

## **ORDINANCE NO. 1223**

### **AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2012 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, CERTAIN FIRE CODE STANDARDS, APPENDICES AND MODIFICATIONS THERETO,**

WHEREAS, the Town of Berthoud wishes to adopt an Ordinance adopting by reference the International Fire Code, 2012 Edition. It is intended that this Ordinance substantially implements within the municipal boundaries of Berthoud the Resolution adopting the Code which was enacted by the Berthoud Fire District Board of Directors; and

WHEREAS, the Town of Berthoud has complied with the requirements of CRS 31-16-201;

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Berthoud, Colorado as follows:

The Town of Berthoud hereby adopts the International Fire Code, 2012 Edition, and Fire Code Standards, subject to the following specific implementations and amendments:

#### **ADOPTION AND ADMINISTRATION**

**ADOPTION OF CODE:** Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes, the International Fire Code, 2012 Edition, including Appendices B, C, D, E, F, G, H, I and J (but specifically excluding Appendix A) are hereby adopted by reference, and further including National Fire Protection Association Standards listed in Chapter 80, referenced Standards, published by the International Code Council.

#### **DEFINITIONS:**

Wherever the word “**District**” is used, it shall mean the Berthoud Fire Protection District.

Wherever the word “**Jurisdiction**” is used in the adopted Code and Standards, it is meant to be inclusive of the boundaries of the Berthoud Fire Protection District as they now or may hereafter exist.

Where the term “**Chief**” or “**Chief of the Bureau of Fire Prevention**” is used, it shall be held to mean the Chief of the Berthoud Fire Protection District, or the District Fire Marshal or a designated member of the District.

Where the term “**Bureau of Fire Prevention**” is used, it shall be held to mean either the entire Fire Prevention Division or those employees (paid or volunteer) designated by the Chief or Fire Marshal to carry out enforcement duties relating to the prevention of fires and suppression of arson.

Where the term “**Board**” is used, it shall be held to mean the Board of Directors of the Berthoud Fire Protection District;

Wherever the term “**Code**” is used, it shall be held to mean the International Building Code as adopted.

Wherever the term “**International Building Code**” is used, it shall be held to mean the International Building Code as adopted, amended and incorporated into the applicable municipalities Building Code within a municipality’s territorial limit.

#### **AMENDMENTS MADE IN AND TO THE INTERNATIONAL FIRE CODE**

**Section 103.4 Liability** shall be amended by the addition of the following sentence; “Nothing herein shall be construed as a waiver of any immunity provided by Section 24-10101, et seq., CRS or any other statutes, or by the common law.”

The following is added as a new section:

#### **Section 104.2.1 Inspection Fees and Charges**

- (a) Pursuant to §32-1-1002(1) (e) (11) C.R.S., the Board may fix and from time to time may increase and decrease fees and charges at its discretion, for inspections and review of plans and specifications which are:
  - (1) Requested or mandated for existing structures, buildings, and improvements; and
  - (2) Necessitated in conjunction with any county regulation, resolution/ordinance or condition of development; or
  - (3) Performed in conjunction with the construction of new structures, buildings, and improvements.
- (b) Said fees and charges, may, at the discretion of the Board, including a charge for reimbursement to the District for any consultation fees, expenses or costs incurred by the District in the performance of the inspections or review of the plans and specifications.

**Section 104.9 Alternative materials and methods** shall be amended with the insertion of the following:

- (a) The Chief or his/her designee may determine the suitability of alternative materials, methods, and types of construction to facilitate the review process. In the event of disagreement, the District’s Board shall determine the suitability of interpretations of alternative materials, and type of construction and provide reasonable interpretations of the provisions of this Code upon request of any interested party, including the Chief.
- (b) The Board, upon recommendation of the Chief or upon its own motion, may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or authorized agent thereof, of any property, building or structure, or any interested person directly affected by the application of this code. Said agreements may extend

the time for compliance with this code, and may contain such terms and conditions that the Board deems appropriate to adequately protect the life, health, property, security and welfare of the general public.

**Section 105.6 Amended-Operational Permits.**

The International Fire Code is amended by deletion of Sections 105.6.11, 105.6.15, 105.6.17, 105.6.29, 105.6.35, 105.6.38, 105.6.46 as published.

**Section 105.6.3 shall be amended with the insertion of the following:**

**Open Burning.** Permits are required for all open burning and other fire management practices from the respective counties of Larimer and Weld. The counties' Health Departments review all permit applications and either approve or deny them. Permits are forwarded to the Fire Chief or his or her designee for inspection of the site and final approval. **Exception:** This shall not apply to agricultural burning. **"This Article shall be interpreted to be consistent with the provisions for Colorado Revised Statutes§ 32-1-1002(3) and any separate municipal ordinance that addresses this section."**

**Section 105.6.31** shall be amended by the addition of a sentence reading as follows: **"No such permit shall be required where burning is regulated pursuant to other Ordinances of the Town of Berthoud."**

**105.6.43 Temporary Membrane Structures and Tents. This section shall be amended in the first paragraph with the insertion of the following:**

An operational permit and construction permit may be required and issued by the building or fire official to operate an air supported temporary membrane structure or tent having an area in excess of 750 square feet. In Exception 2.1 and 2.2, 700 square feet is replaced with 1000 square feet.

**105.7 Required Construction Permits shall be amended to read:**

All construction permits will be issued by the building official. The District's Fire Prevention Bureau will be the approving authority for the following:

- a) 105.7.1 Automatic fire-extinguishing systems
- b) 105.7.6 Fire alarm and detection systems and related equipment
- c) 105.7.7 Fire pumps and related equipment
- d) 105.7.15 Standpipe systems

**105.7.16 Temporary Membrane Structures and Tents shall be amended in the first paragraph with the insertion of the following:**

A construction permit may be required and issued by the building or fire official to erect an air supported temporary membrane structure or tent having an area in excess of 750 square feet.

In Exception 3.1 and 3.2, 700 square feet is replaced with 1000 square feet.

### **Section 108 Amended-Board of Appeals**

#### **SECTION 108**

#### **BOARD OF APPEALS**

**Section 108.1, 108.2, and 108.3 are repealed and reenacted to read:**

- a. The District Board shall serve as its own Board of Appeals. The Board may form a subcommittee consisting of three members of the board to hear all appeals brought before it of any and all orders issued by the Chief or his designee. The Board, or such subcommittee acting on behalf of the Board shall determine the suitability of any suggested alternate materials and methods and type of construction and provide reasonable interpretations of the provisions of this Code upon the request of any interested party, including the Chief.
- b. The Board, upon recommendation of the Chief or upon its own motion, may enter into written agreements for enforcement or compliance with the owner, lessee, occupant or agent thereof, of any property, building or structure, or any interested person directly affected by the application of this code. Said agreements may extend the time for compliance with this code, and may contain such terms and conditions that the Board deems appropriate to adequately protect the life, health, property, security and welfare of the general public.

### **Section 109: Violation Penalties:**

**Section 109 is repealed and reenacted to read:**

1. The Chief or his/her designee shall enforce this code and shall inspect or cause to be inspected all buildings, structures, property, premises, and public places, except the interior of any private dwelling, in accordance with the procedures set forth in §32-1-1002(3), C.R.S. all inspections shall be recorded.

2. A "Notice of Violation Hazard" may be issued by the Fire Chief or his designee concerning violations or hazards which are not corrected on-site during an inspection. Said Notice shall be signed by the inspector and contain, as a minimum, the following information:

- a) Date of inspection;
- b) Name/address of premises inspected;
- c) Name of inspector;
- d) Nature of violations, including specific reference to section/subsection of code;
- e) Date of compliance/re-inspection;
- f) Suggested methods of correction, if applicable;
- g) Right to appeal to the Board;
- h) Consequences of failure to correct the violation;

3. An "Order for Immediate Correction of Hazard" may be issued by the Chief:

- a. For failure to correct a violation hazard within the time specified in previously issued Notice of Violation Hazard; or
- b. For violating the code or state statute and said violation renders the building, structure or premises, especially liable to fire or is hazardous to the safety of the occupants thereof, or which is so situated as to endanger other property as set forth in §32-1-1002(3) C, whether or not a Notice has been previously issued.

4. An Order signed by the Fire Chief or his/her designee shall contain as a minimum, the following information:

- a) Date of issuance;
- b) Name/Address of premises inspected;
- c) Nature of violation or hazard;
- d) Time limit for correction;
- e) Right to appeal, if any to the Board;
- f) Right to appeal to the District Court and time limit;
- g) Penalties for violation or order;
- h) Signature of the Chief or his designee;
- i) Acknowledgement of receipt signed by owner, lessee, agent, or other responsible person.

## **Section 109.1 Amended-Unlawful Acts**

Section 109.1 of the International Fire Code is amended by addition of the following:

**"109.1.1 Unlawful Parking. Vehicles parked in the fire apparatus access roads marked in accordance with Appendix D Section 103.6 shall be in violation of the municipal code and model traffic code of the Town of Berthoud where located."**

## **Section 109.4 Amended-Violation penalties**

Section 109.4 of the International Fire Code is amended by deletion of Section 109.4 as published and adoption of the following:

### **Section 109.4 Violation penalties**

- A. Any person, partnership or corporation who violates this chapter or fails to obey it, or who violates or fails to obey any order made under it, or who builds in violation of any detail statement or specifications or plans submitted and approved under it, or builds in violation of any certificate or permit issued under it, commits a separate offense for each day or part of a day the violation exists. Offenses are punishable according to Colorado law. Imposition of one penalty for any violation shall not excuse the violation, nor permit it to continue; and all such persons shall correct or remedy such violations or defect within sixty days, unless a request for extension of such period is approved by the Town and the Fire Chief or his/her designated agent.**

The following section is to be added to Chapter 1, and to be known as Section 112:

**"Pursuant to §32-1-1002(1) (e) (11) C.R.S., the Board may fix and from time to time may increase or decrease fees and charges, in its discretion, for inspections and review of plans and specifications which are:**

- a. Requested or mandated for existing structures, building and improvements; and**
- b. Necessitated in conjunction with any County regulation, resolution or condition of development; or**
- c. Performed in conjunction with the construction of new structures, buildings, and improvements.**
- d. Fees for such items shall be assessed per the Berthoud Fire Protection District.**  
**Said fees and charges may, at the discretion of the Board, include a charge for reimbursement for performance of the inspections, or review of the plans and specifications.**

**Section 301.2 PERMITS is repealed and reenacted to read:**

**301.2. Permits.** Permits may be required as set forth in Section 105.6 for the activities or uses regulated by section 306,307,308 and 315.

**Section 308 Open Flames, shall be amended with the insertion of:**

**Section 308.1.1.1 Sky-Lanterns.** “A sky-lantern, also known as Kong Ming lantern or Chinese lantern, is a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.” The lighting of, and release of Sky-Lanterns shall be prohibited.

**Section 403.2 – amended – Public Safety Plan**

Section 403.2 of the International Fire Code is amended by the deletion of Section 103.2 as published and adoption of the following:

**403.2 Public Safety Plan.** In all occupancies, where the code official determines that an indoor or outdoor gathering of persons has a potential adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus roads, or where such gatherings adversely affect public safety services of any kind; the code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

**Section 503 amended – Fire apparatus access roads**

Section 503 of the International Fire Code is amended by deletion of section 503.1 through 503.2.8 as published and adoption of the following:

**Section 503 fire Apparatus Access Roads.**

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

**Exception:** The code official is authorized to increase the dimension of 150 feet where:

1. To a maximum of 300 feet when the building is equipped throughout with an approved NFPA 13 automatic sprinkler system not required by another provision of the code.
2. When fire apparatus access roads cannot be installed due to location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

**503.1.2 Additional access.** A minimum of two separate and independent access/egress routes shall be provided when more than 25 individual dwelling units, or combined potential aggregate building area of more than 24,000 square feet in other type of development will be served by the access.

**Exception:** When all buildings are protected by approved automatic fire sprinkler systems, installed in accordance with NFPA 13 (NFPA 13D for Group R-3), two access/egress routes need not be provided unless more than 50 dwelling units or a combined potential aggregate building area of more than 48,000 square feet will be served by the single access/egress route.

**503.2 Specifications.** Fire apparatus roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and local Design Standards and Construction Specifications.

**503.2.4 Turning Radius.** The centerline radius of all turns shall not be less than 40 feet. No turn shall have less than a 30 foot inside radius and a 50 foot outside radius.

**503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Dead-ends in excess of 1,000 feet are not allowed.

**Exception:** When all buildings are equipped throughout with approved automatic sprinkler systems installed in accordance with NFPA 13 (NFPA 13D for one and two unit dwellings) the dead-end may be extended to 300 feet before a turnaround is required.

**503.2.7 Grade and Vertical Alignment.** The grade and vertical alignment of the fire apparatus access road shall be in accordance with the requirements of the local Design Standards and Construction Specifications.

**503.2.9 Peninsulas and Islands.** Short neck downs and islands may be allowed by the code official where all of these conditions are met:

1. The design does not negatively impact the turning radius of fire apparatus or the ability to safely operate aerial apparatus; and
2. They are designed to eliminate the potential blockage by lawfully parked vehicles and a 20' minimum clear width access is maintained throughout.

### **Section 507.3 amended – Fire Flow**

Section 507.3 of the International Fire Code is amended by deletion of Section 507.3 as published and adoption of the following:

**507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with appendix B

### **Section 507.5.7 addition – Fire Department Connections**

Section 507.5.7 of the International Fire code is amended by addition of the following:

**507.5.7 Fire Department Connections.** A fire hydrant shall be located within 100 feet of a fire department connection, using an approved route without obstacles.

### **Section 510.1.1 addition – Where required**

Section 510.1.1 of the International Fire Code is amended by addition of the following:

**510.1.1 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. For the purpose of this section, fire walls shall not be used to define separate buildings.
2. All new basements larger than 10,000.00 square feet.
3. Existing buildings meeting the criteria of item 1 or 2 of this section undergoing alterations or additions exceeding 50% of the existing aggregate area of the building as of the date of this ordinance.

#### *Exceptions:*

1. *One and two-family dwellings and townhouses*

2. *If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.4.1 and final fire department testing.*

***Subsection-8-Public Safety Radio Amplification System.***

*The Town Board of Trustees may require after consultation with the Fire District, public safety radio amplification systems in commercial structures or multi-unit residential (more than two units) if it is determined that such system is required for public safety or the safety of Fire Protection officers in light of the size of the structure, intended use, and materials.*

***Section 603.8.1 amended – Residential Incinerators***

*Section 603.8.1 of the International Fire code is amended by deletion of Section 603.8.1 as published and adoption of the following:*

*603.8.1 Residential Incinerators. Residential incinerators shall be prohibited.*

*Section 901.1 is repealed and reenacted to read:*

***Section 901.1 amended – Scope***

*Section 901.1 of the International Fire Code is amended by deletion of Section 901.1 as published and adoption of the following:*

*901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted building code are in conflict, the International Building Code provision shall apply.*

***Section 903.2.13 addition – Dead-end Roadways***

*Section 903.2.13 of the International Fire Code is amended by addition of the following:*

*903.2.13 Dead-end Roadways: An automatic fire sprinkler system shall be installed in all Group R fire areas, including single family detached residences, when the residential structure is located beyond 400 feet of the entrance to a dead-end roadway.*

**Section 903.3.1.3 NFPA 13D sprinkler systems, is repealed and reenacted to read:**

***One and two family dwelling, including townhouses, that meet the requirements of the International Fire Code, Appendix B "Fire – Flow Requirements for Buildings" and Appendix D "Fire Apparatus Access Roads" shall not be required to be protected by an automatic sprinkler system.***

***One and two family dwellings, including townhouses, that fail to meet the requirements of the International Fire Code, Appendix B "Fire – Flow Requirements for Buildings" and Appendix D "Fire Apparatus Access Roads" shall have automatic sprinkler systems installed in accordance with NFPA 13 D.***

#### **Section 903.4.3 amended – Floor Control Valves**

Section 903.4.3 of the International Fire Code is amended by deletion of Section 903.4.3 as published and adoption of the following:

**903.4.3 Floor Control Valves.** Approved supervising indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

#### **Section 904.3.5 amended – Monitoring**

Section 904.3.5 of the International Fire Code is amended by addition of the following:

**904.3.5.1 Monitoring of alternative automatic fire-extinguishing systems, when installed as an alternative to the required automatic sprinkler systems of Section 903, monitoring shall be required in accordance with NFPA 72.**

#### **Section 907.1.3 amended- Equipment**

Section 907.1.3 of the International Fire Code is amended by deletion of 907.1.3 as published and the adoption of the following:

**907.1.3 Equipment:** Systems and components shall be listed and approved for the purpose which they are installed. Only addressable fire alarm panels will be approved.

**Exception:** Fire alarm panels that can transmit individual specific initiating device information.

**907.1.3.1 Combination fire and security panels.** A fire alarm system shall not be used for any purpose other than fire protection or control of fire protection systems.

### **Section 907.2.1 amended – Group A**

Section 907.2.1 of the International Fire Code is amended by deletion of 907.2.1 as published and adoption of the following:

**907.2.1 Group A.** A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in all Group A occupancies. Portions of Group E occupancies occupied for assembly purposes shall be provided with fire alarm as required for the Group E occupancy.

Exceptions:

1. Where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will activate upon sprinkler flow.
2. Fire Area is 750 square feet or less.

### **Section 1008.1.9.6 amended – Special Locking Arrangements in Group 1-2**

Section 1008.1.9.6 second sentence in the first paragraph of the International Fire Code is amended to read “Special egress locks shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with Items 1 through 7 below.

### **Section 1008.1.9.7 Delayed Egress Locks**

Section 1008.1.9.7 of the International Fire code is amended by the deletion of the first sentence of 1008.1.9.7 as published and the adoption of the following: Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below.

### **Section 3405 amended – Outdoor Storage**

Sections 3405.1 and 3405.4 of the International Fire Code are amended to read as follows:

**3405.1 Tire Amounts.** Outdoor storage of tires shall be restricted to no more than 50 tires per lot.

**3405.4 Distance from lot lines.** Within 10 feet of lot lines and buildings, tire storage shall not exceed the height of a single tire on tread (approximately 36 inches) from ground level. Distances of 10 feet or greater from property lines, tire storage shall not exceed 6 feet in height.

**Section 5003.3.1 amended – Unauthorized discharges**

Section 5003.3.1 of the International Fire Code is amended by deletion of Section 5003.3.1 as published and adoption of the following:

**5003.3.1 Unauthorized discharges.** The owner or person in possession or control of any property or the person in possession or control of any hazardous materials shall immediately notify the fire department when any unauthorized discharge of hazardous materials occurs. The following procedures are required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

**Chapter 56**, as it relates to fireworks and Pyrotechnics Special Effects Materials, is deleted in its entirety and the applicable provisions of the Colorado State Statutes and Regulations, §12-28-101 shall govern all fireworks sales, storage and use.

