

**THE FOUNTAIN HILLS AMENDMENTS TO  
THE 2012 INTERNATIONAL BUILDING CODE,  
THE 2012 INTERNATIONAL RESIDENTIAL CODE  
AND THE 2012 INTERNATIONAL FIRE CODE**

**FOUNTAIN HILLS AMENDMENTS  
TO THE 2012 INTERNATIONAL BUILDING CODE**

The International Building Code, 2012 Edition, is amended in the following respects:

**Section 101.1** is amended as follows:

**Section 101.1 Title.** Insert the words “Town of Fountain Hills” as the name of jurisdiction.

**Section 105.2** is deleted in its entirety and replaced with the following:

**Section 105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 30 inches (762 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 2 feet (610 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to detached one- and two-family dwellings.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

10. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Section 3109.2** is amended as follows:

**3109.2 Definition.** The following definition has been deleted in its entirety and replaced as follows:

**SWIMMING POOLS.** Any structure intended for swimming, recreational bathing or wading that contains water. This includes any body of water more than 18 inches (457 mm) deep and/or more than 8 feet (2438.4 mm) across.

**Section 3109.3** is deleted in its entirety and replaced with the following:

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence at least 5 feet (1524 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

**Section 3109.4.1** is deleted in its entirety and replaced with the following:

**3109.4.1 Barrier height and clearances.** The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier that faces away from the swimming pool and shall not exceed 72 inches (1829 mm) maximum height, except as permitted by zoning code. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

**FOUNTAIN HILLS AMENDMENTS  
TO THE 2012 INTERNATIONAL RESIDENTIAL CODE**

**Section R 105.2** is deleted in its entirety and replaced with the following:

**R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 mm).
2. Fences not over 30 inches (762 mm) high.
3. Retaining walls that are not over 2 feet (610 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Swings and other playground equipment.
6. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

**Section AG102** is amended as follows:

**AG 102.1 General.** The definition of “Swimming Pool” is deleted in its entirety and replaced with the following:

**SWIMMING POOL.** Any structure intended for swimming, recreational bathing or wading and shall include any body of water more than 18 inches (457 mm) deep and/or more than 8 feet (2438.4 mm) across. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, spas and water features.

**FOUNTAIN HILLS AMENDMENTS  
TO THE 2012 INTERNATIONAL FIRE CODE**

The International Fire Code, 2012 Edition, is amended as follows:

**Section 101.1** is deleted in its entirety and replaced with the following:

**Section 101.1 Title.** These regulations shall be known as the Fire Code of the Town of Fountain Hills, hereinafter referred to as “this code.”

**Section 101.2.1** is deleted in its entirety and replaced with the following:

**101.2.1 Appendices.** Provisions in the appendices shall be omitted or adopted as follows:

1. Appendix A is omitted from adoption.
2. Appendix F is adopted as if fully set forth in *this code*.
3. Appendices B, C, D, E, G, H, I and J are adopted as if fully set forth in *this code*.
4. Two new Appendices, “K” (Control and Suppression of Hazardous Fire Areas) and “L” (Excavation and Confinement) are added in the form attached hereto and incorporated herein by reference.

**Section 102** is amended by adding Subsection 102.10.1 as follows:

**102.10.1 Conflicting references.** When a provision of the 2012 International Fire Code is in conflict with a provision of the National Fire Protection Association (NFPA) Standards, and the conflict relates to life and building safety performance requirements, the *fire chief* shall have the discretion to determine which provision shall apply.

**Section 105.6.8** is amended by deleting the Exception and replacing it with the following:

**Exceptions:**

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.
2. Carbon Dioxide (inert and simple asphyxiant) shall require a permit for 200 cubic feet or more at NTP.

**Section 109.4** is hereby deleted in its entirety and replaced with the following:

**109.4 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 guilty of a civil offense, punishable by a base fine of not more than \$1,000, which shall be enforced in accordance with Section 1-8-3 of the Town Code, including the criminal penalties set forth therein for recidivist offenders.

**109.4.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

**Section 202** is amended to add three new definitions as follows:

**MULTIPLE SINGLE-FAMILY.** Attached single family dwellings (e.g. townhouses), not more than three stories in height, with a separate means of egress, constructed under the International Residential Code (IRC).

**NICET.** National Institute for the Certification of Engineering Technologies, 1420 King Street, Alexandria, VA 22314-2915

**SKY LANTERN.** A device designed to carry an open flame as an airborne light. Also known as kongming lantern, wish lantern, sky candle or fire balloon.

**Section 202** is amended by deleting Occupancy Classifications, Institutional Group I-1 and Residential Groups R-3 and R-4 and replacing them with the following:

**Institutional Group I-1.** This occupancy shall include a building or part thereof housing more than ten persons, on a 24-hour basis, who, because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, half-way houses, group homes, congregate care (living) facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities.

A facility such as the above with five or fewer persons may be classified as Group R-3 or may comply with the International Residential Code in accordance with Section 101.2 of the International Building Code. A facility such as above, housing at least six and not more than ten persons, may be classified as Group R-4.

**Residential Group R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

**Congregate living care facilities with 5 or fewer persons.** Adult and child care facilities that are within a single-family home are permitted to comply with the applicable edition of the *International Residential Code* and Section 7-1-1(B) of the Town of Fountain Hills Town Code (the "Town Code").

Group R-3 Residential Care/Assisted Living Facilities occupancies in existing structures with one to five clients shall meet the following requirements:

1. Interconnected smoke detectors shall be installed in all livable areas in accordance with the Town Code.
2. Evacuation maps and emergency procedures shall be posted and subject to Fire Department approval.
3. Portable fire extinguishers in accordance with the Town Code.

**Residential Group R-4.** Residential occupancies that include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than ten occupants, excluding staff. The Residential Group R-4 shall also be applicable to the following:

1. Buildings that do not contain more than two dwelling units.
2. Adult care facilities that provide accommodations for more than five but not more than ten occupants of any age for less than 24 hours.
3. Child care facilities that provide accommodations for more than five but no more than ten occupants of any age for less than 24 hours.
4. Congregate living care facilities with five or fewer persons.
5. Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code.

Occupancies providing care and accommodations for more than ten occupants, excluding staff, shall be classified as defined in Group I occupancy types.

Group R-4 occupancies in existing structures with six to ten clients and all new structures shall meet the following requirements:

1. Interconnected smoke detectors shall be installed in all livable areas in accordance with the Town Code.
2. Evacuation maps and emergency procedures shall be posted and subject to Fire Department approval.
3. Portable fire extinguishers shall be provided in accordance with the Town Code.
4. An automatic fire sprinkler system shall be provided in accordance with the Town Code.

Group R-4 Residential Care/Assisted Living Facilities occupancies shall meet the requirements for construction as defined in the most recent Town-adopted version of the *International Building Code* for Group R-3, except as otherwise provided in that code. In the alternative, such occupancies may comply with the International Residential Code.

**Section 308.1.1** is amended by adding a new Subsection 308.1.1.1(Sky Lanterns) to read as follows:

**308.1.1.1 Sky Lanterns.** The lighting of, and the release of, sky lanterns is prohibited, except when done pursuant to a special event permit issued by the Town.

**Section 308.1.4** is deleted in its entirety and replaced with the following:

**308.1.4 Open-flame cooking devices.**

**308.1.4.1 Charcoal barbeques and similar devices.** Charcoal burners, chimineas, fixed or portable barbeques and other open flame devices shall not be operated on combustible balconies or within 10' (3,048 mm) of combustible construction.

**Exceptions:**

1. One- and two-family dwellings.
2. When all of the following are met:
  - 2.1 Where buildings, balconies and decks are non-combustible construction or protected by an automatic sprinkler system.
  - 2.2 Devices that are only fueled by piped natural gas or propane cylinders less than 2.5 lbs liquid weight; provided that no more than three propane cylinders are stored at the device.

**308.1.4.2 Storage of open flame cooking devices and barbeques.** Storage of the open-flame cooking device will be allowed beneath an attached covered patio, balcony, covered walkways, stair or roof overhang, provided it is at ground level, and there is direct access to a location 10' away from any combustible construction for cooking use.

**Exception:** If the fire department receives complaints or suspects the cooking device or barbeque is being used in the storage location or otherwise in violation of *this code*, the fire department will require the cooking device or barbeque to be removed from the premises.

**Section 503.1** is deleted in its entirety and replaced with the following:

**Section 503.1 Where required.** The *fire chief* may establish fire lanes on public and private property for access and setup for fire-fighting equipment apparatus and vehicles. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3

**Section 503.2** is amended to read as follows:

**503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and the Town of Fountain Hills Design Standards. For road construction details see the Town of Fountain Hills Subdivision Ordinance.

**Section 503.2.4** is deleted in its entirety and replaced with the following:

**503.2.4 Turning Radius.** The required turning radius of a fire apparatus access road shall be determined by the *fire code official* and the Town of Fountain Hills Design Standards.



**Section 503.2.7** is deleted in its entirety and replaced with the following:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the *fire code official* based on the Fire Department's apparatus. Access roads shall comply with the following:

1. The grade of access for non-sprinklered properties shall not exceed 12%.
2. The grade of access for sprinklered properties shall not exceed 15% unless permitted upon approval by both the *fire chief* and the *fire code official*.

**Section 503** is amended by adding a new Subsection 503.2.9 (Temporary fire department access) to read as follows:

**503.2.9 Temporary fire department access.** Prior to and during construction of every facility, building or portion of a building, a temporary fire department access roadway shall be installed and maintained and shall be 16'-0" (4,877 mm) wide, with a minimum 4" (101.6 mm) thickness of aggregate base course or decomposed granite compacted to a 90% density where natural soil will not meet compaction requirements.

**Section 503.3** is deleted in its entirety and replaced with the following:

**503.3 Marking.** Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Unless otherwise directed by the *fire code official*, all fire lanes shall be marked in the following manner:

1. Fire lane signs shall be provided in accordance with Town of Fountain Hills Standard Detail FH306.
2. Curbs, streets or driveways shall be painted red to indicate the fire lane and labeled NO PARKING-FIRE LANE in white block letters 3" (76.2 mm) in height, 0.75" (19.5 mm) stroke, on the vertical face of the curb to indicate fire lane.
3. Fire lane signs shall not be greater than 50'-0" (15.24 m) apart and shall be posted at the beginning and end of the fire lane.

**Section 503** is amended by adding a new Subsection 503.7 (Gate keys) to read as follows:

**503.7 Gate keys.** The *approved* means of emergency operation set forth in Sections 503.5 and 503.6 shall include, at a minimum, key devices as required by this Section:

**503.7.1 Key switch and sensor pre-emption location.** A Knox key switch and a pre-emption sensor shall be required on all powered entry control gates. Key switches shall be installed in a location on the gate control panel that is readily visible and accessible. The pre-emption sensor shall be at or behind the gate.

**503.7.2 Manual gates.** An approved dual padlock locking system shall be used on manual gates. An approved Fire Department Knox padlock shall be used on one side of the gate and the owners/management company's Knox padlock on the other.

**Section 503.4** is deleted in its entirety and replaced with the following:

**Section 503.4 Obstruction of fire apparatus access roads.** It shall be unlawful for any vehicle, equipment or device to park in or block the fire lane. Any vehicle, equipment or device found parked in or blocking a fire lane shall be cited by the Town's law enforcement officers. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

**Section 507** is amended by adding new Subsections 507.5.1.2 (Hydrant spacing), 507.5.1.3 (Dead ends), 507.5.7 (Fire hydrant color) and 507.5.8 (Reflective markers) to read as follows:

**507.5.1.2 Hydrant spacing.** Fire hydrants shall be spaced on fire apparatus access roads as follows:

1. Non-hillside. One and two family dwellings (IRC and R-3) developments, the maximum distance is 1,000' (366 m) on center.
2. Hillside. One and two family dwellings (IRC and R-3) developments, the maximum distance is 500' (183 m) on center. "Hillside" street grades shall mean any grade above 9%.
3. For fire sprinkler commercial and R-1 and R-2 multifamily developments, the maximum distance is 700' (213.36 m) on center.
4. Hillside cul-de-sacs. The maximum distance shall not exceed 300' (91.44 m) to any hydrant from the end of a cul-de-sac.

**507.5.1.3 Dead ends.** On cul-de-sacs in residential and commercial developments, the maximum distance to a hydrant shall not exceed one-half of the maximum allowable distance between fire hydrants designated in Subsection 507.5.1, Exceptions.

**Exception:** On hillside development cul-de-sacs the maximum distance is 500' (183 m) from the hydrant to the end of the cul-de-sac.

**507.5.7 Fire hydrant color.** All fire hydrants shall have aboveground barrels painted with a prime coat plus two coats of OSHA yellow paint.

**507.5.7.1 Reclaimed water fire hydrant color.** All fire hydrants using a reclaimed water supply shall have the caps and bonnet painted with a prime coat plus two coats of black paint. A "DO NOT DRINK WATER" placard shall be affixed to the hydrant in both English and Spanish.

**507.5.8 Reflective markers.** All fire protection equipment, fire department connections and hydrants shall be clearly identified by installation of reflective blue markers. See Town of Fountain Hills Standard Detail FH305.

**Section 607** is amended to add a new Subsection 607.1.1 (Minimum dimensions) to read as follows:

**607.1.1 Minimum dimensions.** All elevators shall be constructed to allow the elevator car to accommodate an ambulance stretcher. Where elevators are provided in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. Elevators designated as emergency access shall be measured on the inside face of the car and shall not be less than 6'0" x 7'0" nominal. It shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3" high and shall be placed inside on both sides of the hoist way door frame.

**Exception:** Single family dwellings.

**Section 901** is amended by adding new Subsections 901.2.2 (Plan certifications for fire alarm systems and occupant notification), 901.2.3 (Plan certifications for fire sprinkler systems), 901.2.4 (Plan certification for all other fire protection systems) and 901.2.5 (On-site plans) to read as follows:

**901.2.2 Plan certification for fire alarm systems and occupant notification.** All fire alarm and occupant notification system plans submitted to the Fire Department for review and approval shall bear a review certification of a minimum level III NICET in Fire Alarms in accordance with the Fire Department Interpretation and Applications Manual.

**901.2.3 Plan certification for fire sprinkler systems.** All fire sprinkler plans submitted to the Fire Department for review and approval shall bear a review certification of a minimum level III NICET in Fire Sprinklers in accordance with the Fire Department Interpretation and Applications Manual.

**901.2.4 Plan certification for all other fire protection systems.** Plan certification for all other fire protection systems will be accompanied by a certification of competence, the sufficiency of which will be determined by the *fire code official*.

**901.2.5 On-site plans.** Plans and specifications shall be submitted to the Fire Department for review and approval prior to construction. One set of Fire Department approved plans shall be on the job site for each inspection.

**Section 905.3.4** is deleted in its entirety and replaced with the following:

**905.3.4 Stages.** Stages greater than 1,000 square feet in area (93 m<sup>2</sup>) shall be equipped with a Class I wet standpipe system with 2.5" (64 mm) hose connections on each side of the stage supplied from the automatic fire sprinkler system and shall have a flow rate of not less than that required for Class I standpipes.

**Exception:** Where the building or area is equipped throughout with an *automatic sprinkler system*, a 1.5" (38 mm) hose connection shall be installed in accordance with NFPA 13 or in accordance with NFPA 14 for Class II or III standpipes.

**Section 907.2** is amended by adding a new Exception 3, to read as follows:

3. Fire alarm systems are not required in fully-sprinklered, multi-family R2 structures. This does not exclude occupant notifications.

**Section 912** is amended to add a new Subsection 912.2.3 (Remote Fire Department connections) to read as follows:

**912.2.3 Remote Fire Department connections.** Remote fire department connections shall be located between 4' (1,219 mm) and 8' (2,438 mm) of the curb line of an access road or public street, or as otherwise specified by the *fire code official*. The fire department connection line shall be a wet line with the check valve at the hose connection above grade.

**Section 1103** is amended to add new Subsections 1103.7.8 (Apartments, condominiums and conversions), 1103.8.1.1 (Owner landlord and occupant responsibilities), 1103.8.1.2 (Special definitions) and 1103.8.1.3 (Records maintenance) to read as follows:

**1103.7.8 Apartments, Condominiums and Conversions.** All apartments and condominiums constructed without a sprinkler system and all conversions made in buildings without a sprinkler system shall install smoke alarms in compliance with *this code*.

**Exception:** If no construction is being done or if construction does not include the removal of the ceiling membrane-exposing the building framing-the smoke alarms may be battery operated only, provided the battery is a long life type.

**1103.8.1.1 Owner landlord and occupant responsibilities.** Devices provided and maintained in a dwelling unit occupied under the terms of a rental agreement or under a month to month tenancy:

1. At the time of each occupancy the landlord shall provide smoke detection devices in working condition and after written notification by the tenant, shall be responsible for replacement; and
2. The tenant shall keep the devices in working condition by keeping charged batteries in battery operated devices, by testing the devices periodically, and by refraining from permanently disabling the devices.

**1103.8.1.2 Special definitions.** In this Section 1103, “dwelling unit,” “landlord,” “rental agreement,” and “tenant” have the meanings set forth in Arizona Revised Statutes Section 33-1310, as amended.

**1103.8.1.3 Records and maintenance.** The landlord or owner of any rental property shall inspect all smoke detection devices as required under NFPA 72 annually and a record of all inspections and maintenance activities shall be kept by the landlord or owner. The records shall be available for inspection upon request by the *fire code official*.

**Section 2301** is amended by deleting Subsection 2301.4 (motor fuel- dispensing facilities) in its entirety and replacing it with the following:

**2301.4 Indoor automotive motor fuel-dispensing facilities.** Locating motor vehicle fuel-dispensing stations inside buildings is prohibited within the entire Town.

**Section 2301** is amended by adding a new Subsection 2301.7 (Fire protection) to read as follows:

**2301.7 Fire protection.** Fire sprinkler protection shall be designed in accordance with the applicable building code as required for Ordinary Hazard Group 2.

**Section 2306** is amended by deleting Subsections 2306.2.2 (Above-ground tanks located inside buildings) and 2306.2.3 (Above-ground tanks located outside, above grade) in their entirety and replacing them with the following:

**2306.2.2 Above-ground tanks located inside buildings.** Above-ground tanks for the storage of Class I, II and IIIA liquid fuels are prohibited within the entire Town.

**2306.2.3 Above-ground tanks located outside, above grade.** Above-ground tanks for the storage of Class I, II and IIIA liquid fuels outside of buildings are prohibited within the entire Town.

**Exception:** Installations of tanks capable of holding 2,000 gallons (7,570.8 L), either individually or in the aggregate, may be approved only by special permit issued by the *fire code official* in accordance with *this code*.

**Section 5706** is amended by deleting Subsection 5706.2.4.4 (Locations where above-ground tanks are prohibited) in its entirety and replacing it with the following:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the entire Town.

**Exception:** Installations of tanks capable of holding 2,000 gallons (7,570.8 L), either individually or in the aggregate, may be approved only by special permit issued by the *fire code official* in accordance with *this code*.

**Section 6101** is amended by deleting Subsection 6101.2 (permits) in its entirety and replacing it with the following:

**6101.2 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7. A permit is required for all containers over 10 gallons water capacity. Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the *fire code official*.

**Section 6104** is amended by adding a new footnote, (e)(5), to table 6104.3 (Location of LP-gas containers) to read as follows:

5. A container of less than 125 gallons (473.18 L) may be located next to a block fence when the container is not within 5' (1,524 mm) of a structure on adjoining property.

**Section 6109** is amended by adding a new Subsection 6109.15.2 (Quantity of exchange pre-filled containers) to read as follows:

**6109.15.2 Quantity of exchange pre-filled containers.** The storage of portable containers at consumer exchange sites or distribution points shall be limited to a maximum of 20 containers, each with a capacity of 20 lb or less, whether filled, partly filled or empty.

## APPENDIX K

### CONTROL AND SUPPRESSION OF HAZARDOUS FIRE AREAS

#### SECTION K101 GENERAL

**K101.1 Scope.** The unrestricted use of grass-, grain-, brush- or forest-covered land in hazardous fire areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fire and provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities conducted in hazardous fire areas shall be in accordance with this Appendix K.

#### SECTION K102 DEFINITIONS

**K102.1 Definitions.** For the purpose of this Appendix K, these terms are defined as follows:

**HAZARDOUS FIRE AREA.** Any area that is determined to be a greater risk of fire due to the presence of combustible vegetation or materials, adverse terrain or adverse weather, including any area designated by any authorized federal, state or local entity as (i) a Fire Danger rating of “High” or “Extreme” or (ii) included within a fire ban area.

**TRACER.** Any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which results in fire or heat.

**TRACER CHARGE.** Any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which results in fire or heat and shall include any incendiary bullets or projectiles.

#### SECTION K103 PERMITS

**K103.1 Permits.** The *fire chief* is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the *fire code official*.

#### SECTION K104 RESTRICTED ENTRY

**K104.1 Restricted entry.** The *fire code official* shall determine and publicly announce when hazardous fire areas shall be closed to entry to the general public and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas is prohibited during such time when the hazardous fire area is closed to entry, except public roadways, inhabited areas or established trails and camps sites that have not been specifically closed.

**Exception:** Entry, in the course of duty, by peace officers or other duly authorized public officers, members of a fire department and members of the United States Forest Service.

#### SECTION K105 TRESPASSING ON POSTED PROPERTY

**K105.1 General.** When the *fire code official* determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereafter provided.

**K105.2 Signs.** Approved signs prohibiting entry by unauthorized persons and referring to Appendix H shall be placed on every closed area.

**K105.3 Trespassing.** Entering and remaining within posted closed areas is prohibited.

**Exception:** Local, State, and Federal Public Officers and their authorized agents acting in the course of duty.

### **SECTION K106 SMOKING**

**K106.1 General.** Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in hazardous fire areas is prohibited.

**Exception:** Places of habitation or within the boundaries of established smoking areas or campsites as designated by the *fire code official*.

### **SECTION K107 SPARK ARRESTERS**

**K107.1 Spark arresters.** Chimneys used in conjunction with fireplaces, barbeques, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within 200' (60.96 M) of hazardous fire areas shall be provided with a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed 0.5" (12.7 mm).

### **SECTION K108 TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT**

**K108.1 General.** Tracer bullets and tracer charges shall not be possessed within or fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine propellant or other feature capable of starting or causing a fire shall not be fired or projected into or across hazardous fire areas.

### **SECTION K109 EXPLOSIVES AND BLASTING**

**K109.1 Explosives and blasting.** Explosives shall not be possessed, kept, stored, sold, offered for sale,

given away, used, discharged, transported or disposed of within hazardous fire areas except by permit issued by the *fire code official*.

### **SECTION K110 FIREWORKS**

**K110.1 Fireworks.** Fireworks shall not be used or possessed in hazardous fire areas. The *fire code official* or an appointed representative is authorized to seize, take, remove or cause to be removed fireworks in violation of this Section K110.

### **SECTION K111 APIARIES**

**K111.1 Apiaries.** Lighted and smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit issued by the *fire code official*.

### **SECTION K112 OPEN-FLAME DEVICES**

**K112.1 Open-flame devices.** Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon hazardous fire areas, except by permit issued by the *fire code official*.

**Exception:** Use within inhabited premises or designated campsites that are a minimum of 30' (9,144 mm) from grass-, grain-, brush- or forest-covered areas.

**K112.2 Flame-employing devices.** Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

**Exception:** The proper use of fuses at the scene of an emergency or as required by Fire Department standard operating procedures.



## SECTION K113 OUTDOOR FIRES

**K113.1 Outdoor fires.** Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit issued by the *fire code official*.

**Exception:** Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator or grill and are a minimum of 30' (9,144 mm) from a grass-, grain-, brush- or forest-covered area.

**K113.2 Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas when any of the following conditions exists:

1. When surface winds in excess of ten miles per hour are blowing.
2. When a person age 17 or over is not present at all times to watch and tend to the fire.
3. When a public announcement is made that open burning is prohibited.

**K113.3 Waste burning prohibited.** Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

## SECTION K114 INCINERATORS AND FIREPLACES

**K114.1 General.** Incinerators, outdoor fireplaces, permanent barbeques and grills shall not be built, installed or maintained in hazardous fire areas without prior approval of the *fire code official*. Incinerators, outdoor fireplaces, permanent barbeques and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

**Exception:** When approved by the *fire code official*, unprotected openings in barbeques and grills are permitted where necessary for proper functioning.

## SECTION K115 CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION LINES

**K115.1 General.** Clearance of brush and vegetative growth from electrical transmission lines shall be in accordance with this Section K115.

**Exception:** Section K115 does not authorize persons not having legal right of entry to enter upon or damage the property of others without consent of the owner.

**K115.2 Support clearance.** Persons owning, controlling, operating or maintaining electrical transmission lines upon hazardous fire areas shall, at all times, maintain around and adjacent to poles supporting a switch, fuse, transformer, lightning arrester, line junction, dead end, corner pole, tower or other pole at which power company employees are likely to work most frequently, an effective firebreak consisting of a clearing or not less than 10' (3,048 mm) in each direction from the outer circumference of such pole or tower.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

**K115.3 High tension line clearance.** Persons owning, controlling, operating or maintaining electrical transmission lines upon hazardous fire areas shall maintain the clearance specified in this Section K115.3 in all directions between vegetation and conductors carrying electrical current. Such distance shall be sufficiently great to furnish the required clearance from the particular wire or conductor to positions of such wire or conductor at temperatures of 120 F (48.9 C) or less. Forked, dead, old, decaying and rotten trees; trees weakened by decay or disease;

and trees leaning toward the line, that could contact the line from the side or fall on the line, shall be felled, cut or trimmed and removed from the hazardous fire area. In no event shall the distances be maintained at less than the following:

1. For lines operating at 2,400 volts and less than 68,000 volts, 4' (1,219 mm).
2. For lines operating at 68,000 volts and less than 110,000 volts, 6' (1,829 mm).
3. For lines operating at 110,000 volts and over, 10' (3,048 mm).

**K115.4 Self-supporting aerial cable.** Line clearance is not required for self-supporting aerial cable, except that forked trees, leaning trees and other growth that could fall across the cable and break it shall be removed.

#### **SECTION K116 CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM STRUCTURES**

**K116.1 General.** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30' (9,144 mm) of such buildings or structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or a firebreak by removing brush, flammable vegetation and combustible growth located between 30' and 100' (9,144 mm to 30,480 mm) from such buildings or structures when

required by the *fire chief* because of extra-hazardous conditions causing a firebreak of only 30' (9144 mm) to be insufficient to provide reasonable fire safety.

**Exception:** Grass and other vegetation located more than 30' (9,144 mm) from buildings or structures and less than 18" (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees that extend within 10' (3,048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

#### **SECTION K117 CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM ROADWAYS**

**K117.1 Clearance of brush or vegetation.** The *fire code official* is authorized to cause areas within 10' (3,048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The *fire code official* or an appointed representative is authorized to enter upon private property to do so.

**Exception:** Single specimens of trees, ornamental shrubbery or cultivated ground such as green grass, ivy, succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

#### **SECTION K118 UNUSUAL CIRCUMSTANCES**

**K118.1 Unusual circumstances.** If the *fire code official* determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections K115, K116 or K117 impractical, enforcement thereof may be suspended

and reasonable alternative measures, as determined by the *fire code official*, shall be provided.

### **SECTION K119 DUMPING**

**K119.1 Dumping.** Garbage, cans, bottles, papers, ashes, refuse, trash, or rubbish or combustible waste material shall not be placed, deposited or dumped in or upon hazardous fire areas or in, upon along trails, roadways or highways in hazardous fire areas.

**Exceptions:** Approved public and private dumping areas.

### **SECTION K120 DISPOSAL OF ASHES**

**K120.1 Disposal of ashes.** Ashes and coals shall not be placed, deposited or dumped in or upon hazardous fire areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10' (3,048 mm) from combustible vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (304.8 mm) of mineral earth not less than 25' (7,620 mm) from combustible vegetation or structures.

### **SECTION K121 USE OF FIRE ROADS AND FIREBREAKS**

**K121.1 Use of fire roads and firebreaks.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is blocked by a cable, gate or sign, without the permission of the property owner. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or firebreak.

**Exception:** Public officers acting within their scope of duty.

**K121.2 Obstructions.** Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16' (5,877 mm) or more above such fire road or firebreak.

### **SECTION K122 USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES**

**K122.1 Use of motor vehicles.** Motorcycles, motor scooters and motor vehicles shall not be operated within hazardous fire areas without a permit by the *fire code official*, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

### **SECTION K123 TAMPERING WITH FIRE DEPARTMENT LOCKS, BARRICADES AND SIGNS**

**K123.1 Tampering with fire department locks, barricades and sign.** Locks, barricades, seals, cables, signs and markers installed within hazardous fire areas, by or under the control of the *fire code official*, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the *fire code official* shall not be unlocked.

### **SECTION K124 LIABILITY FOR DAMAGE**

**K124.1 Liability for damage.** The expenses of fighting fires that result from a violation of this Appendix K shall be charged against any person whose violation of Appendix K caused the fire. Such expenses shall constitute a debt of such person and are collectable by the *fire code official* in any manner permitted by law.

## APPENDIX L

### EXCAVATION AND CONFINEMENT

#### SECTION L101 GENERAL

**L101.1 Scope.** The provisions of this Appendix L shall apply to any man-made cut, cavity, trench or depression in the earth's surface caused by earth removal, and are intended to identify procedures to protect employees from the hazards of entry into confined spaces.

#### SECTION L102 DEFINITIONS

**L102.1 Definitions.** For the purpose of this Appendix L, these terms are defined as follows:

**CONFINED SPACE.** A space that meets all of the following:

1. Is large enough and configured in a manner to allow an employee to enter and to perform assigned work.
2. Has limited or restricted means for entry or exit.
3. Is not designed for continuous employee occupancy.

**EXCAVATION.** Any man-made cut, cavity, trench or depression in an earth surface that has been formed by earth removal.

**TRENCH.** A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width

of the trench (measured at the bottom) is not greater than 15'. If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the form or structures to the side of the excavation is 15' or less, the excavation is a trench.

#### SECTION L103 EXCAVATION AND TRENCHES

**L103.1 Excavations and trenches.** Excavations and trenches shall be in accordance with 29CFR, Part 1926, Subpart P.

#### SECTION L104 CONFINED SPACES

**L104.1 Confined spaces.** Confined spaces shall be in accordance with 29CFR, Part 1910.146. Other recognized standards that must be adhered to include 40CFR, Parts 280 and 281.

#### SECTION L105 UNSAFE CONDITIONS

**L105.1 Unsafe conditions.** When, in the opinion of the *fire code official* or his/her designee, an unsafe condition exists, excavation and confined space operations shall cease until such time as adequate means have been taken to provide for the safety of persons working in or around the excavation or confined space. Failure to do so may result in citations and fines.