

CITY OF EVANS, COLORADO

ORDINANCE NO. 695-19

AN ORDINANCE AMENDING CHAPTER 15.48 OF THE EVANS CITY CODE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE AS THE CITY OF EVANS' FIRE CODE

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, in 2011 the Evans City Fire Department transitioned from a municipal fire department to a fire district; and

WHEREAS, in 2015 the City Council adopted Ordinance 630-15 formally adopting the 2012 Edition of International Fire Code as the City's Fire Code; and

WHEREAS, Chapter 15.48 of the Evans' City Code (the "City Code") contains the City's Fire Code, with local modifications, and empowers the Fire District to enforce the City's Fire Code to protect the citizens and the property of the City; and

WHEREAS, pursuant to Section 2.04.050 of the City Code, the City Council and the Evans Fire Protection District now wish to adopt the more recent 2018 edition of the International Fire Code as the City's Fire Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

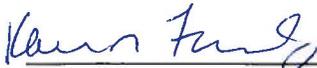
1. Pursuant to Section 2.04.050 of the City Code, Chapter 15.48 of the Evans' City Code, the City's Fire Code, is hereby repealed and replaced in its entirety as depicted on Exhibit A attached to this Ordinance and incorporated herein by reference.
2. By approving this Ordinance, the City of Evans is adopting the 2018 International Fire Code with the amendments set forth in Exhibit A.
3. As required by Section 2.04.050 of the Evans City Code, three (3) copies of the 2018 International Fire Code are available for inspection at the Evans Municipal Clerk's Office at 1100 37th street, Evans, Colorado 80620.
4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality 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 unconstitutional or invalid.

5. Repeal. Existing ordinances or parts of ordinances covering the same matters 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.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 16th DAY OF APRIL, 2019.

ATTEST:



Karen Frawley, City Clerk



CITY OF EVANS, COLORADO



Brian Rudy, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS 7th DAY OF MAY, 2019.

ATTEST:



Karen Frawley, City Clerk



CITY OF EVANS, COLORADO



Brian Rudy, Mayor

EXHIBIT A

CHAPTER 15.48 - International Fire Code (IFC)

15.48.010 - Document adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the fire code of the City, by reference thereto, the International Fire Code, 2018 edition of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Copies of the IFC are on file in the Fire District's Office and may be inspected during regular business hours.

15.48.020 - Title for citation.

The ordinance codified in this chapter may be known and cited as "The Fire Code of the City of Evans, Colorado."

15.48.030 - Purpose.

The fire code is adopted in order to preserve and protect the public health, safety and general welfare, and for the purposes of prescribing regulations governing conditions hazardous to life and property from fire explosion and conditions affecting the safety of firefighters during emergency operations

15.48.040 - Scope of regulations.

The subject matter of the adopted code includes comprehensive provisions, standards and regulations concerning conditions hazardous to life and property from fire and explosions; establishes a department of fire prevention and defines its duties; and provides for officers and defines their duties.

15.48.050 - Interpretation of provisions.

This Chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform administration and enforcement of the City's technical codes.

15.48.060 - Applicability of Chapter.

This Chapter shall apply to every building, structure, process, hazardous substance, material or device, as defined in the ordinance codified herein, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired.

15.48.070 - Definitions.

As used in the International Fire Code:

City means the City of Evans, Colorado.

City Council means the City Council of the City of Evans.

Corporation Counsel means the City Attorney.

IFC means the 2018 Edition of the International Fire Code.

International Fire Code means the 2018 Edition of the International Fire Code.

Jurisdiction means the City of Evans.

Fire Code Official means the Chief of the Evans Fire Protection District, or his/her designee.

15.48.80 - IFC local amendments.

The following IFC sections are amended as follows:

1. Section 101.1 of the International Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Evans, hereinafter referred to as "this code."

