

**RESOLUTION
BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT**

A RESOLUTION ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS.

WHEREAS, the Evans Fire Protection District ("***District***") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. 32-1-101, *et seq.* ("***Special District Act***") to provide fire suppression, fire prevention, rescue, hazardous materials, ambulance and emergency medical services, directly or through third-party providers;

WHEREAS, the District's jurisdiction lies entirely within the City of Evans, Colorado ("***City***");

WHEREAS, the Special District Act authorizes the District's Board of Directors ("***Board***") to adopt and enforce a fire code within the District's jurisdiction; provided, however, that a fire code adopted by the District Board can only be enforced within the City if it is first approved by the City Council ("***City Council***");

WHEREAS, the District Board desires to adopt the 2012 edition of the International Fire Code, with the amendments specifically identified in the *Local Amendments to the 2012 International Fire Code* attached to this Resolution as Appendix A (collectively the "***2012 IFC With Local Amendments***") and incorporated in its entirety herein by this reference; and,

WHEREAS, in accordance with the Special District Act, the Board intends to submit the 2012 IFC with Local Amendments to the Evans City Council for approval.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EVANS FIRE PROTECTION DISTRICT:

1. The 2012 Edition of the International Fire Code, including Appendices B through J thereto, published by the International Code Council, with the amendments specifically identified in the Local Amendments to the 2012 International Fire Code attached to this Resolution as Appendix A, is hereby adopted as the District's Fire Code for all portions of the District's jurisdiction, subject to the following conditions:

a. The 2012 IFC With Local Amendments shall be promptly submitted to the City Council for approval; and,

b. The 2012 IFC With Local Amendments shall not apply until the City Council adopts an ordinance stating the 2012 IFC with Local Amendments applies within the City's jurisdiction ("***Effective Date***").

2. On and after the Effective Date, the 2012 IFC with Local Amendments shall be administered and enforced by the District's Fire Chief, and his/her authorized representative(s), as required and provided for in the Special District Act, and any other applicable Federal, State or local laws, rules, and ordinances, or common law.

3. For the purpose of enforcing the 2012 IFC With Local Amendments on and after the Effective Date, the District's Fire Marshal, if any, is an authorized representative of the Fire Chief. This paragraph 3, shall not limit the designation of additional authorized representatives if the Fire Chief deems it necessary for the effective enforcement of the 2012 IFC with Local Amendments.

4. Nothing contained in this Resolution shall be construed as modifying or limiting in any manner the powers, duties and responsibilities of the District, and the District's Fire Chief or his/her authorized representative(s), set for in the Special District Act, or as otherwise provided by statutory or common law.

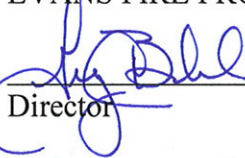
5. The Fire Code currently in force in the District's jurisdiction and previously adopted by the City Council shall remain in full force and effect until the Effective Date of the 2012 IFC with Local Amendments.

6. The 2012 IFC With Local Amendments shall be interpreted in conformance with all Federal, State and local laws and ordinances, including but not limited to the Special District Act.

7. If any provision of this Resolution or attached Appendix A is for any reason held to be invalid, that invalidity shall not affect the validity of the remaining provisions of this Resolution and the attached Appendix A. The Board expressly declares it would have adopted this Resolution and the attached Appendix A even if a provision contained in either this Resolution or the attached Appendix A is declared invalid.

ADOPTED this 26th day of November, 2012.

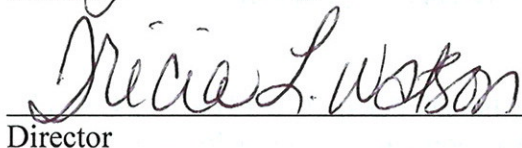
BOARD OF DIRECTORS
EVANS FIRE PROTECTION DISTRICT



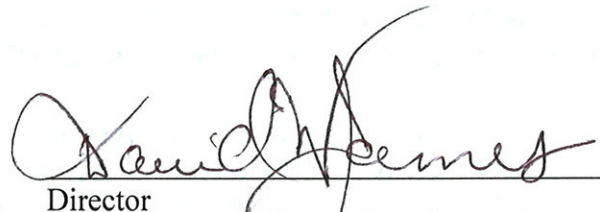
Director




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Director



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Director

APPENDIX A

LOCAL AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE

1. Local Amendments. The 2012 Edition of the International Fire Code and its Appendices ("IFC") are amended as follows:

IFC Sec. 105 is amended to read:

Sec. 105.6 Required operational permits.

The fire code official is authorized to issue permits for the operations set forth in Sections 105.6.4, 105.6.14, 105.6.30 and 105.6.43.

105.6.4. Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.6.14. Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primer for personal use, not for resale and in accordance with Section 5606.

