

Survey regarding Special Events and about HB21-1222

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Q1. How do jurisdictions handle "Special Events" as it relates to membrane structures, stages/platforms, electrical equipment or otherwise. We are going through the process of reviewing our procedures for these types of events and just wanted to see if there is a consensus among the jurisdictions on the front range.

Responses:

1. We plan review, permit, and inspect elements related to special events for live and environmental loads, life safety (means of egress/lighting), and code compliance (NEC /generators, etc.) We do this on a quick turnaround (1-2 days). FD is also involved in the approval for similar Fire code compliance checks.

2. The fire department has the authority to issue a "Special Events" permit for the temporary (180 days or less) use of a building that is not certified for that use, and for temporary membrane structures (regulated in the IFC).

The issuance of the FD permit may be contingent on checklist specific to that structure, event, etc. and often includes:

[01] acquire an electrical permit [building department] for the generators, lighting systems, etc.;

[02] acquire a commercial construction permit [building department] for the structural systems (we saw huge tents, including 2-story, when the DNC came to town);

[03] acquire Zoning, Transportation, Public Works, Excise and License, etc., permits depending on the nature of the use;

[04] acquire a permit for, and provide fire watch (separate FD permit);

[05] provide emergency lighting, fire alarm system, roof vents (these have been required in the past for the very elaborate haunted houses in nonsprinklered buildings);

[06] restrictions on materials such as fabrics required to be treated with fire-retardant, NO HAY, etc. are often imposed;

[07] restrictions on HazMat.

Once whatever checklist is complete, the Special Events permit is issued for specified dates along with an inspection regimen.

Buildings including membrane structures used for more than 180 days are required to be certified for that occupancy [building department].

3. The IBC addresses this adequately in Section 3103. It considers the fact that the "frequency" variable of "risk" (frequency x severity = risk) is very low with the 180 day limitation. Section 3103.1.1 is key as it requires a performance based assessment entirely dependent upon how the structures will be used. There is no prescriptive criteria aside from wall location and a 100' travel distance maximum. The remainder is subjective and requires a risk management approach to determine what specific dangers are present and what life safety elements are needed to reasonably mitigate them. It is a very uncomfortable place for most code officials that normally rely on the defined prescriptive solutions of a new construction code.

As to the specific examples cited in the question, membrane structures are prescriptively addressed in 3102. The biggest issue I have encountered is evaluation of the fire retardancy of membrane after multiple uses and whether it requires retreatment and recertification. Fire propagation on

interior finishes is one of the three main risk elements for mass casualties in large public occupancies. The second issue is identification of egress paths and exit doors. Emergency lighting and exit signage is key to way finding. These emergency lighting and exit sign units are typically internal battery back-up. If the special event uses an interrupted power source such as a generator, the lights and signs will turn on during the off-power times and will entirely drain the battery pack. So some form of policy must be developed to ensure capability for full functionality when the event starts. One also needs to understand how the exit doors are configured. They need to look like real exits (not curtain covered) and allow full unobstructed egress. Some temporary tents have solid thresholds at the doors that frequently are raised too high due to site irregularities. This has significant tripping and obstruction issues. So providing a leveled sand base (wrapped and restrained with something like landscape fabric) with secured plywood or other solid surface on top for both door approach sides is critical to free passage. Consider also requiring certified crowd managers for the events.

Stages and platforms need to be assessed for risk. Ignition potential of underside concealed space must be assessed. Particularly for wiring methods and mitigation of arc-fault ignition potential. It is best to keep the electrical away from the underside. Also, assessment of adjacent fuel sources. NEVER allow cooking or open flame in a temporary membrane structure that has assembly level occupant loads! I always advocate separate and remote cooking tents. And no Sterno under the hotel pans for the service area. Use an alternate means to keep the food warm. Curtains used for the stage need the same flame propagation treatment assessment that was conducted for the tent membrane. Access up and down needs to be solid and secured against displacement.

There is no one solution for these situations. Each needs to be individually assessed and thought through carefully.

4. Being a municipality that is truly dependent upon tourism, and having events occur on a very regular basis, we have what is referred to as the ERC – Event Review Committee. This committee has representation from the economic development dept., the police dept., the fire prevention dept., planning, public works, building and the town clerk’s office. They meet weekly to discuss and plan for every specific event. Temporary structures and electrical infrastructure are required to be permitted and reviewed by the fire prevention dept. and the building dept. assists on an as needed basis (i.e.: larger events, engineered structures, etc.).
5. Typically we follow CHAPTER 31 SPECIAL CONSTRUCTION and the Fire Departments requirements
6. A building permit is required for the following:
 - Membrane structures (permit documents include completed application, site plan, third party inspection approval which would be deferred, life safety analysis, and electrical connection information)
 - Permanent stages/ platforms (permit documents include completed application, site plan if the structure is outdoors, framing plan which will be determined by the plan reviewer if an engineer stamp is required)
 - New or replacement electrical equipment (may require stamped plans, but that will be determined based on the submittal).

