

11/22/2005

127-O-05

AN ORDINANCE

Amending Title 4, Chapter 5 of the Evanston City Code,
"Fire Prevention Regulations",
Regarding Sprinkler System Installation in Existing Structures

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 4, Chapter 5 of the Evanston City Code, 1979, as amended, be, and it hereby is further amended by renumbering Section 4-5-3, Section 4-5-4, and Section 4-5-5, as Section 4-5-4, Section 4-5-5, and Section 4-5-6, respectively, and enacting a new Section 4-5-3, to read as follows:

4-5-1: ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE AND THE 2003 NATIONAL FIRE PROTECTION ASSOCIATION 101, LIFE SAFETY CODE:

(A) Pursuant to the authority granted by Chapter 65, Section 5/1-2-4 of the *Illinois Compiled Statutes* and pursuant to its home rule powers, the City of Evanston hereby adopts by reference the *2003 International Fire Code* and the *2003 National Fire Protection Association 101, Life Safety Code*, which Codes shall be used together with the below-stated additions and amendments as criteria for the control and regulation of conditions which would constitute fire hazards to persons or property within the City or which would interfere with fire suppression forces, excepting therefrom the Sections which are modified or deleted in Section 4-5-2 of this Chapter.

(B) Any reference in the *2003 International Fire Code* and the *2003 National Fire Protection Association 101, Life Safety Code* to "administrative authority" or "Fire Official" shall mean the Fire Official of the City of Evanston. Any reference to "municipality" shall mean the City of Evanston.

4-5-2: MODIFICATION TO THE CODE: The hereinabove adopted *2003 International Fire Code* and the *2003 National Fire Protection Association 101, Life Safety Code* are amended to read as follows:

101.1: Title: These regulations shall be known as the Fire Code of the City of Evanston, hereinafter referred to as “this Code.”

101.2.3: Gas shut-off valves: All fuel burning appliances shall have individual gas shut off valves located within five feet (5') of the appliance, within the same room.

102.9: Conflicting provisions: Where there is a conflict between a general requirement and a specific requirement, the most stringent requirement shall be applicable.

202.0: Fire Watch: Fire Watch shall be required when determined by the Fire Official or his designee that a condition exists that requires trained personnel to monitor the structure.

308.3.1.1: Open-flame cooking grills: Barbecue grills shall not be used on any stairs or porches that serve as a means of egress. The use of barbecues will be allowed on balconies or at ground level provided the following regulations are complied with:

- The use of a cooking grill which creates or adds to a hazardous or objectionable situation shall be prohibited.
- Read the owners manual for safety guidelines.
- The use of the barbecue shall not cause the building's fire alarm system to activate.
- A portable fire extinguisher shall be located in close proximity to the barbeque, but not affixed to the grill. The fire extinguisher shall be at least a 10 pound ABC type extinguisher.
- Extreme caution shall be exercised when lighting the barbecue to prevent flames from elevating to an excessive height.
- Hot ashes or cinders shall be deposited into noncombustible receptacles free of all combustible material and away from combustible construction.

408.8.3.1: Emergency instructions: Emergency instructions shall be provided to each living unit on an annual basis indicating the life-safety systems installed in the building, location of alarm devices, type of alarm activations, egress paths, and actions to be taken in the event of a fire or in response to an alarm system

activation. Living units include apartments, condominiums, dormitories, hotels, and any other type of residential or commercial living unit.

505.1.1: Address on the rear and side doors: Signage with the address, including the name of the street and business name or building name, shall be installed at all other entrance and exit doors. The sign shall be installed at a height of approximately five feet (5') above the standing surface. The sign shall be installed immediately to the side of the door so it is visible with the door in the open or closed position. All other installation locations shall be approved by the Fire Official.

505.3: Truss construction signage: Identification signage as designated by the Fire Official shall be installed on all structures in which the roof is of a truss construction design. The signage shall be approved by the fire official and installed so that it is visible from the street for the Fire Department use.

506.1: Key boxes: When a property is protected by an automatic fire detection system and/or automatic suppression system or where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Official.

509.1.16: Fire command center: All fire command centers shall be equipped with a five (5) -button combination keypad for entry into the room or other entry device approved by the Fire Official.

