

COUNCIL ACTION FORM

SUBJECT: FIRE ALARM SYSTEM RETROFITTING

BACKGROUND:

During 2009 an extensive community involvement process resulted in numerous changes to Ames *Municipal Code* Chapter 13, the City's Rental Housing Code. At that time, a new section recommended by a citizen advisory committee was added that requires the installation of an automatic fire alarm system in rental buildings with more than 16 units by July 1, 2014. The July 1, 2014 deadline provided five years from the date that the revised Rental Housing Code was adopted to comply with this new provision. The Code also provided for two extensions which could potentially extend compliance to July 1, 2019 if approved by the Building Board of Appeals.

The following is an excerpt from Ames *Municipal Code* Chapter 13, specifically Section 13.802(5), which includes the fire alarm system retrofitting requirement:

(5) Fire alarm system retrofitting.

At a minimum, all existing R-2 occupancies of more than 16 dwelling or sleeping units, shall have an automatic, or manual and automatic fire alarm system installed throughout all interior corridors serving sleeping units in accord with the following schedule:

- (a) Each and every existing building that comes within the scope of this section shall be retrofitted as aforesaid not later than July 1, 2014.*
- (b) Should a facility be unable to meet the prescribed date of July 1, 2014 the owners can request up to two extensions. Requests for extension will be heard by the Building Board of Appeals.*
 - (i) A first request for extension may be brought to the Board prior to July 1, 2013. If granted an extension for three years, the implementation period would end on July 1, 2017.*
 - (ii) Should a facility be unable to meet the extended compliance date of July 1, 2017. A second request for extension may be brought to the Board prior to July 1, 2016. If granted an extension for two years, the implementation period would end on July 1, 2019.*
 - (iii) In order to grant an extension, the Board shall find all of the following five criteria have been met:*
 - (a) The owners have made a compelling case that they cannot be Code compliant by the prescribed ordinance date.*
 - (b) The owner's request for extension is based upon financial need.*
 - (c) The owners have made substantial and unsuccessful efforts to acquire necessary funds.*

- (d) *Complete and thorough cost estimates, construction plans, and Code compliant alarm system designs have been developed.*
- (e) *The owners have a viable plan for compliance if an extension is granted.*

The following is an excerpt from Ames *Municipal Code* Chapter 13, specifically Section 13.403(1.c), that includes a list of prior approvals that shall not continue:

(c) Fire alarm system.

Retrofitting All pre-existing R-2 occupancies of more than 16 dwelling or sleeping units shall have an automatic, or manual and automatic fire alarm system installed throughout all interior corridors serving sleeping units, within the time limits specified elsewhere in this Code.

In a City Council staff report dated May 29, 2009, fire alarm system retrofitting was discussed. The rental code that was in place at the time, prior to the adoption of our existing Rental Housing Code, did not include this provision. The staff report included a "Consensus Statement" that this type of fire code requirement can have a dramatic impact on occupant safety in larger apartments (16 or more units) by assuring advance warning to all tenants. This statement was followed by a "Concession to Landlords" which stated that the proposed rental code provides a generous timeline for installation of the required alarm system of five years from the date of adoption of the code (July 1, 2009). Possible time extensions were made available based upon the same model as Council previously approved with the retroactive sprinkler ordinance.

Inspections staff reviewed property records and determined that 14 rental property owners and 35 properties would still be affected by this requirement. Staff alerted the rental community to this requirement via an e-mail with an application form. To date, Inspections staff has not yet received an application for an extension request.

Please note that the International Fire Code (IFC) currently includes the fire alarm system retrofitting requirement *plus applicable exceptions* that are not included within the Rental Housing Code, thereby creating a duplication of the fire alarm system retrofitting requirement with inconsistent verbiage between the Codes. With the adoption of the IFC on a three year cycle, the standards are updated regularly. However, the Rental Housing Code is not on the same review cycle. We now have the fire alarm system retrofitting requirement in two locations, in the Rental Housing Code and in the IFC.

Inspections staff is currently in the process of updating to the 2012 Codes, including the 2012 IFC. The 2012 IFC will be reviewed by the City Council at their regular meeting on December 10, 2013. As previously stated, the fire alarm system retrofitting requirement currently resides in the IFC Section 1103.7.6. The 2012 IFC sets the expectation that the Fire Code Official may utilize the following standards to obtain compliance with the 2012 IFC:

1101.4 Owner notification.

When a building is found to be in noncompliance with this chapter, the fire code official shall duly notify the owner of the building. Upon receipt of such notice, the owner shall, subject to the following time limits, take necessary actions to comply with the provisions of this chapter.

1101.4.1 Construction documents.

Construction documents necessary to comply with this chapter shall be completed and submitted within a time schedule approved by the fire code official.

1101.4.2 Completion of work.

Work necessary to comply with this chapter shall be completed within a time schedule approved by the fire code official.

1101.4.3 Extension of time.

The fire code official is authorized to grant necessary extensions of time when it can be shown that the specified time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance shall be based on the showing of good cause and subject to the filing of an acceptable systematic plan of correction with the fire code official.

A newly proposed section to Ames *Municipal Code* Chapter 8, Fire Code, adds the following language:

8.202.9 Amendments

Compliance with the provisions of this Chapter [IFC Chapter 11, Construction Requirements for Existing Buildings] shall be completed within a time frame approved by the fire chief.

To prevent duplication of the fire alarm system retrofitting requirement, it would be understandable to eliminate the references to fire alarm system retrofitting in the Rental Housing Code, Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5), and instead to rely on the International Fire Code, which provides for the Fire Chief to set an allowable time table for compliance.

ALTERNATIVES:

1. Direct staff to draft an ordinance to eliminate Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5) of the Rental Housing Code and to rely on the existing language in the International Fire Code Section 1103.7.6. This alternative will enable a future process to be established by the Fire Chief.
2. Retain Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5) as currently written.

MANAGER'S RECOMMENDED ACTION:

It is confusing to have duplicative requirements dealing with fire alarm system retrofitting in Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5) and in the International Fire Code Section 1103.7.6. Placing the requirement within the IFC will allow the Fire Chief to establish a reasonable time period for installation of these systems in specific situations.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing the City Attorney to draft a revision to the existing Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5), removing the Fire Alarm System Retrofitting requirement from the Rental Housing Code, and instead relying on the existing language in the International Fire Code Section 1103.7.6, with a future compliance process to be established by the Fire Chief.