



Bennett-Watkins Fire Rescue

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"Striving to Preserve Life and Property"

Bennett-Watkins Fire Rescue - Fire Code Appeals Process

Appeals Process Overview:

Bennett-Watkins Fire Rescue (BWFR) has an established process for all fire code appeal requests within the District's jurisdiction. These processes have been established pursuant to International Fire Code:

§109.1 Board of appeals established:

"In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official."

Appeals are heard by a corresponding Fire Code Board of Appeals depending on the jurisdictional governing body:

Jurisdictional Governing Body	Corresponding Fire Code Board of Appeals
Unincorporated Arapahoe County	Regional Fire Code Board of Appeals
Unincorporated Adams County	Adams County Board of Fire Code Appeals
Town of Bennett	Adams County Board of Fire Code Appeals

Important Considerations Before Filing An Appeal:

The International Fire Code establishes important guidelines related to the authority of the Fire Code Board of Appeals:

International Fire Code §109.2 Limitations on authority.

"An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code."

Regardless of the jurisdiction, the Board cannot waive fire code requirements. Rather, it can only hear matters pertaining to:

- The applicability of the provisions of the fire code;
- Interpretations of the fire code by employees of the Fire District; and equivalent methods of protection or safety proposed by the appellant.

Also, please note the following guidelines related to the appeals process:

- The Fire District's Board of Directors does not hear complaints related to or rule on fire code matters.
- The Board of County Commissioners and the Town of Bennett Board of Trustees does not hear complaints related to or rule on fire code matters.
- Process or District procedural concerns or complaints should be directed to the District's Fire Marshal. In the event the concern involves the Fire Marshal, inquiries should be directed to the Fire Chief.

Anyone has the right to submit a formal appeal, but before considering such action, customers should attempt to resolve disputes through persistent communications with the Fire District. Ensure that all internal decision-making processes have been exhausted, including a final interpretation from the Fire Marshal. Remember, once an appeal is brought before the Board, all decisions are final and can only be overturned by a court of law.

About Each Fire Code Board of Appeals:

ADAMS COUNTY BOARD OF FIRE CODE APPEALS

The function of the five-member Board of Fire Code Appeals is to interpret the provisions of the International Fire Code in instances where it is alleged that the code has been incorrectly interpreted, provisions of the code do not fully apply, or an equivalent method of protection or safety is proposed. Members must be qualified by experience and training to pass on matters pertaining to hazards of fire, explosion, hazardous conditions, or fire protection systems.

REGIONAL FIRE CODE BOARD OF APPEALS

The Regional Fire Code Board of Appeals serves as the fire code appeals process for several Fire Districts, cities, and unincorporated areas within Arapahoe and Douglas Counties. The Board consists of 5 members who are qualified to hear matters pertaining to the hazards of fire, explosions, hazardous conditions or fire protection systems and are not an employee of any Fire District served by the Board. Qualifications of Board members include a design professional, fire protection engineering professional, industrial safety professional, general contractor, and general industry/business representative.

Appeals Application Process:

To request an appeal, the following information must be submitted to the Fire District. The Fire District will then forward the appeal application to the associated Board of Appeals for processing on behalf of the applicant:

- Application fee of \$75. *(Fee covers all administrative costs associated with processing and filing the appeal the appropriate Jurisdictional Governing Body)*
- A completed application provided by the Fire District. *(If the applicant is not the property owner, a letter of authorization from the property owner shall be included.)*
- Ten (10) copies of the appropriate plans, reports and other necessary documents to clearly explain the purpose and basis of the appeal along with any other pertinent points in issue in the matter. *(Documents must be submitted in paper form. Additional information may be required by the Fire District.)*
- Electronic copies of the appropriate plans, reports and other necessary documents to clearly explain the purpose and basis of the appeal along with any other pertinent points in issue in the matter sent to Submittals@BennettFireRescue.org

Appeals will be heard in a formal public hearing at a location provided by the Fire District. All decisions will be in writing and become public record, except for proprietary information protected by Colorado law. All decisions will be applicable to each Fire District served by the Board unless local regulations are more restrictive.

Board members are prohibited from communicating with applicants regarding matters of appeal, so please refrain from contacting the Board prior to the public hearing.