510.2: Room identification: Signage shall be placed at all doors, identifying the room's intended use. The signage shall be installed at a height of approximately five feet (5') above the standing surface. The signage shall be installed immediately to the side of the door so it is visible with the door in the open or closed position.

510.3: Directional signage: Directional signage in corridors shall be provided leading to specific rooms and/or areas.

604.2.18.1: Elevator standby power: Standby power shall be manually transferable to all elevators in each bank. This transfer switch shall be located in the fire command room or location designated by the Fire Official.

901.7: Systems out of service: Any required fire protection/detection system placed out of service for more than six (6) hours in a day and/or for a cumulative total of twenty (20) hours a week shall require the approval of the Fire Official or

his designee. Any fire protection/detection system placed out of service for periods equal to or greater than those stated without the approval of the Fire Official, will be subject to following fines:

■	First Warning	No Charge
■	Second Warning	\$200.00
■	Third Warning	\$300.00
■	Fourth and Subsequent Warnings	\$500.00

903.3.7.2: Access to Fire Department connections: Any Fire Department connection located behind or within landscaping or vegetation shall have a concrete path from the sidewalk or closest public way to the connection. A concrete pad shall also be provided at the Fire Department connection.

903.3.7.3: Number of Fire Department connections: The Fire Official shall determine the number of Fire Department connections appropriate for the building.

903.3.7.4: Type of Fire Department connections: The type of Fire Department connection shall be approved by the Fire Official. No single two and one-half inch (2 ½") Fire Department connection is permitted.

903.3.7.5: Fire Department connection locator: Provide a white strobe light above all Fire Department connections to flash upon activation of the fire alarm system. All strobes shall be installed at a height that will make it visible from the street.

Exception: Existing systems, unless the system is altered, modified, or upgraded.

903.4.3: Sprinkler control valves: Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all buildings. Control valves shall also be provided for each individual unit (commercial, residential, or business) where the units share a common water supply and have individual entrances.

904.2.1.1: Hood System Suppression: All commercial hood and duct suppression systems shall comply with the UL 300 Standard.

905.3.1.1: Building length: Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is less than thirty feet (30') (9144 mm) above the lowest level of the Fire Department vehicle access, but the length of hose laid by the Fire Department is greater than one

hundred fifty feet (150') from the point of the Fire Department vehicle's access to the furthest point in the building.

905.4.3: Standpipe hose connections: All standpipe hose connections shall include a two and one-half inch to one and one-half inch (2 ½" to 1 ½") reducer with a cap attached to a chain.

905.4.4: Standpipe pressure gauge: All standpipe risers shall include a pressure gauge at the top of each riser.

906.1.1: Exceptions: Delete this section.

906.6.1: Fire extinguisher signage: Projection style signage shall be installed above each extinguisher to identify the location. The sign shall be installed at a height of approximately six to seven feet (6' to 7') above the standing surface where the extinguisher is mounted. Style of that sign must be approved by the Fire Official.

907.2: Smoke detectors, where required: Smoke detectors, installed as part of an approved automatic fire alarm system, shall be installed at the top of all interior stairways unless otherwise directed by the fire official.

907.2.10: Single and multiple station smoke alarms: The detectors required in this section shall be installed on the ceiling and at least six inches (6") from any wall, or a wall located between four (4") and six (6") inches from the ceiling.

907.2.12.2: Emergency voice / alarm communication system: The operation of any automatic fire detector, sprinkler water-flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions on a general or selective basis to the following terminal areas on a minimum of the alarming floor, two floors above and the floor below in accordance with the building's fire safety and evacuation plans required by Section 404.

907.3: Fire alarm system: Apartment buildings with more than three (3) stories or with more than eleven (11) units shall have a fire alarm system installed in accordance with NFPA 72. These systems shall include both manual and automatic initiating devices.

907.3.2: Single and multiple station smoke alarms: The detectors required in this section shall be installed on the ceiling and at least six inches (6") from any wall, or a wall located between four (4") and six (6") inches from the ceiling.

1009.12: Roof access: Roof access shall be provided from all required stairways. Access shall be by means of the continuation of the stairway or by means approved by the Fire Official.

1019.1.7: Stairwell signage: All stairwells greater than two (2) stories must install information signage on each floor landing. The sign shall be installed approximately five feet (5') above the standing surface and on the wall opposite the door swing so that it is visible with the door in the opened or closed position. It shall include the following elements:

- Unique Stairwell identifier
- Floor number and number of floors in building
- Floor of actual exit from building
- If roof access is possible from stairwell

Actual sign layout is available from the Evanston Fire Prevention Bureau. All stairwell signage shall be approved by the Evanston Fire Prevention Bureau prior to installation.

1019.1.6.1: Exit discharge identification: Add, "The top of the approved barrier shall not be less than thirty-six inches (36") from the finished floor of the landing. The barrier shall be self-closing. The only approved method of holding the barrier in the open position shall be a magnetic 'hold open' connected to the building fire alarm system. The barrier shall be a contrasting color from the colors in the immediate area."

FIREWORKS:

3301.1.3: Replace this section with the following:

3301.1.3: Fireworks and explosives: The possession, manufacture, storage, sale, handling and use of fireworks and explosives are prohibited except as approved by Fire Official.

3301.1.3: Delete exceptions.

3301.2.1 – 3301.2.4: Delete.

3302.0: Replace the definition of fireworks with the following:

3302.0: Fireworks: Fireworks include any combustible or explosive composition, and any substance and combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. Fireworks shall include blank

cartridges, toy pistols, toy cannons, toy canes and toy guns in which explosives are utilized; balloons requiring fire underneath to propel the balloon; firecrackers, torpedoes, skyrockets, Roman candles, sparklers and other devices of similar construction; any device containing any explosive or flammable compound; and any tablets and other devices containing any explosive substance.

The term "fireworks" shall not include automobile flares, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap, and toy pistols, toy canes, toy guns, and other devices utilizing such caps. The sale and utilization of types of explosive devices listed herein which are not considered fireworks shall be permitted at all times.

3308.2: Replace this section with the following:

3308.2: Permit application: Prior to issuing permits for fireworks display, plans for the display, inspections of the display site, and demonstrations of the display operations shall be approved. All requests for permits must be made at least fifteen (15) days in advance of the event unless otherwise approved by the Fire Official.

3308.2.2: Proximate audience displays: Where the separation distances required by Section 3308.4 and NFPA 1123 are unavailable or cannot be secured, only proximate audience displays conducted in accordance with NFPA 1126 may be allowed. Applications for proximate audience displays shall include plans indicating the required clearances for spectators and combustibles, crowd control measures, smoke control measures, and requirements for standby personnel and equipment when provision of such personnel or equipment is required by the Fire Official.

3308.11: Delete.

Section 4-5-3: AUTOMATIC SPRINKLER SYSTEMS. Automatic Sprinkler Systems shall be installed as required by this Section, which is hereby in addition to Section 903 of the International Fire Code.

A) Definitions:

Automatic Sprinkler Systems:

An engineered system to automatically detect and contain or suppress a fire through fixed piping and nozzles. The system shall be designed in accordance with the fire protection system requirements of the *2003 International Building Code*, *2003 International Fire Code* and referenced NFPA Standards as adopted

by the City, and good fire protection practices. The City must approve in writing all systems prior to their installation.

Dormitories:

A space in a structure associated with or serving an educational institution, the primary use of which structure is group sleeping accommodations provided in one room, or in a series of closely associated rooms, for persons not members of the same family group including structures used for dormitories, sororities, fraternities and similar uses, but excluding rooming and lodging houses.

Existing:

That which is already in existence on December 22, 2004, the effective date of Ordinance 108-O-04 which adopted the automatic sprinkler system installation requirements.

Fully Sprinklered:

A sprinkler system that provides protection to the entire structure.

Hospital:

A structure under the I - 2 Use Group as defined by the *2003 International Fire Code*

ICC

International Code Council (which publishes the adopted International Building and Fire Codes.)

IBC

International Building Code 2003, as adopted by the City.

IFC

International Fire Code 2003, as adopted by the City.

NFPA:

National Fire Protection Association edition as adopted by the City.

NFPA 13:

National Fire Protection Association Standard 13. Provides the minimum requirements for the design and installation of automatic fire sprinkler systems.

Non-Owner Occupied Rooming / Lodging House:

A Rooming / Lodging House which the owner of the property does not occupy as his or her primary residence.

Nursing Home Facility:

Any facility that is licensed or subject to licensure under Title 8, Chapter 15 of the Evanston City Code regulating long-term care facilities or under similar provisions in Illinois law.

Retrofit:

To install in, within, or on an existing structure.

Rooming / Lodging House:

Any facility that is licensed or subject to licensure under Title 5, Chapter 2 of the Evanston City Code regulating Lodging Establishments.

Structure:

That which is built or constructed.

B) Automatic Sprinkler Systems:

Automatic Sprinkler Systems shall be provided in the following existing structures on the schedule established in Section 4-5-3 (D):

- Dormitories
- Hospitals
- Non-Owner Occupied Rooming/Lodging Houses
- Nursing Homes

C) System Requirements:

Any structures required to be retrofitted with a sprinkler system under this Ordinance shall have such a system designed and installed in accordance with the fire protection system requirements of the 2003 International Building Code,

2003 International Fire Code and referenced NFPA Standards as adopted by the City, and Evanston City Code.

D) Automatic Sprinkler Systems Installation Schedule:

Existing Structures required by Section 4-5-3 (B) to be retrofitted with an automatic sprinkler system shall comply with this schedule.

1st Year: January 1, 2005 to December 31, 2005. Complete system design and provide an adequate water supply which may include installation of a fire pump assembly to provide said supply. Progress Report Due: January 31, 2006.

2nd Year: January 1, 2006 to December 31, 2006. At least 33% of the structure to be retrofitted. Progress Report Due: January 31, 2007.

3rd Year: January 1, 2007 to December 31, 2007. At least 66% of the structure to be retrofitted. Progress Report Due: January 31, 2008.

4th Year: January 1, 2008 to December 31, 2008. Entire structure to be retrofitted by December 31, 2008. Progress Report Due: January 31, 2009.

For each year of this four (4) -year period, written progress reports shall be submitted to the Evanston Fire Department's Fire Prevention Bureau by January 31st of the following year, in accordance with the above schedule. Systems can be installed earlier than the stated schedule. Requests for extensions must be in writing and received by the Fire Chief prior to December 31st preceding the year for which extension is sought. Any modifications to this schedule will require the advance written approval of the Fire Chief or his or her designee.

For perfected sprinkler permit applications filed during the period of January 1, 2005 through January 31, 2008, the City will waive sprinkler permit fees for structures required by Section 4-5-3(B) to be sprinklered, except for non-City Staff review fees. The fee waiver shall not apply to any sprinkler system installed prior to December 22, 2004, the effective date of Ordinance 108-O-04.

E) Penalties:

Failure to comply with the installation provisions of this Section 4-5-3 (D) and any extensions thereof approved in writing by the Fire Chief or his or her designee shall subject the violator to the following penalties.

Failure to meet the requirements for Year 1:	\$ 1,000.00
Failure to submit Year 1 Progress Report:	\$ 250.00

Failure to meet the requirements for Year 2:	\$ 2,000.00
Failure to submit Year 2 Progress Report:	\$ 250.00
Failure to meet the requirements for Year 3:	\$ 3,000.00
Failure to submit Year 3 Progress Report:	\$ 250.00
Failure to meet the requirements for Year 4:	\$ 4,000.00
Failure to submit Year 4 Progress Report:	\$ 250.00

\$500.00 (five hundred and no/100 dollars) per month for each month after January 31, 2009. The City may, in addition to monetary penalties, avail itself of any legal or equitable remedy provided for by law.

Occupancies for which a City license is required are not eligible to obtain or retain said license if they fail to meet the schedule imposed by Section 4-5-3 (D) and any extension thereof approved in writing by the Fire Chief or his or her designee.

