

ORDINANCE 2012-05

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 2012 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 ORDAINED, by the Fruita City Council as follows:

Section 1: Chapter 15.24 of the Fruita Municipal Code and Section 7 of Ordinance 2007-01 are hereby repealed and reenacted to read as follows: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, 2012 Edition, published by the International Code Council, (hereafter "IFC" or "International Fire Code") is hereby adopted for regulating and 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 chapters of the Appendix of the International Fire Code, 2012 Edition, are adopted: Appendix B, C, D, F, H, and I. No other chapters of the Appendix 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 the 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. 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
Open Burning * (combined) **	105.6.30
Pyrotechnic special effects material**	105.6.14 & 105.6.36
Hazardous Materials**	105.6.20
HPM Facilities**	105.6.21
Storage of scrap tires and tire byproducts **	105.6.42

* 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 .30 is amended by deletion of the Section and replaced with the following:
Section 105.6.30 Open Burning. Permit for bonfires, and open burning shall be secured at the Lower Valley Fire Protection District offices. 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 105.7 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 System	

Fire pumps and related equipment **	105.7.7
Fire alarm and detection systems and related equipment**	105.7.6
Installation/above ground storage tanks**	105.7.8
Installation/underground tanks**	105.7.8
Removal of underground tanks**	105.7.8
Flammable and combustible liquids **	105.7.8
LP gas **	105.7.11

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

- E. 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.
- F. Section 109.4 Violation penalties. The language of section 109.4 is deleted and shall be replaced as follows: Section 109.4 Violation penalties. Any person who violates a provision of the code or fails to comply with any of the requirements thereto shall be subject to the penalties prescribed in Chapter 15.50 of the Fruita Municipal Code.
- G. Section 903.2 Where Required. This section is amended by adding the following sentence: 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.
- H. Section 903.3.1.3 NFPA 13D sprinkler systems. This section is amended to read as follows:

Where domestic water is provide 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) A tamper switch shall be installed on the fire sprinkler control valve, which shall be capable of activating the light portion only of the exterior audible/visual strobe signal.

(E) 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.

I. 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.

J. Section 907.1.2 Fire alarm shop drawings. The following shall be added:

1. 907.1.2.14. System designers shall have a NICET Level III certification or equivalent.
2. 907.1.2.15. New systems shall be designed with addressable devices. Exception: systems which monitor and transmit alarms from automatic fire sprinkler systems only.

K. Section 907.8.6 False Alarms: Alarm system malfunctions or malicious false alarms. New sections to be added as follows:

1. 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 shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.
2. 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, the fee schedule for the false alarms shall become effective.
3. 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, the fee schedule for false alarms shall become effective with the fourth and subsequent alarms, or alarms exceeding six during any calendar year,

the fee schedule for false alarms shall become effective with the seventh and subsequent alarms.

4. Section 907.8.6.3 A fee, in accordance with the fee schedule established by resolution of the Fire District Board of Directors and on file with the Office Manager shall be charged for false alarms.
 5. A new fire alarm system shall be allowed 30 days to become stabilized before this false alarm section will be applied.
- L. Section 1015 Exit and Exit Access doorways: Section 1015 is amended by adding the following: Section 1015.7 Outdoor Patios. All Group A-2 Assembly occupancies that have a fenced or enclosed outdoor patio shall have a second exit equipped with panic hardware direct to the exterior.
- M. Appendix C Fire Hydrant Locations and Distribution. Section C105. 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.
- N. The following new section is added to Appendix C: Section C 106.1 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. The distance from the center of the fire hydrant pumper connection nut to the finished grade shall not be less than 22 inches. Pumper connections shall face the street or as directed by the Fire Chief.”

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 11. 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 January 17, 2012.

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 20TH DAY OF DECEMBER 2011

Public Notice publication dates: December 29, 2011, and January 5, 2012

INTRODUCED A SECOND TIME AT A REGULAR MEETING OF THE FRUITA CITY COUNCIL HELD ON JANUARY 17, 2012, PASSED ADOPTED AND ORDERED PUBLISHED PURSUANT TO LAW

City of Fruita

ATTEST:

H. Kenneth Henry, Mayor

City Clerk