



City of Grand Island

Tuesday, May 27, 2014

Council Session

Item F-1

#9488 – Consideration of Amending Chapter 16 of the Grand Island City Code Relative to Fire Protection

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Fred Hotz, Fire Prevention Division Chief

Meeting: May 27, 2014

Subject: Amendment to Various Sections of Chapter 16 of the Grand Island City Code Fire Protection

Item #'s: F-1

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.

In 2012, Council amended the fireworks ordinance to establish new sales and discharge times and date to begin in 2013.

Currently, there is language in the code that refers to alarm systems that no longer exist and no such future systems are predicted to exist.

Finally, in-home daycares have been regulated by the Nebraska Department of Health and Human Services, specifically the Child Division. As part of the licensure process for providers, DHHS requires a life safety inspection done by the State Fire Marshal's Office, or their appointed designee. The Grand Island Fire Department is a designee of the State Fire Marshal's Office for these life safety inspections. Requests for inspections are made directly to the City's Fire Prevention Bureau.

Discussion

The City previously adopted and enforces the 2003 edition of the International Fire Code (IFC) as published by the International Code Council. Recently the City Council adopted the 2012 edition of the International Building Code. The IFC is the "sister" code to this

building code. The IFC 2012 is the most current edition and the Administration is requesting that the City adopt the 2012 International Fire Code. The proposed ordinance will adopt the 2012 IFC with the specific provisions listed not being adopted.

To promote clarity and understanding, Administration is proposing to amend sections §16-13, §16-15, §16-16.1 and §16-22 to remove references to the year 2013. These sections were amended in 2012 by Council with the changes being in effect starting in 2013. As these sections are now in effect, it is best to remove the references to 2013 so as not to confuse the public.

False alarm language found in section §16-6, §16-7 and §16-8 is antiquated and needs to be updated to conform with the types of alarms in use today.

Administration is proposing to add two new provisions to Chapter 16 that govern in-home daycares. After DHHS upgraded the standards of care for home daycares a number of years ago, there were a large number of these daycares that were not in compliance with the new standards along with new home daycares. A provision was adopted to allow these existing and new home daycares a provisional license for up to 1 year during which time they were allowed to bring their homes into compliance with these new standards. Life Safety Compliance fell into this same one year provision. It is the determination of the Fire Prevention Bureau that home daycare services for children without some reasonable acceptable standard of safety should not be allowed in the City Of Grand Island. No other occupancy use is allowed this type of provisional license to come into compliance with safety standards. It is in the best interest of the children of the City for these proposed sections to be adopted.

Alternatives

It appears that 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 Ordinance No. 9488 amending Chapter 16 of City Code.

Sample Motion

Move to approve Ordinance No. 9488.

ORDINANCE NO. 9488

An Ordinance to revise Chapter 16 of the Grand Island City Code; to amend Sections 16-1 and 16-3 to adopt the International Fire Code; to delete Sections 16-3.1, 16-3.2, and 16-3.3 and to renumber and amend Section 16-3.4 pertaining to the International Fire Code; to add a new Section 16-3.2 pertaining to the definition of Care Facilities Within a Dwelling; to delete Sections 16-6 and 16-7 and to amend Section 16-8 pertaining to fire alarms; to amend Sections 16-13; 16-15; 16-16; 16-16.1 and 16-22; and to add Article VII, Sections 16-31 and 16-32; to repeal Sections 16-1; 16-3; 16-3.1; 16-3.2; 16-3.3; 16-3.4; 16-6; 16-7; 16-8; 16-13; 16-15; 16-16.1 and 16-22 as now existing, and 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. Sections 16-1; 16-3; 16-3.1; 16-3.2; 16-3.3; 16-3.4; 16-6; 16-7; 16-8; 16-13; 16-15; 16-16; 16-16.1 and 16-22 of the Grand Island City Code are hereby amended to read as follows:

**CHAPTER 16
FIRE PROTECTION**

Article I. General

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

The International Fire Code, 2012~~03~~ 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

Approved as to Form	☐ _____
May 22, 2014	☐ City Attorney

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.

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

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 6138 – Liquefied Petroleum Gases~~

~~Appendix A – Board of Appeals~~

~~Appendix G – Cryogenic Fluids – Weight and Volume Equivalents~~

§16-3.1. IFC – Amendment of Section 102.3 Repealed

Section 102.3 of the International Fire Code is hereby amended to read as follows:

~~102.3 Change of use or occupancy. The provisions of the International Building Code shall apply to all buildings undergoing a change of occupancy.~~

§16-3.2. IFC – Amendment of Section 102.4 Repealed

Section 102.4 of the International Fire Code is hereby amended to read as follows:

~~102.4 Application of building code. The design and construction of new structures shall comply with the International Building Code. Repairs, alterations and additions to existing structures shall comply with the International Building Code.~~

§16-3.3. IFC – Amendment of Section 102.5 Repealed

Section 102.5 of the International Fire Code is hereby amended to read as follows:

~~102.5 Historic buildings. The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the International Building Code.~~

§16-3.41. IFC – Amendment of Section 109.43

Section 109.43 of the International Fire Code is hereby amended to read as follows:

109.43 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 code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§16-3.2. IFC – Amendment of Chapter 2 Definitions

Definition of Residential Group R-3, subsection Care Facilities Within a Dwelling, of the International Fire Code is hereby amended to read as follows:

Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

§16-6. ~~Fire Alarm System; Tampering Repealed~~

~~Any person who shall in any manner break, mar, or without authority tamper with or in any manner interfere with any of the poles, wires, fire alarm boxes, fixtures, apparatus or machinery belonging or appertaining to the fire alarm system in the city or who shall mutilate or destroy any notices or printed, written or partly printed and partly written matter that may be posted up relating to the same shall be deemed guilty of a misdemeanor.~~

§16-7. ~~Fire Alarm Systems; Keys Repealed~~

~~Any person who shall make or cause to be made any duplicate of any key belonging or in any manner pertaining to the City fire alarm system without first having obtained the permission of the city council shall be deemed guilty of a misdemeanor.~~

§16-8. False Alarms

Any person who shall activate ~~cause~~ any fire alarm system ~~to be struck~~ knowing such alarm to be false without the permission of the mayor or chief of the fire department shall be deemed guilty of a misdemeanor.

Article II. Fireworks

§16-13. Permit to Sell Fireworks

It shall be unlawful for any person to sell or offer for sale permissible fireworks in the City without first making application to the Fire Administration Office (City Hall) for a permit and receiving a permit to do so from the Life Safety Division. ~~Beginning in 2013, such Permits shall require that applicants disclose any location within the geographic boundaries of the City where they are storing fireworks for sale. Beginning in 2013 such Permits shall require applicants to offer proof of a valid liability insurance policy of at least one million dollars (\$1,000,000.00) naming the City as an additional insured party. This policy must be in full force and effect for the entire period of lawful fireworks sales as set forth in §16-15. Such permits shall be in accordance with the City of Grand Island Fee Schedule and shall be valid for the calendar year in which issued, and shall at all times be displayed at the place of business of the holder thereof. Such permits shall not be transferable.~~

§16-15. Dates and Times of Lawful Sale

Permissible fireworks may be sold or offered for sale in the City of Grand Island on June 28~~7~~ through and including July 4 of each year. ~~Beginning in 2013 and each year thereafter permissible fireworks may be sold or offered for sale in the City of Grand Island on June 28 through and including July 4. Beginning in 2013~~
Permissible fireworks may only be sold during the following times:

June 28 through July 2 – 8:00 a.m. to 10:00 p.m.

July 3 – 8:00 a.m. to 11:00 p.m.

July 4 – 8:00 a.m. to midnight

§16-16. Temporary Fireworks Stands

Any person having obtained a permit to sell permissible fireworks may sell or offer for sale such fireworks only from a temporary stand or enclosure erected or placed on real estate for that purpose. No fireworks shall be sold from permanent buildings or structures in the City. If fireworks are to be sold from a temporary stand or enclosure, such stand or enclosure shall be of wood or steel frame construction covered with metal or wood. Any temporary enclosure or stand shall be permitted only in those areas of the City zoned for business or manufacturing, and only after a permit is obtained from the Life Safety Division for the erection or placement of such temporary enclosures or stands. Such temporary enclosures or stands shall be permitted to remain on real estate where permissible fireworks are sold for only the period beginning on June 22 through and including July 9 of each year. Any such temporary stand or enclosure shall not be located closer than twenty-five feet from any building, and at least one hundred feet from any station where gasoline and oil for motor vehicles is sold. Such temporary stand or enclosure shall not exceed five hundred square feet in size. Such temporary enclosures shall only be permitted as an accessory to a permitted principal use on improved property, no vacant lots shall be utilized for sale of fireworks. Temporary stands with customer openings adjacent to a public street or sidewalk shall maintain a ten (10) foot setback to protect customers from traffic on the adjacent street or sidewalk.

§16-16.1. Signage Required

Smoking shall not be permitted inside or within 50 feet of the temporary fireworks stand or sales area. At least one sign that reads as follows, in letters at least 2 inches in height on a contrasting background, shall be conspicuously posted on the exterior of each side of the fireworks stand:

NO SMOKING WITHIN FIFTY FEET OR
DISCHARGE OF FIREWORKS
WITHIN THREE HUNDRED FEET
OF THE PREMISES

In addition to the "no smoking" sign, at least one sign, 2 foot by 3 foot in size, on a contrasting background, shall be posted on the exterior of the fireworks stand that reads as follows:

~~THE GRAND ISLAND CITY CODE ALLOWS
FIREWORKS TO BE DISCHARGED ONLY ON THE
FOLLOWING DATES AND TIMES:~~

~~June 27 through July 3 — 8:00 a.m. to 11:00 p.m.~~

~~July 4 — 8:00 a.m. to midnight~~

~~Beginning in 2013 and each year thereafter the language of the sign listed immediately above shall be altered to read as follows:~~

THE GRAND ISLAND CITY CODE ALLOWS
FIREWORKS TO BE DISCHARGED ONLY ON THE
FOLLOWING DATES AND TIMES:

- June 28 through July 2 – 8:00 a.m. to 10:00 p.m.
- July 3 – 8:00 a.m. to 11:00 p.m.
- July 4 – 8:00 a.m. to midnight

§16-22. Discharge of Fireworks

Permissible fireworks may be discharged, exploded, or used in the City of Grand Island on June 28~~7~~ through and including July 4 of each year; provided that on such days the discharge and explosion of fireworks shall be permitted during the following times:

- ~~June 27 through July 3..... 8 a.m. to 11 p.m.~~
- ~~July 4..... 8 a.m. to midnight~~

~~Beginning in 2013 and each year thereafter, the following fireworks and discharge schedule shall be in effect:~~

- June 28 through July 2 8:00 a.m. to 10:00 p.m.
- July 3 8:00 a.m. to 11:00 p.m.
- July 4 8:00 a.m. to midnight

The discharge of fireworks within the City of Grand Island on any dates or times other than as set out in this section shall require a permit from the Life Safety Division. Public exhibition applications shall be accompanied by documentation of a display license issued by the State Fire Marshal. Private party display applications will not require a State Fire Marshal license, but displays will be limited to permissible fireworks as described in §16-20 of this Article. Applicant shall also show that there will not be any substantial danger to people or property. Factors that will be considered when reviewing an application will include, but not be limited to, where the fireworks will be discharged, the procedures used to discharge the fireworks and the qualifications of the individuals discharging the fireworks.

SECTION 2. Article VII, Sections 16-31 and 16-32 is hereby added to the Grand Island

City Code to read as follows:

Article VII. Home Day Care

§16-31. Definition and Scope

For purposes of this section, *Home Day Care* shall be defined by NFPA 101 (Life Safety Code).

§16-32. Life Safety Inspection and Occupancy Permit

For a new Home Day Care service, an application for occupancy shall be requested by owner of record. Only after a fire code official has conducted associated inspections indicating

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the applicable provisions of the life and fire safety codes have been met shall new home day care services be permitted and or conducted.

SECTION 3. The foregoing sections of Chapter 16 as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 4. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 27, 2014.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk