

## DEPARTMENT OF PUBLIC SAFETY

### Division of Fire Prevention and Control

## BUILDING AND FIRE CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR LIMITED GAMING FACILITIES LICENSED BY THE STATE OF COLORADO

### 8 CCR 1507- 57

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

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## APPLICABILITY

These rules and regulations apply to all buildings containing limited gaming and the areas where limited gaming will occur pursuant to the provisions of § 44-30-515, C.R.S.

## ARTICLE 1 - AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 The Director of the Division of Fire Prevention and Control 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 of Fire Prevention and Control.
- 1.2 Section 44-30-515, C.R.S. establishes the authority and duty of the Division of Fire Prevention & Control to establish minimum safety standards for limited gaming structures. The section further directs the Division of Fire Prevention & Control is to provide technical assistance to local building officials, local fire officials, the local historical preservation commissions, and the state gaming commission. Where the Division is requested to act as the code's Authority Having Jurisdiction by these agencies the Division shall enforce and inspect to the adopted codes and standards for buildings and structures of limited gaming facilities licensed by the State of Colorado promulgated by the Division. Where the local building or fire department is acting as the code's Authority Having Jurisdiction, the Division will ensure that efforts to enforce the locally adopted codes and standards also comply (as a minimum) with the adopted codes and standards for buildings and structures of limited gaming facilities licensed by the State of Colorado promulgated by the Division.

## ARTICLE 2 - DEFINITIONS

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

**“Authority Having Jurisdiction”** or **“AHJ”** means the Division, Building Department, Fire Chief, Fire Marshal, or other designated official of a county, municipality, special authority, or special district that has code enforcement responsibilities and employs a building inspector or certified fire inspector.

**“Building Department”** means the Building Department (or a contracted third party acting on their behalf) of the Division, authority, county, town, city, or city and county.

**“Building Permit”** means an official document issued by the Authority Having Jurisdiction which authorizes the erection, alteration, demolition and/or moving of buildings and structures.

**“Business Entity”** means any organization or enterprise and includes, but is not limited to, a sole proprietor, an association, corporation, business trust, joint venture, limited liability company, limited liability partnership, partnership or syndicate. For the purposes of these rules the Business Entity may elect to be represented by a designated representative through a written delegation of authority.

**“Certificate of Compliance”** means an official document issued by applicable local building and/or fire code Authority Having Jurisdiction and approved by the Division, stating that materials and products meet specified codes and standards, that work has been performed in compliance with approved construction documents, and that the provisions of applicable fire and life safety codes and standards continue to be appropriately maintained.

**“Certificate of Occupancy”** means an official document issued by the Authority Having Jurisdiction which authorizes a building or structure to be used or occupied for a specified purpose.

**“Limited Gaming Facility”** means a building or area containing limited gaming activities which are subject to licensure by State of Colorado under the provisions of the Colorado Limited Gaming Act.

**“Construction”** means work that is not considered as maintenance or service and that requires a permit as prescribed in the adopted codes and standards of the local Authority Having Jurisdiction or the Division.

**“C.R.S.”** means Colorado Revised Statutes.

**“Designated Representative”** means a person designated by the Business Entity to act on their behalf through a written delegation of authority and is allowed to act in such manner as outlined in these rules.

**“Director”** means the Director of the Division of Fire Prevention and Control.

**“Division”** means the Division of Fire Prevention and Control in the Department of Public Safety.

**“Executive Director”** means the Executive Director of the Colorado Department of Public Safety.

**“Fire Code Official”** means the designated authority charged with the administration and enforcement of the Fire Code.

**“ICC”** means the International Code Council.

**“Individual”** or **“Person”** means a person, including an owner, manager, officer, employee, or individual.

**“Inspection, Testing, and Maintenance Program”** means 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”** means the initial placement of equipment or the extension, modification, or alteration of equipment after the initial placement.

**“Maintenance”** means to sustain in a condition of repair that will allow performance as originally designed or intended. Maintenance does not include replacement of elements of a system which alter the performance criteria of the system as approved by the Authority Having Jurisdiction.

