

ORDINANCE NO. 789

AN ORDINANCE ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS THERETO, THE 2012 INTERNATIONAL FIRE CODE.

WHEREAS, international fire code standards have been developed and from time to time amended and updated, as set forth in the international code series; and

WHEREAS, it is deemed to be in the interest of the public health, safety and general welfare to adopt by reference thereto said international codes with any amendments tailored to accommodate particular circumstances and requirements of the City; and

WHEREAS, the City Council, after proper notice as required by law, has held a public hearing on this ordinance providing for the adoption of said codes; and

WHEREAS, the international fire codes and amendments thereto have been submitted to the City Council in writing and the City Council has determined that the international fire code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Section 18-70 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 18-70. Adoption of code and standards.

Pursuant to Title 31, Article 15, Part 2, C.R.S., and subject to the amendments set forth herein, the *International Fire Code*, 2006 2012 Edition, published by the International Code Council, Inc., ~~5203 Leesberg Pike, Suite 600, Falls Church, Virginia, 22041~~ 4051 West Flossmore Road, Country Club Hills, IL 60478, is hereby adopted by reference thereto and incorporated into and made a part of this Code. The purpose and subject matter of the *International Fire Code* include minimum standards relating to the storage, handling and use of hazardous substances, materials and devices, and providing greater safety and protection to the public from conditions hazardous to life or property in the occupancy of buildings or premises. Except as otherwise provided herein, the *International Fire Code* is adopted in full, including the outline of contents and index. Provisions in the appendices shall not apply unless specifically adopted. ~~and appendix.~~ In case of conflict between the *International Fire Code* and any other specific provision of the Dacono Municipal Code, the specific provisions of the Dacono Municipal Code shall prevail. Any reference to the *Fire Code* within this Article shall be to the 2006 2012 Edition of the *International Fire Code*.

Section 2. Section 18-71 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 18-71. Department of fire prevention.

The code and standards adopted herein shall be enforced by the Mountain View Fire Protection District which shall serve as the department of fire prevention of the City. Organizational structure and duties of the department of fire prevention, if any, shall be as provided by the District's bylaws.

Section 3. Section 18-72 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted are ~~stricken through~~; words to be added are underlined):

Sec. 18-72. Definitions.

Administrator means the City Administrator of the City of Dacono.

Board or Board of Directors means the Board of Directors of the Mountain View Fire Protection District.

Chief or Chief of the Bureau of Fire Prevention means the Chief of the Mountain View Fire Protection District, or a designated member of the district.

City Council means the members of the Council of the City of Dacono.

Department of Fire Prevention means either the entire department or those employees (paid or volunteers) designated by the chief to assist the chief in the administration and enforcement of the provisions of this code.

District or Fire District means the Mountain View Fire Protection District.

Fire Department means the Mountain View Fire Protection District.

International Building Code means the ~~2006~~2012 Edition of the International Building Code as adopted with amendments and as incorporated into Article 3 of this chapter.

International Electrical Code means the Electrical Code as adopted and as incorporated into Article 3 of this chapter.

Jurisdiction, as used in the adopted code and standards, is meant to be inclusive of the territorial boundaries of the City of Dacono as they now or may hereafter exist.

Section 4. Section 18-73 of the Dacono Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 18-73. Amendments.

The *2012 International Fire Code* is amended and changed in the following respects:

(1) Subsection 101.1 is amended to read as follows: 101.1 Title. These Regulations shall be known as the Fire Code of the City of Dacono, hereinafter referred to as “this code”.

(2) Subsection 102.5 is amended by the addition of an Exception, to Item 1 only, to read as follows:

EXCEPTION: Dwelling unit fire sprinkler systems, or portions thereof, installed in accordance with Section P2904 of the *2012 International Residential Code®* do not require a permit. Nevertheless, dwelling unit fire sprinkler systems, or portions thereof, installed in accordance with NFPA 13D require a permit pursuant to Section 105.7.1 of this code.

(3) Subsection 102.7 is amended to read as follows: 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be the most recent edition of those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

(4) Subsection 103.4 Liability, is amended by the addition of the following sentence at the end of the section: “Nothing herein shall be construed as a waiver of any immunity provided by Section 24-10-101, et seq., C.R.S. or by other statutes, or by the common law.”

(5) Subsection 105.4.1 is amended to read as follows: 105.4.1 Submittals. Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional when said documents are submitted in support of an application for a construction permit. When requested, qualification statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with the professional qualifications defined in Section 202.

(6) Subsection 105.6 Operation Permits is amended by deletion of Sections 105.6.11, 105.6.15, 105.6.17, 105.6.23, 105.6.38 as published.

(7) Subsection 105.6.30 shall be amended by the addition of the following sentence: “No such permit shall be required where burning is regulated pursuant to regulations promulgated under Section 25-7-123, C.R.S., and regulated by the Boulder/Weld County Health Departments or municipal authorities.”

(8) Subsection 105.7.6 is amended to read as follows: 105.7.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment, including emergency alarm systems and smoke control systems. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(9) Subsection 105.7.17, Explosion control, is added to read as follows: 105.7.17 Explosion control. A construction permit is required to install or modify explosion control provided as required in Section 911.

(10) Subsection 108.1 is repealed in its entirety and reenacted to read as follows:

108.1 Appeals Procedure – General. Any person, firm or corporation aggrieved by any application, interpretation or order made by Fire District personnel, pursuant to any provision of this code, may file, within five (5) days, a written notice of appeal with the Fire District requesting a hearing before the Fire Chief. All appeals must be made in writing to the Fire Chief at the District’s Administrative Office, 3561 North Stagecoach Road, Longmont, Colorado, 80504. The Fire Chief shall establish reasonable rules for such appeal and shall make a record of all proceedings. The decision of the Fire Chief shall be considered a final administrative decision.

Section 108.1.1 Appeals Procedure – Administrative Decisions. To determine the suitability of alternative materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be, and is hereby created, a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex officio member of said board of appeals but shall have no vote on any matter before the board. The board of appeals shall be appointed by the Board of Directors and shall hold

office at its pleasure. The board of appeals shall adopt reasonable 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 chief. All appeals of the fire chief's decision shall be made in writing, within five (5) days of the date of the Fire Chief's decision, to the Board of Directors by delivery to the District Fire Chief or his representative at the District's Administrative Office, 3561 North Stagecoach Road, Longmont, Colorado, 80504.

(11) Subsection 109.4 is amended to read as follows: 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS or by imprisonment not exceeding ONE (1) YEAR, or both such fine and imprisonment. Each day during which such violation continues, shall be deemed a separate offense.

(12) Subsection 111.4 is amended to read as follows: 111.4 Failure to comply. Any person who shall continue 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, shall be liable to a fine and/or imprisonment up to the maximum specified in Section 32-1-1001 and 1002, C.R.S. Each day in which such violation occurs shall constitute a separate violation pursuant to Section 32-1002(3)(d) C.R.S.

(13) Subsection 113, Fees, is repealed in its entirety and reenacted to read as follows:

113.1 Fees. Fees for services pursuant to the provisions of this code shall be established from time to time by resolution of the Board of Directors pursuant to Section 32-1-1002(1)(j) C.R.S. Said fees and charges may include a charge for reimbursement to the Fire District of any consultation fees, expenses or costs incurred by the Fire District in the performance of inspection related services pursuant to provisions of this code.

113.2 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid; nor shall an amendment to a permit be released until additional fees, if any, has been paid.

113.3 Operational permit fee. An inspection fee may be charged for any operational permit required by Section 105.6. The inspection fee shall be

based upon the time required to conduct inspections authorized by Section 105.2.2 and associated activities, to determine compliance with this code and other applicable laws and ordinances as required by Section 105.2.4, and to issue the permit as specified in Section 105.3.7.

