

## MEMORANDUM

**TO:** Health and Human Services Committee  
**CC:** Fire Chief Keith Gautreau  
**FROM:** Anne Torregrossa, Associate Corporation Counsel  
**DATE:** October 5, 2018  
**RE:** Changes to Chapter 10 to adopt NFPA 2018 Codes

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As part of Chapter 10 of the Code of Ordinances, the City has adopted the model codes by the National Fire Protection Association (NFPA), specifically the *Life Safety Code* (NFPA 101), and the *Fire Code* (NFPA 1). Currently, the City has adopted the 2009 versions of both NFPA 101 and 1, and staff is proposing to update these to the 2018 versions of both codes. It bears noting that the State Fire Marshal's Office is also working on updating to the 2018 codes, but has not yet done so.

Both NFPA 101 and 1 update some of the fire and life safety requirements. However, NFPA 1 also includes a new chapter (Chapter 38) that governs growing and processing of marijuana, including fire protection systems, ventilation, fumigation, equipment verification, and other requirements. Once adopted, this will provide an excellent starting point for ensuring that marijuana growing and processing operations are done safely. We will bring copies of that new chapter for the Committee review.

In addition to the updated NFPA codes, we are also proposing some updates to the rest of Chapter 10. A summary of the key changes in each article is included below, along with a brief explanation of the reasoning for those changes. At this Committee's meeting on October 9, 2018, Chief Gautreau will explain more about the proposed changes.

In addition to substantive changes, I did a lot of reorganizing of the Chapter to make sure that the provisions were clearer and more usable. The redline document attached *does not* show all of that reorganization because that made it incredibly difficult to read and identify substantive changes. Instead, the attached document only shows language changes, deletions, and additions. I will bring several copies of the full redlined version (including reorganizations) to the meeting in case any of the Committee members would find it helpful.

**ARTICLE I. LIFE SAFETY CODE  
(NFPA 101)**

*New or Retained Sections*

- 10-3(a)(ii)** NEW. This provision will require that an individual install a full sprinkler system, where the NFPA codes might otherwise permit a partial sprinkler system. In part, this will address a discrepancy where the State Fire Marshal’s Office will not grant a sprinkler permit for a partial sprinkler system.
- 10-3(a)(iii)** UPDATED. Clarifies current requirements for CO alarms, and aligns them with the requirements for smoke alarms. This requires all new CO alarms to be hardwired, other than in one- and two-family dwellings. Also updates to the 2015 NFPA code that governs CO alarms.
- 10-3(a)(iv)** NEW. This provision ensures that balconies, decks, and similar spaces that serve multiple units or businesses are sufficiently protected. This does not apply to single-unit balconies or decks. This clarifies the City’s existing interpretation of the NFPA codes.
- 10-3(a)(v)** UPDATED. Clarifies requirements for smoke alarms, and aligns them with the requirements for smoke alarms.
- 10-3(a)(vi)** UPDATED. The City is required to adopt and follow the state-adopted building code (MUBEC). The provisions governing stairs in the Life Safety Code currently conflict with the MUBEC requirements, and this makes it clear that MUBEC controls.
- 10-3(b)** UPDATED. Aligns language to remain consistent with Housing Safety and Code Officer ability to inspect. Also aligns with inspection rights under NFPA 1 and state law.

*Deleted Sections*

- 10-3(e)** DELETED. The provisions for unvented fuel fired heaters are adequately addressed in the Life Safety Code.
- 10-3(f)** DELETED. Deleting this section will bring the City back into conformity with the suggested provisions of the Life Safety Code to require that a one- or two-family dwelling be sprinkled whenever there is a major renovation (more than 50%). This is consistent with the City’s policy that one- and two-family homes must be sprinkled.

- 10-3(g)** DELETED. The provisions for Fire Department notification are adequately addressed in the Life Safety Code.
- 10-3(k)** DELETED. Annex B, governing elevators, has been incorporated directly into the Life Safety Code, and separate adoption is no longer necessary.
- 10-3(m)** DELETED. The language providing that the Life Safety Code applies to rental units is superfluous, as the Code applies to all residential dwellings, regardless of whether they are rented or not.
- 10-3(o)** DELETED. The appeals language is duplicative. The appeals provisions in § 10-23 control.
- 10-3(p)** DELETED. These requirements are addressed in Fire Department Rules, which the Chief has the authority to promulgate under § 10-22.
- 10-3(q)** DELETED. These requirements are addressed in Fire Department Rules, which the Chief has the authority to promulgate under § 10-22.
- 10-3(r)** DELETED. This section is adequately addressed with the clarified definition of historic buildings and the Life Safety Code provisions that apply to renovations.
- 10-4** DELETED. The Fire Department no longer requires this information, and much of it is already collected through the rental housing registration and business licensing. Low proximity signage, is more appropriately addressed in Fire Department Rules, which the Chief has the authority to promulgate under § 10-22.

**ARTICLE II. FIRE CODE  
(NFPA 1)**

*New or Retained Sections*

**10-18(b)** NEW. The language about refusal to allow inspections mirrors the language that currently applies for inspections under NFPA 101 and state statute.

