



City of Grand Island

Tuesday, November 28, 2017

Council Session

Item F-4

#9670 - Consideration of Amending Chapter 16 of the Grand Island City Code to Adopt the 2015 International Fire Code

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Fred Hotz, Fire Prevention Division Chief

Meeting: November 28, 2017

Subject: Amendment to Chapter 16 of the Grand Island City Code to adopt the 2015 International Fire Code and add language to the permit section establishing a Fire Safety Occupancy Permit

Presenter(s): Fred Hotz, Fire Prevention Division Chief

Background

The City of Grand Island has for generations adopted and enforced fire codes which regulate life and fire safety features of buildings within the City of Grand Island. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or general dangerous conditions in new and existing building, structures and premises, and to provide safety to fire fighter and emergency responders during emergency operations.

Council approved an Occupancy Use Permit Fee. Language in the ordinance was not adopted at that time that established the requirement for the permit.

Discussion

The City currently adopts and enforces the 2012 edition of the International Fire Code (IFC) as published by the International Code Council. Recently, Oct. 24, 2017, the City Council adopted the 2015 edition of the International Building Code. The IFC is the “sister” code to this building code. Both editions are published by the International Code Council. The Fire Prevention Division recommends adoption of the 2015 edition of the International Fire Code with the revisions as outlined in the attached amended chapter 16 of the City Code.

An amendment to the permit section of the International Fire Code establishes a Fire Safety Occupancy Permit. The amendment would require commercial properties to maintain their permit status or make application to the building department if change in permit is required.

Old language in the chapter 16 of City code refers to the “Bureau of Fire Prevention” (16-2). The fire department language has changed over the years and a fire division has been created. This amendment would “clean up” the language and reference current department division, i.e. “Fire Prevention Division”.

Alternatives

It appears the Council has the following alternatives concerning the issue at hand.
The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the recommendation of the Fire Prevention Division and amend Chapter 16 to adopt the 2015 International Fire Code and amendment changes and begin enforcement January 1, 2018.

Sample Motion

Move to approve Ordinance #9670 amending Chapter 16 of the Grand Island City Code and adopting the 2015 edition of the International Fire Code.

ORDINANCE NO. 9670

An ordinance to amend Chapter 16, Article I, of the City Code of the City of Grand Island; to amend Sections 16-1, 16-2, and 16-3; to add new sections 16-3.6, 16-3.7, 16-3.8, 16-3.9, and 16-3.10 amending the International Fire Code; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Grand Island City Code Chapter 16 Fire Prevention, Article I. General, Sections 16-1, 16-2, and 16-3 are hereby amended to read as follows:

§16-1. International Fire Code (IFC) Adopted

The International Fire Code, 201~~2~~⁵ Edition, published by the International Code Council, is hereby adopted, except for such portions as heretofore or hereafter have been deleted, modified, or amended by ordinance and set forth in this Code. The following sections of the Appendix shall also be adopted:

Appendix B – Fire Flow Requirements for Buildings
Appendix C – Fire Hydrant Locations and Distribution
Appendix D – Fire Apparatus Access Roads
Appendix E – Hazard Categories
Appendix F – Hazard Rankings
Appendix I – Fire Protection Systems-Noncompliant Conditions

One copy of said Code shall be filed in the office of the City Clerk as provided by law.

Amended by Ordinance 8957, effective 3-31-2005
Amended by Ordinance No. 9488, effective 06-17-2014
Amended by Ordinance No.-9670, effective 01-01-2018

§16-2. Bureau of Fire Prevention

The ~~Bureau of~~ Fire Prevention Division for the City of Grand Island is hereby established and shall consist of the ~~Fire Department~~non-sworn inspectors of the City of Grand Island Fire Department and shall include and be operated under the supervision of the ~~chief of the Bureau of Fire Prevention who shall be the chief of the Fire Department~~Fire Prevention Division Chief. The provisions of Chapter 16 of the Grand Island City Code shall be enforced by the ~~Bureau of~~ Fire Prevention Division. All permits required by this chapter, unless otherwise specified, shall be issued only upon application

Approved as to Form	ⓧ _____
November 22, 2017	ⓧ City Attorney

to the ~~Bureau of~~ Fire Prevention Division in such form and detail as it shall prescribe. All permits issued by the ~~Bureau of~~ Fire Prevention Division shall be issued with the name of the applicant and the prevention stated thereon.