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 in accordance with Section 307. Instructions and stipulations of the permit shall be adhered to.

105.6.43. Temporary membrane structures, tents, and canopies. An operational permit is required to operate an air-supported temporary structure or tent having an area in excess of 400 square feet, or a canopy of over 400 square feet in accordance.

Exceptions: 1. Tents used exclusively for recreational camping purposes,

2. Tents open on all sides, which comply with all the following: (2.1) Individual tents having a maximum of 700 square feet; (2.2)The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet; and, (2.3) A minimum clearance of 12 feet to structures and other tents shall be provided.

IFC Sec. 108 is amended to read:

Sec. 108 Board of Appeals.

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretations of this code, there shall be and is hereby created a Fire Board of Appeals. The Fire Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The City of Evens Zoning Board of Appeals as established in Chapter 19.58 of the Evans Municipal Code shall serve as the Fire Board of Appeals.

IFC Sec. 307 is amended to read.

Sec. 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces.

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The burning of trash, debris and refuse shall be prohibited.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a recreational fire. 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.

307.2.1 Authorization. The permit is for compliance with fire safety and control alone, and is not a permit to violate any existing state or local laws, rules, regulations, or ordinances regarding fire, zoning, building, or air quality and pollution standards. The owner is responsible for obtaining any additional permits and/or clearances from any appropriate local or state agency or other official prior to beginning the burn, including but not limited to any prior approval from the state or local air and water quality management authority.

307.4.1 Bonfires. Bonfires are prohibited.

307.5 Attendance. Open burning, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

IFC Sec.501.4 is amended to read:

Sec. 501.4 Timing of Installation.

When fire protection, including fire apparatus access roads and water supplies for fire protection are required to be installed for any new building construction or remodel above the footing and foundation, such access and egress roads, streets, or driveways shall have been constructed and maintained with an all-weather surface capable of supporting the weight of a fully equipped fire apparatus, street signs shall be in place and any required water supply shall be fully functional, before any building permit will be issued. The Fire Code Official may require the installation of fire protection features described above where unusual hazards exist due to the location and type of construction or hazard to adjacent properties and buildings.

Exception: When alternate methods of protection, as approved, are provided, the requirements of Section 501.4 may be modified or waived by the Fire Chief.

IFC Sec.902 Definition of nuisance alarm is amended to read:

Sec. 902 Nuisance Alarms

An alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined. No person shall allow any home, school, business, or any building that has a fire alarm system to have more than 3 nuisance alarms in one year.

IFC Section 5301.3 is added to read:

Sec. 5301.3 Maximum Capacity of CNG

The storage of compressed natural gas (CNG) shall be prohibited in areas zoned R as defined by the City of Evans. Within the limits established by law restricting the storage of CNG for the protection of heavily populated or congested commercial area, the aggregate capacity of any one installation shall not exceed 500 gallons water capacity (70,000 cubic feet). The aggregate capacity for any one installation for the use as a wholesale or retail bulk storage plant shall not exceed 500 gallons water capacity.

IFC Sec. 5601.1.a is added to read:

Sec. 5601.1a. Prohibited and Limited Acts

a. Prohibited explosives: The storage of explosives and blasting agents is prohibited, except for temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale, retail stocks and small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less

than 20 pounds of explosive material. A valid permit in accordance with Section 105.6.14 is required.

IFC Sec. 5704.2 is added to read:

Sec. 5704.2.a. Storage

a. Prohibited Locations: Any new bulk plants for the storage or manufacture of flammable or combustible liquids are prohibited within any areas within the City of Evans zoned solely or primarily for residential occupancies or for mercantile establishments primarily retail in character. The zoning designation of the City of Evans zoning ordinance shall govern as to the zoning characteristics of such area.

Exceptions: 1. Legal Nonconforming. Bulk storage tanks legally installed and in use as of April 19, 1983, may be continued in use, provided that such tanks are located and installed in accordance with the latest adopted edition of the International Fire Code and provided further, that other applicable provisions of this code and the City of Evans Code of Ordinances are complied with.

2. Variance. Upon payment of a variance fee, review and recommendation of the Board of Appeals, the Evans City Council may grant a variance to the prohibitions in Section 3406 of the International Fire Code above for permits granted under Chapter 16.28, Oil and Gas Exploration and Development, for good cause, and if the Evans City Council finds that such variance will not create an undue safety hazard, nor will adversely affect surrounding property. All bulk storage authorized by the Evans City Council variance is subject to the construction, location and other applicable standards set forth in the latest adopted edition of the International Fire Code.

IFC Sec. 5404.2.9.2.1 is amended to read:

Sec. 3404.2.9.2.1 Additional Fire Protection.

When required by the Fire Chief and in accordance with Section 5404.2.9.2.1 of the International Fire Code, additional foam fire protection and/or deluge water systems shall be provided at the well head and/or tank battery locations.

15.48.200 IFC Sec.5704.2.9.5.a. is amended to read:

Sec. 5704.2.9.5.a. Location of Aboveground Tanks

1. General. Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited.

Exceptions: 1. Prohibited and Legal Nonconforming. Such storage shall be prohibited; provided, however, that any such aboveground tanks legally installed and in use as of April 19, 1983, may be continued in use, provided that such tanks are located and installed in accordance with the latest edition of the National Fire Protection Association Pamphlet Nos. 30 & 58 and provided further, that other applicable provisions of this code and the City of Evans Code of Ordinances are complied with.

2. Variance for Storage of flammable or combustible liquids in C, I, and P.U.D. zones. Upon payment of variance fee, review and recommendation of the Board of Appeals, the Evans City Council may grant a variance to the prohibitions in Section 5704 of the International Fire Code above for permits granted under Chapter 16.28, Oil and Gas Exploration and Development, and/or for aboveground storage in C, I, and P.U.D. zoning districts as defined by the City of Evans, for good cause, and if the Evans City Council finds that such variance will not create an undue safety hazard, nor will it adversely affect surrounding property. All aboveground storage authorized by Evans City Council variance is subject to the construction, location and other applicable standards set forth in the latest adopted edition of the International Fire Code.

IFC Sec. 5706.1.a. is added to read:

Sec. 5706.1.a. Construction sites:

The aboveground storage of Class I and II liquids shall be allowed on a temporary basis at construction sites for the purpose of refueling of construction equipment. A maximum of 1,100 gallons will be allowed at the site and shall have secondary containment. Gravity feed tanks will not be allowed for refueling equipment.

IFC Sec. 5706.3 is amended to read:

Sec. 5706.3 Well drilling and operating.

Wells for oil and natural gas within the City of Evans shall be drilled and operated in accordance with City of Evans Municipal Code Chapter 16.28; OIL AND GAS EXPLORATION AND DEVELOPMENT.

IFC Sec.5706.6.5 is added to read:

Sec. 5706.6.5 Tank Vehicle Routes.

1. General. No person shall operate a tank vehicle on or cause a tank vehicle to be operated on any street, highway, alley, avenue, boulevard or other public way or place within the City of Evans, Colorado, other than upon the streets and avenues shown on the tank vehicle route map adopted at subsection B of this section, or other than upon streets and avenues leading as directly as

possible between a bulk plant and a point on a street or avenue shown on such map or between a retail service station and a point on a street or avenue shown on such map.

2. Routes Defined. The tank vehicle route map is adopted by resolution by the Evans City Council and is under separate cover on file in the City Clerk's office, City of Evans, Colorado 80620.

IFC Sec. 5804.3 is added to read:

Sec. 5804.3 Maximum Capacity (LPG) Within Established Limits.

The storage of liquefied petroleum gas shall be prohibited in areas zoned R as defined by the City of Evans. The Evans City Council, upon review and recommendation of the Board of Appeals, may grant the storage of aboveground liquefied petroleum gases within C, I, and PUD Zones upon finding that such variance will not create an undue safety hazard, nor will adversely affect surrounding property. All aboveground storage authorized by Evans City Council variance shall be in accordance with the adopted International Fire Code. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial area, the aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity. The aggregate capacity for any one installation for the use as a wholesale or retail bulk storage plant shall not exceed 2,000 gallons water capacity. The forgoing prohibitions shall not apply to existing storage installations in existence of the effective date of the first adoption of the Uniform Fire Code, 8/1/72.

Exception: 1. The storage and use of liquefied petroleum gas in residential areas for barbecues, RV's or other recreational uses shall be limited to portable containers of 10 gallon water capacity or less. The total amount to be allowed in storage or use shall be limited to 20 gallons water capacity.

2. The storage and use of liquefied petroleum gas in areas zoned residential or commercial as defined by the City of Evans that do not have natural gas supplied to the area shall meet the requirements of Section 5803.

2. Severability. If any part, section, subsection, sentence, clause or phrase of this Appendix A, the 2012 International Fire Code, the 2012 International Fire Code Appendices or the International Fire Code Standards is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions. The Evans Fire Protection District Board of Directors expressly declares it would have passed and adopted this Appendix A, the 2012 International Fire Code, the 2012 International Fire Code Appendices and the International Fire Code Standards and each part, section, subsection, sentence, clause or phrase thereof, should any other section, subsection, sentence, clause or phrase be declared invalid.

3. Copies on File. A copy of this Appendix A, the 2012 International Fire Code, the 2012 International Fire Code Appendices and the International Fire Code Standards shall be kept on file in the business office of the Fire District, and shall be available for public inspection.