**“Maintenance and Complaint Inspections”** means periodic inspections or inspections conducted based on an allegation of nonconformance conducted by the local fire department or the Division to verify conformance with the adopted codes, rules, and standards. Such inspections are not to 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 codes, rules, and standards.

**“NICET”** means the National Institute for Certification in Engineering Technologies.

**“NFPA”** means the National Fire Protection Association.

**“Qualified Fire Department”** means a fire department that has Certified Fire Inspectors at the appropriate level for the fire prevention-related task being performed and provides fire protection service for the Business Entity’s buildings and structures.

**“Service (Or Repair)”** means to repair in order to return the system to operation as originally designed or intended.

**“Temporary Certificate of Occupancy”** means an official document issued by the Authority Having Jurisdiction 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 Authority Having Jurisdiction.

### **ARTICLE 3 - CODES, DOCUMENTS, AND STANDARDS INCORPORATED BY REFERENCE**

- 3.1 The technical requirements of these rules are supported primarily by codes developed by the International Code Council and the National Fire Protection Association. These two organizations are membership associations dedicated to building safety and fire prevention. These rules establish minimum requirements where the Division is the Authority Having Jurisdiction for building systems using prescriptive and performance related provisions, which are widely used to construct residential and commercial buildings. The appropriate portions of the adopted codes will be applied as prescribed by the adopted codes themselves. Where there are differing provisions for new and existing construction, all work taking place after April 1, 2019 must meet the requirements for new construction, as amended by the provisions of IEBC and NFPA 101, and subject to the restrictions of Section 3.2.1.3 of this rule.
- 3.2 The following codes and their referenced standards are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings, and structures containing a Limited Gaming Facility in the State of Colorado:
  - 3.2.1 Adopted codes pertinent to this rule shall be as prescribed in 8 CCR 1507-101 (BUILDING AND FIRE CODE ADOPTION AND CERTIFICATION OF INSPECTORS FOR FIRE & LIFE SAFETY PROGRAMS ADMINISTERED BY THE STATE OF COLORADO).
    - 3.2.1.1 For the purposes of this rule the Division shall enforce the Building Codes as defined in 8 CCR 1507-101 § 3.2.1.
    - 3.2.1.2 For the purposes of this rule the Division shall enforce the Fire Codes as defined in 8 CCR 1507-101 § 3.2.2.

3.2.1.3 In conjunction with C.R.S. 44-30-515 no retroactive provisions of the adopted codes shall apply to any structure licensed for limited gaming and operating prior to July 1, 2011. In these cases, the construction provisions of the adopted building codes shall only apply to new construction or remodeling work taking place after July 1, 2011.

3.3 Certificates of Occupancy and Certificates of Compliance issued after April 1, 2019 by the Division will be based on compliance with the requirements within the above applicable codes.

#### **ARTICLE 4 - AUTHORITY OF LOCAL BUILDING DEPARTMENTS**

4.1 Where the Limited Gaming Facility is located in a jurisdiction with a local Building Department, the authority 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 the locally adopted codes remains the responsibility of the local Building Department. Under these circumstances, the Division will accept a completed Building Permit and associated Certificate of Occupancy from the local Building Department as demonstration of compliance with the locally adopted building codes.

4.2 Where the Limited Gaming Facility is located in a jurisdiction with no local Building Department, the authority 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 is the responsibility of the Division. Under these circumstances, the Division will issue the applicable Building Permits and associated Certificates of Occupancy as demonstration of compliance with the Division's adopted building codes. The determination of when a building permit is required shall be based upon the International Building Code Section 105 requirements. Substantial changes to the scope of the project (including addition of square footage to the project scope) will require a submittal of a new application for a permit.

#### **ARTICLE 5 - RECOGNITION OF FIRE CODE OFFICIAL**

5.1 For Limited Gaming Facilities located in a jurisdiction where the local fire department has Certified Fire Inspectors at the appropriate level for the task, and is willing to assume the responsibility, the local fire department is responsible for conducting the necessary construction plan reviews, construction inspections, and maintenance or complaint inspections. Under these circumstances, the local fire department is considered the Fire Code Official and will enforce the locally adopted Fire Codes.

5.2 If the local fire department declines to perform the plan review or any subsequent inspection, or if a Certified Fire Inspector is not available, the Division will be considered the Fire Code Official and the Division will perform the construction plan reviews and inspections required by the Division's adopted Fire Codes and will enforce the Division's adopted Fire Codes. The determination of when a fire permit is required will be based upon the International Fire Code Section 105 requirements. Substantial changes to the scope of the project (including addition of square footage to the project scope) will require a submittal of a new application for permit.

#### **ARTICLE 6 - PERMIT APPLICATION SUBMITTAL TO THE DIVISION**

6.1 Notification of Submittal to a Local Building Department

6.1.1 For projects that require a permit that will be reviewed and inspected by a local Building Department, the Business Entity shall notify the Division prior to beginning construction. Notification must include:

- A) Name of project;
- B) Location of project;
- C) Scope of work of project;
- D) Projected total cost of project;
- E) Projected square footage of project;
- E) Planned construction start and end dates;
- F) Identification of Fire Code Official (Name of the Qualified Fire Department or the Division);
- G) Identification of Building Code Official (Name of the Building Code Official or the Division);
- H) A copy of the plan sheets submitted in the format as prescribed by the Division.

**6.2 Permit Application Submittal to the Division**

6.2.1 For Limited Gaming Facilities located in a jurisdiction which does not have a Qualified Fire Department the Business Entity shall submit a complete plan review application package to the Division for Fire Code compliance review and permitting. If there is not a local Building Department, the Business Entity shall also submit a complete plan review application package to the Division for Building Code compliance review.

6.2.2 The plan review application package must be submitted to the Division in the format defined by Division policy.

**6.3 Plan Review and Permitting by the Division**

6.3.1 The Division will notify the Business Entity if the permit application is incomplete.

6.3.2 The Building Code plan review will be completed by the Building Department, or by a certified building plans examiner designated by the Division.

6.3.3 The Fire Code plan reviews will be completed by an individual certified by the Division as a Fire Inspector III – Plans Examiner.

6.3.4 Upon completion of the Building and/or Fire Code review, the Division will provide the Business Entity with a comprehensive list of corrections to be addressed prior to the issuance of a permit. This list of corrections should not be considered 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 will issue the permit.

**6.4 Deferred Design/Build Submittals/Shop Drawings**

6.4.1 Deferred design/build (shop drawing) submittals for fire protection and life safety systems are permitted; however, construction documents must 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).

6.4.2 Shop (Installation) drawings for fire protection and life safety systems shall be submitted to the Fire Code Official(s) for review and approval prior to beginning installation of the system.

- A) Fire sprinkler and fire alarm shop drawings shall be submitted to the Fire and Life Safety Code Officials in accordance with the requirements of the adopted codes in the format as prescribed by the AHJ.
- B) Shop (installation) drawings for other systems regulated by the Building Code and Fire Code shall be submitted to the Code Official in accordance the appropriate referenced standard for the system.

6.4.3 Minimum Qualifications for Fire Protection and Life Safety System Design and Installation

A) Fire Suppression Systems

Any installation, modification, alteration, or repair of a fire suppression system shall be in accordance with 8 CCR 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 who is a licensed professional engineer or qualified 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 who is currently a professional engineer specializing in fire protection.
- (3) The installation of a fire alarm system shall be performed by or supervised by a person who is currently qualified 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 and Life Safety Protection Systems Regulated by the Building or Fire Codes

Systems shall be designed by a licensed professional engineer or shall be pre-engineered. Installation shall be performed by a company with manufacturer- or factory-approved training for the specific system, or as otherwise required by the applicable code section or referenced standard.

## **ARTICLE 7 - CONSTRUCTION INSPECTIONS**

### **7.1 Building Code Inspections Conducted by the Division**

- 7.1.1 When the Division is functioning as the Building Code Official, Construction or work for which a permit is required is subject to inspection by the Division. Such construction or work shall remain accessible and exposed for inspection purposes until approved. The Division is not liable for expenses incurred in the removal or replacement of any material required to allow inspection.
- 7.1.2 The Division may contract with Third-Party Inspectors who are qualified in accordance with these rules to perform inspections.

### **7.2 Fire and Life Safety Code Inspections**

- 7.2.1 Construction projects 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. Either the Division or the Qualified Fire Department shall perform fire code inspections.
- 7.2.2 A Certified Fire Inspector shall perform inspections of fire suppression systems in accordance with 8 CCR 1507-11 – Colorado Fire Suppression Program.
  - A) A Certified Fire Inspector II or Fire Inspector III – Plans Examiner may perform both inspections (fire suppression system and Fire Code construction).
  - B) If the Fire Code Official does not employ a Certified Fire Inspector II or Fire Inspector III – Plans Examiner, the Fire Code Official shall obtain the services of a Certified Fire Inspector to perform the suppression system inspections.
- 7.2.3 Results of all inspections shall be documented on the job site inspection card and in the official records of the inspecting entity, and shall include type of inspection, date of inspection, identification of the responsible individual doing the inspection, and comments regarding approval or disapproval of the inspection. Inspection records shall be retained by the inspecting entity for a minimum of two years after the Certificate of Compliance or Certificate of Occupancy is issued.
- 7.2.4 Certified Fire Inspectors shall include their printed name and fire inspector certification number in the appropriate locations on the inspection report or card.

### **7.3 Inspection Request Notification to the Division.**

- 7.3.1 The Division shall be provided with notification in the manner as prescribed by the Division no later than noon of the Thursday in the week preceding the requested inspection. The Division will make reasonable efforts to provide the inspection on the requested day or time, provided an inspector is available.
- 7.3.2 It is the duty of the permit holder to provide access to and means for inspections of such work that are required by the inspector.

- 7.3.3 Work will 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, will perform the requested inspections. In the case that the Division cannot complete the inspection within the timeframe requested, the Business Entity may elect to hire a Third-Party Inspector to conduct that inspection at their own expense. Upon completion of the inspection, the inspector will either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their Designated Representative of any deficiencies. Any portions of the construction that do not comply with the codes adopted in these rules 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 7.3.1.
- 7.4 Stop Work Orders Issued by the Division.
  - 7.4.1 If the Division finds any work regulated by these rules being performed in a manner either contrary to the provisions of these rules or dangerous or unsafe, the Division is authorized to issue a stop work order.
  - 7.4.2 The stop work order will be in writing and will be given to the Business Entity, the Designated Representative, or the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order will state the reason for the order and the conditions under which the cited work will be permitted to resume.
  - 7.4.3 Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, will be subject to penalties as prescribed by these rules.

#### **ARTICLE 8 - CERTIFICATE OF OCCUPANCY**

- 8.1 The Business Entity shall not occupy or use a Limited Gaming Facility or portion thereof for the provision of Limited Gaming services until a Certificate of Occupancy or Temporary Certificate of Occupancy and Certificate of Compliance has been issued by Division and/or the local building and fire departments.
- 8.2 The Division or the local building and fire departments may issue a Temporary Certificate of Occupancy if a Limited Gaming Facility requires immediate occupancy and if the Business Entity has passed the appropriate inspections, including fire inspections that indicate there are no life safety issues. 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 AND COMPLAINT INSPECTIONS AND INSPECTION, TESTING AND MAINTENANCE PROGRAMS.**

- 9.1 Maintenance and Complaint Inspections
  - 9.1.1 The Division may perform inspections of the buildings and structures when deemed necessary to ensure that they are maintained in accordance with the appropriate chapters of the adopted and enforced local and Division Fire Codes. Whenever possible, the Local Qualified Fire Department providing fire protection service will conduct these maintenance inspections.
    - A) If the Local Qualified Fire Department is unable or unwilling to perform maintenance or complaint inspections, the Division has the authority and duty to perform them.



- B) If the Local fire department does not have an inspector certified as a Fire Inspector I or above, the Division will perform maintenance inspections for the Business Entity to ensure compliance with this rule and the applicable statutes. In this instance the Division inspector will attempt to contact the local Fire Authority to ascertain any concerns the local fire authority might have related to the Limited Gaming Facility.

