

Ordinance Excerpts showing proposed Second Reading Amendments

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. **Sections 112.1 General and 112.2 Limitations on authority are** 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 to be known as the Fire Board of Appeals. The City of Fort Collins Building Review Commission, as appointed from time to time, shall constitute the Fire Board of Appeals. 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*. Application for an appeal and all process and procedures for an appeal shall be as stipulated in

Section 113 of the International Building Code, as amended and adopted by the City of Fort Collins. The board shall follow the applicable policies and procedures of the City of Fort Collins in carrying out its duties consistent with the provisions of this code and applicable state law. ~~The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A.~~

112.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

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

...

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

...

CASK. See “Barrel.”

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DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

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FALSE ALARM. See *Unwanted Alarm*.

N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

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**CHAPTER 80
REFERENCED STANDARDS**

DISCUS

Distilled Spirits Council of the United States
1250 Eye Street, NW Suite 400
Washington, DC 20005

Standard Reference Reference	Title	Code
4 th Edition, February 2020 Protection Practices 5701.2	Recommended Fire For Distilled Spirits Beverage Facilities	5001.1,

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LCUASS

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

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

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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 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.** 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.~~

~~**A101.3.2 Chairperson.** The board shall select one of its members as the chairperson of 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 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.~~

~~**A101.3.6 Board decision and dissolution.** The board's decision 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. 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.~~

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

Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

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 April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan