



Present Fire Board of Appeals Board Members (7):

Vince Colarelli
David Helmer
David Hewett, Chair
Ron Honn
John Putnam, Vice Chair
Christine Riggs
Roger Wallace

Industry Represented:

Building
Large Business
Small Business
Citizen At-Large
Insurance
Architecture
Fire Suppression

Not Present (0):

-

Industry Represented:

-

Present Fire Board of Appeals Secretary:

Brett Lacey, Fire Protection Engineer

Representing:

Colorado Springs Fire Department

Additional Attendee(s):

Andrea Lehl, Licensing Technician
Mike Riggs, Citizen
Katha Snow, Compliance Coordinator
Frederick Stein, Attorney

Representing:

Pikes Peak Regional Building Dept.
RTA Architects
Colorado Springs Fire Department
City of Colorado Springs

CALL TO ORDER

1. Chairperson Hewett called the meeting to order at 8:30 A.M. and promptly conducted the roll call.

ADMINISTRATIVE

1. Approval of Minutes

Board Member Riggs motioned to approve the meeting minutes.
Board Member Colarelli seconded the motion.
The motion passed unanimously.

2. Contractor Licensing

- A. Fire Suppress Contractor H

- i. Business Name: Dignity Fire Protection, Inc.
Owners: Chassee Shobe
Denry Shobe
Licensee: Erskine E. Clark
RME: Erskine E. Clark

Fire Marshal Lacey reported the applicant meets the Pikes Peak Regional Building Code licensing requirements and recommended approval.

**Vice Chair Putnam motioned to approve the application.
Board member Riggs seconded the motion.
The motion passed unanimously.**

**3. Petition for Support of Administrative Ruling 2020-1 – Portable Outdoor Fireplaces
Presented by: Fire Marshal Brett Lacey**

As the fire code official, Fire Marshal Lacey has the authority to address life safety issues by amending the City Council approved fire code and its local amendments or creating supplemental fire code related mandates. These improvements are detailed in an administrative ruling document and are necessary when the discovery of clarification, correction, or an item not yet detailed occurs. Research and collaboration between subject matter experts and essential Colorado Springs Fire Department (CSFD) employees take place before approval of an administrative ruling. Fire Chief Collas and Fire Marshal Lacey want the Fire Board of Appeals (the "Board") included in the process.

Therefore, Colorado Springs Fire Department Administrative Ruling 2020-1 (2020-1) comes before the Board. CSFD receives numerous complaints about fire pits specific to air quality and safety risks. The intent of the *2015 International Fire Code* (IFC) was to allow a property owner the right to manage their property and assets; however, it inadvertently permits the use of a portable outdoor fireplace by an occupant of a one- or two-family dwelling without any requirements. 2020-1 addresses the IFC's oversight and the need to limit the use of portable outdoor fireplaces to protect the health, welfare, and assets of those living in close proximity to a portable outdoor fireplace while still allowing the occupant some rights. 2020-1 requires an occupant of a one- or two-family dwelling to operate a portable outdoor fireplace:

- A. In accordance with the manufacturer's instructions;
- B. With no minimum distance requirement between the occupant's portable outdoor fireplace and the occupant's structure of combustible materials;
- C. Not within 15 feet of a neighbor's structure or additional combustible materials.

Members of the Board expressed concern for requirement B, asking what the reasoning is for not addressing the distance of the fire pit to the owner's residence. Fire Marshal Lacey explained the code tries to remain silent on what the occupant of a single-family unit does by recognizing individual rights and responsibilities. The Division of the Fire Marshal utilizes a vast array of tools and regulations, such as the fire code, to protect life and property. To give people some freedoms, we must also rely on CSFD's highly responsive and effective Fire Operations Division.

Board Member Riggs is supportive of the administrative ruling and explained her experience with a similar issue previously prompted conversations about a resolution involving noncombustible fencing attaching to neighboring structures. Board Member Riggs is very pleased to see this ruling come before the Board during this, her last, meeting.

Board Member Putnam expressed concern for requirement B, calling out that parts of Colorado Springs are in wildfires areas, yet, we provide rights for a homeowner to do what they choose while jeopardizing neighboring properties and creating a higher risk to our

community. Board Member Putnam recognized there are limited resources to enforce regulations and explained educating people on community risks is imperative.

Fire Marshal Lacey explained all risks are weighed. A discussion will take place this afternoon between him and the acting wildfire program administrator about fuel moisture levels to determine if the current fire restriction order will remain in effect or be replaced by a burn ban order. When a burn ban goes into effect, all outdoor fires are strictly prohibited, including those in the fire pits of the occupants of single-family dwellings.

Board Member Riggs provided homes being built in the wildland-urban interface areas are built according to the hillside requirements, including the hardening of structures.

**Board Member Riggs motioned to approve Administrative Ruling 2020-1.
Vice Chair Putnam seconded the motion.
The motion passed unanimously.**

BUSINESS

1. Updates

Presenter: Fire Marshal Brett Lacey

A. Wildfire

As previously stated, a discussion between Fire Marshal Lacey and the acting wildfire program administrator about fuel moisture levels will determine if the current fire restriction order will remain in effect. On the state level, Colorado is experiencing a pretty severe drought that is further complicated by the pandemic. Because of the COVID-19 social distancing requirements, there can no longer be fire camps containing hundreds to thousands of hotshots to handle the perimeter of the fire, take actions to mitigate areas, etc. Instead, the state is aggressively attacking wildfires incipiently, with air resources. Air resources do not put out a fire; they help establish lines to slow its spread. Air resources are hugely expensive, and the Colorado Division of Wildfire and Control has exhausted its 2020 budget for state fires. Fires in national parks utilize federal government monies. CSFD is being very judicious when allocating resources to protect our home front. CSFD does have one engine, a brush truck, and a crew of three performing structure protection at the Grizzly Creek fire.

B. COVID-19

Smaller volunteer fire departments who complete fundraising events to support their operations are greatly affected by COVID-19. Because of social distancing, fundraising events are canceled or poorly attended. Some volunteer fire departments are running out resources to operate.

CSFD has experienced only one COVID-19 exposure on the line, and one fire academy trainee. The department is maintaining well with policies and procedures but must be careful with their participation with other departments. CSFD does not want to propagate the virus to another department, nor do they want to catch it from other departments. The United States Fire Service is experiencing a significant response dilemma.

NEW BUSINESS

1. At the request of Vice Chair Putnam, Fire Marshal Lacey explained how fuel moisture levels are determined.
2. At the request of Vice Chair Putnam, Board Member Christy Riggs' was recognized for her proficient participation on the Board. All meeting participants are sorry to see Ms. Riggs leave due to the term limit requirements.

ADJOURN

**Vice Chair Putnam motioned for the meeting to adjourn.
Board Member Riggs seconded the motion.
The motion passed unanimously.**

Meeting adjourned at 9:19 A.M.

Respectfully submitted by,

Brett T. Lacey
Fire Marshal and Secretary to Fire Board of Appeals

BTL/kx