9.1.2 Where a local Qualified Fire Department is performing maintenance and complaint inspections, the Business Entity is required to notify the Division that such inspections are being performed. The Business Entity shall provide a copy of the local Qualified Fire Department's inspection report and documentation that all identified deficiencies have been corrected within 30 days of the inspection and subsequent re-inspections until compliance is demonstrated. A Certificate of Compliance will not be issued until such time as all significant deficiencies noted on the maintenance inspection have been corrected. If documentation of a maintenance inspection by a Qualified Fire Department and subsequent evidence of corrections having been made is not provided, the Division will assume that the inspections have not been performed and will have the duty to perform them.

9.1.3 Nothing in this Article prohibits the local fire department providing fire protection services from conducting routine assessments of buildings and structures or from correcting violations that pose an immediate threat to life safety. Additionally, nothing in this Article prohibits the local fire department from seeking enforcement under defined local procedures and rules.

9.1.4 A local Qualified Fire Department providing fire protection service for buildings and structures of a Limited Gaming Facility that chooses to perform Fire Code inspections may refer notices of deficiencies to the Division for evaluation and enforcement. Notices of deficiencies and requests for evaluation and enforcement shall be submitted in writing to the Division as described in Article 11 of this Rule.

## 9.2 Inspection, Testing and Maintenance Programs.

9.2.1 The Business Entity shall ensure that fire and life safety systems are inspected, tested, and maintained as required by the adopted codes and referenced standards.

9.2.2 Personnel employed by a Business Entity performing inspection, testing, and maintenance programs are not required to be Certified Fire Inspectors, but must be qualified to perform the actions as required by the standards or listings of the devices or systems.

Exception: Work conducted on system components that would require permits, licensing, or certifications under any adopted codes, laws, or rules shall be conducted in accordance with those requirements.

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

**ARTICLE 10 - CERTIFICATE OF COMPLIANCE**

- 10.1 Effective July 1, 2019 a Business Entity shall not seek an initial license or to renew a license to provide Limited Gaming services without a valid Certificate of Compliance that has been Approved by the Division. If no renewal of the Certificate of Compliance is issued, the building shall be vacated upon expiration of the Certificate of Compliance.
- 10.2 All Certificates of Compliance will be issued based on the codes in effect during the most recent inspection of the facility. No Certificate of Compliance will be issued until compliance with the applicable codes and standards has been demonstrated through record review of local Authority Having Jurisdiction documents of inspection and certification, Division inspection and certification, or other appropriate documentation, showing the building to be in conformance with applicable codes and standards applicable at the time of issuance.
- 10.2.1 The Business Entity shall submit annually the documents specified in 10.2 to the Division along with a Certificate of Compliance application signed by the local fire and building authorities having jurisdiction asserting that the facility is in compliance with applicable codes and standards for fire and life safety.
- 10.2.2 Upon receipt of a complete application package for the Certificate of Compliance (as specified in 10.2.1), DFPC shall have 5 working days to take action on the Certificate of Compliance application. If no action is taken within 5 working days, the Certificate of Compliance shall be deemed as approved. Upon review of complete application package the Division shall take one of Three actions:
- 10.2.2.1 APPROVE – If, upon review, the Division believes that the Facility is in substantial compliance with applicable fire and life safety codes and standards the Division will Approve the Certificate of Compliance and provide the Certificate of Compliance to the Business Entity to be submitted with their next limited gaming license application.
- 10.2.2.2 REQUEST FOR CLARIFICATION – If, upon review, the Division believes that the application for a Certificate of Compliance is incomplete or the Division needs additional information in order to Approve an application for a Certificate of Compliance the Division may request additional information or request clarification of an issue. A request for clarification shall be considered as the Division having taken action and stop the five working day limit to take action on an application for a Certificate of Compliance.
- 10.2.2.3 REJECT – If, upon review, the Division believes the application for a Certificate of Compliance demonstrates that the Facility is not in compliance these rules as well as applicable fire and life safety codes and standards, the Division may Reject the application for a Certificate of Compliance. A copy of the Rejection notice will be provided to the Business Entity, the Colorado Gaming Commission, and applicable local Fire and Building Officials who regulate the areas found deficient.
- 10.3 If, in the opinion of the Division a facility is found to have violated these rules and applicable fire and life safety codes and standards the Division will issue an enforcement order subject to Article 12 of these rules to the Business entity. During the period that the enforcement order is unresolved the Certificate of Compliance shall be considered as suspended and the Division will issue a new Certificate of Compliance upon resolution of the enforcement order.