113.4 Construction permit fee. A fee may be charged for any construction permit required by Section 105.7 of this code. The construction permit fee is intended to cover the cost of inspections required or requested in connection with the work for which the permit is granted, and the associated costs of processing the application. An application shall include an estimate of the total value of the work, including materials and labor, for which the permit is being sought. If, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied, unless written estimates are provided in a form acceptable to the fire code official, and that support the valuation set forth in the application. Final construction permit valuation shall be set by the fire code official.

113.5 Other inspection fee. Fees for reinspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established may be charged.

113.6 Plan review fee. The plan review fee is intended to cover the significant costs and expenses incurred by the fire district in reviewing materials necessary to perform appropriate inspections of construction, uses, processes, and operations. The fee shall be assessed based on the reasonable, customary, and necessary time associated with reviewing or evaluating site plans; construction documents and calculations; changes, additions, or revisions to approved plans; construction documents resubmitted after the fire code official's issuing a statement explaining the reasons that a previous submittal does not conform to the requirements of this code. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged. The plan review fee required by this Section 113.6 is separate from the construction permit fee required by Section 113.4.

113.7 Unauthorized Work Inspection Fee. Any person or entity who commences any work before obtaining a construction permit required by Section 105.7 shall be subject to an inspection fee in an amount equal to the amount of the construction permit fee. The fee shall be separate from and in addition to a construction permit fee. Payment of the inspection fee shall not relieve any person from compliance with all other provisions of this code or from any penalty prescribed by law. The inspection fee shall be assessed regardless whether or not a construction permit is then or

subsequently issued.

EXCEPTION: When approved in writing by the fire code official, work may commence prior to obtaining a construction permit.

113.8 Related Fees. The payment of the fee for construction, uses, processes, or operations authorized by an operational permit or construction permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or required by Section 113.

(14) Subsection 905.2 is amended to read as follows: 905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Fire hose is not required for any class of standpipe system.

(15) Subsection 3103.5 is amended to read as follows: 3103.5 Use period. Temporary tents, air-supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 30 days within a 12-month period on a single premises.

(16) Subsection 5601.1.3 Fireworks, is amended by the deletion of exception number two (2) included therein.

(17) Subsection 5704.2.9.6.1 is amended to read as follows: 5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited as established by any ordinance adopted by the City Council.

(18) Subsection 5706.2.4.4 is amended to read as follows: 5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited as established by any ordinance or zoning regulation adopted by the City Council or Weld County.

(19) Subsection 5806.2 Location. The second paragraph is amended to read as follows: Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited as established by any ordinance or zoning regulation adopted by the City Council or Weld County.

(20) Subsection 6004.2.2.7 Treatment systems, is amended by the deletion of the exceptions.

(21) Subsection 6104.2 Maximum capacity within established limits (retaining the Exception as printed), is amended to read as follows: 6104.2 Maximum capacity within established limits. The limits, in which storage of

liquefied petroleum gas is restricted, are hereby established as follows: as addressed by an ordinance or zoning regulation adopted by Boulder/Weld Counties, or the municipalities of Dacono, Erie, or Mead. This section shall not be interpreted so as to be in conflict with the provisions of Section 8-20-101 et seq. and Section 34-64-101 et seq., C.R.S.

Section 5. A copy of the code adopted by reference by this ordinance is available for public inspection at the office of the City Clerk between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

Section 6. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.


Section 9. This ordinance is deemed necessary of the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property within the City of Dacono.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this 10th day of November, 2014.

PUBLIC HEARING AND SECOND READING WILL BE THE 8th day of December, 2014, AT 7:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.


READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 8th day of December, 2014.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

Attest:



Valerie Taylor, City Clerk

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Summary of Ordinance No. 789, " AN ORDINANCE ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS THERETO, THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FUEL GAS CODE, THE 2005 NATIONAL ELECTRIC CODE AND THE 2006 INTERNATIONAL FIRE CODE.": Adopts by reference the most recently updated versions of the health and safety codes used by the City to regulate the construction, use, occupancy, and fire prevention and suppression for structures within the City.