

COUNCIL ACTION FORM

SUBJECT: ELIMINATE FIRE ALARM SYSTEM RETROFITTING FROM RENTAL HOUSING CODE

BACKGROUND:

An extensive community involvement process that began in 2008 ultimately led to adoption of a revised Ames *Municipal Code* Chapter 13, the City's Rental Housing Code in September of 2009. Fire alarm retrofitting requirements that that been in place for many years under the International Fire Code were written into this chapter with a new section recommended by a citizen advisory committee being added to enact a specific timeline for installation of automatic fire alarm systems in rental buildings with more than 16 units. 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 a mechanism for owners to apply for up to two extensions which could potentially extend compliance to July 1, 2019 if approved by the Building Board of Appeals.

At the City Council meeting on December 10, 2013, Council discussed this Fire Alarm System Retrofitting requirement. Council then directed staff “to draft an ordinance eliminating Ames Municipal Code Sections 13.403(1.c) and 13.802(5) of the Rental Housing Code and to direct staff to rely on the existing language in the International Fire Code Section 1103.7.6.” The City Council also directed “staff, and in particular, the Fire Chief, to come back with a recommendation to Council on a time frame and what all is covered under the directive.” City staff intends to provide the time frame for compliance with the Fire Alarm System Retrofitting requirement to the Council in spring of 2014.

The following is an excerpt from the existing 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 because the requirement already existed under the International Fire Code. The May 29th 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 available based upon the same model as Council previously approved in the retroactive sprinkler ordinance.

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

It is noteworthy 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. The non-identical verbiage between the Codes allows the rental provision to be more specific than the IFC. The IFC is written broadly to regulate all types of occupancies (industrial, commercial, and residential) and lacks a specific timeline for compliance. With the adoption of the IFC on a three year cycle, the standards are updated regularly. However the Rental Housing Code is not on a similar 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 and the Council are currently in the process of adopting the 2012 Codes, including the 2012 IFC. The third reading of the ordinance adopting the 2012 IFC with local amendments is scheduled for the January 28 Council meeting. 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 the 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 to instead rely on the International Fire Code, which provides for the Fire Chief to set an allowable timetable for compliance. The Fire Chief intends to present a proposed compliance timeline to Council in the spring of 2014.

ALTERNATIVES:

1. Eliminate the fire alarm system retrofitting requirement from Ames Municipal Code Sections 13.403(1.c) and 13.802(5).
2. Retain Ames *Municipal Code* Sections 13.403(1.c) and 13.802(5) as currently written.

MANAGER'S RECOMMENDED ACTION:

The City Council reviewed this issue on December 10, 2013 and directed staff to create an ordinance that would eliminate the fire alarm system requirement from the Rental Housing Code and rely on the requirements prescribed in the International Fire Code. This code allows the Fire Chief to set an allowable timetable for compliance.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative will eliminate the fire alarm system retrofitting requirement in *Ames Municipal Code* Sections 13.403(1.c) and 13.802(5), thereby rely on the existing language in the International Fire Code Section 1103.7.6. The Fire Chief has stated that he intends to provide the time frame for compliance with the Fire Alarm System Retrofitting requirement to the City Council in spring of 2014.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REMOVING CHAPTER 13 SECTION 13.403(1)(c) AND SECTION 13.802(5) THEREOF, FOR THE PURPOSE OF REMOVING THE FIRE ALARM SYSTEM RETROFITTING REQUIREMENT FROM THE RENTAL HOUSING CODE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by removing Chapter 13 Section 13.403 (1)(c) and Section 13.802(5) from the Rental Housing Code:

“.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor