

## **DEPARTMENT OF PUBLIC SAFETY**

### **Division of Fire Prevention and Control**

#### **CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC SCHOOLS, CHARTER SCHOOLS AND JUNIOR COLLEGES**

##### **8 CCR 1507-30**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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### **ARTICLE 1 – Purpose and Authority to Promulgate Rules**

#### **1.1 Purpose:**

- 1.1.1 These rules establish uniform standards and minimum requirements for the construction, inspection and maintenance of public school buildings and structures.
- 1.1.2 The purpose of these rules is to ensure that public school buildings or structures are constructed and inspected in compliance with Sections 22-32-124, 23-71-122, C.R.S adopted codes and applicable rules.

#### **1.2 Technical Rationale**

- 1.2.1 The technical requirements of these rules are supported primarily by codes developed by the International Code Council, a membership association dedicated to building safety and fire prevention. These rules establish minimum requirements for building systems using prescriptive and performance related provisions, which are widely used to construct residential and commercial buildings, including homes and schools.

#### **1.3 Statutory Authority**

- 1.3.1 Sections 22-32-124, 23-71-122 and 24-33.5-1203, C.R.S. establish the authority and duty of the Division to conduct or oversee the necessary plan reviews, issue building permits, and cause the necessary inspections to be performed as required by the adopted codes for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.2 Section 24-33.5-1213.5, C.R.S. establishes the authority and duty of the Division to certify persons to conduct Building Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges. Such persons are reviewed and certified as part of the Prequalified Building Department process, or through third-party building inspector certification.
- 1.3.3 Section 24-33.5-1211 C.R.S. establishes the authority and duty of the Division to certify persons to conduct Fire Code plan reviews and inspections for buildings and structures of public schools, institute charter schools, charter schools and junior colleges.
- 1.3.4 Sections 22-32-124 and 23-71-122, C.R.S. establish the authority of the local fire department or the Division to inspect buildings and structures of a Board when deemed necessary to assure that they are maintained in accordance with the adopted Codes.

- 1.3.5 The Director of the Division is authorized by the provisions of section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division. This rule is adopted pursuant to the authority in section 24-33.5-1203.5, C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101, et seq. (the "APA" ), C.R.S.
- 1.3.6 The Director of the Division is authorized to establish fees and charges necessary to defray the anticipated costs of the program.

## **ARTICLE 2 – Definitions**

- 2.1 The definitions provided in 24 33.5 1202, C.R.S., shall apply to these rules. The following additional definitions shall also apply:

**ANNUAL PERMIT** – An official document issued by the Division, or a Prequalified Building Department, in accordance with the International Building Code and Article 6.9 of this Rule.

**BOARD** – The school district Board of education, charter school, institute charter school, junior college, or their designated representative, subject to these rules.

**BUILDING DEPARTMENT** - The appropriate Building Department of an authority, county, town, city, or city and county and includes a Building Department within a fire department.

**BUILDING PERMIT** - An official document issued by the Division, or a Prequalified Building Department, which authorizes the erection, alteration, demolition and/or moving of buildings and structures.

**CERTIFICATE OF COMPLIANCE** – An official document issued by the Division, or the Prequalified Building Department, stating that materials and products meet specified standards, or that work was performed in compliance with approved construction documents.

**CERTIFICATE OF OCCUPANCY** - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be used or occupied.

**CEU** – Means continuing education units. Each 10 hours of related professional development activities equals one CEU.

**COMPANY** – A corporation, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

**CORE AND SHELL PERMIT** - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundation, columns, floor slabs, roof structure, exterior walls, and exterior glazing to the point of the building being weather tight.

**CONSTRUCTION** - Work that is not considered as maintenance or service, and that requires a building permit or Annual Permit.

**C.R.S.** – Means Colorado Revised Statutes

**DEMOLITION PERMIT** - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the demolition of all or part of a building or structure.

**DIRECTOR** – The Director of the Division of Fire Prevention and Control.

**DIVISION** – Means the Division of Fire Prevention and Control.

**FIRE CHIEF** -- The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

**FIRE CODE OFFICIAL** – The designated authority charged with the administration and enforcement of the Fire Code. Refer to Article 5 for information pertaining to the definition of the Fire Code Official.

**FOUNDATION** - Work related to building footings, piers, foundation walls, slabs on grade, under slab and underground building services.

**FOUNDATION PERMIT** - An official document issued by the Division, or the Prequalified Building Department, which is limited to authorizing the construction of foundations.

**ICC** – Means the International Code Council and its legacy codes.

**INDIVIDUAL (or PERSON)** – Means a person, including an owner, manager, officer, employee, or individual.

**INSPECTION, TESTING AND MAINTENANCE PROGRAM** – A program conducted by the building owner to satisfy the periodic inspection, testing and maintenance requirements of fire protection and life safety systems as required by applicable codes and standards.

**INSTALLATION** – The initial placement of equipment or the extension, modification or alteration of equipment after the initial placement.

**LOCAL AUTHORITY HAVING JURISDICTION (AHJ)** – The Building Department, Fire Chief, Fire Marshal or other designated official of a county, municipality, special authority, or special district that has fire protection and life safety systems enforcement responsibilities and employs or otherwise provides a Certified Inspector.

**MAINTENANCE** – To sustain in a condition of repair that will allow performance as originally designed or intended.

**MAINTENANCE INSPECTIONS** – Refers to periodic inspections conducted by the local fire department or the Division to verify conformance with the adopted Fire Code, rules and standards. Such maintenance inspections shall not be considered to relieve the building owner of the responsibility to conduct an inspection, testing and maintenance program for fire protection and life safety systems as required by the adopted Fire Code and Standards.

**MECHANICAL PERMIT** – An official document issued by the Division, or Prequalified Building Department, which is limited to authorizing an owner, authorized agent or contractor who desires to erect, install, enlarge, alter, remove, convert or replace a mechanical system, in accordance with the adopted mechanical code.

**MOU** – Means memorandum of understanding.

NICET – Means the National Institute for Certification in Engineering Technologies.

NFPA – Means the National Fire Protection Association.

PREQUALIFIED BUILDING DEPARTMENT – Means a Building Department that employs certified plans examiners and inspections, that has been approved by the Division and has executed a Memorandum of Understanding with the Division in accordance with Article 4 of this rule.

QUALIFIED FIRE DEPARTMENT - A fire department providing fire protection service for the buildings and structures of the Board that has Certified Fire Inspectors, as defined by C.R.S. 24-33.5-1202(2.5) at the appropriate level for the task being performed.

QUALIFIED TRADESPERSON - Means an employee of the Board who has satisfactorily demonstrated to the Division that they either hold a current building inspector certification from ICC or other similar national organization, or have at least five years of demonstrated education, training, and experience in commercial building construction or inspection.

SERVICE (or REPAIR) – Means to repair in order to return the system to operation as originally designed or intended.

SMALL PROJECT PERMIT: An official document issued by the Division, or a Prequalified Building Department, in accordance with Article 6.8 of this Rule.

TEMPORARY CERTIFICATE OF OCCUPANCY - An official document issued by the Division, or the Prequalified Building Department, which authorizes a building or structure to be temporarily used or occupied for a period not to exceed 90 days, unless an extension has been granted by the Division, or the Prequalified Building Department.

TEMPORARY CONSTRUCTION TRAILER/OFFICE – A temporary modular building, owned and operated by the contractor that is less than 1,000 square feet and only placed for the duration of the project. Trailers meeting this definition are exempt from this rule. Trailers not meeting this definition shall be considered as a modular building and permitted as such.

THIRD PARTY INSPECTOR – Building inspectors that have been certified by the Division to perform third party inspection services in accordance with Article 10.1 of this rule.

TOTAL PROJECT VALUATION-The construction cost of the project for which the permit is being issued including materials and labor, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. Such valuation will be calculated using one of the following two methods:

1. For new construction or additions to existing facilities, construction cost is calculated based on a per square foot cost using the International Code Council's Building Valuation Data Square Foot Construction Cost Table published February 2013.
2. For all other projects, construction cost is equal to the cost of the project as demonstrated by detailed estimates provided by the Business Entity.

**ARTICLE 3 – Codes, Documents and Standards incorporated by reference**

- 3.1 The following codes and the standards referenced therein are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings and structures of a Board in the State of Colorado. Plans submitted for review prior to April 1, 2015 are allowed to comply with the 2006 codes adopted under previous rule.

- 3.1.1 International Building Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. Washington, D.C.).

As amended by the following:

**1010.1.11 Classroom Door Hardware.** In classrooms within group E occupancies, hardware shall include a means to manually lock egress doors from inside the classroom. Such means shall not prevent these doors from being readily openable from the egress side without key or special knowledge or effort.

**Exceptions:**

1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 shall not be required to include a manual locking means.
3. Egress door within classrooms of group E occupancies complying with 1020.1, exception 1 shall not be required to include a manual locking means.

- 3.1.2 International Fire Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.), including Appendices B and C.

As amended by the following:

**703.2. Opening protectives.** Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. Where allowed by the *fire code* official, the application of field applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for *listing* the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

**Exceptions:**

1. Egress door assemblies within classrooms of group E occupancies which are fully sprinklered in accordance with 903.3.1.1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.
2. Egress door assemblies within classrooms of group E occupancies complying with 1020.1, exception 1 and which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching.

3. Egress door assemblies within classrooms of group E occupancies not complying with exceptions 1 or 2 which are required to be locked during security lockdown situations are allowed to be provided with an approved manual means to prevent automatic latching provided that all of the following are met:
  - 3.1. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.
  - 3.2. The device used to prevent latching can be quickly disabled or removed in the event of an evacuation.
  - 3.3. No more than one such device may be used on any egress door.
  - 3.4. Devices shall be disabled or removed at all times that the classroom is unoccupied.
  - 3.5. Faculty working within the room shall disable or remove the device used to prevent latching in event of an evacuation, whether for a drill or an actual emergency.
  - 3.6. Subsequent to all evacuations, the Principal or designee shall verify the status of devices and initiate appropriate corrective action in cases where responsible staff fails to disable or remove them.
  - 3.7. The School District's School Safety, Readiness, and Incident Management Plan Includes training and/or other procedures necessary to ensure compliance with these requirements.
  - 3.8. Egress door hardware shall be replaced with hardware complying with IBC Section 1010.1.11 by no later than January 1, 2018.
  - 3.9. This exception may be rescinded by the Fire Code Official upon evidence of noncompliance with these provisions.

**1031.10.** Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with Section 1010.1.11.

**Exceptions:**

1. Egress door assemblies complying with 703.2, Exceptions 1 or 2.
2. Egress door assemblies which operate in compliance with NFPA 80.
- 3.1.3 International Mechanical Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).
- 3.1.4 International Energy Conservation Code - 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).
- 3.1.5 International Existing Building Code- 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.).

As amended by the following:

**604.2. Repair or Replacement of Door Hardware in Classrooms.** Any door latching hardware in classrooms within group E occupancies that is repaired or replaced shall comply with IBC Section 1010.1.11.

**Exceptions:**

1. Egress door assemblies which operate in compliance with NFPA 80 within classrooms of group E occupancies shall not be required to include a manual locking means.
2. Egress doors within classrooms of group E occupancies which are fully sprinklered in accordance with IBC Section 903.3.1.1 shall not be required to include a manual locking means.
3. Egress doors within classrooms of group E occupancies complying with IBC Section 1020.1, exception 1 shall not be required to include a manual locking means.

3.1.6 International Residential Code – 2015 Edition, First Printing: May 2014 (Copyright 2014 by International Code Council, Inc. - Washington, D.C.)

3.2 The Division shall maintain copies of the complete texts of the adopted codes, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or obtain copies of the adopted codes for a reasonable fee by contacting the Fire and Life Safety Section Chief at the Division, 700 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the adopted codes are available from the organization originally issuing the codes, the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at [www.iccsafe.org](http://www.iccsafe.org).

3.3 In the event that a new edition of the code is adopted, the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.

3.4 This rule does not include later amendments or editions of the incorporated material.

**ARTICLE 4 – Prequalification of Building Department.**

4.1 The Division may prequalify a Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with these rules.

4.2 In lieu of applying for a building permit through the Division, an affected Board may, at its own discretion, opt to use the appropriate Prequalified Building Department that otherwise has code enforcement jurisdiction over the location in which the school is situated and has entered into a MOU with the Division as the delegated authority to conduct building code plan reviews, inspections and issue certificates of occupancy.

4.2.1 A Building Department that otherwise has code enforcement jurisdiction over the location in which a school is situated may, through intergovernmental agreement (IGA), utilize the services of another Prequalified Building Department. A copy of this IGA shall be provided to the Division prior to submitting for any permit.

**4.3 Prequalification Process**

- 4.3.1 Application Form: In order to be considered for prequalification, the Building Department shall complete an application form, and include each qualified applicant seeking certification as a plan reviewer or inspector on a public school construction project. Qualified applicants shall comply with 10.1.2. A) Plan reviewer and Inspector certifications issued by the Division to applicants holding ICC or national certifications will be valid for three years, whereas certifications issued to applicants on the basis of demonstrated education, training, and experience will be valid for one year, and will require ICC or national certification prior to renewal.
- 4.3.2 Memorandum of Understanding: After the Division has reviewed the application and determined that the Building Department has plan reviewers and inspectors that have the necessary education, training, and experience; the Division may issue and execute a Memorandum of Understanding (MOU) between the Building Department and the Division. Pursuant to this MOU, the Division may prequalify a Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue Certificates of Occupancy, and issue Temporary Certificates of Occupancy to ensure that a building or structure has been constructed in conformity with the adopted building and fire codes, and take enforcement action.
- A) Nothing in the MOU shall be construed to allow the Building Department to take enforcement action other than in relation to the building codes adopted by the Division.
- B) Nothing in the MOU shall be construed to allow the Division to delegate to a Prequalified Building Department without the approval of the Board unless such action is taken for violation of third party inspection requirements as described in Article 7.1.2 of this rule.
- C) Nothing in the MOU shall be construed to allow the Building Department to assume authority for plan review and/or inspection services in locations in which it does not otherwise have code enforcement authority.

