

**CHAFFEE COUNTY COLORADO  
ORDINANCE NO. 2008-01**

**TITLE: AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT CONCERNING THE ENFORCEMENT OF SUCH CODE.**

***BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY COLORADO:***

**WHEREAS**, fire protection within the unincorporated portions of Chaffee County, Colorado (the “County”), is provided by two separate statutory special districts known as the Chaffee County Fire Protection District (“CCFPD”) and the South Arkansas Fire Protection District (“SAFPD”); and

**WHEREAS**, the County, the CCFPD and the SAFPD have a commitment to the protection of the health, safety and welfare of the citizens of Chaffee County; and

**WHEREAS**, design, construction and installation of fire protection elements within residential and commercial areas are a necessary element in protecting the health, safety and welfare of the citizens of Chaffee County; and

**WHEREAS**, CRS 32-1-1002 (d) permits the adoption of fire codes by the fire protection districts, but provides that no such code shall apply within the County unless the County adopts a resolution stating the code or specific portions of the code shall be applicable within the fire districts boundaries; and

**WHEREAS**, CRS 30-15-401.5 authorizes the county commissioners to adopt ordinances that provide minimum fire safety standards which modeled upon those contained in the uniform fire code, including the table of contents, indices, appendices, and tables, as promulgated by the international conference of building officials, the international fire code institute, and the western fire chiefs association.

**WHEREAS**, the Chaffee County Board of Commissioners (the “Commissioners”) have approved the formation of the Fire Code Adoption and Revision Commission (“Fire Code Commission”) and have received the recommendations of such Fire Code Commission; the Fire Code Commission recommends the adoption of the 2006 International Fire Code, with the amendments set forth in Exhibit A to this Ordinance and incorporated by reference.

**WHEREAS**, CRS 30-28-210 authorizes the county commissioners to adopt ordinances and a building code consistent with the uniform building code as promulgated by the international conference of building officials and as revised from time to time.

**WHEREAS**, the Commissioners and the Boards of the CCFPD and SAFPD agree that it is in the best interests of the citizens of Chaffee County to adopt and enforce the same fire protection standards throughout the County; and

**WHEREAS**, Chaffee County has established a separate Board of Review to review appeals to the Building Codes, and Section 108 of the International Fire Codes requires creation of a Board of Appeals to review complaints or concerns with the Fire Codes or enforcement of those Codes; and

**WHEREAS**, adoption of a common fire code and use of a common Board of Review for appeals is the most efficient and effective method of providing fire protection enforcement to the citizens of Chaffee County; and

**WHEREAS**, an intergovernmental agreement such as described in this document is a valid and executable tool for implementing and enforcing fire protection codes and is entered into under the authority of Colorado statutes, including without limitation:

- Article XIV, Section 18(2)(a) and (b) of the Colorado Constitution permitting and encouraging governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments;
- C.R.S. Section 29-1-201 *et. seq.*, adopted to carry out the constitutional provisions cited above and permitting governmental entities to enter into cooperative contracts to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting entities.

1. Adoption of the 2006 International Fire Code. The County hereby adopts by reference the 2006 International Fire Code, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041. The 2006 edition of the International Fire Code is adopted as if set out at length except that such code shall be amended by the changes set forth in Exhibit A to this Ordinance as if set out at length (such amended fire code is referred to in this Ordinance as the “Fire Code”).
2. Code Copies. Copies of the Fire Code have been and are now on file in the office of the Board of County Commissioners and the office of the Building Inspector and may be inspected by any interested person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excepting holidays. The Fire Code as finally adopted shall be available for sale to the public through the County Department of Building Safety, at a price not to exceed the cost of printing the same.
3. Applicability. The Fire Code shall apply to all unincorporated areas of Chaffee County, Colorado and any incorporated town or city which elects by ordinance or resolution to have the provisions thereof apply, and shall only be applicable to commercial or multi-family residential structure not legally in existence at the time of adoption of this code or the reconstruction or alteration of such structure which requires a building permit.
4. Inspection. It shall be unlawful to erect, construct, reconstruct, alter or change the use of any commercial or multifamily residential structure in violation of the Fire Code. The County Building Inspector shall have the duty to enforce the provisions of the Fire Code for the duration of time in which a building permit is active. Following closure of a permit by issuance of a certificate of occupancy, or expiration or termination of such permit, the appropriate Fire Protection District shall have the duty and responsibility to perform any required inspections of the properties and enforce the Fire Code. Each Fire Protection District will be permitted to adopt fee schedules to conduct fire inspections for property tax exempt entities. The County Building Inspector and authorized Fire District Code Officials are hereby granted the authority to enter on all premises within the unincorporated portions of Chaffee County for the purpose of carrying out the duties and responsibilities associated with enforcement of the Fire Code.
5. Building Permit Review Process and IGA. The County, the CCFPD and the SAFPD have developed a process for review of building permit applications set forth in the Intergovernmental Cooperation

