

ORDINANCE NO. O2018-055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING TITLE 13 OF THE YUMA CITY CODE, CHAPTER 131, ADOPTING BY REFERENCE *NFPA 1 FIRE CODE 2018*, INCLUDING ANNEXES A, B, D, AND G, AND THE AMENDMENTS RECOMMENDED BY THE BUILDING ADVISORY BOARD DATED AUGUST 22, 2018, AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF

WHEREAS, on December 17, 2014, the City Council adopted the 2012 Edition of the NFPA 1 (National Fire Protection Association), Fire Code, with amendments and,

WHEREAS, Yuma City Council Resolution No. R2018-034 declared a document titled, "NFPA 1 Fire Code 2018" a public record; and,

WHEREAS, the City Council has considered the unanimous recommendation of the City of Yuma Building Advisory Board based on their actions taken at their meetings on and recommending adoption of NFPA 1 Fire Code 2018, with Annexes A, B, D, and G, and the Amendments herein; and,

WHEREAS, the City of Yuma is desirous of adopting the most recent edition NFPA 1, being NFPA 1 Fire Code 2018, to keep current with the code cycle and amendments to reflect modern technology, materials and techniques; and,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Section 131-15, be amended to read as follows:

Sec. 131-15 Adoption of a model Fire Code, NFPA 1, Fire Code, 2018 Edition.

That certain document, three (3) copies of which are on file in the office of the City Clerk, known as NFPA 1, Fire Code, 2018 Edition, including Annexes "A", "B", "D", and "G" published by the National Fire Protection Association, with certain amendments listed herein, which document was made a public record by Resolution No. R2018-034 of the City is hereby adopted by reference and made a part hereof as if fully set out in this article.

SECTION 2: That the Yuma City Code, Section 131-16, be amended to read as follows:

This edition of NFPA 1, the Fire Code, adopted by the provision of this chapter is hereby amended, altered, and changed in the following respects:

NOTE: The section numbers that follow are the reference sections found in NFPA-1.

1.1.2 Title. Is hereby amended as follows:

These regulations shall be known as the 2018 Fire Code with Yuma Amendments, hereinafter referred to as "this code."

1.3.1 Application. Is hereby amended by the addition of the following sentence:

All construction and/or alterations of a structure, which require a building permit, shall comply with the current building code adopted by the City of Yuma.

1.3.3.1 Conflicts. Is hereby amended by the addition of the following sentence:

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

1.3.3.2 Conflicts. Is hereby amended by the addition of the following sentence:

Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

1.3.6.3 Buildings. Is hereby amended as follows:

Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the adopted building code of the jurisdiction except for repairs, renovation, alteration and reconstruction of fire sprinkler and fire alarms. Those activities shall be regulated by the fire code adopted by this ordinance.

1.7.12 Plans and Specifications. Is hereby amended by the addition of the following sentence:

All plans, specifications, calculations, and design criteria shall be stamped by a registrant licensed to practice in the state of Arizona. Calculation sheets for fire sprinkler systems shall be made a permanent part of the submitted design drawings.

1.10.1 Fire Code Board of Appeals. Is hereby amended by adding the following:

Whenever reference is made to the "Board of Appeals" in the City Fire Code, it shall mean the City of Yuma "Building Advisory Board."

1.10. Membership. Is hereby amended by striking the entire paragraph.

1.10.1.1.5.3 Members. Is hereby amended by striking the entire sentence.

1.10.3/1.10.6 Authority of the Board of Appeals/Decisions. Is hereby amended by striking sections 1.10.3.3 and 1.10.6.2.

1.12 Permits and Approvals. The following shall be added to this section:

1.12.2.5 Fees and Charges.

All "activity" permits required by the fire code shall be subject to the table of fees. A fee in accordance with the following schedule shall be paid to the City of Yuma at the time of application for: (1) an installation or removal; (2) an activity permit; (3) other service or special inspection.

Failure to apply for necessary permits or service can result in a double charge for such. Fees are payable upon permit application.