**4.4 Duties of Prequalified Building Departments**

- 4.4.1 The Prequalified Building Department shall conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure constructed in conformity with the building and fire codes adopted by the Division.
- 4.4.2 The Prequalified Building Department shall not take enforcement action other than in relation to the building codes adopted by the Division.
- 4.4.3 The Prequalified Building Department shall only use plan reviewers and inspectors within their Building Department that have been certified by the Division to work on public school construction projects.
- 4.4.4 The Prequalified Building Department shall cause copies of the building plans to be sent to the local fire department and the Division for review of fire safety issues.



- 4.4.5 If the building or structure is in conformity with the adopted building and fire codes, and if the Qualified Fire Department or the Division certifies that the building or structure is in compliance with the adopted fire code, the Prequalified Building Department shall issue the necessary Certificate of Occupancy prior to use of the building or structure by the permit applicant.
- 4.4.6 If all inspections are not completed and the Board requires immediate occupancy, and if the Board has passed the appropriate inspections, including fire inspections, that indicate there are no life safety issues the Prequalified Building Department may issue a Temporary Certificate of Occupancy to allow the Board to occupy the buildings and structures.
- 4.4.7 The Prequalified Building Department shall attest that inspections are complete and all violations are corrected before the Board is issued a Certificate of Occupancy. Inspection records shall be retained by the Prequalified Building Department for two years after the Certificate of Occupancy is issued.
- 4.4.8 The Prequalified Building Department may set reasonable fees and collect these fees to offset the cost of plan review and inspection of public school construction projects. Public School Boards shall be notified of any adjustment of fees a minimum of thirty (30) days prior to the effective date of the change

**ARTICLE 5 – Definition of Fire Code Official and Delegation of Fire Code Authority.**

- 5.1 The Fire Code Official for buildings and structures of public schools, institute charter schools, charter schools and junior colleges shall be the Division.
- 5.2 Where the local authority having jurisdiction has Certified Fire Inspectors at the appropriate level for the task, the responsibility of conducting the necessary construction plan reviews and inspections required by the adopted Fire Code will be delegated to the Local Authority having Jurisdiction in the location of the structure. Upon delegation of this responsibility, the local authority having jurisdiction shall be considered as the Fire Code Official.
- 5.3 If the local authority having jurisdiction declines to perform the plan review or any subsequent inspection, or if a Certified Fire Inspector is not available, the Division shall perform the construction plan reviews and inspections required by the adopted Fire Code and shall be considered as the Fire Code Official.
- 5.4 Where the Division serves as the Fire Code Official, it shall seek approval from the local fire department on code provisions requiring approval of the fire chief.

**ARTICLE 6 – Building Permit Application**

- 6.1 Notification of Delegation to a Prequalified Building Department.
  - 6.1.1 For projects that require a permit that will be reviewed and inspected by a Prequalified Building Department, the Board must notify the Division prior to beginning construction. Notification should include:
    - A) Name of project (including school district);
    - B) Location of project;
    - C) Scope of work;

- D) Projected cost;
- E) Planned construction start and end dates;
- F) Identification of Fire Code Official (Qualified Fire Department or Division);
- G) Identification of local fire department (whether qualified or not) to which plans will be submitted.
- H) Identification of building code official (Prequalified Building Department).

## 6.2 Preliminary Application Package Review

- 6.2.1 For any construction project, the Board or the Division may request and hold, a preliminary review meeting with either the Division or the Prequalified Building Department, and the local fire department, at the appropriate design stage of document preparation.
- 6.2.2 If a preliminary review meeting is requested, the following items should be included in the preliminary review package:
  - A) A key plan or site plan as applicable, showing the property address(s) (or legal description), boundaries, existing buildings, proposed buildings and/or additions, parking lots, fenced areas, fire hydrants, fire equipment access, water supply and topography.
  - B) Sufficient documentation to illustrate and describe the design of the project, establishing the scope, relationships, forms, size and appearance of the project by means of plans, sections and elevations, typical construction details, and equipment layouts. The documents shall include outline specifications that identify major materials and systems and establish in general their quality levels.
  - C) A code plan that includes the following minimum information:
    - (1) Calculation of the allowable and actual square footage of the new construction;
    - (2) The floor plan of all new construction, existing to remain, and remodel areas;
    - (3) The proposed occupancy group(s) of the building. Include daytime use and after-hours use occupancy groups where applicable;
    - (4) All fire and smoke rated construction (including rated exit corridors, fire walls, fire barriers, fire partitions, smoke barriers), and construction capable of resisting the passage of smoke; and
    - (5) All exits and all stairways.
- 6.2.3 The Division, the local fire department, and/or the Board may request a meeting or teleconference, in a timely manner, at any time during the preliminary review. All parties shall make reasonable accommodations for such requested meeting or teleconference.

**6.3 Building Permit Application Submittal**

- 6.3.1 For all construction projects not covered under an annual building permit, a small project permit or a fire protection permit as defined this Article, the Board must submit a complete plan review application package to the Division or the Prequalified Building Department, and the local fire department, not less than 30 days prior to beginning construction. The Board may request from the Division, or the Prequalified Building Department, an exemption to the 30-day minimum submittal period, which will be considered on a case-by-case basis.
- 6.3.2 The permit application requirements are available on the Division's website.
- 6.3.3 The building permit application package shall be concurrently submitted to the Division and to the local fire department.

**6.4 Plan Review and Permitting**

- 6.4.1 The Division will notify the Board upon receipt of a complete building permit application submittal or if the building permit application is incomplete.
- 6.4.2 The Building Code plan review shall be completed by a certified building plans examiner within the Division, or by the Prequalified Building Department.
- 6.4.3 The Fire Code plan review shall be completed by an individual certified as a Fire Inspector III – Plans Examiner within the Division, or by the Qualified Fire Department.
- 6.4.4 For delegated fire code review and inspection arrangements, the Fire Code Official has 20 business days, upon receipt of a complete review package, to submit the completed fire review to the Division or the Prequalified Building Department. The Fire Code Official shall forward their approval, or list of comments and corrections to for inclusion in the consolidated report of both building and fire code reviews.
- 6.4.5 The Fire Code Official may request, in writing, an extension from the Division on the basis of the complexity of the building plans. Extension requests shall be copied to the affected Board.
- 6.4.6 The Division, the local fire department and/or the Board may request a meeting or teleconference at any time during the construction document review. The Division shall make reasonable accommodations for such meeting or teleconference.
- 6.4.7 Upon completion of the review, and after receipt of the fire review from the Fire Code Official, and, if necessary, the Fire Chief the Division or the Prequalified Building Department will provide to the Board a comprehensive list of corrections from both building and fire code reviews to be addressed prior to the issuance of a Building Permit. This list of corrections shall not be considered as all-inclusive, and may not be considered as approval of any condition in violation of applicable code. Once all corrections have been satisfactorily addressed, the Division or the Prequalified Building Department shall issue the Building Permit.

