

PINE-STRAWBERRY FIRE DISTRICT
RESOLUTION NUMBER: 2021-001

A resolution adopting an ordinance of the Pine-Strawberry Fire District adopting the 2018 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Pine-Strawberry Fire District; providing for the issuance of permits and collection of fees therefor; repealing all other ordinances and parts of the ordinances in conflict therewith.

The Board of Directors of the Pine-Strawberry Fire District does hereby ordain as follows:

Section 1. That a certain document, of which one copy and multiple digital copies are on file in the office of the Fire Marshal of the Pine-Strawberry Fire District, being marked and designated as the *International Fire Code, 2018 Edition*, including Appendix Chapters B, C, D, F, H, I, L with a threshold of 48 foot tall buildings or five story buildings, whichever is less, and N, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Pine-Strawberry Fire District, in the State of Arizona regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Pine-Strawberry Fire District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. That the following sections are hereby revised to read:

Section 101.1 Title. These regulations shall be known as the Fire Code of the Pine-Strawberry Fire District, hereinafter referred to as "this code".

105.6.32 Open burning and bonfires. An operational permit is required for the kindling or maintaining of an open fire, bonfire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.
Exception: *Recreational fires.*

SECTION 109
APPEALS PROCESS

[A] 109.1 Appeals. Whenever an applicant disputes the application or interpretation of this code by staff, a written appeal may be filed with the fire chief within 14 calendar days.

1. The appeal will be heard by the fire chief or an authorized representative within 10 working days of the receipt of the appeal.
2. Adequate information shall be provided by the applicant on the Petition of Appeal to fully describe the condition(s) in question.
3. The fire chief shall consult with the fire code official, and/or an authorized representative as deemed appropriate, to provide additional information regarding the appeal.
4. The applicant may, but is not required to, meet with the fire chief or a designated representative to discuss the appeal.
5. If the appeal is denied, the applicant shall comply with the requirement(s) of the fire code or file an appeal with the Fire District Board within 30 calendar days from the date the appeal was denied.

Delete Section 109.2 in its entirety.

Delete Section 109.3 in its entirety.

110.4 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 Class 3 Misdemeanor offense, punishable by a fine of not more than 500 dollars (Arizona Revised Statutes 13-802.C) or by imprisonment not exceeding thirty (30) days (Arizona Revised Statutes 13-707.A.3), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class 3 Misdemeanor offense, punishable by a fine of not more than 500 dollars (Arizona Revised Statutes 13-802.C) or by imprisonment not exceeding thirty (30) days (Arizona Revised Statutes 13-707.A.3), or both such fine and imprisonment.

SECTION 202 GENERAL DEFINITIONS

BONFIRE. An outdoor fire, greater in size than a recreational fire utilized for ceremonial purposes.

DRIVEWAY. A vehicular ingress or egress route that connects a single one or two family Residential Group R3 structure to a fire department access road.

307.1.1 Prohibited open burning and bonfires. Open burning and bonfires shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. This shall include forecast 20 foot winds in excess of 10 mph.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

307.1.2 Prohibited recreational fires. Recreational fires shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exceptions:

1. Charcoal or pellet fired barbecue cooking, in a container with a closeable top, such as a barbecue, open flame cooking device, or smoker, with 10 feet of separation from combustible materials, provided the ashes are properly disposed of pursuant to 305.2.
2. Petroleum-fueled or electric cooking, lighting, or heating devices having an Underwriters Laboratory (UL) listing and a positive shutoff valve or switch. In the case of pellet smokers, ashes shall be properly disposed of pursuant to 305.2.

310.8 Hazardous environmental conditions. Where the *fire code official* determines that hazardous environmental conditions necessitate controlled use of smoking materials, the ignition or use of such materials in mountainous, brush-covered or forest-covered areas or other designated areas is prohibited outdoors within 5 feet of combustible materials.

