

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follows, and **Section 112.3 Qualifications** is deleted in its entirety:

112.1 General. 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 applicable governing authority in accordance with Appendix A and shall hold office at its pleasure.~~ **Membership of the board shall be as set forth in Appendix A.** The board shall conduct business and procedures in accordance with Appendix A.

6. **Section 202 General Definitions** is amended to read as follows:

. . .

4th Edition, February 2020
Protection Practices

Recommended Fire
For Distilled Spirits Beverage Facilities5001.1,
5701.2

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LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021D105.6	Larimer County Urban Area Street Standards	

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

**APPENDIX A
BOARD OF APPEALS**

**SECTION A101
GENERAL**

A101.1 Scope. Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

A101.2 Application for appeal. Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

A101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

A101.3 Membership of board. The board shall consist of the Chair of the PFA Board of Directors or their appointee, the Fort Collins City Manager or their appointee, and the City's Chief Building Official. The members of the board shall not be employees of PFA. In the event any of the officials listed is unavailable or recused, the individual who would normally stand in as that official's substitute in other matters shall take their place. ~~no less than three voting members appointed by the fire code official. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the fire code official's receipt of the appellant's application for appeal. The fire code official shall be an ex officio member of the board but shall not vote on any matter before the board.~~

A101.3.1 Qualifications. All members of the board shall be trained on quasi-judicial proceedings. To ensure the board is competent to decide the appeal before them, the board may designate qualified experts to educate and assist the board as necessary. Qualified experts shall mean persons ~~The board 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~~ City of Fort Collins or PFA.

A101.3.2 Chairperson. The Chair of the PFA Board of Directors or their appointee shall act ~~board shall select one of its members as the chairperson of the board,~~ unless otherwise designated by the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

A101.3.3 Secretary. The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall post required notices and prepare the agenda for all board meetings, cause the board's meetings to be recorded, and prepare minutes that provide submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

A101.3.4 Conflict of interest. A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

~~**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**A101.3.5**~~**A101.3.6 Board decision and dissolution.** The board's decision, containing detailed findings of fact, conclusions of law, and order, shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

A101.4 Rules and procedures. The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. In carrying out its duties, the board shall follow the Fort Collins Code of Conduct policy applicable to quasi-judicial commissions, as well as applicable policies and procedures of the PFA consistent with the provisions of that policy, Fort Collins' Charter and City Code, and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

A101.5 Notice of meetings. The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals. The board's secretary shall provide notice to the board of the need to meet and shall schedule the meeting no less than 10 business days and no more than 35 business days after the filing of an application for appeal. Written notice of the date, time and place of the meeting shall be mailed by the secretary to the appellant no less than 10 business days prior to the date of said meeting. As required under Colorado law, public notice shall be provided in advance of any meeting of the board.

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

the number of the door in closest proximity on the first floor or primary access level.

5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

~~Section 4~~ Section 5. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on May 20, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: May 30, 2025
Approving Attorney: Madelene Shehan