7. We typically require permits for these temporary special events which would include details and inspections for electrical and stages (for accessibility) and if membrane having Fire review
8. We have an amphitheater of sorts that already has electric. Anyone can rent the facility out. I do not believe there is a fee yet. The "rental" is more or less an application and Certificate of Liability insurance produced. If they do not have a COI then they have to sign an affidavit releasing the Town from liability. We have a new Rec person so I'm sure this policy will change in the near future.
9. special events require a land-use/zoning review and permit.
Tent policy:
Tents and Membrane structures having an area greater than or equal to 400 sf shall not be erected, operated or maintained for any purpose without obtaining a permit and approval from the Building Department and from the Fire Code Official.
Same for stages and platforms.
MEP equipment associated with an event requires permits and inspections from the building department and in cases such as Smoke/carbon monoxide detectors, commercial range hoods, egress/occupant load, etc... a fire official inspection also.
10. Fire Department\ IFC- Temporary Use Permit through Zoning

Q2. How is your jurisdiction building division and Planning/Zoning dealing with the attached state legislation - see attached HB21-1222- which apparently requires local jurisdictions to allow any size child care/day care in single family homes without having to follow any building or fire codes. The IBC does have an exception to E occupancies to allow a facility of 5 or fewer to be put into an IRC home.

Responses:

1. We have language in the amended Building Code Section IBC 308.5.5 that allows a *Family Child Care Home* to comply with the provisions of the International Residential Code. We made this amendment specifically to align with State criteria during the 2018/2019 code adoption cycle. As such, the state legislation has a neutral impact on our current practices, specific to plan review, permitting, and inspections.
2. Out of sight... I hate to say it, but if we are not made aware of these occupancies, we have nothing to do with them and the State now tells us so. To be honest, we are not aware of a single residential daycare within our town limits. We are 100% sure that they exist, but have no way of knowing where.
3. After meeting with and discussing this with the State of Colorado, we agreed to allow the state to take complete control of the permitting process of family child care homes. Planning follows the state requirements and large family day care homes on the same block require 500 feet of separation.
"Family Child Care Home," is defined at section 26-6-102(13), C.R.S Types of family child care homes are further detailed at section 7.707, "Rules Regulating Family Child Care Homes".

Residential structures that are licensed by the State of Colorado and meet DEPARTMENT OF HUMAN SERVICES Social Services Rules CHILD CARE FACILITY LICENSING 12 CCR 2509-8 for 7.707.22 Types of Family Child Care Homes, are exempt from a permit, Residential structures

that do not meet 12 CCR 2509-8 for (7.707.22 Types of Family Child Care Homes All Family Child Care Home licenses) will be classified as an I-4 or as per IBC section 308.5

508.5.3 Family Child Care Homes (1—6 children) complying with Colorado State Statutes **12 CCR 2509-8 for 7.707.22 Types of Family Child Care Homes, are exempt from a permit**

508.5.4 Large Family Child Care Homes (7—12 children) complying with **12 CCR 2509-8 for 7.707.22 Types of Family Child Care Homes, are exempt from a permit**

4. We have not come across this scenario yet. In the future, I would be presenting these conflicting codes to the City Attorney's Office and asking for guidance. Hopefully the State Department of Public Health provides reasonable limitations on the number of day care occupants permitted in a residence.
5. we are in process of having our Attorney Office review in regards to both zoning regulations and building code regulations.
6. Didn't know about the new HB regarding child care. I will have to analyze that one myself.
7. Unknown at this time.
8. ??

Q3. If you had a child care/day care for children under 2 1/2 years old how would you classify this - as an E occupancy?

Responses:

1. A Family Child Care Home is a Residential Code defined term in our amended code, and the provisions related to occupancy are based on the age and number of children. In addition, IRC Appendix AM (as amended) provides provisions for home care. [Link to 2022 Denver Codes](#). See IRC definitions, and IRC Appendix AM, and other sections referencing "Child Care Home.
2. Under the 2021 IBC, it is not an E because the children would have to be over 2.5 years of age. 305.2 specifically states more than 5 children older than 2.5 years of age. That then makes us look at I occupancies. I-4 is defined as structures occupied by more than 5 persons of any age who receive custodial care for fewer than 24 hours a day. However, 308.5.1 then states a childcare facility that provides care for more than 5 but not more than 100 children 2.5 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these childcare rooms has an exit door directly to the exterior, shall be classified as group E. So that said only under that set of parameters would that be a group E otherwise it is Group I-4
3. Classify in accordance with IBC 308.5.1 thru 308.5.4. Could be an E, could be an R-3, could be an ___ - it "depends"... :-)

4. Day Cares that meet state requirements for a family child care homes are exempt from permit as per the State of Colorado's request are exempt from a permit, commercial properties will be considered an I-4 as per IBC 308.5 or an E occupancy as per IBC 308.5.1
308.5.1 Classification as Group E. A child day care facility that provides care for more than five but not more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
5. Per 2015 IBC (current code adopted in Lafayette) 308.6.1, an occupancy between 6 and 100 children under 2-1/2 years old would be classified as an E occupancy. Over 100 would be classified as an I-4 (2015 IBC 308.6). 5 or less would not constitute a change to the existing occupancy (2015 IBC 308.6.3).
6. I would classify this as an E occupancy.
7. Yes under section 208.5.1 of the 2021 IBC. if the egress requirements are in compliance.
8. I-4