6.5      Phased Permitting

- 6.5.1      Upon request by the Board, the Division may issue phased permits for demolition, construction of foundations, and construction of core and shell, provided that construction documents for that portion of the building or structure being permitted have been submitted per Article 6-3. The holder of such permit for demolition, or the construction of foundations or vertical construction shall proceed at the holder's own risk with building operation and without assurance that a permit for the entire structure will be granted. Issuance of this permit shall not be considered all inclusive and may not be considered as approval of any condition in violation of applicable codes.

6.6      Deferred Design/Build Submittals / Shop Drawings

- 6.6.1      Deferred design/build (shop drawing) submittals for fire protection and life systems are permitted, however construction documents shall provide sufficient information to show compliance with Fire Code requirements and coordination between fire systems and other building systems (i.e., HVAC systems, security systems).
- 6.6.2      Shop (Installation) drawings for fire protection and life safety systems shall be submitted to the Fire Code Official for review and approval prior to beginning installation of the system.
- A)      Fire sprinkler shop drawing shall be submitted to the Fire Code Official in accordance with C.C.R. 1507-11 - Colorado Fire Suppression Program and the requirements of the Fire Code and NFPA 13 – Installation of Sprinkler Systems.
- (1)      Provide a minimum of three (3) complete copies of the submittal.
- (2)      Submittal packages shall contain the minimum information required by the adopted Fire Code and NFPA 13.
- B)      Fire alarm shop drawings shall be submitted to the Fire Code Official in accordance with the requirements of the Fire Code and NFPA 72 – National Fire Alarm Code.
- (1)      Provide a minimum of three (3) complete copies of the submittal.
- (2)      Submittal packages shall contain the minimum information required by the adopted Fire Code and NFPA 72.
- C)      Shop (installation) drawings for other systems regulated by the Fire Code shall be submitted to the Fire Code Official in accordance with the Fire Code, and the appropriate reference standard for the system as indicated in the Fire Code.
- 6.6.3      Minimum qualifications for fire protection and life safety system design and installation.
- A)      Fire Suppression Systems
- (1)      Any installation, modification, alteration, or repair of a fire suppression system shall be in accordance with C.C.R. 1507-11 - Colorado Fire Suppression program.

B) Fire Alarm Systems

- (1) The design of any new system or alteration of an existing fire alarm system using the prescriptive requirements of NFPA 72 shall be performed by a person that is currently a professional engineer or certified by NICET at a level III or level IV in fire protection engineering technologies - fire alarm systems, or another nationally recognized organization approved by the Division.
- (2) The design of any new system or alteration of an existing fire alarm system using performance based design methods as described by NFPA 72 or alternative materials and methods as described by the adopted Fire Code shall be performed by a person that is currently a professional engineer.
- (3) The installation of a fire alarm system shall be performed by or supervised by a person that is currently certified at a minimum of NICET level II in fire protection engineering technologies – fire alarm systems, or another nationally recognized organization approved by the Division.

C) Other Fire Protection Systems regulated by the Fire Code.

- (1) The design and installation shall be performed by a company or individual with manufacturer approved training for the specific system, or as otherwise required by the applicable Code section or referenced standard.

6.7 Fire Protection Permits

- 6.7.1 Fire protection projects, involving only the installation, modification, repair or replacement of fire protection and life safety systems, or other activities regulated solely by the Fire Code are exempt from the requirements of Article 6.3; however a fire protection permit shall be obtained from the Fire Code Official in accordance with this Article and the IFC.
- 6.7.2 Submit system shop or installation drawings in accordance with the requirements of Article 6.6.

6.8 Small Project Permit

- 6.8.1 In lieu of a full Building Permit, the Division may issue a small construction project permit for certain small projects. Small project permit application requirements differ from full building permit projects, as defined and documented on Division small project application forms and checklists.
- 6.8.2 Small Project Scope: Small projects are limited in scope, as defined by the Small Project Permit Policy, issued by the Division.

6.9 Annual Permits

- 6.9.1 In lieu of an individual permit for each alteration to an already approved mechanical or building installation, the Division or Prequalified Building Departments may issue an Annual Permit, upon application, to any Board regularly employing one or more Qualified Tradespersons in the building, structure or on the premises owned or operated by the Board. Annual Permits shall remain valid for a period of 12 months from the issuance date. The Board shall notify the Local Fire Department prior to the commencement of work conducted under an Annual Permit. A Prequalified Building Department may also require notification prior to commencement of projects conducted under an Annual Permit.
- 6.9.2 Annual Permit Scope: Annual Permit projects are limited in scope to the following:
1. Like-for-like replacement of previously approved mechanical equipment;
  2. Installation of non-fire rated doors in non-bearing walls or partitions;
  3. Adding glazing or window to existing non-fire rated door;
  4. Repair of existing panic hardware;
  5. Installation of skylight(s) greater than ten feet away from a firewall;
  6. Installation of one or more occupational therapy hooks;
  7. Installation of fence dugout(s) greater than six feet in height;
  8. Installation of vocational instruction equipment (projectors, screens, portable shop equipment);
  9. Demolition or removal of portable modular units.
- 6.9.3 Annual Permit Records: The Board to whom an Annual Permit is issued shall keep a detailed record, including stamped engineered drawings (if applicable), of all replacements made under such Annual Permit.
- 6.9.4 All work completed under an Annual Permit shall be inspected by a Third Party Inspector or a Qualified Tradesperson within 10 days of completion of a project, and such inspections shall be recorded on an inspection log. The Division, or the Prequalified Building Department that chooses to issue Annual Permits, shall have access to all inspection logs at all times and such records shall be submitted to the Division or the Prequalified Building Department within 30 days of the expiration date of Annual Permit.
- 6.9.5 If the inspection logs associated with the Annual Permit demonstrate compliance with the Annual Permit requirements, The Division or the Prequalified Building Department may issue a Certificate of Compliance for projects completed under that permit.
- 6.9.6 If the inspection logs associated with the Annual Permit demonstrate noncompliance with the Annual Permit requirements, the division will issue a correction notice and may withhold issuing another Annual Permit to the Board until all corrections have been satisfied.

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**ARTICLE 7 – Construction Inspections**

**7.1 Building Code Inspections**

- 7.1.1 Construction or work for which a permit is required shall be subject to inspection by the Division, a Third Party Inspector contracted by the Board, or the Prequalified Building Department. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Neither the Division, a Third Party Inspector contracted by the Board, nor the Prequalified Building Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- 7.1.2 Third Party Inspections: For all building permit applications issued by the Division, the affected Board shall hire and compensate third-party inspectors certified by the Division to perform inspections. A listing of certified Third Party Inspectors will be posted on the Division website. If the Board is unable to obtain a third-party inspector, a Building Department that has been prequalified by the Division shall oversee the project. If the Board is unable to obtain a third-party inspector and no Building Department has been prequalified, the Division shall conduct or contract with a Third Party Inspector to perform the required inspections and the Board shall compensate the Division or the contracted third-party inspectors for all associated inspection costs.
- A) Prior to commencement of construction on projects requiring third party inspections, the Board shall notify the Division of the designated Third Party Inspector for the permitted project. The notification shall be made in writing using a form provided by the Division. The Division may request a preconstruction meeting with the Board, the contractor hired to perform the work, and the certified Third Party Inspector
- B) The Division shall require a sufficient number of third-party inspection reports to be submitted by the inspector based upon the scope and cost of the project to ensure quality inspections are performed. Concurrent with the permit approval, the Division shall issue an Inspection Card specifying the applicable required inspections as set forth in Chapter 1 of the Building Code.
- (1) The inspection card shall be on site throughout the duration of the project.
- C) Violation of Third-Party Inspection Requirements: If the Division finds that inspections are not completed satisfactorily, or that all violations are not corrected, the Division shall take enforcement action against the appropriate Board pursuant to Article 11, and may require that the next project undertaken by the Board be delegated to the Prequalified Building Department
- 7.1.3 For permits issued by the Division, the final inspection shall be conducted only by the Division, after all work required by the building permit is completed. Mid-construction inspections may be performed to observe progress and verify compliance with third-party inspection requirements as deemed necessary by the Division.
- 7.1.4 Third Party Inspectors shall include their printed name and state certification number in the appropriate location on the inspection report or card.

**7.2 Fire Code Inspections**

7.2.1 Project sites shall be inspected by the Fire Code Official to verify compliance with the Fire Code and approved construction documents. Construction inspections shall be conducted by a person certified as Fire Inspector II or Fire Inspector III – Plans Examiner. Third-party inspection provisions do not apply to the required Fire Code inspections. Fire inspections shall be performed by the Division, or the Qualified Fire Department. Neither the Division nor the Qualified Fire Department shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

7.2.2 A Certified Fire Suppression System Inspector shall perform inspections of fire suppression systems in accordance with C.C.R. 1507-11 – Colorado Fire Suppression Program.

A) If the Certified Fire Inspector II also holds a Fire Suppression System Inspector certification, the inspector may perform both inspections.

B) If the Certified Fire Inspector II is not also a Certified Fire Suppression System Inspector, the Fire Code Official shall obtain the services of a Certified Fire Suppression System Inspector to perform the suppression system inspections.

7.3 Results of all inspections shall be documented on the job site inspection card and in the official records of the inspecting entity, including type of inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. Inspection records shall be retained by the inspecting entity for two years after the Certificate of Occupancy is issued.

7.3.1 Certified Fire Inspectors shall include their printed name and State fire inspector certification number in the appropriate locations on the inspection report or card.

**7.4 Inspection Request Notification to the Division.**

7.4.1 The Division shall be provided with notification in writing at least 5 days prior to any requested inspection. The Division will make all reasonable efforts to provide the inspection on the requested day or time, provided an inspector is available. If the inspection schedule is full, an alternate day and time will be proposed.

7.4.2 It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

7.4.3 Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval from the appropriate inspection entity. The inspector, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their agent wherein the same fails to comply with the codes adopted in these rules. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the appropriate inspection entity. The re-inspection shall be requested in accordance with Article 7.4.1.

**ARTICLE 8 – Certificate of Occupancy**

8.1 The Board shall not occupy or use a public school building or structure until a Certificate of Occupancy or a Temporary Certificate of Occupancy has been issued by Division, or the Prequalified Building Department.



- 8.2 The Division, or the Prequalified Building Department, may issue a Temporary Certificate of Occupancy if a Board requires immediate occupancy, and if the Board has passed the appropriate inspections, including fire inspections, that indicate there are no life safety issues. The Temporary Certificate of Occupancy shall expire ninety days after the date of issuance. If no renewal of the Temporary Certificate of Occupancy is issued or a permanent Certificate of Occupancy is not issued, the building shall be vacated upon expiration of the Temporary Certificate of Occupancy.

**ARTICLE 9 – Maintenance Inspections and Inspection, Testing and Maintenance Programs.**

9.1 Maintenance Inspections.

- 9.1.1 The fire department providing fire protection service or the Division may perform inspections of buildings, facilities, and structures when deemed necessary to assure that they are maintained in accordance with the adopted Fire Code.
- A) Maintenance inspections shall be performed at least annually.
  - B) If the fire department is unable or unwilling to perform maintenance inspections, the Division shall have the authority and duty to perform them.
  - C) If the fire department does not have an inspector certified as a Fire Inspector I or above, the Division will perform regular maintenance inspections for the Board to ensure compliance with this rule and the applicable statutes.
- 9.1.2 Qualified Fire Departments performing maintenance inspections are required to notify the Division that such inspections are being performed and provide documentation when inspections are completed. If notice and/or documentation is not provided, the Division will attempt to contact the Qualified Fire Department. If documentation is still not provided, the Division will have the duty to inspect.
- 9.1.3 Nothing in this Article 9.1 shall prohibit the fire department providing fire protection services from conducting routine assessments of buildings and structures, or prevent the department from correcting violations that pose an immediate threat to life safety. Additionally, nothing in this Article 9.1 shall prohibit the fire department from seeking enforcement action in a court of competent jurisdiction.
- 9.1.4 A fire department providing fire protection service for buildings and structures of a Board that chooses to perform Fire Code inspections may refer notices of deficiencies to the Division for evaluation and enforcement.
- A) Notices of deficiencies and requests for evaluation and enforcement shall be submitted in writing to the Public School Program Administrator as described in Article 13 of this Rule.

9.2 Inspection, Testing and Maintenance Programs.

- 9.2.1 The Board shall ensure that building systems are inspected, tested, and maintained as required by the adopted codes and referenced standards.
- 9.2.2 Personnel employed by a Board performing inspection, testing, and maintenance programs are not required to be Certified Fire Inspectors.

- A) Exception: Personnel performing work on system components that would require permits, licensing, or registrations under any adopted codes, laws, or rules shall be registered or licensed as appropriate.

9.2.3 Inspection, Testing, and Maintenance Records shall be retained for at least two years. Records shall indicate the procedure or inspection performed by the organization that performed the procedure or inspection, the results, and the date. The Board shall provide these records for review by the Qualified Fire Department or to the Division upon request.

## **ARTICLE 10 – Building Code and Fire Code Inspector Certification**

### **10.1 Building Code Inspectors**

10.1.1 Building Inspectors shall be certified as part of the Prequalified Building Department process as described in Article 4 of this rule, or certified as Third-Party Building Inspectors in accordance with this Article 10.1.

#### **10.1.2 Third Party Building Inspector Certification**

- A) Applicants seeking such certification shall be at least eighteen (18) years of age and have the following minimum qualifications:
  - (1) Hold current, appropriate building inspector certifications from ICC or other similar national organization, and have demonstrated education, training, and experience, or
  - (2) Have at least five years of demonstrated education, training, and experience in commercial building inspections and receive national certification within one year after the date of certification. Qualified applicants that have at least five years of demonstrated education, training, and experience in appropriate building inspections will be issued certifications for one year. Certification renewal will be contingent on the applicant obtaining commercial building inspector certification from ICC or other similar national organization, prior to the expiration date of the applicant's inspector certification.

#### **10.1.3 Duties of Third-Party Inspectors**

- A) Third Party Inspectors, contracted by the Board, shall conduct the required inspections, and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the building code adopted by the Division.
- B) Third Party Inspectors, contracted by the Board, shall enforce only the codes adopted by the Division
- C) The Board shall only use inspectors that are certified by the Division to work on Public School Construction projects.
- D) Third Party Inspectors contracted by the Board shall cause copies of their inspection reports to be sent to the Division.

- E) If all inspections are not completed and a building requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the certified Third Party Inspectors contracted by the Board shall notify the Division so that a Temporary Certificate of Occupancy may be issued to allow the Board to occupy the buildings and structures.
- F) Third Party Inspectors contracted by the Board shall attest that inspections are complete and all violations are corrected before the Division issues the Board a Certificate of Occupancy. The certified Third Party Inspectors shall retain inspection records for two years after the Certificate of Occupancy is issued.

10.1.4 Applicants shall complete the following items for application as a Certified Third Party Inspector:

- A) Complete the application form for third-party inspector certification, which is available from the Division website.
- B) Provide a resume and sufficient proof of qualification including proof of national certifications, or description of equivalent education, training and experience.
- C) Pay the required certification fee.

## 10.2 Fire Inspector Certification

10.2.1 Fire Inspectors performing construction plan review and inspections shall be "Certified Fire Inspectors" as defined in section 24-33.5-1202 (2.5), C.R.S.

10.2.2 There shall be three levels of certification for Fire Inspectors. Inspectors shall be certified to the appropriate level defined in Sections A through C of this Article for the task performed.

- A) FIRE INSPECTOR I - In order to become certified as Fire Inspector I, a person must meet at least one of the following criteria:
  - (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. The following certifications are approved:
    - (a) ICC Fire Inspector I
    - (b) NFPA Fire Inspector I
  - (2) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – Standard for Professional Qualifications for Fire Inspector and Plans Examiner for Fire Inspector I, including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector I. This list shall not be considered as all-inclusive.

- (a) A combination of three (3) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
  - (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
  - (c) Current Colorado license as a registered professional engineer specializing in fire protection.
  - (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.
- B) FIRE INSPECTOR II - In order to become certified as Fire Inspector II, a person must meet at least one of the following criteria:
  - (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. The following certifications are approved:
    - (a) ICC Fire Inspector II
    - (b) NFPA Fire Inspector II
  - (3) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – Standard for Professional Qualifications for Fire Inspector and Plans Examiner for Fire Inspector II including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector II. This list shall not be considered as all inclusive.
    - (a) A combination of four (4) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
    - (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
    - (c) Current Colorado license as a registered professional engineer specializing in fire protection.

- (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.
- C) FIRE INSPECTOR III – PLANS EXAMINER - In order to become certified as Fire Inspector III – Plans Examiner, a person must meet at least one of the following criteria:
  - (1) Possess current and valid inspector certification(s) issued by a nationally recognized organization, which includes knowledge in fire protection and life safety systems, plan review and inspection. Applicants holding at least one qualification from each of the following categories are approved.
    - (a) ICC Fire Inspector II, NFPA Fire Inspector II, or DFPC Fire Inspector II and
    - (b) ICC Fire Plans Examiner, ICC Building Plans Examiner, or NFPA Fire Plan Examiner, or2 years minimum documented plan review experience.
  - (2) Submit documentation to the Division to demonstrate that they have the requisite skills and knowledge specified in NFPA 1031 – Standard for Professional Qualifications for Fire Inspector and Plans Examiner for Fire Inspector II and for Fire Plans Examiner II, including education, training and experience. The following list identifies examples of education, training and experience that may be considered as equivalent to the requisite skills and knowledge for Fire Inspector III. This list shall not be considered as all inclusive.
    - (a) A combination of five (5) years of education and work experience in fire protection and/or code enforcement is required. Education shall be an Associate Degree or above in Fire Science, Fire Prevention, Fire Protection Engineering or other approved related major. Work experience shall be specifically in fire prevention, fire protection, code enforcement or inspection.
    - (b) Evidence of completion of courses that directly relate to fire protection inspections delivered by a recognized organization or institution.
    - (c) Current Colorado license as a registered professional engineer specializing in fire protection.
    - (d) Submit evidence of current and valid certification in another state, which is determined by the Division to be at least equivalent to the requirements listed herein.
- D) Recognized organizations or institutions for equivalent training and education include, but are not limited to:
  - (1) Regionally accredited post-secondary institutions
  - (2) National Fire Protection Association

- (3) International Code Council
- (4) National Fire Academy
- (5) IFMA Fire Protection Institute
- (6) State chapters of nationally recognized organizations or institutions

#### 10.2.3 Duties of Certified Fire Inspectors

- A) Fire Inspectors shall conduct the required plan reviews and inspections, and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the fire codes adopted by the Division.
- B) Fire Inspectors shall enforce only the codes adopted by the Division.
- C) Fire Inspectors shall cause copies of their inspection reports to be sent to the Division.
- D) If all inspections are not completed and a building requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the Fire Inspector may recommend to the Division or the Prequalified Building Department that a Temporary Certificate of Occupancy be issued to allow the Board to occupy the buildings and structures.
- E) Fire Inspectors or their employers shall maintain records of all plan reviews and inspections conducted during the three year certification period or longer, as required by law. Said records shall be made available for review by the Division, upon request.

#### 10.2.4 Applicants shall complete the following items for application as a Certified Fire Inspector:

- A) Complete the application form for inspector certification, which is available from the Division website.
- B) If the applicant does not have equivalent national certifications, and is not taking the state examination, provide a resume and sufficient proof of equivalent qualification including education, training and experience to document that minimum certification requirements are satisfied.
- C) Pay the required certification fee.

### 10.3 Renewal of Inspector Certifications

10.3.1 Third-Party Inspector and Fire Inspector Certifications are valid for a period of three years from the date of issuance, unless earlier suspended or revoked.

10.3.2 Renewal of Inspector certification is the responsibility of the certified individual. Renewal shall require an application accompanied by the following:

- A) Complete the application form for inspector certification renewal, which is available from the Division.
- B) Certification renewal is contingent on meeting one of the following educational requirements during the three-year certification period:

- (1) Fifteen hours of continuing education relating to the field of building construction or fire protection, as applicable, including, but not limited to, classes, seminars, and training conducted by professional organizations or trade associations; or.
- (2) Documentation to the Division of 1.5 CEU's relevant to the field of building construction or fire protection as applicable, by participation in educational and professional activities. CEU's will be granted for the professional development activities as depicted in the table below: (It is important to obtain documentation and keep records of each activity attended during the certification period).
- (3) Successful renewal of equivalent ICC or NFPA certifications shall be considered as acceptable criteria for renewal of the State inspector certification. Submit proof of ICC or NFPA renewal with the renewal application.

Participation as a student in a seminar or technical session related to building construction or fire protection and life safety systems (depending upon the certification) conducted by a qualified organization <sup>1</sup> .	0.1 CEU per clock hour of attendance
Attendance at NFPA and/or ICC code development hearings related to fire protection, fire prevention or life safety.	0.1 CEU per clock hour of attendance up to 1.0 CEU per renewal period.
Committee or board service for NFPA and/or ICC for one full year.	0.5 CEU per committee, per year.
Instruction of a seminar or technical session delivered for a related professional association, state or local code enforcement agency, standards writing organization or any related program.	0.1 CEU per clock hour of instruction delivered.
Participation as a student in a university, community college, junior college, technical or vocational school in a course related to, building construction or fire protection, fire prevention or life safety (depending upon the certification).	1.0 CEU per credit hour.
Participation as an instructor in a university, community college, junior college, technical or vocational school in a course related to building construction or fire protection, fire prevention or life safety (depending upon the certification).	1.0 CEU per credit hour.
Documented in-house training or continuous employment as a code official, plans examiner, or inspector. Training shall be documented and approved by the chief executive, fire chief or training officer for the applicant's organization.	Up to 0.3 CEU per renewal period.
Publication of a paper, book or technical article for a related textbook or professional trade journal.	1.0 CEU per publication.

<sup>1</sup> Pertinent courses provided by organizations listed in 10.2.2(D) as well as the National Fire Sprinkler Association, National Fire Alarm Association, American Fire Sprinkler Association, and International Fire Marshal's Association are deemed qualified. Courses provided by other entities may be accepted after review by the Division.

- C) Payment of the required renewal fee.

10.4 Denial, revocation, suspension, annulment, limitation or modification of certification.

10.4.1 Denial of Certification

- A) The Division, in accordance with the Administrative Procedures Act, Section 24-4-101, et seq., C.R.S., may deny any certificate or refuse to renew a certificate to any applicant for, but not limited to, the following reasons:
  - (1) Failure to meet requirements specified in these rules pertaining to the issuance of certificates and/or the renewal of certification.
  - (2) Any conduct as described in Article 10.4.2.B pertaining to good cause for disciplinary action.
  - (3) Fraud, misrepresentation, or deception in applying for or securing certification, or in taking any written certification examination.
  - (4) Aiding and abetting another person in procuring or attempting to procure certification for any person who is not eligible for certification.

10.4.2 Revocation, suspension, or limitation of certification.

- A) Any certification issued by the Division may be suspended, summarily suspended, revoked, or limited for good cause in accordance with the Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.
- B) Good cause for disciplinary sanctions listed in this Article (denial, revocation, suspension, annulment, limitation, or modification of certification) shall include, but not be limited to:
  - (1) Evidence that the minimum standards for certification set forth in these rules have not been met.
  - (2) Material misstatement or misrepresentation on the application for certification.
  - (3) Proof of unfitness.
  - (4) Proof of individual's failure to meet, and continue to meet, performance standards at the level certified.
  - (5) Obtaining or attempting to obtain certification or recertification by fraud, misrepresentation, deception, or subterfuge.
  - (6) Materially altering any Division certificate, or using and/or possessing any such altered certificate.
  - (7) Unlawfully discriminating in the provisions of services based upon national origin, race, color, creed, religion, sex, age, physical or mental disability, sexual preference, or economic status.
  - (8) Representing qualifications at any level above the person's current certification level.
  - (9) Failure to pay required fees for certification.



- 10.4.3 In addition to those items listed in Rule 10.4.2.B, good cause for disciplinary sanctions listed in this Article (denial, revocation, suspension, annulment, limitation, or modification of certification) against the certification held by an exam proctor shall include, but not be limited to:
- A) Failure to adhere to the policies, procedures, and administrative requirements for delivery, documenting, test administration, and certification as adopted, administered and/or recognized by the Division.
  - B) Failure to maintain security over written exams, including unauthorized access or reproduction of examination materials.
- 10.4.4 If the Division finds that grounds exist for the denial, revocation, suspension, annulment, limitation, or modification of certification of any applicant, action shall be taken according to the provisions of the Colorado Administrative Procedure Act, Section 24-4-101, et seq., C.R.S.
- 10.4.5 Upon the denial, revocation, suspension, annulment, limitation, or modification of any applicant, all certificates, cards, patches or other identification issued by the Division for said certification and accreditation levels shall be returned to the Division.

#### **ARTICLE 11 – Enforcement**

- 11.1 The Director of the Division shall enforce the requirements of the codes adopted in Article 3 in accordance with the provisions of Section 24-33.5-1213, C.R.S.
- 11.1.1 The Director may issue a notice of violation to a person who is believed to have violated the provisions of the Codes as determined by an inspection in accordance with the procedures described in Section 24-33.5-1213, C.R.S.
  - 11.1.2 An enforcement order issued pursuant to Section 24-33.5-1213, C.R.S. may impose a civil penalty, depending upon the severity of the alleged violation, not to exceed five hundred dollars per violation, for each day of violation; except that the Director may impose a civil penalty not to exceed one thousand dollars per violation, for each day of violation, that results in, or may reasonably be expected to result in, serious bodily injury.
  - 11.1.3 The Director may file suit in the district court in the judicial district in which a violation is alleged to have occurred to judicially enforce an enforcement order issued pursuant to Section 24-33.5-1213, C.R.S.
- 11.2 A person who is the subject of, and is adversely affected by, a notice of violation or enforcement order issued pursuant to Article 11 may appeal such action to the Executive Director of the Department of Public Safety. The Executive Director shall hold a hearing to review such notice or order and take final action in accordance with Title 24, Article 4, C.R.S.. Final agency action shall be subject to judicial review pursuant to Title 14, Article 4, C.R.S.
- 11.3 It is not the intent of this Article 11 to remove, limit or modify enforcement authority of the fire department providing fire protection service for buildings or structures of a Board.

