

NO.

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING TITLE XV OF THE SAN LUIS CITY CODE, CHAPTER 150, ADOPTING BY REFERENCE *NFPA 1 FIRE CODE 2012*, INCLUDING ANNEXES A, B, D, E, AND G, AND THE AMENDMENTS AND PROVIDING A PENALTY FOR VIOLATIONS THEREOF**

WHEREAS, on April 04, 2010, the City Council adopted the 2003 Edition of the NFPA 1 (National Fire Protection Association), Uniform Fire Code, with amendments;

WHEREAS, the City of San Luis is desirous of adopting the 2012 Edition of the NFPA 1, Fire Code, to keep current with the code cycle and amendments to reflect modern technology, materials and techniques; and

WHEREAS, the new fire code has been recommended for adoption by the Building Appeals Board, based on their actions taken at their meeting on XXXX XX, 2016.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona as follows:

**SECTION 1:** That the City of San Luis City Code, Title XV, Chapter 150, Section 150.008, be amended to read as follows:

**Section 150.008 ADOPTION OF NFPA 1, FIRE CODE, 2012.**

That certain document known as “NFPA 1, Fire Code 2012” including Annexes “A”, “B”, “D”, “E”, and “G” published by the National Fire Protection Association three (3) copies of which are on file in the office of the City Clerk, together with this Ordinance No. \_\_\_\_\_ which lists certain amendments, which documents were made a public record by **Resolution No. \_\_\_\_\_ of the City of San Luis, Arizona**, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance the provisions thereof to become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SECTION 2:** That the City of San Luis City Code, Title XV, Chapter 150, be amended to add Section 150.008(A), 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 2012 Fire Code with City of San Luis 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 San Luis.

**1.3.2 Reference Standards. Is hereby amended as follows:**

**1.3.2.1.1**

When reference is made to the Building Code, it shall mean the current building code adopted by the City of San Luis with amendments by the City of San Luis.

**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 with the adopted building code of the jurisdiction having authority, except for repairs, renovation, alteration and reconstruction of fire sprinkler and fire alarms. Those activities shall be regulated by the current fire and building codes adopted by this ordinance.

**1.7.11 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 striking the entire paragraph and replacing it with the following:**

Whenever reference is made to the "Board of Appeals" in “NFPA 1 – The Fire Code 2012”, it shall mean the City of San Luis "Fire Appeals Board" and will follow rules,

guidelines and terms of service as identified within the criteria for establishing the “Fire Appeals Board”.

**1.10.1.1.4 Membership. Is hereby amended by striking the entire sentence.**

**1.10.1.1.5 Membership. Is hereby amended by striking the entire paragraph.**

**1.10.1.1.5.3 Membership. Is hereby amended by striking the entire sentence.**

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

## **Chapter 2 Reference Publications**

### **2.2 NFPA Publications**

The reference to the 2012 Edition of the *NFPA 5000, Building Construction and Safety Code* shall be changed to name the current building code adopted by the City of San Luis.

## **Chapter 3 Definitions. Is hereby amended by addition of the following:**

### **3.3.01 Chief**

Whenever the word Chief, Fire Chief or Chief of the Fire Department is used in NFPA 1, Fire Code, 2012 Edition shall be construed to mean the Fire Chief or the authorized representative of the City of San Luis Fire Department.

### **3.3.02 City**

Whenever the word City, Municipality, Jurisdiction or Authority having Jurisdiction (AHJ) is used in NFPA 1, Fire Code, 2012 Edition shall be construed to mean the City of San Luis, Arizona.

### **3.3.03 Corporate Counsel**

Whenever the word “Corporate Counsel” or “City Attorney” used in NFPA 1, Fire Code, 2012 Edition shall be construed to mean the Attorney of the City of San Luis, Arizona.

### **3.3.165.1 Combustible Liquid. Is hereby amended by addition of the following paragraph:**

Note: Storage and use of combustible liquids with a flash point under 141 degrees F in outdoor areas and areas without climatic controls will be treated as Class I-C flammable liquids throughout the code.

## **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 San Luis will be referenced. See section 10.3.4.

## **Chapter 10 General Fire Safety**

### **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 San Luis, 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 San Luis, shall be made in accordance therewith.

