

OPEN MALL BUILDING. See "Covered mall building."

[BG] OPEN PARKING GARAGE. A structure or portion of a structure with the openings as described in Section 406.5.2 of the *International Building Code* on two or more sides that is used for the parking or storage of private motor vehicles as described in Section 406.5 of the *International Building Code*.

OPEN SYSTEM. The use of a solid or liquid hazardous material involving a vessel or system that is continuously open to the atmosphere during normal operations and where vapors are liberated, or the product is exposed to the atmosphere during normal operations. Examples of open systems for solids and liquids include dispensing from or into open beakers or containers, dip tank and plating tank operations.

OPERATING BUILDING. A building occupied in conjunction with the manufacture, transportation or use of *explosive materials*. Operating buildings are separated from one another with the use of intraplant or intraline distances.

OPERATING LINE. A group of buildings, facilities or workstations so arranged as to permit performance of the steps in the manufacture of an *explosive* or in the loading, assembly, modification and maintenance of ammunition or devices containing *explosive materials*.

OPERATING PRESSURE. The pressure at which a system operates.

ORGANIC COATING. A liquid mixture of binders such as alkyd, nitrocellulose, acrylic or oil, and flammable and combustible solvents such as hydrocarbon, ester, ketone or alcohol, which, when spread in a thin film, convert to a durable protective and decorative finish.

ORGANIC PEROXIDE. An organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms have been replaced by an organic radical. Organic peroxides can present an explosion hazard (*detonation* or *deflagration*) or they can be shock sensitive. They can also decompose into various unstable compounds over an extended period of time.

Class I. Describes those formulations that are capable of *deflagration* but not *detonation*.

Class II. Describes those formulations that burn very rapidly and that pose a moderate reactivity hazard.

Class III. Describes those formulations that burn rapidly and that pose a moderate reactivity hazard.

Class IV. Describes those formulations that burn in the same manner as ordinary combustibles and that pose a minimal reactivity hazard.

Class V. Describes those formulations that burn with less intensity than ordinary combustibles or do not sustain combustion and that pose no reactivity hazard.

Unclassified detonable. Organic peroxides that are capable of *detonation*. These peroxides pose an extremely high-explosion hazard through rapid explosive decomposition.

OUTDOOR CONTROL AREA. An outdoor area that contains hazardous materials in amounts not exceeding the maximum allowable quantities of Table 5003.1.1(3) or Table 5003.1.1(4).

OUTPATIENT CLINIC. See "Clinic, outpatient."

OVERCROWDING. A condition that exists when either there are more people in a building, structure or portion thereof than have been authorized or posted by the *fire code official*, or when the *fire code official* determines that a threat exists to the safety of the occupants due to persons sitting and/or standing in locations that may obstruct or impede the use of *aisles*, passages, *corridors*, *stairways*, *exits* or other components of the *means of egress*.

[A] OWNER. Any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

OXIDIZER. A material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials and, if heated or contaminated, can result in vigorous self-sustained decomposition.

Class 4. An oxidizer that can undergo an explosive reaction due to contamination or exposure to thermal or physical shock and that causes a severe increase in the burning rate of combustible materials with which it comes into contact. Additionally, the oxidizer causes a severe increase in the burning rate and can cause spontaneous ignition of combustibles.

Class 3. An oxidizer that causes a severe increase in the burning rate of combustible materials with which it comes in contact.

Class 2. An oxidizer that will cause a moderate increase in the burning rate of combustible materials with which it comes in contact.

Class 1. An oxidizer that does not moderately increase the burning rate of combustible materials.

OXIDIZING CRYOGENIC FLUID. An oxidizing gas in the cryogenic state.