- 10-18(e), (f)** Permits are impacted as follows:
- Aircraft fuel servicing – CLARIFIED. Currently part of Motor Fuel permit and will remain, language for clarification of standards.
  - Aircraft refueling vehicles – CLARIFIED. Currently part of Motor Fuel permit and will remain, language for clarification of standards.
  - Automotive fuel servicing – CLARIFIED. Currently part of Motor Fuel permit and will remain, language for clarification of standards
  - Carnivals and fairs – NEW fee to cover events that would not otherwise receive a permit or life safety review. Suggested permit fee is \$141.00 to track similar permits.
  - Commercial rubbish-handling operation – CLARIFIED.
  - Cutting and welding operations – CLARIFIED.
  - Display fireworks – CLARIFIED.
  - Drycleaning plants – CLARIFIED.
  - Flame effects – CLARIFIED. Currently part of Display fireworks and will remain.
  - Flammable and combustible liquids – CLARIFIED.
  - Hazardous materials – CLARIFIED. Current fee schedule differentiates between Tier I and Tier II, the changes simply clarify the distinction between the two.
  - Hot works – UPDATED. Currently, hot works permits are supposed to be pulled each time someone engages in hot works operations (per day). Compliance with this scheme is fairly low, meaning that there is little accountability for proper hot works procedures. Staff proposes to make this an annual fee and to update the fee schedule to reflect this.
  - Liquified Petroleum Gasses – NEW. This would be a new permit, although the City has historically had one permit issued. Staff proposes a \$174.00 permit fee to be consistent with other fees.
  - Lumberyards – CLARIFIED.
  - Marine craft fuel servicing – CLARIFIED. Currently part of Motor Fuel permit and will remain,
  - Marijuana growing, processing, or extraction facilities – NEW. This is simply a placeholder once the Council finalizes the licensing and inspection requirements for new marijuana facilities. No permits can be issued until the Council adopts a full licensing scheme.
  - Motor fuel dispensing – CLARIFIED.

- Pyrotechnics – CLARIFIED. Currently part of display fireworks, and will remain.
- Repair garages – CLARIFIED.
- Spraying or dipping of flammable finishes – CLARIFIED.
- Blasting operations – MOVED. This is currently administered through the site plan process. This update simply ensures that all fire permits are in the same location for ease of reference.
- Certificate of fitness for alarm companies – CLARIFIED. A definition for when the permit is required was added.
- Certificate of fitness for special hazards systems – NEW. Currently, there are no state or local requirements for technicians working on special hazards systems (hoods, etc.). This would ensure that anyone inspecting and certifying these systems is qualified to do so.
- Certificate of fitness for marijuana facilities – NEW. This is simply a placeholder once the Council finalizes the licensing and inspection requirements for new marijuana facilities. No permits can be issued until the Council adopts a full licensing scheme.
- Fire alarm inspection sticker – CLARIFIED. A definition for when the permit is required was added.

#### *Deleted Sections*

**10-18(e)** DELETED. The provisions for unvented fuel fired heaters are adequately addressed in the Fire Code.

### **ARTICLE III. ENFORCEMENT AND APPEALS**

**10-23** UPDATED. This updates the appeal provisions to align them with the appeal rights under Chapter 6 (housing and building), including increasing the appeal period from 10 days to 30 days. It also removes the authority of the Zoning Board of Appeals to allow exceptions to Chapter 10 requirements where it would impose an undue hardship. There are currently no standards for what an undue hardship would qualify for an exception, and the Zoning Board of Appeals may not have the technical expertise to evaluate the impacts on fire and life safety.

For violations that pose an immediate threat to health and safety, it would be problematic to allow a 30-day appeal period during which the violations remain outstanding. This language adds a provision that an appeal does not excuse the obligation to remedy such violations.

**10-25.5** UPDATED. The added language allows the Fire Department to secure a building, after notice to the owner and an opportunity to correct. It also allows the Fire Department to collect a \$500 administrative fee for doing so. This language mirrors that in Chapter 6 allowing the building authority to secure properties in the same manner and collect the same fee.

**10-25.9** UPDATED. The added language provides for progressively increasing reinspection fees where violations have not been corrected. This mirrors the escalating reinspection fees provided in Chapter 6 for the building authority.

**ARTICLE IV. HYDRANTS**

**10-30** DELETE. This is duplicative of § 10-25.

**10-31** DELETE. This is duplicative of § 10-22.

**ARTICLE VI. FIRE SUPPRESSION SYSTEMS**

**10-68** DELETE. This is duplicative of § 10-22.

**ARTICLE VI. FIRE SUPPRESSION SYSTEMS**

**10-101(a)(6)** DELETED. Nursing homes are covered under other occupancies and need not be separately listed.

**10-101(a)(10)** DELETED. There is no definition or threshold for apartments for the elderly, and most apartments would be covered under other occupancies already required to have a master box.

**10-103** DELETED. This section is now obsolete as we no longer allow central station monitoring companies to be assigned alarm assignments with the dispatch center.

**10-104** UPDATED. The time requirements for the Chief's notice and the owner's response has been deleted, but the requirement for a warning in writing has been retained. These timeframes are difficult to track, and owners often have notification on scene anyway.

**10-106** DELETE. This is duplicative of § 10-22.