### **10.3.4.01 Change of Use or Occupancy Classification. Is hereby amended by the addition of the following paragraph:**

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 San Luis. 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 San Luis for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

### **10.12.1.1 Premises Identification. Is hereby amended by addition of the following sentence:**

NFPA 704, figure 9.1(c) shall be used to determine the size of address lettering and numbering.

## **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 11.3.6.5.1.1-7.

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

New photovoltaic systems shall be installed in accordance with section 11.10, section 11.12, NFPA 70, and the current building code adopted by the City of San Luis.

**Chapter 12 Features of Fire Protection**

**12.5.1 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 San Luis.

**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 by the addition of the following 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 and R-3 occupancies.
  - a. Exception 1: Buildings housing a group A-1, A-2, A-3, A-4, A-5, B, E, F-2, M, or S-2 occupancy having square footage less than five hundred (500) square feet.
    - i. Note: For the purposes of this article, fire resistive fire walls will not be considered a barrier creating a separate building.
  - b. Exception 2: 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.
  - c. Exception 3: Free standing open canopy structure. When automatic fire sprinklers are not required by the current building code adopted by the City of San Luis, 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 San Luis.
    - iv. The building use is not classified as hazardous, 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 and LP-Gas 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 free standing 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 may 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 San Luis shall be referenced to determine occupancy hazard level.
- C. Any building except Group U and R-3 occupancies, which undergoes a total summation renovation in 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 system.

**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 San Luis.

**Chapter 18 Fire Department Access and Water Supply.**

**18.2.3.1.1 Required Access. Is hereby amended by the addition of the following sentence:**

When required, the apparatus access road shall be located no closer than fifty (50) feet from any structure unless authorized by the Chief.

**18.5.1 Fire Hydrants. Is hereby amended by the addition of the following paragraph:**

The average spacing in residential areas shall be five hundred (500) feet or as otherwise approved by the Fire Chief and/or the Chief's designee. For educational, industrial, commercial, institutional, mercantile, multi-family dwellings and storage areas, the average fire hydrant spacing shall be three hundred feet (300') or as otherwise approved by the Fire Chief and/or the Chief's designee.

**Chapter 66 Flammable and Combustible Liquids**

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

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 sentence:**

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 City of San Luis City Code, Title XV, Chapter 150, be amended to add Section 150.008(B), to read as follows:

**Section 150.008(B). 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.

(B) *Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.* The limits, referred to in the Fire Code and its referenced standards, establishing districts in which the aboveground storage of flammable or combustible liquids is restricted 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 this city, the storage of flammable or combustible liquids in aboveground tanks is prohibited.

(2) Exception 1: Vaulted tanks up to 1,000 gallons which provide two-hour fire protection may be used in prohibited areas.

(3) Exception 2: Aboveground tanks up to 500 gallons in capacity may be used in commercial districts when tanks meet all setbacks, containment, and are screened from view. Screening shall meet standards set forth in the zoning ordinance.

**SECTION 4:** That the City of San Luis City Code, Title XV, Chapter 150, be amended to add Section 150.008(C), to read as follows:

**Section 150.008(C). Establishment and Duties of the Prevention Division of City of San Luis Fire Department:**

(A) The City of San Luis Fire Code shall be enforced by the Fire Prevention Division in the fire department of the City of San Luis, which is hereby established and which shall be operated under the supervision of the Chief of the San Luis Fire Department.

**SECTION 5:** That the City of San Luis City Code, Title XV, Chapter 150, be amended to add Section 150.008(D), to read as follows:

**Section 150.008(D). Appeals:**

Whenever the Chief of the City of San Luis 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 Fire Appeals Board, as established and referred to in the current adopted fire code for the City of San Luis, within 30 days from the date of the decision.

**SECTION 6:** Any person found guilty of violating any provision of this code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

**SECTION 7:** \_\_\_\_\_ of the City of San Luis Code and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SECTION 8:** The repeal of \_\_\_\_\_ of the City Code, effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016, does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

**SECTION 9:** If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Passed and Adopted by the Mayor and Council of the City of San Luis, Arizona this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Gerardo Sanchez  
Mayor

ATTESTED:

\_\_\_\_\_  
Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kay Macuil, City Attorney