F) Automatic Sprinkler Installation Requirements Appeal Process:

- 1) Any owner or operator ("Appellant") of a facility or structure subject to the sprinkler retrofit requirements of Section 4-5-3 aggrieved by any decision, interpretation, or order of the Fire Official regarding this Section 4-5-3, may appeal such decision, interpretation, or order to the Fire Chief by filing a written appeal pursuant to this Section 4-5-3(F) with the Fire Chief within thirty (30) days of the decision, interpretation, or order appealed from. Computation of the thirty (30) -day period shall begin on the fourth (4th) business day after deposit of the decision, interpretation, or order in question in the U.S. Mail, first-class postage prepaid, return-receipt requested, or, in the case of personal delivery, upon the first day after such delivery. The appeal shall state with specificity the objection(s) to the action of the Fire Official appealed from, a factual basis for the Fire Chief to find in the Appellant's favor on the provisions of Section 4-5-3 (F)2a or Section 4-5-3 (F) 2b appealed from, the relief sought, and shall be accompanied by legible copies of all documentation the Appellant relies on to support his or her appeal. The burden is on the Appellant to provide sufficient information to enable the Fire Chief to determine the merits of the relief sought. The Fire Chief shall decide the appeal on the written evidence submitted within a reasonable time, having due regard for the public interest and the complexity of the issues. The decision shall be in writing, shall contain specific findings to support the

decision made, and shall advise the Appellant of his or her right to appeal the decision to the Circuit Court.

- 2) The Fire Chief shall grant the appeal or modify the decision, interpretation, or order appealed from only upon finding that:
 - a) That the facility or structure is not subject to the Ordinance; or
 - b) That the systems, methods, or devices proposed by the Appellant are of superior quality, strength, fire resistance, effectiveness, durability and safety over those prescribed by the applicable Codes adopted by the City.
- 3) If the appeal is from denial of an extension of compliance time, the Fire Chief shall grant the appeal only upon a finding that the Appellant as acted with due diligence, and that if further time is given, compliance will be achieved during the period of extension.

4-5-3-4: PENALTY FOR VIOLATIONS:

Except for the penalties specifically relating to the automatic sprinkler installation schedule as set forth in Section 4-5-3(D), any person found to have violated any provision of the *2003 International Fire Code* or the *2003 National Fire Protection Association 101, Life Safety Code* as adopted by the City, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of any approved plan or direction of the Fire Official or of any permit or certificate issued by the Fire Official or his designee, shall be guilty of an offense, punishable as follows:

(A) 1) The fine for a first violation is \$75.00 (seventy-five and no/100 dollars).

2) The fine for a second violation is \$200.00 (two hundred and no/100 dollars).

3) The fine for a third or subsequent violation is \$375.00 (three hundred seventy-five and no/100 dollars).

(B) Each day a provision of this chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in subsection (A) of this section.

(C) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation.

4-5-4: APPEALS:

108.0: Delete.

108.1: Appeals: Any person, firm or corporation affected by any decision, interpretation or order of the Fire Official made under any provision of these Codes or the standards adopted herein, may appeal such decision, interpretation, or order to the Fire Chief by filing a written notice of such intent to the office of the Fire Chief within fifteen (15) days after the day the decision, interpretation, or order was served. For purposes of this Section, a decision, interpretation, or order is served upon delivery, in the case of personal delivery, and in the case of mailing, five (5) days after deposit in the U.S. Mail with first-class postage prepaid. The Fire Chief, or his designee, shall convene a hearing upon such appeal within ten (10) days of receipt thereof and may, when no immediate hazard exists, continue such hearing from time to time for cause. The Fire Chief shall establish reasonable rules for such hearings and shall make a record of proceedings. The rules shall be on file with the Fire Chief's Office. The decision of the Fire Chief shall be deemed final as to the order or interpretation appealed from. The decision shall be in writing and shall be issued within two (2) business days of its rendering. Where there are practical difficulties in the implementation of the strict provisions of these Codes, the Fire Chief may modify such provision provided that such modification shall effect substantial conformance with the provisions hereof, provide for the public safety.

A person is "affected" for the purposes of an appeal pursuant to this Section when the person has a material or definitive interest in the decision, interpretation, or order of the Official. An application for appeal shall be based on a claim that the true intent of a Code adopted by the City or the rules legally adopted thereunder, have been incorrectly interpreted, or the provision of these Codes are adequately satisfied by other means.

Appeals from automatic sprinkler installation requirements shall be governed by Section 4-5-3(F).

4-5-5-6: SEVERABILITY: It is the intention of the City Council that the provisions of this Chapter and the Code adopted hereby are severable, and the invalidity of any Section or any portion of any such Section of any of them shall not affect any other Section.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: _____, 2005

Adopted: _____, 2005

Approved: _____, 2005

Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

Approved as to form:

Corporation Counsel