**ARTICLE 12 – Appeals**

- 12.1 A board of education, the state charter school institute, a charter school, or a junior college board of trustees that is the subject of, and adversely affected by, a decision or interpretation made by an entity that conducts a plan review or inspection pursuant to Sections 22-32-124 or 23-71-122(1)(v), C.R.S., may appeal such action to the Board of Appeals formed by Section 24-33.5-1213.7, C.R.S.
- 12.1.1 The affected party shall first appeal to the plan review or inspection entity. After consideration, the entity shall issue its final written decision on the matter.
- 12.1.2 If the affected party still disagrees with a decision made by a local authority having jurisdiction or prequalified building department it may appeal to the Director. After consideration, the Director or his designee shall issue the Division's final written decision on the matter.
- 12.1.3 If the affected party still disagrees, it may appeal to the General Board of Appeals. The appeal shall be filed within thirty days after the date of the final written decision by the Director or his designee. Upon receipt of an appeal, the Division shall notify the Chair of the Board of Appeals and schedule a hearing no more than fifteen days after the date the appeal was filed.
- 12.1.3 An application for appeal shall be based on a claim that the true intent of this code or the standards legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Appeals shall not waive any requirements of the codes or standards; however the Board of Appeals may recommend alternative materials or methods as provided in the codes or standards. The final written decision of the Board of Appeals is final agency action for purposes of section 24-4-106, C.R.S.

**ARTICLE 13 – Fees and Charges**

- 13.1 Inspector Certification Fees: The Division shall charge the following fees for inspector certifications:

Inspector Certification Fees	
Certification or Renewal of Inspectors by document review	\$30.00
Certification or renewal of Inspectors by reciprocity of equivalent ICC or NFPA certifications.	\$10.00

- 13.2 Plan review, construction permit and inspection fees.
- 13.2.1 The Division shall charge a fee for plan review and issuance of a permit to cover the actual, reasonable, and necessary expenses of the Division for those expenses related to the Public School Construction Program.
- 13.2.2 The plan review, construction permit and inspection fees are calculated based on the total project valuation (TPV).
- A) The building inspection component of this fee in 13.2.4.A only includes an allocation of site visits conducted by the Division prior to the issuance of a Certificate of Occupancy in accordance with the table below. In the event additional inspections by the Division are necessary or requested, additional fees may be assessed as outlined in 13.2.6.

- B) The fire inspection component of this fee in 13.2.4.B includes an allocation of site visits to complete the necessary inspections in accordance with the table below. In the event additional inspections by the Division are necessary or requested, additional fees may be assessed as outlined in 13.2.6.

Under 50,000 sq.ft.	5 site visits
50,001-100,000 sq.ft	10 site visits
100,001-200,000 sq. ft.	5 additional site visits/each additional 100,000 sq. ft.

- C) Division inspection fees do not include costs associated with inspections conducted by local fire departments or third-party inspectors.

13.2.3 The Director of the Division will review the fund balance periodically and may reduce or increase the amount of the fee, if necessary, pursuant to section 24-75-402 (3) and 24-75-402 (4), C.R.S.

13.2.4 The following table enables determination of total fees (plan review and construction permit fees) prior to submittal of a project. The fee applied to a project will be the fee schedule in effect on the date of application submittal.

- A) Fees for Building Code reviews performed by the Division

**Building Code Plan Review, Permit and Inspection Fees**

Total Project Valuation (TPV)	Fee
\$1 to \$25,000	\$ 0 + .0100(TPV) <b>(\$50 min)</b>
\$25,001 to \$50,000	\$250 + .0066(TPV - \$25,000)
\$50,001 to \$100,000	\$583 + .0043(TPV - \$50,000)
\$100,001 to \$500,000	\$798 + .0023(TPV - \$100,000)
\$500,001 to \$1,000,000	\$1,718 + .0020(TPV - \$500,000)
\$1,000,001 to \$2,000,000	\$2,718 + .0010(TPV - \$1,000,000)
\$2,000,001 to \$4,000,000	\$3,718 + .0007(TPV - \$2,000,000)
\$4,000,001 to \$16,000,000	\$5,118 + .0003(TPV - \$4,000,000)
\$16,000,001 +	\$8,718 + .0006(TPV - \$16,000,000)

- (1) Portable/Modular Building Fees per site: \$325 for the first unit, each additional portable/modular is \$40, up to 10 units.
- (2) Re-Roof: Use fee schedule above, \$325 minimum
- (3) Boiler/Chiller/Furnace/Air Handling Unit: Use fee schedule above, \$325 minimum
- (4) Annual Permit: \$200

- B) Fees for Fire Code reviews by the Division

- (1) Fire Code Review Fees are equal to the project valuation cost multiplied by a factor of \$0.00022, with a minimum fee of \$125.
- (2) Fire alarm system replacements use schedule above, with a minimum fee of \$300.

C) Both Building and Fire Code Reviews performed by the Division

(1) Fees will equal the sum of both the Building review fees in Article 13.2.4.A and the Fire review fees in Article 13.2.4.B.

13.2.5 Half of the fees must be submitted prior to commencement of plan review and the remaining half must be submitted prior to permit issuance. Inspections shall not be performed until the required fee has been paid.

13.2.6 Additional Inspection fees: The Division may assess a \$400 inspection fee for each inspection in excess of the number allocated by the table in 13.2.2. Additional inspections exceeding 4 hours in length, including travel time, will be charged \$100 for each additional hour or portion thereof.

13.2.7 Off-hours inspections: The Division may assess an off-hours inspection fee of \$200 for inspections requested outside of normal business hours.

A) Normal inspection hours are Monday through Friday between 7:00 am and 5:00 pm.

B) Off-hours inspections are scheduled on an "as-available" basis. The Division is not obligated to provide inspections outside of normal operating hours if an inspector is not available.

13.2.8 The Division may assess a fee of \$100 for the replacement of a lost inspection record card.

13.3 Maintenance Inspection Fees: The following fees shall be charged for maintenance inspections performed by the Division:

Maintenance Inspection Fees	
0 – 150 Students	\$150
151 – 300 Students	\$300
301 – 450 Students	\$450
451 or more Students	\$600

13.3.1 Student counts for fees shall be based upon the current pupil membership data published at the time of the inspection by the Colorado Department of Education.

13.3.2 Fees are charged per address. Total student counts are considered for consolidated schools located at one address.

13.3.3 Failure to pay for Fire Code inspections performed shall result in a notice of violation and enforcement in accordance with Article 11 of this rule.

13.4 Fees may be waived or modified when appropriate at the discretion of the Director or his designee. Requests for waiver or modification shall be in writing.

#### **ARTICLE 14 – Severability**

14.1 If any provision, or application of these rules are held invalid, all other provisions and applications of these rules, shall remain in effect.

## **ARTICLE 15 – Inquiries**

- 15.1 All questions or requests for interpretation of these rules shall be submitted in writing to the Colorado Division of Fire Prevention and Control, Fire and Life Safety Section Chief.
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### **Editor's Notes**

#### **History**

Entire rule emer. rule eff. 07/20/2007.

Entire rule eff. 10/30/2007.

Entire rule emer. rule eff. 08/18/2008.

Entire rule eff. 10/30/2008.

Section 10 eff. 01/30/2009.

Entire rule eff. 12/30/2009.

Sections 3.1.1-3.1.2 emer. rules eff. 08/13/2014.

Entire rule eff. 11/30/2014.

Article 13 eff. 03/02/2018.