

SPONSORED BY TRUSTEE

TRUSTEE'S BILL

ORDINANCE NO.

NO. 08-07  
Series of 2008

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**TITLE: A BILL FOR AN ORDINANCE AMENDING SECTIONS 18-17 AND 18-18 OF THE TOWN OF HUDSON MUNICIPAL CODE AND ADDING A NEW SECTION 18-17.5 TO ADOPT BY REFERENCE THE INTERNATIONAL FIRE CODE, 2006 EDITION WITH APPENDIX CHAPTERS A, B, C, D, E, F AND G PROMULGATED BY THE INTERNATIONAL CODE COUNCIL WITH AMENDMENTS AND TO ESTABLISH PENALTIES FOR VIOLATIONS OF SUCH CODE**

WHEREAS, pursuant to C.R.S. § 31-16-201, *et seq.*, which sets forth the procedures for adopting code provisions by reference, the Board of Trustees desires to adopt the International Fire Code, 2006 Edition, with the amendments set forth below.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 18-17 is hereby repealed and reenacted to read as follows:

**Sec. 18 -17. 2006 International Fire Code adopted.**

The Town adopts by reference the following as a primary code: The International Fire Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20001, including Appendix Chapters A, B, C, D, E, F, G, with the amendments set forth in Section 18-17.5. The subject matter of the code concerns fire prevention standards and requirements, and fire-related standards for testing and materials. One (1) copy of the International Fire Code, 2006 Edition is now filed in the office of the Town Clerk and may be inspected during regular business hours.

Section 2. A new Section 18-17.5 is hereby added, which shall read as follows:

**Sec. 18-17.5. 2006 International Fire Code amendments.**

The 2006 International Fire Code, as adopted in Section 18-17 is modified and amended as follows:

CHAPTER 1  
ADMINISTRATION

SECTION 101 -GENERAL

Section 101.1 of the International Fire Code is amended to read:

101.1 Title. This Code shall be known as the Fire Code of the Town of Hudson, may be cited as such, and will be referred to herein as "this Code."

SECTION 102 - APPLICABILITY

Section 102.6 of the International Fire Code is amended to read:

102.6 Referenced codes and standards. The codes and standards referenced in this Code shall be those that are listed in Chapter 45 except that references to National Fire Protection Association standards shall refer to the most current edition of such standard and all references to the ICC Electrical Code shall mean the currently adopted electrical code by the Town. Such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where the differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply

Section 102 of the International Fire Code is amended by the addition of a new section to read:

102.10 Application of residential code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access, and water supplies. Construction permits for systems and equipment utilized in the interior or exterior of the structure shall also apply.
2. Administrative, operational, and maintenance provisions: All such provisions of this code shall apply.

References in this code to one- and two-family dwellings and townhouses shall apply to structures under the scope of the International Residential Code except as limited by this section.

## SECTION 104 - GENERAL AUTHORITY AND RESPONSIBILITIES

Section 104.11 of the International Fire Code is amended by the addition of new sections to read:

104.11.4 Controlling scene. During any emergency described in 104.11, including the investigation of the cause of such emergency, the Incident Commander or authorized representative shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.

04.11.5 Utilities. The Chief or any member of the Fire Department shall have the authority, in time of emergency, to order the disconnection of gas or electrical utilities to a building when deemed necessary for the public safety, without liability therefore.

104.11.6 Private water supply. The Chief or any member of the Fire Department shall have the authority, in time of emergency, to commandeer privately owned water supplies when deemed necessary for the public safety.

104.11.7 Evacuation. The Chief or any member of the Fire Department shall have the authority, in time of emergency, to order the evacuation of a building or structure when deemed necessary for the safety of occupants thereof, and it shall be unlawful for any person to refuse to evacuate upon such order, or to resist or obstruct the evacuation of other persons.

104.11.8 Disaster authority. The Chief or any member of the Fire Department shall have the authority during the period of a federal, state, or city emergency or disaster declaration to evacuate areas, control traffic or take other action, or take no action as necessary to deal with a situation when such action or inaction may save lives, prevent human suffering or mitigate property damage. An action or inaction is “effective” if it in any way contributes or can reasonably be thought to contribute to preserving lives or property or prevent human suffering.

## SECTION 105 — PERMITS

Section 105.6.30 of the International Fire Code is amended to read:

105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. No such permit shall be required for recreational fires and agricultural burns or where burning is regulated pursuant to regulations promulgated under C.R.S. § 25-7-123 and regulated by the

Weld County Department of Public Health and Environment.

Section 105.6.30 of the International Fire Code is amended by the addition of a new section to read:

105.6.30.1 Burn bans. All open fires may be prohibited when the Fire Chief deems necessary to reduce the danger of wildfires where the danger of forest or grass fires has been found to be high, based on competent evidence. For purposes of this paragraph competent evidence may include, but is not limited to, the use of the National Fire Danger Ruling System and any other similar indices or information.

Section 105 of the International Fire Code is amended by the addition of new sections to read

105.8 Permit fees. The fees for the permits, inspections, and services authorized by this code shall be assessed in accordance with the fee schedule adopted by resolution of the Town of Hudson's Board of Trustees.

105.8.1 Permits requiring plan reviews and/or inspections. Where the issuance of a permit requires a plan review or inspection or both, the applicable plan review and/or inspection fees pursuant to Section 105.9 will be assessed.

105.9 Plan review and inspection fees. The fees for plan review and inspections shall be as follows:

1. For plan reviews and inspections conducted by the Town or its designee . . . \$55.00 per hour with a minimum charge of 1 hour.
2. For the use of outside consultants for plan reviews or inspections . . . actual cost plus fifteen (15%).

105.9.1 Payment of plan review and/or inspection fees. Plan review fees shall be paid prior to permit issuance. Inspection fees shall be paid upon receipt of billing from the Town. No Certificate of Occupancy shall be issued until all outstanding fees have been paid.

**SECTION 108. BOARD OF APPEALS.**

Section 108 is replaced in its entirety as follows:

108.1 The Town of Hudson Board of Adjustment is hereby designated as the Board of Appeals and is authorized 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.

108.2 An application for appeal shall be based on a claim that the intent of the 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 have no authority to waive requirements of this code.

108.3 The Hudson Board of Adjustment acting as the Board of Appeals shall be assisted by a hired impartial consultant who is qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and shall not be an employee of the Town.

## SECTION 109. VIOLATIONS

Section 109.3 of the International Fire Code is amended to read:

109.3 Violation penalties. Violations shall be punishable as set forth in Section 18-18 of the Town of Hudson Municipal Code.

Section 111.4 of the International Fire Code is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work that a person is directed to perform to remove a violation or unsafe condition, shall be punished as set forth in Section 18-18 of the Town of Hudson Municipal Code.

## CHAPTER 2 DEFINITIONS

### SECTION 202 - GENERAL DEFINITIONS

Section 202 of the International Fire Code is amended by the addition of the following terms and their definitions:

**AGRICULTURAL BURN.** Open burning in the course of agricultural operations.

**FIRE DEPARTMENT.** The duly authorized fire protection organization with jurisdiction in the Town of Hudson.

**INCIDENT COMMANDER.** The individual designated with overall incident management responsibility on the scene of an emergency.

CHAPTER 5  
FIRE SERVICE FEATURES

SECTION 508— FIRE PROTECTION WATER SUPPLIES

Section 508.3 of the International Fire Code is amended to read:

508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and Facilities shall be determined in accordance with Appendix B.

Section 508.5 of the International Fire Code is amended to read:

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6 and Appendix C.

SECTION 511  
PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS

The International Fire Code is amended by the addition of a new section 511 to read:

511.1 General. Public safety radio amplification systems for the enhancement of emergency services communications within buildings shall be designed, installed and maintained in accordance with this section.

511.2 Where required. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

1. New buildings with a total building area greater than 50,000 square feet or building additions that cause the building to be greater than 50,000 square feet. For the purposes of this section, fire walls shall not be used to define separate buildings.
2. All new basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy classification.
3. Existing buildings meeting the criteria of Item #1 or #2 of this section undergoing alterations exceeding 50 percent (50%) of the aggregate area of the building.

Exception: One- and two-family dwellings and townhouses.

511.3 Design and installation standard. Public safety radio amplification systems shall be designed and installed in accordance with the criteria established by the fire code official based on the capabilities and communication features of emergency services.

511.4 Maintenance. Public safety radio amplification systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

## CHAPTER 9 FIRE PROTECTION SYSTEMS

### SECTION 903 - AUTOMATIC SPRINKLER SYSTEMS

Section 903.2.7 of the International Fire Code is amended to read:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Exception: One- and two-family dwellings unless otherwise required based upon fire flow, fire apparatus access or other life safety hazard as deemed by the fire code official.

## CHAPTER 32 CRYOGENIC FLUIDS

### SECTION 3204 - STORAGE

Section 3204.3.1.1 is hereby amended to read:

3204.3.1.1 Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

## CHAPTER 33 EXPLOSIVES AND FIREWORKS

### SECTION 3301 - GENERAL

Section 3301.1.3 is hereby amended to read:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless permitted by state law or local ordinance.

CHAPTER 34  
FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 3404 - STORAGE

Section 3404.2.9.5.1 is hereby amended to read:

3404.2.9.5.1 Locations of above-ground tanks. Above-ground tanks shall be located in accordance with this section.

SECTION 3406 – SPECIAL OPERATIONS.

Section 3406.2.4.4 is hereby repealed in its entirety.

CHAPTER 38  
LIQUEFIED PETROLEUM GASES

SECTION 3804 - LOCATION OF CONTAINERS

Section 3804.2 of the International Fire Code is amended by the addition of a new section to read:

3804.2.1 Storage and use of liquefied petroleum gas in residential areas for recreational uses. The storage and use of liquefied petroleum gas in residential areas for barbecues, recreational vehicles or other recreational uses shall be limited to portable containers of 10 gallon water capacity or less per dwelling unit. The total amount to be allowed in storage or use shall be limited to 20 gallons water capacity per dwelling unit.

APPENDIX C  
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C105 - DISTRIBUTION OF FIRE HYDRANTS

Section C105.1 of the International Fire Code is amended by the addition of a new section to read:

C105.1.1 low density residential. An individual analysis will be conducted for each subdivision where lots within the subdivision are equal or greater than 2 acres. Low density residential shall comply with the requirements for residential areas unless the Town approves an alternative. Alternatives shall be based upon individual analysis of the proposal submitted by the developer. Cisterns, dry hydrants and open water sources are not acceptable alternatives.

Section 3. Section 18-18 is hereby repealed and reenacted to read as follows:

**Sec. 18 -18. Fire Code violation; penalty.**

In addition to the penalty provisions contained in the International Fire Code, 2006 Edition, any person that violates any of the provisions of the International Fire Code, 2006 Edition, as adopted by reference by the Town shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day in which such a violation occurs or continues shall constitute a separate violation.

Section 4. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
Neal Pontius, Mayor

ATTEST:

\_\_\_\_\_  
Judith A. McGill, Town Clerk Pro Tem

PASSED ON SECOND AND FINAL READING this \_\_\_\_\_ day of \_\_\_\_\_, 2008, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
Neal Pontius, Mayor

ATTEST:

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Judith A. McGill, Town Clerk Pro Tem

APPROVED AS TO FORM:

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Corey Y. Hoffmann, Town Attorney