**ARTICLE 11 - BUILDING CODE AND FIRE CODE INSPECTOR QUALIFICATION**

- 11.1 Building Code and Fire Code Inspectors shall be certified in accordance with the provisions of 8 C.C.R 1507 – 101 (BUILDING AND FIRE CODE ADOPTION AND CERTIFICATION OF INSPECTORS FOR FIRE & LIFE SAFETY PROGRAMS ADMINISTERED BY THE STATE OF COLORADO).

**ARTICLE 12 - ENFORCEMENT**

- 12.1 The Division will enforce the requirements of these rules by following the provisions of this section 12.1.
- 12.1.1 The Division may issue a notice of violation to a person who is believed to have violated these rules and the applicable fire and life safety codes as determined by an inspection or investigation by the Division. The notice shall be delivered to the alleged violator by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.
- 12.1.2 The notice of violation shall allege the facts that constitute a violation
- 12.1.3 The notice of violation may require the alleged violator to stop work until the alleged violation is corrected.
- 12.1.4 Within ten working days after delivery of the notice of violation, the alleged violator may request in writing an informal conference with the Director (or his designee) concerning the notice of violation. If the alleged violator fails to request the conference within ten days, the notice of violation is final and not subject to further review, and any requirement to correct the alleged violation pursuant to 12.1.3 becomes a binding enforcement order.
- 12.1.5 Upon receipt of a request for an informal conference, the Director (or his designee) shall set a reasonable time and place for the conference and shall notify the alleged violator of the time and place of the conference. At the conference, the alleged violator may present evidence and arguments concerning the allegations in the notice of violation.
- 12.1.6 Within twenty working days after the informal conference, the Director shall uphold, modify, or strike the allegations within the notice of violation and may issue an enforcement order. The decision and, if applicable, enforcement order shall be delivered to the alleged violator by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.
- 12.2 A person who is the subject of, and is adversely affected by, a notice of violation or enforcement order issued pursuant to Article 12 may appeal such action to the State of Colorado's Limited Gaming Commission per 44-30-515, C.R.S.
- 12.2.1 Final agency action shall be subject to judicial review pursuant to C.R.S. Article 4 of Title 24.
- 12.2.2 An alleged violator who is required to correct an action pursuant to Article 12 shall be afforded the procedures set forth in section 24-4-101, et seq., C.R.S., to the extent applicable.
- 12.3 The Director may file suit in 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 12.1.

- 12.4 In addition to the remedies provided in this Article, the Director is authorized to apply to the district court, in the judicial district where the violation has occurred, for a temporary or permanent injunction to restrain any person from violation any provision of section 12.1 regardless of whether there is an adequate remedy at law.

### **ARTICLE 13 - CODE INTERPRETATION APPEALS**

- 13.1 A Business Entity who is the subject of, and is adversely affected by, a code decision or interpretation made by a Division inspector or Third-Party Inspector that conducts a plan review or inspection pursuant to these rules, may appeal such decision or interpretation to the State of Colorado's Limited Gaming Commission per 44-30-515, C.R.S..
- 13.1.1 The affected Business Entity will first contest the preliminary code interpretation to the Division. After consideration, the Division will issue its final code determination which will be considered the Final Agency Action.
- 13.1.2 If the Business Entity still disagrees, it may appeal to the State of Colorado's Limited Gaming Commission per 44-30-515, C.R.S. The appeal shall be filed within 30 days after the date of the final written decision by the Division.
- 13.1.3 An application for appeal must be based on a claim that the true intent of the code or the standards legally adopted therein have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

### **ARTICLE 14 - INQUIRIES**

- 14.1 Questions, clarification, or interpretation of these Rules should be addressed in writing to: Fire & Life Safety Section Chief, Colorado Division of Fire Prevention and Control, 700 Kipling St, Suite 4100, Denver, CO 80215. Telephone number: (303) 239-4100.

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#### **Editor's Notes**

#### **History**

New rule eff. 03/30/2019.