

AMENDED ORDINANCE O-2005-33

AN ORDINANCE ADOPTING A FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF DURANGO, ADOPTING BY REFERENCE THE "2003 EDITION OF THE INTERNATIONAL FIRE CODE" PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango is authorized to adopt uniform codes by reference pursuant to C.R.S., §31-16-201, *et. seq.*; and

WHEREAS, the City of Durango contracts with the Durango Fire & Rescue Authority for the provision of fire protection and emergency services; and

WHEREAS, it is the desire of the City to adopt the 2003 Edition of the International Fire Code, in order to provide more updated and comprehensive regulations pertaining to fire protection and the handling and storage of hazardous materials; and

WHEREAS, public hearing has heretofore been held before the City Council of the City of Durango pursuant to notice duly published; and

WHEREAS, the Council has determined, subsequent to said public hearing, that the best interests of the public would be served through the adoption of the 2003 Edition of the International Fire Code.

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 8-46 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 8-46. Adopted.

Pursuant to C.R.S., §31-16-201, *et. seq.*, there is hereby adopted, for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life of property in the occupancy of buildings and premises within the City, the International Fire Code, 2003 Edition, including Appendix Chapters B, C and D, and reference Appendices E, F and G, as published by International Code Council, Inc.

One (1) copy of such Code is on file in the office of the City Clerk and one (1) copy is on file at the office of the Fire Prevention Division of the Durango Fire & Rescue Authority. Such copies may be inspected during regular business hours.

Section 2. That Section 8-47 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 8-47. Amendments.

The following amendments to the International Fire Code adopted in §8-46 are hereby adopted:

- (a) All references to “name of jurisdiction” shall mean and refer to the City of Durango.
- (b) All references to the “fire code official” shall mean and refer to the Chief of the Durango Fire & Rescue Authority, and all references to the “department of fire prevention” shall mean and refer to the Durango Fire & Rescue Authority.
- (c) All references to the *International Existing Building Code* are deleted.
- (d) Section 105.6 is amended to read as follows:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in §105.6.2 (Amusement buildings), §105.6.4 (Carnivals and fairs), §105.6.15 (Explosives), §105.6.31 (Open burning), §105.6.37 (Pyrotechnic special effects material), and §105.6.44 (Temporary membrane structures, tents and canopies).

- (e) Section 105.7 is amended to read as follows:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in §105.7.1 (Automatic fire-extinguishing systems, §105.7.3 (Fire alarm and detection systems and related equipment), and §105.7.4 (Fire pumps and related equipment).

- (f) Section 108 is amended, in its entirety, to read as follows:

108 Board of Appeals. Appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code shall be heard by the uniform building and fire code board of appeals created pursuant to §12-2 of Chapter 27 of the Code of Ordinances of the City of Durango.

- (g) Section 109.3 is amended to read as follows:

109.3 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 the provisions of this code shall subject to the penalty provisions set forth within §1-16 of the Code of Ordinances of the City of Durango.

- (h) Section 111.4 is amended to read as follows:

111.4 Failure to comply. The continuation of any work by any person 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 constitute a violation of this code and shall subject such person to the penalty provisions set forth within §1-16 of the Code of Ordinances of the City of Durango.

(i) Section 304.1.2 is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the Colorado State University Cooperative Extension Office Publication 6.302 – *Creating Wildfire-Defensible Zones*.

(j) Section 307.1 is amended to read as follows:

307.1 General. In general, open burning within the city limits is prohibited and, if allowed, must be permitted by the fire code official and maintained as stipulated within this section. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

(k) Section 307.2 is amended to read as follows:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with §105.6 prior to any open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(l) Sections 308.3.1 and 308.3.1.1 are deleted in their entirety.

(m) The definition of “fire apparatus access road” set forth in §502.1 is amended to read as follows:

“FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway. When providing access to individual residential homes, the term also applies to driveways if the driveway provides access to more than 3 homes, or if the driveway extends for more than 150 feet, in which event an approved turnaround area shall be required, as specified in §503.2.5.

(n) Section 503.1 is amended through the addition of a new §503.1.4, which reads as follows:

503.1.4 Temporary Fire Access. If not otherwise available or in place, a temporary fire access roadway shall be created and maintained prior to and during the construction of every facility, building or portion of a building. Such temporary fire access roadway shall be not less than 16 feet in width, shall be kept clear for access at all times, and shall be designed and able to withstand loads of not less than 60,000 pounds.

(o) Section 504.2 is amended to read as follows:

504.2 Maintenance of exterior doors and openings. Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have

been rendered nonfunctional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR IS BLOCKED. The sign shall consist of letters having a principal stroke of not less than ¼” in width and 2” in height on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. Exit an exit access doors shall comply with Chapter 10. Access doors for high-piled combustible storage shall comply with §2306.6.1.

(p) Section 508.5.4 is amended to read as follows:

508.5.4 Obstruction. Posts, fences, vehicles, growth, trash, storage, snow and other materials or objects shall not be placed, kept or allowed to remain near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(q) Section 510.1 is amended to read as follows:

510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs with lettering not less than ¼” in width and 2” in height on a contrasting background are required to identify fire protection equipment and equipment locations. Such signs shall be constructed of durable materials, permanently installed and readily visible.

(r) Section 605.3.1 is amended to read as follows:

605.3.1 Labeling. Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign, with lettering not less than ¼” in width and 2” in height on a contrasting background, stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panel board shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

(s) Section 901 is amended through the addition of a new section 901.2.2, which reads, in its entirety, as follows:

901.2.2 Plan Certification for Fire Alarm Systems and Occupant Notification. All fire alarm and occupant notification system plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire alarms.

(t) Section 901 is amended through the addition of a new section 901.2.3, which reads, in its entirety, as follows:

901.2.3 Plan Certification for Fire Sprinkler Systems. All fire sprinkler plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire alarms.

(u) Section 901 is amended through the addition of a new section 901.2.4, which reads, in its entirety, as follows:

901.2.4 Plan Certification for All Other Fire Protection Systems. Plan certification for all other fire protection systems will be accompanied by a certification of competence if determined necessary and requested by the fire code official, or his designee.

(v) Section 3301.1.3 is amended to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, other than toy caps, sparklers and smoke snakes, are prohibited.

Section 3. That Section 8-48 of Article IV of Chapter 8 of the Code of

Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 8-48. Establishment and duties of department of fire prevention.

(a) The fire code adopted in section 8-46 shall be enforced by the department of fire prevention within the Durango Fire & Rescue Authority, which shall be operated under the supervision of the Chief of the Authority, who, acting individually or through his designees, shall also serve as the fire code official.

(b) The fire code official may detail such members of the department of fire prevention as inspectors as shall from time to time be necessary.

(c) A report by the fire code official shall be made annually and transmitted to the city manager. It shall contain all proceedings under this article with such statistics as the fire code official may wish to include in the report. The fire code official shall also recommend any amendments to the fire code which, in his judgment, shall be necessary or desirable.

Section 4. That Section 8-49 of Article IV of Chapter 8 of the Code of

Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-49. Storage of explosives and blasting agents prohibited.

Notwithstanding any contrary provision within the International Fire Code adopted in section 8-46, the storage of explosives and blasting agents within the city is prohibited.

Section 5. That Section 8-50 of Article IV of Chapter 8 of the Code of

Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-50. Storage of flammable or combustible liquids in outside aboveground tanks.

(a) Notwithstanding any contrary provision within the International Fire Code adopted in section 8-46, the storage of flammable or combustible liquids, including but not limited to Class I liquids, Class II liquids and cryogenic fluids, in aboveground tanks within the city is prohibited; provided, however, limited aboveground storage of flammable and

combustible liquids may be allowed, by permit issued by the department of fire prevention and a use permit by the city of Durango, to those property owners meeting the following criteria:

~~(1) The aboveground storage tanks shall not exceed three hundred (300) gallons in capacity in stand type tanks and shall not exceed six hundred sixty (660) gallon capacity in self contained tanks approved by the department of fire prevention pursuant to the terms of the International Fire Code.~~

~~(2) Aboveground storage will only be permitted in these situations where the property owner utilizes combustible liquids for operation of equipment to maintain on-site facilities. No wholesale, retail or bulk storage facilities shall be allowed pursuant to this subsection.~~

Permits issued pursuant to this subsection shall be for a period of one (1) year and shall be renewable annually thereafter, subject to inspection to insure that the conditions required pursuant to this subsection continue to be met.

(b) The limits referred to within the International Fire Code adopted in section 8-46 in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as the city limits of Durango.

Section 6 That Section 8-51 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-51. Establishment of limits in which bulk storage of liquefied petroleum gas is restricted.

Notwithstanding any contrary provision within the International Fire Code adopted in section 8-46, the bulk storage of liquefied petroleum gas within the city is prohibited. The term “bulk storage” shall not exclude the use of liquefied petroleum gas tanks used to supply fuel to residential property. *Need to allow per permit from fire department and use permit from the City. (special use permit)*

Section 7 That Section 8-52 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-52. Modifications.

The fire code official shall have the power to modify any of the provisions of the International Fire Code adopted in section 8-46 upon application in writing by the owner of lessee, of his duly authorized agent, where there are practical difficulties which preclude carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the fire code official thereon shall be entered upon the records of the department of fire prevention and a signed copy shall be furnished to the applicant.

Section 8 That Section 8-53 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-53. Appeals.

Whenever the fire code official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire code official to the uniform building and fire code board of appeals referenced in §108 of the International Fire Code, as herein amended. Any such appeal must be filed within thirty (30) days of the decision being appealed.

Section 9 That Section 8-54 of Article IV of Chapter 8 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

8-54. New materials, processes or occupancies which may require permits.

The city manager and the fire code official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the International Fire Code adopted in section 8-46. The fire code official shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Section 10. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 11. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 12. The City Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published or posted, and make not less than one

(1) copy of the adopted Code available for inspection by the public during regular business hours.

Section 13. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF
DURANGO

Dale C. ...
Mayor



City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2005-33 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 6th day of December, 2005, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 11th day of December, 2005, prior to its final consideration by the City Council.

Amy Phillips
City Clerk

I further certify that Amended Ordinance No. O-2005-33 was duly adopted by the Durango City Council on the 20th day of December, 2005, and that in accordance with instructions received from the Durango City Council, said ordinance was published in full in the Durango Herald on the 25th day of December, 2005.

Amy Phillips
City Clerk