Amended by Ordinance No. , effective 01-01-2018

~~§16-3. International Fire Code (IFC); Sections And Chapters Not Adopted~~[Reserved.]

~~It is especially provided that the following chapters, sections, and/or portions of the International Fire Code adopted pursuant to Section 16-1 above, are not adopted or approved, and the same shall be of no force and effect in accordance with state statutes:~~

~~Section 105 Permits~~

~~Section 108 Board of Appeals~~

~~Chapter 11 Construction Requirements for Existing Buildings~~

~~Chapter 61 Liquefied Petroleum Gases~~

Amended by Ordinance No. 8957, effective 3-31-2005

Amended by Ordinance No. 9488, effective 06-17-2014

Amended by Ordinance No. 9670, effective 01-01-2018

SECTION 2. Grand Island City Code Chapter 16 Fire Prevention, Article I. General is hereby amended by adding the following Sections 16-3.6, 16-3.7, 16-3.8, and 16-3.9, amending the International Fire Code:

§16-3.6. IFC – Amendment of Section 105.1.2

Section 105.1.2 of the International Fire Code is hereby amended to read as follows:

105.1.2 Types of permits. There shall be ~~two~~three types of permits as follows:

1. Fire Safety Occupancy Use Permit. An Occupancy Use Permit is a renewal permit thereby allowing occupants to continue use of a structure previously permitted for occupancy by the building department by section 111.1 of the City adopted International Building Code.

42. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

1.1. A prescribed period.

1.2. Until renewed or revoked.

23. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

§16-3.7. IFC – Amendment of Section 105.2

Section 105.1.2 of the International Fire Code is hereby amended to read as follows:

105.2 Application. Application for a permit required by this code shall be made to the *fire code official* in such form and detail as prescribed by the *fire code official*. Applications for permits shall be accompanied by such plans as prescribed by the *fire code official*.

Although an Occupancy Use Permit is required for all occupancies, an application for an Occupancy Use Permit is not required to be submitted to the fire code official if no change has transpired. Application and new permits are required for any change of ownership of building or business, change of business, and any change of occupancy use.

§16-3.8. IFC – Amendment of Section 106.2

Section 106.2 of the International Fire Code is hereby amended to read as follows:

106.2 Inspections. The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

If violations of this Chapter 16, Article I and this code ~~and other pertinent laws and ordinances~~ are identified during a routine Occupancy Use Inspection ~~and after reasonable time as determined by the fire code official the violations are not corrected,~~ the Fire Prevention Chief ~~may is authorized to revoke the Fire Safety Occupancy Permit occupancy permit (Certificate of Occupancy) issued by the building department until such time as corrections are made.~~ Such actions shall, ~~when requested,~~ be in writing and shall contain the reasons for the revocation.

§16-3.9. IFC – Amendment of Section 108 Board of Appeals

Section 108 of the International Fire Code is hereby amended as follows:

~~Section 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. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board 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*.~~

~~108.2 Limitations on authority. An application for appeal shall be based on a 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. The board shall have no authority to waive requirements of this code.~~

~~108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.~~

Section 108 Board of Appeals

The Building Code Advisory Board established by city ordinance §8.6 is hereby recognized for purposes of determining the suitability of alternate materials and methods of construction.

§16-3.10 IFC – Amendment of Section 109 Violations

Section 109 of the International Fire Code is hereby amended as follows:

[A] 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire official*, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction ~~[SPECIFY OFFENSE]~~, punishable by a fine of not more than \$500.00. ~~not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS] or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. This ordinance shall be in force from and after its passage and publication in one issue of the Grand Island Independent as provided by law and shall take effect on January 1, 2018.

Enacted: November 28, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk