CHAPTER 18  Fire Protection and Explosives

ARTICLE I - In General

ARTICLE II - Fire Prevention Code

ARTICLE III - Clear Creek Fire Authority

ARTICLE IV - Blasting and Use of Explosives

ARTICLE I  In General

Sec. 18-1. Interference with equipment or devices prohibited.

It is unlawful for any person to interfere with any fire alarm, telegraph wire, fire alarm box or other fire alarm device or appliance of whatsoever kind or nature, or to remove any support therefrom or disconnect any wires therefrom.

(Ord. 8 §1, 2006)

Sec. 18-2. Fire hydrant standards.

Fire hydrant standards for the City shall be established by the Public Works Department in cooperation with the Clear Creek Fire Authority.

(Ord. 8 §1, 2006)

Sec. 18-3—18-10. Reserved.

ARTICLE II  Fire Prevention Code

Sec. 18-11. Adoption of code.

Sec. 18-12. Amendments to the International Fire Code.

Sec. 18-13. Enforcement agency.

Sec. 18-14. Appeals.

Sec. 18-15. Penalties for violations of code.

Sec. 18-16—18-20. Reserved.
Sec. 18-11.  Adoption of code.

The International Fire Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 45 inclusive and Appendices B and C, is hereby adopted by reference as if set out verbatim in this Article, subject to the deletions and amendments herein specified.

(Ord. 4 §3, 2009)

Sec. 18-12.  Amendments to the International Fire Code.

The following amendments to the 2006 Edition of the International Fire Code ("IFC") are hereby adopted:

(1) A new IFC subsection 102.10 is hereby enacted to read as follows:

"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.

"3. References in this Code to Group R-3 or U occupancies or 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."

(2) IFC Subsection 508.3 is hereby amended as follows:

"508.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method."

(3) IFC Subsection 508.5 is hereby amended to read as follows:

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

(4) A new IFC Section 511 is hereby enacted to read as follows:

"SECTION 511
"PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS

"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% 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.

(5) IFC Subsection 907.3.1.7 is hereby amended to read as follows:

"907.3.1.7 Group R-2. A manual and automatic fire alarm system shall be installed in existing Group R-2 occupancies more than three stories in height or with more than 16 dwelling units or sleeping units.

"Exceptions:

"1. (no change)

"2. (no change)

"3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1023.6, Exception 4."

(6) IFC Subsection 3204.3.1.1 is hereby amended by the addition and deletion of words to read as follows:

"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."

(7) IFC Subsection 3301.1.3 is hereby amended to read as follows:

"3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

"Exceptions:

"1. The use of fireworks for display as allowed in Section 3308."

(8) IFC Subsection 3404.2.9.5.1 is hereby amended to read as follows:

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

(9) IFC Subsection 3406.2.4.4 is hereby deleted in its entirety.

(10) IFC Subsection 3804.2 is hereby deleted in its entirety.

(Ord. 4 §4, 2009)
Sec. 18-13. Enforcement agency.

(A) The Fire Code shall be enforced by the Clear Creek Fire Authority.

(B) The "Fire Code Official" referenced throughout the Fire Code shall be the person or persons appointed to act as such by the Board of Directors of the Clear Creek Fire Authority.

(C) Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one (1) code official or agency is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of a law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(Ord. 8 §1, 2006)

Sec. 18-14. Appeals.

(A) Appeals of orders, decisions or determinations made by the Fire Code Official relative to the application and interpretation of the Fire Code adopted by this Chapter shall be heard and decided upon by the City Council.

(B) An application for appeal shall be based on a claim that the true intent of the Fire Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed. An application for an appeal must be made to the City Council within ten (10) days of the Fire Code Official's decision being appealed. A written request must be submitted to the City Council, and the appeal shall be scheduled before the City Council at its next regular meeting.

(C) The City Council must render a decision on every application within thirty (30) days after its first meeting at which the appeal was presented.

(Ord. 8 §1, 2006; Ord. 4 §5, 2009)

Sec. 18-15. Penalties for violations of code.

(A) Any person who violates any of the provisions of the Fire Code as adopted and amended herein or fails to comply therewith, who violates or fails to comply with any order made thereunder, who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the required time, shall be subject to the penalties set forth in Section 1-8 of this Code.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(C) Any person, firm or corporation who commences to erect, construct, enlarge, alter or change the use of any building or other structure within the City without first obtaining all permits required by the Fire Code shall, in addition to all other applicable penalties, be liable for two (2) times the applicable permit fee for any such required permit(s).

(Ord. 8 §1, 2006; Ord. 4 §6, 2009)
ARTICLE III Clear Creek Fire Authority

Sec. 18-21. Clear Creek Fire Authority.

In order to maximize public fire-fighting capabilities and the delivery of emergency services on a regional basis, the City has entered into an intergovernmental agreement creating the Clear Creek Fire Authority. Pursuant to the Clear Creek Fire Authority intergovernmental agreement, the Clear Creek Fire Authority shall have and exercise all those powers and functions as vested in a fire protection district under Sections 32-1-1001 and 32-1-1002, C.R.S., as amended, and as limited by the intergovernmental agreement, and shall exercise such powers and functions within the City.

(Ord. 8 §1, 2006)

Sec. 18-22. Delegation of authority to enforce fire codes and conduct inspections; fees.

Consistent with and subject to the Clear Creek Fire Authority intergovernmental agreement as referenced in Section 18-21 above, the Clear Creek Fire Authority is hereby delegated the authority and power to enforce all fire codes and fire safety regulations within the City, to undertake and conduct fire code and fire safety inspections and to set, charge and collect reasonable fees with respect thereto.

(Ord. 8 §1, 2006)

ARTICLE IV Blasting and Use of Explosives

Sec. 18-31. In general.
Sec. 18-32. Definitions.
Sec. 18-33. Permit required.
Sec. 18-34. Qualifications for permits.
Sec. 18-35. Blasting operations.
Sec. 18-36. Notification prior to blasting operations.
Sec. 18-37. Blasting plan.
Sec. 18-38. Manufacture and storage of explosives prohibited.
Sec. 18-39. Corrective measures.
Sec. 18-40. Revocation of permit.
Sec. 18-41. Violation and penalties.
Sec. 18-31. In general.

(A) The storage and use of explosives within the City shall be governed by this Article. It is unlawful for any person to store or use explosives, to conduct blasting operations or to display fireworks within the City except in compliance with this Article.

(B) Blasting operations, the transportation, storage and use of explosives and the display of fireworks shall be conducted in conformity with this Article, and in conformity with applicable regulations set forth in the Fire Code as adopted from time to time by the City, except to the extent that such regulations are modified, either expressly or by necessary implication, by the provisions of this Article.

(C) The person appointed to oversee the Public Works Department shall administer and enforce the provisions of this Article on behalf of the City. Said person shall notify the Police Department and the Clear Creek County Fire Authority of all administration and enforcement activities.

(Ord. 8 §1, 2006; Ord. 2 §1, 2008)

Sec. 18-32. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Blasting operations. The use of explosives within the City.

Blasting permit. A permit issued by the City pursuant to this Article.

Blasting plan. The plan, and any amendments thereto, for conducting blasting operations, as approved by the City pursuant to this Article.

Explosives shall be construed to include the term explosive materials, and both of said terms shall have the meanings provided for them in the Fire Code, as adopted from time to time by the City.

Fireworks and fireworks display shall have the meanings provided for them in the Fire Code, as adopted from time to time by the City.

(Ord. 8 §1, 2006; Ord. 2 §2, 2008)

Sec. 18-33. Permit required.

A blasting permit issued by the City shall be required for the use of any explosives within the City. In order to obtain a permit, the applicant must meet all of the requirements of this Article and all other applicable local, state or federal laws, ordinances, rules and regulations. A blasting permit is personal to the individual to whom it is issued and may not be assigned.

(Ord. 8 §1, 2006)

Sec. 18-34. Qualifications for permits.

(A) In order to obtain a blasting permit, the applicant must:
(1) Have a current explosives permit issued by the Colorado Department of Employment and Training pursuant to Section 9-7-101 et seq., C.R.S., as amended.

(2) Provide proof of required workers' compensation insurance.

(3) Provide a corporate surety bond in the principal sum of five hundred thousand dollars ($500,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of damages to persons or property which arise from or are caused by the blasting operations of a permit holder, and to indemnify the City against any and all damages arising from permitted blasting.

(4) Provide evidence that the applicant is otherwise qualified to use explosives and is state-certified in surface blasting operations.

(5) Submit the fee, as set forth in the City's fee schedule, upon submission of the application.

(B) The City may specify a greater or lesser amount for the bond required in Subsection (A) above when conditions at the location of use indicate that a greater or lesser amount is required.

(Ord. 8 §1, 2006)

Sec. 18-35. Blasting operations.

(A) Blasting and drilling operations shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except holidays, unless the approved blasting plan provides for blasting at other times.

(B) Explosives shall be handled only by the permittee.

(C) No person shall be on the property for which a blasting permit is issued or where explosive materials are being handled or stored while under the influence of alcohol, intoxicants, narcotics or other DEA-controlled substances during blasting operations.

(D) No person shall smoke tobacco or any other substance within fifty (50) feet of any explosive material or have in his or her possession any matches, lighters or other spark-producing materials during blasting operations.

(E) No open flames shall be allowed on the property for which a blasting permit is issued during blasting operations.

(F) Only nonelectric initiation systems with twenty-five-ms delay intervals may be used. Electric detonators or blasting caps are allowed only for the initiation of the blast.

(G) Prior to firing a blast, the permittee shall make certain that surplus explosive materials are in a safe place, that all persons and vehicles are at a safe distance or under sufficient cover and that an adequate warning signal has been given.

(H) The permittee shall remove all debris, blasting caps and other materials related to the blasting operations from the site prior to leaving the site each day of blasting operations.

(I) When blasting is done in a congested area or in close proximity to a structure, railway, highway or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

(J) Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least twenty-four (24) hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notice. In an emergency situation, the time limit shall not apply when approved by the City.

(K) During the time that holes are being loaded or are loaded with explosive materials, blasting agents or detonators, only authorized persons engaged in drilling and loading operations or otherwise authorized
to enter the site shall be allowed at the blast site. The blast site shall be guarded or barricaded and posted. Blast site security shall be maintained until after the post-blast inspection has been completed.

(L) After the blast, the following procedures shall be observed:

(1) No person shall return to the blast area until allowed to do so by the blaster in charge.

(2) The blaster shall allow sufficient time for smoke and fumes to dissipate and for dust to settle before returning to or approaching the blast area.

(3) The blaster shall inspect the entire blast site for misfires before allowing other personnel to return to the blast area.

(Ord. 8 §1, 2006)

Sec. 18-36. Notification prior to blasting operations.

The permittee shall notify the Public Works Department, the Clear Creek Fire Authority and the Chief of Police at least forty-eight (48) hours prior to any blasting operations. The permittee shall again notify the Public Works Department not more than sixty (60) nor less than thirty (30) minutes prior to any ignition of an explosive.

(Ord. 8 §1, 2006)

Sec. 18-37. Blasting plan.

The permittee must submit, as part of the permit application, a detailed plan of the proposed blasting operations. All blasting operations shall be conducted in strict accordance with the approved blasting plan. Any changes to the planned blasting operations must be submitted as an amendment to the blasting plan and approved by the City prior to conducting any blasting operation. The plan shall include:

(1) A map of one (1) to twenty (20) scale with north arrow, depicting the property for which a blasting permit is sought; the work area relative to any structures and underground or overhead improvements; the location and duration of storage of any explosive materials to be used in the blast before, during and after each blast; the spacing, depth and diameter of boreholes; the area to be cleared of vehicles and persons immediately prior to and during any blast; and any other information required by applicable law, rule or regulation or which the City determines is reasonably necessary to protect the public health, safety or welfare.

(2) A description of the maximum amount of explosives per day; the type of explosive product used; the method of ignition of the explosive; the loud warning signal to be sounded prior to each blast; the manner of locating and detonating any misfires; the manner in which qualified emergency and utility personnel are to be put on notice and called to respond in the event of any emergency; the manner of clearing the site after blasting operations, including returning the site to its original condition; and any other information required by applicable law, rule or regulation or which the City determines is reasonably necessary to protect the public health, safety or welfare.

(Ord. 8 §1, 2006)

Sec. 18-38. Manufacture and storage of explosives prohibited.

Explosives shall not be manufactured or stored anywhere within the City. Explosives may not be anywhere other than at locations approved in writing by the City, except that explosives may be stored at the location of blasting operations in accordance with the terms of an approved blasting plan.
CHAPTER 18 Fire Protection and Explosives

(Ord. 8 §1, 2006)

Sec. 18-39. Corrective measures.

(A) Upon discovery of any deficiency in the performance by a permittee of his or her obligations hereunder, the City may:

(1) In the event of an emergency, do everything necessary to cure the deficiency, particularly where hazards exist due to the failure of the permittee to restore or maintain the site in accordance with the provisions and conditions of the permit or approved blasting plan.

(2) In the event of a nonemergency, give written notice to the permittee of the nature and location of such deficiency, including a reasonable time not less than twenty-one (21) calendar days within which the permittee must cure the same. Such period of time may be extended by the City upon application for good cause shown. In the event of failure of the permittee to perform the required work within the time provided, the City may, but shall have no obligation to, cure the deficiency.

(B) The City may recover from the permittee any and all costs of work performed by it pursuant to this Section, including the cost of labor, equipment, materials and administrative costs. The City may apply any deposit, bond, letter of credit, insurance payment or other security in its possession to payment of such costs.

(Ord. 8 §1, 2006)

Sec. 18-40. Revocation of permit.

The City may revoke any permit issued pursuant to this Article if the permittee is found to have violated any of the provisions listed above, or in any of the following circumstances:

(1) The permittee violates any of the provisions of the ordinances of the City governing the activities authorized by the permit or an approved blasting plan;

(2) The permittee obtains a permit or blasting plan approval by fraud or misrepresentation;

(3) The permittee fails to maintain the required insurance, bond or other guarantee of performance during the operations authorized by the permit; or

(4) Revocation is otherwise necessary to maintain the public health, safety or welfare.

The City shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may appeal such revocation to the City Council.

(Ord. 8 §1, 2006)

Sec. 18-41. Violation and penalties.

In addition to any other penalties authorized by this Code, the City is authorized to enforce this Article by injunction, including both the enjoining of contemplated acts or omissions in violation of the terms of a permit or approved blasting plan, and mandatory injunction to require the removal of excavation or fill accomplished without or in violation of the terms of a permit or approved blasting plan. In any such action, the City shall be awarded its costs of suit, including attorneys' fees.

(Ord. 8 §1, 2006)
Sec. 18-42.  Fireworks display permit.

(A) A fireworks display permit issued by the City shall be required for the display of fireworks within the City. In order to obtain a permit, the applicant must meet all of the requirements of this Article and all other applicable local, state or federal laws, ordinances, rules and regulations, including but not limited to the Fire Code as adopted from time to time by the City; Article 28, Title 12 of the Colorado Revised Statutes, entitled Fireworks; the requirements of the National Fire Protection Association, NFPA 1124, 1988 edition, Code for the Manufacture, Transportation, and Storage of Fireworks and NFPA 1123, 1990 edition, Standard for Public Display of Fireworks; and the rules and regulations of the Colorado Department of Public Safety, Division of Fire Safety, concerning the transportation, storage and display of fireworks, as each of these may be amended from time to time.

(B) An application for a fireworks display permit shall be submitted to the City Clerk at least twenty (20) days prior to the start of any permitted activities and shall include the following:

1. A completed application for a fireworks display permit on a form provided by the City, which shall include a provision by which the applicant agrees to indemnify the City against all claims on account of injury, loss or damage that arise out of or are related to the fireworks display which is the subject of the permit.

2. A current fireworks display permit issued by the Colorado Department of Public Safety pursuant to Section 12-28-101, et seq., C.R.S., along with all materials submitted along with the application for such permit.

3. Proof of required workers’ compensation insurance, if applicable.

4. A corporate surety bond in the principal sum of five hundred thousand dollars ($500,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of damages to persons or property that arise from or are caused by the fireworks display of a permit holder, and to indemnify the City against any and all damages related to the permitted fireworks display.

5. The fee, as set forth in the City's fee schedule.

(C) The City Council may grant a permit for supervised public displays of fireworks to any civic or nonprofit organization or group upon receipt of a complete, written application.

(D) Fireworks display permits shall not be transferable or assignable.

(Ord. 2 §3, 2008)

Sec. 18-43—18-50.  Reserved.