

## ORDINANCE NO. 1241

### AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2018 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, CERTAIN FIRE CODE STANDARDS, APPENDICES AND MODIFICATIONS THERETO

WHEREAS, the Town of Berthoud wishes to adopt an Ordinance adopting by reference the International Fire Code, 2018 Edition. It is intended that this Ordinance substantially implements within the municipal boundaries of Berthoud the Resolution adopting the Code which was enacted by the Berthoud Fire District Board of Directors; and

WHEREAS, the Town of Berthoud has complied with all requirements of Colorado statutes for adoption of a uniform code by reference, including but not limited to insuring availability of the printed code for public inspection with the Town Clerk, notice by publication as required by C.R.S. 31-16-203, and the holding of a properly noticed and advertised public hearing prior to adoption;

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Berthoud, Colorado as follows:

The Town of Berthoud hereby adopts the International Fire Code, 2012 Edition, and Fire Code Standards, subject to the following specific implementations and amendments:

#### ADOPTION AND ADMINISTRATION

**ADOPTION OF CODE:** Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes, the International Fire Code, 2018 Edition, including the following appendices: B, C, D, E, F, G, H, I, K & N (but specifically excluding Appendix A, J, L & M) are hereby adopted by reference, and further including National Fire Protection Association Standards listed in Chapter 80, referenced Standards, published by the International Code Council.

#### DEFINITIONS

Wherever the word "Town" is used, it shall mean the Town of Berthoud.

Wherever the word "Jurisdiction" is used in the adopted Code and Standards, it is meant to be Inclusive of the boundaries of the Town as they now or may hereafter exist.

Where the term "Chief" or "Chief of the Bureau of Fire Prevention" is used it shall mean the Chief of the Town or the Town Fire Marshal or designated member of the Town.

**Where the term "Bureau of Fire Prevention" is used, it shall be held to mean either the entire Department or those employees (paid or volunteers) designated by the Chief or Fire Marshal to carry out enforcement duties relating to the prevention of fires and the suppression of arson.**

Where the term "Board" is used, it shall mean the Board of Trustees of the Town. Where the term

"Code" is used, it shall mean the International Fire Code as adopted. Wherever the term

"International Building Code" is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the Larimer and Weld County Building Codes for unincorporated portions of such counties or the International Building Code as adopted, amended and incorporated into the applicable municipality's Building Code within a municipality's territorial limit.

## **ESTABLISHED LIMITS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GAS IS TO BE RESTRICTED**

The limits referred to in Section 6101 of the 2018 International Fire Code, in which the storage of liquified petroleum gas is restricted, are hereby established as follows;

As addressed by any ordinance or zoning regulation adopted by Larimer and Weld Counties or municipalities, which are more restrictive than Section 6101. This section shall not be interpreted so as to conflict with provisions of § 34-64-101 et seq. and § 34-64-101 et seq., CRS.

## **AMENDMENTS MADE IN AND TO THE INTERNATIONAL FIRE CODE**

### **CHAPTER 1 SCOPE AND ADMINISTRATION**

#### **SECTION 103 DEPARTMENT OF FIRE PREVENTION**

**Section 103.4** liability shall be amended by the addition of the following sentence; "Nothing herein shall be construed **as a** waiver of any immunity provided by § 24-10-101, et seq., CRS or any other statutes, or by the common law.

**Section 104 GENERAL AUTHORITY ON RESPONSIBILITY** shall be amended with the insertion of the following;

#### **Section 104.1.1 Inspection Fees and Charges**

(a) Pursuant to § 32-1-1002(1)(e)(II) CRS., the Board may fix from time to time and may increase and decrease fees and charges at its discretion, for inspections and review of plans and specifications which are:

(1) Requested or mandated for existing structures, buildings, and improvements; and

- (2) Necessitated in conjunction with county regulation, resolution or condition of Development; or
- (3) Performed in conjunction with construction of new structures, buildings, and improvements.

(b) Said fees and charges may, at the discretion of the Board, include a charge for reimbursement to the Town for any consultation fees, expenses or costs incurred by the Town in the performance of the inspections or review of plans and specifications.

Section 104.9 Alternative materials, design, and methods of construction and equipment shall be amended with the insertion of the following;

{a) The Chief or his designee may determine the suitability of alternative materials, Design, and method of construction and equipment to facilitate the review process.