**Appendix C Fire Hydrant Locations and Distribution**, shall be amended with the insertion of:

Appendix C 105 of the International Fire Code amends Table C 105.1 Number and Distribution of Fire Hydrants column 3 “Average Spacing Hydrants” (not to include footnotes) and column 4 “Maximum Distance From Any Point On Street Or Road Frontage To A Hydrant” (not to include footnote) as published and adoption of the following:

Appendix C 105 Fire Hydrant Locations and Distribution, Table C 105.1 Number and Distribution of Hydrants.

**Residential:** Fire hydrants shall be no greater than 600 feet apart; with no structure greater than 300 feet from a fire hydrant.

**Multi-Family Residential:** Fire Hydrants shall be no greater than 400 feet apart; with no structure greater than 200 feet from a fire hydrant.

**Commercial and Industrial:** Fire hydrants shall be no greater than 300 feet apart; with no structure greater than 150 feet from a fire hydrant.

**Low Density Residential:** An individual analysis will be conducted for each subdivision where lots within the subdivision are equal to or greater than 2 acres. Low Density Residential shall comply with residential unless the District approves an alternative. Alternatives shall be based upon the individual analysis and the proposal submitted by the developer. Cisterns, dry fire hydrants and open water sources are not considered acceptable alternatives.

**Appendix C Fire Hydrant Locations and Distribution,** shall be amended with the insertion of:

**C106 Dead-End Water Distribution Lines** Terminal water distribution lines within the Town of Berthoud shall comply with the following requirements:

1. The maximum length for a dead-end water distribution line, 8-inch diameter to 12-inch diameter, shall not exceed 800 feet.
2. Dead end lines 800 feet or less may be 6 inch minimum in diameter provided adequate pressure and fire flow rates are maintained.
3. Dead end lines for water transmission lines 16 inches and larger, exceeding 800 feet in length must be approved by the Town of Berthoud.
4. Capped dead end lines will be fitted with a flushing device as per MAG Standard Detail No. 390, Type "B." Valves on dead end lines that may be extended should be provided with two (2) full pipe lengths between the valve and the plug for lines 12 inches and larger, and one (1) full pipe length for lines smaller than 12 inches. Blow off valves, fire hydrants, or other suitable means will be installed at the end of the dead end main to allow periodic flushing of the lines. Flushing devices shall not be located in detention areas, retention areas, sidewalks, driveways, or paved areas.

#### **ADDITIONAL CODE PROVISIONS**

#### **BBQ AND CHARCOAL GRILL CODE**

Chapter 3, Section 308.1.4 of the International Fire code, entitled Open-Flame Cooking Devices, shall govern the use of BBQ and charcoal grills within the Town of Berthoud. Pertinent provisions of the International Fire code are summarized below and have been incorporated into this Ordinance.

## BBQ GRILLS

The use of propane using propane bottles greater than 2.5 lbs., charcoal type grills, and other open flame cooking devices on combustible balconies and within 10 feet of combustible construction shall be prohibited.

### Exceptions:

1. One – and – two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system
3. Liquid propane (LP) – gas cooking devices having LP – gas container with a water capacity not greater than 2  $\frac{1}{2}$  pounds.

Propane grills are regulated in the size of propane tank that is allowed: Only the small 2.5 lb. propane bottle sizes are allowed. Traditional BBQ grill propane tanks are a 20 lb. bottle, which in most cases, are not allowed in multi-family dwellings.

These restrictions apply unless:

1. Your balcony/patio is made of concrete, steel or other non-combustible material  
**AND**
2. The propane grill can be placed more than 10 feet away from combustible siding, decking, or other parts of the structure.

## Charcoal Grills

Charcoal grills, Hibachis, and other open flame cooking appliances are not allowed on balconies.