Table 1.12.2.5 Activity Permit Fee Schedule:

Carnivals and Fairs \$75.00
Hot Work Operations \$75.00
Display Fireworks \$100.00

Explosives and Blasting \$100.00
 Fuel Tank Installation or Removal \$100.00
 Liquefied Petroleum Gas Installation \$100.00
 Installation less than 500 gallons: \$75.00
 Membrane Structures, Tents, and Canopies: Permanent or Temporary \$75.00
 Open Burning \$100.00
 Pyrotechnics before a Proximate Audience \$100.00
 Fire Inspections Mandated by the State for Licensing \$50.00
 Fire Sprinkler Alterations \$50.00 over the counter permit plus \$50.00 an hour inspection fee.
 Fire Alarm Alterations \$50.00 over the counter permit plus \$50.00 an hour inspection fee.
 Sale or Storage of Consumer Fireworks (1.4G) \$10.00
 Tire Storage (in excess of 500 tires) \$100.00
 Fire inspections needed for other state or local programs \$50.00
 Permissible Consumer Fireworks Sales Tent \$85.00

1.12.2.6 Standard Hourly Fee:

This is a special fee should there be a need for special service and re-inspections. This standard hourly fee is not a fee in addition to permits fees listed above. The standard hourly fee is fifty dollars (\$50), with a 2-hour minimum, unless otherwise noted below.

a. After normal working hours: There shall be a standard hourly fee of one hundred dollars (\$100.00), with a two-hour minimum, charged for all special, after-hours, weekend, or holiday service, inspections, and plan review work. This is provided to accommodate the developer who may need a higher level of service and is willing to pay an additional fee for that service, when available.

b. Re-inspections: Another application for the standard hourly fee is for the commercial fire inspection program. There will be no charge for the initial annual commercial fire inspection and one follow-up; however, should the business require more than one follow-up re-inspection that business shall be charged at the standard hourly fee with a one-hour minimum charge for each additional re-inspection.

Table 1.12.8 (a) is hereby amended to add the following:

Consumer fireworks.

1. For the sale, on-site handling, and manufacture of consumer fireworks (1.4G)
2. For the storage of consumer fireworks.

1.13.2 Mandatory. Is hereby amended to the following:

“Optional.” The AHJ may require certificates of fitness and collect fees for individuals or companies performing any of the following:

- (1) Use of explosive materials
- (2) Fireworks displays involving display fireworks, 1.3G

1.13.12.1 Revocation or Suspension of Certificates of Fitness. Is hereby amended to read:

The AHJ shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this Code, or of other related City Code, is found upon inspection or where any false statements or misrepresentations are submitted in the application on which the approval was based.

Chapter 2 Reference Publications

2.2 NFPA Publications

The reference to the 2018 Edition of the *NFPA 5000, Building Construction and Safety Code* shall be changed to name the current building code adopted by the City of Yuma.

Chapter 4 General Requirements

4.5.7 Changes of Occupancy. In order to determine when a change of occupancy will initiate a fire sprinkler retrofit, the following will be added to sub-section (1):

(1) For the purpose of determining if a change of occupancy will be a more hazardous operation requiring the retrofit of a fire sprinkler system, the "Means of Egress Hazard Categories Table" (for life safety) in the edition of the International Existing Building Code currently adopted by the City of Yuma will be referenced. See section 10.3.4.

Chapter 10 General Fire Safety

10.1.2 Life Safety Code: Is hereby amended by adding the following section:

10.1.2.1 When specific conflicts arise between requirements of the NFPA 101 Life Safety Code, and the requirements of the adopted building code of the City of Yuma for the design and construction of new structures, the requirements of the adopted building code will be applied.

Exception: New health care and day care occupancies must comply with this code, the adopted building code, and NFPA 101, Life Safety Code.

10.1.3 Building Code. Is hereby amended by the addition of the following sentence:

The design and construction of new structures shall comply with the current building code adopted by the City of Yuma, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the current building code adopted by the City of Yuma, shall be made in accordance therewith.

10.2.7 Minimum Fire Prevention Inspection Frequencies for Existing Occupancies. Is hereby amended by deletion. This includes Table 10.2.7.1.

10.3.4 Change of Use or Occupancy Classification. Is hereby amended by the addition of the following sentence:

No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the current building code adopted by the City of Yuma. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for the purposes in other groups without conforming to all the requirements of this code and the current building code adopted by the City of Yuma for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

10.12.1 Seasonal and Vacant Building and Premises. Is hereby amended by addition of the following subsection:

10.13.1.2 The Authority Having Jurisdiction is authorized to placard, post signs, erect barriers or take similar measures as necessary to secure public safety on any vacant, abandoned, or unoccupied building, structure, premises or portions thereof.

Chapter 11 Building Services

11.3.6.1 Requirements for Standardized Fire Service Keys. Is hereby amended by addition of the following exception:

Exception: The owner shall be permitted to place the building's non-standardized fire service elevator keys in a key box installed in accordance with section 11.3.6.3.1.1-7.

11.12.1 Photovoltaic Systems. Is hereby amended by addition of the following reference:

New photovoltaic systems shall be installed in accordance with, section 11.12, NFPA 70, and the current building code adopted by the City of Yuma.

Chapter 12 Features of Fire Protection

12.5 Interior Finish. Is hereby amended by addition of the following reference:

Interior finish in buildings and structures shall meet the requirements of *NFPA 101*, this code, and the current building code adopted by the City of Yuma.

Chapter 13 Fire Protection Systems

13.1.4.1 Fire Department Connection. Is hereby amended by the addition of the following sentence:

The Fire Department Connection shall be remotely located from the building in a location approved by the AHJ.

13.3 Automatic Sprinklers

13.3.2.1 to 13.3.2.29 Where Required. Is hereby amended to read as follows:

- A. An automatic sprinkler system shall be installed throughout all levels of all buildings here after constructed, except for Group U occupancies, and one/two family dwellings.
 - i. Exception 1: Buildings housing a group A-1, A-2, A-3, A-4, A-5, E,F-1, F-2, M, S-1, or S-2 occupancy having square footage less than five hundred (500) square feet. Note: For the purposes of this article, fire resistive firewalls will

not be considered a barrier creating a separate building.

- b. Exception 2: Buildings housing a group B occupancy, without cooking equipment or hazardous materials, having square footage less than two thousand (2,000) square feet.
 - i. Note: For the purposes of this article, fire resistive firewalls will not be considered a barrier creating a separate building.
- c. Exception 3: Temporary use of modular or factory built structures shall not be required to provide an automatic fire sprinkler system, provided that the use of the structure and the "Certificate of Occupancy" is limited to one year from the time of set up to removal.
- d. Exception 4: Free standing open canopy structure. When automatic fire sprinklers are not required by the current building code adopted by the City of Yuma, and when the structure meets each of the following criteria, fire sprinklers will not be required:
 - i. The structure shall not exceed 10,000 square feet.
 - ii. The entire covered area is open on all sides void of interior walls or partitions.
 - iii. Setbacks from property lines or other structures are in accordance with the current building code adopted by the City of Yuma.
 - iv. The building/structure use is not classified as hazardous, assembly or mercantile occupancy.
 - v. Portable fire extinguishers are installed in accordance with NFPA 10.
 - vi. Open flames and devices emitting flames or creating a glow capable of igniting combustible materials shall not be used in or adjacent to the structure.
 - vii. Flammable or combustible liquids, LP-Gas, or hazardous materials shall not be stored in or adjacent to the structure, except for automobile fueling islands.
 - viii. An approved water supply capable of supplying the required fire flow shall be provided.

Note: Any changes to the freestanding open canopy structure or its use may result in the loss of this exception and may require a retrofit of an automatic fire sprinkler system.

- B. Retrofit of fire sprinklers to existing structures. An existing building that undergoes a "change of occupancy" as outlined in section 4.5.7, whereby the new occupancy is deemed a greater hazard than the previous occupancy, the building will be treated as a new building and will require the installation of fire sprinklers. The "Means of Egress Hazard Categories Table" (for life safety) in the edition of the International Existing Building Code currently adopted by the City of Yuma shall be referenced to determine occupancy hazard level.
- C. Any building except Group U occupancies and one/two family dwellings, which undergoes one or more renovations, that total an excess of 50% of value as assessed by the building code, shall meet the requirements of this section.
- D. Any building that increases in size by a total summation of 50% as a result of one or more expansions will require a retrofit of an automatic fire sprinkler.

13.3.2.20.1 One and Two-Family Dwellings. Is hereby amended by deletion.

Chapter 16 Safeguarding During Construction, Alteration, and Demolition Operations.

16.1.1 General Requirements. Is hereby amended by addition of the following reference:

Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 241, *Standard for Safeguarding Construction, Alteration, and Demolition Operations*, this chapter, and the current building code adopted by the City of Yuma.

Chapter 18 Fire Department Access and Water Supply

18.2.3.5.2 Surface. Is hereby amended to read:

Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a paved surface, in accordance with the COY engineering standard for a local road, or another method acceptable to the AHJ.

18.5.2 Detached One-and Two-Family Dwellings. Is hereby amended by replacing the section with:

Fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following:

- (1) The maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 ft. (183 m).
- (2) The maximum distance between fire hydrants shall not exceed 500 ft. (244 m).
 - a) Exception: for detached one and two-family dwellings that are protected with a minimum NFPA 13D automatic sprinkler system, the distance shall not exceed 1,000 feet, as approved by the AHJ.

18.5.3 Buildings Other than Detached One-and Two-Family Dwellings. Is hereby amended by replacing the section with:

Fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following:

- (1) The maximum distance to a fire hydrant from the closest point on the building shall not exceed 400 ft. (122 m).
- (2) The maximum distance between fire hydrants shall not exceed 300 ft. (152 m).
 - (a) Exception: The maximum distance between fire hydrants shall not exceed 500 feet for new construction that is fully protected by an automatic fire sprinkler system.

31.3.2.4 - Is hereby amended by the addition of the following:

AIR CURTAIN DESTROYER AND FIREBOX PROCEDURES

OUTDOOR FIRES IN AN AIR CURTAIN DESTROYER: Prior to conducting an outdoor fire in an air curtain destroyer, the owner or operator of the air curtain destroyer shall obtain an applicable permit from ADEQ, and follow all applicable state requirements in addition to this section.

A. Air Curtain Destructor Requirements: The following must be complied with prior to use of an air curtain destructor:

1. The length of the firebox must not exceed the length of the plenum.
2. The firebox shall be lined with refractory materials.
3. The depth of the firebox shall be of such a distance to allow all burning material to be below the curtain of air created by the air curtain destructor.
4. The width of the firebox shall not extend beyond the length of the nozzle action.
5. The firebox must have four stable, vertical sides.
6. When air curtain destructor locations are established or changed, an inspection of the newly located air curtain destructor must be made and approved by the Yuma Fire Department prior to use; and if the new location deviates from a previously approved location, another inspection and approval by the Yuma Fire Department must be made.
7. Air curtain destructors must be operated in accordance with their manufacturer's specifications.

B. Equipment Set-Up:

1. An owner or operator of an air curtain destructor shall use a firebox and not a pit or trench to conduct outdoor burning.
2. The equipment must be positioned so as to allow the blower's airflow to strike at a downward angle no less than 24 inches below the opposite rim of the firebox.
3. There shall be at least 1,000 feet between any two-air curtain destructors, or per manufacturer's guidelines, whichever is greater.
4. An air curtain destructor shall be located at least 500 feet from any residence or building structure, or per manufacturer's guidelines, whichever is greater.
5. An air curtain destructor shall be located at least 500 feet from any pipeline or fuel storage area, or per manufacturer's guidelines, whichever is greater.
6. An air curtain destructor shall be located at least 250 feet from any power lines, or per manufacturer's guidelines, whichever is greater.
7. Material that is not being worked or is being stockpiled to be burned at a later date by using an air curtain destructor shall be kept at least 75 feet from the air curtain destructor while the burn is taking place, or per manufacturer's guidelines, whichever is greater.

C. Operation of Blower:

1. The proper blower speed must be maintained according to manufacturer's specifications.
2. The blower must be operating when and as long as any material in the firebox is burning.

D. Loading of the Firebox:

1. When loading (feeding) the firebox, the material must not extend above the air curtain (blower airflow).
2. The loading of materials into the firebox must be discontinued at a minimum of 2 hours prior to the end of the designated burning hours. The blower must continue to operate until the end of the burning hours or until combustion is completed.
3. Adequate measures must be taken to assure that no emissions emanate from materials left in the firebox (i.e., when combustion is completed). All materials left in the firebox must be extinguished with water or covered over with a minimum of 1 foot of mineral soil.

E. Firebox Clean-Out: All materials removed from the firebox must be completely extinguished and all reasonable precautions taken to control emissions and fires

F. Burning Hours for Air Curtain Destructors: Burning hours must be consistent with ADEQ rules and regulations and be conducted during the following periods, unless otherwise waived or directed by the ADEQ Director on a specific day basis.

- i. Year-round: ignite fire no earlier than one hour after sunrise; and
- ii. Year-round: extinguish fire no later than two hours before sunset;

While complying with the above schedule, the owner/operator/occupant must also ensure it is a burn day locally for each day of burning. Burning using an air curtain destructor is not authorized on weekends or on holidays. Prohibited materials shall never be burned in an air curtain destructor.

Definitions

AIR CURTAIN DESTRUCTOR-A device designed to form a curtain of air over a firebox in which burning occurs that aids in more complete combustion through increases in turbulence and combustion time. Above ground air curtain destructors are the only type of air curtain destructor allowed in the City of Yuma.

DANGEROUS MATERIAL-Any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed, or otherwise disposed of in a controlled and safe manner.

FIREBOX - The chamber or compartment inside of an air curtain destructor where materials are burned.

PROHIBITED MATERIALS - Non-paper garbage from the processing, storage, service or consumption of food; books, magazines, fiberboard, packaging, rags, fabrics, office records, chemically treated or soaked wood; lead-painted wood; linoleum flooring, and composite counter tops; tires; animal wastes and carcasses, coal, liquid or gelatinous hydrocarbons tar, explosives or ammunition; oleanders, leaves, grass clippings, refuse; asphalt shingles or asphalt; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products, such as waste crankcase oil, transmission oil, and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners and solvents, stains and varnishes, and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury and arsenic compounds.

31.3.6.3.2 Is hereby amended to read:

Piles shall not exceed 12.5 ft. (18 m) in height, 75 ft. (90 m) in width, and 125 ft. (150 m) in length.

31.3.6.4.2 Is hereby amended to read:

A clear space of not less than 30 ft. (4.6 m) shall be maintained between piles and exposing structures, yard equipment, or stock, depending on the degree of exposure hazard.

31.3.7.2 Is hereby amended to read:

When not protected by a fixed fire-extinguishing system in accordance with Chapter 13, piles shall not exceed 12.5 ft. (7.6 m) in height, 75 ft. (45 m) in width, and 125 ft. (76.2 m) in length.

Chapter 66 Flammable and Combustible Liquids

66.21.3 General Requirements. Is hereby amended by the addition of the following paragraph:

Any permanent tank installation over 500 gallons will require that the foundation and anchorage be engineered by a design professional registered in the State of Arizona.

Chapter 69 Liquefied Petroleum Gases and Liquefied Natural Gasses

69.1 General Provisions. Is hereby amended by the addition of the following paragraph:

Any permanent tank installation over 500 gallons will require that the foundation and anchorage be engineered by a design professional registered in the State of Arizona.

69.4.2 Operational Safety. Is hereby amended by the addition of the following paragraph:

Dispensing, filling, and evacuating of LP gases shall be performed by a qualified person. In service, training for qualified persons shall be conducted annually and current records of such training shall be maintained on site.

SECTION 3: That the Yuma City Code, Section 131-17, be amended to read as follows:

Section 131-17. Areas Where Certain Materials are Prohibited:

(A) *Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.* For volumes exceeding the maximum allowable quantities (as outlined in the Fire Code) the location in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

(1) In all areas within the corporate limits of the city, other than those defined and designated as "light industrial" or "heavy industrial" districts by the zoning ordinance of the city, such storage is prohibited.

(2) Upon presentation of plans conforming to design criteria as established in the Fire Code and its referenced standards, the Authority Having Jurisdiction, as defined by the Fire Code, may approve the location of such storage, in areas where such storage is not prohibited by subdivision (1) above.

SECTION 4: That the Yuma City Code, Section 131-18, be amended to read as follows:

Section 131-18. Establishment and Duties of the Division of Community Risk Reduction:

(A) The City of Yuma Fire Code shall be enforced by the Community Risk Reduction Division in the fire department of the City of Yuma, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(B) The fire marshal in charge of the Community Risk Reduction Division shall be appointed by the chief of the fire department on the basis of examination to determine qualifications.

SECTION 5: That the Yuma City Code, Section 131-19, be amended to read as follows:

Section 131-19. Appeals:

Whenever the Chief of the Fire Department shall disapprove an application or refuses to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief of the Fire Department to the Building Advisory Board, as established and referred to in the current adopted fire code for the City of Yuma, within 30 days from the date of the decision.

SECTION 6:

Should any section, paragraph, sentence, or word of this chapter, or of the code or standards hereby adopted, be declared for any reason to be invalid, it is the intent of the city that the remainder is severable, and that the city would have passed all other portions of this article independent of the elimination of any such portion as may be declared invalid.

SECTION 7:

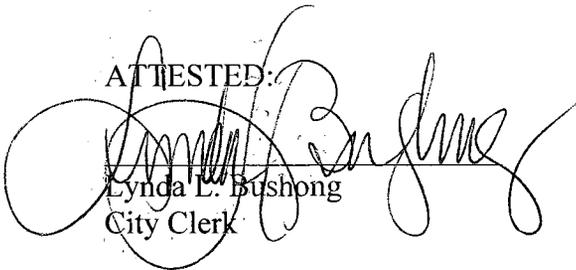
Any person, firm, corporation, or entity violating any of the provisions or requirements of §§ 131-15 through 131-22 of this chapter shall be guilty of a class 1 misdemeanor and shall be punished as provided in § 10-99 of this code by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or by both such fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense.

Adopted this 19th day of December, 2018.

APPROVED:


Douglas J. Nicholls
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Richard W. Files
City Attorney