ORDINANCE NO. 16-83

AN ORDINANCE ADDING A NEW APPENDIX P (INDOOR FLORA GROW OPERATIONS IN RESIDENTIAL OCCUPANCIES) TO SECTION 105 (AMENDMENTS TO THE INTERNATIONAL FIRE CODE) OF PART 1 (FIRE PREVENTION CODE1) OF ARTICLE 4 (FIRE PREVENTION) OF CHAPTER 8 (PUBLIC SAFETY) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO INDOOR FLORA GROW OPERATIONS IN RESIDENTIAL OCCUPANCIES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 8.4.105 of the Code of the City of Colorado Springs 2001, as amended, is amended to add a new Appendix P to the Fire Prevention Code, to read as follows:

APPENDIX P
INDOOR FLORA GROW OPERATIONS IN RESIDENTIAL OCCUPANCIES

SECTION P101
GENERAL

P101.1 Scope. The provisions of this appendix shall apply to all 1- and 2- single family dwellings and townhomes, as defined by the *International Residential Code,* where the indoor growing for propagation, production, consumption, and/or selling of flora exists and shall constitute minimum requirements and standards to provide a reasonable level of safety from fire and other hazards.

P101.1.1 Prohibited locations. Flora grow operations shall not be permitted in R1 and R2 occupancies as defined by the *International Building Code.*

P101.2 Intent. This appendix shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures* and *premises*.

P101.3 Authority to inspect. The *fire code official* is authorized to enter and examine any building, structure, vehicle or premises in accordance with Section 104.3 of the *International Fire Code* for the purpose of enforcing this code.

P101.4 Inspections. The *fire code official* is authorized to conduct inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of an *approved* agency or by the responsible individual. The *fire code official* is authorized to engage expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

P101.4.1 Inspection requests. It shall be the duty of the property owner or their designee to notify the *fire code official* when work is ready for inspection. It shall be the duty of the property owner or their designee to provide access to and means for inspections of such work that are required by this code.

SECTION P102
DEFINITIONS

P102.1 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building

Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

P102.2 Parts. Whenever the words "*dwelling unit,*" "dwelling," "*premises,*" "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this appendix, they shall be construed as though they were followed by the words "or any part thereof."

P102.3 Definitions not listed. For definitions not listed in Section P102.4, see Chapter 2 of the *International Fire Code*.

P102.4 Definitions.

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the *dwellings* and that is located on the same lot or *premises*. For example a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include, but are not limited to, gazebos, picnic pavilions, greenhouses, pole barns, storage sheds, and similar buildings.

BEDROOM/SLEEPING ROOM. A habitable space used primarily for sleeping purposes and containing a closet 16 inches or greater in depth.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

ENCLOSURE. An area that is sealed off with an artificial or natural barrier.

FLORA. The plant life occurring in a particular region or time, generally the naturally occurring or indigenous. For the purposes of this code, flora shall include non-indigenous as well.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

PREMISES. A lot, plot or parcel of land, *easement* or public way, including any *structures* thereon.

RELOCATEABLE POWER TAPS. Multi-outlet power strip used to extend power from an approved receptacle.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

SECTION P103
HAZARDS TO ENFORCEMENT OFFICIALS

P103.1 Pitfalls. The intentional design or alteration of buildings to disable, injure, trap, immobilize, engulf maim or kill persons is prohibited. No *person* shall install and use firearms, trapdoors sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner which may passively or actively disable, injure, maim or kill a fire fighter, emergency medical personnel, peace officer, person or other enforcement official who enters a building for the purpose of controlling or extinguishing a fire, rescuing trapped *occupants* or rendering other emergency assistance.

SECTION P104
ROOMS USED FOR FLORA GROW AND PRODUCTION OPERATIONS

P104.1 Permitted locations. Flora growing operations utilizing grow lighting shall be limited to areas of the residence other than kitchens, bathrooms and/or *bedrooms/sleeping rooms.*

> **Exception**: A *bedroom/sleeping roo*m may be used as long as the *dwelling unit* maintains at least one code compliant *bedroom/sleeping room.*

P104.2 Room size. A room or an enclosure with grow lighting used for flora grow, propagation, consumption, or selling shall be limited to 150 square feet aggregate in size per *premises.*

P104.3 *Occupancy* classification. Flora grow, propagation, consumption or selling operations in a room or an enclosure exceeding 150 square feet

aggregate shall be considered an F-*occupancy* under the *International Building Code,* and a change of use and *occupancy* for the single family dwelling. Permitting for a change of use/*occupancy* shall be required through the Pikes Peak Regional Building Department and Colorado Springs Land Use Review. Applicable building and fire code requirements for the F-*occupancy* shall apply.

P104.4 Land use. The use/occupancy of the structure shall meet all applicable zoning code requirements or otherwise obtain zoning approval for desired use, through City Planning/Land Use Review.

SECTION P105
ELECTRICAL AND LIGHTING

P105.1 Service. The wattage and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70.

P105.2 Installation. All electrical equipment, wiring and appliances shall be properly permitted, installed, and inspected in accordance with the requirements of the currently adopted Pikes Peaks Regional Building Code.

P105.2.1 Permits. All required permits shall be obtained, and electrical equipment shall be maintained in a safe and *approved* manner at all times.

P105.3 Lighting. Lighting used for the indoor growing, or propagation of flora shall be limited to light emitting diodes (LED), compact florescent lamps (CFL), fluorescent lighting or other lighting that may be approved by the *fire code official.*

P105.3.1 *Listed* and *labeled*. All lighting used for the indoor growing and propagation of flora shall be *listed* and *labeled*.