These restrictions apply unless:

1. Your balcony patio is made of concrete, steel or non-combustible material  
**AND**

2. The charcoal grill can be placed more than 10 feet away from combustible siding, Decking, or other parts of the structure

OR

3. The balcony/patio is protected by an automatic fire sprinkler system

#### **Exemption**

**It should be noted that one and two-family dwellings are exempt from these requirements.**

#### **FIRE LANE CODE**

Chapter 5, Section 503 of the International Fire Code, entitled Fire Apparatus Access Roads, shall govern the use of the fire lanes with the District's boundaries. Pertinent provisions of the International Fire Code are summarized below and have been incorporated into this Ordinance.

This following shall apply within the District and shall define designated locations of, signage and marking of, and enforcement of, fire lanes within the authority and jurisdiction of the District in accordance with the International Fire Code and as approved by the Fire Code Official and local town ordinances where applicable.

Fire Lanes, installed shall conform to the requirements of the International Fire Code, local town ordinances and shall be approved by the Fire Code Official and/or Town of Berthoud prior to installation.

Fire Lanes shall be installed in accordance with the attached specifications.

Roadways, driveways and access ways shall not be marked as fire lanes without first obtaining approval from the District and/or the Town of Berthoud.

#### **Signs and Marking**

- a. All fire lanes and access roads must be marked with signs indicating "No Parking Fire Lane" as described in these specifications.
- b. Signs shall measure 12 inch by 18 inch and have red letters on white reflective background.
- c. Signs must be metal construction only. Plastic or wood signs are not acceptable.

- d. Signs shall be mounted at a minimum of height of four feet to the maximum of seven feet.
- e. Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the fire code official.
- f. Signs shall be placed on both sides of the lane when stripping is required on sides of the lane by the International Fire Code.
- g. Outlining or painting the fire lane on the roadway surfaces shall be done in yellow, red or white with contrasting letters that read "FIRE LANE" at 50' intervals and/or as specified in this document or otherwise directed by the Fire Code Official and Town of Berthoud requirements.
- h. Existing fire lanes shall continue in effect as installed until such times as they are in need of re-stripping due to wear or repaving.

## **HAZARDOUS MATERIALS**

Chapter 50, Section 5001 of the International Fire Code, entitled Hazardous Materials, shall not govern the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials within the District's boundaries. Instead, regulation of hazardous materials shall occur in accordance with the following provisions.

### **Definitions**

**Hazardous Materials:** means those materials listed in Tables 1 and 2 of Title 49, Code of Federal Regulation, 172.504 (49 CFR 172.504), excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (1), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and the waste and tailing therefrom, and excluding special fireworks when the aggregate amount of flash powder does not exceed fifty pounds.

### **Intent**

Federal Rules for protection of public health, safety, and welfare arising from the transport of hazardous materials are capable of posing an unreasonable risk of health, safety, or property require compliance with Title 49 Code of Federal Regulations parts 101-173, 177, 178; and Colorado Revised Statutes Title 42, Article 20 known as the Hazardous Materials Transportation Act of 1987 designate the Colorado State Patrol as the Authority Having Jurisdiction (AHJ) over hazardous materials on public roadways; and

Colorado Revised Statues Title 42, Article 20, Section 103 defines a petitioning process for local government to create a new hazardous materials route or amend an existing route designation.

For purposes of protecting the public health, the District hereby adopts the aforementioned Federal and State regulations as the standard by which commercial and private drivers will be measured for compliance with the transportation of hazardous materials within the boundaries of the District.

### **Transport Routes**

Motor vehicles carrying hazardous materials must be operated over the safest and most direct route to and from the origination and/or destination point. Such routes shall not pass through residential areas unless there is no practicable alternative. All vehicles shall comply with local truck routing and weight limitations and restrictions.

### **Exemption**

This Code shall not apply to farm machinery which is exempted from Colorado Revised Statute 42-3-102 or agricultural distribution equipment attached to or conveyed by farm machinery.

### **Reporting Incidents**

Incidents involving hazardous materials are to be reported to the District by the transporter by telephone using 911 or any other effective means.

### **Transporters**

Transporters of hazardous materials shall not permit or cause to be permitted the discharge of such materials into or upon any street, highway, sanitary sewer, drainage canal, ditch, storm drain or ground, including private property except when such discharge is expressly permitted by the property owner and is otherwise local.

### **Routes**

The District hereby adopts the routes as established by the Colorado State Patrol, Hazardous Materials Section as the recommended permissible means of transport for hazardous materials.

## **OPEN BURNING CODE**

Chapter 3, Section 308 of the International Fire Code, entitled Open Flames, shall not govern open flames within the District's boundaries. Instead, regulation of open flames shall occur in accordance with the following provisions.

The District shall prohibit open fires and or contained open fires based on conditions set forth by the Department of Environmental Health and based on the authority of the Colorado Air Quality Act, 1979.

### **Definitions**

1. Open Fires shall mean: any open burning, including camp and cooking fires; or welding, or operating an acetylene torch or other torch with open flames. Open fires shall not include:
  - a. Fires in camp stoves or grills fueled by bottled gas or pressurized liquid as specifically designed for cooking or heating purposes.
  - b. Fires in permanently constructed stationary masonry or metal or metal fireplaces specifically designed for the purpose of combustion.
  - c. Fires in commercially operated wood and/or charcoal fired grills designed for cooking.

When smoking within an enclosed vehicle or building, butts and stubs must be disposed of within an approved trash receptacle or within the vehicle.

## **WEEDS, TALL GRASS, TRASH & GARBAGE CODE**

Chapter 3, Section 304.1.1 and 304.1.2 of the International Fire Code, entitled Waste Material and Vegetation, and Ordinance NO. 565, An Ordinance Amending Chapter 16, Garbage and Trash of the Berthoud Municipal Code, Town of Berthoud, shall govern the regulation of combustible material within the Town of Berthoud. Pertinent provisions of the International Fire Code are summarized below and have been incorporated into this Ordinance.

The District shall prohibit weeds, tall grass, vegetation, vines and vegetation growth that is capable of being ignited and endangering property. This is based on the International Wildland

**Urban Interface Code, the International Fire Code, Ordinance NO. 565, Town of Berthoud and the conditions stated below.**

## **Definitions**

- a. Weeds:** "weeds" shall include any non-grass type vegetation over twelve (12) inches in height as, other than that part of a vegetable, row crop, flower garden, or landscaping, that is regarded as a light fuel fire hazard as listed in the 2012 International Wildland-Urban Interface Code, Chapter 2 Definitions, Section 202 Definitions "Fuel Light. Vegetation consisting of herbaceous plants and round wood less than  $\frac{1}{4}$ " in diameter" and Ordinance NO. 565, An Ordinance Amending Chapter 16, Garbage and Trash, Of The Berthoud Municipal Code, Chapter 16 Garbage and Trash, Section 16.1 – 5 Weeds.
- b. Grass** "grass" any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats, and barley.
- c. Section b. above does not include "Open Space and Natural Areas."**

## **VALIDITY AND CONFLICT**

The District Board of Trustees hereby declares that should any section, paragraph, sentence or word of this Ordinance of the code or standards hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Trustees that it would have passed all other portions of this Ordinance independent of elimination here from of any such portion as may be declared invalid. It is further declaration of the Board of Trustees that no provision of this Ordinance or the code or standards adopted herein be interpreted in conflict with existing State Law, and this code, State Law shall take precedent.

## **DATE OF EFFECT**

The Board of Trustees finds that the provisions of this ordinance are necessary to the immediate health, welfare, and safety of the residents of the Town of Berthoud, and all provisions of this Ordinance shall take effect immediately upon its passage.

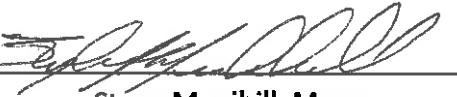
PASSED AND ADOPTED, SIGNED AND APPROVED this 29<sup>th</sup> day of October, 2016.

November

ATTEST:

BY:   
Alisa Darrow, Town Clerk

By:

  
Steve Muvihill, Mayor