Agreement attached as Exhibit B (“IGA”). Such IGA is hereby approved and adopted and the Chairman or Acting Chairman is authorized to execute and deliver such IGA.

6. Modification. During the building process the County Building Inspector shall have the power to modify any of the provisions of the Fire Code upon application in writing by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. Following issuance of a certificate of occupancy the Fire Districts shall have the power to modify the codes in the manner described above. The particulars of such modification when granted or allowed and the decision of the Building Inspector or Fire Code Official shall be entered upon the records of each party, and a signed copy shall be furnished to the applicant.
7. Appeals. All disputes related to the Fire Code, whether during building permit review, construction inspection, or following issuance of a certificate of occupancy, shall be heard by the Chaffee County Board of Review, as further described in the IGA. Whenever the Department of Building Safety disapproves an application, refuses to permit or furnish a prescribed permit, if there is a dispute on the interpretation of the Codes, or when it is claimed that the provisions of these codes do not apply or that the true intent and meaning of the Codes have been misconstrued or wrongly interpreted, the applicant, the applicable Fire District or the County may appeal such matter to the Chaffee County Board of Review within 30 days of the date of the decision.
8. Violations. Fire code violations may be remedied in accordance with Colorado statutes, specifically and without limiting the forgoing, the penalty provisions of C.R.S. §30-15-402 and C.R.S. §30-28-210 are hereby adopted by reference. If a violation of the Fire Code is brought to the attention of the County Department of Building Safety or either Fire District via a written complaint or if the Department of Building Safety or either Fire District otherwise have actual knowledge of the violation, the Department of Building Safety or applicable Fire District may first send a certified letter to the property owner, with a copy to the other party, advising the owner of the potential violation and advising the owner that if the problem is not remedied, the violator may be subject to criminal and civil penalties in accordance with Colorado statutes and a letter may be filed and recorded with the Chaffee County Clerk that indicates that structures on the property may violate Fire Code and that no land use applications or building permits for additions to or new structures will be issued unless the current structure is brought up to code. If the problem is not corrected within 30 days of the date of such certified letter, the Department of Building Safety or applicable Fire District shall endeavor to proceed with filing and recording such letter with the Chaffee County Clerk, in addition to other remedies provided by statute, ordinance or resolution with respect to Fire Code violations. The entity enforcing the violation shall be responsible for any expenses incurred in pursuing enforcement of the violation. No entity shall have the obligation to prosecute violations. It is within the discretion of the entity enforcing the violation to determine whether to pursue the civil penalties set forth in this section, criminal remedies, or both.
9. Safety. The adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to Chaffee County. The Board of County Commissioners and the Boards of Directors of the CCFPD and SAFPD have considered the fire codes in accordance with the public health, safety and general welfare and the safety and protection of County dwellings and structures.
10. Severability. All provisions of this Ordinance are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Ordinance. If a court or administrative body determines a provision or its application to be valid or



**EXHIBIT A to ORDINANCE 2008-  
2006 FIRE CODE AMENDMENTS**

- 101.1 Title. These Regulations shall be known as the Fire Code for all unincorporated areas of Chaffee County, Colorado, and any incorporated town or city which elects by ordinance or resolution to have the provisions thereof apply.
- 101.2.1 Appendices. Appendix A is specifically deleted, and Appendices B, E, F, and G are specifically adopted as written. Appendices C and D are adopted as revised in this Exhibit A.
- 102.1 Applicability. Add “This fire code does not apply to structures governed by the International Residential Code, specifically single-family residences and duplexes, or to those agricultural and other buildings exempt from the building codes. Existing buildings and structures built in compliance with the codes in effect at the time of construction are not subject to the requirements of this code, except for commercial or multi-family residential structures being renovated or altered.”
- 102.6 Referenced codes and standards. ADD “Any alterations, additions, changes in use, or changes in structures required by this code which are within the scope of the International Building Code shall be made in accordance therewith. Reference to other codes such as building, plumbing, mechanical, and electrical shall refer only to the currently adopted code of that type. The International property maintenance, fire prevention, existing building, wildland urban interface and energy codes are specifically not adopted by reference as part of this Code, and references to those codes shall be deleted throughout this Fire Code. Any reference to the Wildland Urban Interface Code shall instead be referred to NFPA 1144 as the guideline for Protection of Life and Property from Wildfire. Any apparent conflicts between the fire codes and building codes will be governed by the provisions of the building codes, except the most stringent requirement with respect to life – safety issues shall apply.”
- 103.1 General. Delete Section; replace with: “The Chaffee County Department of Building Safety is established as the enforcing jurisdiction with respect to the structure related portions of active building permits only. The Chaffee County Fire Protection District and South Arkansas Fire Protection District are established as the enforcing jurisdiction within their respective boundaries for all other provisions of this code, specifically including fire suppression supply requirements.”
- 104 In all cases referencing “records”, add “the code official shall also ensure that the Fire Protection District and the Department of Building Safety are copied on all matters of record pertaining to the Fire Codes.”
- 105 DELETE entire Section and add “The Department of Building Safety is responsible for issuance of construction permits in accordance with the requirements of the Building Codes adopted by Chaffee County. Conflicts between the County Building Codes and the Fire Codes requirements for application, issuance, posting, inspection and enforcement for construction permits shall defer to the adopted County Building Codes. All references to Section 105 and operational permit requirements in the Fire Codes are hereby deleted and referred to the appropriate section of the Building Codes.”
- 108.1 Board of Appeals. Add “The Board of Appeals shall be the Chaffee County Board of Review for all matters relating to the Fire Codes.”
- 108.3 DELETE section.
- 109.2.3 DELETE section.
- 109.3 DELETE Section and add “Fire code violations may be remedied in accordance with Colorado statutes and the provisions adopted as part of the County Building Codes.”
- 111 DELETE Section and Replace with “Stop work orders shall be in accordance with the provisions of the adopted Building Codes.
- 307 DELETE section 307, except for section 307.4-307.42. ADD “all open burning shall be in accordance with Chaffee County Ordinance number 2006-02, and section 307.4 of the Fire Code

- 502.1 Definitions. DELETE from “Fire Apparatus Access Road” the terms “public street” and “private street”.
- 503.1 Add “Driveways to individual single-family residences (driveways) and other structures not subject to the Chaffee County Building Code, and any public right-of-way shall comply with the Chaffee County Road Standards (currently adopted as Chapter 4 of the Chaffee County Land Use Code).”
- 505 Delete Section. Replace with “Road and Address identification shall be in accordance with the Chaffee County Building Code”.
- 508.3 Fire Flow. Add “NFPA 1142 shall be the approved method for calculating minimum water supply for fire suppression. Fire suppression supply calculations shall include the volume of water brought to a location by the fire district as water available for fire suppression. In the case of existing structures, the minimum water supplies shall be based on a determination of the increase in hazards relating from the remodel, addition, or change in use.”
- 508.5.1 Add “Hydrants and mains shall not be required in areas where hydrants and mains are not currently in existence and are not required as part of any Chaffee County Land Use approval process.”
- Chapter 45 Add NFPA 1142 as Guidelines and reference for fire protection water supply and NFPA 1144 as Guidelines and Reference for Wildfire Protection recommendations.
- Appendix C Add to C101.1 Scope: “This appendix shall not apply to locations where hydrants and mains are not currently in existence and mains are not proposed for water supply as part of the proposed construction.”
- Appendix D Add to D101.1 Scope: “Fire Apparatus Access Roads do not include public streets, private streets or private residential driveways. See Amended Section 502.1.”
- Appendix D DELETE Section D 107.