In the event of disagreement, the Town's Board shall determine the suitability of alternative materials, methods of construction and equipment and provide reasonable

**interpretations of the provisions of this Code upon request of any interested party, including the Chief.**

(b) The Board, upon recommendation of the Chief or upon its own motion, may enter into written agreements for enforcement or compliance with the owner lessee, occupant or authorized agent thereof, of any property, building or structure, or any interested person directly affected by the application of this code. Said agreements may extend the time for compliance with this code, and may contain such terms and conditions that the Board deems appropriate to adequately protect life, health, property, security and welfare of the public.

**Section 105.6 is repealed and reenacted to read:**

**105.6 Required Operational Permits.**

**The fire code official *may* require and issue an operational permit(s) for the operations set forth in Sections 105.6.1 through 105.6.50**

**Section 105.6.32 shall be amended with the insertion of the following:**

**Open Burning. Permits are required for all open burning and other fire management practices from the respective counties of Boulder, Larimer, and Weld. The counties' Health Departments review all permit applications and either approve or deny them. Permits are forwarded to the Fire Chief or his designee for inspection of the site and final approval. Exception: This shall not apply to**

## **Agricultural Burning.**

**105.6.47 Temporary Membrane Structures and Tents.** This section shall be amended in the first paragraph with the insertion of the following:

**An operational permit and construction permit may be required and issued by the building or fire official to operate an air supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet. In exception 2.1 and 2.2, 700 square feet is replaced with 1000 square feet.**

**105.7 Required Construction Permits** shall be amended to read:

**All construction permits will be issued by the building official. The Town's Fire Prevention Bureau will be the approving authority for the following:**

- a. 105.7.1 Automatic fire-extinguishing systems
- b. 105.7.7 Fire alarm and detection systems and related equipment
- c. 105.7.8 Fire Pumps and related equipment
- d. 105.7.21 Solar photovoltaic powersystems
- e. 105.7.24 Standpipe systems

## **SECTION 109 BOARD OF APPEALS**

**Section 109.1, 109.2 and 109.3** are repealed and reenacted to read:

- a. The Town Board shall serve as its own Board of Appeals. The Board may form a subcommittee consisting of three members of the Board to hear appeals brought before it of any and all orders issued by the Chief or his designee. The Board, or such subcommittee acting on behalf of the Board, shall determine the suitability of any suggested alternate materials and methods and type of construction and provide reasonable interpretations of the provisions of this Code upon request of any interested party, including the Chief.
- b. The Board upon recommendation of the Chief or upon motion, may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or agent thereof, of any property, building or structure, or any interested person directly affected by the application of this Code. Said agreements may extend the time for compliance with this Code, and may contain such terms and conditions that the Board deems appropriate to adequately protect the life, health, property, security, and welfare of the public.

## **SECTION 110 VIOLATIONS**

**Section 110** is repealed and reenacted to read:

1. The Chief or his designee shall enforce this code and shall inspect or cause to be inspected all buildings, structures, property, premises, and public places, except the interior of any private dwelling, in accordance with the procedures set forth in §32-1-1002(3), C.R.S. All inspections shall be recorded.
2. A 'Notice" of Violation Hazard" may be issued by the Chief or his designee concerning violations of hazards which are not corrected on-site during an inspection. Said notice shall be signed by the inspector and contain, as a minimum, the following information:
  1. Date of Inspection;
  2. Name/Address of premise inspected;
  3. Nature of violation or hazard;
  4. Time limit for correction;
  5. Right to appeal, if any to the Board;
  6. Right to appeal to the Town Court and time limit;
  7. Penalties for violation or order;
  8. Signature of the Chief or his designee;
  9. Acknowledgement of receipt signed by owner, lessee, agent, or other responsible person. .
3. An "Order for Immediate Correction of Hazard" may be issued by the Chief:
  - a. For Failure to correct a violation hazard within the time specified in previously issued Notice of Violation Hazard; or
  - b. For violating the code or state statute and said violation renders the building, structure or premises especially liable to fire or is hazardous to the safety of the occupants thereof, or which is so situated as to endanger other property as set forth in §32-1-1002(3)(c), C.R.S., whether or not a Notice has been previously issued.
  - c. An order signed by the Chief or his/her designee shall contain, as a minimum the following information:
    1. Date of Issuance;
    2. Name/Address of premises inspected;
    3. Nature of violation or hazard;
    4. Time limit for correction;
    5. Right to Appeal, if any to the Board;
    6. Right to appeal to the Town Court and time limit;
    7. Penalties for violation or order;
    8. Signature of the Chief or his designee;
    9. Acknowledgement of receipt signed by owner, lessee, agent, or other responsible person.

An appeal of Notice of Violation of Hazard may be made to the Board by delivery to the Chief in writing, a notice of appeal within five days of the issuance for the Notice of Violation Hazard. The appeal shall be heard at the next regular meeting or special meeting called for that purpose. The Board may affirm, rescind, or modify the Notice and may enter into such enforcement agreements as it deems proper.

4. An appeal of an Order of Immediate Correction of a Hazard may be made of a previously issued Notice of Violation or Hazard concerning the same violation or hazard. An appeal of an order must be in writing and filed with the Board within three days of issuance of the order.
5. The Board shall hear all such appeals and application for relief and render its decision thereon in accordance with its bylaws, rules and regulations.
6. In the event no appeal is made to the Board pursuant to this code and resolution or to the court pursuant to §32-1-1002(3), C.R.S., and compliance with the Order and/or correction of the hazard has not occurred, the Board may, upon recommendation by the Chief or upon its own motion, refer the matter to the Town attorney of the county in which the violation occurs.
7. An appeal shall suspend the time limits for compliance or correction of a hazard or hazards, until the appeal is resolved for appeals of a Notice of Hazard which is issued pursuant to Section VIII, paragraph 3(a)(ii) herein. An appeal shall not suspend the time limit for compliance or correction of life safety deficiencies or violations. An appeal of an Order issued pursuant to Section VIII, paragraph 3(a)(ii) herein shall not suspend the time limits for compliance or correction, shall be made or rendered forthwith, unless the Order is suspended by the Board.

## **PENALTIES**

Any owner, lessee, agent or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard or any condition which impedes or prevents the egress of persons from such buildings or premises in violation of provisions of §32-1-1002(3), C.R.S., shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said subsection 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine of not less than \$50.00 or no more than \$250.00. Each day in which such violation occurs shall constitute a separate violation of §32-1-1002(3), C.R.S.

1. The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief.

## **CHAPTER3** **GENERAL REQUIREMENTS**

**SECTION 301.2 PERMITS** is repealed and reenacted to read:

**301.2 Permit.** Permits may be required as set forth in Section 105.6 for the activities or uses regulated by section 306, 307, 308, and 315.

**SECTION 308 OPEN FLAMES**, shall be amended with the insertion of:

**308.1.1.1, Sky-lanterns.** A "Sky Lantern", also known as Kongming Lantern or Chinese Lantern, is a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended. The lighting of, and release of, Sky Lanterns shall be prohibited.

## **CHAPTER 9**

### **FIRE PROTECTION SYSTEMS**

**Section 901.1** is repealed and reenacted to read:

**901.1 Scope.** The provisions of this chapter shall specify where fire protection and life safety systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted building code are in conflict, the more restrictive apply.

#### *Section 903*

##### **Automatic Sprinkler Systems**

Automatic sprinkler systems shall not be required in one and two-family dwellings including townhouses that meet the requirements of **APPENDIX B, FIRE-FLOW REQUIREMENTS FOR BUILDINGS, and APPENDIX D FIRE APPARATUS ACCESS ROADS**. All other one-and two-family dwellings shall have automatic sprinkler systems installed in accordance with NFPA 130.

## **CHAPTER 56**

### **EXPLOSIVES AND FIREWORKS**

**Chapter 56**, as it relates to Fireworks and Pyrotechnics Special Effects Materials, is deleted in its entirety and the applicable provisions of the Colorado State Statutes and Regulations, §12-28- 101 shall govern all fireworks sales, storage and use.

**Appendix C**(Fire Hydrant Locations and Distribution) is adopted solely as a reference guide and shall not be utilized to preclude development in the unincorporated areas of the Town which often lack sufficient water supplies and pressure to meet stated fire flow and hydrant spacing requirements.

### **VALIDITY AND CONFLICT**

The Town Board of Trustees hereby declares that should any section, paragraph, sentence or word of the of this resolution of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Trustees that it would have passed all other portions of this resolution independent of elimination here from of any such portion as may be declared invalid. It is further declared by the Board of Trustees that no provision of this resolution or the code or standards adopted herein be interpreted in conflict with existing State Law. In the event of a conflict between State law and this code, State Law shall take precedent.

### **ADDITIONAL CODE**

### **PROVISIONS BBQ AND CHARCOAL GRILL CODE**

Chapter 3, Section 308.1.4 of the International Fire Code, entitled Open-Flame Cooking Devices, shall govern the use of BBQ and Charcoal grills within the Town's boundaries. Pertinent provisions of the International Fire Code are summarized below and have been incorporated into this Resolution.

### **BBQ Grills**

#### **Exemption**

It should be noted that one and two-family dwellings are exempt from these requirements.

The use of propane, charcoal type grills, and other open flame cooking devices on combustible balconies and within 10 feet combustible construction shall be prohibited.

Propane grills are regulated in the size of propane tank that is allowed. Only the small 2.5- lb. propane bottle sizes are allowed. Traditional BBQ grill propane tanks are a 20-lb. bottle, which in most cases is not allowed in multi-family dwellings.

These restrictions apply unless:

1. Your balcony/patio is made of concrete, steel or other non-combustible material AND
2. The propane grill can be placed more than 10 feet away from combustible siding, decking, or other parts of the structure. OR
3. The balcony/patio is protected by an automatic fire sprinkler system.

### **Charcoal Grills**

Charcoal grills, Hibachis, and other open flame cooking appliances are not allowed. These

restrictions apply unless:

1. Your balcony/patio is made of concrete, steel, composite decking or other non-combustible material  
**AND**
2. The propane grill can be placed more than 10 feet away from combustible siding, decking, or other parts of the structure.  
**OR**
3. The balcony/patio is protected by an automatic fire sprinkler system.

### **FIRE LANE CODE**

Chapter 5, Section 503 of the International Fire Code, entitled Fire Apparatus Access Roads, shall govern the use of fire lanes within the Town's boundaries. Pertinent provisions of the International Fire Code are summarized below and have been incorporated into this Resolution. The following shall apply within the

Town and shall define designated locations of signage, and marking of, and enforcement of, fire lanes within the authority and jurisdiction of the Town in accordance with the International Fire Code and as approved by the Fire Code Official and/ or local town ordinances where applicable.

Fire lanes installed shall conform to the requirements of the International Fire Code, local town ordinances and shall be approved by the Fire Code Official and/or the Town of Berthoud prior to installation.

Fire Lanes shall be installed in accordance with the attached specifications. Roadways, driveways and access ways shall not be marked as fire lanes without first obtaining approval from the Town and/or the Town of Berthoud.

### **Signs and Markings**

- a. All fire lanes and access roads must be marked with signs indicating "No Parking Fire lane" as described in these specifications.
- b. Signs shall measure 12 X 18 inches and have red letters on white reflective background.
- c. Signs must be metal construction only. Plastic or wood signs are not acceptable.
- d. Signs shall be mounted at a minimum height of four feet to the maximum of seven feet.
- e. Signs shall be placed on both sides of the lane when striping is required on sides of the lane by the International Fire Code.
- f. Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the fire code official.
- g. Outlining or painting the fire lane on the roadway surfaces shall be done in yellow, red, or white with contrasting letters that read "FIRE LANE" at 50' intervals and/or as specified in this document or otherwise directed by the Fire Code Official and Town of Berthoud.
- h. Existing fire lanes shall continue in effect as installed until such times as they are in need of re-striping due to wear or re-paving.

### **FIREWORKS CODE**

Chapter 56, Section 5601.1.3 of the International Fire Code, entitled Fireworks, shall not govern the possession, manufacture, storage, sale, handling or use of fireworks within the Town's boundaries. Instead, regulation of fireworks shall occur in accordance with the applicable provisions of Colorado state statutes and regulations, i.e., §12-28-101, et seq., CRS and any applicable municipal ordinance or county resolution/ordinance, shall govern all fireworks, their sale, storage, and use.

### **HAZARDOUS MATERIALS CODE**

**CHAPTER SO**, Section 5001 of the International Fire Code, entitled Hazardous Materials, shall not govern the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials within the Town's boundaries. Instead, regulation of hazardous materials shall occur in accordance with the following provisions.

#### **Definitions**

- a. Hazardous Materials: means those materials listed in Tables 1 and 2 of Title 49, Code of Federal Regulations, 172.04 (49 CFR 172.504), excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (1), excluding ores, and the wastes and tailing therefrom, and excluding special fireworks when the aggregate amount of flash powder does not exceed fifty pounds.

#### **Intent**

Federal Rules for protection of public health, safety, and welfare arising from the transport of hazardous materials are capable of posing an unreasonable risk of health, safety, or property require compliance with Title 49 Code of Federal Regulations parts 101-173, 177 and 178; and Colorado Revised Statutes Title 42, Article 20 known as the Hazardous Materials Transportation Act of 1987 designate the Colorado State Patrol as the Authority Having Jurisdiction (AHJ) over hazardous materials on public roadways; and

Colorado Revised Statutes Title 42, Article 20, Section 103 defines a petitioning process for local government to create a new hazardous materials route or amend an existing route designation.

For purposes of protecting public health, the Town hereby adopts the aforementioned Federal and State regulations as the standard by which commercial and private drivers will be measured for compliance with the transportation of hazardous materials within boundaries of the Town.

#### **Transport Routes**

Motor vehicles carrying hazardous materials must be operated over the safest and most direct route to and from the organization and/or destination point. Such routes shall not pass through residential areas unless there is no practicable alternative. All vehicles shall comply with local truck routing and weight limitations and restrictions.

#### **Exemption**

This code shall not apply to farm machinery which is exempted from Colorado Revised Statute 42-3-102 or agricultural distribution equipment attached to or conveyed by farm machinery.

#### **Reporting Incidents**

Incidents involving hazardous materials are to be reported to the Town by the transporter by telephone using 911 or any other effective means.

## **Transporters**

Transporters of hazardous materials shall not permit or cause to be permitted the discharge of such materials into or upon any street, highway, sanitary sewer, drainage canal, ditch, storm drain, or ground, including private property except when such discharge is expressively permitted by the property owner and is otherwise legal.

## **Routes**

The Town hereby adopts the routes as established by the Colorado State Patrol, Hazardous Materials section as the recommended permissible means of transport for hazardous materials.

## **OPEN FLAME /OPEN BURNING CODE**

Chapter 3, Section 307 of the International Fire Code, entitled Open Burning, Recreational Fires and Portable Outdoor Fire Places, the Town shall govern open flames within the Town's boundaries in accordance with the 2018 International Fire Code conditions set forth by the Department of Environmental Health and based on the authority of the Colorado Air Quality Act, 1979.

## **Definitions**

1. Open Fires shall mean: any open burning, including camp and cooking fires; or welding, or operating an acetylene torch or other torch with open flame. Open Fires shall not include:
  - a. Fire in camp stoves or grills fueled by bottled gas or pressurized liquid as specifically designed for cooking or heating purposes.
  - b. Fires in permanently constructed stationary masonry or metal fireplaces specifically designed for the purpose of combustion.
  - c. Fires in commercially operated wood and/or charcoal fired grills designed for cooking.

When smoking within an enclosed vehicle or building, butts and stubs must be disposed of within an approved trash receptacle or within the vehicle.

## **WEEDS, TALL GRASS, TRASH & GARBAGE CODE**

**Chapter 3, Sections 304.1.1 and 304.1.2 of the International Fire Code, entitled Waste Material and Vegetation, shall govern the regulation of combustible material within the Town.**

Permanent provisions of the International Fire Code are summarized below and have been Incorporated into this Resolution.

Weeds, tall grass, vegetation, vines and vegetation growth that is capable of being ignited and endangering property are prohibited. This is based on the adoption of the International Fire Code and the conditions below.

## **Definitions**

a. Weeds: "weeds" shall include any non-grass type vegetation of which is over eight inches tall in height, other than that part of a vegetable, crop, flower garden, or landscaping that is regarded as a nuisance or potential light flashy fuel fire hazard. The International Wildland Urban Interface Code, 2018 Edition, Appendices A, B & D shall be used as a reference.

b. Grass: "grass" shall include any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats, and barley.

## VALIDITY AND CONFLICT

The District Board of Trustees hereby declares that should any section, paragraph, sentence or word of this Ordinance of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Trustees that it would have passed all other portions of this Ordinance independent of elimination here from of any such portion as may be declared invalid. It is further declaration of the Board of Trustees that no provision of this Ordinance or the code or standards adopted herein be interpreted in conflict with existing State Law, and this code, State Law shall take precedent.

## DATE OF EFFECT

The Board of Trustees finds that the provisions of this ordinance are necessary to the immediate health, welfare, and safety of the residents of the Town of Berthoud, and all provisions of this Ordinance shall take effect immediately upon its passage.

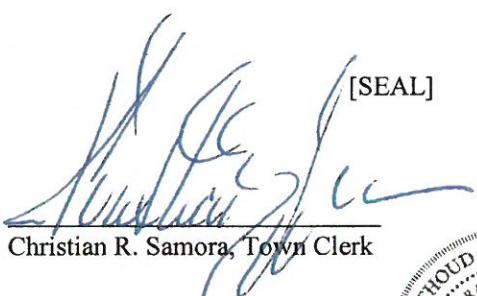
APPROVED, AND ADOPTED this 10<sup>th</sup> day of July, 2018.

TOWN OF BERTHOUD

[SEAL]

  
William Karspeck, Mayor

ATTEST:

  
Christian R. Samora, Town Clerk