SECTION 320 DEVICES POWERED BY SMALL INTERNAL COMBUSTION ENGINES

320.1 General. When atmospheric conditions or local circumstances make operation of such devices hazardous the *Fire Code Official* may require permits for the operation of

devices powered by small internal combustion engines, including but not limited to chainsaws, weed whackers, and mowers.

320.2 Requirements. When permits are required, prior to issuance the following conditions must be met:

1. The device shall have a properly fitted spark arrestor.
2. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
3. A fire watch shall continue for 30 minutes following the use of the device.

SECTION 511 DRIVEWAYS

511.1 General. Driveways shall provide a minimum unobstructed width of 14 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways exceeding 150 feet in length shall not exceed 15 percent in grade unless approved by the fire code official.

1103.5.3 Group I-2, Condition 2. In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1.

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*. These requirements may be modified if approved by the fire code official for reasons of geographical limitations.

Section 3. That the geographical limits referred to in certain sections of the 2018 *International Fire Code* are hereby established as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in residential and congested commercial districts. Storage in other areas shall be by permit only, in accordance with 105.6.16.

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited in residential and congested commercial districts. Storage in other areas shall be by permit only, in accordance with Section 105.6.16.

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited in residential and congested commercial districts. Storage in other areas will be by permit only, in accordance with 105.6.10.

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of residential or congested commercial districts, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) and shall be by permit only, in accordance with Section 105.6.27.

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

Section 4. That Resolution No. 99-02 of the Pine-Strawberry Fire District Board of Directors entitled *Adoption of 1997 Fire Code* and Resolution 94-038 of the Pine-Strawberry Fire District Board of Directors *Adoption of Uniform Fire Code* and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Pine-Strawberry Fire District hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law or under the State Of Arizona's adoption of the *International Fire Code*, either the 2012 or 2018 edition; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

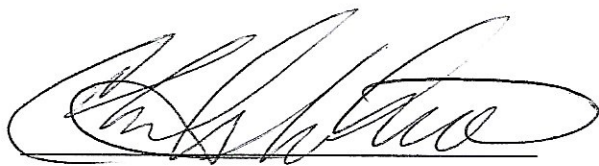
Section 7. That the Clerk of the Pine-Strawberry Fire District is hereby ordered and directed to cause this legislation to be published in accordance with ARS 48-805.02.A. It shall be posted in three public locations and placed on the Pine-Strawberry Fire District's official website for at least 20 days prior to a public hearing, and made available to members of the public after a request in writing. Additionally, once adopted, this legislation shall be posted on the Pine-Strawberry Fire District's official website within seven (7) days and retained there for at least sixty (60) months.

Section 8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after its adoption.

Section 9. That the *International Fire Code* 2018 edition and all amendments within this legislation shall be enforced by the Bureau of Fire Prevention in the fire department headquarters of the Pine-Strawberry Fire District, which bureau was established under Resolution 94-038 of the Pine-Strawberry Fire District Board of Directors.

- A. The Fire Chief is the head of the Bureau of Fire Prevention of the Pine-Strawberry Fire District and is responsible for appointing the Fire Code Official or Fire Marshal.
- B. The Fire Code Official or Fire Marshal shall fulfill the duties and responsibilities as outlined in the Fire Code of the Pine-Strawberry Fire District. The Fire Code Official reports directly to the Chief.
- C. The Bureau of Fire Prevention shall be responsible for administering and enforcing the Fire Code, investigating fires, presenting public education programs and overseeing fire prevention projects within the Pine-Strawberry Fire District.

Passed this 15 day of April, 2021



Charles Ackerman
Chairman, Pine-Strawberry Fire District



Robert Papke
Clerk, Pine-Strawberry Fire District

SUPPLEMENTAL

109.1.6 If an appeal is filed with the Fire District Board, a hearing will be set to hear the appeal. The applicant may, but is not required to, attend the hearing. The Fire District Board may require the fire chief and the fire code official to attend the hearing to provide information and may consult with other sources as necessary. The appeal will be decided by a majority vote of the Fire District Board.

109.1.7 If the appeal is denied, the applicant shall comply with the requirement(s) of the fire code.