P105.4 Electrical hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper overcurrent protection, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *fire code official* shall require the defects to be corrected or removed, to eliminate the hazard.

P105.4.1 Relocatable power taps. Multi-plug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.

P105.4.2 Relocatable power tap design. Relocatable power taps shall be of the polarized or grounded type, equipped with overcurrent protection, and shall be *listed* in accordance with UL 1363.

P105.4.3 Power supply. Relocatable power taps shall be directly connected to a permanently installed and approved receptacle.

P105.4.4 Installation. Relocatable power tap cords shall not extend through walls, ceilings, floors, under doors or floor coverings, or be subject to environmental or physical damage.

P105.5 Extension cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to *structures*, extended through walls, ceilings or floors, or under doors or

floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

P105.5.1 Power supply. Extension cords shall be plugged directly into an *approved* receptacle, power tap or multiplug adapter and, except for *approved* multiplug extension cords, shall serve only one portable appliance.

P105.5.2 Ampacity. The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.

P105.5.3 Maintenance. Extension cords shall be maintained in good condition without splices, *deterioration* or damage.

P105.5.4 Grounding. Extension cords shall be grounded when serving grounded portable appliances.

P105.6 Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. *Approved* covers shall be provided for all switch and electrical outlet boxes.

P105.7 Appliances. Electrical appliances and fixtures shall be tested and *listed* in published reports of inspected electrical equipment by an *approved* agency and installed and maintained in accordance with all instructions included as part of such listing.

P105.8 Electrical motors. Electrical motors shall be maintained free from excessive accumulations of oil, dirt, waste and debris.

P105.9 Portable, electric space heaters. Where not prohibited by other sections of this code, portable, electric space heaters shall be permitted to be used in all occupancies and in accordance with Sections 500.9.1 through 500.9.4.

P105.9.1 *Listed* and *labeled*. Only *listed* and *labeled* portable, electric space heaters shall be used

P105.9.2 Power supply. Portable, electric space heaters shall be plugged directly into an *approved* receptacle.

P105.9.3 Extension cords. Portable, electric space heaters shall not be plugged into extension cords.

P105.9.4 Prohibited areas. Portable, electric space heaters shall not be operated within 3 feet (914 mm) of any combustible materials. Portable, electric space heaters shall be operated only in locations for which they are *listed*.

SECTION P106
HAZARDOUS MATERIALS

P106.1 Compressed flammable/combustible gases. The manufacture of flora concentrates, oils or other derivatives involving the use of compressed flammable gas, flammable gas, flammable liquid, or combustible liquid as a solvent in a residential setting is prohibited.

P106.2 Carbon dioxide. The storage, use, and/or handling of carbon dioxide, and/or carbon dioxide systems shall be prohibited.

P106.3 Chemicals. Chemicals used in the growing or propagation of flora shall not be stored within the habitable areas of the residence. Chemicals stored on

the *premises* shall meet all applicable sections of Chapter 27, along with any other associated Chapter(s), given the chemical stored.

SECTION P107
VENTILATION

P107.1 General. Where injurious, toxic, irritating or noxious fumes, gases, dusts, molds, mildew or mists are generated as a result of flora grows or propagation, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. Such systems shall be designed to meet the following:

1. Ensure odors from the grow or propagation are not detectable beyond the *structure*
2. Prevent mold, moisture, to otherwise protect the health and safety of *persons* residing in the residence
3. Meet any/all applicable requirements of the *International Mechanical Code*.

P107.2 Installation. All mechanical/ventilation equipment, wiring and appliances shall be properly installed by a Pikes Peak Regional Building Department licensed contractor.

P107.2.1 Permits. All required permits shall be obtained, and mechanical/ventilation equipment shall be maintained in a safe and *approved* manner at all times.

P107.3 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or

particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

SECTION P108
STRUCTURAL

P108.1 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. Construction, alterations, removal, and/or modification of any structural members, floors, walls, ceilings, door and windows shall be in compliance with the *International Residential Code, International Building Code* and require a permit from the Pikes Peak Regional Building Department.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 9th day of August, 2016.

Finally passed: August 23, 2016

Council President

Mayor's Action:

☒ Approved on August 25, 2016.
☐ Disapproved on _____, based on the following objections:

_____

_____

_____

_____

John W. Suthers
Mayor

Council Action After Disapproval:

- ☐ Council did not act to override the Mayor's veto.
- ☐ Finally adopted on a vote of _____, on _____.
- ☐ Council action on _____ failed to override the Mayor's veto.

_____
Council President

ATTEST:

Sarah B. Johnson, City Clerk

CAO: TJS
COS: _____

I HEREBY CERTIFY, that the foregoing ordinance entitled **"AN ORDINANCE ADDING A NEW APPENDIX P (INDOOR FLORA GROW OPERATIONS IN RESIDENTIAL OCCUPANCIES) TO SECTION 105 (AMENDMENTS TO THE INTERNATIONAL FIRE CODE) OF PART 1 (FIRE PREVENTION CODE1) OF ARTICLE 4 (FIRE PREVENTION) OF CHAPTER 8 (PUBLIC SAFETY) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO INDOOR FLORA GROW OPERATIONS IN RESIDENTIAL OCCUPANCIES"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on August 9, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23rd day of August, 2016, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 25th day of August, 2016.

Sarah B. Johnson, City Clerk

COLORADO SPRINGS INCORPORATED SEAL COLORADO

1st Publication Date: August 12, 2016
2nd Publication Date: August 31, 2016

Effective Date: September 5, 2016 Initial: SBJ
City Clerk