2. Section 101.2.1 of the International Fire Code is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

The following appendices published by the International Code Council and NFPA standards are specifically adopted as technical references and may be used by the Fire Code Official to interpret, administer and enforce the Fire Code of the City of Evans:

1. Appendix B, Fire Flow Requirements for Buildings
2. Appendix C, Fire Hydrant Locations and Distribution
3. Appendix D, Fire Apparatus Access Roads
4. Appendix E, Hazard Categories
5. Appendix F, Hazard Ranking
6. Appendix G, Cryogenic Fluids- Weight and Volume Equivalents
7. Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statements (HMIS) Instructions

8. Appendix I, Fire Protection Systems - Noncompliant Conditions
9. Appendix J, Building Information Sign
10. Appendix K, Construction Requirements for Existing Ambulatory Care Facilities
11. Appendix L, Requirements for Fire Fighter Air Replenishment Systems
12. Appendix N, Indoor Trade Shows and Exhibitions
13. The Fire Protection Handbook
14. IFSTA Fire Inspection and Code Enforcement

3. Section 103.2 of the International Fire Code is amended to read as follows:

103.2 Appointment. The fire code official shall be appointed by the Fire Chief of the Evans Fire Protection District.

4. IFC Sec. 104 is amended to read:

104.11.4 Evacuation. The fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire department official in charge of the incident.

5. IFC Sec. 108 is amended to read: "108 Fire Code Appeals Process Established "108.1 **Administrative review established** The fire code official shall establish an internal review process by which decisions and interpretations of the deputy code officials can be questioned. An application for review shall be based on a claim that the intent of this 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. "

108.2 **Appeals board established** The result of the internal administrative review process may be appealed to the City of Evans Zoning Board of Appeals as established in Chapter 2.56 following the procedures established elsewhere in the City of Evans Municipal Code.

108.3 **Limitations on authority.** An application for appeal shall be based on a claim that the intent of this 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 not have the authority to waive requirements of this code.

6. IFC Sec. 307 is amended to read:

"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 wildfire 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.

"307.5 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.

7. IFC 2018 319.0 is added to read.

Mobile Food Preparations Vehicles currently licensed and operating shall comply with sections of Chapter 319 except for: 319.3, 319.4.1, 319.10.1 and 319.10.2.

Mobile Food Preparations Vehicles Food Trucks manufactured after the effective date of this ordinance shall comply with all provisions of this section.

8. 15.48.090 - Violation - Administrative citation, enforcement and abatement.

- A. Any person, firm or corporation violating any of the provisions of Chapter 15.48 of the Evans Municipal Code, as amended from time to time, shall be subject to the following administrative citation, enforcement, and abatement procedures:
1. The term "Fire Chief" as used in this Section refers to the Fire Chief of the Evans Fire Protection District and his or her designee(s). Upon a determination by the Fire Chief of a violation of the Fire Code of the City of Evans, Colorado, the Fire Chief may serve, or cause to be served, a notice of violation(s) and an order to correct upon the responsible party. The notice of violation(s) shall be in writing and shall describe with reasonable detail the violation so that the responsible party may properly correct it. The notice of violation shall provide a reasonable time (typically seven (7) days) for correction given the circumstances of the violation, unless a longer period of time is specified in the notice based on the Fire Chief's determination of the amount of time reasonably needed to correct the violations. In circumstances involving the public health, safety or welfare, the Fire Chief may designate a period of less than seven (7) days to correct the violation.
 2. If the violations causing the issuance of the notice of violation(s) are not corrected within the specified time period, the Fire Chief may issue a final notice to correct. The final notice to correct shall be in writing and shall describe the violation(s) with sufficient detail to enable the responsible party to correct the violations. A copy of the preceding notice of violation(s) and order to correct may be attached to the final notice to correct. The final notice to correct shall advise the responsible party that if the violations are not remedied by the proscribed date, a citation into municipal court will be issued.
 3. Citations into Municipal Court may be issued by the Fire Chief or a police officer at any point, regardless of whether a notice of violation(s) or a final notice to correct has previously issued.
 4. All citations into Municipal Court shall be processed according to the procedures set forth in Chapter 1.16 of the Evans Municipal Code and shall be subject to the penalties set forth therein.
- B. Each day a violation exists or continues shall constitute a separate and distinct violation of the Fire Code of the City of Evans.
- C. The City may abate any violation not corrected within the time specified in a final notice to correct or a citation into Evans Municipal Court pursuant to the authority and procedures set forth in Section 1.16.050 of the Evans Municipal Code. The need to exercise the City's ability to abate shall constitute good cause for the court to award attorney's fees and costs in addition to the costs associated with the abatement of the violation(s).
- D. Administrative citation, enforcement, and abatement actions are intended to be cumulative in nature. The City may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments and remedies and may do so simultaneously or in succession. The enactment of these remedies shall in no way interfere with the City's right or ability to prosecute violations, seek temporary restraining orders, or preliminary

injunctions from a court of competent jurisdiction or to exercise other available remedies.